

Osceola County
Board of County Commissioners

Personnel Policies and Procedures
Employee Handbook



Effective
January 1, 2010

Update Effective 12-16-2019

Osceola County Board of County Commissioners
PERSONNEL POLICIES AND PROCEDURES
EMPLOYEE HANDBOOK
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Section One – INTRODUCTION

2.1-1 PERSONNEL POLICIES

POLICY: The Osceola County Board of County Commissioners intends to succeed in its endeavors through the teamwork of its diverse, effective, and highly motivated members. Cooperative and constructive relationships among Managers, Supervisors and employees are essential to this team approach toward accomplishing objectives. The Personnel Policies shall establish fair, uniform policies to encourage teamwork by promoting employee rights and efficiency while upholding standards of proper conduct.

- A. The Osceola County Board of County Commissioners adopts these Personnel Policies as part of the County’s Charter Government Administrative Code. The Board of County Commissioners does not relinquish any authority vested in it. Instead, the Board of County Commissioners delegates its authority to the extent detailed herein and consistent with Florida Statutes. These policies set forth the principles that will ensure Osceola County and its citizens enjoy all the benefits that derive from a County government staffed by diverse, effective, and highly motivated employees.

- B. Nothing contained in these policies, or in any other materials or information distributed by Osceola County Board of County Commissioners, creates a contract of employment or guarantee of continued employment or benefits between any employee and Osceola County Government.
 - 1. Employment with Osceola County is on an at-will basis. This means that employees are free to terminate their employment at any time, for any reason, and Osceola County retains that same right. No statements to the contrary, written or oral made either before or during an individual’s employment can change this.
 - 2. Osceola County Board of County Commissioners reserves the right to revise, change, or terminate any of these policies at any time.
 - 3. These Personnel Policies apply to all employees of Osceola County except the following:
 - a. Members of the Osceola County Board of County Commissioners;
 - b. Persons who are not County employees appointed by the Osceola County Board of County Commissioners to serve on advisory committees, special boards, councils, and commissions;

- C. The Osceola County Board of County Commissioners has absolute discretion to change its personnel policies without regard to or limitation by any matter covered herein. Changes may or may not be reflected in this Chapter at any time it is reviewed by an employee. Policies adopted by the Osceola County Board of County

Commissioners shall supersede any written information previously distributed to employees. Changes adopted by the Osceola County Board of County Commissioners will be made available to all employees.

1. All of the rights, privileges, and terms granted and set forth in this Chapter are expressly conditioned upon, subject to and limited by, all of the rights granted to and reserved by the County as described in this Chapter, including the right to change and/or eliminate any and all rights and privileges not required to be provided by law.
- D. The County Manager/Designee is responsible for implementing the provisions of the personnel policies. A County Commissioner or the County Manager may recommend to the Osceola County Board of County Commissioners any changes to these policies. Such changes shall become effective upon adoption by the Osceola County Board of County Commissioners. New policies adopted shall supersede old policies and shall have the force and effect of law insofar as they apply to the positions covered hereunder.
1. If any section or part of a section of these policies is held by any Court of competent jurisdiction to be invalid or unconstitutional, or conflicts with any County, State, or Federal legislation, the same shall not invalidate or impair the validity, force, and effect of any other section or part of a section of these policies unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon a section or part of a section so held invalid or unconstitutional.
 2. All present positions and positions which may be created in the future, except for positions exempted in this Section, will be subject to this Chapter unless the Osceola County Board of County Commissioners exercises its discretion to exempt the new positions from coverage.
 3. The County Manager has the final authority to interpret and administer these policies in light of changing circumstances and events. The County Manager may institute procedures at any time to insure County compliance. All individuals covered by these policies shall at all times comply with Federal, State, and Local laws, rules, and regulations.
 4. No department shall establish policies or procedures in conflict with these.
 5. Any reference herein to the County Manager shall be interpreted by the employees of the County Attorney and/or the Commission Auditor as referring to the County Attorney or Commission Auditor, respectively.

2.1-2 **POLICIES AND PROCEDURES TEMPLATE**

POLICY: When creating policies and procedures that affect Osceola County employees, a standard Policies and Procedures Template shall be used by all County departments.

2.1-3 **EQUAL EMPLOYMENT OPPORTUNITY**

POLICY:

- A. It is the policy of the Osceola County Board of County Commissioners to subscribe to the national principle of Equal Employment Opportunity. Osceola County is committed to the full participation of members of protected groups, promoting the full realization of equal opportunity for minorities, women, persons with disabilities, and Veterans, creating a diverse workforce representative of the labor markets consistent with applicable federal laws. Osceola County's policy of equal opportunity applies to all positions of employment under the Board of County Commissioners. The County Manager or his/her designee will monitor the performance of all units of the Osceola County Board of County Commissioners relative to the accomplishment of these initiatives.
- B. This policy is designed to reaffirm the commitment and is implemented to ensure that:
1. All recruitment, hiring, training, and promotion of persons employed by Osceola County in all positions is based on merit and qualifications without regard to race, color, religion, sex, national origin, age, marital status or disability.
 2. Employment decisions will be made in a manner consistent with the principles of Equal Employment Opportunity.
 3. All federal, state, local and other applicable laws and ordinances prohibiting discrimination in employment based on race, color, religion, sex, national origin, marital status, age, or disability will be adhered to.
 4. All appointed officials, managerial and supervisory employees will be responsible for supporting this policy and for the furtherance of the principles of Equal Opportunity and the management of diversity in all personnel and employment matters.
 5. All appointed officials, supervisory, and other staff members will be provided with training regarding applicable EEO laws and County policies. These individuals will also be given briefings on the County's Equal Opportunity Plan and their roles and responsibilities as related to the implementation and administration of the Plan.

6. Goals and initiatives for the furtherance of the principles of equal opportunity will be developed and these goals and initiatives will be periodically monitored.
7. The principles of equal employment opportunity will be applied to all aspects of the employment relationship, including recruitment, hiring, assignment, and duties, promotion, tenure, compensation, benefits, demotions, layoffs, separations, disciplinary actions, as well as education, training, and social and/or recreational programs sponsored by Osceola County, Florida.
8. An information system will be maintained to provide the data and information necessary for analysis and for the evaluation of progress in equal employment opportunity. The data will be generated on a regular basis and will include, but not be limited to, the following: current workforce composition by race, sex, age, department, salary, classification and function; turnover data by department, classification, age, sex and race; and data on the number of women and minorities recruited for and hired.
9. The County is responsible for data collection and analysis, the monitoring and evaluating of all employment processes, and for compliance with EEO principles. The County Manager and/or designee shall report, through Human Resources, at least annually to the Board of County Commissioners on program progress.

PROCEDURES:

- A. The Osceola County Board of County Commissioners grants equal employment opportunities to all persons. In order to accomplish this, the Equal Employment Opportunity Plan has been adopted and communicated to all relevant audiences.
- B. A copy of the Plan will be available in each department, and will be issued to all persons engaged in the recruitment, hiring, placement, promotion, training and education of employees.
- C. The County Manager or his/her designee has the responsibility for developing, implementing, and maintaining the Equal Employment Opportunity Plan and for updating its components according to federal guidelines.
- D. The plan will contain the following components:
 1. Introduction
 2. Organizational profile
 3. Workforce Analysis
 4. Utilization Analysis
 5. Progress Towards Goals

6. Definitions of job categories
 7. Glossary
 8. Exhibits
 9. Data and statistics
- E. The County Manager or his/her designee shall ensure that the Plan is updated as needed to reflect Osceola County's changing workforce and demographics. Further, the Plan shall be submitted to the U.S. Equal Employment Commission according to the federal guidelines and timeframes for reporting.
- F. The master copy of the Plan shall be maintained in the Osceola County Human Resources Department.
- G. **Reporting Alleged Violations**
Employees may file a complaint concerning a perceived violation of this policy by calling the Osceola County Government Employee Hotline which is accessible 24 hours a day, 7 days a week. The employee may also contact his/her Human Resources Coordinator, any member of the Human Resources staff, or the Osceola County Labor Relations Manager.

2.1-4 **ANTI-HARASSMENT**

POLICY:

- A. The Osceola County Board of County Commissioners is committed to maintaining a work environment that is free of all harassment, including sexual harassment, and to foster positive business and personal practices designed to ensure that all employees are treated with respect and dignity in an environment that is neither hostile nor discriminatory.
- B. The Osceola County Board of County Commissioners does not condone and will not accept conduct that affects tangible job benefits, interferes unreasonably with the individual's work performance, or that creates an intimidating, hostile, or offensive work environment. In keeping with this commitment, harassment of employees by anyone, including any supervisor, co-worker, vendor/client, or customer of Osceola County is unacceptable. The County encourages the reporting of all incidents of harassment, regardless of who the offender may be.

PROCEDURES:

- A. Harassment can occur in a variety of circumstances, including, but not limited to, the following:
1. The harasser may be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.

2. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
 3. Unlawful harassment may occur without economic injury to, or discharge of the victim.
 4. The harasser's conduct must be unwelcome.
- B. Offensive conduct includes, but is not limited to, the following:
1. Offensive jokes
 2. Slurs
 3. Epithets or name calling
 4. Physical assaults or threats
 5. Intimidation
 6. Ridicule or mockery
 7. Insults or put downs
 8. Offensive objects or pictures
 9. Interference with work performance
- C. Sexual harassment can occur in a variety of circumstances, including but not limited to, the following:
1. The victim as well as the harasser can be a woman or man. The victim does not have to be of the opposite sex.
 2. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
 3. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
 4. Unlawful sexual harassment may occur without economic injury to, or discharge of the victim.
- D. **Retaliation**
An employer may not fire, demote, harass or otherwise "retaliate" against an individual for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. The same laws that prohibit discrimination based on race, color, sex, religion, national origin, age, and disability, as well as wage differences between men and women performing substantially equal work also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding.

E. **Reporting Harassment**

There are various channels an employee may use to provide notice of a complaint of harassment, whether sexual or otherwise, either as a victim or a witness to the harassment. The employee should proceed in the following manner:

1. The employee should address the situation directly with the individual who is creating the undesired environment or who is engaging in the offensive behavior. The employee should inform such individual that the behavior, if uninvited, is offensive, or otherwise inappropriate, and must stop immediately.
2. If the employee does not believe that he/she can adequately address the situation directly with the individual engaging in the inappropriate behavior, the offended employee should notify his/her Supervisor as soon as possible about the employee's offensive behavior. If the immediate Supervisor is the offender, the employee should notify any member of Human Resources or management. The management member is required to immediately notify Human Resources of any reported infractions of this policy.
 - a. Employees have a duty to report this type of improper conduct immediately. The County cannot correct the situation if it is not aware of such conduct. All charges of harassment will be investigated expeditiously.
 - b. The investigation will include, at a minimum, interviews with the charging employee, the accused offender, and any named witnesses. Retaliation against the complainant or witnesses will not be tolerated.
3. Employees may use the Osceola County Government Employee Hotline. The Employee Hotline can be accessed 24 hours a day, 7 days a week.

F. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

G. Confidentiality will be maintained involving those with a need to know throughout the investigative process to the extent consistent with adequate investigation and appropriate corrective action.

H. Employees are required to attend anti-harassment/sexual harassment training on an annual basis.

2.1-5 **PERSONNEL RECORDS**

POLICY: It is the policy of the Osceola County Board of County Commissioners that Osceola County utilizes a personnel records system that is as complete, accurate, and functional as practicable within operational constraints.

PROCEDURES:

- A. The County Manager, with the assistance of Human Resources, is responsible for the maintenance and improvement of Osceola County's personnel records system.
- B. The County respects the privacy of its employees' rights and, in this regard, will keep all information in its personnel files confidential, to the limited extent permitted under Florida law. All personnel records are a matter of public information.
- C. The County shall not be liable, to any degree, for any incorrect withholding of deductions, erroneous designations of beneficiaries, or loss of employee benefits, if an employee has failed to notify Management or Human Resources with accurate and current information for his/her personnel file.
- D. After initial establishment of the employee's personnel record by Human Resources, Management will be responsible for forwarding official employment records for employees to Human Resources.
- E. Employment records shall be retained based on the General Records Schedule for State and Local Government Agencies as established by the Florida Department of State.
- F. **Employee Obligations**
Each employee is responsible for notifying Management or Human Resources to update information contained in his/her personnel file, which is maintained by Human Resources, in order to maintain accurate employee information such as:
 - 1. Name;
 - 2. Current residential and/or mailing address;
 - 3. Current telephone number;
 - 4. Emergency Contact;
 - 5. Dependents eligible for family insurance coverage and beneficiary designations;
 - 6. Copies of required certificates, diplomas, transcripts, and other education records;

7. Payroll deduction authorizations, if applicable;
8. Arrests and/or convictions if they pertain to the employee's ability to perform the functions of the employee's job;
9. Drivers License status if the employee's position requires he/she to drive a county vehicle or his/her personal vehicle for county business;
10. Any other pertinent information previously provided to the County.

2.1-6 **SOCIAL SECURITY NUMBER COLLECTION, DISSEMINATION, AND UTILIZATION**

POLICY:

- A. Osceola County collects Social Security numbers for any or all of the following purposes:
 1. Classification of accounts
 2. Identification and verification
 3. Credit worthiness
 4. Billing and payments
 5. Data collection
 6. Reconciliation
 7. Tracking
 8. Benefits processing
 9. Tax reporting
- B. Social Security numbers are used as unique numeric identifiers and may be used for search purposes, i.e., various software programs/websites utilized by Osceola County Government.
- C. Social Security numbers will not be used for any other purpose than stated above.
- D. The above policy (or written notice stating the same) must be provided to any individual when the County collects that person's Social Security number.
- E. This policy will be reviewed and updated for compliance if/when Social Security number collection, dissemination, and utilization by the County changes.

Section Two – CLASSIFICATION PLAN

2.2-1 CLASSIFICATION PLAN

POLICY: The Board of County Commissioners authorizes the County Manager to institute and maintain a Classification Plan that provides a systematic arrangement and inventory of all County positions. The plan groups various positions into jobs that reflect the range of duties, responsibilities, and level of work performed.

Section Three – COMPENSATION PLAN

2.3-1 COMPENSATION PLAN

POLICY: The Board of County Commissioners authorizes the County Manager/designee to maintain and administer the Compensation Plan. The County Manager will present any recommendations for changes in pay range assignments for each class of positions in the Board of County Commissioners' service.

2.3-2 WORKDAYS, WORKWEEK, AND PAY DAYS

POLICY: The County Manager is authorized to establish the workday, workweek, and pay days for all divisions, departments, and offices under the Board of County Commissioners that are necessary to provide the best service to the citizens of Osceola County.

PROCEDURES:

- A. No County Department shall operate on less than a forty (40) hour workweek (excluding lunch breaks) unless specifically approved in advance by the County Manager, except under County policy which allows for special holidays and other activities within the workweek.
- B. A Department may establish a normal workweek in excess of forty (40) hours if such is deemed necessary to accomplish the Department's mission and is approved in advance by the County Manager.
- C. The official workweek shall commence at 12:01a.m. Saturday and end at 12:00 midnight Friday. Department Heads, with the approval of the County Manager, may establish the workweek as any five (5) days during the seven (7) day period.
- D. All employees are required to be present on their assigned jobs as scheduled for the total hours in the workweek, unless absence from duty is authorized by the appropriate authority in accordance with these policies.
- E. All absences shall be properly recorded and charged.

- F. The County Manager's Office shall be advised immediately, in writing, by the respective Department Head, should the schedule of hours or shifts in a given Department be adjusted for any reason.
- G. All work hours will be regulated under the Fair Labor Standards Act (Department of Labor).
- H. **Pay Days**
 - 1. Distribution of pay through Direct Deposit or Pay Card (whichever is elected by the employee) occurs on a bi-weekly basis (every other Friday). There are a total of 26 pay periods per calendar year.
 - 2. **Errors**

Employees are responsible for immediately reporting errors of overpayment or underpayment to their immediate Supervisor and/or to Payroll.

 - a. Underpayment: If an employee believes he/she has been underpaid because he/she worked a greater number of hours than that which was recorded and submitted by the immediate Supervisor, the employee must report the discrepancy, and provide a reconstruction of the number of hours the employee believes were actually worked, to the immediate Supervisor within three (3) working days after receipt of his/her payment.
 - b. Overpayment: Once recognized, the employee will be required to reimburse the County, and readjustments to employee pay (to correct amount) will be processed. Human Resources and Payroll will create a payment plan schedule with the employee to indicate the amount of money to be deducted from each Direct Deposit or Pay Card payment until the overpayment is reimbursed.

2.3-3 **FAIR LABOR STANDARDS ACT (FLSA)**

POLICY: It is the policy of the Osceola County Board of County Commissioners to abide by FLSA requirements as mandated by federal law and state statutes.

PROCEDURES:

- A. Osceola County Government will abide by FLSA requirements as mandated by federal and state statutes.
- B. The Department of Labor is responsible for FLSA compliance. Further information can be found at <http://www.dol.gov>.

- C. FLSA does not require:
1. Vacation, holiday, severance, or sick pay;
 2. Meal or rest periods, holidays off, or vacations;
 3. Premium pay for weekend or holiday work;
 4. Pay raises or fringe benefits; or
 5. A discharge notice, reason for discharge, or immediate payment of final wages to terminated employees.
- D. The FLSA does not limit the number of hours in a day or days in a week an employee may be required or scheduled to work, including overtime hours, if the employee is at least 16 years old.
- E. **Pay**
1. Non-Exempt Positions – Employees who work in excess of their normally scheduled hours will be paid at their straight-time rate of pay for all hours worked up to and including forty (40) hours in a workweek. Hours worked in excess of forty (40) hours in a workweek will be paid at a one and one-half times his/her regular rate of pay for each hour worked over forty (40) hours.
 2. Exempt Positions – Employees classified as exempt will receive a set bi-weekly salary to be paid regardless of hours actually worked per FLSA standards.
 3. For purposes of computing overtime pay, Holidays, Sick Leave, Vacation Leave, personal days, jury duty, and lunch hours shall not be counted as hours worked.
- F. Immediate Supervisors and Management are directly responsible for accurately recording the numbers of hours worked by employees during each workweek, both regularly scheduled and overtime hours.
- G. Supervisors will attempt to give employees as much advance notice of required overtime work as is practicable. Employees may be required to remain beyond their normally scheduled work hours, report earlier than the usual starting time, or to return to the workplace during normal off-duty time, upon order to do so from his/her immediate supervisor. Failure to remain at work, report for work early, or return to the work location upon direct order from an immediate supervisor may result in disciplinary action against the employee required to perform overtime work, up to and including discharge from employment.
- H. **Work Breaks**
1. There are no provisions for breaks or rest periods for County employees during their regular workday or shift, other than designated meal times.

2. Frequency and duration of breaks and/or rest periods are dependent upon the judgment of Management. If breaks are authorized:
 - a. No single work break shall exceed fifteen (15) minutes' absence from the employee's assigned work location and duties.
 - b. During work breaks, unless authorized by management, employees may not leave their assigned building or facility, or their workplace if employed out-of-doors.
 - c. An employee may not accumulate unused work breaks, and work breaks may not be used to cover an employee's late arrival or early departure from duty.

I. **Travel**

The principles which apply in determining whether time spent in travel is compensable as hours worked depends upon the kind of travel involved.

1. **Home to Work Travel**

An employee who travels from home before the regular workday and returns to his/her home at the end of the workday is engaged in an ordinary commute to and from work, which is not compensable work time.

2. **One-Day Out of Town Travel**

If an employee who regularly works at a fixed location in one city is given a special one-day assignment in another city and returns home the same day, the time spent in traveling to and returning from the other city is work time.

3. **Travel During the Workday**

Time spent by an employee in travel as part of the County's principal activity, such as travel from job site to job site during the workday, is work time and must be counted as hours worked.

4. **Overnight Travel**

Overnight travel time is compensable work time when it occurs during the employee's regular work hours. If the travel occurs during the employee's regular working hours, but on nonworking days, the time spent traveling is compensable. Time spent in overnight travel outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile is not considered compensable work time. If an employee voluntarily deviates from approved travel plans, any additional time spent traveling as a result of deviation is not considered work time and shall not be compensable.

J. **Lectures, Meetings, Conferences, Training Programs and Exams**

Attendance at lectures, meetings, conferences, training programs, and exams and similar activities are counted as working time only if four criteria are met:

1. It is within the employee's normal work hours.
2. It is mandatory.
3. It is job related.
4. It is for the benefit of the County.

2.3-4 **CALL-OUT PAY**

POLICY: The County shall compensate regular, non-exempt employees who are called back to work on an unscheduled basis.

PROCEDURES:

A. **Eligibility**

A non-exempt employee (excluding employees on stand-by) who is off duty and is called to report to work on an unscheduled basis is eligible for Call-Out Pay, if the reporting time is more than four (4) hours before the start of the employee's next regular shift. Call-Out Pay will be used in certain situations determined by Management.

B. **Pay**

An employee eligible for Call-Out Pay is paid for the actual hours worked or a minimum of two (2) hours straight time pay, whichever is greater. All such actual hours worked during this period count towards overtime. Travel time, to and from work, does not count as work hours.

C. **Usage**

Situations determined by Management to achieve operational goals.

D. Management is responsible for tracking and submitting all Call-Out Pay (amount of time and pay rate) for respective employees called back to perform work.

E. Management will contact employee(s) to request that they come back to work to fulfill a particular need.

F. A called-out employee is expected to report to the work site within a time limit established by the Department/Office, able to perform the expected task. This means the employee must not be impaired by alcohol or drugs (legal or illegal). If an employee is impaired, he/she should notify the immediate Supervisor so another employee may be called out. This procedure may not pertain to bargaining unit employees who may have call-back procedures in their Collective Bargaining Agreement with the County.

G. Management will detail work hours and total Call-Out Pay and submit to Payroll.

- H. When an employee is on duty and directed or assigned to continue or remain at work, the extra work time is considered as scheduled work and the employee is not eligible for minimum Call-Out Pay.

2.3-5 **ON CALL**

POLICY: The County may require regular, non-exempt employees to remain in a nearby location in an “on call” situation for a possible return to work.

PROCEDURES:

- A. Management has the authority and responsibility to designate personnel eligible for On Call assignments.
- B. On call assignments will be used in certain situations determined by Management as needed to achieve operational goals. When possible, Management will notify the designated employee(s) two (2) weeks in advance of an on call assignment and post a proposed schedule to include an alternate employee.
- C. The designated employee will provide a current telephone, cell phone, or pager number, or other agreed upon method of contact, where they can be reached during non-duty hours.
- D. While on call, employees are **not** required to stay at home or at any other specific location. However, employees in an on call status shall monitor the designated communication device and must be able to report to work within (30) thirty minutes of being contacted by management.
- E. In the rare event an employee is unable to fulfill the obligations of an On Call assignment due to illness, family emergency, or other personal emergency, the employee must immediately contact their supervisor for instruction. As a result of the employee not being able to fulfill the obligations of an on call assignment, the immediate supervisor can assign the designated alternate employee to on call status.
- F. Management must be informed immediately should a large scale emergency arise that requires additional staff.
- G. Responding personnel are expected to abide by all traffic laws when reporting to work and to respond in a safe manner.
- H. If an employee fails to answer a work-related call or other designated contact while on call, or fails to report to work as instructed while on call, the employee shall be subject to disciplinary action in accordance with County policies and procedures.
- I. Management may implement a rotating schedule amongst all employees eligible for and subject to On Call assignments.

J. **On Call Pay**

1. On Call employees shall receive On Call Status Pay of one (1) hour at the employee's regular rate of pay per each day the employee is on call.
2. On Call Status Pay will not count as hours worked for the purpose of computing overtime. However, all hours worked while on-call compensation shall be paid in accordance with the guidelines of this policy and any applicable laws.
3. For the purposes of this policy, an on call employee begins working when a work-related contact (e.g. call, page, or e-mail) is responded to by the employee. The employee shall be compensated for a minimum of thirty (30) minutes or the actual hours worked, whichever is greater. Only one thirty (30) minute guarantee per day on-call. Additional calls within a day will be paid by actual time worked. All such compensation shall be paid in accordance with the guidelines of this policy and any applicable laws.

Example #1: Employee is On Call for 5 days and worked 40 hours (no leave taken). On day one: employee receives a call and then the call is cancelled. Subsequently, the employee receives a second call and works for a total of 2 hours. The employee is compensated for 2.5 hours (30 minutes minimum pay for the first call + 2 hours worked). On days two and three: No Calls (employee receives 2 hours of regular on call pay) On day Four: employee receives a call and works for 3.5 hours. The employee is compensated for 3.5 hours+1 hour of regular on call pay.

Because the employee was on call status for 5 days, took no leave, and worked a minimum of 40 hours, the employee will be compensated as follows: 5 hours of On Call pay (straight time) and 6 hours of on call worked at overtime rate.

Example #2: Employee is On Call for 5 days; worked 32 hours; and used 8 hours of leave. On day one: the employee receives a call and works a total of 3 hours. The employee is compensated for 3 hours+1 hour of regular on call pay. On days two and three: no calls, the employee receives 2 hours of regular on call pay. On day four: employee receives a call and works for 4 hours. The employee is compensated for 4 hours+1 hour of regular on call pay. On day five: employee uses leave and is not eligible for on call pay.

Because the employee was on "On Call Status" for 5 days, took 8 hours of leave and worked 32 hours, the employee will be compensated as follows: 4 hours of on call pay (straight time) and 7 hours of on call hours worked (straight time). Total hours worked 32 hours + 7 on call hours worked (straight time) + 4 hours of on call pay (straight time) = 43 hours. The employee did not meet the overtime rate. Employee will not be paid for the 8 hours of leave used, since it achieved more than 40 hours of regular pay in a week.

4. Travel time to work for an on-call event, will count as time worked for the purposes of this policy.
5. Management will document all on call hours, including the number of hours actually worked, and review and approve all work hours worked while on call.
6. On Call Pay is a discretionary payment made by the county to eligible employees. Nothing in this policy should be construed to require the payment of On Call Pay in accordance with any applicable law.

2.3-6 **FURLOUGHS**

POLICY:

- A. In the event of a budget shortfall, the Osceola County Board of County Commissioners (BOCC) may approve a budget furlough for employees under the BOCC. The BOCC shall approve the actual dates of the furlough.
- B. The County Manager shall have the authority to request that a budget furlough be approved by the BOCC. The County Manager shall submit a budget plan to the BOCC to include the proposed dates and the estimated cost savings.
- C. The County Manager shall have the authority to implement and administer a budget furlough approved by the BOCC. The County Manager shall have the discretion to include the entire BOCC in the furlough or to exempt, in whole or in part, specific positions, job classifications, or departments. The County Manager shall have the authority to resolve any furlough issue not clearly addressed by this policy.
- D. In cases where the County Manager deems that the imposition of a furlough on a particular position, job classification, or department is not in the best interest of the County, the County Manager shall have the authority to implement a temporary salary reduction, equal to the amount of the furlough reduction, in lieu of the furlough during the same fiscal year.
- E. This policy does not alter or supersede the provisions of any Collective Bargaining Agreement for BOCC employees covered by a Bargaining Unit, except for where specifically negotiated and agreed upon by Management and the Bargaining Unit.

PROCEDURES:

A. **General Procedures**

1. Notice
Human Resources shall provide employees with at least thirty (30) days advance notice of an impending budget furlough. Such notification shall be

provided in a manner designed to provide reasonable notice of the budget furlough to all BOCC employees.

2. Scope

All BOCC employees shall be subject to the furlough unless specifically exempted in writing by the County Manager. In certain cases, the County Manager may authorize that fewer furlough hours be observed by certain classifications of positions where business necessity requires.

3. Office Closures

On designated furlough days, unless specifically exempted by the County Manager, all BOCC offices and worksites shall be closed for business and to furlough-required employees. However, 24/7 operations (e.g. Fire, Corrections) shall be presumed to be specifically exempted from closure unless otherwise directed by the County Manager.

4. Business Timelines

Furlough days shall not be counted as a “business day” when calculating County business-related timelines. However, furlough days shall be counted as a “calendar day” when calculating such timelines.

5. Essential Positions

The County Manager may designate certain positions as Essential Positions, in writing. Employees in Essential Positions shall be exempt from the furlough, must work on designated furlough days, and are not required to “make up” furlough hours. Employees in Essential Positions shall perform their regular duties and adhere to all County policies, rules, and procedures while working on furlough days. The County Manager may revise the list of Essential Positions at any time.

6. Conflicts of Interest

Furloughed employees remain Osceola County employees while on furlough. Outside employment for furlough-required employees remains subject to the County’s policies and rules on outside employment. (Please see Personnel Policy 2.6-3, Outside Employment.)

7. Pay Reduction Schedules

The County Manager shall determine whether to: 1) implement the furlough pay reduction solely in workweeks with a designated furlough day; or 2) implement a prospective furlough pay reduction spread across a designated number of pay-periods. The County Manager shall have the authority to designate different pay reduction schedules for different classes of employees. Further, due to IRS regulations, the rate of deduction may vary slightly from one calendar year to the next.

8. On-Call Pay
Employees who are scheduled to be on call during a furlough workweek shall receive their regular on-call pay in accordance with County policy.
9. New Employees
Any employee who is hired during a furlough year shall be subject to the furlough reduction based on their Exempt or Non-Exempt status and/or job classification. The furlough schedule for new hires shall be prorated based on the number of furlough dates scheduled for the fiscal year and the month in which the employee is hired. For example, if an employee is hired in a fiscal year in which ten (10) furlough dates have been approved, and three (3) of those furlough dates have already passed, the employee will only be charged for seven (7) furlough dates for the remaining of the fiscal year.
10. Promotions, Demotions, and Changes in FLSA Status
Employees who experience a change in pay or FLSA exempt/non-exempt status due to a promotion or demotion shall have their pay reduction amount and pay reduction schedule manually adjusted to reflect their new pay and/or FLSA status.
11. Separation of Employment
Employees who terminate employment with Osceola County during a furlough year, and who were on a scheduled spread deduction, shall have a final furlough adjustment up to the date of separation. For example, if three (3) furlough dates are served and the employee separates employment (voluntarily or involuntarily) the payroll department will calculate the total amount due for all three (3) furloughs and an adjustment will be made to the employee's final check if needed.
12. Tracking
Furloughs shall be tracked in hours, not in days. All full time employees who are subject to the furlough must observe the designated number of furlough hours, unless otherwise directed by the County Manager. Furlough hours for part-time employees shall be prorated at the rate of half the designated number of furlough hours to be charged to regular, full-time employees. Supervisors are responsible for verifying that furlough hours and alternate furlough hours are appropriately observed by the employee. Each department is responsible for properly recording and tracking each employee's furlough time on the employee's timesheet in Kronos. Furlough hours will not count towards overtime calculations.

B. Alternate Furlough Arrangements

1. Alternate Furlough Arrangements
BOCC offices and employees are expected to observe the County designated furlough schedule in accordance with the guidelines of this policy. However,

for certain operations, the County Manager may approve alternate furlough arrangements. Such operations may include, but are not limited to:

- a. 24/7 operations (e.g., Fire, Corrections).
- b. Operations with Alternate Work Schedules (e.g., 4-10 Work Schedules).
- c. Operations where business necessity requires a deviation from the designated furlough schedule.

2. Alternate Furlough Plan

Departments who anticipate the need for an alternate furlough arrangement shall draft an Alternate Furlough Plan, in consultation with Human Resources, for approval by the County Manager. The plan shall include:

- a. The business necessity for an alternate furlough arrangement;
- b. The proposed alternate furlough schedule;
- c. The names of employees who will be observing the alternate furlough schedule; and
- d. Details on how the department will track Alternate Furlough Hours to ensure that all employees observe the designated number of furlough hours.

C. Furlough Work Rules

1. Furlough Day – Work Prohibitions

Employees are strictly prohibited from performing work for the County on designated furlough days, unless otherwise approved in accordance with this policy. Such prohibited work includes, but is not limited to, being physically present at the County worksite, taking “working lunches,” telecommuting, performing work from home or via the internet or portal, and any work conducted via telephone, mobile phone, smart phone, or Personal Data Assistant (PDA). Furlough-required employees are strictly prohibited from performing work on a “volunteer” basis (i.e., without receiving compensation) on a furlough day or in lieu of taking a furlough day.

2. Furlough Workweek – Work Prohibitions

A furlough workweek is any workweek in which there is a designated furlough day or in which an individual employee takes approved alternate furlough hours. During furlough workweeks, employees shall not work any hours in excess of scheduled work hours on each workday and shall observe all normal meal and break periods. Supervisors shall not approve and employees shall not

work any overtime hours during a furlough workweek. For the purposes of this policy, the workweek starts at 12 a.m. on Saturday and continues until midnight on Friday.

3. Emergency Situations

In cases of an unanticipated business emergency, County management may require an employee to work on a designated furlough day for all or part of the day. In such a case, the employee must take Alternate Furlough Hours to “make up” the Furlough Day. Alternate Furlough Hours shall be designated by the employee’s supervisor and must be taken on a day the employee would otherwise be scheduled to work. Supervisors shall notify Human Resources in writing within twenty-four (24) hours of requiring an employee to perform any work on a designated furlough day.

In cases of an unanticipated business emergency, County management may require an employee to work in excess of scheduled work hours during a furlough workweek. In such a case, the supervisor shall adjust the employees schedule for the rest of the week to ensure that the employee does not go over the total number of allowable work hours for the week. Where such adjustments are not possible, the supervisor shall contact HR to develop an alternate furlough plan for the employee.

4. Overtime

In the rare instance that an employee is required to work overtime during a furlough workweek, overtime compensation shall only be paid on hours actually worked in excess of 40 hours in the workweek. Furlough hours do not count as hours worked for the purpose of computing overtime.

5. Use of Leave

- a. Employees who are subject to the furlough may not use their paid leave accruals on furlough days or to help “make up” a loss in pay due to furlough deductions. Supervisors are not authorized to approve paid leave days for employees for furlough days. Where paid leave was approved in writing prior to the designation of the day as a furlough day, the department director, or designee, shall notify the employee in writing that the approval of the leave request has been rescinded due to the scheduled furlough day.
- b. Furlough leave shall run concurrently with FMLA leave. Employees who are on FMLA leave on a furlough day shall not be allowed to use paid leave accruals to cover the furlough day.
- c. Military leave pay shall not be impacted by the furlough.

6. Training and Travel

Work-related conferences, seminars, and training shall not be scheduled for designated furlough days. Work-related travel that constitutes work time shall not be scheduled for a designated furlough day. Employees who were previously approved to travel or attend work-related training, conferences, or other seminars on a designated furlough day shall make a reasonable attempt to reschedule such events for a non-furlough day. Where such rescheduling is not possible or practicable, the department shall draft an Alternate Furlough Plan, in consultation with Human Resources, for approval by the County Manager.

D. FLSA-Exempt

FLSA-exempt employees who are furlough-required shall be converted to “hourly” status during furlough workweeks and shall therefore be governed by the FLSA’s overtime and minimum wage rules for hourly employees during the furlough workweek. FLSA-exempt employees who are furlough-required are subject to the same furlough-related rules, policies, and procedures as hourly employees, including:

1. During furlough workweeks, FLSA-exempt employees are required to track and report all hours worked in accordance with the department’s procedures for tracking hours worked by hourly employees.
2. During furlough workweeks, FLSA-exempt employees shall not work any hours in excess of scheduled work hours and shall adhere to the rules governing break and meal periods for hourly employees.
3. During furlough workweeks, FLSA-exempt employees are strictly prohibited from performing any of the following work-related functions outside of scheduled work hours: telecommuting, performing work from home, performing work via the internet or portal, conducting work via telephone, mobile phone, smart phone, or Personal Data Assistant (PDA), performing any other work-related functions on behalf of the County outside of scheduled work hours.
4. During the furlough workweek, FLSA-exempt employees who are subject to the furlough must request and receive approval for partial-day absences in advance and such partial-day absences shall be deducted from the employee’s leave accruals. FLSA-exempt employees shall be provided and required to sign the notice attached to this policy as Attachment #1.

Section Four – RECRUITMENT, SELECTION, CHANGES IN STATUS, AND SEPARATION FROM EMPLOYMENT

2.4-1 RECRUITMENT

POLICY: It is the policy of Osceola County to recruit and hire the best-qualified and well-suited candidates. Employment decisions shall be based upon job related factors and shall comply with the County’s commitment to quality, diversity, and applicable equal employment opportunity regulations and practices.

2.4-2 IMMIGRATION REFORM AND CONTROL ACT

POLICY: Osceola County will comply with all provisions of the Immigration Reform and Control Act, Pub. L. 99-603, 100, Statute 3359, and will not knowingly hire aliens who are not authorized to work in the United States.

PROCEDURES:

- A. Newly hired employees are required to complete an employment verification form (I-9 Form) within three (3) days of employment.
- B. Employees who have completed an I-9 Form and presented any work authorization document which has an expiration dates are responsible for timely updating the work authorization information. For example, if an employee’s work authorization document indicates that he/she is eligible to work in the United States until a specified date, then the employee must report to Human Resources on or before that date with documentation indicating that he/she will continue to be eligible to work in the United States beyond the expiration date. The employee’s I-9 Form can then be updated.
- C. Failure to timely present the County with the above described information is grounds for immediate termination.

2.4-3 NEPOTISM

POLICY: Osceola County shall follow Chapter 112, Florida Statutes, and regulatory law, as well as any duly issued amendments regarding employment of relatives. A relative of any County employee with supervisory responsibility shall not be eligible for employment in or advancement to any position that reports directly to the supervisory employee.

PROCEDURES:

- A. A County employee who exercises jurisdiction or control may not employ, promote, or advocate for employment or promotion any individual who is a relative. An

individual may not be employed or promoted into a position in the County if such a position is made by a group in which a relative is a member.

- B. The intentional or deliberate failure to comply with these guidelines makes both employees subject to termination.
- C. County employees who have a relative applying for employment, requesting a transfer, or seeking a promotion within the County shall adhere to the following:
 - 1. Notify your Department Director immediately.
 - 2. The Department Director shall notify Human Resources.
 - 3. Human Resources shall determine if the relative can be interviewed, transferred, or promoted etc., and if doing so will cause a conflict of interest for the employee and the County.
 - 4. When special circumstances arise and the County Manager determines it is in the best interest of the County to hire a relative of an employee to work in the same Department, the Department shall request appropriate approval to hire the relative. If the approval is given, it shall be documented, and must explicitly state that the relationships of the affected individuals in the department are recognized and allowed. A copy shall be placed in the affected employees' personnel files.

D. **Fraternization**

- 1. To avoid misunderstandings, complaints of favoritism, and other problems, supervisors are prohibited from dating or pursuing sexual or romantic relationships with subordinates that are under their direct or indirect control.
- 2. Supervisors will not be involved or influence the selection for the promotion or advancement of a paramour.
- 3. No person shall circumvent, or attempt to circumvent, the intent and spirit of this procedure. Employees who violate this procedure are subject to discipline up to termination.

E. **Nepotism**

- 1. Employees shall not be involved or influence the selection for the promotion or advancement of a relative.
- 2. All supervisors and the affected employee(s) shall immediately advise their Senior Manager, in writing, of any paramour or relative who is assigned within

their chain of command. This would include situations where a relationship develops between employees as defined under “Fraternization.”

3. A supervisor shall not be involved in any decision-making process that leads to any discretionary salary increase or potential disciplinary action regarding a relative or paramour. If the potential for such a situation occurs, decision-making involvement will be delegated to an alternate supervisor designated by the Department Director or designee.

2.4-4 **CATEGORIES OF EMPLOYMENT**

POLICY: The County Manager/designee shall ensure that all employees are placed into appropriate categories including appointments, employment, and status as defined at the creation of the positions.

PROCEDURES:

A. **Board Appointments**

The County Manager, the County Attorney, and the Commission Auditor shall be appointed by and serve at the pleasure of the Board. Such employees are eligible for all County benefits as set forth in the Personnel Policies and Procedures.

B. **Regular Full-Time Employee**

A person occupying a permanent, budgeted position that requires thirty (30) or more hours of work per week. Such employees are eligible for all County benefits as set forth in the Personnel Policies and Procedures.

C. **Part-Time Employee**

A person occupying a permanent, budgeted position that requires less than thirty (30) hours of work per week. Such employees are not eligible for health insurance benefits, but are eligible for certain other benefits as set forth in the Personnel Policies and Procedures.

D. **Temporary Employee (with or without Benefits)**

An employee hired to fill a full or part-time position related to a special project or program for a pre-defined period of time or for the duration of the project or program not to exceed four (4) consecutive months. The Department must have prior approval by the County Manager. Employees hired in temporary positions with benefits are eligible for permanent employee benefits.

E. **Seasonal Employee**

An employee hired to fill a part-time position related to a special project or program for a pre-defined period of time or for the duration of the project or program. Seasonal employees are not eligible for benefits.

F. **Acting Status**

An individual who temporarily assumes all the responsibilities of a higher pay range position. Temporary assignment to acting status is based on the ability to assume all responsibilities of the position at the discretion of the Department Head. The acting status assignment must be for a minimum of two (2) weeks.

2.4-5 **PROBATIONARY PERIOD**

POLICY: A probationary period shall be used upon the initial hire of an employee or upon a change of status to determine whether the employee has the ability to carry out assigned tasks, work efficiently, demonstrate dependability, and to demonstrate possession of other characteristics relative to the requirements of the position and quality performance.

PROCEDURES:

A. All probationary periods shall begin with an employee's status change; i.e., initial date of hire, effective date of a promotion, transfer, or any type of demotion, whether voluntary or involuntary. Employees who successfully complete probationary periods in any specific job classification are generally continued in employment.

B. During the probationary period, if an employee fails to successfully adapt to the requirements of the position, employment shall be terminated immediately. Any employee terminated during their probationary period shall have no rights to appeal the discharge decision.

C. Successful completion of the initial probationary period following date of hire shall entitle eligible employees to use sick leave and vacation leave which has been accrued, but which is unavailable to an employee in the initial probationary status, usually first six (6) months of employment with Osceola County.

D. **Duration**

1. Regular full-time employees shall serve a six (6) month probationary period.
2. Regular part-time employees shall serve a six (6) month probationary period.
3. Firefighters and Corrections Officers shall serve a one (1) year probationary period.

E. **Special Probation**

If an employee's performance becomes unacceptable, or his/her conduct has in any way been unbecoming of a government employee, then:

1. The employee's immediate supervisor or other reviewing supervisors shall conduct a special performance evaluation outlining the employee's deficiencies and Performance Improvement Plan (PIP).
2. Employees shall initially be placed upon special probation for a three (3) month period.
3. At the time an employee is placed on special probation, he/she shall be notified of the approximate date upon which his/her rating supervisor will conduct another performance evaluation.

F. **Promotion**

1. Employees are not eligible for promotion while serving a probationary period, unless it is within their own department and with Department Head approval.
2. Laid off employees who have been re-hired are eligible for any promotion while serving a probationary period.
3. Employees who are promoted shall serve a new probationary period of up to six (6) months. If at any time during the probationary period the employee does not satisfactorily perform to the standards of his/her new classification, he/she can be subject to termination.

G. **Transfers**

1. Employees are not eligible for transfer to another department while serving a probationary period.
2. Laid off employees who have been re-hired are eligible for transfer to another department while serving a probationary period.
3. An employee who is transferred to another department in a new classification or in the same classification shall serve a new probationary period of up to six (6) months. If at any time during the probationary period the employee does not satisfactorily perform to the standards of his/her new classification, he/she can be subject to termination.

H. **Demotions (Voluntary/Involuntary)**

Any employee who is granted a voluntary demotion or who is involuntarily demoted due to performance deficiencies shall serve a new probationary period of up to six (6) months. If at any time during the probationary period the employee does not satisfactorily perform to the standards of his/her new classification, he/she can be subject to termination.

I. **Position Reclassification**

Employees who are affected by an upward or downward position reclassification will not have to serve a new probationary period.

2.4-6 **PERFORMANCE EVALUATIONS**

POLICY: Performance evaluations offer a consistent approach for providing feedback and assessment of an employee's performance. Performance evaluations shall be conducted according to Osceola County procedure.

PROCEDURES:

- A. The evaluation process is an opportunity for supervisors and employees to exchange an honest and open dialogue about the employee's work performance over the previous evaluation period and how the employee can develop his/her strengths and also to identify areas that might need to be improved upon. These performance areas of strengths and growth opportunities should not come as a surprise to the employee since the Supervisor should be identifying these areas through coaching and mentoring sessions throughout the year.
- B. The annual performance evaluation is also a time for the employee to review their current job description and discuss any areas of the job responsibility that might need to be clarified.
- C. Employees should also use this time that they are being evaluated to provide feedback to their Supervisor as to areas within the Department, division, or office that might be able to be improved upon for efficiency or to provide a better work environment.
- D. The evaluation process is designed to:
 - 1. Promote and document performance assessments based on essential job functions and clear, realistic job standards.
 - 2. Promote high level of employee performance through consistent feedback from Supervisors via annual performance assessments.
- E. The responsibility of performance evaluations lies with the Department Heads and Supervisors. Department Heads and Supervisors are encouraged to prepare performance evaluations and discuss the evaluations prior to the employee's evaluation date.
- F. New employees shall receive an evaluation during the first three (3) months of employment and then again during six (6) months of employment. Firefighters and Corrections officers shall receive an evaluation at three (3) months, six (6) months, and again at nine (9) months of employment.

G. When an employee is placed on special probation, a Special Performance Evaluation shall be conducted outlining the employee's deficiencies and Performance Improvement Plan (PIP). A Performance Improvement Plan may be set for up to three (3) months.

H. **Annual Performance Evaluations**

All employees shall receive a performance evaluation six (6) months after the conclusion of a successful six (6) month probationary period and every year thereafter.

1. If an employee is to be promoted and seven (7) months or more have passed since his/her last performance evaluation, it shall be the responsibility of the losing Department to conduct an early evaluation.
2. Employees that receive a lateral transfer shall retain the same Annual Performance Evaluation date. If seven (7) months or more have passed since the employee's last performance evaluation, it shall be the responsibility of the losing Department to conduct an early evaluation.
3. Employees subject to an upward or downward position reclassification shall retain the same Annual Performance Evaluation date.
4. If an employee is promoted or demoted, his/her Annual Performance Evaluation date shall be adjusted to the effective date of the promotion/demotion. Every attempt shall be made by the Department to make any status change effective the beginning of a pay period.
5. A review of the employee's performance during the review period is conducted by the Supervisor using a Performance Evaluation Form consisting of specific essential job functions with related job standards. The Performance Evaluation Form may be found in the Human Resources Folder located on the Employee Intranet.
6. A review of the essential functions of the position held by each employee and the amount of time spent performing each function of the respective job shall be conducted jointly by the employee and Supervisor.
7. If changes are necessary, recommendations for adjustments to the job classification shall be submitted to Human Resources for review.
8. The Supervisor shall complete the performance evaluation of the employee and review that evaluation with higher level(s) of Management and Human Resources prior to discussion with the employee.
9. The Supervisor shall then hold the year-end performance evaluation meeting with the employee.

10. The Performance Evaluation Form shall be signed by the Supervisor and the employee at the time of discussion of the form's contents.
11. The employee's signature indicates that the employee has read the form, but does not necessarily indicate the employee's agreement with its content.
12. If the employee refuses to sign the form in acknowledgement of receipt of the performance evaluation, the Supervisor shall make a notation on the form indicating that the employee refused to sign.
13. The higher-level Supervisor or Department Head shall sign the Performance Evaluation Form.
14. Original Performance Evaluation Forms shall be forwarded to Human Resources to be placed in the employee's official personnel file.
15. The employee shall address questions or concerns about the content of the Performance Evaluation Form with the appropriate Supervisor. If issues are not resolved, then the employee shall follow departmental chain of command to resolve Performance Evaluation Form content issues.
16. If the employee receives an unacceptable rating on any essential job function, a Performance Improvement Plan (PIP) shall be completed for that employee. The Supervisor shall meet with the employee on an ongoing basis to provide regular feedback and coaching on performance issues for a period of thirty (30) to ninety (90) days. After this period of time, the Supervisor shall re-evaluate that plan to ensure that steps have been taken to improve performance in relevant areas.
17. If areas of deficiencies have not improved at the end of the Performance Improvement Plan (PIP), the employee shall be subject to termination.

2.4-7 **EMPLOYMENT DATES**

POLICY: The County Manager/designee shall provide a framework for determining employment dates including date of hire and continuous service date.

PROCEDURES:

A. **Date of Hire**

An employee's Date of Hire shall be the initial date on which an employee first renders paid service (first reports for work) in a regular position pursuant to a job offer. The date one (1) year after an employee's official effective Date of Hire shall be their Anniversary Date and shall be used in determining accruals of Vacation Leave and Sick Leave.

B. Continuous Service

1. An employee's date of hire marks the beginning of a continuous service period. An employee's continuous service date shall be the most recent date of hire. This date shall not precede the date upon which the employee has actually begun to work.
2. Authorized leaves with pay shall not be considered as breaks in continuous service.
3. Separation from employment of any nature shall be considered as a break in continuous service.
 - a. An employee who separates from employment with the County in good standing and is re-employed by the County within 90 days from the date of separation shall have:
 - i. Vacation Leave accrual rate in effect at the time of separation reinstated; and
 - ii. County years of service reinstated to previous hire date.
4. For retirement purposes, creditable service and continuous service shall be determined in accordance with state law and the collective bargaining agreement.

2.4-8 CHANGES IN STATUS

POLICY: Any employee who receives a Change in Status will retain all previously earned benefits when reassigned to a new position if due to promotion, lateral transfer, demotion, or position reclassification.

PROCEDURES:

- A. Employees who are within their six-month probationary period are ineligible for promotion or transfer until they have successfully completed their probationary period, unless it is within their own department and with Department Head approval.
- B. Laid off employees who have been re-hired are eligible for any promotion or transfer while serving a probationary period.

C. **Promotions**

1. Employees shall have the opportunity for promotional advancement within other County departments/divisions as well as in their perspective departments/division.
2. Employees who are promoted into a classification assigned to a higher pay grade shall receive a pay adjustment as per these procedures. (See Compensation Plan procedures.)

D. **Demotions (Voluntary/Involuntary)**

1. Demotions due to poor performance are considered involuntary. An employee who is not performing to the standards of their position may be demoted by their immediate Supervisor with approval of the Department Head to a classification assigned to a lower pay grade. Demoted employees are subject to a reduction in pay as per these procedures. (See Compensation Plan procedures.) In most cases, demoted employees will not be paid more than the maximum rate of pay established for the pay grade of the new classification, and in many cases the rate of pay may be significantly less than the maximum rate of pay for the new pay grade.
2. Employees who apply for a vacant position in a lower pay grade may be placed in the new classification as long as they meet the requirements of the position. This is considered a voluntary demotion and employees shall receive a reduction in pay as per these policies. (See Compensation Plan procedures.) In most cases, demoted employees will not be paid more than the maximum rate of pay established for the pay grade of the new classification, and in many cases the rate of pay may be significantly less than the maximum rate of pay for the new pay grade.

E. **Lateral Transfer**

Employees will not receive a pay adjustment when a lateral transfer has taken place.

F. **Position Reclassification**

Employees who receive a position reclassification shall receive a pay adjustment as per these policies. (See Compensation Plan procedures.)

- G. Any time a Change in Status occurs, Management must complete an Employee Status Change Form and submit to Human Resources. The Employee Status Change Form is located in the Forms Library on the County employee intranet.

2.4-9 **EMPLOYEES OF CONSTITUTIONAL OFFICERS**

POLICY: It is the policy of Osceola County Board of County Commissioners to encourage promotional opportunities for its employees. In addition, the Board of County Commissioners desires to assist employees of Constitutional Officers who have applied and are selected for employment with the Board of County Commissioners, by establishing guidelines for probationary periods and for the transfer of creditable leave balances.

PROCEDURES:

- A. All new Osceola County Board of County Commissioner employees who were formerly employed by an Osceola County Constitutional Officer will be granted a continuous service date and allowed to transfer portions of unused leave balances in accordance with the provisions outlined in this section.
- B. **Date of Hire/Continuous Service Date**
1. The Date of Hire/Continuous Service Date shall be the date upon which the employee began working with the Constitutional Office, as long as there has been no more than a 30-day break in service between the termination of employment with the Constitutional Office and the Board of County Commissioners.
 2. An employee is considered to have a break in service if the employee is in a leave without pay status or is absent from employment, in a non-paid status on a regularly scheduled workday after the resignation date from the Constitutional Office, and prior to the start date for the Board. In this event, the employee will not receive the benefits of this section, and the first day of employment with the Board of County Commissioners shall be considered as the official date of hire.
- C. **Probationary Period**
All former Constitutional Office employees newly hired to the Board of County Commissioners shall serve a probationary period as outlined in the Probationary Period section of these Personnel Policies and Procedures.
- D. **Vacation Leave**
1. All former Constitutional Office employees shall receive credit for unused Vacation Leave, not to exceed five (5) days (40 hours). Vacation Leave in excess of five (5) days (40 hours) will not be transferred.
 2. The Constitutional Officer shall provide documentation of the Vacation Leave balance to the employee's Supervisor prior to the first day of employment with the Board of County Commissioners in order for the employee to receive credit for the unused Vacation Leave balance.

3. The employee shall be allowed to use Vacation Leave any time after beginning employment with the Board of County Commissioners providing the following occurs:
 - a. The employee has met the Board of County Commissioners' requirements of eligibility for Vacation Leave time while employed with the Constitutional Office and the Board of County Commissioners.
 - b. The employee's Supervisor approves the request for Vacation Leave.

E. Sick Leave

1. All former Constitutional Office employees shall receive credit for unused Sick Leave, not to exceed ten (10) days (80 hours). Sick Leave in excess of ten (10) days (80 hours) will not be transferred.
2. The Constitutional Officer shall provide documentation of the Sick Leave balance to the employee's Supervisor prior to the first day of employment with the Board of County Commissioners in order for the employee to receive credit for the unused Sick Leave balance.
3. The employee shall be allowed to use Sick Leave any time after beginning employment with the Board providing the following occurs:
 - a. The employee has met the Board of County Commissioners' requirements of eligibility for Sick Leave time while employed with the Constitutional Office and the Board of County Commissioners.
 - b. The employee's Supervisor approves the request for Sick Leave.

2.4-10 INTERNSHIP PROGRAM

POLICY: The Osceola County Board of County Commissioner may allocate funding for an Osceola County Internship Program to provide vocational and college students the opportunity to obtain practical work experience in a public sector environment. The intent of this program is to expose vocational, undergraduate, and graduate students to the inner workings of Osceola County government and spark their interest in future career opportunities with the County.

2.4-11 **VOLUNTEER PROGRAM**

POLICY: Osceola County Board of County Commissioners encourages the use of volunteers to the fullest extent possible as an adjunct staff to the regular employee workforce. Osceola County recognizes these individuals as contributing a valuable service to the agency, while receiving a worthwhile and fulfilling experience. It is further recognized that the success of having a volunteer program is dependent on having the commitment and support of the Department and its management staff. All Departments and administrative functions of Osceola County should be continually and actively utilizing volunteers where applicable.

2.4-12 **SEPARATION FROM EMPLOYMENT**

POLICY: Employment with Osceola County may be terminated either by the employee or the County, with or without cause, as all employees are “at will.”

V. PROCEDURES:

A. Types of Separation

1. Resignation

- a. Employees are required to provide at least two weeks’ (14 calendar days) notice of their intent to resign. Management employees are encouraged to provide 4 weeks’ notice of their intent to resign. Such notice shall be submitted in writing to the supervisor and shall state the effective date of the resignation. To resign in good standing, the employee must provide the required notice and must work during the notice period, among other requirements as outlined in these procedures. However, the Department Head has the discretion to approve the employee’s use of accrued leave during the two week notice period and may also approve a shorter notice period; both may be approved by the Department Head without affecting the employee’s good standing. Further, the Department Head, in consultation with Human Resources, may elect to reject an employee’s resignation or may elect to make the resignation effective on a date prior to the resignation date provided by the employee.
- b. The Department shall forward the original letter of resignation to Human Resources for inclusion in the employee’s personnel record.
- c. The County Manager may waive notification requirements.
- d. Prior to separation, the Department shall retrieve all items listed on the employee’s equipment list, in order to recover Board property,

maintain security, and complete all necessary documents. These items are to be returned by the Department to the appropriate Department.

- i. Failure to return all County property may result in an adjusted final paycheck, according to FLSA rules and guidelines.
- e. All final paychecks are distributed by the Finance Department. A separated employee shall contact the Finance Department to advise if the paycheck will be retrieved personally, or by designee, with written permission from the employee, or is to be mailed to the last known address by certified mail.
- f. A request by an employee to rescind a notice of resignation must be in writing and approved by the Department Head prior to the employee's separation date. The decision of the Department Head shall be final and may not be appealed under these Policies and Procedures.

2. Separation in Good Standing

- a. Separating from employment with the County in good standing entitles the employee to payment of accrued paid leave in accordance with County policy and classifies the employee as eligible for rehire. Employees who fail to separate from employment in good standing shall be classified by Human Resources as "Not Eligible for Rehire in the County" or "Not Eligible for Rehire in the Department" at the discretion of the County Manager, or designee. To separate from employment in good standing, the employee must meet the following requirements:
 - i. The employee must have separated from employment by a means other than discharge or resignation in lieu of discharge.
 - ii. The employee must not have submitted his or her resignation while the subject of an official County investigation or after being notified of a pending pre-determination hearing.
 - iii. The employee must have provided and worked at least two calendar weeks' (14 days) notice, unless otherwise exempted from this requirement by his or her Department Head.
 - iv. The employee must return all County property and settle any and all debts to the County in full within the applicable timeframe.
- b. The County may initiate or continue an investigation into allegations of misconduct against a former employee that occurred while the

former employee was actively employed by the County. The County will make every attempt to notify the former employee of the investigation and to interview the former employee as part of the investigation. In the event the investigation concludes with sustained findings against the employee, the County Manager may adjust the standing of the former employee, in accordance with the best interest of the County.

3. Resignation without Notice

- a. If an employee fails to give a minimum of two (2) calendar weeks' notice of resignation, the employee will be considered to have resigned without notice, and will not only forfeit payment for accrued leave, but may also be denied re-employment.
- b. If an employee is absent from work without permission for three (3) days or more, this shall be considered as job abandonment and will be treated as a resignation without notice.

4. Retirement

- a. It is recommended that employees who are eligible for Florida Retirement System retirement benefits advise Human Resources of such intentions at least three (3) calendar months prior to the anticipated date of retirement. This is in order to allow sufficient time for completion of appropriate paperwork and processing by the State. In addition, the advance notice will afford the employee the opportunity to enroll in continuation health insurance benefits, if they choose to do so.
- b. Employee retirement benefits will be based upon the regulations of the Florida Retirement System (Florida Statutes, Chapter 121), the Social Security Act, and any other applicable provisions that may be in effect at the time of the employee's retirement.
- c. To leave "in good standing," employees are required to provide at least two weeks' (14 calendar days) notice of their intent to retire. Management employees are encouraged to provide 4 weeks' notice of their intent to retire. Such notice shall be submitted in writing to the supervisor and shall state the effective date of the retirement. To retire in good standing, the employee must meet the required notice period and must work during the notice period, among other requirements as outlined in these procedures. However, the Department Head has the discretion to approve the employee's use of accrued leave during the two week notice period and may also approve a shorter notice period; both may be approved without affecting the employee's good standing.

5. Medical Separation

- a. In the event an employee is unable to perform his/her assigned duties due to an injury or illness, the County may medically separate the employee from County service.
- b. Medical Separation must comply with the Family and Medical Leave Act (FMLA) and Americans with Disabilities Act (ADA) guidelines and any other policies/laws governing separation.
- c. Medical separation may be appealed utilizing the grievance process.

6. Death

- a. Separation shall be effective as of the date of death.
- b. The deceased employee will be treated as if he/she had resigned in good standing.
- c. A final paycheck, in the deceased employee's name, shall be generated in the corresponding pay cycle to include payment for unpaid hours worked and/or accrued leave, if any. Any debts incurred by the employee will be deducted according to County policy.
- d. The designee recorded on the Designation of Beneficiary for Personnel Payments form filed in the employee's personnel record will be contacted by a Human Resources staff member. The final paycheck can be retrieved personally, or mailed to the designee's address by certified mail according to his/her wishes.

7. Layoff

- a. At the recommendation of the County Manager, all layoff procedures shall be coordinated and processed by Human Resources and the County Attorney.
- b. A layoff shall not be implemented in conflict with any State or Federal grant regulation prohibiting the supplanting of employees.
- c. County personnel employed with, and paid by, Federal or State grant funds will be laid off or terminated upon the elimination or cut back of such funds regardless of their length of service.
- d. In the event of a layoff, employees in the same classification and Department(s) affected shall be laid off in the following order:

- i. Temporary employees,
 - ii. Probationary employees, and
 - iii. Permanent employees.
- e. Factors in determining the order of layoff shall include, but not be limited to:
 - i. the particular department/division, group, operating unit, or other function affected;
 - ii. the job classification(s) involved;
 - iii. essential services provided by particular employees in the classification;
 - iv. each employee's job knowledge, quantity/quality of work, dependability, work habits, attitude (performance evaluation job fact ratings during County service); and,
 - v. length of continuous service within the County in any classification or Department.
- f. Veterans' Preference shall be considered in accordance with Chapter 295, Florida Statutes and Chapter 55A-7, Florida Administrative Code.
- g. A laid-off employee shall be paid out for accrued Vacation Leave and Sick Leave in accordance with the restrictions outlined in the applicable policies. The County Manager reserves the right to lift the restrictions on leave payouts for employees subject to layoffs, in exchange for a duly executed waiver and release. No additional benefits will accrue during the period of layoff.

8. Discharge

- a. The intent of a Department Head to discharge an employee shall be submitted in writing to Human Resources for review. This shall be done with sufficient time for Human Resources to consider the causes or reasons given for the discharge, to review all the appropriate information, and to notify the County Attorney's office, as necessary.
- b. Upon approval by Human Resources, the discharged employee shall be notified in writing by the Department Head as to the reason for discharge and the effective date.

- c. Discharged employees will immediately return all County property listed on their equipment list and remove all personal items from the premises, unless different arrangements are known in advance and approved by Human Resources. A Human Resources staff member will be present at the discharge of any County employee.
- d. Discharged employees shall not be eligible for re-employment.

9. Re-employment

- a. An employee who resigns in good standing or was separated by a lay off shall be eligible for re-employment, but must meet the qualifications as any other applicant.
- b. It is the responsibility of the laid-off employee to apply for the position(s) for which they feel they are qualified and to indicate on the application that they were affected by an Osceola County layoff and the effective date.
- c. An employee separated by a layoff will be granted an interview for any open position for which they meet the minimum qualifications, within twelve (12) months of the date of the layoff.

B. Payment upon Separation from Employment

- 1. Employees leaving County employment will receive their paychecks for all hours worked on the day that is the normally designated pay day for the pay period in which their resignation was effective.
- 2. Separating full-time employees may be eligible to receive payment for accrued Vacation Leave and Sick Leave, based upon limitations outlined in the Vacation Leave, Sick Leave, and Separation from Employment procedures.
- 3. Non-exempt employees will also be paid for all accrued compensatory time, if applicable.
- 4. Accrual Payments
Accrual payments shall be made in the form of a check, which the separating employee will receive two (2) weeks after receiving their final paycheck for hours worked.
- 5. Conditions of Payments
 - a. The employee must submit a letter of resignation to Management at least two (2) calendar weeks prior to the effective date of resignation,

and must “work out” at least two (2) weeks’ notice during this time period. Management may waive this work requirement if he/she believes it may be in the best interest of the County to do so.

- b. The employee must be separating in good standing, i.e., the employee cannot be terminated or under the threat of termination by the County. If there is any discrepancy in the determination of this status, the County Manager or his/her designee will make the final decision as to the employee’s standing.

C. **Separated Employee’s Outstanding Debts**

1. **Financial Obligations to County**

- a. When outstanding debts have been incurred and remain unpaid by a separating County employee, the employee (or designee, in case of death) will be notified immediately of the outstanding debt. The County will deduct unpaid balances from non-wage compensation owed to the separating employee, according to FLSA rules and guidelines.
- b. Outstanding debts may include, but are not limited to:
 - i. Payment due for abuse, misuse, willful loss, or destruction of County property, including not returning County-issued uniforms, equipment, and supplies, according to corresponding County policy;
 - ii. Repayment of tuition assistance funds, according to corresponding County policy;
 - iii. Repayment due on an Employee Computer Purchase Agreement, according to corresponding County policy;
 - iv. Shortages in paid leave accounts which, in unusual circumstances, may occur through error when an employee utilized paid leave beyond his/her accrual.
- c. The employee will be required to sign a written agreement noting the provisions for his/her repayment of all sums owed to the County.

D. **Exit Interview**

In an effort to collect data as to the reason(s) why employees leave County service, the separating employee will be contacted to complete a voluntary exit interview after separation. This information will be used for the purpose of determining the causes and possible solutions relating to turnover among County personnel.

E. **Continued Benefits**

Employees who are eligible for continued benefit coverage, according to corresponding County policy, should complete appropriate forms and/or arrange terms of payment to the County with Human Resources prior to separation from employment.

F. **Employment References and Verification of Employment**

1. **Employment References for Separated Employees**

- a. Because of serious legal consequences that can result from a careless or unfavorable employment reference, the County will respond only to **written** requests for information about separated employees. All requests must be referred to Human Resources. The information released will be according to Human Resources policy. Osceola County personnel records are available for review according to Florida Statute, Section 119 (Public Records).
- b. County employees are prohibited from giving a personal opinion or assessment of job performance. Any employee who fails to comply with this policy is subject to discipline, up to and including termination, according to corresponding County policy.
- c. The County Manager may exercise his/her authority to offer and/or provide a letter of recommendation to a separated employee.

2. **Verification of Employment**

Verification of employment requests may be made by telephone, in writing, or by fax to Human Resources. The information released will be hire date, position, and salary. Osceola County personnel records are available for review according to Florida Statute, Section 119 (Public Records).

Section Five – EMPLOYEE BENEFITS AND LEAVES

2.5-1 VACATION LEAVE

POLICY: Regular full-time and part-time employees are eligible to accrue Vacation Leave and be paid for Vacation Leave according to procedures.

PROCEDURES:

- A. Eligible employees may not use accrued Vacation Leave during his/her initial six (6) months of employment or re-employment.
- B. Regular full-time employees who work thirty (30) or more hours per week are eligible to accrue Vacation Leave. Vacation Leave for regular full-time employees shall accrue at the following rates, based upon the length of service as measured from dates of initial hire, as follows:

<u>Service</u>	<u>Accrual per Month</u>
1 month to 5 years	8 hours
5 years and 1 month to 10 years	10 hours
10 years and 1 month to 15 years	12 hours
15 years and 1 month to 20 years	13.34 hours
20 years and over	16.66 hours

- C. Part-time employees who work at least twenty (20) hours per week are eligible to accrue Vacation Leave, which shall accrue at the following rates, based upon the length of service as measured from dates of initial hire, as follows:

<u>Service</u>	<u>Accrual per Month</u>
6 months to 5 years	4 hours
5 years and 1 month to 10 years	5 hours
10 years and 1 month to 15 years	6 hours
15 years and 1 month to 20 years	6.67 hours
20 years and over	8.33 hours

- D. Employees will not accrue Vacation Leave during periods of time in which they are in leave-without-pay status except for such time in leave-without-pay status that has been approved for Military Leave.
- E. Eligible employees who begin working between the 1st and 15th of the month will begin accruing Vacation Leave as if employed on the 1st calendar day of the month. Employees who begin work after the 15th of the month will not start accruing time until the following month.
- F. Successful completion of the prescribed probationary period will entitle the eligible employee to use Vacation Leave which has been accrued, but which is unavailable to an employee in initial probationary status.
 - 1. In some rare cases, the County Manager's Office may authorize an employee to utilize Vacation Leave that has accrued during an employee's initial probationary period. All such requests must be forwarded with approval and recommendation by the Department Head to the County Manager's Office.
- G. **Use and Scheduling of Vacation Leave**

Each employee is responsible for submitting a Leave Request to his/her Department Head/Supervisor for approval.

 - 1. An eligible employee is allowed to use accrued Vacation Leave six (6) months after their date of hire.
 - 2. Vacation Leave shall be arranged with due regard for the operating needs of the County and to accommodate the convenience of the employee.
 - 3. Leave Requests will be considered on a first come preference basis, but the final decision will be that of the Department Head/Supervisor.
 - 4. Department Head/Supervisor must approve or deny Leave Requests within one (1) week of receipt. Employees must be notified of Leave Requests that have been denied.
 - 5. Department Heads have the right to rescind prior leave approvals, but only under extenuating circumstances. If a Department Head must rescind an already approved Leave Request, the employee will be notified in writing, including the reason that the approval is being rescinded.
- H. **Restrictions**
 - 1. Vacation Leave may not be taken until accrued.
 - 2. Charges against Vacation Leave will not be made in increments of less than .25 hours.

3. At the end of the fiscal year, an employee can carry up to eight (8) weeks of accrued time based on their standard workweek. Any time over this amount will be forfeited.
4. If an employee is called back to work during approved leave and this causes them to be over the maximum amount allowed to be carried into the next year, the employee may be granted permission by the County Manager to carry this time forward.
5. Employees who have exhausted their Vacation Leave, but request additional leave, may be allowed to do so without pay at the discretion of their Supervisor, Department Head, and Human Resources.

I. **Payment of Vacation Leave**

1. Eligible employees who are terminated during their initial probationary period for reasons other than misconduct may be eligible for payment of accrued Vacation Leave. Payment would be based on the employee's regular rate of pay and would be subject to approval by the County Manager or his/her designee.
2. Employees who have completed at least six (6) months of service with the County may be eligible for payment of accrued Vacation Leave upon separation of employment unless they are being discharged for misconduct or disciplinary action. Payment would be based on the employee's regular rate of pay, would be subject to approval by the County Manager or his/her designee, and must meet the following conditions:
 - a. If resigning, the employee must submit a written resignation letter no later than fourteen (14) days prior to the date of separation. Notice may be less if approved by the Department Head.
 - b. The employee shall submit the appropriate Leave Request requesting payment for accrued Vacation Leave to his/her Supervisor/Department Head for approval/denial. The Department Head shall forward the request to Human Resources for further distribution.
 - c. Only full calendar months shall be considered in computing unused Vacation Leave, except for the month of separation in which the employee is eligible for accrual **only** if the employee separates employment on or after the 16th calendar day of the month.
 - d. Payment for accrued but unused Vacation Leave shall not exceed 320 hours for regular full-time employees, and 80 hours for part-time employees.

- e. Except for payment of Vacation Leave upon separation, employees shall not receive compensation in lieu of Vacation Leave.

J. Use of other leave while on Vacation Leave

1. If an eligible employee becomes hospitalized while on approved Vacation Leave, the employee may submit a request to the Department Head with documentation of in-patient hospitalization requesting the Leave Request be changed from Vacation Leave to Sick Leave.
 - a. It is the employee's responsibility to submit a written request to the Department Head requesting the change within three (3) business days.
 - b. If the employee, due to serious illness or injury, is unable to provide a written request, the Department Head shall waive the three (3) day request. It is still the employees responsibility, at such time they are able, to notify their Department Head of the request. The Department Head shall document all correspondence with the employee.
2. The Department Head shall make their decision within one (1) week of receiving the written request and documentation and notify the employee in writing of their decision.
3. If the Department Head approves the request, Payroll must be notified immediately of the required leave record correction.
4. If an employee is allowed to use Sick Leave during a scheduled Vacation Leave, an increase in the maximum number of Vacation Leave hours permitted to accrue shall not be allowed.
4. If an eligible employee is on approved Vacation Leave when a County designated holiday occurs, Holiday Leave will be charged instead of Vacation Leave.

K. Other Guidelines

1. Certain employees work in job classifications that are covered by a collective bargaining agreement with a labor union. Such employees will have a copy of the labor union agreement. Where the information in the agreement differs from County policy and procedures, the bargaining unit employee is subject to the provisions of the agreement (i.e. Firefighters).
2. Some employees may accrue at a higher rate based on their work schedule and/or contract. The County Manager, at his discretion, may approve additional Vacation Leave.

2.5-2 **SICK LEAVE**

POLICY:

- A. Regular, non-temporary employees are eligible to accrue Sick Leave and to be paid for such leave according to procedures. Sick Leave is a privilege and not a right or entitlement.
- B. The County extends the benefit of Sick Leave to eligible employees in order to compensate them for the following purposes:
 - 1. An employee's illness, accident, or injury that is not related or connected with County service.
 - 2. Necessary and reasonable medical and dental appointments for treatment and/or consultation of the employee or the employee's children (under the age of 18).
 - 3. Temporary disability.
 - 4. Exposure to a contagious disease which would endanger others and which necessitates an employee's quarantine.
 - 5. Illness, injury, or death of a member of the employee's immediate family.

V. PROCEDURES:

- A. Employees are encouraged to use their Sick Leave sparingly and to accrue a significant Sick Leave balance to use in case of an emergency or long-term illness.
- B. Successful completion of the prescribed probationary period will entitle the eligible employee to use Sick Leave which has been accrued, but which is unavailable to an employee in initial probationary status.
 - 1. In some rare cases, the County Manager or his/her designee may authorize an employee to utilize Sick Leave that has accrued during an employee's initial probationary period. Such requests must be forwarded with approval and recommendation by the Department Head to the County Manager.
- C. Charges against Sick Leave will not be made in increments of less than .25 hours.
- D. Eligible employees must submit a Leave Request via the County's timekeeping system, to their immediate supervisor for approval to use Sick Leave. Sick Leave may be used only with the particular Management approval and cannot be authorized unless an accrued balance exists.

- E. If an employee is absent for three (3) consecutive workdays without reporting to his/her immediate supervisor with a reason which, in the supervisor's discretion, is sufficient to justify the absence, the employee will be deemed to have resigned (quit without notice).
- F. If an employee is absent for three (3) consecutive workdays, a physician's note is required for the employee to return to work.
- G. It is each employee's responsibility to know what his/her Department requires for proper notification of absence and to comply with such policy.

H. **Eligibility**

All regular, non-temporary employees are eligible to accrue Sick Leave.

I. **Accrual**

1. Regular full-time employees shall accrue eight (8) hours of Sick Leave for each full month of employment (four [4] hours per bi-weekly pay period).
2. Regular part-time employees who work at least 20 hours per work week will accrue Sick Leave on a prorated basis for each full month worked; e.g., a 20-hour/week employee would accrue four (4) hours of Sick Leave per month.
3. During periods of absence, Sick Leave shall accrue only if employee is in an active pay status.
4. Employees will accrue Sick Leave on a monthly basis that will be credited to employees on the second paycheck of each month. No Sick Leave will be accrued for a month during which an employee is not in pay status for the entire month unless the employee is in leave-without-pay status for military service.

J. **Holidays During Sick Leave**

If an employee is in leave-with-pay status due to approved Sick Leave during a time in which a County-designated holiday occurs, the time off will come from holiday pay and will not be deducted from the employee's Sick Leave balance.

K. **Use of Sick Leave while on Other Pre-Approved Leave**

1. If an eligible employee becomes hospitalized while on other pre-approved leave, the employee may submit a request to the Department Head with documentation of in-patient hospitalization requesting the Leave Request be changed to Sick Leave.

- a. It is the employee’s responsibility to submit a written request to the Department Head requesting the change within three (3) business days.
 - b. If the employee, due to serious illness or injury, is unable to provide a written request, the Department Head shall waive the three (3) day request. It is still the employees responsibility, at such time they are able, to notify their Department Head of the request. The Department Head shall document all correspondence with the employee.
2. The Department Head and Human Resources shall make their decision within one (1) week of receiving the written request and documentation and notify the employee in writing of their decision.
 3. If the Department Head approves the request, Payroll must be notified immediately of the required leave record correction.
 4. If an employee is allowed to use Sick Leave during other scheduled pre-approved leave, an increase in the maximum number of leave hours permitted to accrue shall not be allowed.
 5. If an eligible employee is on approved Sick Leave when a County designated holiday occurs, Holiday Leave will be charged instead of Sick Leave.

L. Conversion of Sick Leave to Vacation

All eligible employees who have accumulated over 1,200 hours of accrued Sick Leave may convert new accrued Sick Leave to Vacation Leave on a ratio of four (4) hours of Sick Leave to one (1) hour of Vacation Leave, provided they do not use Sick Leave for two (2) full pay periods preceding the conversion of the accrued Sick Leave. No conversion shall be permitted except in accordance with approved rules.

As a Bona Fide Retiree you may select ONE of the following options: Sick Leave Payout or Conversion of Sick Leave to Health Insurance as outlined below:

M. Sick Leave Payout

Employees that voluntarily end employment and leave in good standing with Osceola County shall receive payment for accumulated Sick Leave hours as follows:
To be eligible for pay out of any sick leave, employees must have 200 hours of sick leave. If the employee has 200 or more hours of sick, the employee will be paid for the first 200 hours. Sick Leave in excess of 200 hours shall be paid pursuant to the schedule outlined below; however, the payment shall not exceed \$25,000:

<u>Years of Service</u>	<u>Percentage</u>
0 through 5 years	20%
5 through 10 years	25%

10 through 15 years	30%
15 through 20 years	35%
Over 20 years	40%

N. **Conversion of Sick Leave to Health Insurance (Bona Fide Retirement)**

Upon bona fide retirement, employees who have at least fifteen (15) years of service may convert their unused Sick Leave balance to a bank for the purpose of purchasing health insurance through the County after retirement.

The employee’s Sick Leave for health insurance shall be applied as follows:

1. Osceola County shall continue to pay the entire amount of the retiree COBRA health insurance premium each month until the converted value (the amount shall not exceed \$20,000.00) of the employee’s Sick Leave bank is exhausted or until the employee is eligible for Medicare, whichever comes first. The retired employee may stay with the same health insurance program as when employed, or elect to decrease their coverage options at the time of retirement or open enrollment periods without underwriting.
2. The converted value of the Sick Leave can only be applied to retiree COBRA health insurance premiums. It has no cash value and it is not transferable to another use or to an heir.

O. Each Supervisor is responsible for determining to his/her own satisfaction that an employee is entitled to Sick Leave usage. The Supervisor may require, via Human Resources, for an employee to present medical evidence from a physician that he/she is physically or mentally unfit to work if the Supervisor has any reason to doubt the employee's claim of illness.

1. If an employee makes a fraudulent or bad-faith claim for Sick Leave, such will be grounds for immediate discharge from employment.

P. Human Resources may direct an employee to undergo a physical, mental or other examination to determine an employee's fitness for duty at any time during the employee's employment.

Q. **Notification**

Each employee is responsible for notifying his/her immediate Supervisor that he/she will be unable to report for scheduled duty due to illness. This notification must be given as soon as the employee knows he/she will be unable to work, and must be given by the employee directly to his/her immediate Supervisor and provided no later than one (1) hour prior to the starting time of the employee's workday. Employees must make every attempt to notify their Supervisors of absence prior to the employee's scheduled work shift.

1. Employees must report unavailability for work each day of absence.
2. If the Supervisor is absent from the work location, the employee may notify the Supervisor's designee or the acting supervisor. It is the employee's responsibility to know the procedure followed in his/her respective department concerning notification to anyone other than the Supervisor.
3. Some Departments may establish more specific requirements for notifications of absences. Prior to distribution of any such procedures, the Department Head will consult with Human Resources for final approval of the content of such procedures.
4. If an employee requests Sick Leave while working, the employee shall report to his/her immediate supervisor to record the date and time of departure.
5. An employee who is claiming Sick Leave payment must notify his/her Supervisor as to the address and telephone number where he/she may be contacted. In the event that during the period of Sick Leave claimed and/or recuperation, such address and/or phone number changes, the employee must notify his/her Supervisor of the change(s).

R. **Excessive Use of Sick Leave**

Excessive use of Sick Leave will constitute grounds for the assumption that the employee is unable or unwilling to perform essential job duties. Abuse of Sick Leave may constitute grounds for corrective action, up to and including termination. Abuse is determined on a case-by-case basis; however, some examples of abuse are:

1. More than three (3) Monday absences in any 12-month period or more than three (3) Friday absences in any 12-month period for an employee who is regularly scheduled to work Monday through Friday;
2. More than three (3) absences in any 12-month period on the regularly scheduled work day following a payday;
3. Routinely taking a sick day as Sick Leave is earned so as to show a pattern, such as one day per month or one day every other month;
4. Routinely taking a sick day directly preceding or directly following a Holiday or pre-approved Vacation Leave; or
5. Sick Leave use in excess of 50% of the employee's total Sick Leave accrual.

2.5-3 **HOLIDAYS**

POLICY: The Osceola County Board of County Commissioners shall annually designate the ten (10) holidays during the calendar year that will be celebrated as paid holidays by the County and its employees. In addition, the Board may grant employees one (1) floating holiday to be used within a calendar year and not carried over year to year.

PROCEDURES:

A. The Commission may alter the designated days by adding to this list, deleting from this list, or changing the recognized dates.

B. **Eligibility**

All active Osceola County Board of County Commissioners' employees are eligible for Holiday pay. Employees in a collective bargaining unit shall be eligible for Holiday pay pursuant to the terms of the Collective Bargaining Agreement.

C. **Pay**

1. On designated holidays, employees will be paid for eight (8) hours of Holiday pay at the employee's regular rate of pay. In addition to holiday pay, full-time, non-exempt employees working on a designated holiday will also receive pay for hours actually worked at their regular hourly pay rate.
2. Hours paid for holiday time will not count as hours worked for purposes of determining whether an employee has worked more than forty (40) hours in a workweek.

D. **Usage**

1. With management approval, the Floating Holiday may be used at the employee's discretion. An employee must satisfactorily complete the initial six (6) months of employment to be eligible for the Floating Holiday.
2. A holiday that occurs on a Saturday or Sunday will be observed the preceding Friday or following Monday.
3. Employees on Sick or Annual Leave when officially designated holidays occur do not have the day of the holiday charged against accrued leave.
4. Employees must be on the active payroll for the pay period in which the holiday falls in order to receive holiday pay.
5. Regular, part-time employees are paid for the official holiday when the holiday falls on a day on which the employee would be scheduled to work.

6. If management determines that an employee must work during a designated holiday, in lieu of receiving holiday pay or double time pay on the designated holiday, the manager may elect to schedule the employee for a day off from the employee's normally scheduled work hours during the same pay period in which the holiday is celebrated. An employee who is provided with a day away from work, although normally scheduled to perform work on that day, will be paid as if he/she worked, in recognition of the holiday that the employee was unable to celebrate.
7. Employees receiving Workers' Compensation are eligible for the amount of holiday pay which will supplement the Workers' Compensation benefit equal to the amount that would be payable if the employee were present for a normal workweek.

2.5-4 **BEREAVEMENT LEAVE**

POLICY: The Osceola County Board of County Commissioners recognizes the importance of bereavement time for a death of a member of an employee's immediate family.

PROCEDURES:

- A. The County provides leave with pay, subject to the restrictions below, when leave is necessitated by a death of a member of an employee's immediate family.
- B. The County may require proof of a death in the employee's immediate family, or proof of the familial relationship to the employee.
- C. A full-time employee shall be granted up to three (3) working days off with pay for Bereavement Leave if funeral services are in Florida and up to five (5) working days off with pay if funeral services are out of state.
- D. Approved Bereavement Leave shall not be chargeable to any other accrued leave, but may be taken in conjunction with other leave.
- E. If an employee makes a false claim of death of an immediate family member, falsifies proof of a death or proof of familial relationship, the employee shall be subject to disciplinary action up to and including discharge from employment.
- F. Bereavement Leave shall not be taken during any leave without pay or other non-pay status.
- G. Eligible employees do not accumulate Bereavement Leave from one fiscal year to the next, and there is no payment for unused Bereavement Leave.
- H. Bereavement Leave shall be reflected on official payroll records.

2.5-5 **ADMINISTRATIVE LEAVE**

POLICY: Regular full-time FLSA designated overtime-exempt employees may be eligible to receive Administrative Leave. Administrative Leave shall be granted at the discretion of a Department Head based upon the determination that a requesting employee has worked or will work sufficient overtime to warrant approval of Administrative Leave with pay.

2.5-6 **JURY DUTY LEAVE**

POLICY: The Osceola County Board of County Commissioners recognizes that participating in Court processes as a juror is among the civic privileges and duties possessed by all citizens. As such, all County employees are bound to the call of Jury Duty when such service is directed.

PROCEDURES:

- A. A regular full-time employee who is summoned to Jury Duty shall be granted time off with pay. Such pay shall not be chargeable to accrued Vacation Leave.
- B. A regular full-time employee who is subpoenaed to appear in Court at a deposition, a mediation proceeding, an arbitration proceeding, and/or other legal proceeding to provide testimony related to official duties and/or is required to attend any of the previously described proceedings as part of their normal job responsibilities, shall be treated as if they were attending to their normal job duties.
- C. If any employee is subpoenaed as a witness other than in the specific circumstances described above, the County shall grant the employee accrued Vacation Leave, based upon the employee's accruals or without pay, to the extent that the Department Head so approves.
- D. The County shall not compensate employees attending to personal legal matters; however, in such instances the employee may request accrued Vacation Leave.
- E. Regular full-time employees must notify their immediate Supervisor upon receipt of a Jury Summons and shall submit a Verification of Jury Services Form signed by the Jury Manager immediately upon the conclusion or continuance of their Jury Duty.
- F. A full-time employee who is summoned to Jury Duty shall be granted time off with pay without charging accrued Vacation Leave.
- G. Employees who are released from Jury Duty prior to the end of their regular workday should contact their Supervisor to determine whether or not to return to their worksite.
- H. Employees shall forfeit any compensation received in connection to their Jury Duty or court appearance when being compensated by the County.

2.5-7 **MILITARY LEAVE**

POLICY: The Osceola County Board of County Commissioners recognizes the invaluable contributions that County employees make to national defense in their service in the Uniformed Services. To this end, the Board is committed to personnel policies that foster such military service and simultaneously accommodate County employees' obligations to the County. The County's policies are pursuant to U.S.C. § 4301 *et seq.* and Florida Statute Chapters 115 and 250.

PROCEDURES:

- A. Employees called to service in the Uniformed Services are eligible to receive full pay for the first 30 days of leave. After the first 30 days, employees will be eligible to receive supplemental pay which, when combined with their military base pay, will bring them to their level of pay prior to being called for military service.
- B. The cumulative length of Military Leave that an employee will be given is five (5) years, except for the following categories of service that are exempt from the time limitation:
 - 1. Service required to complete initial period of obligated service.
 - 2. Service from which a person is unable to obtain a release.
 - 3. Required training for reservists and National Guard members.
 - 4. Service under an involuntary order to active duty during domestic emergency or national security related situations.
 - 5. Service under an order to active duty because of a war or national emergency declared by the President or Congress.
 - 6. Active duty by volunteers supporting "operational missions" for which Selected Reservists have been ordered to active duty without their consent.
 - 7. Service by volunteers who are ordered to active duty in support of "critical missions or requirement" in times other than war or national emergency and when no involuntary call up is in effect.
 - 8. Federal service by members of the National Guard called into action by the President to suppress an insurrection, repel an invasion or to execute the laws of the United States.
- C. Time limits for returning to work depend on the duration of a person's military service as follows:
 - 1. For service up to 30 days, a person must report to their employer by the

beginning of the next regularly scheduled shift after allowance of travel time and an 8-hour rest period.

2. For service of 31-180 days, an application for re-employment must be submitted no later than 14 days after completion of military service.
 3. Service of 181 days or more requires an application for reemployment be submitted no later than 90 days after completion of military service.
 4. The reporting deadlines are extended up to two (2) years for anyone who is hospitalized or convalescing due to a disability incurred or aggravated during their military service.
- D. Osceola County has the right to request that a person absent over 30 days for military service provide documentation that the person's application for reemployment is timely, does not exceed the 5-year service limitation, and that their separation from military service was honorable.
- E. An employee returning to County employment in his/her former position shall be compensated at the same rate which he/she would have received, including all adjustments, had he/she remained continuously in the County's employment.
- F. If the position vacated by an employee who entered military service is reclassified or re-titled during his/her period of military service, such employee shall be entitled to reinstatement in the reclassified position.
- G. If the former position has been eliminated, the employee may be entitled to reinstatement in a position as nearly comparable as possible in salary and duties to the position vacated, if available.
- H. An employee must provide their immediate supervisor advance notice of military service, either written or oral, unless military necessity prevents the giving of such notice.
- I. Whenever possible, the County requests a minimum of ten (10) days advance notice for scheduled Service in the Uniformed Services and Reserve or Guard Training.
- J. The supervisor is responsible for notifying the Human Resources Department of any employee taking military leave.
- K. If an employee taking military leave for Service in the Uniformed Services anticipates that they will be on leave longer than 30 days, they must elect to continue or temporarily suspend health and dental insurance benefits after the initial 30 days period expires.
- L. Employees requesting military leave for Reserve or Guard Training will receive paid

leave for up to 240 hours in any rolling 12-month period of time. Additional military leave will be granted without pay.

1. Osceola County uses the “rolling 12-month” period; each time an employee takes military leave for Reserve or Guard Training, the remaining 240-hour leave entitlement would be any balance of the 240-hour leave which has not been used during the immediately preceding 12 months.

2.5-8 **DOMESTIC VIOLENCE LEAVE**

POLICY: The Osceola County Board of County Commissioners shall comply with the provisions of Chapter 741, Florida Statute which provides victims of domestic violence leave for enumerated reasons related to the employee’s domestic violence situation.

PROCEDURES:

- A. Upon request, employees who have been employed for three (3) or more months are entitled to take up to three (3) days of Domestic Violence Leave in a 12-month period if the employee or a member of the employee’s family or household is the victim of domestic violence or sexual violence.
- B. Domestic Violence Leave is limited to the following:
 1. To seek an injunction against domestic violence.
 2. To obtain medical care or mental health counseling for the victim of domestic violence.
 3. To obtain services from victim-services organizations.
 4. To make the employee’s home secure from or to escape from the perpetrator or the domestic violence.
 5. To seek legal assistance or attend court proceedings related to the domestic violence.
- C. Due to the sensitive nature of domestic violence issues, employers are required to keep confidential all information relating to an employee’s Domestic Violence Leave.
- D. Except in cases of imminent danger, the employee must provide his/her employer with advanced notice of the need for Domestic Violence Leave in compliance with the County’s leave policy.
 1. Employee shall submit a Leave Request to Department Director/Supervisor for approval.

2. If approval is granted, the Department Director may also require that the employee provide documentation of the act of domestic violence for which the leave is needed.
- E. The County is not required to pay employees during Domestic Violence Leave.
 - F. An employee shall first exhaust all Vacation Leave, Sick Leave, or other leave before he/she is entitled to Domestic Violence Leave.
 1. In certain instances, the County Manager may allow an employee to take Domestic Violence Leave without exhausting all other leave.

2.5-9 **FAMILY AND MEDICAL LEAVE (FMLA)**

POLICY: Pursuant to the Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. § 2601 *et. seq.*, the Osceola County Board of County Commissioners shall grant Family and Medical Leave to eligible employees.

PROCEDURES:

- A. Eligible employees may use up to twelve (12) weeks (to include holidays) of leave within a twelve (12) month period following the first day the employee uses leave. This leave may be consecutive or, under certain circumstances when medically necessary, intermittent.
- B. FMLA shall be granted to an eligible employee for any of the following conditions:
 1. Birth, adoption, or foster care of son or daughter.
 2. Serious health condition of the employee's spouse, child, or parent.
 3. Serious health condition that makes the employee unable to complete the essential job functions that are required of their job.
- C. Medical Certification (form will be provided to the employee) shall be submitted to Human Resources within 15 days of request. Failure to do so may result in disciplinary action.
- D. In the case in which a husband and wife are both employed by the County and are entitled to leave under this policy, the combined total amount of FMLA leave to which both may be entitled shall be limited to twelve weeks during a 12-month period for:
 1. The birth or adoption of a child or the placement of a foster child.
 2. The care of a parent with a serious health condition. The parent cannot be an "in-law".

- E. The employee is required to notify their Supervisor at least 30 days (or as soon as is practical) prior to the need for FMLA.
- F. The employee is required to first use all accrued sick time and then vacation time and any remaining time of the twelve (12) weeks will be “leave without pay” (LWOP).
- G. When the employee is able to return to work (within the 12-week period), the County shall return the employee to the same or equivalent position with the same salary, benefits, and responsibilities.
- H. An employee shall be considered to have voluntarily resigned employment if he/she:
 - 1. Fails to return to work upon the expiration of the FMLA; or
 - 2. Advises the County of his/her intention not to return to work.
- I. Employees who voluntarily terminate employment at the end of the FMLA may be required to repay the County the full insurance premiums paid on their behalf during the period of FMLA.
- J. Unauthorized or fraudulent use of this benefit shall result in disciplinary action up to and including termination.
- K. **Military Leave**
 - 1. Eligible employees may use up to twelve (12) weeks of leave for certain qualifying exigencies arising out of a covered military member's active duty status, or notification of an impending call or order to active duty status, in support of a contingency operation.
 - 2. Eligible employees may use up to twenty-six (26) weeks of leave in a single 12-month period to care for a covered service member recovering from a serious injury or illness incurred in the line of duty on active duty. Eligible employees are entitled to a combined total of up to 26 weeks of all types of FMLA leave during the single 12-month period.
- L. **Employee Responsibility**

All employees are required to notify their immediate Supervisor of any time off required. The employee shall give enough basic information (medical details are not necessary) as to allow the Supervisor to make a preliminary determination of the FMLA qualifications.

M. Department Responsibility

1. When an employee notifies his/her Supervisor of a need to take time off, the Supervisor shall obtain enough basic information (medical details are not necessary) as to ascertain if the need is for an FMLA-qualifying event. If so, the Supervisor shall notify Human Resources immediately.
2. The Supervisor shall complete an Employee Status Change Form and submit to Human Resources to document when the FMLA started and shall do the same when the FMLA time has ended.
3. The Supervisor shall document the FMLA usage on Department time sheets.
4. The Supervisor shall document contact with the employee on a “Call Sheet” (see attached form). The completed “Call Sheet” is to be returned to Human Resources when the FMLA time has ended.

N. Human Resources Responsibility

1. Human Resources shall send the employee a Notification of FMLA Rights and Responsibilities (see attached form/memo) along with the Medical Certification Form which is to be completed by the employee’s physician. Failure by the employee to provide the Medical Certification may delay commencement of the leave or may result in denial of the request.
2. Track FMLA usage.
3. Place documentation in personnel file.

2.5-10 WORKERS’ COMPENSATION

POLICY: Workers’ Compensation benefits are payable to employees who are injured or disabled because of an injury or accident arising out of and in the course and scope of their job duties, pursuant to Chapter 440, Florida Statutes, as may be amended.

PROCEDURES:

- A. Any employee who is injured or contracts an illness in the course and scope of his/her employment is responsible for immediately reporting such injury or illness to his/ her Supervisor, and completing an injury report. The duty to report an injury or illness shall begin when the employee knew, or should have known, that the injury was related to the job. All employees seeking medical treatment as a result of a work-related injury shall submit to a drug test as outlined in Policy 2.6-9 Drug/Alcohol-Free Workplace.

1. An employee who fails to timely report such an injury or illness, who refuses to submit to an alcohol and/or drug test, or who is reported by the Medical Review Officer as testing positive for drugs and/or alcohol may become ineligible to receive Workers' Compensation benefits and/or may also be subject to disciplinary action, up to and including termination.
 2. Any Supervisor who receives an injury report but fails to submit the report to his/her Department Head immediately upon receipt, or later than 24 hours after the date of receipt, may be subject to disciplinary action, up to and including termination. Each Department Head must immediately forward injury reports to Risk Management.
 3. If the County receives a fine from the State of Florida for a late reporting of a Workers' Compensation claim, the responsible Department that did not timely report an injury shall have the amount of any fine imposed upon the County deducted from its budget by Human Resources.
- B. An employee who sustains a job-related injury or illness resulting in disability which is compensable pursuant to state law shall have a waiting period of seven (7) calendar days before Workers' Compensation indemnity benefits begin. To be eligible for payments, the employee must be placed out of work by the Workers' Compensation medical provider or be placed on work restrictions which are not able to be accommodated by the employee's assigned department or any other County department. During this waiting period, an employee may elect to use applicable leave, if available. Family Medical Leave will be applied concurrently with Workers' Compensation, if applicable.
- C. If disability continues into the eighth calendar day following the date of injury or illness, normal Workers' Compensation indemnity benefits will begin at the rate of $66 \frac{2}{3}$ of the employee's average weekly wage, in accordance with state law now in effect or as subsequently amended.
1. In addition to the Workers' Compensation indemnity benefits, an employee may elect to receive applicable leave payments equivalent to one-third ($\frac{1}{3}$) of the scheduled daily hours for each day of eligibility for benefits. However, in no case shall an employee's paid leave plus Workers' Compensation benefits exceed 100% of the total amount of an employee's regular pay.
- D. If disability continues into the twenty-first calendar day, the employee will receive Workers' Compensation indemnity benefits retroactive to the date of injury or illness, at the same rate discussed above. Any applicable leave used during the seven (7) day waiting period is eligible to be restored upon the appropriate repayment of the amount of leave to be restored.
- E. Upon returning to work after a work-related injury or illness, absences for follow-up treatment as prescribed by the Workers' Compensation medical provider may be

granted during normal work hours, provided the treatment is not available during non-working hours. The employee may utilize his/her applicable leave balance for such appointments. Absences for follow up treatment may not exceed two (2) hours per day. Any hours over two (2) hours per day will be charged to an applicable leave balance, unless otherwise prescribed for in a Collective Bargaining Agreement.

- F. Determination of the existence of a work-related disability will be made in accordance with state law governing Workers' Compensation claims
- G. If an employee is not receiving any paid leave, the employee shall be deemed to be in leave without pay status. (See Policy 2.5-11 Leave Without Pay.)
- H. **Modified Duty/Return To Work Program**
 - 1. Employees may be assigned to a Modified Duty/Return to Work assignment when temporarily unable to perform their essential job functions due to a work-related injury or illness, provided that the following requirements are met:
 - a. The assignment shall not create a new job but may incorporate or modify a present position on a temporary basis.
 - b. The assignments shall be considered and handled on a case- by-case basis.
 - 2. Employees shall be compensated at their regular rate of pay.
 - 3. There shall be regular communication among Human Resources, the affected department's management team, the employee, the medical provider, and the third-party administrator throughout the course of treatment and recovery.
 - 4. A tracking system shall be established for documentation and to ensure all applicable parties are updated on the employee's status.
 - 5. An employee who fails to report for his/her next regularly scheduled workday or shift upon receiving a Release to Return to Work Notification by the attending physician may be subject to disciplinary action, up to and including termination.
 - 6. If an employee is not medically able to perform the essential functions of their position, the employee may be medically separated from County employment in accordance with the County's Medical Separation procedures (see Policy 2.4-12, Separation from Employment).

7. If an employee has attained maximum medical improvement and is still unable to return to his/her regular duties and no further reasonable accommodations can be made and/or no other suitable employment is available, the employee may be medically separated from County employment.

2.5-11 **LEAVE WITHOUT PAY**

POLICY: It is the policy of the County to permit non-exempt employees to take unpaid absences from work for personal or other reasons while maintaining continuity of their employment.

PROCEDURES:

A. Leave Without Pay may be considered for, but not limited to, the following purposes:

1. Education purposes, provided such absence will not interfere with County operations or level of service, or result in additional expense to the County such as, but not limited to, overtime. The coursework must be designed to enhance the knowledge, skills, and abilities relating to official duties that the employee performs, or for possible advancement with the County. The employee shall provide evidence of enrollment and degree or certification curriculum to Human Resources.
2. Recovery from an illness or disability not of a permanent nature.
3. Certain family and medical needs that meet the provisions of the Family and Medical Leave Act (FMLA).
4. For the period while still employed by the County, the employee is receiving Workers' Compensation.

B. **Conditions**

1. Leave Without Pay may only be authorized in accordance with the relevant authority, which includes the collective agreement or the appropriate terms and conditions of employment.
2. An employee requesting Leave Without Pay shall submit a Leave Request to their immediate Supervisor for approval prior to the requested leave period, which shall include justification for the request.
3. An employee shall utilize all eligible leave with pay before requesting and utilizing Leave Without Pay. (EXCEPTION: Military Leave.)

- a. If requesting and utilizing Leave Without Pay for educational purposes, or for personal reasons other than injury or illness, employee:
 - i. shall not be permitted to utilize accrued Sick Leave; and
 - ii. shall exhaust all accrued Vacation Leave as well as their Floating Holiday.
4. Employees shall not accrue Holiday Pay, Vacation Leave, Sick Leave, or other leaves with pay while on Leave Without Pay, except for such time in leave-without-pay status that has been approved for Military Leave.
5. Leave Without Pay shall be effective beginning immediately after an employee's leave with pay ends. It shall last through the last working day the employee is absent in Leave Without Pay status.
6. Employees shall not obtain, accept, or participate in outside employment (excluding Military Service), during the period of approved Leave Without Pay. Any employee who violates this procedure shall lose all rights to their leave, and if terminated, shall not be eligible for rehire with the County.
7. Except during periods covered by FMLA, an employee who elects to continue group insurance benefits shall personally pay for COBRA coverage while on Leave Without Pay status in accordance with insurance premium collection schedule. If an employee elects not to personally pay for group insurance, coverage for the employee and their dependents shall be terminated.

NOTE: Human Resources shall make every attempt to notify the employee in writing of the potential termination of benefits and provide detailed options available to the employee for continuation of group insurance coverage. It is the employee's responsibility to contact Human Resources in writing of their intention to continue group insurance coverage.

8. An employee shall not be granted more than a six (6) month Leave Without Pay in a rolling two-year period from the last day of unpaid leave.
9. An employee who is returning from Leave Without Pay status lasting more than sixty (60) days may be considered for return to their former position, however, it is not guaranteed that their former position shall be available. If a position is available, an employee may be considered for return to another classification.

C. **Approval**

1. The employee's immediate Supervisor shall forward the employee's Leave Request to the Department Head including reasons for approval/denial of Leave.
2. The Department Head has the authority to approve or deny Leave Without Pay of ten (10) days or less. If approved by the Department Head, requests for Leave Without Pay of more than ten (10) days shall be forwarded to Human Resources for review and is subject to approval by the County Manager or designee.
3. All Leave Without Pay shall be approved in advance, and the employee shall request Leave Without Pay with as much advance notice as possible.
4. All requests and approval or denial shall be in writing with as much advance notice as possible prior to the date of the leave.

2.5-12 **GROUP INSURANCE**

POLICY: Osceola County Board of County Commissioners is committed to establishing a Group Insurance Program for its employees. All regular full-time employees may be eligible for group insurance benefits as established by the County Manager and/or his designee.

PROCEDURES:

- A. Each regular full-time employee will receive upon employment an outline of the benefits offered under Osceola County's present insurance plan.
- B. The County Manager, through Human Resources, as so authorized by the Board of County Commissioners, from time to time will negotiate, approve, execute, and renew group insurance contracts that provide group coverage for County employees.
- C. **Continued or Extension Coverage**
 1. An employee, employee's spouse and/or employee's dependents may have the right to continue medical and dental insurance coverage pursuant to the Consolidated Omnibus Budget Reduction Act (COBRA), 29 U.S.C., S 1161 *et seq.* For more information concerning separation from employment, reduction in hours, death, and/or divorce, which may result in such a change, employees should contact Human Resources.
 2. Employees who have met the eligibility criteria necessary for receiving retirement benefits under the County's retirement plan may continue participating in group insurance for themselves and any eligible dependent. Retirees and their dependents will be offered the same group insurance coverage as offered to full-time active employees at a premium cost of not more than the premium cost applicable to active employees. This coverage is pursuant to Florida Statute Chapter 112.0801 or as subsequently amended.
 3. Employees on leave without pay may continue their group health insurance for themselves and their eligible dependents by continuing to make premium payments on a timely basis and in accordance with procedures established by Human Resources.

2.5-13 **FLORIDA RETIREMENT SYSTEM (FRS)**

POLICY: The Board of County Commissioners provides retirement benefits for employees pursuant to the Florida Retirement System.

PROCEDURES:

A. Pension Plan

1. All regular full-time employees and eligible part-time employees are enrolled in FRS with contributions made by the County on behalf of each employee.
2. Regular full-time employees and eligible part-time employees in regular or senior management must complete six (6) or more years of service and reach the age of 62 to be eligible for retirement. If an employee retires before age 62, benefits are reduced by 5% for each year below the normal retirement age of 62. If an employee completes thirty (30) years of service, the employee does not have to meet the 62-year age limit.
3. Regular full-time employees and eligible part-time employees in the Special Risk Class must complete six (6) or more years of service and reach the age of 55 to be eligible for retirement. If an employee completes twenty-five (25) years of service in the Special Risk Class, the employee does not have to meet the 55-year age limit.

B. Investment Plan

1. All regular full-time employees and eligible part-time employees enrolled in the FRS Investment Plan control where their contributions are made.
 2. All regular full-time employees and eligible part-time employees enrolled in the FRS Investment Plan are vested upon completion of one (1) or more years of service.
- C. All retiring employees shall notify Human Resources no later than 30 days prior to their service retirement date in order to process necessary paperwork.
- D. For questions or to obtain information, employees may call Human Resources or FRS toll-free at 1-888-738-2252. Employees may also access their account via the Internet by going to: www.myfrs.com.

2.5-14 EDUCATIONAL ASSISTANCE

POLICY: To encourage eligible employees to continue formal academic education in areas which shall enhance their contribution to County service, the Osceola County Board of County Commissioners has established a tuition refund program to reimburse in full, or for any part thereof, regular full-time employees for tuition expenses paid by employees in the successful completion of approved course work or training. The program is subject to available funding. While successful completion of a course of study improves an employee's educational background, such accomplishment does not obligate Osceola County to reward

participants with promotion, transfer, reassignment, compensation increase, or other employment-related benefits.

PROCEDURES:

A. Eligibility

1. Employee must be a regular full-time employee.
2. Employee must have satisfactorily completed the initial six (6) month probationary period.
3. Employee must be degree seeking (i.e., Associates', Bachelors', or Masters' degree).
4. Per F.S. 112.063, the coursework must be designed to enhance the knowledge, skills, and abilities relating to official duties which the employee performs.

B. The reimbursement of educational expenses in no way obligates the County to grant time off or leave for the taking or completion of such course or program of instruction.

C. Employees shall not be permitted to utilize any space, personnel, equipment, or supplies of the office by which he or she is employed in the process of fulfilling any of the requirements imposed by the coursework for which he or she is being reimbursed.

D. Educational Assistance Fund

Osceola County Board of County Commissioners may allocate funds each fiscal year for the Educational Assistance program which will be managed by Human Resources. If the allocated funds are exhausted, no further reimbursements will be made for the balance of the fiscal year. This program may be amended or terminated at any time; however, such amendment or termination will have no effect on courses of study previously approved.

E. Maximum Reimbursement

The maximum assistance to be provided to an eligible employee during a fiscal year is \$1,600. To be eligible for Educational Assistance, employees must meet all requirements outlined in this policy. Employees should carefully read through the policy and complete the appropriate paperwork *before* enrolling or registering in any educational program for which a degree will be obtained. Tuition expenses for which an employee is reimbursed or compensated through scholarships or federal grant programs (state, local, federal), including Veteran Administration benefits, may be considered for reimbursement by Osceola County, provided that no employee shall receive tuition refunds greater than for actual expenditures for tuition paid by the employee.

F. **Reimbursement Calculations**

1. Pre-approved courses that are completed through an accredited institution shall be reimbursed using the following schedule:

<u>Grade</u>	<u>Reimbursement</u>
A	100%
B	75%
C	50%
D or below	None

When used in lieu of letter grade:

Pass	100%
Fail	None

2. The reimbursement is based on employee tuition and associated fees only and will not exceed the approved allotment of \$1,600 per fiscal year.

G. **Course Materials**

Employees shall not be entitled reimbursement for mileage or housing/food costs.

H. **Separation**

Should you terminate your employment within two (2) years after completion of a course for which you have received tuition assistance for reasons other than layoff due to reduction in force, you will be required to reimburse Osceola County Board of County Commissioners for all tuition reimbursement sums paid by the County during your last two (2) years of service.

- I. Education Reimbursement Request Forms are located on *Inside Osceola* (Employee Intranet) and through Human Resources.

- J. Employees must submit a completed Education Reimbursement Request Form to their immediate Supervisor for approval.

- K. If the Education Reimbursement Request Form is approved by the immediate Supervisor, it must be submitted to Human Resources within two (2) weeks prior to the beginning of classes.

- L. A copy of the course description from the school catalog or a copy of the course syllabus shall be included with the Education Reimbursement Request when submitted to Human Resources.

- M. Human Resources shall review all Education Reimbursement Requests for approval/denial.

- N. Human Resources shall send out a notification memo to each employee regarding their status (approval or denial) for the program within one (1) week from receipt of employee request.
- O. Employees shall have thirty (30) days after completion of pre-approved course work to submit original proof of grades along with original tuition payment receipt to the Human Resources.
- P. All documentation (grades, receipts, Educational Reimbursement Request Forms) shall be verified by a Human Resources Representative before a Check Request will be made.
- Q. Check Requests shall be submitted to Finance for reimbursement processing.
- R. Finance shall review all submitted tuition reimbursement request for accuracy and process for payment within two (2) weeks of receipt from Human Resources.

2.5-15 **CONFERENCE AND SEMINAR ATTENDANCE**

POLICY: The Osceola County Board of County Commissioners encourages eligible employees to attend conferences and seminars that shall enhance their contribution to County service.

PROCEDURES:

- A. Employees who wish to attend a conference or seminar must obtain their Department Director's approval prior to attending the event by completing a Travel Authorization Request Form.
- B. Eligibility for overtime pay shall be determined in accordance with the Fair Labor Standards Act.
- C. Approved conference attendance shall not be deducted from the affected employee's accrued Vacation Leave or other leave with pay balance.
- D. Mileage and per diem reimbursement shall be made at the rates in effect at the time that travel is completed. These rates are based on the County Administrative Code for mileage and per diem.
- E. Upon return, the employee shall complete a Travel Expense Form in its entirety and attach an itinerary from the conference or seminar, and a "Mapquest" printout verifying mileage.
- F. Employees who are approved to attend conferences or seminars may be required to instruct other County employees on the material presented or concepts learned from the sessions they attend.

- G. Employees shall complete a Conference/Seminar Report Form to share information with other employees.
- H. All forms listed above shall be completed within ten (10) working days after returning from the conference.

2.5-16 **SICK LEAVE BANK**

POLICY: The Sick Leave Bank shall be a benefit available to all eligible full-time and part-time employees who meet established guidelines, and who are experiencing a serious catastrophic illness or injury requiring an extended leave of absence and when all other paid leave has been exhausted. The Sick Leave Bank shall also be eligible to all full-time and part-time employees whose immediate family members are experiencing a catastrophic illness or injury and the employee is serving as the primary care giver for that individual.

PROCEDURES:

- A. Eligible employees who choose to enroll in the Sick Leave Bank shall complete the Membership Application and submit it to Human Resources at any time during the year. Upon acceptance for membership, full-time employees shall have the prorated amount of hours of vacation leave deducted from their vacation leave balance for contribution to the Sick Leave Bank. Part-time employees shall have half the prorated amount of vacation leave deducted from their vacation leave balance.
- B. Membership in the Sick Leave Bank shall automatically renew in October of each year. Eight (8) hours of vacation leave shall be deducted from each enrolled full-time employee's vacation leave balance. Four (4) hours of vacation leave shall be deducted from each enrolled part-time employee's vacation leave balance.
 - 1. If at the time of automatic annual renewal, the enrolled employee's vacation leave balance is less than the renewal deduction amount as outlined above, the hours of leave shall be deducted from other accrued leave as follows: sick leave, floating holiday, or administrative leave.
 - 2. If enrolled employee has insufficient leave accruals to meet the contribution requirement at the time of automatic annual renewal as outlined above, the employee's membership shall be suspended. The employee may renew their membership when able to meet the contribution requirement.
- C. Contributions for annual renewal shall be deducted during the last pay period in October of each calendar year.
- D. The County Manager has the authority to suspend or terminate the Sick Leave Bank program if at any time the program is insolvent.

- E. At the County Manager’s discretion, based on solvency of the Sick Leave Bank program, regular full-time and part-time employees who have reached their limit of vacation leave accrual shall donate the vacation hours they will lose at the end of the fiscal year to the Sick Leave Bank for the benefit of participating employees.
- F. Contributed Sick Leave Bank hours are deducted from the contributing employee's leave balance and are non-refundable.
- G. Enrolled employees who have completed at least six (6) months of continuous service may be eligible to withdraw sick leave hours from the Sick Leave Bank contingent upon approval of the HR Director. The maximum hours enrolled employees would be eligible to receive within a rolling twelve (12) month period are as follows:

<u>Length of Service</u>	<u>Full-time</u>	<u>Part-time</u>
6 months	40 hours	20 hours
7 months	60 hours	30 hours
8 months	80 hours	40 hours
9 months	100 hours	50 hours
10 months	120 hours	60 hours
11 months	140 hours	70 hours
12 months or more	240 hours	120 hours

- H. Sick Leave Bank hours may be used once all accrued leave (sick leave, vacation leave, administrative leave, floating holiday) has been exhausted. Employees will not be eligible to accrue any additional leave while withdrawing hours from the Sick Leave Bank. Additional leave includes sick leave, vacation leave, floating holiday and administrative leave.
- I. Enrolled employees approved for Short Term Disability may utilize the Sick Leave Bank contributions to offset their loss of income up to (but not to exceed) 100% of their current salary once all other leave is exhausted (sick leave, vacation leave, administrative leave, floating holiday). The Sick Leave Bank may not be used in tandem with Long Term Disability.
- J. All requests for withdrawals from the Sick Leave Bank must be submitted on the appropriate application and be accompanied by an approved FMLA physician’s statement form and medical certification indicating the nature and probable duration of the illness or injury. Such requests for withdrawal shall be submitted to the HR Director.
- K. The Sick Leave Bank shall not be used for accident, illness or injury in the line of duty for which Workers’ Compensation has been applied for or is being received, whether it is Osceola County employment or outside employment.
- L. Participation in the Sick Leave Bank does not guarantee hours may be withdrawn from the bank. All hours will be disbursed by action of the HR Director who shall give

consideration to the employee's past sick leave usage. The request must meet the established criteria of the Sick Leave Bank usage.

- M. Usage of Sick Leave Bank hours shall include the following internal procedures:
 - 1. An application form for membership in the Sick Leave Bank.
 - 2. An application form requesting use of sick leave from the Sick Leave Bank.
 - 3. A physician's statement/FMLA form and the employee's authorized release for such information.
 - 4. All Sick Leave Bank records shall be maintained by the HR Director or designee and all such records, not otherwise protected by law, shall be open to inspection at a time and place convenient to the HR Director or designee.
- N. The HR Director shall have final authority in considering, approving or denying requests to withdraw hours from the Sick Leave Bank. Consideration may be given to the requesting employee's prior leave balance, usage rate, and seriousness of the illness or injury in authorizing withdrawal of hours from the Sick Leave Bank.
- O. Cancellation of Sick Leave Bank membership shall only be accepted during the month of September of each calendar year. Cancellation requests must be submitted to HR on the appropriate Sick Leave Bank Cancellation form.
- P. Upon termination of the Sick Leave Bank, separation from employment, or voluntary cancellation, a participating employee shall have no rights to contributed hours from the Sick Leave Bank.
- Q. Any discrepancies identified from payments shall be addressed within the adopted Administrative Code.

Section Six –STANDARDS OF CONDUCT AND CONDITIONS OF EMPLOYMENT

2.6-1 STANDARDS OF CONDUCT AND CONDITIONS OF EMPLOYMENT

POLICY:

A. Purpose

The privilege of service as an Osceola County Board of County Commissioners' employee carries with it the responsibility of performing services according to higher standards of conduct and accountability than those that apply to the private sector. Employees who fail to do this impair efficient governmental operations and deprive Osceola County citizens of their right to effective government. It is the policy of the Osceola County Board of County Commissioners that the County's business be conducted by employees whose duty performance is beyond reproach, both ethically and legally.

B. General Code of Conduct

Osceola County employees shall not, in performing their duties, take any action or fail to act for reasons of: (1) personal advantage or gain for themselves or another; and/or (2) financial advantage or gain of themselves or another; and/or (3) personal animosity or retaliatory intent against another.

C. Conflict of Interest

It is the policy of the Osceola County Board of County Commissioners that Osceola County employees shall not use their office for personal or financial gain, no matter how slight or indirect of the employee or another, nor shall an Osceola County employee engage in conduct creating the appearance of using their office for such an improper purpose. To this end, Osceola County employees must conduct their County business in accordance with the Code of Ethics for Public Officers and Employees, Florida Statute, Chapter 112. Osceola County employees' knowledge of these statutes is presumed by operation of law. Any County employee's violation of this policy or its implementing procedures subjects that employee to disciplinary action, up to and including termination.

PROCEDURES:

- A. Osceola County employees must avoid any action (or failure to act), whether or not specifically prohibited by these Policies and Procedures, which might result in or create the appearance of one or more of the following:
1. Using Osceola County office for private gain.
 2. Giving preferential treatment to, or taking retaliatory action against, any person.

3. Losing complete independence or impartiality in decision-making or taking action.
 4. Making an Osceola County government decision outside of official channels.
 5. Conduct unbecoming of a public service employee, in that it brings discredit upon the employee, fellow employees, the Osceola County Board of County Commissioners, Osceola County government, or public service employees generally.
 6. Engaging in conduct or speech that either undermines the efficiency and/or reputation of fellow employees, County departments, divisions, offices, policies, programs, or actions; or interferes with the reasonable supervision or proper administration of disciplinary actions within County government.
 7. Failing to conduct, and/or direct, and/or coordinate their speech and/or efforts to establish and maintain the highest levels of efficiency, morale, and attainment within Osceola County government.
 8. Making a false official statement, false certification, or false employment recommendation under any provision of these Policies and Procedures or in any manner committing or attempting to commit any fraud preventing or obstructive of the impartial and efficient execution of these Policies and Procedures.
- B. Supervisors are prohibited from dating or pursuing sexual or romantic relationships with subordinates that are under their direct or indirect control.
- C. These standards are substantive behavioral principles, the violation of which may result in disciplinary action, up to and including termination.
- D. As these Policies and Procedures constitute part of the terms and conditions of employees' employment relationship with Osceola County, all employees have a duty to be familiar with them. By virtue of their employment with Osceola County, all County employees are deemed to know these Policies and Procedures and how they impact the employees' employment with the County. In this regard, ignorance of these Policies and Procedures is no defense to any disciplinary action taken hereunder.
- E. All employees have a duty to immediately report to their immediate Supervisors any violations or suspected violations of these Policies and Procedures. Dereliction of this duty, be it negligent, wanton, or intentional, may result in disciplinary action against the employee who fails to report, up to an including termination.
- F. All supervisory personnel to whom the report of a violation or suspected violation of these Policies and Procedures is made have a duty to timely process that report to an appropriate resolution. Any Supervisor who is derelict in this duty, whether by

negligence, callous disregard, or intent, is subject to disciplinary action, up to and including termination.

2.6-2 **POLITICAL ACTIVITY**

POLICY: Under Federal and State law, all Osceola County employees accept that their employment imposes certain limitations regarding the political activities in which they may engage while on duty. All employees shall conduct their political activities in accordance with Florida Statute, Chapter 104, and its implementing regulations in the Florida Administrative Code, or as they may be amended from time to time.

PROCEDURES:

- A. County employees are encouraged to vote in elections. However, to avoid conflicts of interest or public misunderstanding, employees are prohibited from playing an active role in partisan affairs during work hours.
- B. Employees shall not take part in political management or political campaigns during duty or when functioning in an official capacity for the County.
- C. Employees or officials shall not solicit – orally or by letter – or be in any other manner concerned in obtaining assessments, contributions, or services for any political party from any employee or the public during work hours or when functioning in an official capacity for the County.
- D. Political candidates may be greeted and political campaign material accepted for your personal information, but should be removed from public viewing immediately. No campaign material shall be displayed on counters or desks at any time.
- E. No employee shall hold the office of Osceola County Board of County Commissioners. No employee shall hold or be a candidate for any public office while in the employment of the County unless approval is obtained from their Department Head and the County Manager prior to announcing a decision to run for public office.
- F. The above shall not restrict the right of employees to hold membership in and support a political party, to vote as they so choose, to express their opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings after work hours. This also does not restrict employees to campaign actively during non-work hours in all areas of political activity.

2.6-3 **OUTSIDE EMPLOYMENT**

POLICY: Due to the unique demands, privileges and accountability standards applicable to service as a public employee, it is the policy of Osceola County Board of County Commissioners that County employees' first employment-related allegiance lies with the

County. For this reason, the County adheres to the restrictions on outside employment of public employees that are codified in Florida Statute, Chapter 112.

PROCEDURES:

A. Requesting Approval

1. An employee requesting to perform outside employment must complete an Outside Employment Request Form and obtain approval from his/her Supervisor/Department Head.
2. If approval is not granted, a written response from the Department Head must be given to the employee within two (2) weeks of their request.
3. The approval process shall be repeated each time an employee changes outside employment.

B. Conditions of Approval

1. Outside employment shall be one that will not bring disfavor or disrespect upon the employee, their Department, or the County.
2. Such employment shall not involve a conflict of interest or a conflict with the employee's duties.

C. Restrictions of Approval

1. Employees shall not perform outside employment while receiving paid Sick Leave or Family and Medical Leave Act or Worker's Compensation benefits from the County.
2. An employee who is injured, disabled or who becomes ill as a result of their outside employment shall not be eligible for Worker's Compensation benefits from the County.
3. Employees shall not use equipment, facilities, vehicles, or other County property while engaging in outside employment.
4. Employees shall not promote or conduct outside employment, promotion of private business, or personal business for gain within any County building or property during County time.
5. Failure of the employee to immediately report injury, disability, or illness resulting from outside employment, or utilizing Sick Leave during outside employment, shall be subject to disciplinary action, up to and including termination, and recovery of wages and/or benefits paid by the County.

6. Nothing in this policy is intended to interfere with or impede an employee's exercise of his or her rights under The Family and Medical Leave Act (FMLA). Any employee who believes his or her rights under FMLA have been violated by the enforcement of the Outside Employment policy, or any other policy, are instructed to immediately notify the Human Resources Director with their concerns in that regard.

D. **Withdrawal of Approval**

Approval to engage in outside employment shall be denied or withdrawn at any time by the County Manager or designee when it is determined that such activity is interfering with the employees efficiency and/or production, causes discredit, or is in conflict with the best interests of the County. If the County Manager withdraws an approval, Human Resources shall provide notice of this withdrawal in writing to the employee.

2.6-4 **USE OF COUNTY PROPERTY**

POLICY: Employees are expected to exercise reasonable care in the safekeeping, use and preservation of County property. Negligence in the use and care of County property, including abuse, misuse, willful, or negligent loss or destruction may result in disciplinary action and/or restitution. More serious cases may result in civil or criminal action in the courts.

PROCEDURES:

- A. Employees are issued equipment appropriate for their job functions as determined by the Department Head or designee.
- B. All employees shall return all County property to their Supervisor upon request.
- C. Each employee is responsible for promptly reporting in writing to his/her Supervisor any loss, damage, or unserviceable condition of County property.
- D. Immediate Supervisors are responsible for reporting such loss, damage, or unserviceable condition to the Department Head for appropriate action.
- E. Where any County property is to be used for any non-County purpose (e.g., a civic or charitable event), such must be approved by the County Manager/designee in writing.

2.6-5 **USE OF COUNTY VEHICLES**

POLICY: County vehicles shall be used within the scope of the job duties and responsibilities of the County Employee operating the vehicle. When there is a demonstrated advantage to the County, an employee may be assigned a County take home vehicle, authorized by the County Manager, to meet work related transportation needs or to fulfill an on-call assignment. Employees shall only use County vehicles for official County business.

The County Manager shall establish the procedures for the use of County vehicles.

PROCEDURES:

A. Use of County Vehicles

1. Only authorized individuals working within the scope and purpose of County business will use County vehicles. Department Managers are responsible for controlling such use in accordance with these procedures.
2. Only authorized employees are permitted to operate County vehicles.
3. The Department Manager shall ensure that each vehicle operator possesses a current Florida State driver's license for the class of vehicle that they are required to operate.
4. Passengers must be engaged in County business or be performing in a volunteer capacity for the County in accordance with the County's Volunteer policy. Transporting non-County personnel, i.e., family members, friends, hitchhikers, etc., using County vehicles is strictly prohibited, except as approved by the County Manager or his designee.
5. County vehicles shall not be used for hauling personal items/equipment.
6. County vehicles shall be fueled at County facilities only unless traveling outside the County for official County business.
7. Smoking is prohibited in County vehicles.
8. Seat belts are mandatory.
9. Driving while consuming alcohol, illegal drugs, or prescription drugs that prohibit one from driving a motorized vehicle is strictly prohibited while using County vehicles. Transporting alcoholic beverages and illegal drugs in a County vehicle is also prohibited.
10. Operating hand-held cell phones, computers, applying makeup, or engaging in other activity while operating a County vehicle is prohibited.
11. Only authorized County signage shall be displayed on County vehicles. No bumper stickers, window stickers, license plates, or other signs of any kind shall be displayed unless provided by Fleet Management.
12. Risk Management shall be notified if a County vehicle is to be driven out of state.

B. Evaluation of Vehicle Operators

1. Vehicle operators shall be evaluated by their immediate Supervisor and Risk Management concerning their ability to safely operate a vehicle and their continued insurability when:
 - a. They are newly hired prior to driving a County vehicle.
 - b. They have been involved in an accident while on the job.
 - c. There is evidence that the operator has abused a vehicle, demonstrated poor or questionable judgment or an inappropriate attitude.
 - d. They have been convicted of any moving traffic violation, including, but not limited to, reckless driving or a DUI.
2. Risk Management has the authority to obtain and review the driving records for each authorized vehicle operator and report any discrepancies to the appropriate Supervisor, as per the County's Driving Privileges policy.

C. Violations

Vehicle operators who receive a citation for moving violations will be personally responsible for payment of fines and court costs.

D. Incidental Stops/Lunch

1. Employees may make incidental stops with a County vehicle in-route to or from a work location.
2. Employees are authorized to stop for lunch in a County vehicle if it is impractical to drive back to their privately-owned vehicle.
3. Employees located at a County facility shall not take a County vehicle to lunch and return to the same facility unless they have been assigned a take home vehicle.

E. Loaner Vehicles

Fleet Management maintains loaner vehicles for short-term requirements.

F. Authorization for Take Home Vehicles

1. The County Manager or designee determines approval for take home vehicles. It is the responsibility of the department managers to demonstrate to the County Manager that there is a measurable benefit to the County for assigning a take home vehicle.

2. Criteria to be considered include but are not limited to the following:
 - a. Vehicle is an emergency response or emergency call-out vehicle that must be available to be dispatched for service from an employee's home to meet County needs.
 - b. There is a clearly demonstrated cost benefit to the County.
3. The Department Manager shall submit a Justification Report to the County Manager or designee for their consideration for a take home vehicle.
4. If the above criteria are not met, employees shall drive their personal vehicle to an appointed County facility to pick-up their assigned County vehicle for daily work. At the end of the work day, the employee shall return the vehicle to County property and use his/her privately owned vehicle to return home. If an employee is assigned a take home vehicle, the vehicle shall not travel outside of the County limits and shall be parked at the County-owned facility closest to the employee's work site.

G. **Maintenance/Parts**

1. All maintenance and vehicle modifications shall be performed at Fleet Management. Only the Services Division Department Manager can approve services to be performed at other locations.
2. All County vehicle parts shall be obtained at Fleet Management. Only the Services Division Department Manager can approve exceptions to purchase from another location.
3. Employees using take home vehicles are responsible for cleaning and washing the County vehicles. A wash bay is available at Fleet Management. Car washes are not reimbursable by the County.

H. **Responsibility**

1. No vehicle is to be operated with a known safety deficiency.
2. Department Managers will ensure compliance with the following:
 - a. Vehicle operators maintain a current Florida State driver's license for the class of vehicle assigned to operate, including any endorsements required for the operation of special equipment.
 - b. Vehicles are maintained in accordance with Osceola County Fleet Management Operating Procedures.

- c. All County vehicles are used in accordance with these procedures.
 - d. Risk Management is notified of any changes in an employee's driving status, and when an employee receives a moving violation.
 - e. Risk Management is immediately notified of any accidents, regardless of fault, that occur involving any County vehicle and/or an employee's personal vehicle while conducting County business.
3. Vehicle Operators shall comply with the following:
- a. Maintain the proper operator's license.
 - b. All federal, state, and local laws relative to the operation of assigned vehicles.
 - c. Report all accidents in accordance with Osceola County's policy.
 - d. Fasten seat belts prior to operating vehicles.
 - e. Immediately notify both their Supervisor and Department Manager upon any change in status of their driver's license (i.e., upgrading from driver to chauffeur, revocation, or suspension), or of any citations received while operating a motor vehicle.
 - f. Not install electronic equipment or alter the vehicle or any device in a County vehicle.
 - g. Not use evading devices and/or radar detectors in County vehicles.
 - h. Inspect assigned vehicles as needed and prior to their operation. Inspection shall include, but not be limited to, the following safety items:
 - i. Foot Brakes
 - ii. Emergency Brakes
 - iii. Headlights and Tail Lights
 - iv. Turn Signals
 - v. Windshield Wipers
 - vi. Tire Condition/Pressure
 - vii. Mirrors
 - viii. Oil Level, daily or when fueling
 - ix. Damage such as dents, scratches, or cracked windows

I. **Mechanical Failure or Flat Tire**

In the event of a mechanical failure, the vehicle operator shall notify Fleet Maintenance at 407-343-7153 during working hours, or 407-908-0395/0404 during non-working hours. If a flat tire occurs, the operator shall move the vehicle to a safe distance from traffic and change the tire or call Fleet Maintenance for assistance.

J. **Firearms/Weapons**

Employees are not allowed to carry firearms or weapons in a County vehicle unless it is a requirement of their job. Knives with a blade over four (4) inches are considered a weapon.

K. **Disciplinary Actions**

Violations of this vehicle policy may result in disciplinary action in accordance with the County's Personnel Policies and Procedures.

2.6-6 **INFORMATION SECURITY AND ACCEPTABLE USE**

POLICY: The public places considerable confidence in Osceola County to ensure the integrity, accuracy and security of information stored, managed and shared by the County. The intent of an Information Security Acceptable Use Policy is not to impose restrictions that are contrary to Osceola County's established culture of openness, trust and integrity, or that unduly impact the County's operations in a negative way. Osceola County is committed to protecting itself, its citizens, employees, and partners from illegal or damaging actions by individuals, either knowingly or unknowingly. Appropriate measures must be taken to ensure the confidentiality, integrity and availability of information and that access to information is restricted to authorized users.

PROCEDURES:

A. **General Use and Ownership**

1. Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, County issued "smart phones" or personal data assistants (PDAs) with email or internet access, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and FTP, are the property of Osceola County. These systems are to be used for business purposes in serving the interests of the County, and of those we serve in the course of normal operations. However, there are some limited exceptions for personal use as noted in the accompanying Procedures. Inappropriate use or abuse of County Internet/Intranet/Extranet-related systems and devices will subject employees to disciplinary action, up to and including termination.
2. Effective security is a team effort involving the participation and support of every Osceola County employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to

know and understand these procedures, and to conduct their activities accordingly.

3. Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Any personal use of internet service shall be occasional, incidental use. If there is any uncertainty, employees should consult their supervisor or manager.
4. All usage of the internet must meet professional, ethical, and non-offensive standards.
5. Users are forbidden to transmit any unencrypted data over the internet that is classified as sensitive, reserved, or otherwise restricted by Florida Statutes or any applicable Federal law. This also prohibits sending such information unencrypted via e-mail regardless of whether it is being sent to an internal or external recipient. Further, the owner of the data being transmitted must formally authorize the sending of such data over the internet, and the data must be encrypted in compliance with **Information Technology's Acceptable Encryption Use Procedure**.
6. While Osceola County's network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the corporate systems remains the property of Osceola County. Because of the need to protect Osceola County's network, management does not guarantee the privacy of information stored on any host or network device belonging to Osceola County.
7. All information that is created or stored on a County-owned device, including but not limited to email, text messages, and voice mail, is subject to Florida public records laws, and therefore may be disclosed to the public at any time.
8. Information Technology recommends that any information that users consider sensitive or vulnerable be encrypted. For guidelines on information classification, see **Information Technology's Confidential Information and Data Classification Procedure**. For guidelines on encrypting email and documents, please contact the Information Technology Service Desk.
9. For security and network maintenance purposes, authorized individuals within Osceola County may monitor equipment, systems and network traffic at any time, per **Information Technology's Audit Procedure**.
10. Osceola County reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

B. **Security and Sensitive or Confidential Information**

1. The user interface for information contained on Internet/Intranet/Extranet-related systems should be classified as either confidential or not confidential, as defined by **Information Technology's Confidential Information and Data Classification Procedure**. Examples of confidential information include but are not limited to: private, legally protected, personally identifiable information, critical infrastructure, and customer data. Users should take all necessary steps to prevent unauthorized access to this information.
2. Sensitive or confidential information should not be shared with anyone other than persons who are authorized to have such information and have a legitimate business need as a part of performing their job.
3. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. System level passwords should be changed at least every 3 months; user level passwords should be changed every three months.
4. Passwords shall not be kept in conspicuous locations such as under a keyboard or mouse, on a monitor, or in/on a desk. Passwords shall not be inserted into e-mail messages or any other form of electronic communication.
5. At a minimum, passwords must not be a dictionary word or a proper name, and must be substantially different than the user ID.
6. All hosts should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less.
7. Use encryption of information in compliance with **Information Technology's Acceptable Encryption Use Procedure**.
8. Because information contained on portable computers is especially vulnerable, special care should be exercised. Protect laptops in accordance with the “**Laptop Security Tips**”.
9. Users must use extreme caution when opening or viewing e-mail or opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or other malicious code.
10. Users must immediately report all violations of this policy and associated procedures to Information Technology.
11. Information Technology will respond to all security incidents following appropriate procedures.

C. **Unacceptable Use**

The following activities are, in general, prohibited. Users may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services). Under no circumstances is an employee of Osceola County authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing Osceola County-owned resources. The lists below are by no means exhaustive, but attempt to provide a framework for activities which fall into the category of unacceptable use.

1. **System and Network Activities**

The following activities are strictly prohibited, with no exceptions:

- a. Violations of the rights of any person or entity protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by Osceola County.
- b. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which Osceola County or the end user does not have an active license is strictly prohibited.
- c. Storage of personal files, such as pictures, music and documents, on any County-owned host.
- d. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
- e. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
- f. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
- g. Attempting to access or use the account of another.
- h. Using an Osceola County computing asset to actively engage in any sexual conduct, including but not limited to sexual harassment.

Procuring or transmitting material that is sexual in nature or in violation of any applicable federal, state or local law.

- i. Dissemination of racist, sexist, threatening, profane, sexual, or otherwise objectionable language or images is strictly prohibited.
- j. Making fraudulent offers of products, items, or services originating from any Osceola County account.
- k. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, unauthorized modification of data, accessing data of which the user is not an intended recipient or logging into a server or account that the user is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
- l. Port scanning or security scanning is expressly prohibited except when performed by Information Technology as a part of carrying out their responsibilities to manage and secure the County's network and information systems.
- m. Executing any form of network monitoring which will intercept data not intended for the user's host, unless this activity is a part of the user's normal job/duty.
- n. Circumventing user authentication or security of any host, network or account.
- o. Interfering with or denying service to any user other than the user's host (for example, denial of service attack).
- p. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
- q. Providing information about, or lists of, Osceola County employees to parties outside Osceola County if not formally authorized to do so.
- r. The County uses web filtering software. Inappropriate and non-business related web sites identified by the filtering software will be blocked. Attempts by the end user to circumvent or "test" the filtering are forbidden. Users that require access to a blocked site to perform their duties shall contact the Information Technology Service Desk.

Upon verification by Information Technology that the blocked site is a valid site to be used for business purposes, Information Technology will enable access to that site.

- s. Using an Osceola County computing asset to perform work or conduct business or for an outside employer or other business.
- t. Using an Osceola County computing asset to engage in social networking, including but not limited to accessing or updating Facebook, Myspace, or other similar sites.

2. Email and Communications Activities

Sending unsolicited email messages, including the sending of "junk mail" or other advertising material, to individuals who did not specifically request such material (email spam).

- a. Any form of harassment via email, telephone fax, or paging, whether through language, frequency, or size of messages.
- b. Unauthorized use, or forging, of email header information.
- c. Using someone else's email address to solicit email responses to that email account with the intent to harass or to collect replies.
- d. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
- e. Use of unsolicited email originating from within Osceola County's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by Osceola County or connected via Osceola County's network.
- f. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).
- g. Unauthorized sending of email to a large number of County employees through the use of top level organizational email distribution lists, especially for purposes not directly related to an employee's job responsibilities.

D. Telephones, Fax Machines, and Copiers

- 1. Any personal use of County owned telephones, fax machines, or copiers shall be occasional, incidental use.
- 2. Employees are discouraged from incurring long distance charges to the County without prior approval, nor shall employees receive faxes that consume other

than minor amounts of print paper, nor shall they use other than very minor amounts of copier paper for personal use.

E. **Blogging**

Blogging by employees is subject to the terms and restrictions set forth in this Policy. Limited and occasional use of Osceola County's systems to engage in blogging is acceptable, provided that it is done in a professional and responsible manner, does not otherwise violate Osceola County's policy, is not detrimental to Osceola County's best interests, and does not interfere with an employee's regular work duties. It shall be incidental use. Blogging from Osceola County's systems is also subject to monitoring.

1. Osceola County's **Information Technology's Confidential Information and Data Classification Procedure** also applies to blogging. As such, employees are prohibited from revealing any County confidential information or any other material covered by Osceola County's **Information Technology's Confidential Information and Data Classification Procedure** when engaged in blogging.
2. Employees shall not engage in any blogging that may harm or tarnish the image, reputation and/or goodwill of Osceola County and/or any of its employees. Employees are also prohibited from making any discriminatory, disparaging, defamatory or harassing comments when blogging or otherwise engaging in any conduct prohibited by Osceola County policy.
3. Employees may also not attribute personal statements, opinions or beliefs to Osceola County when engaged in blogging. If an employee is expressing his or her beliefs and/or opinions in blogs, the employee may not, expressly or implicitly, represent themselves a representative of Osceola County. Employees assume any and all risk associated with blogging.
4. Apart from following all laws pertaining to the handling and disclosure of copyrighted or export controlled materials, Osceola County's trademarks, logos and any other Osceola County intellectual property may also not be used in connection with any blogging activity.

F. **Workstations**

Employees using workstations shall consider the sensitivity of the information that may be accessed and minimize the possibility of unauthorized access. Osceola County will implement physical and technical safeguards for all workstations to restrict access to authorized users. Appropriate measures include:

1. Restricting physical access to workstations to only authorized personnel.
2. Securing workstations (screen lock or logout) prior to leaving area to prevent unauthorized access.

3. Never installing unauthorized software on workstations. Software should only be installed by Information Technology unless otherwise authorized.
4. In general, information should not be stored locally on workstations. All sensitive or confidential information must be stored on network servers unless otherwise authorized. Exceptions require the use of encryption in accord with the **Information Technology's Acceptable Encryption Use Procedure**.
5. If workstations will be used to access sensitive or confidential information, ensure that monitors are positioned away from public view. If necessary, install privacy screen filters or other physical barriers to public viewing.
6. All workstations shall be continually executing approved virus-scanning software with a current virus database.

G. **Enforcement**

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment. Non-employee users found to have violated this policy may be subject to other corrective and/or punitive action appropriate to their circumstance.

2.6-7 **USE OF COUNTY CELLULAR PHONES**

POLICY: The Board of County Commissioners recognizes that cellular phones are a valuable tool for County officials and employees to enhance their productivity. Cellular phones can provide an efficient and effective method of coordinating work activities, sharing information, and delivering public services with minimal delay. Therefore the County will make provisions so that employees who require a cellular phone in the performance of their job duties as defined through this policy and its associated procedures have access to one. The Board also recognizes the benefits of having a centrally managed cellular phone policy and standardization of cellular phone devices and support.

2.6-8 **SOLICITATION AND DISTRIBUTION OF LITERATURE**

POLICY: The Osceola County Board of County Commissioners believes that because the County's work areas are where the overwhelming majority of the County's business is conducted, these areas are to be devoted to that use to the greatest extent practicable. In this regard, County employees are not to use their work areas as venues for the manual and/or electronic dissemination or distribution of materials or messages which advocate, criticize, denounce, or publicize any sort of economic, legal, political, religious, social, or personal agenda or viewpoint.

PROCEDURES:

- A. No employee shall be permitted to solicit any other employee during working time.
- B. No employee shall be permitted to post or distribute (manually, electronically, or otherwise) leaflets, notices, or other materials during working or non-working time in work areas.
- C. The general public shall not be permitted to enter County premises or property at any time for the purpose of soliciting employees or distributing/posting any written, printed, or other materials except in those areas customarily open to the public, and with proper approval.
- D. It is intended that the above rules shall be interpreted and applied in accordance with applicable law.
- E. Any County employee's violation of these procedures or their underlying policy is grounds for disciplinary action, up to and including termination.
- F. The County Manager or designee must preview and approve all communications for which countywide distribution is contemplated.
- G. **EXCEPTIONS:** County-sponsored events and InsideOsceola.org, the County's intranet, which provides a classifieds section where employees are permitted to post wanted items or items for sale, trade, etc.

2.6-9 DRUG/ALCOHOL-FREE WORKPLACE

POLICY: County employees are prohibited from using, selling, dispensing, distributing, possessing, or manufacturing illegal drugs and alcoholic beverages on County premises, work sites, or in County vehicles. Employees are prohibited from off-premise possession, use, or sale of illegal drugs. In addition, employees are prohibited from off-premise use of alcohol and drugs when such activity adversely affects job performance, job safety, or interferes with the County's ability to carry out its mission.

2.6-10 INFORMATION MANAGEMENT

POLICY: All County employees responsible for or having access to confidential or exempt information, including health information, shall maintain and transact such information in compliance with the applicable laws. It is the policy of the Osceola County Board of County Commissioners that all records, with the exception of exempted or confidential records identified by Florida Statutes, shall be open for inspection by any person.

PROCEDURES:

A. Release of Information by Employees

1. Information that is obtained in the course of official duties shall not be released by any employee unless that employee is charged with the responsibility as part of their official duties.
2. An employee shall not release, disclose, copy, forward, or otherwise dispose of any confidential, exempt or health information unless coordinated with the Department Head, Human Resources, and or the County Attorney/designee.
3. Employees shall not, either directly or indirectly, use their official position within the County or information obtained in connection with their employment, for private gain.

B. Employment References and Verification of Employment

1. Employment References for Separated Employees
 - a. Because of serious legal consequences that can result from a careless or unfavorable employment reference, the County will respond only to **written** requests for information about separated employees. All requests must be referred to Human Resources. The information released will be according to Human Resources policy. Osceola County personnel records are available for review according to Florida Statute, Section 119 (Public Records).
 - b. County employees are prohibited from giving a personal opinion or assessment of job performance in any way as to be reasonably interpreted as an official reference from the County or its agents. Any employee who fails to comply with this policy is subject to discipline, up to and including termination, according to corresponding County policy.
 - c. The County Manager may exercise his/her authority to offer and/or provide a letter of recommendation to a separated employee.
2. Verification of Employment

Verification of employment requests may be made by telephone, in writing, or by fax to Human Resources. The information released will be hire date, position, and salary. Osceola County personnel records are available for review according to Florida Statute, Section 119 (Public Records).

C. **Release of Information to the Media**

1. Except for the Board of County Commissioners, the County Manager, the County Attorney, the Commission Auditor and/or the Chief Public Information Officer/designee, no County employee shall, without prior authorization, disclose information to the media or general public on a simple or critical inquiry.
2. On receiving such an inquiry, an employee shall contact the Public Information Office (PIO) and inform them of the request.
 - a. If unavailable, the employee shall contact the Public Information Office via email and contact their Department Head.
 - b. If the employee cannot speak with the PIO, at no time shall the employee comment to the media.
3. Any employee who violates these procedures shall be subject to disciplinary action, up to and including termination.

D. **Public Records Requests**

1. Florida Statutes 119.07(1)(a) provides “every person who has custody of a public record shall permit the records to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record or the custodian’s designee.”
2. For the purpose of this policy, “reasonable” time to provide access to public records is during normal working hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. A “reasonable” timeframe to provide copies depends upon the volume of records requested, and will normally be no more than 3-5 working days.
3. All requests shall be made through the Public Information Office. Any and all responses for public records requests shall be forwarded to the Public Information Office. The Public Information Office shall determine if review by the County Attorney’s office is necessary prior to release.

E. **Fees**

1. Florida Statutes 119.07(1)(b) provides “if the nature or volume of public records required to be inspected, examined, or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special

service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required or both.”

2. For public record requests requiring more than one-half hour, the applicant will be required to pay the hourly salary of the employee doing the research, copying the records, and/or supervising the applicant’s research.
3. For requests estimated to require more than one hour of a County employee’s time, a *minimum* deposit of \$25.00 will be required (deposit will be adjusted dependent on the volume of the records/research requested). The deposit will be applied to the final cost of the public records request.

4.	<u>REQUEST TYPES AND INFORMATION</u>	<u>CHARGES</u>
	Single-sided copies up to 8 1/2” by 14”	.15 each page
	Double-sided copies up to 8 1/2” by 14”	.20 each page
	Over size copies	Based on the actual cost of duplication
	Certified copy of a public record	\$1 in addition to actual copy cost
	Duplicate audio tape	\$2 (no charge if citizen provides their own tape, unless extensive Clerical assistance is needed)
	Extensive Research	hourly salary
	Minimum Deposit for research requests	\$25 (Deposit will be required (deposit will be adjusted dependent on the volume of the records/research requested). The deposit will be applied to the final cost of the public records request.

2.6-11 **PRODUCTIVE WORK ENVIRONMENT**

POLICY: It is the policy of the Osceola County Board of County Commissioners that time spent on duty for the County is to be devoted, to the greatest extent practicable, to transacting the County's business. In this regard, County employees are to structure their personal affairs so that these matters intrude as seldom as possible in County employees' transaction of County business, regardless of whether that intrusion takes the form of personal telephone calls, e-mail, faxes, personal mail, or visits conducted while an employee is on duty.

PROCEDURES:

- A. All employees shall advise correspondents, businesses, etc., that personal mail, i.e., mail having no reasonable relation to the employee's duties with the County, is to be delivered to the employee's home address and not to the employee's County workplace.
- B. Employees are greatly discouraged from receiving personal visitors during County work time. Such visitations shall be kept at a minimum.
- C. Personal telephone calls and texting should be restricted to break periods. However, in the event that it is necessary for an employee to receive personal telephone calls to their work number during County work time, it is the employee's responsibility to insure that the caller has the exact number and correct extension so that in case of an emergency, the calls will go directly to the proper work area. County toll-free telephone lines shall not be used without prior approval from the employee's immediate Supervisor, and then only in emergency situations. Employees shall reimburse the County for all personal long-distance telephone call expenses that they incur using County property or resources.
- D. Personal e-mail should be kept to a minimum. No explicit or inappropriate e-mail shall be sent from a County computer. Employees shall not view such e-mail on any computer, County-owned or personally owned, while at work or on County property.
- E. Any County employee's violation of these procedures or their underlying policy is grounds for disciplinary action, up to and including termination.

2.6-12 **PERSONAL APPEARANCE**

POLICY: Osceola County employees' work attire should be appropriate for the assigned duties. Employees are expected to present a professional, business-like image. Radical departures from conventional business dress or personal grooming and hygiene standards are not permitted.

PROCEDURES:

- A. Employees are prohibited from wearing any apparel, and are required to conceal any tattoos, that express in either pictures or words:
 - 1. Content of a sexual nature;
 - 2. Sexually, racially, religiously, or ethnically offensive sentiments;
 - 3. Sentiments advocating violence or subversion;
 - 4. Gang affiliations, or otherwise tending to incite violence or disruption in the workplace, or;
 - 5. Other content, which if expressed by other means would violate Osceola County policies.
- B. Employees are prohibited from wearing any apparel that promotes or advertises another company or organization. Apparel with the Osceola County logo is permitted.
- C. Any employee not meeting the standards of this policy or the departmental operating procedures may be subject to disciplinary action, which may include requiring the employee to leave the premises. Employees will be required to use available Vacation Leave or Leave Without Pay for time missed because of failure to comply with this policy.
- D. Some positions in County service require specific uniforms. Employees serving in such positions are expected to comply with the uniform requirement. Uniforms furnished by the County shall not be worn after regularly scheduled working hours.
- E. Each Department Head is responsible for determining what appropriate attire is, including the proper use of assigned uniforms.

2.6-13 **DRIVING PRIVILEGES**

POLICY: Employees driving on behalf of Osceola County Board of County Commissioners shall possess and maintain a valid driver's license. All employees' motor vehicle records shall be reviewed on an annual basis to ensure that County employees continue to meet the

driving standards set by the County's vehicle insurance carrier.

PROCEDURES:

- A. Employees driving on behalf of Osceola County shall possess a Florida driver's license.
- B. Employees shall immediately inform his/her immediate Supervisor in the event the driver's license is denied, expired, suspended, revoked, or restricted.
- C. Upon candidate selection, and on an annual basis thereafter, Human Resources shall review and analyze the employee's motor vehicle record against the County's vehicle insurance carrier's guidelines.
- D. In the event of a Watch Status, the employee shall sign a statement acknowledging that their motor vehicle record will be run on a monthly basis until he/she is deemed clear to drive without restrictions.
- E. In the event of a No Drive Status, Human Resources shall review employee's job description to determine if the No Drive Status results in a loss of job requirement.
- F. In the event of a No Drive Status, the employee and their Supervisor shall sign a statement acknowledging that the employee will not be allowed to drive a County vehicle or their own personal vehicle for County business until Human Resources advises, in writing, that the employee is able to resume driving. Employees on a No Drive Status will not be allowed to drive a County vehicle and are not eligible for mileage reimbursement or car allowance. Once the employee resumes driving privileges, he/she shall be placed on a Watch Status for a period of at least one (1) year.
- G. If the employee does not meet the County's vehicle insurance carrier's guidelines or if the employee loses his/her driving privileges, and the ability to lawfully operate a vehicle is a job requirement, the County may reassign the employee to a position which does not require driving privileges. Any reassignment may result in a pay decrease. Notwithstanding this, the County has no obligation to create a position for the employee and may choose to discipline the employee, up to and including termination. If the employee loses their insurability or driving privileges due to a disability within the meaning of the Americans with Disabilities Act, the County shall make efforts to provide reasonable accommodations to the extent feasible and required by law.
- H. The County Manager has the final authority to designate driving status based on the needs of the County and insurance carrier guidelines for driving qualifications.

2.6-14 **GIFTS AND GRATUITIES**

POLICY: County employees are paid by the County for their duties and are not allowed to solicit any gratuity or gift of value from any outside source. All employees shall comply with the Code of Ethics for Public Officers and Employees, Florida Statute, Chapter 112, and its implementing regulations as may be amended from time to time, and any corresponding ordinance which the Board of County Commissioners may adopt.

PROCEDURES:

- A. Accepting gifts may create or appear to create conflicts of interest in the discharge of their official duties. Employees are encouraged to be aware of this prior to the receipt of such gifts. All gifts accepted must be reported to the employee's Department Head.
- B. Employees should never solicit or accept anything of value, including a gift, loan, promise of future employment, favors or services that would cause a reasonable person to be influenced in the discharge of their public duties.
- C. The intentional or deliberate failure to comply with these guidelines makes an employee subject to discipline up to and including termination.
- D. In order to maintain records of gifts received by County employees and the appropriateness of such gifts, employees shall adhere to the following:
 - 1. Gifts valued between \$51 and \$100 may be accepted, and shall be reported to the Department Head. The Department Head shall forward the Disclosure Statement Form to Human Resources, who will then determine the appropriateness of the gift.
 - 2. Gifts exceeding \$100 in value shall not be accepted.
 - 3. Gifts determined to be unacceptable shall be returned to the outside source.
 - 4. Money shall **never** be accepted by any County employee.
 - 5. Should a Department Head accept a gift up to \$100 in value, they shall submit the Disclosure Statement Form to the County Manager.
- E. The following are items that should never be accepted:
 - 1. Real property, or the use of said property.
 - 2. Tangible or intangible property, or the use of said property.
 - 3. Preferential rates or terms on a debt, loan, goods or services, except as provided in F(3) or F(5) below for approved government business.

4. Forgiveness of a debt.
 5. Membership dues.
 6. Meals costing over \$100.
- F. A gift does not include:
1. An honorarium.
 2. An award, plaque, certificate or other similar personalized gift given in recognition of the recipient's public, civic, charitable, or professional service.
 3. Transportation, lodging, or other related travel costs provided in relation to approved government business.
 4. Meals costing under \$100.
 5. Admissions or similar items provided in relation to approved government business, including but not limited to, education, training, and product familiarization.
- G. The Employee Hotline may be used to report any violation of this policy. Caller may remain anonymous.

2.6-15 **WORKPLACE SAFETY**

POLICY:

- A. The Osceola County Board of County Commissioners is committed to providing a healthy and safe environment for the welfare of the employees and the public they serve, preventing occupational illness and injury. In furtherance of this commitment, the Board will manage and maintain a Workplace Safety Program.
- B. It is the policy of Osceola County to seek continual improvement in its occupational health and safety performance and to ensure the enforcement of this policy and any applicable laws governing employee safety.
- C. Safety is the responsibility of all County employees, and employees are expected to actively and proactively adhere to all safety procedures.

PROCEDURES:

A. Accountability and Responsibility

Accountability and responsibility of Osceola County's Safety Program begins with County Administration supporting and guiding its structure and activities. Implementation and administration of this program is facilitated through the County Safety Coordinator. Department Heads and Supervisors shall actively uphold the policies and procedures as they pertain to the day-to-day operations of their departments and divisions. Each employee is to place safety requirements as first importance in the performance of their work duties at all times.

B. Administration and enforcement of the County Safety Policy will be accomplished by applying the following components:

1. Communication:

A vital piece of the County's Safety Program is effective communication among employees, Administration, Safety Coordinator and the Safety Committee. This will ensure active understanding of the County's Safety Program policies and procedures, demonstrated through on-the-job safety behaviors. Additionally, immediate communication regarding the occurrence of workplace safety incidences, as well as near-miss incidents is expected.

2. Prevention:

For a safety program to be successful, a proactive approach to safety hazards needs to become part of the workplace culture. This means identifying potential risks before they become a problem. Catching potential risks through a comprehensive self-inspection audit is one prevention strategy, coupled with daily observations of work surroundings to identify hazards. Once identified, strategies to modify potential risks must be discussed with management in order to establish procedures to engineer out the hazards.

3. Training:

Employee training is the single most important activity in any organization. Thorough training provides employees with the most efficient and safe methods to perform their jobs. Therefore, it is essential that all jobs be evaluated on their specific safety training needs and that each employee's Supervisor adheres to those requirements to ensure proper and timely training is completed.

4. Investigation:

Prompt reporting of safety incidents as well as near misses begin the investigation process, another vital piece of administering the County's Safety Program. The County's Safety Program supports an active Safety Committee, along with the Safety Coordinator and administrative staff. These individuals serve as a vehicle to conduct incident investigations that include identification

of root causes and strategies to implement appropriate and timely prevention methods.

- C. The safety of each County employee is a shared responsibility. Adherence to this policy will be a measurable component of the individual employee performance evaluation process. Violation of this policy shall be enforced in accordance with the applicable sections of the Osceola County Personnel Policies and Procedures.
- D. It is the County's responsibility to provide safe working conditions for all employees, comprehensive instructions covering safe work practices, and special equipment to protect employees against hazards. The County will give safety precedence over the operational expediency of short cuts and will comply with any applicable laws.
- E. The Safety Committee is charged with, and all County employees are responsible for, promoting accident prevention by actively supporting the Safety Policy and observing the safety regulations.
- F. This policy should not be considered to be comprehensive or sufficient as training materials for all situations. The County provides a more comprehensive Safety Manual, which outlines specific safety training needs for employees. Departments will also be required to provide employees with their departmental Safety Operating Guide (SOG) that will outline job specific safety information.

2.6-16 **EMERGENCY/DISASTER EMPLOYMENT**

POLICY: The County Manager shall initiate employee emergency deployment procedures when deemed necessary upon the declaration of a State of Local Emergency.

PROCEDURES:

- A. The County Manager or designee may at any time during a declared local emergency suspend normal government operations when conditions are such that normal work cannot be performed. Such suspension shall be announced through a declaration suspending routine government operations.
- B. Despite the suspension of government operations, employees may be required to be available to work either before, during, or immediately after an emergency occurs. Employees shall not assume they are not required to work based solely on any media or news reports regarding County closings.
- B. During an emergency or disaster event, employees may be assigned to perform their normal duties or they may be temporarily assigned to work at different job sites specific to an emergency event (i.e., working inside the Emergency Operations Center, Employee Reception Center, comfort stations, evacuation shelters, a staging area or

point of distribution, etc.). Efforts shall be made to assign employees to duties according to their respective knowledge, skills, abilities, and physical capabilities.

- D. All Department Heads shall follow their respective Departmental emergency procedures and timeline. Human Resources and Department Heads shall establish an emergency schedule and identify those positions required to work during the pre-emergency, emergency, and post-emergency phases. Additionally, each Department Head shall designate an alternate contact person should an emergency or disaster occur.
- E. Employees shall be notified of duty assignments either prior to an event, if practical, or when contact is made with the Human Resources, the Department Head or designee. Those who do not have an assignment shall be placed on a standby list, and are to report to a designated location identified by Human Resources. The Department Head or designee shall supply the list of names and their location to the Personnel Unit leader in the logistic section at the EOC.
- F. Employees will be expected to work normal hours during any emergency event unless otherwise instructed. Employees shall make contact with the designated Department contact person prior to regularly scheduled work time to verify work assignment including alternate work location. Employees may be required to work flexible hours in order to accommodate the needs of the people as required by the County during the emergency.
- G. **“Know Your Role” Program**
 - 1. Addressing the needs of Osceola County citizens must continue during an impending or declared local state of emergency and subsequent recovery period. To accomplish this, County BOCC employees shall complete an Employee Disaster Information Form (EDIF) within 30 days of employment. Every employee shall update the EDIF anytime pertinent information changes.
 - 2. Human Resources shall review employees’ EDIF with each department in January, ensuring each employee has provided updated information as necessary, and shall assign each employee a work classification tier (Tier 1 - 4). Additionally, the Office of Emergency Management shall review countywide EDIF assignments annually and before the start of the Atlantic hurricane season.
 - 3. Each employee shall complete the online EDIF document at the link provided by Human Resources. For a detailed review of Employee Disaster Information Form instructions, and a list of Frequently Asked Questions, please visit: <http://insideosceola> – Human Resources – Know Your Role.

4. Employee Duty

- a. **Work Classification Tier:** All employees receive a work classification tier (Tier 1 - 4). This is determined using the current Comprehensive Emergency Management Plan and Employee Disaster Information Form (EDIF).
- b. **Service Priority:** County operations to provide emergency services may supersede normal operations resulting in altering or suspending processing timeframes for personnel actions until the disaster recovery period has ended.
- c. **Alternate Work Assignments:** During the pre-disaster and disaster recovery periods, employees may perform duties other than the essential functions of their position. Depending on the needs of the County, employees may work at different locations rather than their normal duty assignment.
- d. **Monitor Radio/TV Stations:** Employees should monitor local media outlets when a declaration of a local state of emergency exists. The following stations provide information specific to Osceola County:
 - i. 88.3 FM
 - ii. 89.1 FM (Spanish)
- e. **Pre-Assigned Employees (Tier 2):** Many employees are assigned duties assisting with official County disaster response/recovery efforts. These employees will report to their designated worksite when requested/directed to do so.
- f. **Tier 3 Employees:** Employees assigned to Tier 3 should contact the Osceola County Employee Information Line at **407-742-WORK** and report to the Employee Reception Center (ERC) at Osceola Heritage Park Silver Spurs Arena (or other secondary location) when so directed. Employees are reminded to keep their County ID badge with them at all times to aid law enforcement officials during curfews and re-entry.
- g. **Contact with the County:** Regardless of an employee's disaster assignment, all employees must maintain daily contact with the County. If telephone lines are down or conditions exist where contact by telephone is not possible, employees should make contact as soon as possible. Employees are responsible for keeping their department and supervisor informed of their status and activity including careful tracking of all hours worked and the specifics of the work performed.

5. County Duty

- a. Department directors and managers shall ensure all employees have completed the Employee Disaster Information Form (EDIF), and Human Resources shall maintain accuracy of the EDIF data with the Human Resources Information System (HRIS).
- b. Human Resources shall maintain the HRIS database module for entering, tracking, and reporting countywide Employee Disaster Information Forms.

H. Eligibility

1. Essential Non-Emergency (ENE – Tier 3)

Employees classified as Essential Non-Emergency may be directed not to report to their regular job assignment during the pre-disaster, disaster, and post-disaster phases of a locally declared state of emergency or disaster. They may work other assignments and activities as situations necessitate. Reassignment may include, but is not limited to support of the following:

- a. County Staging Area(s)
- b. Volunteer Reception Center
- c. Point of Distribution Sites (POD's)
- d. Food or Services distribution sites
- e. Feeding Stations
- f. Sand bag filling stations
- g. Disaster Recovery Centers
- h. Employee Reception Center (ERC)
- i. Emergency Operation Center or associated facility
- j. Emergency Shelters

2. Emergency Essential (EE – Tier 3)

- a. Employees designated as Emergency Essential are required to perform regular work functions during the pre-disaster, disaster, and post-disaster phases of an imminent or declared emergency. Administrators, Directors, and Managers are responsible for identifying Emergency Essential positions and shall ensure that employees are aware of individual responsibilities by communicating and notifying them of their emergency work assignment prior to the declaration of an emergency. Reassignment of Tier 2 employees may include, but is not limited to support of the following:
 - b. County Staging Area(s)
 - c. Volunteer Reception Center

- d. Point of Distribution Sites (POD's)
- e. Food or Services distribution sites
- f. Feeding Stations
- g. Sand bag filling stations
- h. Disaster Recovery Centers
- i. Employee Reception Center (ERC)
- j. Emergency Operation Center or associated facility
- k. Emergency Shelters
- l. Employees designated as Emergency Essential must maintain contact accessibility with their supervisors. Emergency Essential employees who fail to report to their work assignment may be subject to disciplinary action up to and including termination.
- m. Employees who are unable to report to work should contact their supervisor by telephone. If telephone lines are down or existing conditions prevent contact by telephone, employees are to make contact with their work unit as soon as possible.

3. Emergency Response Support Employees (ERS – Tier 2)

- a. Emergency Response Support employees are those specifically trained through the Osceola County Office of Emergency Management and other authorized agencies to perform in one or more support functions outside their regular work duties.
- b. Trained employees designated in an emergency response support capacity are required to work in emergency functions during the pre-disaster, disaster, and post-disaster phases of a declared emergency. This may include operating in the Emergency Operations Center, the Employee Reception Center, or other designated area in periods of heightened threat conditions.
- c. Emergency Response Support employees must maintain contact accessibility with their supervisors and may be reassigned to an alternative operational supervisor for the duration of the disaster or emergency. Emergency Response Support employees who fail to report to their work assignment may be subject to disciplinary action up to and including termination.
- d. Employees who are unable to report to work should contact their supervisor by telephone. If telephone lines are down or existing conditions prevent contact by telephone, employees are to make contact with their work unit as soon as possible.

4. Emergency Response (Tier 1)
Emergency response employees are those employees in a high-risk category and are generally public safety employees. Work assignment and compensation classification is determined by departmental policy, operational guidelines, and collective bargaining agreement.

I. **Emergency Administrative Leave**

1. In the event an imminent or declared emergency results in disruption of normal County business, the County Manager or designee may suspend normal County operations and direct non-essential employees **NOT** to report to work. The County Manager may grant up to three (3) days paid Emergency Administrative Leave (EAL) to employees who are directed to **NOT** report to work.
2. Hours reported as EAL are not considered as hours worked for overtime purposes. The Essential Non-Emergency Employees returning from approved leave and who are scheduled to report to work during the period of disruption shall be compensated for their normally scheduled work hours using EAL.
3. Temporary employees are eligible for EAL for their previously scheduled shift at the base hourly wage up to a maximum of eight (8) hours within the first 24 hours of the disruption of normal County business.
4. During this period, employees should monitor local radio and television stations for information and instructions on when to report to their job assignments. All employees shall call the Osceola County Employee Information Line at **407-742-WORK**, at least twice daily to confirm a required return-to-work date, time, and location. Employees will call the information line before 7:00AM and again after 7:00PM but no later than 9:00PM.
5. Should the disruption extend beyond three (3) days, employees will be required to use accrued personal leave or use Leave Without Pay. Personnel not required for the direct support of their respective work sites are encouraged to acquire Emergency Response Support Employee classification.
6. The Personnel Unit (HR) will coordinate the Osceola County employee responder effort identified as Essential Non-Emergency. The Personnel Unit and the Office of Emergency Management will regularly publish and distribute a training schedule with required courses to achieve required emergency training.
7. Employees assigned to work during the period when normal operations are suspended will be paid regular wages in accordance with applicable law, County policy, and Union contracts. In addition to regular wages, eligible employees may receive additional emergency compensation at time and a half

(in accordance with the Fair Labor Standards Act FLSA), for time worked during this period. The additional emergency compensation may be paid to all regular and temporary employees, except for the following:

- a. Executive Employees (and those employees “Acting” in Executive Employee classifications at the time of the disaster/emergency situation).
- b. Employees who are members of the Florida Retirement System (FRS) Senior Management Service Class.

J. **Compensation Classification**

1. **Tier 4 Employees**

See Section L below.

2. **Tier 3 Employees**

- a. **Emergency Non-Exempt Pay Classification (ENP):** This classification applies to all eligible non-exempt employees who respond during the time the County Manager or designee suspends normal business. These employees shall be paid Emergency Non-Exempt Pay (ENP). Employees shall be entitled overtime pay in accordance with the Fair Labor Standards Act (FLSA).
- b. **Emergency Exempt Pay Classification (EE1):** This classification applies to all eligible exempt (salaried) employees who respond during the time the County Manager or designee suspends normal business. These employees shall be paid Emergency Exempt 1 (EE1), which is the base salary for all regularly scheduled number of hours worked per workday. Any hours worked over 60 hours shall be paid as additional straight time at the hourly rate each hour.

3. **Tier 2 Employees**

- a. **Emergency Response Support Employee Non-Exempt Pay (EC2):** This classification applies to trained/certified non-exempt employees performing emergency operations work assignments as:
 - i. Emergency Operations Center Command and General Staff
 - ii. Branch Directors
 - iii. Division and Group Supervisors
 - iv. Unit/Team Leaders
 - v. Field Operations Center Coordinators
 - vi. Disaster Mental Health Counselors
 - vii. Points of Distribution (POD) Managers

- viii. Staging Area Managers
- ix. Shelter Managers
- x. Citizen Information Center Operators
- xi. Employee Reception Center (ERC) Coordinators/Managers

Eligible employees shall be paid the base hourly wage and shall be entitled to overtime pay in accordance with the Fair Labor Standards Act (FLSA).

b. Emergency Response Support Employee Exempt Pay (EC3):

This classification applies to trained/certified exempt employees performing emergency operations work assignments as:

- i. Emergency Operations Center Command and General Staff
- ii. Branch Directors
- iii. Division and Group Supervisors
- iv. Unit/Team Leaders
- v. Field Operations Center Coordinators
- vi. Disaster Mental Health Counselors
- vii. Points of Distribution (POD) Managers
- viii. Staging Area Managers
- ix. Shelter Managers
- x. Citizen Information Center Operators
- xi. Employee Reception Center (ERC) Coordinators/Managers

Eligible employees shall be paid the base salary for all regularly scheduled number of hours worked per workday. Additional hours worked over 60 hours shall be paid as additional straight time at the hourly rate each hour.

4. Employees on Leave

Employees on any type of approved leave prior to or during the declared emergency do not receive additional paid time off and are paid according to the original, approved leave request. Employees, whose leave is cancelled by their supervisor in a declared emergency, are compensated according to the pay schedule delineated in this document.

5. Employees Directed Not to Report – Paid Administrative Leave Not Granted

in circumstances where the County Manager has not granted paid Administrative Leave, employees directed not to report to work, or who are unable to report to work, may utilize leave in accordance with existing policies. Otherwise, employees shall be placed on unpaid leave of absence until the declared emergency ends.

K. Disaster/Emergency Labor Tracking

1. Disaster work assignments shall be tracked using the ICS-214 form. It is the responsibility of each employee to ensure an accurate record of work conducted during a disaster.
2. It is each department's responsibility to verify all hours worked. Since departments are responsible for all wages paid to County employees during a disaster/disaster recovery period, departments shall carefully review hours submitted, including those for alternate work assignments. The ICS-214 form shall be verified by the department and forwarded to the Time Unit Leader who is responsible for coordinating payment of all emergency-related hours worked.
3. All departments must maintain accurate timekeeping records during disaster/disaster recovery periods.
4. It is the responsibility of the department director to assure that all grant-funded employees work in accordance with grant requirements.
5. Members of collective bargaining units will receive wages and benefits in accordance with the collective bargaining agreement.

L. Request for Exemption from Emergency or Disaster Duty

1. Employees may be exempt from working during an emergency event upon providing an accepted notice of extenuating circumstances. (Having a spouse who also works for the County, having children, or not wanting to be away from your home during an event are NOT exemptions). It is your responsibility during an event to report as directed to work.
2. Employees requesting exemption from emergency or disaster duty due to extenuating circumstances shall be required to submit an "Emergency/Disaster Request for Exemption from Duty" form to their Department Head. This form shall be completed on an annual basis, and submitted by June 1st each year, or upon a change of circumstances. The form shall provide verifiable documentation of the extenuating circumstances. The Department Head shall review all requests and forward to Human Resources for final approval. The determination of exemption shall be given in writing to the employee. All employees that have been exempted shall be required to use Vacation Leave, if available, otherwise the time off shall be without pay. Any employee who has applied for an exemption and has been denied shall report for duty as assigned or they will be subject to disciplinary action up to, and including, termination.

3. Should an emergency exemption be required after an emergency event, a request shall be made in writing and approved by Human Resources.

M. Failure To Report

1. Any Employee designated as Tiers 1, Tier 2, or Tier 3, must report as directed. Employees who fail to report to their work assignment may be subject to disciplinary action up to and including termination.

2.6-17 **VIOLENCE-FREE WORKPLACE**

POLICY:

- A. It is Osceola County Board of County Commissioners' policy to promote a safe work environment for its employees. In support of this commitment, the Board will work with its employees to maintain a work environment free from violence, threats of violence, verbal or physical abuse, harassment, intimidation, stalking, and other disruptive behavior.
- B. The Osceola County Board of Commissioners has a zero tolerance for workplace violence. Violence and/or threats of violence will not be tolerated; that is, all reports will be taken seriously and will be dealt with appropriately. Such behavior includes oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.
- C. Safety and security are both personal and shared responsibilities. While all members of our management staff are to report inappropriate behavior immediately, the collective involvement of every employee is both important and appreciated. Cooperation from each employee is needed to implement this policy effectively and maintain a safe working environment.

PROCEDURES:

- A. Any individual who commits such acts as outlined above shall be removed from County property, and may be subject to criminal procedures. If the individual is an employee, he/she shall also be subject to county disciplinary action up to and including termination from employment.
- B. Employees shall not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If such behavior is observed or experienced, employees must report it immediately to a Supervisor or Manager. Supervisors and Managers who receive such reports shall seek advice from Human Resources regarding the appropriate steps involved in investigating the incident and initiating the appropriate actions.

C. Prevention

1. In order to prevent workplace violence, it is every employee's duty to understand what violence is, how to identify indicators for potential violence, how to protect themselves from violence, and what to do if they become a victim or witness of workplace violence. Early intervention and awareness strategies are crucial to avoiding or minimizing the occurrence and effects of violence in the workplace.
2. Workplace violence can be actual violence, or the threat of violence against workers or the public. It can occur at or outside the workplace, and can range from threats and verbal abuse to physical assaults and homicide.
3. Indicators: No one can predict human behavior, and there is no specific "profile" of a potentially dangerous individual. However, recognized *indicators* of increased risk of violent behavior have been made available by the "Federal Bureau of Investigation's National Center for the Analysis of Violent Crime, Profiling and Behavioral Assessment Unit," in its analysis of past incidents of workplace violence. The following are some of these indicators:
 - a. Direct or veiled threats of harm;
 - b. Intimidating, belligerent, harassing, bullying, or other inappropriate and aggressive behavior;
 - c. Numerous conflicts with supervisors and other employees;
 - d. Bringing a weapon to the workplace, brandishing a weapon in the workplace, or making inappropriate references to guns;
 - e. Statements showing fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace violence;
 - f. Statements indicating depression (over family, financial, and other personal problems) to the point of contemplating suicide;
 - g. Drug/alcohol abuse;
 - h. Extreme changes in behavior.
4. Other Considerations: To ensure a positive work environment, all Osceola County employees are expected to conduct themselves in an appropriate and professional manner. In addition to the above warning signs, the following are

examples of behavior that are unacceptable and should be reported immediately:

- a. Uncooperative with supervisors and co-workers;
 - b. Belligerent toward customers/public;
 - c. Uses profanity or curses at customers or co-workers;
 - d. Unwanted and/or inappropriate sexual comments;
 - e. Refuses to obey County/Departmental policies and procedures;
 - f. Increased absenteeism on-the-job (productivity drop, appears to lack focus);
 - g. Involved in fights or assaults;
 - h. Stalks co-workers or their families.
5. Employees should look for multiple warning signs, repeated behavior, or escalation. If an employee is unsure whether the behavior should be viewed as an indicator of violence, he/she should speak with his/her Supervisor or Human Resources.

D. **Reporting Workplace Violence**

After taking immediate steps necessary to preserve life and safety, employees are responsible for following these procedures:

1. **VIOLENCE IN PROGRESS**

- a. All employees – **Dial 911.**
- b. Advise 911 Operator of any medical emergencies at the time of the call.
- c. The employee who contacts emergency personnel is responsible to also notify their Supervisor of the situation. The Supervisor is responsible for immediately notifying the Department Head and Human Resources.

2. **POTENTIAL VIOLENCE**

- a. Any employee who becomes aware of a situation involving possible workplace violence should immediately contact their Supervisor.
- b. The Supervisor will contact the Department Head, who will determine

if additional actions are necessary, and if so, will contact Courthouse Security or the appropriate law enforcement agency for their location.

E. **Documentation**

In all situations involving workplace violence, or potential workplace violence, all employees with knowledge of the incident must provide a written statement to their Supervisor. Copies of the reports must be provided to Human Resources. If the occurrence involves co-workers, the Supervisor and the Department Head will determine the appropriate disciplinary actions in accordance with the County Personnel Policies and Procedures.

F. **Domestic Violence in the Workplace**

1. Domestic Violence is abusive behavior that is physical, sexual, and/or psychological, and intended to establish and maintain control over a partner. Domestic Violence is a serious problem that affects people from all walks of life. It can adversely affect the well-being and productivity of employees who are victims, as well as their co-workers. Other effects of domestic violence in the workplace include increased absenteeism, turnover, and health care costs, and reduced productivity.
2. It is important that all employees know how best to respond to the effects of domestic violence in the workplace. In addition, employees should also be aware of physical or behavioral changes in other employees and to communicate their concerns to their Supervisor, and do not attempt to diagnose the employee.
3. Supervisors and Department Heads shall:
 - a. Be responsive when an employee who is a victim or perpetrator of domestic violence asks for help. Contact Human Resources for information regarding the County's Employee Assistance Program (EAP), and make that information available to the employee.
 - b. Maintain confidentiality. Information regarding the employee should only be given to others in order to provide assistance and security to the affected employee or other employees of Osceola County.
 - c. Work with the victim, Human Resources, and Security or other appropriate law enforcement agency to assess the need for and development of a workplace safety plan for the victim.
 - d. When necessary, adjust the employee's work schedule and leave time, when practical, to allow for medical appointments, legal appointments, relocation and counseling. (See Domestic Violence Leave Policy.)

- e. Honor all civil protection orders.
 - f. Consider steps needed to be taken to provide safety for other employees, customers, citizens, and visitors.
4. Options for employees who are victims of domestic violence:
- a. Tell a trusted co-worker, Supervisor or Department Head of your circumstances and ask for assistance.
 - b. Contact the County Employee Assistance Program (EAP) for assistance.
 - c. Notify your Supervisor of the possible need to be absent, and work with management to arrange leave options and work schedules which may be available for you. Be clear of your plan to return to work and maintain communication with your Supervisor during your absence. (See Domestic Violence Leave Policy.)
 - d. If appropriate, and if safety is a concern, submit a recent photograph of the abuser and a copy of your protection order to your Supervisor. This will assist management and co-workers in identifying the abuser should they appear at your work location.
 - e. Keep a copy of your protection order with you at all times, if one is available.
5. Options for employees who are perpetrators of domestic violence:
- a. Tell a trusted co-worker, Supervisor or Department Head of your circumstances and ask for assistance.
 - b. Contact the County EAP for assistance.
 - c. Enroll in a certified domestic violence treatment program.
- G. Workplace violence can have a devastating effect on the productivity of an agency and on the quality of life of its employees. Osceola County's goal is to maintain a safe and comfortable workplace for its employees. This goal can be achieved only through the commitment and efforts of all County officers and employees.

2.6-18 **EMPLOYEE COOPERATION**

POLICY: The Osceola County Board of County Commissioners takes pride in its employee relations that involve all employees working together. This policy is intended to create a system of shared responsibility between employees when responding to job-related

investigations, hearings, depositions, meetings, inquiries or proceedings conducted by any person authorized by law or employees authorized by the County.

PROCEDURES:

- A. All County employees shall cooperate and appropriately respond to any job-related deposition, investigation, meeting, hearing, inquiry, or proceeding conducted by any person authorized by law or by the County.
- B. Any County employee who willfully refuses or fails to appear, or appears but refuses to answer any questions relating to matters arising out of County employment, shall be subject to immediate termination from employment with the County for insubordination.

2.6-19 **LEGAL ISSUES**

POLICY: An employee is responsible for notifying their immediate Supervisor or other authorized official when arrested, when subpoenaed and the subpoena is related to their job, when information has been filed by a prosecuting official against the employee for an offense or violation of the law, and/or when indicted by a Grand Jury. The County Manager/designee will confer with the County Attorney to determine the appropriate course of action to be taken by the County.

PROCEDURES:

- A. An employee who has been arrested, has had information filed against them by a prosecuting official for an offense or violation of the law, and/or has been indicted by a Grand Jury, shall notify their immediate Supervisor within 24 hours. This can be done verbally or in writing. Upon notification, the Department Head, Human Resources, and the County Attorney's office shall determine what action is to be taken, if necessary. This determination shall be based on the seriousness of the arrest and/or charge.
- B. An employee shall notify their Supervisor/Department Head of a moving traffic violation when it involves a County vehicle and/or if the employee is responsible for driving a County vehicle. The employee shall report the incident no later than the next business day. The Department Head shall notify Human Resources immediately. Human Resources and Risk Management shall determine, on a case to case basis, whether the employee shall remain on the job, be suspended with pay or without pay, or be terminated.
- C. If an employee pleads nolo contendere or guilty to any charge, or is tried and found guilty of crimes involving moral turpitude, the employee may be discharged from employment with the County immediately without an appeal or grievance process.

- D. In the event an employee is tried and acquitted, or the information or indictment is dismissed or quashed, the affected employee's Department Head shall notify Human Resources. Human Resources shall review the affected employee's employment status regarding reinstatement, re-employment, and/or continued employment.
- E. Any County employee's violation of this policy or its implemented procedures is grounds for disciplinary action, up to and including termination.

2.6-20 **ATTENDANCE**

POLICY: All County employees are expected to report to work on time as they are scheduled.

PROCEDURES:

- A. This policy applies to all County employees and prohibits excessive tardiness. The County assumes a commitment to regular attendance. Employees are expected to report for duty as scheduled and to notify the designated departmental representative in a timely manner whenever they are unable to do so.
- B. The intent is to promote a high level of attendance through a cooperative relationship between Management and employees. By working with an employee who has a poor attendance record, Management can help the employee correct problems related to excessive tardiness.
- C. **Attendance**
 - 1. Employees are expected to be present for work every day they are scheduled to work. This includes telecommuters, who have been approved to work from home or other remote site, but still have a specific work schedule.
 - 2. Employees are expected to report for work on time and complete their regularly scheduled workday.
 - 3. If an employee must be absent or late, it is the employee's responsibility to notify his/her Supervisor/designee. This notification must be given as soon as the employee knows he/she will be tardy or unable to work, and must be given by the employee directly to his/her immediate Supervisor. Notification of absence must be provided no later than one (1) hour prior to the starting time of the employee's workday. Employees must make every attempt to notify their Supervisors that they will be late prior to the start of the employee's scheduled work shift.

4. Employees who fail to report for duty without contacting their Supervisor/designee for two (2) consecutive workdays shall be disciplined, up to and including termination.
5. Employees who fail to report for duty without contacting their Supervisor/designee for three (3) consecutive workdays shall be considered resigned.
6. Employees are required to record their actual work in accordance with the Fair Labor Standards Act (FLSA).
7. Employees working overtime without prior authorization shall be subject to disciplinary action, up to and including termination.

D. **On Time**

1. An employee who reports to work at any time after the employee's regular starting time is considered to be tardy.
2. Employees are considered tardy if they fail to report to their assigned work place at the scheduled time, including returning from breaks or lunch.

E. **Excessive Tardiness**

1. An employee who abuses tardiness to the point it becomes excessive shall have disciplinary action taken in order to correct the abuse.
2. If any employee who has received disciplinary action continues to abuse this standard, they shall be subject to further disciplinary action, up to and including termination.
3. Departments are advised to develop and communicate to employees departmental guidelines that indicate both the needs of the Department and the importance of timely and regular attendance.

F. **Exceptions**

1. As job conditions vary from job to job, an employees working hours may also vary according to the schedule set by the Department Head.
2. Flexibility in the regular workday is permitted providing operational efficiency is maintained, and an employee has approval from their Department Head.

2.6-21 **TELECOMMUTING**

POLICY: Telecommuting is a privilege which may be granted under appropriate circumstances to high performing employees whose job responsibilities are suited to such an arrangement.

2.6-22 **TIMEKEEPING**

POLICY: Accurately reporting/recording time worked is the responsibility of every employee in a non-exempt (hourly) position. In addition, it is the responsibility of Management to review and approve direct subordinates' time records. An accurate record of time worked must be kept in order to calculate employee pay and benefits.

PROCEDURES:

A. **Time Worked**

Time worked includes all time that an employee is required to be physically at work for the organization. Time worked is used to determine overtime pay required for non-exempt positions. The following provisions are included as time worked:

1. **Work Away from Premises or at Home**

Those employees in non-exempt (hourly) positions shall not be permitted to perform work away from the premises, job site, or at home, unless approved in advance by Management. If approved, work performed off the premises, job site, or at home by this employee will be counted as time worked.

2. **Break Time**

Rest periods of 15 minutes or less are counted as time worked. Employees may be eligible for a 15 minute break at Management discretion. Employees must seek Management approval prior to break.

B. **Time Not Worked**

Per the Fair Labor Standards Act (FLSA), the Osceola County Board of County Commissioners does not count the following provisions as time worked:

1. **Paid Leave**

Approved paid absences, including but not limited to Sick Leave, Vacation Leave, Holidays, FMLA, Military Leave, Jury Duty, Bereavement Leave, and Voting time off (all of which are not counted as time worked).

2. **Meal Periods**

Uninterrupted time off for a meal is not counted as time worked provided time off is for thirty (30) minutes or more.

C. Timekeeping (Kronos)

1. Employees in non-exempt (hourly) positions must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period through the use of Kronos. They must also record the beginning and ending time of any departure from work for personal reasons. Typically, employees will register four (4) punches per work day. Per Management, punches will be registered on a bio-metric time clock, workstation computer, or telephone.
2. It is the employee's responsibility to record and review his or her time record in Kronos to certify the accuracy of all time recorded. The employee's immediate Supervisor shall daily review the time record and search for any discrepancies. Bi-weekly, the Supervisor will electronically approve the previous pay period's time records. The Department Head (or designee) will approve his/her Department's time records, transmitting it to Payroll for processing. In the event of an error in reporting time (e.g. missed punch), employees must immediately report the problem to their immediate Supervisor.
3. Altering, falsifying, tampering with time records, or recording, or entering, time for or on another employee's time record may result in disciplinary action, up to and including termination of employment. Kronos includes an audit trail that can display any changes to an employee's timecard.
4. During a particular workweek, any leave time taken must *not* contribute to total work hours exceeding usual weekly hours. Management must adjust schedules by flexing time to ensure weekly hours do not exceed the usual amount.
5. Each Department Head is responsible for the method and approval process/procedure of timekeeping to ensure accurate timekeeping records.
7. Time records must be reviewed and approved by Department Management prior to payroll submission.

2.6-23 FRAUD PREVENTION AND DETECTION

POLICY: Osceola County Government is committed to establishing a work environment that supports the prevention and detection of fraud. As such, the Fraud Prevention and Detection procedure provides guidance to all County employees concerning what the County considers fraud, indicators of fraud and fraud prevention controls. County employees must, at all times, comply with all applicable laws and regulations. The County will not condone the activities of employees who achieve results through violation of the law or unethical

business dealings. The County does not permit any activity that fails to stand the closest possible public scrutiny.

Section Seven – DISCIPLINARY ACTIONS AND GRIEVANCES

2.7-1 OFFENSES AND DISCIPLINARY ACTIONS:

POLICY: Employment as a public servant is a privilege that demands the best efforts of anyone who is honored with the opportunity. A County employee’s commission of misconduct or unsatisfactory duty performance will make that employee subject to corrective action or termination, depending on the evaluation of all the circumstances surrounding the situation. Neither this policy nor its implementing procedures alters the at-will employment relationship that exists between the County and its employees. This means that employees are free to terminate their employment at any time, for any reason, and Osceola County retains that same right. To this end, the County reserves the right to administer discipline in any manner it sees fit. This policy and its implementing procedures are not to be considered as a promise of specific treatment.

PROCEDURES:

A. Types of Major Offenses

1. Insubordination
Failure, or unreasonable delay, in carrying out specific instructions given by any Supervisor; blatant disregard of supervisory instructions; failure to cooperate with supervisory directives.
2. Dereliction of Duties
Willful failure of duty, or deliberate or conscious neglect of duty.
3. Physical Harm/Assault
Assault on or inflicting bodily harm on another employee, Supervisor, or member of the public.
 - a. Assault is defined as an indirect or direct threatening or aggressive act or language toward another employee, Supervisor, or member of the general public.
4. Theft or Pilfering
Possessing, taking, destroying, or tampering with County property without proper authorization.
5. Abuse of County Property

Willful or malicious destruction, negligence, or abuse of County property, equipment, or facilities; damage to property by failing to use proper equipment, care, and/or good judgment.

6. Drug/Alcohol Use and/or possession
Using alcohol or a controlled substance, or having alcohol and/or a controlled substance in his/her possession while on County property and/or on County work time; possession, use, or sale of alcohol or a controlled substance on County property and/or County time.
7. Violations of Law
 - a. Pleading guilty or nolo contendere to a felony, job-related misdemeanor, or misdemeanor involving moral turpitude.
 - b. Being arrested, charged, or found guilty of a traffic offense, felony, job-related misdemeanor, or misdemeanor involving moral turpitude.
 - c. Failure to notify Supervisor or appointing authority that information has been filed against him by a prosecuting official.
 - d. Gambling on County time and/or property.
8. Incarceration
Failure to notify a Supervisor of an employee's incarceration for an offense, charge, or alleged crime.
9. Conflict of Interest
Beginning or maintaining an outside personal or business economic relationship which affords present or future financial benefits to the employee by securing advantage of goods, services, or influence due to position of the employee with the County.
10. Safety Violations
Unauthorized possession and/or use of weapons, ammunition, or explosives; neglect for the safety of others or the commission of unsafe acts in the use and care of County property or equipment.
11. Illegal Driving
 - a. Issued driver's license has expired, or has been denied, restricted, revoked or suspended during employment.
 - b. Failure to notify Supervisor if license becomes denied, expired, restricted, suspended, or revoked, where valid driver's license is required in employee's job description during employment.

- c. Driving a private or county vehicle while on County business when not possessing a valid driver's license.
- d. Permitting unauthorized individuals to ride in or drive a County vehicle.

12. Nepotism

Hiring or recommending the hiring of a relative in the same Department or Division over which one has some degree of authority.

13. Gifts and Gratuities

Employee acceptance of loans, advances, gifts, gratuities, favors and/or entertainment from a supplier, bidder, or other parties doing business or having an interest in/with County government.

B. Types of Lesser Offenses

1. Dangerous Horseplay

Pranks resulting in physical harm or property damage.

2. Misconduct

- a. Smoking in restricted areas.
- b. Parking in an unauthorized parking area reserved for County vehicles.
- c. Any act or language which adversely affects morale, production, or the maintenance of discipline.
- d. Rudeness or acts of disrespect to the public, Supervisors, or co-workers.

3. Absenteeism/Unauthorized Absences

Habitual or excessive absences from work even if caused by legitimate illness.

- a. Unauthorized absence is defined as failure to report for work for one or more workdays without approval.
- b. Failure to report for three (3) consecutive working days is considered a major offense.

4. Tardiness

Failure to be present at the beginning of the workday, start of a work shift, or when work assignments are being issued.

5. Leaving Assigned Work Area
Leaving assigned work area or work site, except for emergencies or when approved by the Supervisor.
6. Misuse of County Time
Sleeping or other acts of inattention or neglect of duty.
7. Abuse or Violation of County Policies
Abuse or violation of County policies including Personnel Policies and Procedures, any Department Operating Policies and Procedures, or otherwise established rules and regulations not constituting a major offense.
8. Incompetence
Incompetence or inefficiency in the performance of assigned duties.
9. Inducement
Attempting to induce any officer or employee of the County to commit an action in violation of any lawful or reasonable policy or regulation.
10. Safety Violations
Failure to observe County safety practices and regulations.
11. Loss of job requirements
Loss of a required license or certificate or other job requirement during employment.
12. False Statements
Making intentionally false statements, either verbally or in writing, about the County, other employees, themselves, supervision, or work situations.
13. Outside Employment
Failure to obtain appropriate approval to participate, or continue participation in, employment other than with Osceola County.
14. Personal Use of County Property
Personal use of County equipment, materials, tools, supplies, without written permission of the issuing Department Director.
15. Promotion of Private Business
Promotion of private business for gain within any County building, property, or on County time.
16. Personal Calls, Mail, and e-mail
Receiving a large amount of personal phone calls, personal mail, or personal e-mails while on County compensated time such that there is a negative impact on the work operation of the employee or his/her Department.

C. **Disciplinary Guidelines**

1. Examples of misconduct provided in any rule do not limit the generality of such rule. There is no mechanical or precise formula for determining the type of discipline appropriate in any case, except for violations of major offenses for which termination is the appropriate disciplinary action. However, conduct which constitutes a lesser offense should be decided on an individual basis and generally follow a progressively stringent corrective course until the affected employee either recognizes the need for correcting a deficiency, corrects deficiencies, or failing this, should be discharged from employment. At a minimum, the County will attempt to consider the following factors in determining the best course of disciplinary action:
 - a. The seriousness and circumstances of the particular offense.
 - b. The employee's past record, length of service, performance, disciplinary records, and the type of work performed by the employee.
 - c. The lapse of time since the employee was last disciplined, and frequencies of disciplinary problems.
 - d. County practice in similar cases.
 - e. Impact on the employee and implications for other employees.
 - f. Available justification and objective documentation to support the action, given an appeal.
 - g. Any extenuating circumstances which may exist.
2. **EXCEPTION:** These considerations do not apply to first occurrences of major offenses where termination is appropriate.
3. Department Heads and Administrators may be suspended or discharged with or without cause in the sole authority of the County Manager under the Charter.

D. **Types of Disciplinary Actions**

Acceptable disciplinary actions may, depending upon the circumstances, include, but will not be limited to, the following:

1. **Oral Warning**
 - a. An oral warning should be administered and documented by the affected employee's immediate Supervisor for the first occurrence of a lesser offense; or when the Supervisor first observes less than acceptable performance from the affected employee.

- b. An oral warning should be given as soon after the violation as practicable and should be given after the most recent basis for the oral warning has come to the employee's immediate Supervisor's attention.
- c. Although an employee's immediate Supervisor will generally initiate an oral warning, administer it, and properly document issuance of an oral warning in the employee's personnel file, any higher-level Supervisor also has the authority to issue oral warnings to subordinate employees within respective Departments.
- d. Oral warning notices shall contain the following:
 - i. An explanation of the offense or problem;
 - ii. An explanation as to why the offense violates County policy;
 - iii. An outline which prescribes or identifies the corrective action expected by the County and the date or timeframe by which improvement must be accomplished, and;
 - iv. A statement of the consequences to the affected employee if the undesirable conduct or performance continues.

2. Written Reprimand

- a. A written reprimand will normally be administered and documented by the affected employee's immediate Supervisor, when less-severe disciplinary action has been unsuccessful and/or corrective action has not been taken by the employee for the initial serious offense, and/or for repeated minor offenses.
- b. A written reprimand should be given as soon after the violation as practicable, and usually should be given after the most recent basis for the written reprimand was known by the employee's immediate Supervisor.
- c. Although an employee's immediate Supervisor is normally the person to initiate, administer, and document written reprimands, any higher-level Supervisor also has the same authority, within respective Departmental parameters.
- d. Written reprimands shall contain the following:
 - i. An explanation of the offense or problem;
 - ii. An explanation as to why the offense violates County policy;

- iii. An outline which prescribes or identifies the corrective action expected by the County and the date or timeframe by which improvement must be accomplished, and;
- iv. A statement of the consequences to the affected employee if the undesirable conduct or performance continues.

3. Demotion

- a. An employee can be demoted to a position with a lower pay rate in the same pay grade and/or to a position in a lower pay grade.
- b. A demotion would be appropriate, for example, when it appears that an employee does not deserve to remain in his/her former position by reason of his/her poor performance and/or conduct warranting imposition of discipline.
- c. The following information shall be documented:
 - i. Any oral warnings and/or written reprimands containing an explanation of the offense or problem;
 - ii. Outline of Performance Improvement Plan (PIP) if one was administered;
 - iii. Outcome of corrective action.

4. Suspension

- a. The immediate Supervisor or other reviewing Supervisor may recommend the suspension of an employee to the Department Head, for ultimate approval by Human Resources.
- b. Suspensions constitute disciplinary time away from the job, usually without pay.
- c. Suspensions should be considered and initiated when:
 - i. less-severe disciplinary actions have been unsuccessful;
 - ii. an employee fails to make corrective action as identified in previous disciplinary actions; or
 - iii. as preliminary disciplinary actions pending investigation of major offense(s); or

- iv. the severity of the offense warrants discipline of suspension.
- d. Suspensions shall be for a period of no less than one (1) working day and shall normally not exceed five (5) consecutive working days or shifts. If suspension is initiated, it shall be effective the day action was taken. Exempt employees shall only be suspended for five-day increments.
- e. Suspension actions should be given soon after the violation as practicable, and should be given after the most recent basis for the suspension becomes known to the employee's immediate Supervisor.
- f. All suspension actions without pay must have the prior approval of Human Resources prior to the disciplinary discussion with the affected employee.
- g. Suspension actions may serve as interim disciplinary action when termination is warranted as a result of the employee's offense for the reasons that:
 - i. Sufficient time is allowed for a thorough investigation of the offense and circumstances.
 - ii. Such action provides the opportunity for the Supervisor to request and/or accept written, signed statement(s) from the affected employee.
 - iii. Time is provided for careful and well-reasoned documented determinations.

5. Pre-Determination

- a. Prior to any involuntary termination of employment, demotion or suspension without pay, the affected employee shall receive written notice of the proposed action, which shall include a written statement of the reasons for such action and provide the affected employee with an opportunity to rebut such reasons.
- b. The affected employee shall then have the right and opportunity to respond in writing to the proposed action and the reasons therefore, and/or orally respond to such matters before the person having the responsibility for making such decision.
- c. Following completion of such procedures, the person responsible for the employment decision will notify the affected employee in writing of the final decision.

- d. Eligible employees have the right to challenge the employment decision by using the grievance procedure set forth in Personnel Policies and Procedures 2.7-2, Grievances.
- e. Department Heads are required to consult with Human Resources prior to initiating any action involving a demotion, suspension, or termination, and prior to conducting a Pre-Determination Meeting.
- f. The County Manager, County Attorney, and Commission Auditor serve at the pleasure of the Board of County Commissioner under the Charter and, therefore, are not eligible to utilize this process.
- g. Department Heads and Administrators are not eligible to utilize this process as they may be suspended or discharged with or without cause in the sole authority of the County Manager under the Charter.

6. Termination

- a. The County has provided a list of certain offenses that will result in a termination of employment. The County cannot foresee and advise the employee of every possible act that may result in dismissal from employment and therefore the County reserves the right to dismiss an employee, for a reason that is not listed under "major offenses" when the County determines that the circumstances warrant such disciplinary action.
- b. A suspension will not necessarily precede a termination action.
- c. All termination actions must be approved by Human Resources prior to discussion with the affected employee.

2.7-2 GRIEVANCES

POLICY: The Osceola County Board of County Commissioners provides a fair and equitable formal process for an employee to have his or her grievance(s) heard when complaints are unable to be resolved informally and provides full opportunity for employees to bring complaints and grievances to management's attention.

PROCEDURES:

A. Applicability

- 1. These procedures apply to all Board of County Commissioners employees with the exception of Corrections Department employees.

2. The IAFF, Local 3284 collective bargaining agreement (“CBA”) includes language which specifically sets forth the grievance procedure bargaining unit members may elect to utilize should a dispute or difference concerning the interpretation, application or claimed violation of the CBA or employment policies and procedures arise.

B. Eligibility

1. Full-time and part-time regular employees have the right to pursue any and all grievances through the grievance procedure.
 2. Employees terminated during their probationary period are not eligible to utilize the grievance process and shall have no rights to appeal the discharge decision.
 3. The County Manager, County Attorney, and Commission Auditor serve at the pleasure of the Board of County Commissioner under the Charter, therefore, are not eligible to utilize the grievance process with regard to employment discharge/termination.
 4. Department Heads and Administrators are not eligible to utilize the grievance process as they may be suspended or discharged with or without cause in the sole authority of the County Manager under the Charter.
- C. It is the intent and desire of Osceola County to adjust complaints or grievances informally, and both Supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances that will be resolved only after a complete review. The submission of a grievance by an employee shall in no way adversely affect his/her employment with the County.
- D. Employees are expected to follow all written and verbal directives of Supervisors. Compliance with such directives will not in any manner prejudice an employee's right to file a grievance within the time limits contained herein, nor shall compliance affect the ultimate resolution of the grievance. No employee or group of employees may refuse to follow Supervisory directions pending the outcome of a grievance.
- E. An employee shall have the right to be represented by any person, or legal counsel at any time throughout the processing of a grievance through the procedure contained herein.
- F. When an employee pursues the following grievance and appeal procedure, failure to strictly follow the time limits will automatically result in a final and binding denial of the grievance. If the County does not follow the time limits, the appropriate County official will be deemed to have denied the grievance and it may be appealed to the next step as if the official had timely rendered a decision.

- G. Time limits expressed in this policy refer to calendar days unless expressly defined in terms of working days. Further, the day upon which the event or decision occurs shall not be included in calculating the number of days remaining for an appeal.
1. An employee must file a grievance within ten (10) calendar days after a grievance occurrence. The day of the occurrence is not included in the ten (10) day period.
- H. If a grievance alleges the misconduct or actions of another County employee, then the named employee shall be entitled to:
1. Full disclosure of the grievance by being provided a copy of said grievance.
 2. Presence and/or representation at all grievance meetings.
 3. The right to present evidence at all grievance meetings including the right to testify and present witnesses.
 4. The right to file a counter-grievance, subject to all the policies and procedures herein, either concurrently or within five (5) calendar days of resolution of the primary grievant's case.
- I. All grievances must be submitted in writing and must refer specifically to the sections and subsections of this Chapter upon which the grievance is based. Each grievance shall include a concise statement of the facts asserted to support the grievance and any remedy that is claimed or requested by the grievant.
- J. **First Step**
1. The grievant must file a signed and written grievance using the Employee Grievance Form with his/her Department Head within ten (10) calendar days after the date of the occurrence on which the grievance is based.
 2. Within ten (10) calendar days after receiving this grievance, the Department Head will schedule a meeting with the grievant, a representative of Human Resources, and any other representative of the County, for the purpose of deciding the grievance.
 3. The Department Head will notify the grievant within ten (10) calendar days in writing of his/her decision.
- K. **Second Step**
1. If the grievance is not resolved through the First Step, the grievant may submit the grievance in writing to the County Manager, within ten (10) calendar days after receipt of the decision from the First Step.

2. Upon receipt by the County Manager, the employee will be given an opportunity within ten (10) calendar days to explain his/her position in writing and/or orally to the County Manager or his/her designee.
3. After considering all the information, the County Manager shall make a decision, which shall be final and binding.