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The refusal of the employee to sign the alcohol form will not defeat the test result, but will be noted by the BAT in the "Remarks" section.

Disparity between the displayed result and the printed result will be "noted," signed by employee and BAT, and will be considered an invalid test.

- viii) The BAT will transmit all results to Okaloosa County in a confidential manner. The BAT will ensure immediate transmission to Okaloosa County of results that require Okaloosa County to prevent an employee from performing a safety-sensitive function.
- ix) Okaloosa County will designate one or more representatives for the purpose of receiving and handling alcohol testing results in a confidential manner. All communications by BAT's to Okaloosa County concerning the alcohol testing results of employees will be to a designated Okaloosa County representative.

## 8) Drug Testing Procedures and Employee Safeguards

### a) Chain of Custody

The Okaloosa County employee drug testing program will utilize a clear and well-documented procedure for collection, shipment and accession of urine specimens from the specimen collection site to the laboratory. For this purpose, a standard drug testing Custody and Control Form will be used.

### b) Definition of Chain of Custody

Federal regulations define chain of custody as "procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen."

### c) The Custody and Control Form

The drug testing Custody and Control Form is used to document the chain of custody to the laboratory. These forms are multiple-part carbonless forms to allow for copies to be retained by the laboratory, to be shared by the MRO, the employee, and the Okaloosa County designated representatives. These forms will be maintained as a permanent record on which all necessary identifying data and the collection process are retained.

### d) Preparation for Testing

In addition to using a Custody and Control Form, other safeguard procedures, in preparation of testing, include:

- i) Use of clean, split specimen bottles;
- ii) Use of a tamperproof seal system;

- iii) Use of a shipping container that can be sealed and initialed after depositing both specimen and Custody and Control Form documentation; and
- iv) Written procedures and instructions for collection site person.

e) Written Procedures

The written procedures for the collection site person emphasize that the collection site person is responsible for maintaining the integrity of the specimen collection and transfer process.

Unless it is impractical for any other individual to perform this function, a direct supervisor of an employee will not serve as the collection site person for testing purposes.

In any case, where a collection is monitored or directly observed, the collection site person will be of the same gender as the employee/donor.

f) Specimen Collection Security Procedures

The collection site will be a secure location, closed to allow for maximum privacy. Security procedures require restricted access to collection materials and specimens. No unauthorized individuals will be permitted access to the collection site. No one other than the collection site person may handle specimens prior to their being placed securely in the mailing container. The split sample method will be used, resulting in a primary specimen of 30 ML, and a split sample of 15 ML.

To minimize the chance of error, the collection site person will collect only one (1) specimen at any given time. The collection procedure for each specimen is completed when the urine bottles have been sealed and initialed, the Custody and Control Form has been executed, and the employee has departed the collection site.

g) Laboratory Analysis

In compliance with the drug testing regulations, Okaloosa County will only authorize laboratories certified by the Department of Health and Human Services (DHHS) to be used for the analysis of urine specimens for the Okaloosa County drug-testing program.

Certified laboratories, so utilized by Okaloosa County, will take security measures to ensure accurate identification of each specimen. Internal Custody and Control Forms will be used at all times to track each specimen from the time it is received to the time it is destroyed. See Appendix A for more information on initial screening and confirmation testing.

h) Reporting of Results

The certified laboratory, chosen by Okaloosa County to analyze urine specimens of covered employees, will report the test results directly to Okaloosa County's designated MRO. Both positive and negative results will be reported in a secure and confidential manner. The MRO may report test results to the County using any method of

communication; however, in all cases the MRO shall forward to the County within three (3) business days of the completion of the review, a signed, written notification containing the following:

- i) That the test being reported was conducted in accordance with the requirements of this policy;
- ii) The name of the employee tested;
- iii) The type of test conducted (random, post-accident, etc.);
- iv) The date and location of the test collection;
- v) The identity of the person taking the collection, conducting the analysis, and serving as MRO;
- vi) The verified test results, and if positive, the identity of the controlled substance(s) for which the test verified positive.

The report, as certified by the responsible laboratory individual, will indicate the drug/metabolites tested for, whether the results are positive or negative, the specimen number assigned by Okaloosa County and the drug testing laboratory identification number. Only specimens confirmed by GC/MS testing as positive are reported as positive.

The laboratory will also transmit to the MRO the original or certified copy of the Custody and Control Form and will identify the individual at the laboratory responsible for the day-to-day management of the laboratory process.

i) Review of Results/MRO

The MRO, designated by Okaloosa County to review drug test results, will be a fully licensed physician and possess knowledge of drug abuse disorders. It is the primary responsibility of the MRO to review and interpret positive results obtained from the laboratory. The MRO will assess and determine whether alternate medical explanations could account for the positive test results.

To accomplish this task, the MRO may conduct medical interviews of the individual, review the individual's medical history and review any other relevant bio-medical factors. Additionally, the MRO will examine all medical records and data made available by the tested individual, such as evidence of prescribed medications. The MRO will not consider any drug test results that arise from urine collection or analysis that do not comport with regulations.

The MRO will give the individual testing positive an opportunity to discuss the test results prior to making a final decision. After the final decision is made, the MRO will notify Okaloosa County.

j) Testing of Split Sample

The MRO will notify each employee who has a confirmed positive test that the employee has 72 hours in which to request a test of the split specimen. If the employee makes such a request, the MRO will direct, in writing, the laboratory to provide the split specimen to another certified laboratory for analysis. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or unsuitable, the MRO will cancel the test and report cancellation and the reason for it to the DOT, Okaloosa County, and the employee.

k) MRO Unable to Contact Employee

If Okaloosa County's designated MRO, after making and documenting all reasonable efforts, is unable to contact a tested employee, the MRO will contact a designated management official of Okaloosa County to arrange for the individual to contact the MRO prior to going on duty or within 24 hours, whichever is earlier. If the County is unable to contact the employee after reasonable efforts, he/she will be placed on temporary medically unqualified status, or unpaid medical leave. The MRO may verify a positive test without having communicated with the employee about the results of the test if:

- i) The safety-sensitive employee expressly declines the opportunity to discuss the results of the test; or
- ii) Within five (5) days after a documented contact by a designated management official of Okaloosa County instructing the employee to contact the MRO, the employee has not done so.

l) Employee Test Information

Okaloosa County will maintain records relating to employee test information, and related to violations of this policy, in a secure manner, so that disclosure of information to unauthorized persons does not occur. Employee test information will only be released as required by law or as expressly authorized by the employee. The release of employee test information is allowed in the following instances:

- i) An employee will have access to any of his/her alcohol testing records upon written request;
- ii) Okaloosa County will allow any DOT-authorized agency access to facilities and records in connection with the alcohol misuse prevention program;
- iii) When requested, Okaloosa County will disclose post-accident testing information to the National Transportation Safety Board (NTSB) as part of an accident investigation;
- iv) Okaloosa County may disclose information to the employee or to a decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee arising from the results of an alcohol/drug test pursuant to this policy, or from the county's determination that the employee engaged in prohibited conduct.

Okaloosa County will release information regarding an employee's alcohol testing records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. All DOT results will be released to prospective employer(s) upon request.

Section C – Substance and Alcohol Misuse Policy DOT FTA – For Employees Performing Maintenance on Revenue Service Vehicles or Equipment (Revised: February 20, 2018)

1) Testing Program Background

The Omnibus Transportation Employee Testing Act of 1991 (OTETA) directed the United States Department of Transportation (USDOT) to promulgate regulations outlining the procedures for transportation workplace drug and alcohol testing. The USDOT regulations titled, "Procedures for Transportation Workplace Drug and Alcohol Testing" are codified as 49 CFR Part 40. The regulations ensure uniform practices for specimen collections, laboratory analysis, medical review, result reporting and the Return-to-Duty process for violating employees. The regulations are applicable to safety-sensitive employees in transportation workplaces throughout the nation (transit, railroad, aviation, commercial drivers, etc.).

The OTETA also directed each transportation administration to craft industry-specific regulations that define which employees are subject to testing, the testing circumstances, policy statement requirements and training requirements, relevant to that industry. The County is required to comply with both the USDOT regulations described above, as well as the Federal Transit Administration regulations "Prevention of Prohibited Drug Use and Alcohol Misuse in Transit Operations" which are codified as 49 CFR Part 655.

2) Employee Applicability

a) This policy and the USDOT/FTA testing program apply to all s. 49 U.S.C. Chapter 53, Section 5311 ("5311") grant funded safety-sensitive Okaloosa County ("County") employees. The policy also applies to 5311 covered volunteers who are required to hold a Commercial Drivers License (CDL) and 5311 covered volunteers that receive remuneration in excess of actual expenses accrued while carrying out assigned duties. Adherence to this policy and the USDOT/FTA testing program is a condition of employment in a 5311 covered safety-sensitive position with the County. All employees of the County who perform, or could be called upon to perform, any of the following duties are defined as 5311 covered safety-sensitive employees:

- i) Operate a public transportation vehicle, while in or out of service;
- ii) Operate an ancillary vehicle when the vehicle requires a commercial driver's license;
- iii) Control the movement of a public transportation vehicle;
- iv) Perform maintenance on a vehicle or equipment used in public transportation; or
- v) Carry a firearm for security purposes.

b) The County positions classified as safety-sensitive include:

- i) Fleet Operations Division Manager;
- ii) Equipment Technician;
- iii) Certified Equipment Technician;
- iv) Master Equipment Technician;
- v) Lead Equipment Technician;
- vi) Paint and Body Technician;
- vii) Shop Foreman;
- viii) Senior Shop Foreman;
- ix) Shop Supervisor;
- x) Welder.

### 3) USDOT/FTA Prohibited Drug Classes

- a) Amphetamines;
- b) Cocaine;
- c) Marijuana;
- d) Opioids;
- e) Phencyclidine (PCP).

### 4) Pre-employment Drug and Alcohol Background Checks

In accordance with 49 CFR Part 40.25, the County must make and document good faith efforts to perform drug and alcohol background checks for all applicants applying for a safety-sensitive position and all current employees applying for transfer into a safety-sensitive position. Testing information will be requested from each of the applicant's previous DOT covered employers during the two (2) years prior to the date of application. The County must obtain the applicant's written consent for the release of their drug and alcohol testing information from their previous DOT covered employers to the County. Applicants refusing to provide written consent are prohibited from performing safety-sensitive functions for the County.

Safety-sensitive applicants who have previously violated the USDOT testing program must provide documentation that they have successfully completed the USDOT's Return-to-Duty process with a DOT-qualified Substance Abuse Professional (SAP). Failure to provide satisfactory documentation will exclude the applicant from being hired or transferred into a safety-sensitive position with the County.

### 5) Pre-Employment Testing

All applicants for safety-sensitive positions shall undergo a pre-employment urine drug test. The County must receive a Medical Review Officer (MRO)-verified negative drug test result prior to the applicant's first performance of any safety-sensitive function, including behind-the-wheel training.

If an applicant's pre-employment urine drug test result is verified as positive, the applicant will be excluded from consideration for employment in a safety-sensitive position with the County. The applicant will be provided a list of USDOT-qualified Substance Abuse Professionals (SAP).

An employee returning from an extended leave period of 90 consecutive days or more, and whose name was also removed from the random testing pool for 90 days or more, must submit to a pre-employment urine drug test. The County must be in receipt of a negative drug test result prior to the employee resuming any safety-sensitive function.

#### 6) Random Testing

Safety-sensitive employees will be subject to random, unannounced testing. The County will perform random testing in a manner that meets or exceeds the FTA minimum annual testing requirements, as amended. The selection of employees for random testing will be made using a scientifically valid method. All safety-sensitive employees will have an equal chance of being selected each time a random draw is performed. Random alcohol tests will be conducted just before, during or just after the employee's performance of a safety-sensitive function. Random drug tests may be conducted anytime an employee is on duty, on call for duty or on standby for duty.

Once an employee is notified that they have been selected for a random test, they must proceed immediately to the testing location. Failure to proceed immediately may be deemed a refusal to test.

#### 7) Reasonable Suspicion Testing

All safety-sensitive employees must submit to reasonable suspicion drug and/or alcohol testing when a supervisor or County official trained in detecting signs and symptoms of drug use or alcohol misuse has made specific, contemporaneous, articulable observations concerning an employee's appearance, speech, behavior and/or body odor. Reasonable suspicion testing for alcohol misuse will occur when observations are made just before, during, or just after the employee's performance of a safety-sensitive function. Reasonable suspicion testing for prohibited drugs may be conducted anytime an employee is on duty or on standby for duty and a trained supervisor has made the observations.

#### 8) Post-Accident Testing

a) Fatal Accidents: Safety-sensitive employees must submit to post-accident drug and alcohol testing following an accident involving a public transportation vehicle that results in the loss of human life. In addition to a surviving operator of the vehicle, any other surviving safety-sensitive employee whose performance could have contributed to the accident must also be tested.

- b) Non-Fatal Accidents: All safety-sensitive employees whose actions cannot be completely discounted as a contributing factor must submit to post-accident drug and alcohol testing when a non-fatal accident meets one (1) or more of the following thresholds:
- i) An individual suffers bodily injury and immediately receives medical treatment away from the scene;
  - ii) One (1) or more vehicles incurs disabling damage that requires the vehicle(s) to be towed away from the accident scene; or
  - iii) If the public transportation vehicle is a rail car, trolley car, trolley bus or vessel and has been removed from service.

The County officials will use the best information available at the scene, to determine if a safety-sensitive employee's performance can be completely discounted as a contributing factor to the accident.

Post-accident drug and alcohol tests will be conducted as soon as practicable following the accident. Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until the employee undergoes a post-accident alcohol test. Any safety-sensitive employee who leaves the scene of the accident without a justifiable reason or explanation prior to submitting to drug and alcohol testing will be deemed to have refused the test. However, employees are not prohibited from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

#### 9) Urine Specimen Collections

Urine specimen collections will be conducted in accordance with USDOT rule, 49 CFR Part 40, as amended. Collectors will be appropriately trained and qualified to perform urine specimen collections for USDOT covered employers. Urine specimen collectors will use the split-specimen collection method and will afford the donor (employee) the greatest degree of privacy permitted per 49 CFR Part 40, as amended. When an observed collection is required, the observer will be of the same gender as the donor (employee).

#### 10) Refusal to Submit to Urine Drug Testing

The following actions constitute a "refusal to test" in accordance with 49 CFR Part 40, as amended:

- a) Failure to appear for any test within a reasonable time, as determined by the County, consistent with applicable DOT agency regulations, after being directed to do so by the County (pre-employment testing not applicable);
- b) Failure to remain at the testing site until the testing process is completed (after the process has been started);
- c) Failure to provide a urine specimen for any drug test required by this part or DOT agency regulations;

- d) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen;
- e) Failure to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- f) Failure or decline to take an additional drug test the County or collector has directed you to take;
- g) Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the County;
- h) Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector);
- i) For an observed collection, failure to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
- j) Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
- k) Admitting to the collector or MRO that you adulterated or substituted the specimen;
- l) When the MRO verifies your drug test result as adulterated or substituted.

Refusing to submit to a USDOT/FTA required test is a violation of the USDOT/FTA testing program. Employees are required to be immediately removed from safety-sensitive duty and provided a list of USDOT-qualified Substance Abuse Professionals (SAP). Per the County authority, violation of the USDOT/FTA testing program will result in termination of employment.

#### 11) Urine Specimen Analysis

All specimens will be transported or shipped to a laboratory certified by the Department of Health and Human Services (DHHS). All specimens will be analyzed at the laboratory in accordance with 49 CFR Part 40, as amended. The procedures that will be used to test for the presence of prohibited drugs will protect the employee and the integrity of the drug testing process, safeguard the validity of the test results and ensure that the test results are attributed to the correct employee. Laboratory confirmed drug test results will be released only to a certified MRO for review and verification.

##### a) Negative-Dilute Specimens

Upon receipt of an MRO-verified negative-dilute drug test result with creatinine levels greater than 5 mg/dl and less than 20 mg/dl, the County will require applicants and employees to submit to a second urine collection per 49 CFR Part 40.197. The collection of the second specimen will not be conducted using direct observation procedures. The

MRO-verified result of the second urine drug test will be accepted by the County as the final result and the test of record.

The County will apply this policy provision uniformly for all pre-employment and random urine drug tests reported by the MRO to have creatinine levels greater than 5mg/dl but less than 20mg/dl (negative-dilute results).

Once notified that a second collection is required, employees must proceed immediately for testing. An employee's failure to report immediately may be deemed as a refusal to submit to testing, which is a violation of the USDOT/FTA testing program. Per the County authority, violation of the USDOT/FTA testing program will result in termination of employment.

## 12) Role of the Medical Review Officer (MRO)

The role of the MRO is to review and verify laboratory confirmed test results obtained through a DOT-covered employer's testing program. When a non-negative drug test result is received, the MRO will communicate with the donor (employee) to determine if a legitimate medical explanation exists. When a legally prescribed medication has produced a non-negative result, the MRO will verify the prescription and report the result as "negative" to the County. Medical conditions and other information obtained by the MRO during the interview with the donor will be maintained in a confidential manner. However, if the MRO believes that a medication prescribed to the donor may pose a significant safety risk, the MRO will require the donor to contact his/her prescribing physician and request that the physician contact the MRO within five (5) business days. The MRO and prescribing physician will consult to determine if the employee's medication use presents a significant safety risk. The County will be notified by the MRO when the outcome of the consultation results in a determination that the donor's medication use presents a significant safety risk. If the employee's prescribing physician fails to respond, the safety concern will be reported to the County. Based on the MRO recommendation, the County may deem the employee medically disqualified from performing safety-sensitive functions. The MRO assigned to review and verify laboratory drug test results for the County is:

Dr. Richard Weaver M.D. AAMRO  
27 W Romana St.  
Pensacola, FL 32502  
(850) 434-3782

Chinh Van  
1005 Mar Walt Dr.  
Ft. Walton Beach, FL 32547  
(850) 863-8154

## 13) Consequence for MRO-Verified Positive Drug Test

When the County is notified of an MRO-verified positive drug test, or a test refusal due to adulteration or substitution; the violating employee will be immediately removed from safety-sensitive duty and provided a list of DOT-qualified Substance Abuse Professionals (SAP). Applicants will be excluded from hire and provided a list of DOT-qualified Substance Abuse Professionals (SAP). Per the County authority, violation of the USDOT/FTA testing program will result in termination of employment.

#### 14) Split Specimen Testing

As an important employee protection, split specimen collection procedures will be used for all USDOT/FTA urine collections. When an employee challenges an MRO-verified result, he/she may request that the split specimen (bottle B) be tested at a different DHHS certified laboratory that conducted the test of the primary specimen (bottle A). Instructions for requesting the split specimen test will be provided by the MRO during his/her interview with the donor (employee). In accordance with USDOT rule, the County will ensure that the fee to process the split specimen test is covered in order for a timely analysis of the split specimen. The County may seek reimbursement for the cost of the split specimen test.

#### 15) Alcohol Prohibition

Safety-sensitive employees are prohibited from consuming alcohol while performing safety-sensitive functions, within four (4) hours prior to performing a safety-sensitive function, or during the hours that they are on call or standby for duty. No safety-sensitive employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater.

Safety-sensitive employees must not consume alcohol within eight (8) hours following an accident or until the employee submits to post-accident testing, whichever occurs first.

#### 16) Alcohol Testing

All alcohol screening tests and confirmation tests will be performed in accordance with USDOT rule, 49 CFR Part 40. The procedures that will be used to test for alcohol misuse will protect the employee and the integrity of the testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct employee.

When an alcohol-screening test indicates a blood alcohol concentration (BAC) of 0.02 or greater, a confirmation test will be performed using an evidential breath-testing device listed on the USDOT/ODAPC webpage as an "Approved Evidential Breath Measurement Device". The confirmed blood alcohol concentration (BAC) result will be transmitted by the technician to the County in a confidential manner. A safety-sensitive employee who has a confirmed blood alcohol concentration (BAC) of 0.02 or greater but less than 0.04 will be removed from safety-sensitive duties for a period of at least eight (8) hours or until test results fall below 0.02.

#### 17) Consequence for a USDOT/FTA Confirmed Alcohol Violation

A safety-sensitive employee who has a confirmed blood alcohol concentration (BAC) of 0.04 or greater has violated the USDOT/FTA testing program and will be removed from safety-sensitive duty and provided a list of DOT-qualified Substance Abuse Professionals (SAP). Per the County authority, violation of the USDOT/FTA testing program will result in termination of employment.

#### 18) Refusal to Submit to Alcohol Testing

The following actions constitute a refusal to submit to an alcohol test:

- a) Fail to appear for any test within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer;
- b) Fail to remain at the testing site until the testing process is complete;
- c) Fail to provide an adequate amount of saliva or breath for any USDOT required alcohol test;
- d) Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- e) Fail to undergo a medical examination or evaluation, as directed by the County;
- f) Fail to sign the certification at Step 2 of the Alcohol Testing Form (ATF);
- g) Fail to cooperate with any part of the testing process.

Refusing to submit to a USDOT/FTA required test is a violation of USDOT/FTA testing program. Employees must be immediately removed from safety-sensitive duty and provided a list of USDOT-qualified Substance Abuse Professionals (SAP). Per the County authority, violation of the USDOT/FTA testing program will result in termination of employment.

#### 19) County Testing Program Contacts

##### Designated Employer Representative (Drug & Alcohol Program Manager)

GinNeal McVay, Human Resources Director  
 (850) 689-5870  
[gmcvay@co.okaloosa.fl.us](mailto:gmcvay@co.okaloosa.fl.us)

##### Alternate Program Manager

Shannon Brown, Human Resources Manager  
 (850) 689-5870  
[sbrown@co.okaloosa.fl.us](mailto:sbrown@co.okaloosa.fl.us)

The referenced USDOT and FTA regulations, as well informational material related to this testing program are available for review and/or download from the Florida Department of Transportation's Substance Abuse Management Website: <http://sam.cutr.usf.edu>. Further information may be obtained from the USDOT's Office of Drug and Alcohol Policy and Compliance website: <https://www.transportation.gov/odapc> and the Federal Transit Administration's (FTA) website: <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Default.aspx>.

## APPENDIX A

Every specimen is required to undergo an initial screen followed by confirmation of all positive screen results. This screen-confirmation process utilizes highly sophisticated techniques to detect minute levels of prohibited substances in urine. The screening process will comply with federal regulations. Set forth below are current requirements, which are subject to change.

Federal drug testing rules require the use of immunoassay in the initial screening process. The following table shows the initial cut-off levels that are to be used by the laboratory when screening specimens to determine whether they are negative.

INITIAL TEST	TESTING LEVEL (ng/ml)
Marijuana metabolites (THC)	50
Cocaine metabolites	150
Opiates metabolites:	
Codeine/Morphine	2000
Hydrocodone/Hydromorphone	300
Oxycodone/Oxymorphone	100
6-Acetylmorphine for Heroin	10
Phencyclidine	25
Amphetamine:	
Amphetamine/Methamphetamine	500
MDMA/MDA	500

All specimens identified on the initial screen must be confirmed by gas chromatography/mass spectrometry (GC/MS) at the cut-off levels shown in the next table. All confirmations must be quantitative in their analysis, which means that the specific, scientific level of drug contained in the collected specimen must be known.

CONFIRMATORY TEST	CONFIRMATORY TEST LEVEL (ng/ml)
Marijuana metabolites (THCA)	15
Cocaine metabolites (Benzoylecgonine)	100
Opiates metabolites:	
Codeine/Morphine	2000
Hydrocodone/Hydromorphone	100
Oxycodone/Oxymorphone	100
6-Acetylmorphine for Heroin	10
Phencyclidine	25
Amphetamine metabolites:	
Amphetamine/Methamphetamine	250
MDMA/MDA	250

## APPENDIX B

The following individuals are designated by Okaloosa County to be available to all employees for the purpose of answering any questions about the Substance Abuse and Alcohol Misuse Policy, including information about the availability of materials on substance abuse and alcohol misuse:

GinNeal McVay, Human Resources Director  
Okaloosa County Board of County Commissioners  
Human Resources Department  
5479B Old Bethel Rd.  
Crestview, FL 32536  
(850) 689-5870

Carol J. Law, Ph.D.  
Drug Free Workplaces, Inc.  
25 W. Romana Street  
Pensacola, FL 32501  
(850) 434-3782  
1-800-430-3782

## APPENDIX C

Educational materials about the effects of substance abuse, including alcohol, signs and symptoms of alcohol and controlled substance problems and available methods of intervening, including confrontation, referral to an employee assistance program and/or referral to management are available to all employees at the following location:

Okaloosa County Human Resources Department  
5479B Old Bethel Rd.  
Crestview, FL 32536

In addition, all employees will receive as new hires a copy of an alcohol fact sheet. Distribution of the fact sheet is a requirement of the FMCSA and FTA. The sheet includes the signs and symptoms of alcohol use, health effects, and social issues associated with misuse of alcohol.

A copy of the Substance Abuse and Alcohol Misuse Policy is available to representatives of employee organizations. Specifically, this Appendix will serve as written notification to such representatives regarding the availability of educational materials for employees.

## APPENDIX D

### Help for Substance Abuse Problems:

Employees who want help with a substance abuse problem (self or other) can begin the helping process by calling the following telephone numbers:

- Cordova Counseling – Substance Abuse Professional (SAP)  
(850) 474-9882
- EAP Lifestyle Management, LLC – Substance Abuse Professional (SAP)  
(251) 621-5360
- Bridgeway Center, Inc.  
(850) 833-7427
- Drug Free Workplaces, Inc.  
(850) 434-3782
- Emerald Coast Counseling Center, P.A.  
(850) 837-9100
- The Friary of Lakeview Center, Inc.  
1-800-332-2271 or (850) 932-9375
- Pattison Professional Counseling Center, Inc.  
(850) 863-2873 or (850) 682-1234

## APPENDIX E

### Procedures for the Release of Alcohol and Controlled Substances Test Information by Previous Employer:

The County must obtain from any previous employer of a DOT covered employee any information concerning the employee's participation in a controlled substances and alcohol testing program.

The County must obtain and review the information listed below from any employer for which the employee performed safety-sensitive functions in the previous three (3) years for FMCSA covered employees and two (2) years for FTA covered employees. The information must be obtained and reviewed no later than 14 days after the first time a DOT covered employee performs safety-sensitive functions. The information obtained must include:

- 1) Information on the employee's alcohol test in which a breath alcohol concentration of 0.04 or greater was indicated.
- 2) Information on the employee's controlled substances test in which a positive result was indicated.
- 3) Any refusal to submit to a required alcohol or controlled substances test.

If the employee stops performing safety-sensitive functions for the County before the expiration of the 14-day period or before the County has obtained the information listed above, the County must still obtain the information.

The County must provide to each of the DOT covered employee's previous employers a written authorization from the employee for release of the required information. The release of this information may take the form of personal interviews, telephone interviews, letters, or any other method that ensures confidentiality. The County must maintain a written, confidential record with respect to each past employer contacted.

The County may not use a DOT covered employee to perform safety-sensitive functions if the County obtains information indicating the employee has tested positive for controlled substances, tested at or above 0.04 breath alcohol concentration, or refused to test, unless the County has evidence the employee has been evaluated by and complied with the recommendations of a Substance Abuse Professional and passed a return-to-duty test.

## CHAPTER XXIV – HEALTH CRISIS MANAGEMENT POLICY

### Section A – Pandemic Disease/Virus

#### 1) Policy

The purpose of this policy is to provide employees with sufficient understanding of their employment related duties and responsibilities when a pandemic disease/virus has been determined. To minimize the effect of any disease outbreak, disease control measures may be ordered to include a broad array of actions: isolation and quarantine orders and social distancing measures are likely to be used.

The Okaloosa County Health Department Director will recommend activation and deactivation of contingency plans to County officials, and the County Administrator will determine when the provisions of this pandemic disease/virus policy become effective and end. During periods of pandemic disease/virus, the County Administrator shall have authority to vary from established policies and procedures to the extent necessary to carry on efficient operations of the county.

#### 2) Staffing During a Pandemic

In the event of a pandemic disease/virus, staffing and backfill of existing positions will be of primary concern in order to provide essential services and other services to the public. In order to adequately meet the staffing needs, the following may occur:

- a) Approved leave may be rescinded.
- b) Employees may be required to work from home, may be assigned special duty, or be assigned to other work units, locations or shifts with minimal notice.

#### 3) Leave and Pay During a Pandemic Disease/Virus

a) Pandemic diseases/viruses are serious because most or all people would not have immunity and a large number of persons can be affected. In order to prevent the spread of disease/virus, the following measures will be taken:

- i) Any employee with designated symptoms during a pandemic disease/virus epidemic will be required to stay at home to prevent the spread of disease/virus.
- ii) Any employee who reports to work with designated symptoms during a pandemic disease/virus will be sent home upon approval of the department director or designee.
- iii) Administrative leave is not an entitlement but may be granted if a department is forced to close due to a pandemic disease/virus and those employees cannot be redeployed to another location. The decision to grant such leave and the length of the leave will be handled on a case by case basis and approved by the County Administrator or designee.

b) A pandemic would not be a short, sharp event leading immediately to commencement of a recovery phase. Instead, a pandemic will be a weeks-long to months-long event, and

there could be more than one wave of infections during a pandemic period. For these reasons, the emergency leave and pay procedures outlined in the Pay for Work During Emergencies or Disasters section of the Compensation Plan Chapter of this policy do not apply.

- c) To the extent possible, compensation provisions will not be suspended but may be streamlined in order to administer payroll in a timely manner.
- d) In the event of day care and/or school closures:
  - i) Employees should have a family care succession plan in place and make every effort to come to work; however, in the event the employee cannot report to work, leave must be taken for time off in accordance with the Attendance and Leave Chapter.
  - ii) Employees will not be allowed to bring their children to work.
  - iii) Sick leave may not be used by healthy parents taking care of healthy children.

## Section B – AIDS

### 1) General Policy

Okaloosa County recognizes the right of employees with life-threatening illnesses to continue to engage in as many of their normal pursuits as their condition allows, including work with or without reasonable accommodation. These pursuits shall continue as long as the employees are able to meet acceptable performance standards and as long as medical evidence indicates that their conditions are not a significant threat to themselves or others. Supervisors/Managers should be sensitive to these conditions and ensure that these individuals are treated consistently with other employees.

### 2) Specific Procedures

#### a) Pre-Employment Testing

The County will not require AIDS testing as part of a pre-employment physical, but, for humanitarian purposes, allow and pay for voluntary AIDS tests prior to any final employment decision. The County will pay for the test (not to exceed \$50) from a licensed clinic. The results will go directly from the clinic to the potential employee. No information will be given by the clinic to the employer. The County will have the potential employee sign the AIDS Testing Release Form indicating that the test is voluntary and has no bearing on their employment application with the County. Voluntary testing results in beneficially educating the workforce and reduces the incident level within the employee base. As new developments transpire, the county policy will be changed accordingly.

#### b) Voluntary Testing for Present Employees

The County will provide, once a year, a voluntary test (at a cost not to exceed \$50) for current employees. Payment for testing more than once a year will be at the discretion of management. The employee will sign the AIDS Testing Release Form stating that the test is voluntary with the results going confidentially to them and not to the County.

i) Steps:

(1) Testing is available through the Okaloosa County Health Unit;

(2) You must sign the AIDS Testing Release Form;

(3) Appendix A is a resource list that includes counseling assistance for those who test positive for the AIDS virus.

c) Persons with AIDS (PWA) Right to Privacy

Any employee with AIDS is not necessarily required to inform the County. They can, however, utilize a resource from the list provided (Appendix A). There is also a Refusal to Disclose AIDS Medical Condition to Human Resources Director Form indicating an employee's refusal to allow the co-worker/supervisor to disclose information to the designated person. Management will communicate to all employees that if an employee has AIDS, that person can, but is certainly not required to, divulge this information to the designated individual who will be the only person charged with this knowledge. The PWA must complete and sign the Release of AIDS Medical Condition Form indicating that the information was given voluntarily.

In the case of an employee informing a supervisor that he/she has AIDS, the supervisor should immediately request written permission from the employee to notify the designated county official by completing the Release Permitting Disclosure of AIDS Medical Condition to Human Resources Director Form.

Absolutely no one should be told that the worker has tested positive for AIDS. This is particularly important with respect to supervisory managerial employees who by the nature of their positions act as an agent of the County. It is also important that anyone working with medical or insurance records understand the importance of confidentiality.

A PWA who can satisfactorily perform the job will not be disciplined, dismissed, or placed on mandatory leave of absence by the County. Only with clear documentation of poor productivity, absenteeism, or a proven lack of ability to perform their job and after "reasonable accommodations" have been made with specific legal advice sought, will the County release from employment a PWA. No supervisor or manager will ask questions of an employee which alludes to AIDS or an HIV positive test unless the questions are in terms of productivity, absenteeism, or job performance.

d) Reasonable Accommodations for PWA's

If an employee acquires AIDS while employed by the County, the County will, to the best of its ability, make accommodations for the employee. The need to make "reasonable accommodations" for the employee with AIDS stems from state and federal law regarding the disabled. After being informed by an employee that he/she has AIDS, the County will treat that employee as disabled. The County reserves the right to have the employee examined by a physician of the County's choosing to confirm such status.

e) Co-Workers Right to Know

In most occupations it is not deemed dangerous to work with a PWA according to current medical evidence. With certain health care environments, there are areas where specific precautionary measures must be implemented. At this time, the County has no specific circumstances that necessitate allowing co-workers the right to know a fellow employee's status with respect to AIDS.

f) Co-Workers of a PWA

If an employee has AIDS, he/she has a right to confidentiality. The County will not allow this information to be known to anyone. If the illness is common knowledge, the County will provide counseling and information to co-workers. As long as the worker with AIDS can perform his/her job satisfactorily and evidence indicates his/her condition is not a significant threat to others, county management will be sensitive to the victim's condition and attempt to see that he/she is treated fairly.

g) Insurance

The County's goal is to provide the highest quality and most cost effective health care possible for its employees. Persons with AIDS who work for the County will be given access to the same levels of health care coverage that is available to all other employees.

## APPENDIX A

### AIDS Referral and Support Groups

AIDS Hotline (National – English)	General Information	1-800-342-2437
AIDS Hotline (National – Spanish)	General Information	1-800-344-7432
AIDS Hotline (Deaf Service)	General Information	1-800-243-7889
Food Stamps/Welfare (HRS)	Financial Assistance	(850) 682-7600 (850) 833-3700
SSI/SSA (Social Security)	Financial Assistance (Benefits)	1-800-772-1213
Health Department	General Information	(850) 689-7808
HRS	(Testing - \$20)	(850) 833-9240
HRS – Medicaid	Financial Assistance	(850) 682-7600
Crisis Line		(850) 244-9191
OASIS (Okaloosa AIDS Support and Informational Services)	(Anonymous) Testing	(850) 314-0950
Northwest Florida Hospice, Inc. (Pensacola)	Information on Assistance Counseling, Hospice & Nursing Care	(850) 433-2155

## **CHAPTER XXV – EMPLOYEE SUGGESTION PROGRAM**

### Section A – Objective

To establish a method for rewarding Okaloosa County employees for making suggestions that result in improved productivity, safety, and/or operating savings for the County.

### Section B – Eligibility

- 1) Employees – Full-time and part-time regular employees, excluding department directors.
- 2) Suggestions related to the following subjects are not eligible for consideration:
  - a) Grievances;
  - b) Classification and pay of positions;
  - c) Normal duties and responsibilities of the position;
  - d) Suggestions for a change that is already under consideration.
- 3) Determination of final eligibility shall be made by the County Administrator or designee.

### Section C – Program Administration

The program is administered by the Board with the County Administrator or designee acting as the coordinator for the program and the moderator of the suggestion committee. All the paperwork involved will be handled by the County Administrator's Office or designee.

### Section D – The Suggestion Committee

- 1) The suggestion committee shall be composed of: the County Administrator or designee, the Human Resources Director or designee, the Risk Manager or the County Safety Officer, a management employee appointed by the County Administrator who is knowledgeable of the suggestion's subject, and two (2) non-supervisory county employees appointed by the County Administrator. Technical advisors may be asked to serve on the committee, as deemed appropriate by the County Administrator.
- 2) The committee shall meet quarterly, or at the discretion of the County Administrator or designee.

### Section E – Program Procedures

- 1) The employee will write down a suggestion on the Employee Suggestion Form, giving details of how the suggestion can be utilized and the amount of savings, tangible or intangible. The suggestion should include a complete breakdown of savings and how this figure is reached. If there are no monetary savings, the suggestion should indicate how the suggestion could improve productivity or make the area a safer place to work. The suggestion must be signed in order to be considered valid.

- 2) The employee should forward one (1) copy of the suggestion to the County Administrator or designee, one (1) copy to the department director responsible for the area affected by the suggestion, and one (1) copy to the Human Resources Department.
- 3) The employee's department director will meet with the employee to discuss the suggestion (if the suggestion involves another department, both department directors will meet with the employee) and determine if the suggestion is the first of its kind to be submitted; if the suggestion is something that the department director has already been directed to implement; whether or not the suggestion has merit; indicate whether or not the suggestion will be implemented if it has merit; and make comments supporting this decision.
- 4) The Suggestion Feedback Form will be completed and signed by the department director and the employee after the above referenced meeting. This Form and the Employee Suggestion Form will be forwarded within 30 days to the County Administrator's Office for referral to the suggestion committee.
- 5) The suggestion committee will evaluate the employee's suggestion, the Suggestion Feedback Form, and make a recommendation regarding the appropriate award. The County Administrator will request approval from the Board for monetary awards recommended by the committee and/or advise the Board of time off with pay or recognition certificate plaque awards.

#### Section F – Awards for Suggestions

- 1) Tangible savings – Monetary awards of ten percent (10%) of the projected first year's net savings or net increase in revenue with a maximum award of \$1,000, will be recommended to the Board, who has final authority in payment of awards. All cost saving ideas or suggestions must be verified and validated by the committee before payment is made. Savings do not have to be incurred by the County before the award payment is made.
- 2) Intangible savings – Time off with pay [eight (8) – 40 hours maximum] or recognition certificate plaque.
- 3) Group awards – The amount of an award for a suggestion made by a group of employees will be determined on the same basis as if the suggestion was submitted by one (1) employee. The amount of the award will be prorated among the eligible employees making the suggestion who signed the suggestion form.

#### Section G – Awards Drawing for Participation in the Suggestion Program

- 1) All employees who submit an eligible suggestion, whether it is implemented or not, will participate in a random drawing for a paid day off.
- 2) The pool of names to be drawn from will include all employees who have submitted an eligible suggestion between January 1<sup>st</sup> through December 31<sup>st</sup> of each year.
- 3) Employees' names will be entered into the pool once for each eligible suggestion submitted in the calendar year. There is no limit on the number of suggestions that may be submitted by an employee.

- 4) One (1) employee's name will be drawn at random during the month of January. That employee will be entitled to a paid day off during the calendar year to be scheduled through and approved by their department director.

#### Section H – Other Information

- 1) The employee suggestion program is excluded from the county grievance procedure.
- 2) Time off awards must be taken at a time approved by the supervisor and within the calendar year of the date awarded.
- 3) The acceptance of an award for any suggestion adopted through the Employee Suggestion Program shall constitute an agreement by the employee that all claims, immediate and future, on Okaloosa County, regardless of the use, shall be waived.
- 4) Nothing in this program shall be construed to require Okaloosa County to provide a specific cash award. Any award is at the discretion of Okaloosa County.

## **CHAPTER XXVI – EMPLOYEE RECOGNITION PROGRAM**

### Section A – Objective

To establish a process for recognizing employees' contributions to the overall objectives and efficient operation of Okaloosa County. While this policy provides formal guidelines for recognition, each department is encouraged to implement employee recognition practices on a regular basis.

### Section B – Eligibility

- 1) Employees – all full-time and part-time employees, excluding department directors.
- 2) Performance contributions that are considered to be “above and beyond” those required within the normal confines of the position. Requires written or verbal recommendations that have been transcribed from sources as outlined below.

### Section C – Types of Awards

- 1) P.R.I.D.E. – Public Recognition Involving Dedicated Employees
  - a) Recognizes employees whose performance is cited as above and beyond the duty requirements defined in the job description. Recommendations must be received in writing by employees, citizens or customers and will be referred to as comment cards. In areas where phone calls are accepted, the call must be transcribed. Recognition may be:
    - i) Customer Service;
    - ii) Teamwork;
    - iii) Initiative;
    - iv) Unsolicited written feedback/Other.
  - b) Each department will be responsible for documenting verbal feedback and collecting comment cards.
  - c) Comments must be specific and include the situation and action(s) of the employee. General comments such as “Employee provided good customer service” or “Employee is a great team player” will be accepted but will not qualify for the P.R.I.D.E. award, although cards must be forwarded to Human Resources and Directors are encouraged to provide positive verbal recognition for all comments received.
  - d) Based on the criteria outlined above, it is the responsibility of the department director to complete the P.R.I.D.E. Feedback Form and forward with the comment card or other documentation (if applicable) to the Human Resources Director who will coordinate final approval with the County Administrator.

- e) Upon approval from the County Administrator or his/her designee, employees will receive a P.R.I.D.E. award certificate, recognition in the County Newsletter, and four (4) hours of recognition leave for each qualifying recommendation.
- f) The County Administrator or his/her designee will forward a copy of the P.R.I.D.E. award certificate, along with the original comment card, to Human Resources for the employee's file.
- g) A request to use recognition leave shall be submitted to the employee's immediate supervisor and approved by the department director. Recognition leave may be accumulated; however, there will be no cash payment in lieu of use.

2) H.E.R.O. – Humanitarian Efforts Recognized by Okaloosa County

- a) Recognized by the Board of County Commissioners, this award is based on any and all single deeds, acts, or events in which an employee not only goes above and beyond the scope of his or her job description but is in some way considered to be of a humanitarian or heroic nature.
- b) Employee actions of a humanitarian or heroic nature that occur outside of regularly scheduled working hours may be recognized the same as those actions occurring during working hours.
- c) Recommendations must be specific, in writing, and include the situation and action(s) of the employee.
- d) It is the responsibility of the department director to complete the H.E.R.O. Feedback Form and forward with documentation, if applicable, to the Human Resources Director who will coordinate final approval with the County Administrator. Approved nominees will be recognized with:
  - i) Picture on the County website (with agreement of employee);
  - ii) Press release;
  - iii) Public recognition at a Board meeting;
  - iv) Recognition in the County Newsletter;
  - v) Eight (8) hours of recognition leave. Recognition leave may be accumulated; however, there will be no cash payment in lieu of use. A request for recognition leave shall be submitted to the employee's immediate supervisor and approved by the department director.

## **CHAPTER XXVII – UNIFORMS**

### **Section A – Mandatory Wearing of Uniforms**

- 1) Department directors will determine appropriate workplace attire for employees, and employees are generally required to purchase their own clothing.
- 2) For employment positions designated as requiring uniforms, employees in these positions shall wear the approved uniforms. Any employee not wearing the required uniform will not be allowed to work until such time as he/she is wearing the approved uniform. Refusal to wear the uniform may result in disciplinary action. Uniforms must not be worn for general usage when not at work or on-call. Any department director, division director, or supervisor failing to enforce the provisions of these guidelines shall also be subject to disciplinary action.
- 3) Exceptions
  - a) An employee may not be required to wear the approved uniforms when he/she has obtained a certification from his/her doctor stating that the wearing of the uniforms is precluded due to physical reasons or creates extreme physical hardship or the wearing of such uniforms may cause the employee further injury.

In either case, it shall be the responsibility of the department to ensure that the employee is not wearing personal clothing that would unreasonably expose him/her to job hazards wherein he/she may be injured by wearing inappropriate clothing.

- b) For employees waiting on delivery of uniforms, they may provide their own clothing, provided the clothing does not unreasonably expose them to the likelihood of injury due to the hazards of the job. This will be the responsibility of the department to determine and monitor.

### **Section B – Termination/Transfer – Reimbursement for Cost of Uniforms**

Any employee who has been issued uniforms and terminates employment or transfers to a position in an employee category not eligible for uniforms is expected to return all uniforms issued no later than the next regularly scheduled uniform service period.

If within two (2) weeks of the employment action, the employee has not submitted all issued uniforms, the employee is to be billed and shall reimburse the County for the cost of uniforms not returned.

### **Section C – Taxation**

- 1) Uniforms are non-taxable if they are:
  - a) Required as a condition of employment; and
  - b) Are not worn or adaptable to general usage as ordinary clothing.
  - c) Examples of non-taxable uniforms are:

- i) EMS and Correctional Officer uniforms with clearly identifying County logos;
  - ii) Garments in ANSI approved colors for safety conditions (florescent orange or safety green/chartreuse);
  - iii) Shirts for field employees with identifying features such as prominent County logos and department names; and
  - iv) Safety shoes or boots.
- 2) Uniforms are taxable if the items of clothing are general in nature and can be worn away from the employee's place of work and would not identify the employee as a County worker.
- a) Examples of taxable uniforms are: blue jeans; and non-safety shoes or boots.
  - b) The taxable value of uniform items shall be determined by the Purchasing Manager.
- 3) Uniform taxation rules apply to taxable items whether purchased or leased by the county. The method of payment, including credit card purchases, does not affect whether the items are taxable or not under IRS regulations.
- 4) Upon issuance of uniform items, the employee and their department representative will complete and sign a Uniforms Issuance, Return and Fringe Benefit Acknowledgement Form and return it to the Human Resources Department. For taxable items, the County will calculate the fringe benefit valuation using IRS regulations and show such amount as gross taxable wages on the employee's next biweekly pay check.

Uniform purchases will be subject to audit by the Purchasing and Finance Departments to ensure compliance with taxing requirements.

## **CHAPTER XXVIII – LOST OR DAMAGED PROPERTY, EQUIPMENT OR VEHICLES**

### Section A – Policy

It is the policy of Okaloosa County government that financial costs incurred by loss or damage to county property, equipment or vehicles be recovered.

### Section B – Intent

Okaloosa County employees will be financially responsible for loss or damage to county property, equipment or vehicles if any of the following conditions apply:

- 1) There was gross negligence on the part of the employee;
- 2) County policies were not followed which resulted in loss or damage;
- 3) Equipment was lost or damaged while the employee had responsibility for that equipment.

### Section C – Procedures

When property, equipment or vehicles are lost or damaged, the department director or designee will initiate an immediate investigation. This does not include traffic accidents where the employee is not found at fault or unavoidable acts of nature.

An employee will be held financially accountable if any of the following conditions are met:

- 1) Equipment is lost while in the care of an employee and that loss is due to gross negligence on the part of the employee;
- 2) Equipment is not returned by an employee in a specified period of time or is damaged upon its return, provided there is written documentation that the equipment was issued to the employee;
- 3) An employee causes equipment damage due to improper adherence to maintenance or operational policies that are written and clearly communicated by management.

### Section D – Assessment for Damages

If a department investigation results in findings of employee responsibility for equipment loss or damage, the following actions shall be taken by the department director:

- 1) Investigative findings will be submitted to the Risk Manager and the Human Resources Director for review and concurrence;
- 2) The employee will be provided with the results of the investigation for his/her review;
- 3) Formal disciplinary procedures will be followed according to the Human Resources Policy Manual;
- 4) As a condition of the disciplinary process, the employee will be assessed for the cost of the loss or damage;

- 5) The assessed amount will be deducted from the employee's biweekly pay check until the fiscal assessment is repaid;
- 6) Assessments will not exceed \$50 per pay period, unless the employee so desires;
- 7) The employee will have the right to appeal any decision in accordance with the county's established grievance policy as outlined in the Human Resources Policy Manual.

## **CHAPTER XXIX – COMMUNICATIONS POLICY**

### **Section A – Purpose**

The purpose of this policy is to establish the Information Technology Department as the responsible authority for directing technology and data management for the Okaloosa County Board of County Commissioners. This policy specifies or outlines the responsibilities of the Information Technology Department and of authorized users.

The purpose of the Information Technology Department is to provide and maintain an organized, shared information infrastructure that enables our County to share data, services and reduce duplication of effort. The management of technology and data in a coherent, organized county-wide effort is necessary to ensure limited money, resources, and time are wisely allocated and efficiently utilized to provide effective, efficient government in Okaloosa County.

A centralized Information Technology Department ensures users the maximum benefit of technology without having to acquire the expertise to setup, configure and maintain networks, operating systems, application software and databases. Therefore, employees are allowed to use computer equipment to do their jobs in the most efficient manner possible.

### **Section B – Scope and Applicability**

All County employees, contract employees, contingent workers, volunteers, interns and vendors using County computer equipment shall use the equipment for authorized business purposes and in accordance with this policy. This policy does not cover the use of office automation equipment such as calculators, typewriters, radios or televisions unless these devices are attached to County computer equipment or the County network. All employees using computer equipment are required to read and comply with this policy. By using any item of computer equipment, County employees consent to all provisions of this policy.

### **Section C – Policy**

The Information Technology Department is responsible for directing the management of all technology and data for the County. This policy defines the responsibilities of Information Technology Department personnel and of authorized users. Just as Information Technology Department personnel are not required to perform authorized users' jobs, authorized users are not required to perform Information Technology Department personnel jobs. Therefore, all employees can use computer equipment to do their jobs in the most efficient manner possible.

The Okaloosa County Board of County Commissioners' networks will be protected by one (1) or more firewalls which are controlled exclusively by the Information Technology Director. There will be no access to the County networks except through these firewalls without the expressed, written approval of the Information Technology Director. Conversely, there will be no access from within the County networks to resources outside the networks except through these firewalls or with the expressed, written approval of the Information Technology Director. The objective is to ensure that the Information Technology Department controls all access that exists either into or out of the network and to ensure that the Information Technology Department has the opportunity to enact acceptable solutions that are consistent with security objectives of the County. Any network equipment utilized on County's networks must be configured by Information Technology Department personnel. County employees will not access another

network, (e.g. Public Patron Internet or wireless networks) with County equipment or on County time.

Computer equipment, networks and data must be protected from internal sources as well as external sources. It is the responsibility of the Information Technology Director and each department director to ensure that each individual is given the access to the computer equipment and data that he/she needs to do his/her job. Department director approval is required, with the documented need for "at home" or off-site use. A current list of equipment at employees' residences must be kept by the respective department directors and submitted to the Information Technology Director. Conversely, it is the Information Technology Director and each department director's responsibility to allow employees access to only the computer equipment, networks and data that he/she needs to do his/her job. Therefore, only authorized computer equipment and peripherals purchased and/or supported by the County and approved by the Information Technology Department will be allowed to connect to County networks. For example, but not limited to, no Universal Serial Bus (USB) thumb drives, portable drives, cameras, video, telephones or wireless devices of any type are to be purchased or connected by any means without the Information Technology Department's approval. County users with "Aircards" or access to other wireless devices of this type (including when traveling) must be used for official County business only. Non-County devices must follow the guidelines and procedures established by the Information Technology Department.

It is the policy of the County that the use of the Internet by County employees is permitted and encouraged where such use is suitable for business purposes and supports the goals and objectives of the County and its departments. Employee access to the Internet must be with a browser installed by the Information Technology Department. The Internet is to be used in a manner that is consistent with the normal execution of an employee's job responsibilities. Computer networks designed for public use, such as wireless, the Library Cooperative, Conference Center and Airport patron Internets, are not for County employees' use on County time. Internet traffic must pass through firewall and filtering software. Exceptions are made for County employees travel with prior approval from the Information Technology Department.

#### Section D - Cellular and Mobile Devices

- 1) An employee may be provided a mobile device or other wireless communication service if it is determined to be necessary under one or more of the following criteria:
  - a) Availability of device and service is integral to the performance of specific duties within the employee's job description.
  - b) A substantial portion of the employee's work is conducted outside of the building or buildings where the employee is assigned to work.
  - c) The employee does not have an assigned office or workspace and needs to be contacted on a regular basis by the department or division for assigned services or to provide needed information.
  - d) It is a job requirement that the employer be able to reach the employee outside of the employee's normal work hours.
- 2) To be approved for a mobile device and associated service plan, the following procedures are applicable:

- a) The supervisor of an employee requesting the device and/or plan must determine if the employee meets the eligibility requirements.
  - b) Documentation to support the decision to issue the device and plan must be provided on an Okaloosa County Mobile Device Request Form, approved by the department director and forwarded to the Human Resources Department.
  - c) All procurement of mobile devices and approval of designated rate plans are made by Purchasing with input from department directors.
  - d) Usage of mobile devices must be in accordance with the county's current personal use policy.
- 3) Personal use of mobile devices is permitted if it:
- a) Does not interfere with existing departmental rules, policies or protocols.
  - b) Does not disrupt or distract the conduct of Okaloosa County business due to the volume or frequency of calls; or involve or support illegal activities.
  - c) Is compliant with county policy.
  - d) Is authorized by the department director on an Okaloosa County Mobile Device Request Form with a payroll deduction to offset the cost of personal use.
  - e) All mobile devices used for county business are subject to monitoring.
- 4) Restrictions:
- a) Access to Board of County Commissioners' network data is prohibited.
  - b) The county is not supporting or authorizing the use of any personal devices for business purposes.
  - c) Access and use of MiFi hotspots are allowed only if approved by the Information Technology Director.
  - d) Employees driving county vehicles are required to comply with all laws regarding the use of mobile devices while driving. Texting and email use while driving are prohibited.
  - e) Commercial drivers covered by the Department of Transportation (DOT) regulations are prohibited from using hand-held mobile devices while driving. Employees operating non-commercial vehicles should keep mobile device use to a minimum while driving and use hands free if possible.
  - f) Motor vehicle operators on Eglin and Hurlburt Air Force Bases are prohibited from using cell phones while operating a vehicle on base (unless there is imminent danger or to report an accident).
- 5) Operational and administrative procedures:

- a) Department directors will provide a copy of the communications policy to all employees who are assigned a mobile device.
- b) Employees must read and abide by the communications policy.
- c) Department directors are responsible for enforcing the communications policy and monitoring the usage of all electronic equipment used in the department to include usage of minutes and personal use.
- d) Mobile device group leaders may be designated by department directors to manage electronic equipment within departments and divisions.
- e) Employees must return mobile device equipment to their supervisors upon termination of employment, transfer to a position that does not require a mobile device, or upon request.
- f) Employees must report to their supervisors, lost, stolen or damaged devices as soon as possible.

#### Section E – Text Messaging

All Okaloosa County electronic business communication should be completed primarily through County e-mail. Due to the County's obligation to comply with Florida's Public Records law and its technology limitations, County employees may only communicate by text message when the message being sent and/or received is considered transitory in nature and has no archival value as defined by the Department of State, Division of Archives, Bureau of Records Management.

"Transitory" refers to short-term value based upon the content and purpose of the message, not the format or technology used to transmit it. Examples of transitory messages include, but are not limited to, reminders to employees about scheduled meetings or appointments; most telephone messages (whether in paper, voice mail, or other electronic form); announcements of office events such as holiday parties or group lunches; and recipient copies of announcements of agency-sponsored events such as exhibits, lectures, workshops, etc. Transitory messages are not intended to formalize or perpetuate knowledge and do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt.

Using a wireless communication device to text while driving presents an unsafe condition and employees shall not compose, read or send text or e-mail messages while driving.

Furthermore, County employees should have no reasonable expectation of privacy when texting from a County issued wireless device.

#### Section F – Use of Equipment

Telephones, cellular phones, voicemail systems, fax machines, and computers, including electronic mail systems (e-mail) and Internet are provided for county business use and personal use of these devices is generally prohibited except as expressly authorized. (See "Personal Use Defined" below).

Also prohibited is the use of any of these systems to transmit or receive inappropriate messages, to access inappropriate information, or to harass or annoy another party. Inappropriate messages and information include, but are not limited to, those that are for personal benefit and those involving discriminatory, hostile, suggestive, obscene, or otherwise unsuitable language and content.

Violations of this policy will be considered grounds for disciplinary action, up to and including dismissal of employment. Employees are prohibited from e-mailing the entire County directory. Only the County Administrator and approved personnel may e-mail the entire Okaloosa County directory.

#### Section G – Monitoring

Communications through county devices is subject to monitoring by the county for business purposes.

#### Section H – Personal Use Defined

While communications equipment is generally provided for county business only, the County recognizes there may be occasional situations in which an employee needs to use such equipment for brief periods of time for personal reasons. Employees are required to obtain their department directors' permission before they engage in personal use of any communications equipment. In addition, employees must reimburse the County for any cost of personal use upon department receipt of itemized billing.

In an effort to reduce staff time in reconciling monthly itemized cell phone bills to identify personal calls, employees may authorize a bi-weekly payroll deduction amount determined by the County Administrator to cover personal calls. The bi-weekly deduction will continue until such time the employee and department initiates an action to discontinue personal use.

#### Section I – Public Records

Information generated on e-mail and by computer is a public record subject to public inspection and is not confidential, unless specifically cited by statute. Users are responsible for assuring that any public records that are confidential by statute are safeguarded in a manner consistent with the practices normally provided for public records in a paper format.

To ensure full compliance with the Public Records Law, Chapter 119 Florida Statutes, and the governing public's right to access public records, all employees and elected officials with current or existing County e-mail accounts are required to use County e-mail accounts for all County business. No other e-mail accounts may be used to conduct County business. Employees or officials who receive business related e-mail at another account must forward that e-mail to their County e-mail accounts with a response to senders to please use the employee's or the official's County e-mail account for further business purposes.

Logins and passwords are issued solely for the use of employees in conducting official county business. All employees are prohibited from:

- 1) Disclosing or transferring logins or passwords to unauthorized persons or entities; and

- 2) Sharing logins or passwords with other county employees without prior authorization from their department director.

#### Section J – Retention of Electronic Mail

The State of Florida requires the retention of “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency” [F.S. 119.011(1)]. As it is for all documents, requirements for retention of e-mail are determined by content. It is each department’s responsibility to evaluate e-mail for content to determine the length of time and how the message must be retained, just as it does with paper documentation. Methods of retaining e-mail documents include saving messages to files on floppy disk, hard drive, or printing messages and filing in a paper file. The Information Technology Department is available to advise users in the specifics of different methods. Retention schedules must be followed in accordance with the State Library and Archives of Florida.

#### Section K – Software, iTunes, and Domain Registration

Okaloosa County purchases and licenses the use of computer software. Employees shall use that software only in accordance with the license agreement for that software. All software developed in-house or by vendors for Okaloosa County is the sole property of Okaloosa County. “Shareware”, “Freeware”, and all other similar software, unless pre-approved by the Information Technology Director, are not permitted on the network.

Applications software, such as iTunes, must be approved by the county Information Technology Department in the same manner as software on a personal computer. An iTunes Gift Card must be purchased for application software transactions unless otherwise authorized by Information Technology.

No domain name can be registered on behalf of Okaloosa County Board of County Commissioners or their reporting departments without the approval and inclusion of the Information Technology Department. The Information Technology Department shall manage domain name services (DNS) and shall be listed as at least one of the administrative and technical contacts.

#### Section L – Information Technology Project Management

- 1) Lack of planning is a primary cause of schedule slippage, cost overruns, poor quality, and high maintenance costs. An information technology project becomes better understood as it progresses through the following processes: problem definition; system justification; analysis and conceptual design; implementation planning; implementation and testing; and operations and maintenance.
- 2) In order to ensure a well planned and designed approach to information technology projects, the problem definition must be submitted to the Information Technology Director for review and approval. Approved projects will follow the process established by the Information Technology Department.

- a) The Information Technology Department responsibilities include, but are not limited to, the following:
  - i) Directing and coordinating all information technology related activities for the County;
  - ii) Directing and managing all computer equipment and networks;
  - iii) Directing and managing enterprise-wide projects such as e-mail services, security systems, the County imaging system and enterprise licensing agreements;
  - iv) Directing and managing all departmental level applications and departmental licensing agreements that involve technology;
  - v) Initiating and implementing all contract negotiations and grants involving an information technology component;
  - vi) Specifying the appropriate operating environment for all computer equipment;
  - vii) Coordinating development, maintaining and managing web-based solutions;
  - viii) Reviewing and approving all new computer equipment acquisitions;
  - ix) Installing and configuring all computer equipment for all departments;
  - x) Delegating software administration responsibilities to departmental software administrators for each departmental level as needed;
  - xi) Directing and coordinating computer equipment training;
  - xii) Directing and coordinating all Geographic Information System (GIS) related activities for the County;
  - xiii) Managing the County Aerial Photography and Digital Mapping projects;
  - xiv) Managing the County Geodetic Control Network.
  
- b) Department responsibilities include the following:
  - i) Coordinating with the Information Technology Department during the budgetary process for any new computer equipment, information technology projects, data acquisitions, applications and upgrades;
  - ii) Channeling all communication agreements, contracts and grants through the Information Technology Department prior to and for negotiation;
  - iii) Ensuring the use of all computer equipment and data in accordance with this policy;
  - iv) Providing the specified environment for computer equipment;
  - v) Reporting computer equipment and data problems;

- vi) Logging out at the end of the day;
- vii) Protecting all logins and passwords to ensure security;
- viii) Maintaining an inventory of all licensed software for each PC and the associated disc or CD containing the software for backup purposes (this is not applicable to enterprise-wide software);
- ix) Providing at least one (1) departmental software administrator for each departmental level application, when applicable;
- x) Designating at least one (1) liaison between the user department and the Information Technology Department;
- xi) Providing access or an appropriate contact that can allow access to network communication equipment at any time;
- xii) Coordinate the need for application software with the Information Technology Department.

#### Section M – Compliance

Computer equipment is provided to fulfill the mission of the County. All computer equipment is owned by Okaloosa County. Any modification of computer hardware or software to circumvent this policy is strictly prohibited. Improper use of computer equipment in violation of this policy is grounds for counseling or disciplinary action. The type of action taken will be based on the frequency and/or severity of the incident in question. Actions can include counseling, written reprimand, loss of the privilege of using computer equipment, employee suspension and dismissal from employment.

#### Section N – Definitions

- 1) Computer Equipment – Any hardware or software device under purview of the County that exchanges data with or connects to any County computer, device or network.
- 2) Information Technology Department Personnel – Any person who works under the direction of the Information Technology Director.
- 3) Authorized User – Anyone authorized by a department director to use computer equipment to do his/her job.
- 4) Authorized Administrator – Any person who has been granted administrative access to one (1) or more pieces of computer equipment by the Information Technology Director. Authorized administrators must be appointed by the department director and approved by the Information Technology Director. This will only be done where it is absolutely compelled by the circumstances. The Information Technology Director is the final authority.
- 5) Departmental Software Administrator – Any person who is designated by his/her department director and approved by the Information Technology Director to assist Information System Department personnel in administering departmental applications. These applications normally run on one (1) or more departmental servers and are department specific software

applications. Departmental Software Administrators are provided the access allowed by the Information Technology Director.

- 6) Liaison – One or more individuals within a department who is designated to act as a liaison between Information Technology Department personnel and the department director for matters involving computer equipment. Liaisons may be appointed at the discretion of the department director. At least one (1) liaison per department must be designated.
- 7) Data – Information that can be digitally transmitted or process by County computer equipment.
- 8) County Networks – Components or circuitry owned or leased by the County that inter-connects computer equipment.
- 9) Information Technology Project – Any work effort or plan that requires computer equipment and Information Technology Department personnel resources.
- 10) Information Systems Component – Any hardware or software item that would fall under the Information Technology Department’s support, whether related to Geographic Information Technology (GIS), Systems and Networks or Applications divisions. This is to include wireless and Voice Over Internet Protocol (VOIP) peripherals.
- 11) Contingent Workers – Individuals hired through temporary staffing agencies.
- 12) Network Equipment – Any switch, hub, router, sniffer or copper-based device.
- 13) Mobile Device – A cell phone, push to talk (PTT) radio, tablet, 3G or 4G iPad, or internet/email capable equipment. This device is characterized by the fact that a service plan cost generally is determined by the amount of use and/or capabilities. BYOD (Bring Your Own Device) is not supported on the Okaloosa County network.
- 14) Department Mobile Device – A mobile device purchased and maintained by an Okaloosa County department or division for use by more than one employee or other authorized user while engaged in their assigned duties.
- 15) Mobile Device Group Leader – Designated by each department director, an employee assigned responsibility for authorizing and managing all mobile devices and applications for the department. This person will also evaluate usage and device types and advise Purchasing if any new devices are needed and/or if adjustment is needed to plans.
- 16) Reasonable Secondary Personal Use – mobile devices are intended for County purposes. Personal use is authorized if employees select to reimburse the county for usage on the Okaloosa County Mobile Device Request form.
- 17) Mifi Hotspot – A device that provides Internet access via Wi-Fi.

## **CHAPTER XXX – WORKPLACE VIOLENCE**

### **Section A – General Statement**

Okaloosa County strives to provide a safe and secure workplace for all employees. Threats, threatening behavior or acts of violence against employees, visitors, or other individuals by anyone on county property without lawful justification will not be tolerated. These violations of policy will lead to disciplinary action which may include dismissal, and may lead to arrest and prosecution, as determined by appropriate law enforcement authorities.

### **Section B – Prohibited Conduct**

The County will not tolerate any type of workplace violence committed by or against employees. The following list of behaviors, while not all inclusive, provides examples of conduct that is prohibited:

- 1) Causing physical injury to another person (except in cases of lawful self-defense or defense of others from death or great bodily harm);
- 2) Making threatening remarks;
- 3) Stalking;
- 4) Use of e-mail to threaten, intimidate or cause fear;
- 5) Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- 6) Intentionally damaging employer property, property of another employee or property of any other person or entity;
- 7) In keeping with the protections granted by the 2<sup>nd</sup> Amendment to the United States Constitution and Florida law, employees may carry concealed firearms on duty if properly licensed by the State of Florida or a Florida approved reciprocal state, and in strict compliance with provisions and restrictions set out in Chapter 790.06, Florida Statutes, reciprocal states' license regulations and any federal law or rule. Possession of any weapon, including a firearm, while on county property, in a county owned, leased, or rented vehicle while performing county business is prohibited unless the employee possesses a valid license to carry a concealed weapon issued under section 790.06, Florida Statutes or Florida approved reciprocal state. This prohibition shall not apply to anyone legally certified to carry weapons in the performance of their lawful duty or those employees who meet the private vehicle storage requirements of Section 790.251, Florida Statutes;
- 8) Committing acts motivated by, or related to, sexual harassment or domestic violence.

### **Section C – Reporting and Investigating Threats or Incidents**

- 1) If the incident constitutes an emergency, CALL 9-1-1. In instances that are not emergency situations, contact a supervisor or manager. After 9-1-1 is contacted, contact department or division management immediately.

- 2) If possible, separate the parties involved in the altercation. If the parties cannot be separated, or if it would be dangerous to do so, CALL 9-1-1.
- 3) Contact the appropriate department director. The department director, together with the Risk Manager and Human Resources Director, will assess and investigate the incident and take appropriate action.
- 4) In instances that involve emergency situations or criminal activity, the Human Resources Director will contact the County Administrator and the appropriate law enforcement agency for assessment and, if advisable, investigation and prosecution.
- 5) As warranted by the seriousness of the incident, the County Administrator may assemble a Threat Management Team, consisting of staff from the offices of the County Administrator, Risk Management, Public Safety, Human Resources and others as deemed appropriate. The Threat Management Team is responsible for, but not limited to, the following:
  - a) Evaluating potential violence problems;
  - b) Assessing an employee's fitness for duty (using mental health professionals);
  - c) Selecting intervention techniques;
  - d) Establishing a plan for protection of workers and potential targets;
  - e) Coordinating with affected parties such as victims, families, employees, media, or law enforcement employees;
  - f) Assuring that immediate (within 24 hours) and on-going counseling is available to traumatized individuals.

#### Section D – Reporting Situations with Potential for Violence

While employees are not expected to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform either their supervisor or the Human Resources Department if any employee or county business related contact exhibits behavior that could be a sign of potential violence. Such behavior includes:

- 1) Being armed without being licensed to carry a concealed firearm pursuant to Section 790, Florida Statutes or Florida or Florida approved reciprocal state, or violations of permit restrictions found the section;
- 2) Displaying overt signs of extreme stress, resentment, hostility, or anger;
- 3) Making threatening remarks;
- 4) Sudden or significant deterioration in performance;
- 5) Displaying irrational or inappropriate behavior;
- 6) Repeated suicidal comments;

7) Increased frequency of domestic problems or domestic violence.

#### Section E – Employee Training

Department directors or their designees will orient all employees to department and division procedures concerning responding to and reporting threats or incidents of violence in the workplace.

#### Section F – Employee Assistance Program (EAP)

Should an employee become the victim of an incident of workplace violence or threatened violence, the services of the EAP may be offered to assist in coping with any effects of the incident. Should an employee commit an act of violence or threaten violence, he/she may be required to attend EAP counseling, depending on the circumstances. In these cases, failure by the employee to keep any appointments with the EAP or cooperate fully with EAP treatment recommendations will be grounds for discharge from employment. See Section on Employee Assistance Program.

## CHAPTER XXXI – WHISTLEBLOWER PROTECTION POLICY

The Board of County commissioners is committed to providing a workplace and citizen service arena in which there is open discussion of operations and practices. Accordingly, anyone who has reason to believe the County is violating or not complying with state or federal statutes, rules or regulations is encouraged to report the concern to the County Administrator, any member of County management, or to a County Commissioner.

Any staff member, volunteer, vendor, or member of the public who reports suspected misconduct, fraud, or abuse will not be terminated or otherwise retaliated against for making the report.

The report will be investigated and even if determined not to be misconduct, fraud, or abuse, the individual making the report will not be retaliated against. There will be no punishment for reporting problems – including no termination, demotion, suspension, harassment, or any other type of discrimination.

There are several ways to make a report:

- Verbally submit the report to the County Administrator or any member of management;
- Verbally submit the report to a County Commissioner; or
- Submit the report in writing to one of the following:
  - [hr@co.okaloosa.fl.us](mailto:hr@co.okaloosa.fl.us);
  - [bocc@co.okaloosa.fl.us](mailto:bocc@co.okaloosa.fl.us);
  - County Administrator, Okaloosa County BOCC, 1804 Lewis Turner Blvd, Suite 400, Fort Walton Beach, FL 32547.

NOTE: Florida's "Whistle-blower's Act" provides protection against retaliatory action to those reporting information. See F.S. 112.3187 to 112.31895 for detail.

## **CHAPTER XXXII – BOARD OF COUNTY COMMISSIONERS ANTI-FRAUD POLICY**

### Section A – Purpose

The Okaloosa County Anti-Fraud Policy (“Policy”) is hereby established to facilitate the development of controls that will aid in the detection and prevention of fraud, waste and abuse of the County’s financial resources, property, information and other assets, as more fully described herein; provide for the investigation of suspected fraud, waste or abuse; and provide for consequences for engaging in any manner of fraud, waste or abuse. It is the intent of the County to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations involving allegations of fraud, waste or abuse. The County will not tolerate the commission or concealment of acts involving fraud, waste, or abuse. Allegations of such acts will be fully investigated, which may result in legal action if warranted. All employees are responsible for reporting suspected instances of fraud, waste, and abuse in accordance with this Policy.

### Section B – Scope of Policy

This Policy applies to any suspected fraud, waste or abuse involving employees, elected officials, members of advisory boards, consultants, vendors, contractors, and/or any other parties or entities that have a business relationship with the County.

Any investigative activity required will be conducted without regard to the suspected wrongdoer’s length of service, position, title, or relationship to the County or any elected official, consultant, vendor, contractor, or employee.

Matters concerning an employee’s actions or conduct should be resolved by the management of that employee’s department and the Human Resources Department.

If there is any question as to whether an action constitutes fraud, waste or abuse, please contact the Human Resources Director or County Administrator for guidance.

### Section C – Policy

Management is responsible for the effectiveness and efficiency of County operations, including protection of County assets from fraud, waste and abuse. Management has the primary responsibility for the implementation of internal controls to deter and detect fraud.

#### 1) Definitions

- a) Fraud: There are two basic categories of wrongdoing which would constitute fraud: (i) the intentional misstatement of financial information; and (ii) the misappropriation of assets (or theft). Fraud consists of an illegal act (the intentional wrongdoing) and/or the concealment of such act and deriving a benefit from such acts.
- b) Waste: Waste means the thoughtless or careless expenditure, consumption, mismanagement, use or squandering of resources owned or operated by the County to the detriment or potential detriment of the County.
- c) Abuse: Abuse means the excessive or improper use of something, or the use of something in a manner contrary to the natural or legal rules for its use; the intentional

destruction, diversion, manipulation, misapplication, maltreatment, or misuse of resources owned or operated by the County.

Not all instances of waste and abuse necessarily would constitute fraud but they could. Each member of management for the County and each department will be familiar with the types of improprieties that might occur within his/her area of responsibility and be alert for any indication of fraud, waste or abuse.

## 2) Actions Constituting Fraud, Waste or Abuse

The terms fraud, waste and abuse include, but are not limited to:

- a) Any dishonest or fraudulent act;
- b) Misappropriation of funds, securities, equipment, supplies, or other assets;
- c) Impropriety in the handling or reporting of money or financial transactions;
- d) Profiteering as a result of insider knowledge of County activities;
- e) Forgery or alteration of documents (checks, contracts, purchase orders, invoices, etc.);
- f) Accepting or seeking anything of material value (more than \$100) from contractors, vendors, or persons providing services/materials to the County;
- g) Destruction, removal, or inappropriate use of records, furniture, fixtures, vehicles and equipment;
- h) Misrepresentation of information on documents (employment history, timesheets, leave records, travel reimbursement requests, financial records, etc.);
- i) Serious abuse of County time such as unauthorized time away from work, falsification of work hours reported, or excessive use of County time for personal business;
- j) Authorizing or receiving payment for goods not received or services not performed;
- k) Vendor kickbacks;
- l) Misuse of authority for personal gain;
- m) Any computer related activity involving the alteration, destruction, forgery, or manipulation of data for fraudulent purposes;
- n) Inappropriate use of County provided electronic devices such as computers, tablets, cell phones, pagers, or email;
- o) Any violation of local, state and federal laws related to dishonest activities or fraud.

## 3) Reporting

- a) Any fraud, waste or abuse that is detected or suspected must be reported immediately to

the Human Resources Director, the County Administrator, a County Commissioner, or the County Attorney.

- b) Anyone who receives a report of fraud, waste or abuse must immediately notify the Human Resources Director who shall coordinate all investigations with the County Administrator.
- c) Law Enforcement, external auditors and/or other professionals may also be involved as appropriate.
- d) The County also has a whistleblower policy that provides a confidential method to file complaints. The County website contains a whistleblower icon which provides reporting options to several members of management to include the Board of County Commissioners, Human Resources Department and the County Administrator.
- e) It shall be a violation of this Policy for any person to make a baseless allegation of fraud, waste or abuse that is made with reckless disregard for truth and that is intended to be disruptive or to cause harm to the County or another individual.

#### Section D – Prohibition Against Retaliation

No person who has acted in accordance with the requirements of this Policy shall be dismissed, or threatened with dismissal; disciplined, suspended or threatened with discipline or suspension; penalized, intimidated or coerced for reporting any suspected fraud, waste or abuse. This provision shall not be construed as an exemption from any other County policies, rules or regulations.

#### Section E – Reporting Procedures

Great care must be taken in the investigation of suspected fraud, waste or abuse, so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

Anyone who discovers or suspects fraud, waste or abuse shall contact the Human Resources Director, the County Administrator, a County Commissioner, or the County Attorney immediately and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraud, waste or abuse. The reporting individual may remain anonymous and file a complaint via the website icon. All inquiries concerning the activity under investigation from the suspected individual, his/her attorney or representative, or any other inquirer should be directed to the Human Resources Department. The proper response to any inquiries concerning the status of an investigation is: “I am not at liberty to discuss this matter.” Under no circumstances should any reference be made to “the allegation,” “the crime,” “the fraud,” “the forgery,” “the misappropriation,” or any other specific reference.

The reporting individual should be informed of the following:

- 1) Do not contact the suspected individual in an effort to determine facts or demand restitution;
- 2) Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the County Administrator or Human Resources Director.

## Section F – Investigation Responsibilities

The County Administrator and the Human Resources Department has the primary responsibility for conducting the preliminary investigation of all suspected acts as defined in the Policy. If the preliminary investigation or assessment of the situation indicates that fraud, waste or abuse may have occurred, senior management will involve law enforcement, the Clerk of Court's Inspector General, the external auditors or other Certified Fraud Examiners (CFE), and/or other professionals as appropriate. These parties shall issue reports to appropriate designated personnel and, if appropriate, to the Board of County Commissioners.

Decisions to prosecute or refer the investigation results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with the County Attorney, senior management, and the County Administrator as will final decisions on disposition of the matter.

The County Administrator and Human Resources Department shall treat all information received confidentially to the extent permitted by law.

## Section G – Sanctions

Employees found to have violated this Policy shall be subject to disciplinary action up to and including dismissal. The type of discipline administered will depend on the severity of the conduct as well as any other factors presented in the particular circumstances, and will be administered in accordance with prevailing County policy.

The contractual or other business relationship of individuals or entities associated with the County found to have violated this Policy shall be subject to review, with the possible modification or termination of such contractual or business relationship.

## Section H – Authorization for Investigating Suspected Fraud, Waste or Abuse

The County Administrator, Human Resources Director and their designees shall have:

- 1) Free and unrestricted access to all County records and premises, whether owned or rented;
- 2) The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of their investigation.

## Section I – Administration

The Human Resources Director, with guidance from the County Administrator, is responsible for the administration, revision, interpretation, and application of this Policy. The Policy shall be reviewed periodically and revised as needed.