



**Board of County Commissioners**

**Human Resources Policy Manual**

Revised September 21, 2021

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## **CHAPTER I - HUMAN RESOURCES RULES**

### Section A – Adoption

By action of the Board, the Human Resources Policy Manual was adopted and became effective October 1, 1975.

### Section B – Purpose

- 1) The purpose of this manual is to set forth policies and guidelines relative to employee benefits and procedures under the Board. It provides employees with sufficient understanding of their privileges and benefits as well as their duties and responsibilities.

This policy manual has been created and adopted by the Board of County Commissioners in an effort to provide managers, supervisors and employees with a clear understanding of the human resources policies and procedures of the County. This policy manual is not intended to create any type of contract between the employee and the County, nor is it intended to endow any employee with a property interest in his/her employment or any aspect thereof.

- 2) Unless stated otherwise, benefit provisions contained herein do not apply to part-time, temporary, probationary or emergency relief employees.
- 3) Rules and individual department policies not in conflict with this manual are not affected and are valid.
- 4) In order to modify any portion of this Human Resources Policy Manual, the Board must approve the revision.
- 5) These policies are adopted to provide for the recruitment and development of the best available employee for each position in Okaloosa County. They provide for establishing orderly procedures for administering the human resources system in such a way as to be consistent with the following merit principles:
  - a) Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills including open competition of qualified applicants for initial appointments;
  - b) Establishing pay rates consistent with the principles of equal pay for equal work;
  - c) Training employees, as needed, to assure high quality performance;
  - d) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance cannot be corrected;

- e) Assuring fair treatment of applicants and employees in all aspects of human resources administration without regard to actual or perceived race, color, national origin or ancestry, religion, sex, disability, sexual orientation, gender identity, political affiliation, marital status, age or genetic information and with proper regard for their privacy and constitutional rights;
- f) Establishing procedures for the presentation and adjustment of employee grievances;
- g) Okaloosa County has traditionally operated without a union and has done so with pride. We feel the working environment at Okaloosa County is good. County philosophy includes goals of maintaining a climate of excellent employee relations showing respect for the rights and dignity of employees, as well as striving for employee satisfaction through fair compensation, comprehensive benefits and job security. We try to treat all employees fairly and as individuals. From time to time there have been, and perhaps will be again some problems, but we have always been able to solve them, without the intervention of an “outside union.”

Today’s society places enough pressures and burdens on employees and employers alike without the possible complication that history shows sometimes comes when outsiders enter the relationship between a county and its employees. You as an individual are important to Okaloosa County. We believe a union cannot solve any problems that you and the County working together cannot solve ourselves. We urge you to speak for yourself directly to us. You do not have to pay union dues to have our attention.

In our opinion, unionization often brings about the loss of many employee rights and is a stumbling block to those employees who show initiative and want to get ahead. Further, we believe unionization often hinders operational flexibility so important and necessary to a healthy and amicable working environment. We hope that you share our view and that you will work with us in the achievement of our goal for you and the people of Okaloosa County.

#### Section C - Interpretation

These policies are intended to cover most human resources problems and actions that will arise. Those not specifically covered shall be interpreted by the Human Resources Director with the advice of the County Administrator. Such interpretations shall be in keeping with the intent of these policies.

#### Section D – Saving Clause

If any chapter, section or other portion of these regulations is found to be invalid by a duly constituted authority, it shall not affect the validity of the balance of these regulations.

## CHAPTER II – DEFINITIONS

The following words and phrases apply throughout this Human Resources Policy Manual unless otherwise clearly indicated in the context:

- 1) Allocate – Assigning the position to an appropriate class on the basis of the similarity of work and level of responsibility performed in the position.
- 2) Anniversary Date – The date one year from the full-time or the part-time regular employment date. For salary increases, the anniversary date shall be that date each year on the date (month, day) of employment unless the anniversary date has been adjusted due to a leave of absence or suspension, or period of emergency relief employment, then the new adjusted date of employment would be used.
- 3) Appeal – The right to exercise the grievance procedure.
- 4) Appointing Authority – A department director, or other official employee authorized to make appointments for the County.
- 5) Board – The Okaloosa County Board of County Commissioners.
- 6) Class – A group of positions sufficiently similar as to duties performed, level of responsibility, minimum requirements or training, experience, or skill, and such other characteristics that the same title, the same examination for selection, and the same rate of compensation may be applied to each position in the group.
- 7) Classification and Pay Plan – The system of assigning jobs to classes and to an appropriate pay grade on the similarities of positions.
- 8) Compensatory Time – Time off with pay granted in lieu of cash overtime payments.
- 9) Continuous Service – Employment that is uninterrupted except for an authorized leave of absence, suspension, or a separation due to a reduction in work force of six (6) months or less.
- 10) Demotion – A change of an employee from a position in one class to a position in another class having a lower minimum starting salary and with less discretion and/or responsibility.
- 11) Department – A unit of county government with specific duties.
- 12) Dismissal – The involuntary termination of an employee.
- 13) Eligible – An applicant who has completed the necessary application process required under these rules and who has qualified to be placed on a list of qualified applicants.



- 14) Emergency Relief Employee – An employee who is called into work intermittently, does not work on a scheduled basis, and is exempt from any benefit provisions. Periods of emergency relief employment are excluded from continuous service with the County.
- 15) Employee – A person appointed to a position in the county government for which they are compensated on a full-time or part-time basis. Examinations – Methods sometimes used to determine eligibility of applicants for employment. Examinations may be assembled (written) or unassembled, and may include but shall not be limited to written, oral, physical or performance tests, training and experience evaluation, or any combinations of these.
- 16) Executive Pay Band – A pay grade on the salary schedule created October 1, 2012 that combined grades 83 and 84 into one pay grade (executive payband).
- 17) Exempt Employees – Executive, Professional, Administrative and Computer employees, as defined in the Fair Labor Standards Act, who are exempt from overtime.
- 18) Full-Time Employee – An employee who works on a continuing basis 30 hours or more per week.
- 19) Grievance – A dispute alleging a violation of a policy, rule or procedure contained in the Human Resources Policy Manual.
- 20) Human Resources Director – The official designated to administer the human resources system for the County.
- 21) Intern – A college referred, degree-seeking student, desiring a temporary, paid or unpaid, work assignment within Okaloosa County government in order to gain practical experience within a particular field of study.
- 22) Lay-Off (Reduction in Force) – An appointing authority may separate an employee due to, but not limited to, lack of work, lack of funds or abolishment of the position.
- 23) Liaison Commissioner – Board of County Commissioners member appointed by the Board to facilitate mutual understanding between the Board and the Liaison Commissioner's designated County department(s) by: 1) maintaining and communicating knowledge of department's overall mission and 2) supporting department's attainment of goals and mission through an awareness of budget, operations, and special projects. The Liaison Commissioner is not authorized to act on behalf of the Board of County Commissioners and does not act in a decision making or direction capacity unless at a duly advertised public meeting of the Board of County Commissioners.
- 24) Merit Increase – An increase in pay, in the pay range or grade, based on an employee's job performance.

- 25) Minimum Qualification – Those minimum requirements as to education and experience that qualify an applicant to be considered for appointment. Additional requirements may also be indicated when necessary, such as licenses, certificates and others.
- 26) Non-Exempt Employees – Employees covered by the provisions of the Fair Labor Standards Act who are eligible for overtime.
- 27) On-Call Employees – Individuals who are hired for an indefinite period to meet staffing needs, but who normally work less than a 40 hour workweek. On-call employees are exempt from any benefit provisions except those prescribed by federal or state law, and their service is excluded from continuous service with the County. On-call employees are not eligible to apply for internal vacancies.
- 28) Overtime – Time in excess of 40 hours in a workweek except for certain correctional employees.
- 29) Part-Time Employee – An employee who works on a continuing basis, but less than 30 hours per week.
- 30) Performance Evaluation – A method of evaluating each employee on a periodic basis as to his/her performance on the job.
- 31) Position – An office or post in a department of the County involving duties requiring the services of one (1) person. It can be part-time, full-time, temporary or regular, occupied or vacant.
- 32) Probationary Employee (Initial) – An employee serving the first six (6) months of their appointment. They must pass this period of observation and evaluation successfully. The initial probationary period will be a six (6) month period based on any continuous employment, whether it is full-time or part-time.
- 33) Probationary Employee (Extended) – An employee placed in an extended probationary period due to a disciplinary action, or documented work performance deficiencies. This period may not exceed 90 days past the initial six (6) month probationary period. Any employee placed on an extended probationary period will not be eligible to use annual leave and will not be eligible to be paid any annual leave if termination occurs prior to the end of the extended probationary period.
- 34) Probationary Employee (Promoted, Demoted or Reclassified) – An employee placed in a probationary status, at the discretion of the department director, due to a change in their job title or classification and shall be entitled to use any benefits to which they were entitled prior to the change.

- 35) Promotion – A change of an employee from a position in one class to a position of another class, having a higher minimum salary and carrying a greater scope of discretion and responsibility.
- 36) Reclassification – The assignment of an existing position from one class to a different class due to a significant change in their duties or responsibilities.
- 37) Red-Circle Rate Concept – The concept used that allows an employee to retain their present salary, which is above the maximum pay range for the position, as revised October 1990.
- 38) Regular Employee – Satisfactory completion of the probationary period by an employee results in that employee achieving regular status.
- 39) Resignation – The termination of an employee at his/her request.
- 40) Series – A number of classes related to each other in terms of work within the same occupational field, e.g., Clerk I, Clerk II, and Clerk III would constitute a clerical series.
- 41) Sexual Harassment – Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  - b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
  - c) Such conduct has the purpose of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- 42) Suspension – An enforced leave of absence for either disciplinary purposes or pending investigation or charges against an employee.
- 43) Temporary Employee – An employee filling a temporary position for a special project or other work of a temporary nature that will not exist beyond six (6) consecutive calendar months and is not renewable. Upon approval of the County Administrator, temporary appointments may exceed six (6) months when needed to replace or supplement employees incapacitated by workers' compensation injuries or fill lifeguard positions, on a seasonal basis.
- 44) Transfer (Lateral) – The movement of any one (1) employee from one (1) position to another having the same salary range and the same level of responsibility.

45) Vacancy – A position duly created and still existent but not occupied by an employee.

## **CHAPTER III – AMERICANS WITH DISABILITIES ACT STATEMENT, PROHIBITED HARASSMENT POLICY AND AFFIRMATIVE ACTION FOR EQUAL OPPORTUNITY PLAN**

Revised and effective 05-18-2021

### Section A – Americans With Disabilities Act Statement

It is the intent of Okaloosa County to comply with the mandates of the Americans with Disabilities Act as amended in 2008. In that regard, qualified individuals with disabilities are encouraged to apply for positions and the County will reasonably accommodate such individuals. In circumstances where a disabled individual is the most qualified for a position, with or without a reasonable accommodation, that individual will be selected. It is primarily the responsibility of the disabled applicants and employees to call to the County's attention any need for a reasonable accommodation in testing or with respect to the position the individual seeks or holds.

Employees who believe they have not been afforded their rights under the Americans with Disabilities Act as amended in 2008 may file a complaint by contacting the EEO Officer or Human Resources Director, by following the procedure outlined in the Complaint Resolution Procedure chapter below.

### Section B – Prohibited Harassment Policy

#### 1) Overall Statement

Okaloosa County is committed to providing its employees with a workplace free of unlawful harassment. The County maintains a strict policy prohibiting discrimination or harassment on the basis of actual or perceived race, national origin, color, religion, sex, physical or mental disability, sexual orientation, gender identity, genetic information, age, marital status, political affiliation, or protected activity.

This prohibition applies to all employees, vendors, and customers of the County. No county employee is expected to tolerate any conduct prohibited by this policy from anyone while at work or engaged in County business. The County does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

#### 2) Prohibition Against Harassment

As mentioned in the overall statement above, the County prohibits discrimination or harassment on the basis of actual or perceived race, national origin, color, religion, sex, physical or mental disability, sexual orientation, gender identity, genetic information, age, marital status, political affiliation, or protected activity. Such prohibited harassment includes, but is not limited to, the following examples of offensive conduct:

- a) Physical conduct such as assault, unwanted touching, or blocking normal movement;
- b) Retaliation for making or threatening to make harassment reports to the County, or for participating in an investigation into harassment allegations;
- c) Verbal conduct such as threats, epithets, derogatory comments, or slurs;

- d) Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
- e) Written communications containing statements that may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or caricatures.

If you feel that you or any of your fellow employees have experienced unlawful harassment on the job, please file a complaint by contacting the EEO Officer, Human Resources Director or any suitable member of management. Use the Complaint Resolution Policy and Procedure.

### 3) Prohibition Against Sexual Harassment

Okaloosa County is opposed to and will not tolerate sexual harassment in the workplace. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual;
- c) Such conduct has the purpose of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment includes but is not limited to the following examples of prohibited offensive conduct:

- a) Unwanted sexual advances;
- b) Offering employment benefits in exchange for sexual favors;
- c) Making or threatening retaliation after a negative response to sexual advances;
- d) Visual conduct such as leering, making indecent or sexual gestures, and displaying sexually suggestive objects, pictures, cartoons, calendars or posters;
- e) Verbal conduct such as making or using derogatory comments, using demeaning or inappropriate terms (such as "Babe", "sweet heart", or "honey"), telling sexually explicit jokes and making comments about an employee's body or attire;
- f) Written or electronic communication of a sexual nature, suggestive or obscene letters, notes or invitations, whether in hard copy or via a computer or other electronic device;
- g) Verbal sexual advances or propositions;
- h) Physical conduct such as unwanted touching, assault, impeding, or blocking movements;
- i) Sabotaging work;
- j) Retaliation for making harassment reports or threatening to report harassment.

Note that not all of these are sexual in nature. In some of these examples the behavior is based on gender (such as sabotaging a woman's work) and is therefore considered sexual harassment. Note also that sexual harassment can occur between employees of the same sex. It is unlawful for any employee to sexually harass any other employee, regardless of gender, gender identity, sexual orientation or any other protected class.

If you feel that you or any of your fellow employees have experienced sexual harassment on the job, please file a complaint by contacting the EEO Officer, Human Resources Director or any suitable member of management. Use the Complaint Resolution Procedure.

### Section C – Prohibition Against Retaliation

Okaloosa County strictly prohibits retaliation against any employee by another employee or by the County through the actions of its supervisors and managers. Employees are protected against retaliation for:

- 1) Using the County's Complaint Resolution Policies and Procedures or Grievance Procedure;
- 2) Reporting harassment;
- 3) Filing, testifying, assisting, or participating in any manner in any investigation, proceeding or hearing conducted by the County or a government enforcement agency.

### Section D – Employee Responsibilities, Complaint Rights, Complaint Resolution Policy and Resolution Procedures for Prohibited Harassment

Okaloosa County establishes the following procedure for reporting, investigating, and resolving claims of racial or sexual harassment or other types of equal opportunity claims or prohibited harassment.

- 1) Employee Duties Regarding Harassment
  - a) Any employee who believes he/she has been subjected to harassment prohibited by this policy should immediately tell the harasser to stop the unwanted behavior. The employee shall also be required to immediately report the behavior, preferably in writing, to the EEO Officer, Human Resources Director, or any member of management (Supervisor position and above).
  - b) If an employee observes or becomes aware of unlawful harassing conduct engaged in or suffered by a county employee, regardless of whether the observing employee is directly affected, the employee is required to immediately report that information, preferably in writing, to the EEO Officer, Human Resources Director, or any member of management.

#### 2) Harassment Complaint Right

Employees who believe they have been unlawfully harassed or discriminated against, including sexual harassment, shall have the right to file a formal complaint with any member of management, the Human Resources Director, or the EEO Officer.

### 3) Harassment Complaint Resolution Policy

This procedure is in addition to the Grievance Procedure set forth in the Grievance/Appeal Procedure Chapter XXI and does not replace that procedure. For Chapter III related issues, employees shall utilize this procedure.

The County encourages any person who believes he or she has been unfairly treated or harassed due to their actual or perceived race, national origin, color, religion, sex, physical or mental disability, sexual orientation, gender identity, genetic information, age, marital status, political affiliation, or protected activity to utilize the Complaint Resolution Procedure. It is the County's intent to take timely and appropriate corrective action, including discipline, whenever it determines that unlawful harassment has occurred in violation of this policy. The goal of such corrective action will be to stop the unlawful harassment, correct its effects if possible, and ensure that it does not recur.

Employees are required to report such harassment as soon as possible because a timely investigation is much more productive. It is difficult for the County to investigate such allegations if they are not reported timely. Witnesses may have departed the County's employ, memories may have faded and the County may be less able to accomplish an in-depth investigation if complaints are not brought to attention expeditiously.

Although reporting prohibited harassment is mandatory, the County recognizes that sometimes people are reluctant to come forward with claims of harassment, favoritism or unfair treatment and may wait weeks, months, or even years to do so, and because the County does not want anyone to be precluded from voicing their concern, this procedure is always available, even with older claims that should have been reported earlier.

This policy applies to every person in county employ and to applicants for county employment.

### 4) Harassment Complaint Resolution Procedure

- a) Any employee who wishes to make a complaint under this procedure should contact the EEO Officer, the Human Resources Director or any member of management. Any complaint may be made orally initially, but Human Resources will request the complaint be reduced to writing when formally being reported.
- b) Any member of management who receives a report of prohibited harassment must immediately notify the Human Resources Department. Any and all complaints or observations of unlawful harassment will be investigated as promptly and as thoroughly as possible by the Human Resources Department. To investigate the complaint, the Human Resources Department may interview witnesses, research files and/or take such action deemed necessary.
- c) The Human Resources Director may recommend to the County Administrator any remedial relief considered appropriate including back pay, transfer, promotion, etc. The Human Resources Director may also recommend any disciplinary action found appropriate 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. If disciplinary action is appropriate, the department director will take such action. If the claim is against a department director, such disciplinary action will be taken by the County Administrator. However, nothing contained herein shall prevent the County Administrator from taking actions against department directors at any time.



- d) The employee who made the complaint will be made aware of the determination as to whether unlawful harassment occurred. If the determination resulted in discipline of any employee (e.g., written reprimand, suspension or dismissal), a copy of the actual notice of disciplinary action will be placed in the employee's human resources file.
- e) Because of the extremely sensitive nature of these types of claims and cases, investigators may request all persons interviewed to keep the contents of their interview confidential to the extent permitted by law. To the extent permitted by law, all complaints, reports and recommendations will be kept confidential.
- f) Supervisory and management employees who discuss cases in which they or any of their employees are involved with anyone other than those persons directly involved, will be subject to discipline, including dismissal, unless they have been given specific instructions to the contrary.
- g) This procedure does not create any property rights or extend the time to file a grievance under the Grievance/Appeal Procedure or in any way constitute a waiver of any other statute of limitations.

## Section E – Affirmative Action for Equal Opportunity Plan

### 1) Statement of County Policy

The Board prohibits unlawful discrimination, and will strive to ensure that all aspects of county employment are equally available to all minorities, on the same basis and under the same terms and conditions as they are available to non-minorities.

The County believes that special measures and efforts are appropriate to preclude discrimination within its organization. The County will accordingly assure a determined and sustained effort in support of this belief and policies outlined in this equal employment opportunity program.

Pursuant to the goals of this program, all management and supervisory employees will share in the responsibility for implementing the program, and management performance in the area of equal employment opportunity will be evaluated in the same way that performance or other assigned duties are evaluated. Violations of this program for Affirmative Action for Equal Opportunity (hereafter program) will meet with appropriate action.

In order to effectively promote this program, the County may seek the assistance of appropriate entities including suppliers, government agencies, educational institutions, civil rights organizations and other community organizations.

It is the responsibility of each member of management, to give this program his/her full support by leadership and personal example. In addition, it is the duty of every county employee to create a job environment that is conducive to this program. Overall responsibility for the direction of this program, and its implementation, will reside with the Human Resources Director, who will serve as the County's Affirmative Action Coordinator.

## 2) Terms of Program

### a) Policy

Okaloosa County's policy statement on equal opportunity and non-discrimination is contained in this chapter. Okaloosa County will take affirmative action to ensure the implementation and enforcement of its Affirmative Action for Equal Opportunity program. Although the program is directed to minorities (to include females), any employee who believes he/she is being unlawfully discriminated against is covered by this program and encouraged to use the Complaint Resolution Procedure.

### b) Responsibility for and Implementation of the Program

i) The Human Resources Director is hereby designated as the program coordinator and is responsible for the program. The coordinator has the support of the Commissioners and County management and is identified as the responsible official for the internal and external communications that relate to the program. These responsibilities include:

- (1) Developing and revising this program and devising techniques for communicating the County's affirmative action program both internally and externally;
- (2) Assisting in identifying any problem areas concerning the placement of minorities and female staff;
- (3) Assisting County management to devise solutions to any areas identified as potential or possible problem areas;
- (4) Serving as liaison between the County and minority and women's organizations and community action groups concerned with employment opportunities of minorities and women;
- (5) Assuring that the County Commission remains informed of the developments in the area of equal employment opportunity issues;
- (6) Reviewing the job application form to ensure that:
  - (a) Any and all questions are job related;
  - (b) Job titles are descriptive of job content;
  - (c) Job description and qualification standards do not cause inadvertent unlawful discrimination and are free from sex bias;
  - (d) Job requirements are known by all members of management involved in the recruitment, screening, placement and promotion process.

ii) In addition to these responsibilities, the Human Resources Director is also to provide for periodic review of applicable recruitment practices, training programs, hiring and promotion practices, and other applicable human resources practices to remove any impediments that may exist for minorities and females. This review shall include, but not be limited to:

- (1) Regular discussions with managers and supervisors to assure that the County's affirmative action program is being followed;
- (2) Review of the qualifications of all employees seeking promotions or transfer to ensure that qualified minorities and women are given equal consideration;
- (3) Periodic review of such matters as:
  - (a) Display of EEO posters and notices;
  - (b) The quality of facilities provided for both sexes;
  - (c) The opportunity of all employees to participate in any county-sponsored recreation and social activity;
  - (d) Equal opportunity to attend county sponsored training, seminars, etc.;
  - (e) See that disabled employees and applicants needs are addressed;
- (4) Assurance that supervisors understand that their work performance is being evaluated, among other criteria, on the basis of their efforts to comply with this program and the results of such efforts;
- (5) Assurance that supervisors adequately address and respond to any reported and/or observed unlawful harassment of employees;
- (6) Assurance that supervisors adequately address and respond to any reported and/or observed comments, jokes, cartoons, etc., that are intended to be derogatory to minorities or women;
- (7) Assurance that the overall selection process will be reviewed continually, including the training, transfer and promotion procedures, to ensure freedom from bias toward or stereotyping of minorities and women;
- (8) Assurance that efforts will continue to be made to find qualified minority and female applicants through local recruitment organizations, and other organizations created to promote the employment opportunities of minorities and females.

### 3) Dissemination of Policy

Okaloosa County recognizes that knowledge and understanding of the program is crucial to its effective implementation. Therefore, the County will take steps to disseminate to the workforce and the community its policy regarding this Affirmative Action for Equal Employment Opportunity program.

- a) Dissemination of the Equal Employment Opportunity Policy Within the County.
  - i) Human Resources staff will discuss the program at employee orientation and management training programs and at other appropriate meetings. During these discussions the County's commitment to the program will be stressed. All participants will also be encouraged to use the Complaint Resolution Procedure and will be assured that any good faith claim will not result in retaliation.
  - ii) Notice of the program, as well as a copy of the program, will be prominently posted on bulletin boards.
  - iii) Periodic references to the program will be made in county publications.
  - iv) Through the above and other such steps, the County will communicate to the employees the specifics of the program in order that employees may know of and avail themselves of its benefits.

- b) External Dissemination of the County's Equal Employment Opportunity Policy.

The County will include the County's Affirmative Action for Equal Employment Opportunity statement on the website for the electronic application system.

#### 4) Review of Recruitment and Hiring Process

- a) See the Employment, Vacancies and Promotions/Transfers Chapter for procedures followed regarding employment, vacancies and promotions/transfers.
- b) The County will offer training on interviewing skills to all supervisory staff and other appropriate employees at the time of implementation of this policy and as appropriate thereafter. Deviations may be made from the recruitment and hiring procedures only with the agreement of the department director and Human Resources Director.

The Human Resources Director shall periodically review recruitment and hiring procedures to ensure that they are meeting affirmative action and equal opportunity objectives.

#### 5) Analysis by Department of Current Workforce Complement.

A major focus of this program is to ensure that qualified minorities (to include females) are appropriately represented in all aspects and levels of County management.

- a) Therefore the program coordinator, or designee who shall report to the program coordinator, shall analyze the placement, transfer, and promotion procedures. The coordinator or designee shall review all departments of the County to determine whether or not minorities (to include females) are represented in the employee and management complement.

- b) Once the departments have been reviewed, then the following criteria, among other factors, should be considered to determine whether or not, (and if so, how) the workforce may be diversified through placement, promotion or transfer.
  - i) Are the jobs in the department desirable in terms of:
    - (1) Current wages;
    - (2) Opportunity for promotion?
  - ii) What is the turnover rate and if low, is there an opportunity to create vacancies through promotions, voluntary transfers, etc.?
  - iii) Have affirmative efforts been made in the past to recruit minorities (to include females) for these positions? If so, were they successful in generating qualified applicants? If not, what changes can be made to better ensure receipt of applications from qualified minorities and females?
- 6) Complaint Procedure for Program of Affirmative Action for Equal Employment Opportunity

See the Complaint Resolution Policy and Procedures Section.

Failure to follow any of these procedures in this program of Affirmative Action for Equal Opportunity shall not be grounds to invalidate any hire or employment decision, nor to create any right, expectation of right, or other property interest in any applicant, would be applicant or employee.

## **CHAPTER IV – ORGANIZATION FOR HUMAN RESOURCES ADMINISTRATION**

### **Section A – Board of County Commissioners**

The Board shall:

- 1) Approve the Human Resources Policy Manual and any subsequent amendments or revisions thereto;
- 2) Approve the Compensation Plan and all amendments thereto;
- 3) Confirm department director appointments.

### **Section B – Human Resources Director**

The Human Resources Director shall be responsible to the County Administrator for the administration and technical direction of the Okaloosa County human resources program.

### **Section C – County Administrator**

The County Administrator shall:

- 1) Recommend to the Board the pay and position classification plan;
- 2) Select, employ, and supervise all employees, and fill all vacancies, positions or employment under the jurisdiction of the Board; provided, however, the employment of all department directors shall require confirmation by the Board;
- 3) Suspend, discharge or remove any employee under the jurisdiction of the County Administrator, pursuant to procedures adopted by the Board.

## **CHAPTER V – CLASSIFICATION PLAN**

Revised and effective 12-15-2020

### Section A – Purpose

The Classification Plan is the foundation upon which a comprehensive human resources program is built. The Classification Plan is used as a guide to:

- 1) recruit and examine candidates for employment;
- 2) provide a systematic arrangement and inventory of positions;
- 3) determine appropriate salary ranges;
- 4) provide uniform terminology of jobs; and
- 5) aid in managing organizational structure, clarifying lines of authority and identifying responsibility.

### Section B – Job Descriptions

- 1) Each job description lists the minimum requirements or qualifications needed to perform the job such as education, work experience, and other qualifications.
- 2) Job descriptions are descriptive and explanatory and are not necessarily inclusive of all duties performed. They are designed to generally indicate the types of duties and level of responsibilities assigned to the job. Employees may be required to perform duties that are not included within their job description. All County employees are expected to perform duties as assigned, to include assignments related to declared emergencies.
- 3) Human Resources shall maintain a master set of all approved job descriptions which shall constitute the official Classification Plan. The official record shall show all amendments to the original plan. The copies of the job descriptions may include the date of adoption and/or the last revision.
- 4) Each time a department or portion thereof is substantially reorganized, the department director should submit new Job Descriptions or Job Description Questionnaires for all affected positions to Human Resources.
- 5) Human Resources may request department directors to submit job description questionnaires at any time when there is reason to believe there has been a significant and on-going change in duties and responsibilities of one or more positions.
- 6) Human Resources shall make copies of all active job descriptions available on the County Human Resources website.

### Section C – Position Titles

- 1) The official title of a budgeted position in the classification plan shall be used to designate the position in all budget estimates, payrolls, and other official records, documents, vouchers, and communications in connection with all human resources processes.
- 2) Any other title approved by an appointing authority may be used as a “working title” in departmental correspondence not having to do with administrative human resources processes covered in these rules.

### Section D – Classification of New Positions

- 1) Human Resources shall create new job descriptions for positions upon receipt of the prescribed forms indicating a statement of duties, responsibilities, and requirements of such positions from the department director. Whenever a new position is created, a Job Description Questionnaire should be submitted to Human Resources to describe in detail the duties of such position. A desk audit and/or interview with the incumbent or department director may be required by Human Resources after a new position is created and occupied, in order to verify that the position has been appropriately allocated.
- 2) Recommendations for new positions may be completed throughout the fiscal year and are not necessarily restricted to the budget request process. Departments wishing to establish new positions should first discuss with the appropriate level Administrator for tentative approval. If tentatively approved, the department should either review the classification plan for an existing job title to use or complete the Job Description Questionnaire available on the Human Resources website and forward to their assigned Human Resources contact for further instructions and consideration.
- 3) The Human Resources Director shall review and provide recommendations for approval or disapproval to the County Administrator on all proposed position creations, allocations, reallocations, and abolishment.
- 4) The County Administrator shall review and approve or disapprove recommendations of the Director and Human Resources Director regarding all proposed creations, allocations, reallocations and abolishment of positions.

### Section E – Reclassification of Positions

The Human Resources Director may recommend changing the classification of existing positions when it is believed that a position is incorrectly classified. This will include recommendations changing the exemption status of a position. Such action is called reclassification and must be reviewed and approved by the County Administrator. Directors who believe a position may need to be re-evaluated are encouraged to coordinate with Human Resources and complete the established job evaluation form. If an employee believes that his/her position is improperly classified, the employee should express their concerns to his/her department director. Reclassification requests shall be submitted in



writing and shall contain a statement of justification, facts and any other pertinent information necessary to fully evaluate the reclassification issue. As part of the reclassification process the appropriate rate of pay and pay grade shall be evaluated. All employees occupying reclassified positions at a minimum, shall fall within the pay range and shall meet the qualifications of the position. Depending on the position reclassification an employee may have their pay raised or lowered (as appropriate) to not only be within the pay range, but based on the position responsibilities, time of service with the County, employee qualifications, consideration of the rate of pay and equity for other similarly positioned employees, and any other pertinent information.

#### Section F – Position Control

All positions in the County are established and maintained through a budget each fiscal year in accordance with established budget and accounting procedures. The establishment of additional positions not approved through the budget process shall be coordinated through the Human Resources Department and will be reviewed and approved at the discretion of the County Administrator, and upon approval of the Board as required

#### Section G – Abolishment of Positions

Whenever there is justification for abolishing a position such as lack of work, reorganization, lack of funds, or other reason, the department director shall make such recommendation to Human Resources. The Human Resources Director shall review the request and present such recommendations along with the department's request for consideration to the County Administrator.

#### Section H – Maintenance of the Classification Plan

The Human Resources Director shall be custodian of the official Pay Classification Plan and shall be responsible for its maintenance and updates as necessary.

Any change in the Classification Plan, such as establishing new positions, abolishing positions, reclassifying positions, or pay grade changes for positions require prior review by the Human Resources Director and the approval of the County Administrator.

## **CHAPTER VI – COMPENSATION PLAN**

### Section A – Purpose

The Compensation Plan is designed as a fair and equitable method for payment of employees in the County. The Plan shall establish a basic salary schedule as approved by the Board. The salary ranges shall include minimum and maximum rates of pay for all positions included in the Classification Plan. In addition to the basic salary schedule, the Compensation Plan consists of two (2) salary components that shall be used to adjust employee compensation. These two (2) mechanisms include market adjustments and performance awards.

### Section B – Market Adjustment (Optional)

The market adjustment is the component that is used to ensure that the salary structure is adjusted equally across-the-board to reflect changes in the wage index. Two (2) considerations dictate whether or not a wage adjustment will be administered: changes in the wage index based upon references such as the Bureau of Labor Statistics (BLS), and the budgetary constraints of the County. Each year, the Board shall vote on the applicability and ability of Okaloosa County to apply a wage adjustment(s) to the salary structure. When applicable and when funds are available, an increase will be applied equally to all ranges, and may be applied equally to all employee salaries.

### Section C – Performance Award

- 1) The performance award component is designed to reward job performance, therefore, serving as an incentive system. Base salary increases are awarded to employees whose performance is evaluated as consistently competent and/or above standard. The performance pay system is based upon the principle that standard, or above, performance should be rewarded because such performance is a greater contribution to the County than below standard performance. The performance award is strictly used to monetarily reward standard or above standard performance.
- 2) Employees whose performance is evaluated as consistently satisfactory and/or above satisfactory may receive a base salary increase up to three percent (3%).
- 3) Employees at the maximum of their salary ranges and deserving of performance awards will be awarded a lump sum equivalent to fifty percent (50%) of the annual increase the employee would have received had he/she not been at the maximum of the salary range.

### Section D – Starting Rates for New Employees

- 1) In most cases, a new employee shall be paid the minimum rate of pay for the position. Exceptions may be granted upon the written prior approval of the department director and the Human Resources Director.
- 2) The minimum rate for each position is based upon the assumption that a new employee meets the minimum qualifications stated in the class specifications. In

the event that qualified applicants cannot be located for a given position, consideration should be given to establishing a new position at a lower grade that will reflect lower level duties and corresponding lower entrance requirements.

- 3) If a selected candidate exceeds the minimum qualifications stated in the class specification and will not accept appointment at the minimum rate for the position, the candidate may be appointed at a higher rate up to ten percent (10%) above the minimum of the salary range upon the written approval of the department director and the Human Resources Director. Appointments up to the maximum of the salary range may be authorized by the County Administrator. These cases should be thoroughly analyzed and measured against objective qualification standards including, but not limited to, related job experience, educational background, comparable market data, internal salary equity, available resources, and Federal Wage and Hour laws. Consideration should be given to review and compare the salaries of employees in similar positions. In addition, every effort should first be made to recruit a qualified employee who will accept appointment at the minimum rate for the position.

#### Section E – Market Impact Positions

- 1) Certain positions may be designated by the County Administrator as market impact positions based on the following criteria:
  - a) High turnover;
  - b) Difficulty in recruiting candidates;
  - c) Difficulty in filling the position.
- 2) For positions designated as market impact positions, the Human Resources Director shall:
  - a) Conduct a market survey of salaries being offered and paid by other organizations;
  - b) Identify the market rate for the position;
  - c) Raise the hiring rate for the position to the market rate.
- 3) For market impact positions in which there are incumbents in addition to vacancies, the following will apply:
  - a) For incumbents whose most recent performance appraisal is at or above the level of “meets expectations”, raise the current salary of the incumbent by the same percentage as calculated between the old hiring rate and the new market rate, taking into consideration salary adjustments based on additional certifications or qualifications;

- b) If the incumbent initially fails to qualify for this market impact adjustment but is evaluated at a later date as “meets expectations” or above, the incumbent’s salary shall be adjusted to the full market percentage as of the date of the most recent evaluation. This provision applies only as long as the position remains designated as a market impact position.
- 4) Positions designated as market impact will be reviewed no later than annually for the designation to be renewed or discontinued. In cases where the status is discontinued, all salary adjustments awarded as a result of the status will remain in force. No future salary adjustments will be awarded based on market impact designation unless the position is re- designated as market impact at a future date.

#### Section F – Promotional Increases

##### 1) Policy

When an employee is promoted to a position in a higher grade, the employee’s salary will increase at least to the minimum or hiring salary of the new grade. If an employee is at or above the minimum salary, a maximum of a ten percent (10%) increase may be authorized by the department director and the Human Resource Director. Promotions up to the maximum of the salary range may be authorized by the County Administrator.

##### 2) Procedures for Determining Promotional Increase

- a) After a thorough analysis of internal equity and measurement against objective qualification standards, the department director will recommend the amount of the promotional increase within the standards stated in this policy.
- b) Final approval for all promotional increases must be made by the Human Resources Director or the County Administrator, with recommendations from the department director.
- c) The decision regarding a promotional increase shall reflect the promoted employee’s experience and qualifications in comparison with other employees’ backgrounds in the same job.

#### Section G – EMS Special Pay

##### 1) Special Teams Pay

- a) Members of designated special teams will be paid \$25 per week for each week they are involved in team training or activities of a special team.
- b) The maximum allowable pay for special teams in any one (1) week is \$25.

##### 2) Field Training Officer (FTO) and Alternate Shift Commander Stipend

- a) FTO’s will be paid \$25 per week for each week they serve in the capacity of FTO for at least 24 hours.

- b) Employees who are required to fill in for absent Shift Commanders for less than 30 days will be paid \$25 per week for each week they serve in the capacity of Alternate Shift Commander for at least 24 hours.
  - c) Hours worked in the same week as a FTO and Alternate Shift Commander may be combined to reach 24 hours.
  - d) The maximum allowable pay for FTO and/or Alternate Shift Commander duties in any one (1) week is \$25.
- 3) EMS Shift Training Officers are not eligible for the FTO and Alternate Shift Commander Stipend. The maximum allowable EMS special pay for an employee in any one (1) week is \$50.

#### Section H – Construction Inspectors Incentive Pay

Any Construction Inspector III possessing more than two (2) standard licenses (not including Coastal Structural) will be awarded a seven percent (7%) increase for each standard license in excess of two (2), with the exception of a three and one half percent (3½%) incentive for the possession of the Coastal Structural license, for which they have not already received an incentive or promotion prior to October 1, 2000.

The following standard licenses are the only ones considered for a seven percent (7%) increase in administration of this incentive structure:

Residential 1 & 2 Family Dwellings Building

Plumbing Commercial Electric Mechanical

Firesafety (a maximum of two (2) Construction Inspector III's may receive Firesafety incentive pay concurrently)

In addition, a three and one half percent (3½%) increase will be awarded for possession of the following standard license:

Coastal Structural

#### Section I – Correctional Officer Incentive

Okaloosa County follows the guidelines outlined in the Florida Statutes for incentive pay on Correctional Officers. Under Florida Statutes, full-time, Correctional Officers are eligible to participate in the salary incentive program. Eligible Correctional Officers receive \$20 per month for each successfully completed 80-hour training unit, capped at \$120 per month for the training incentive. Officers also receive a maximum \$30 per month for an Associate's degree and an additional \$50 per month for a Bachelor Degree or higher. The combination of both incentives is not to exceed \$130 per month.

## Section J – Code Enforcement Incentive Pay

The positions of Code Enforcement Officer and Code Enforcement Supervisor will be awarded a five percent (5%) increase upon obtaining the following certification issued by the Florida Association of Code Enforcement:

Level II

Certification Level

III Certification

Certified Code Enforcement Professional Certification (CEP)

A copy of the certification must be submitted to Human Resources to effect the increase.

## Section K – Bilingual Pay Differential

Non-exempt positions will be designated for bilingual pay differential when a second language is critical to efficiently providing services in the normal day-to-day operations of the unit.

- 1) A limited number of employees in designated positions will be eligible for bilingual pay differential. Department directors will submit written requests to Human Resources, outlining the requirements for bilingual skills for positions and requesting bilingual pay differential for employees.
- 2) Incumbents or new hires in designated positions must demonstrate the required level of oral proficiency through the authorized testing entity of the County to be eligible for bilingual pay differential.
- 3) Bilingual pay differential will be paid to non-exempt employees at the rate of 50 cents per hour in addition to the base pay.
- 4) In the event an employee moves to a position that is not designated as eligible for bilingual pay differential, the premium payment will cease.

## Section L – Effects of Demotion

When an employee is demoted to a lower position, the employee shall be paid at a rate that is within the approved range for the lower position. The rate of pay shall be set by the Human Resources Director, taking into consideration the circumstances surrounding, and the reasons for, the demotion. An employee receiving a demotion will be required to serve a new probationary period in the new position.

## Section M – Employee Transfers (Lateral)

When an employee is transferred to a position in the same pay grade, such transfer shall not change the date from which eligibility for consideration for a performance award shall be counted. Generally, the employee's salary will remain the same.

However, if the selected candidate's salary is less than the hiring rate, and he/she exceeds the minimum qualifications stated in the class specification, the employee may be transferred at a higher rate consistent with the new hire policy upon the written approval of the department director and the Human Resources Director.

#### Section N – Temporary Work at a Higher Classification

An employee may be required to work at a higher classification on a temporary, incidental or emergency basis and may do so for a period of 30 days or less at no increase in pay. If the employee is required to perform the duties for a period exceeding 30 days, the employee may be given an emergency appointment (or provisional appointment) to the higher position and be paid the appropriate rate for the higher classification. The employee's salary will increase at least to the minimum or hiring salary of the new grade, or if the employee is at or above the minimum salary, a maximum of a ten percent (10%) increase may be granted. At the conclusion of the assignment, the employee's pay shall revert to the authorized rate established for the employee's regular position. Any such temporary increase granted shall not affect the employee's eligibility for normal merit advancements. Temporary assignment may not exceed six (6) months with written approval for extension by the Human Resources Director and approval by the County Administrator.

#### Section O– Pay Adjustments

The County Administrator, in coordination with the Human Resources Director and upon the written request with justification and approval of the department director, shall have authority under limited circumstances to authorize pay adjustments for employees. This provision is restricted to circumstances such as, but not limited to, a significant increase in responsibility or scope of discretion of the position, or extraordinary market conditions. Award of the pay adjustment shall take into consideration the performance and tenure of the employee; difficulty recruiting and filling the position with a quality candidate; loss of institutional knowledge; internal equity; pay adjustment amount being requested; supporting market data for the request; and the department's budgetary impact.

#### Section P– Shift Differential Pay

- 1) Shift differential pay is designed as an incentive for non-exempt employees designated to work evening or night shifts as defined below:
  - a) Evening Shift – Start time at or after 11:00 AM to 5:59 PM;
  - b) Night Shift – Start time at or after 6:00 PM to 3:59 AM;
  - c) No shift differential pay for shifts with start times at or after 4:00 AM to 10:59 AM.
- 2) The shift differential pay at the start of the shift will be effective throughout that work shift, extending until the employee is released from duty.

- 3) Shift differential will be paid to employees at the flat rate of 25 cents per hour for the evening shift and 50 cents per hour for the night shift.
- 4) Shift differential pay is not applicable in the following instances:
  - a) Where employees are hired to work 2912 hours per year;
  - b) Where employees are hired to work as emergency relief EMT's or Paramedics;
  - c) Where employees are on official leave;
  - d) Where employees are participating in out-of-town training or seminar activities;
  - e) Where employees are performing work-related travel;
  - f) Where non-shift workers are called into work overtime for less than a full shift;
  - g) Where non-shift workers are flexing time for special projects.

Section Q– Overtime/Compensatory Time/Call Back Pay and Stand-By

1) Overtime Compensation

a) Exempt Employees

Executive, professional, administrative, and computer employees, as defined in the Fair Labor Standards Act, are normally exempt from overtime except as described in the Section on Pay for Work During Emergencies or Disasters. All department directors are included in this exemption. However, when an emergency arises requiring attendance for abnormal and prolonged periods, or the employee is required to perform services outside the normal scope and responsibilities called for in their position and when a non-exempt employee is unavailable or unsuitable to perform the work, overtime compensation will be authorized as appropriate by the County Administrator with notification to the Board. Exempt employees are hired for an annual salary rate to accomplish a job for the County. Although generally expected to be present and working for the total hours of the normal workweek, exempt employees are allowed some latitude with respect to time spent at work. For example, a manager who works numerous additional hours to complete a project may, with his/her department director's permission, take some time off work at a later date.

b) Non-Exempt Employees

All hourly and non-exempt salaried employees, with the exception of Correctional Officers, are entitled to overtime compensation after 40 hours of work in a seven (7) day workweek. Unless overtime is given in the form of compensatory time off as provided below, hourly employees (except correctional officers) shall receive time and one half (1½) their regular rate of pay for all hours worked in excess of 40 per workweek.



c) Correctional Officers

Correctional Officers shall receive time and one half (1 ½) their regular rate of pay for all hours worked in excess of 86 in a 14 day work period.

d) Hours Worked on Holidays

For hourly employees, all hours worked on a county-approved actual calendar holiday will be paid at one and one half (1 ½) times the employee's regular rate, with an additional eight (8) hours paid at the employee's regular straight time rate unless the employee is already being paid at overtime rate at the time of the holiday. Under that circumstance, employees will be paid at two and one quarter (2 ¼) times the employee's regular rate, with an additional eight (8) hours paid at the employee's regular rate. As an alternative to receiving eight (8) hours of holiday pay an employee may be allowed to take eight (8) hours off at another time within 60 days. Hours worked on a holiday are paid in this manner regardless of whether the employee has fulfilled the work period requirements outlined below.

e) General Requirements

Overtime is to be avoided except during peak loads or in emergencies. Employees are strictly prohibited from working overtime without permission in advance from their supervisor.

Paid time off for leave (annual, sick, holiday, civil, military, emergency, etc.), shall be counted as hours worked for purposes of determining entitlement to overtime compensation. For record keeping purposes, overtime must be submitted on the time report and should include the total number of hours and the date the overtime was worked.

2) Call Back and Stand-by Pay

a) Stand-by

A non-exempt employee on stand-by, regardless of whether he/she is called to work, will be paid the following:

- i) One (1) hour per day on weekdays;
- ii) Two (2) hours per day on weekends and county-approved actual calendar holidays.

Stand-by pay will be at the employee's applicable straight time or overtime rate. Any employee called into work while working stand-by will also receive pay for all hours worked at his/her applicable straight time or overtime rate. Hours worked includes travel time from and to the employee's home.

b) Call Back

Any non-exempt employee called into work will receive pay for all hours worked at his/her applicable straight time or overtime rate. Hours worked includes travel time from and to the employee's home.

3) Compensatory Time

Exempt employees are not eligible to earn or accrue compensatory time off. All non-exempt hourly employees may be granted compensatory time off in lieu of overtime at the rate of one and one-half (1 ½) times the actual hours worked, subject to the following:

- a) Compensatory time off may only be given pursuant to an agreement or understanding (oral or written) between the department director and the employee prior to the actual performance of work;
- b) Subject to the approval of the department director, law enforcement and correctional officers may accrue up to 480 hours of compensatory time off and all other employees may accrue up to 240 hours of compensatory time off. Overtime worked over these limits must be compensated in cash;
- c) Compensatory leave must be used prior to use of annual leave;
- d) Employees may choose to receive payment for accrued compensatory time off in cash upon the employee's separation of employment or upon entry into the Florida State Retirement System Deferred Retirement Option Program (DROP);
- e) Compensatory time off will be allowed within a reasonable period of time after requesting its use, so long as it does not unduly disrupt the operations of the department;
- f) For record keeping and reporting purposes, compensatory time off earned and taken must be accounted for in the payroll system by entries on biweekly time reports.

Section R– Pay for Work During Emergencies or Disasters

1) Policy

The following pay procedures apply when a catastrophic emergency or disaster is declared by the Board, County Administrator or designee.

2) Definitions

- a) Emergency Leave – Time off with pay during regularly scheduled working hours when county offices are closed and employees are released from duty due to an emergency or disaster.

- b) Pre/Post Emergency/Disaster Pay – One and a half times (1 ½) the employee's straight time rate of pay. Pre/Post Emergency/Disaster Pay will be paid to non-director-level exempt and non-exempt employees who 1) are designated by their department directors to work before or after disasters or emergencies; and 2) work when county offices are closed and all other employees are released by the County Administrator.
- c) Emergency Pay – Two (2) times the employee's straight time rate of pay. Emergency Pay will be paid to non-director-level exempt and non-exempt employees who 1) are designated by their department directors to work during an emergency/disaster or when emergency/disaster conditions occur; 2) work when county offices are closed and all other employees are released by the County Administrator; and 3) the work occurs within a specified timeframe as defined by the County Administrator.

Department directors who perform emergency related work when county offices are closed and all other employees are released by the County Administrator will be paid at the straight time rate for hours worked, up to a maximum of 12 hours pay in each 24 hour period. The County Administrator and/or Deputy County Administrator are not eligible to receive additional compensation during an emergency/disaster.

### 3) Procedures

- a) All county employees have an emergency management obligation to be available for working assignments before, during, and after disasters/emergencies. Employees will be notified and trained or instructed in their emergency disaster assignments annually. Employees are required to report, either by phone or in person, to their department's designated contact point prior to and immediately after a disaster/emergency in order to receive work assignments. Assignments will typically include clean-up, repair, answering citizen phone lines, manning Emergency Operations Center (EOC) positions, and working at community distribution centers or comfort stations. Because these assignments are essential to the recovery of the community after an emergency or disaster, failure to respond or be available for assignment will be considered cause for disciplinary action, up to and including termination of employment.
- b) Pre/Post Emergency/Disaster Pay will begin when county offices are officially closed and the County Administrator, or designee, releases employees. When emergency conditions warrant, Emergency Pay will be paid for time worked during a specified timeframe as defined by the County Administrator. Pre/Post Emergency/Disaster Pay will be paid continuously for all hours worked after the Emergency Pay timeframe defined by the County Administrator until normal business hours resume. This policy shall not be interpreted to provide employees with Emergency Leave and Pre/Post Emergency/Disaster or Emergency Pay concurrently for the same period of time (double and a half or triple time).
- c) Exempt and non-exempt county employees who are designated by their department directors to work before, during or after emergencies or disasters

will be compensated for time worked at the applicable pay rate regardless of whether or not they have 40 hours paid in the workweek. In accordance with the Fair Labor Standards Act, employees required to be on site and available for duties will be paid at applicable pay rates. Employees on site for personal convenience or safety who are not working will not be paid.

- d) If a county vehicle is not available for use by an employee assigned to disaster or emergency duties under this policy, the employee will be eligible for mileage reimbursement for use of a personal vehicle from the location of his/her usual work assignment to the location of the disaster or emergency assignment.
- e) Exempt and non-exempt employees, who are released from duty by the County Administrator or designee during normal work hours, will be compensated at their usual rates of pay for their regularly scheduled hours. Employees who are released from duty and already on official leave during this time will not be charged leave and will receive their usual rates of pay for the same number of hours as the other employees who are released from duty. Employees participating in out-of-town, work-related activities do not qualify for Pre/Post Emergency/Disaster pay, Emergency Pay or Emergency Leave, unless environmental circumstances warrant and authorized by the County Administrator or designee.
- f) Due to the Emergency Management obligation of all county employees, employees placed on alert during an emergency or disaster are not entitled to stand-by pay, unless they are otherwise on routine stand-by.
- g) Exempt employees are required to submit exception reports to document time worked for which emergency pay is payable; however, exempt employees are not required to submit exception reports for emergency leave.
- h) Part-time, relief and temporary employees are not eligible to receive Emergency Leave, Pre/Post Emergency/Disaster Pay, or Emergency Pay.

#### Section S – Pay for Out of Town Travel

While on overnight out of town travel assignments, a non-exempt employee should be paid during their normal working hours on non-working days (e.g., Sunday), as well as on their regular working days.

#### Section T – Pay Day

- 1) All employees are paid biweekly (every two (2) weeks). The week begins on Sunday at 11:00 PM and ends the following Sunday at 10:59 PM.
- 2) Employees will receive their checks every other Thursday and the Finance Department will have the paychecks ready at 11:00 AM.
- 3) Delivering a check to other than the payee is prohibited unless the employee has authorized such delivery in writing.

- 4) The Finance Officer and/or designated representative will periodically distribute payroll checks to individuals in each department and maintain a log of said distributions. This “test for checks” will be done randomly and unannounced.
- 5) Salary advance will not be granted under any circumstance.

#### Section U – Safe Harbor Policy

##### 1) Policy

- a) It is the policy and practice of the County to compensate employees for all time worked and to do so in compliance with all applicable state and federal laws. To ensure that employees are paid properly for all time worked and that no improper deductions are made, employees must record correctly all work time and review their paychecks promptly to identify and to report all errors. No one who is eligible for overtime should perform any work that is not authorized and recorded on his/her time card or timesheet. While all time worked will be paid, even if not authorized, working without authorization is a violation of County policy that could lead to disciplinary action.
- b) The County makes every effort to ensure that employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When a mistake does happen and is called to the attention of management, a correction will be made promptly. If an employee believes a mistake has occurred (including any improper deductions, underreported hours of work or other error) or if an employee has any questions, the reporting procedure outlined below must be used.

##### 2) Non-Exempt Employees

- a) Employees classified as non-exempt (which means they are eligible for overtime pay), must maintain a record of the total hours worked each day. These hours must be accurately recorded on a biweekly timesheet that will be provided by management. Each employee must sign and date his/her time card or timesheet to verify that the reported hours worked are complete and accurate. Time cards or timesheets must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals and early or late departures. At the end of each pay period, employees must submit their completed time card or timesheet to their supervisor for verification and approval. Employees should not sign their time card or timesheet unless it is accurate. If a time card or timesheet is not accurate, the supervisor must be notified immediately. When each pay check is received, employees should verify immediately that they were paid correctly for all regular and overtime hours worked each workweek.

##### 3) Exempt Employees

- a) Employees classified as exempt from the Fair Labor Standards Acts (FLSA) overtime pay requirements, will receive a salary that is intended to

compensate for all hours worked for the County. This salary initially will be established at the time of hire or when first classified as an exempt employee.

- b) It is the County's policy to comply with the salary basis requirements of the FLSA. Therefore, managers are prohibited from making any improper deductions from the salaries of exempt employees.
- c) Under federal law, there are certain circumstances where deductions from the salaries of exempt employees are permissible. For example, deductions may be made for, but not limited to, the following:
  - i) The first or last week of employment in the event less than a full week is worked;
  - ii) Any full workweek in which no work is performed;
  - iii) Full day disciplinary suspensions for major safety violations or significant infractions of important written workplace conduct rules; or
  - iv) Family and Medical Leave absences (either full or partial day absences).
- d) It is not an improper deduction to require the use of vacation, sick or other forms of paid time off for full or partial day absences for personal reasons, sickness, disability or other reasons. Pursuant to attendance and leave policies, employees who are absent for all or part of a work day may apply accrued paid time off to that missed work time. After all paid time off is exhausted, no partial day deductions will be made from the salary of a salaried exempt employee unless permitted by law.

#### 4) Violations and Reporting Procedures

- a) It is a violation of the County's policy for any employee to falsify a time card or time sheet or to alter another employee's time card or time sheet. It is also a serious violation of County policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or to alter another employee's time card or timesheet to under- or over-report hours worked (or to fail to report any such misconduct). Report any violations of this policy immediately to the Human Resources Director or designee. It is not a violation of the County's policy for a timekeeper, supervisor or other management official to make corrections to a time card or time sheet in order to ensure compliance with county policies.
- b) Non-exempt employees must not work any hours outside of their scheduled work day unless their supervisor has authorized the unscheduled work. Employees must not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless authorized to do so and that time is recorded on their time card or timesheet. Employees are prohibited from performing any "off-the clock" work. "Off-the- clock" work means work performed but not reported on biweekly timesheets to include but not limited to reading, sending or otherwise work e-mails during non-working hours. Any employee who

fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including dismissal.

- c) Questions about deductions from pay or wages by exempt and non-exempt employees may be directed to the Human Resources Director or designee. Employees who believe they have been subject to any improper deductions or their pay does not accurately reflect hours worked should immediately report the matter to their supervisor, manager, director or the Human Resources Director or designee. Any member of management who receives a report of pay discrepancies must immediately notify the Human Resources Director or designee.
- d) Reports of improper deductions will be promptly investigated by the Human Resources Director or designee. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.
- e) Every report will be fully investigated and corrective action will be taken where appropriate, up to and including dismissal for any employee(s) who violates this policy. The County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including dismissal.

## **CHAPTER VII – EMPLOYMENT, VACANCIES AND PROMOTIONS/TRANSFERS**

Revised and effective 09-21-2021

The selection of all employees will be based upon proper and legal consideration of the following criteria:

- 1) Qualifications;
- 2) Previous work history;
- 3) Objectives to provide affirmative action for equal employment opportunity;
- 4) Experience;
- 5) Other valid and appropriate criteria.

Preference is given to certain veterans and spouses of veterans as provided by Chapter 295, Laws of Florida.

### Section A – Vacant Positions

When an employee is separating their employment, a period of two (2) weeks overlapping of two (2) employees in one (1) position will be allowed for training purposes. Longer periods of overlap may be permitted for more complicated positions, as funding permits, and with the approval of the County Administrator.

#### 1) Job Vacancy Postings

- a) Upon a department's request to fill a properly budgeted, non-frozen position, the Human Resources Department will distribute an Internal and/or External Job Vacancy posting based on the preference of the department, for a minimum of one calendar week. Job Vacancy postings may be omitted for temporary and relief positions.
- b) Human Resources will attempt to notify any prior employee in active lay-off status of the vacancy from the department.
- c) At the department's request, the Human Resources Department will coordinate additional outside advertising and recruitment sources (i.e., newspapers, trade journals, civil rights organizations, etc.).
- d) Interested individuals will be required to complete an online application for the position per the parameters of the posting and prior to the closing date to be considered. Emergency relief and temporary employees are eligible to apply for internal vacancies.
- e) If the same position has been recruited for within the prior six (6) months, the department director may elect to forego a new posting of the vacancy and select a qualified applicant from the prior group or groups of qualified applicants.



- f) After the closing date to apply, applicants believed to meet the minimum qualifications as noted in the job posting, and/or specified by the hiring department through supplemental questions in the job posting, will be referred to the department to include applicants claiming veteran's preference which will be identified to ensure appropriate preference is given. Background and reference checks will be conducted on all prospective employees. Background checks are to be completed by either the Human Resources Department or by departmental staff trained in background checks as applicable with Corrections or Public Safety positions requiring department specific or mandated checks outside the scope of and beyond checks conducted by Human Resources. Reference checks may be completed by Human Resources or by the hiring department if staff have received training to complete reference checks. The hiring department should coordinate their efforts to conduct reference checks with Human Resources to ensure work efforts are not duplicated.
- g) At the close of all interviews, the hiring manager shall forward the hiring recommendation to Human Resources along with the criteria and basis for their selection as well as all interview notes and documentation related to the posting. Human Resources will examine the department's selection and either process the hire after completion of any final criminal background checks, applicable pre-hire drug testing, and any other due diligence to complete the hiring process or communicate with the hiring department if any hiring issues arise. Recommendations will be forwarded by Human Resources to the County Administrator for approval as necessary.

#### Section B – Filing of Applications

- 1) All applications for positions shall be made utilizing the County's applicant tracking system. The application shall request details covering training, experience, and other pertinent information.
- 2) Applicants claiming veteran's preference must indicate it on the application and provide the required documentation.
- 3) All applications shall be signed by the applicant attesting to the truth of all statements contained in the application (to include electronic signatures). Any false statement or misrepresentation by an applicant may be cause for denying employment consideration or for discharge from county employment at any time after being employed.
- 4) Applications will be accepted only for positions that are actively posted on the County's website. A completed application will be required for each position applied for.
- 5) Applicants that have had prior employment with Okaloosa County, will be required to indicate all prior county employment on the application.
- 6) Hiring managers are encouraged to coordinate with Human Resources to view the employee files for any prior County employee being considered for re-hire.

- 7) Applicants who were dismissed by Okaloosa County will be identified to the hiring authority by the Human Resources Department. Applicants who were either dismissed or permitted to resign in lieu of termination due to their testing positive in a County directed drug test will not be eligible for rehire for a minimum of one year from the date employment was terminated. They may only be considered for rehire with proof of completion of a substance abuse/treatment program after their prior separation from County employment. This provision is applicable to all County employment opportunities to include relief, part-time, and temporary employment through the County directly or through a contracted staffing agency. All full-time and part-time employees shall be eligible for promotion and/or transfer to another department after successful completion of their initial probationary period. Exceptions may be granted within the initial probationary period with approval from Human Resources and involved department directors.
- 8) Employees assigned to the County through a staffing agency that have reached the end of their contractual agreement with the staffing agency (e.g. met the time line requirement in order to be hired by the County) may apply for internal job postings offered by the County in the same manner as regular full-time County employees.

#### Section C – Employment of Department Directors

- 1) The County Administrator will recommend a candidate to employ as a department director. Employment shall require confirmation by the Board.

#### Section D – New Employees

All new employees should report to the Okaloosa County Human Resources Department to participate in new employee orientation and complete all required employment forms, prior to reporting to their assigned department.

#### Section E – Employment of Relatives

Approval will not be granted for the employment, promotion or transfer of a member of the immediate family of an employee (father, mother, spouse, son, daughter, grandparent, grandchildren, brother, sister, aunt, uncle, niece, nephew, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepparent, stepchild, or other members of the employee's household) to a position where a relative would be supervising that employee or otherwise in violation of guidance and requirements outlined in Florida Statutes relating to nepotism.

Additionally, beginning December 13, 2020 and going forward, approval will not be granted for the employment, promotion, or transfer of any person into a County department/division where any of the above-mentioned family members are assigned.

#### Section F – Fluid Positions

- 1) The positions of Wastewater Treatment Operator and Water Treatment Operator in the Water & Sewer Department have been designated as fluid positions. The designation of the position as an "A", "B", or "C" position will be determined by the license held by the incumbent or designated candidate for hire. When apprentices

receive their “C” license, their titles and grades will be changed to that of Wastewater Treatment Operator “C.” When Water Operations Service Workers receive their “C” license, their titles and grades will be changed to that of Water Treatment Plant Operator “C.”

- 2) The positions of Construction Inspector I, II and III have been designated as fluid positions. Construction Inspectors attaining the following designated number of standard and provisional licenses will be promoted to the next higher level.
  - a) Construction Inspector I – This position requires the ability to obtain at least three (3) provisional licenses, one (1) of which must be Residential 1 & 2 Family Dwellings, or equivalent, and requires incumbent obtain one (1) standard license within one (1) year.
  - b) Construction Inspector II – This position requires the possession of one (1) standard license, and the ability to obtain or have possession of at least two (2) provisional licenses, one (1) of which must be Residential 1 & 2 Family Dwellings, or equivalent.
  - c) Construction Inspector III – This position requires the possession of at least two (2) standard licenses, and the ability to obtain or have possession of at least one (1) provisional license, one (1) of which must be Residential 1 & 2 Family Dwelling, or equivalent.
- 3) The positions of Engineering Technician, Engineer-in-Training, Design Engineer and Engineer II have been designated as fluid positions. Engineering Technicians recognized as an Engineer Intern by the State of Florida will be promoted to Engineer-in-Training. Engineers-in-Training attaining registration by the State of Florida as a Professional Engineer will be promoted to either Design Engineer or Engineer II, as designated by the department.
- 4) The positions of Paramedic and EMT have been designated as fluid positions. The designation of a position as a Paramedic or EMT may be determined by the certification held by the incumbent or designated candidate for hire. When employees who are EMT’s receive their Paramedic certifications, their titles and grades will be changed to that of Paramedic subject to the approval of their Department Director.
- 5) The positions of Utilities Service Worker, Utilities Technician I and Utilities Technician II have been designated as fluid positions. The designation of a position as a Utilities Service Worker, Utilities Technician I or Utilities Technician II may be determined by the license and certification held by the incumbent or designated candidate for hire. When employees who are Utilities Service Workers receive a Level 3 Distribution System Operator License and a Class “C” Wastewater Collection Certification, their titles, grades and pay will be changed to that of a Utilities Technician I, subject to the approval of their Department Director. When employees who are Utilities Technician Is receive a Water Distribution System Operator Level 2 License and a Class ‘B’ Wastewater Collection Certification, their titles, grades and pay will be changed to that of Utilities Technician II, subject to the approval of their Department Director. Utilities Technician Is and IIs who fail to maintain their licenses and/or certifications

will have their title, grade and pay changed to that of a Utilities Service Worker.

- 6) The positions of Equipment Technician, Certified Equipment Technician and Master Equipment Technician have been designated as fluid positions. The designation of a position as an Equipment Technician, Certified Equipment Technician or Master Equipment Technician may be determined by the certification held by the incumbent or designated candidate for hire. When employees who are Equipment Technicians receive at least one ASE Certification, their titles and grades will be changed to that of a Certified Equipment Technician subject to the approval of their Department Director. Certified Equipment Technicians who fail to maintain at least one ASE Certification will have their title, grade and pay changed to that of Equipment Technician. When employees who are Equipment Technicians or Certified Equipment Technicians receive either ASE Master Automobile Technician Certification or ASE Master Medium/Heavy Truck Technician Certification, their titles and grades will be changed to that of Master Equipment Technician subject to the approval of their Department Director. Master Equipment Technicians who fail to maintain their ASE Master Automobile Technician Certification or ASE Master Medium/Heavy Truck Technician Certification will have their title, grade and pay changed to that of Certified Equipment Technician if the employee continues to hold at least one ASE Certification or Equipment Technician if the employee does not hold any ASE Certifications.
- 7) The positions of Traffic Signal Technician I and Traffic Signal Technician II have been designated as fluid positions. The designation of a position as a Traffic Signal Technician I and Traffic Signal Technician II may be determined by the certifications held by the incumbent or designated candidate for hire. When employees who are Traffic Signal Technician I's receive an IMSA Traffic Signal Bench Technician Level II or IMSA Traffic Signal Field Technician Level II Certification, their titles and grades will be changed to that of Traffic Signal Technician II.

#### Section G – Demotions

A position may be filled by the demotion of an employee in accordance with the provisions of these rules and regulations. Demotion may be the result of reclassification of a position, disciplinary action or at the request of the employee. A demoted employee at a minimum, shall fall within the pay range and shall meet the qualifications of the demoted position. Depending on the position of the employee in the new pay grade, an employee may have their pay lowered (as appropriate) to not only be within the pay range, but based on the position responsibilities, time of service with the County, employee qualifications, consideration of the rate of pay and equity for other similarly positioned employees, and any other pertinent information.

#### Section H – Probation

- 1) Probationary Period (Initial Employment) – When a person is initially employed to fill a position on a regular full-time or part-time basis, they shall be given a probationary appointment. This period shall be considered the “working test” portion of the employment process and they must pass this period of observation and evaluation successfully. The initial probationary period will be a six (6) month period based on any continuous employment whether it is full- time or part-time.

- 2) Probationary Period (Extended) – At the discretion of the director and in coordination with Human Resources, an employee may be placed in an extended probationary period for a period of time not to exceed 90 days past the initial six (6) months probationary period. Any employee placed on an extended probationary period will not be eligible to use annual leave and will not be eligible to be paid any annual leave if termination occurs prior to the end of the extended probationary period. Any request to extend the probationary period beyond the time frames listed above will require a detailed justification in writing from the department and approval of the County Administrator, or designee.
- 3) Probationary Period (Promoted, Demoted, or Reclassified) – An employee may be placed in a probationary status, at the discretion of the department director up to six months, due to a change in their job title or classification.
- 4) An employee may be dismissed with or without cause at any time during the initial or extension of the initial probationary period or during a probationary period associated with a demotion as a result of disciplinary action.
- 5) Any probationary employee shall be provided with regular appointment status upon successful completion of the applicable probationary period.

#### Section I – Uniformed Services Employment and Reemployment Rights Act (USERRA) and Veteran’s Preference

The County will comply with the provisions and standards as outlined in the Uniformed Services Employment and Reemployment Act of 1994 (USERRA), and the Florida Statutes related to veteran’s preference.

#### Section J – Temporary Employees

- 1) A temporary appointment may be made for a special project or other work of a temporary or transitory nature that will not exist beyond six (6) consecutive calendar months and is not renewable. Upon approval of the County Administrator, temporary appointments may exceed six (6) months when needed to replace or supplement employees or fill approved seasonal positions. A temporary appointment which exists for any part of a month is considered to be in existence for the entire month. At the point the temporary appointment has been identified as lasting longer than six (6) months the County will begin paying retirement in accordance with the Florida Administrative Code Chapter 60S – 1.004.

#### Section K – Emergency Relief Employees

Employees serving in a “relief” capacity for the County are called into work intermittently, do not work on a scheduled basis, and are therefore exempt from any benefit provisions offered by the County. Periods of emergency relief employment are excluded from continuous service with the County.

## Section L – Contingent Workers (through Temporary Staffing Agencies)

Occasionally departments may have short-term temporary staffing needs that are most effectively filled by employees from temporary staffing agencies.

### 1) Qualifying Circumstances

If budgeted funds are available, the department director may engage a contingent worker under the following circumstances:

- a) To replace an employee who is on a leave of absence due to a workers' compensation covered injury, Family and Medical Leave Act (FMLA) leave, Military Leave of Absence, or Leave of Absence Without Pay; or
- b) When there is an excessive workload that cannot be handled by current staffing levels.

### 2) Procedure

- a) The requesting department has the option of utilizing an approved temporary staffing agency to fill the opening or of utilizing a County employee that is available for temporary reassignment and determined to be qualified to perform the work. If utilizing a staffing agency, the department is required to ensure the employee has successfully completed the staffing agency background check PRIOR to allowing the employee to begin work for the County.
- b) Department coordinates payment from department's budgeted funds with the staffing agency.

### 3) Special Provisions for Drug-Free Workplace Policy

The County covers all workers with a Drug-Free Workplace Policy. Contingent workers are required to submit to drug testing under the same circumstances that all county employees do.

The department is required to distribute the County's Drug-Free Workplace Policy to each contingent worker, obtain signatures, and forward signed forms to the Human Resources Department.

### 4) Driving Eligibility Requirements

Contingent Workers who drive county vehicles or operate county equipment must maintain a satisfactory driving record and meet the same standard required of all county employees. See the Employee Driving Records Section for outline of standards.

## Section M – Internships

The Okaloosa County Internship Program is designed to provide a structured learning opportunity that offers professional experience within a public sector work environment.

### 1) Definition

An intern is a temporary, paid or unpaid, work assignment within Okaloosa County government in order to gain practical experience within a particular field of study or function of County government.

### 2) Program Goals

Internship positions must provide valuable work experience through the practical application of skills and broadening of work knowledge. A structured internship should offer the following:

- a) Defined and carefully planned projects and/or duties;
- b) Professionally enhancing tasks;
- c) Continuous training and mentoring.

### 3) Procedures and Requirements

County departments seeking to provide internship opportunities must complete and submit the Intern Request Form to the Human Resources Department. The interning department is responsible to ensure background checks, pay roll forms, or other pre-start documents and training are completed through the Human Resources Department prior to the internship beginning.

Prospective interns must submit to and successfully complete a background check as well as agree to adhere to all County policies while interning.

### 4) Benefits and Compensation

Interns are not eligible to receive employment benefits granted to regular, full-time employees. Additionally, internship duration may not exceed five (5) consecutive months without approval of the County Administrator.

Requests for paid internships should be submitted and approved during the County's annual budgeting process unless otherwise approved by the County Administrator during the course of the fiscal year. The sponsoring department will be responsible for maintaining and reporting accurate time records.

## Section N – Volunteers

Members of the Board of County Commissioners and County departments may use volunteers to assist with official county business. Volunteers shall not be paid and must successfully complete the County's background check requirements. All prospective volunteers shall first be coordinated and approved through the Human Resources

Department. Consistent with Section 125.9504, Florida Statutes, volunteers may be furnished such other benefits, subsistence, travel, meals or reimbursement of expenses as approved by the County Administrator.



## **CHAPTER VIII – EMPLOYEE PERFORMANCE**

### **Section A – Purpose of Evaluations**

The performance evaluation program is intended to inform employees how well they are performing their work and how they can improve their work performance. The program is also intended to:

- 1) Be used as a guide for determining merit pay increases;
- 2) Be considered in selecting employees for promotion;
- 3) Provide essential information for employee career development;
- 4) Serve as a basis for establishment of layoff rosters;
- 5) Be used in determining whether an employee's work is so deficient as to warrant corrective action, up to and including dismissal.

### **Section B – Evaluation Program Policy**

The Human Resources Director shall be responsible for the establishment and administration of a performance evaluation program for all employees of the Board. The performance evaluation shall be in a standard written form as prescribed by the Human Resources Director.

### **Section C – Evaluation Periods**

**Probationary Reviews** – All part-time and full-time employees hired on or after October 1, 1995, shall be evaluated at the end of their initial or extended probationary period. All part-time and full-time employees hired on or after October 1, 1996, shall be eligible for a three percent (3%) salary increase at the end of their initial or extended probationary period, with satisfactory work performance.

**Annual Reviews** – All full-time and part-time employees shall be evaluated annually on their anniversary dates or the adjusted anniversary dates.

### **Section D – Evaluation Review Process**

- 1) Evaluations shall be prepared by the immediate supervisor of each employee and reviewed by the appropriate department director.
- 2) Supervisors must use the comments sections on the evaluation forms in order for them to be considered complete.
- 3) The evaluator shall discuss each performance evaluation with the employee.
- 4) The employee, supervisor and department director shall sign the evaluation.

## Section E – Evaluation Processing

- 1) Employees whose performance is evaluated as consistently satisfactory and/or above satisfactory may receive up to a three percent (3%) increase.
- 2) Employees who are at the maximum of their salary range and deserving of performance pay will be awarded a lump sum equivalent to fifty percent (50%) of the annual increase the employee would have received had he/she not been at the maximum of the salary range.
- 3) Completed evaluations shall be forwarded to the Human Resources Department for processing at least 14 days prior to the effective date.
- 4) Recommended salary increases shall be effective the first day of the pay period in which the anniversary date occurs.

A salary freeze was imposed by the Board for the fiscal year 1991-1992 with the exception that longevity increases may be awarded.

- 5) The original performance evaluation will be maintained in the employee's permanent human resources record.

## Section F – Counseling

Memorandums of counseling allow the supervisor to bring to the employee's attention the need for improving performance, work habits, behavior, or attitude, or to serve as a warning against prohibited conduct or clarify an important issue. The supervisor should utilize the occasion to identify and define the area needing improvement and inform the employee as to how such improvement can be realistically achieved, stressing the importance of satisfactory work performance. A Counseling Form may be used to document a counseling session.

The purpose of counseling is to improve the performance of the employee and should not be considered a disciplinary action, and there shall be no right of review.

## **CHAPTER IX – ATTENDANCE AND LEAVE**

### Section A – Hours of Work

- 1) The established workweek for all full-time employees shall be not less than 30 hours.
- 2) The work schedule for each department shall be established by the department director.
- 3) Every effort will be made in county departments to accommodate employees required to work Saturdays and/or Sundays for days of worship.
- 4) Exempt employees who are required to work excessive hours in a pay period may be allowed some flexibility with regard to the number of hours worked in a subsequent pay period, provided however, that the additional hours must be approved in writing by the department director or County Administrator and the hours off must be used within that same fiscal year.

### Section B – Lunch Periods

Lunch periods shall be scheduled in a manner to best serve the public. Employees are expected to utilize their lunch period during the hours designated by their supervisor.

### Section C – Break Periods

Employees may be given two (2)-15 minute breaks during each eight (8) hour work shift at a time considered convenient by the immediate supervisor. There may be occasions when the workload will not permit breaks.

### Section D – Attendance

Each department director shall be responsible for the attendance of all persons in their department.

### Section E – Holidays

- 1) Observed Holidays
  - a) The following are county observed holidays:

New Year's Day	Veteran's Day
Martin Luther King's Birthday	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	Christmas Eve
Labor Day	Christmas Day

\*Floating Holiday\* - (see 3 below)

- b) For employees who normally work Monday through Friday, holidays falling on Saturday will be observed on the Friday preceding the holiday and those falling on Sunday will be observed on the Monday following the holiday.

If a holiday falls on Saturday and/or Sunday and an employee is normally scheduled to work Saturday and/or Sunday, the actual calendar date of the holiday will be considered the holiday for that employee.

## 2) Eligibility and Payment

- a) All full-time regular employees who are working during the pay period in which the holiday occurs or who are on approved leave with pay shall be entitled to holiday pay from the initial date of employment. Part-time, temporary and emergency relief employees are not entitled to holiday pay.
- b) All holidays (except floating holiday) will be paid at eight (8) hours.
- c) If a non-exempt employee is required to work on a county-approved actual calendar holiday, the employee will be compensated in accordance with the Compensation Plan Chapter.
- d) If a holiday falls on an employee's regularly scheduled day off, the employee will be compensated at the discretion of the department director by either:
  - i) Paying the employee eight (8) hours holiday pay at the regular hourly rate in addition to their earned salary for that workweek; or
  - ii) Allowing the employee to take eight (8) hours off at another time within 60 days.
- e) Divisions/Departments on the four (4) – 10 hours workweek schedule will flex their workweeks as follows:
  - i) In a week with one (1) holiday, the workweek will total 32 hours worked;
  - ii) In a week with two (2) holidays, the workweek will total 24 hours worked.
- f) Deferred holidays may be taken at a time agreed upon by the employee and the supervisor or department director.

## 3) Floating Holiday

Full-time employees with five (5) years or more continuous service will be eligible for a 10 hour floating holiday to be taken when the employee wishes, subject to department director approval (birthday, anniversary, etc.). The floating holiday will be taken on a calendar year basis and cannot be accumulated. There will be no cash payment in lieu of use.

Section F – Annual Leave (Vacation)

1) Accrual of Annual Leave

a) Full-time employees accrue annual leave based on years of service as follows:

<u>Years of Service</u>	<u>Leave Accrued Each Month</u>
0-5	8 hours
6-10	10 hours
11-15	12 hours
16-20	14 hours
21-25	16 hours
26+	18 hours

b) Upon initial appointment or upon termination, annual leave accrual will be prorated based on the date of employment or date of termination as follows:

<u>Date of Employment</u>	<u>Leave</u>
1-7	100%
8-14	75%
15-21	50%
22-31	25%

<u>Date of Termination</u>	<u>Leave</u>
1-7	25%
8-14	50%
15-21	75%
22-31	100%

c) Any employee using more than 80 hours leave without pay due to using all available annual or sick leave, will have their anniversary date adjusted for the period of the leave and the employee will not accrue annual leave during the leave of absence without pay.

d) Probationary employees accrue annual leave from the date of employment; however, cannot take annual leave until the initial or extended probationary period is complete. Any employee placed in a probationary status due to a change in their job title/classification shall be entitled to use any benefits to which they were entitled prior to the change.

e) Part-time employees shall accrue leave after one (1) year of service at one-half (1/2) the rate of regular full-time employees, except that the accrual rate shall not increase after five (5), 10, 15, 20 or 25 years of employment.

f) Any employee making a department transfer within the Board of County Commissioners will retain any unused annual leave. Upon initial employment, Okaloosa County Board of County Commissioners will not accept accrued annual leave earned from another agency.

- g) No leave without pay will be allowed when the employee has accrued annual leave to cover the period of leave and is eligible to use annual leave. However, use of annual leave is strictly prohibited for absences covered by workers' compensation. Employees on military leave who have exhausted their annual 240 hours paid military leave may elect to use leave without pay for additional military assignments.
- h) Any annual leave taken and any terminal annual leave to be paid must be reported on biweekly time reports and exception reports.

## 2) Request for Leave

- a) A request for annual leave shall be submitted to the employee's immediate supervisor and approved by the department director. If prior approval is not requested, an employee must call their immediate supervisor for approval, within one-half (1/2) hour after the beginning of the work shift. The vacation schedule shall be arranged in each department so that, insofar as practical, the department can function without the hiring of additional part-time help.

All extended leave (more than 80 successive hours) will have the approval of the department director and notification of the Human Resources Director.

- 3) Minimum Charge – One quarter (1/4) hour is the minimum charge for annual leave, and additional leave is charged in multiples of one-quarter (1/4) hour.

## 4) Use of Annual Leave

Annual leave may be granted for the following purposes:

- a) Vacation Leave;
- b) Absence due to illness of an employee or member of the employee's family;
- c) Absences for transaction of personal business that cannot be conducted during off-duty hours;
- d) Religious holidays other than those designated by these rules as official holidays or designated by the Board as holidays;
- e) Employees may not use sick leave for annual leave;
- f) Any absences from work not covered by other types of leave provisions established by these rules.

## 5) Accumulation of Annual Leave

There is not a maximum of unused annual leave that may be accrued.

6) Payment for Unused Annual Leave

a) Standard Annual Leave Payout Policy

- i) All unused annual leave, up to the established maximum hours listed below, shall be paid to an employee upon separation from the County service, provided the initial or extended probationary period was completed. Employees electing to participate in the Florida State Retirement System Deferred Retirement Option Program (DROP) may choose to receive payment for unused annual leave up to the maximum upon entry into the DROP. Employees choosing this option will continue to accrue annual leave and may use it in accordance with the Annual Leave (Vacation) Section, but will not then be eligible for payment of any remaining unused annual leave upon actual termination of employment with the County.

Eligible full-time and part-time employees will be paid for all hours of unused annual leave up to a maximum of 240 hours.

- ii) Any employee terminating who has completed their initial or extended probationary period who is alleged to have committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery during employment shall have their leave balance held in abeyance until the completion of the investigation. If the investigation reveals the allegations to be unsubstantiated, the County will authorize the payment of terminal annual leave in accordance with this Section. In no case shall the County hold the terminal annual leave in abeyance for more than 180 days from termination.
- iii) Any employee terminating who has completed their initial or extended probationary period shall forfeit all rights and benefits under this Section if they are:
  - (1) Determined by the County, during its internal investigation, to have committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment; or
  - (2) Found guilty or entered a plea of guilty or no contest in a court of competent jurisdiction to have committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment, committed prior to terminating; or
  - (3) Terminated based upon the employee having admitted that they committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment.

- iv) If the County, during its internal investigation, determines that the employee has committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment, or otherwise meets any of the criteria contained in subsection iii) (1), (2) or (3) above, then the County, through its Human Resources Director, shall issue a written determination setting forth its findings and the basis for that determination. Within five (5) business days of the issuance of the determination by the Human Resources Director, the employee may seek review of that determination by the County Administrator. The County Administrator, or his designee, shall review the basis for the determination and relevant material submitted by the employee and either uphold or reverse the determination of the County. The decision shall be final.
  - v) The appeal and review of any determination relating to the forfeiture of rights and benefits under this Section is separate from any appeal and review of an adverse employment action under the County's grievance process.
- b) Special Annual Leave Payout Policy
- i) All employees with at least 10 consecutive years of employment with the County who terminate between May 14, 2012 and September 30, 2012 under a special voluntary separation incentive program approved by the BCC will be paid for all hours of unused annual leave up to a maximum of 500 hours. Any employee who has been paid for annual leave upon entering DROP may be paid only the difference between the hours already paid at DROP entry and the 500 hour maximum.
  - ii) Any employee terminating who has completed their initial or extended probationary period who is alleged to have committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery during employment shall have their leave balance held in abeyance until the completion of the investigation. If the investigation reveals the allegations to be unsubstantiated, the County will authorize the payment of terminal annual leave in accordance with this Section. In no case shall the County hold the terminal annual leave in abeyance for more than 180 days from termination.
  - iii) Any employee terminating who has completed their initial or extended probationary period shall forfeit all rights and benefits under this Section if they are:
    - (1) Determined by the County, during its internal investigation, to have committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment; or
    - (2) Found guilty or entered a plea of guilty or no contest in a court of competent jurisdiction to have committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment, committed prior to terminating; or



- (3) Terminated based upon the employee having admitted that they committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment.
- iv) If the County, during its internal investigation, determines that the employee has committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment, or otherwise meets any of the criteria contained in subsection iii) (1), (2) or (3) above, then the County, through its Human Resources Director, shall issue a written determination setting forth its findings and the basis for that determination. Within five (5) business days of the issuance of the determination by the Human Resources Director, the employee may seek review of that determination by the County Administrator. The County Administrator, or his designee, shall review the basis for the determination and relevant material submitted by the employee and either uphold or reverse the determination of the County. The decision shall be final.
- v) The appeal and review of any determination relating to the forfeiture of rights and benefits under this Section is separate from any appeal and review of an adverse employment action under the County's grievance process.

Section G – Sick Leave

- 1) Abuse of sick leave is a serious offense and the use of sick leave will be carefully monitored by department directors and the Human Resources Director. Employees suspected of abusing sick leave may be required to produce a doctor's certification and be examined by a county appointed physician to verify the individual's condition or other appropriate actions. Any employee who is determined to have abused sick leave may be disciplined up to dismissal depending on the circumstances.
- 2) Rate of Leave
  - a) Full-time employees accrue sick leave at the rate of eight (8) hours per month;
  - b) Sick leave does not have a maximum accrual.
  - c) Upon initial appointment or upon termination, sick leave accrual will be prorated based on the date of employment or date of termination as follows:

<u>Date of Employment</u>	<u>Leave Earned</u>
1-7	100%
8-14	75%
15-21	50%
22-31	25%

<u>Date of Termination</u>	<u>Leave Earned</u>
1-7	25%
8-14	50%
15-21	75%
22-31	100%

- d) Any employee using more than 80 hours leave without pay due to using all available annual or sick leave, will have their anniversary date adjusted for the period of the leave and will not accrue sick leave during the leave of absence without pay.
- e) Any employee making a departmental transfer within the Board of County Commissioners will retain any unused sick leave. Upon initial employment, Okaloosa County Board of County Commissioners will not accept accrued sick leave earned from another agency.
- f) Part-time employees do not accrue sick leave.
- g) No leave without pay will be allowed when the employee has accrued annual or sick leave to cover the period of leave and is eligible to use this annual or sick leave. However, use of sick leave is strictly prohibited for absences covered by workers' compensation wage reimbursement.

### 3) Request for Sick Leave

- a) A request for sick leave will be submitted to the immediate supervisor. If prior approval is not requested, an employee must call their immediate supervisor for approval, within one-half (1/2) hour after the beginning of the work shift.
- b) Accrued sick leave may be taken during an initial or extended probationary period. Sick leave cannot be taken for absences covered by workers' compensation wage reimbursement.
- c) Sick leave will not be advanced except when an employee is injured on-the-job during the probationary period. Probationary employees injured on the job will be allowed to charge the first seven (7) days [or less than seven (7)] to their sick leave once it has been established that the absence will not be covered by workers' compensation.
- d) Any sick leave taken must be reported on biweekly time reports and exception reports.

### 4) Extended Leave

All extended leave (more than 80 successive hours) will have the approval of the department director and notification of the Human Resources Director.

- 5) Minimum Charge – One-quarter (1/4) hour is the minimum charge for sick leave and additional leave is charged in multiples of one-quarter (1/4) hour.

6) Use of Sick Leave

Sick leave may be granted for the following purposes:

- a) Personal illness or injury not covered by workers' compensation wage reimbursement;
- b) Personal medical, dental, or optical appointment, examination, or treatment that is necessary during working hours;
- c) Exposure to a contagious disease that would endanger others;
- d) Pregnancy and maternity leave;
- e) Dependent illness – Up to a maximum of 96 hours annually of the employee's accrued sick leave may be used for dependent illness. For purposes of this section, dependent shall be defined as follows:
  - i) Parent – biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was son or daughter.
  - ii) Son or Daughter – biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is:
    - (1) Under 18 years of age; or
    - (2) 18 years of age or older and incapable of self-care because of a mental or physical disability.
  - iii) Spouse – husband or wife.
  - iv) Spouse's parent.

7) Unused Sick Leave

a) Standard Sick Leave Payout Policy

- i) Unused sick leave will not be paid at termination for employees terminating service with less than 10 consecutive years of employment with the County.

For employees terminating service with at least 10 consecutive years of employment with the County, payment for unused sick leave will be based on the following schedule:

50% of the first 480 hours  
25% of the second 480 hours  
20% of all hours over 960 hours

- ii) Any employee terminating with at least 10 consecutive years of employment with the County who is alleged to have committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery during employment shall have their leave balance held in abeyance until the completion of the

investigation. If the investigation reveals the allegations to be unsubstantiated, the County will authorize the payment of terminal annual leave in accordance with this Section. In no case shall the County hold the terminal annual leave in abeyance for more than 180 days from termination.

- iii) Any employee terminating who has completed their initial or extended probationary period shall forfeit all rights and benefits under this Section if they are:
    - (1) Determined by the County, during its internal investigation, to have committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment; or
    - (2) Found guilty or entered a plea of guilty or no contest in a court of competent jurisdiction to have committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment, committed prior to terminating; or
    - (3) Terminated based upon the employee having admitted that they committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment.
  - iv) If the County, during its internal investigation, determines that the employee has committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment, or otherwise meets any of the criteria contained in subsection iii) (1), (2) or (3) above, then the County, through its Human Resources Director, shall issue a written determination setting forth its findings and the basis for that determination. Within five (5) business days of the issuance of the determination by the Human Resources Director, the employee may seek review of that determination by the County Administrator. The County Administrator, or his designee, shall review the basis for the determination and relevant material submitted by the employee and either uphold or reverse the determination of the County. The decision shall be final.
  - v) The appeal and review of any determination relating to the forfeiture of rights and benefits under this Section is separate from any appeal and review of an adverse employment action under the County's grievance process.
- b) Special Sick Leave Payout Policy
- i) All employees with at least 10 consecutive years of employment with the County who terminate between May 14, 2012 and September 30, 2012 under a special voluntary separation incentive program approved by the BCC will be paid for unused sick leave based on the following schedule:
    - 100% of the first 1140 hours
    - 20% of all hours over 1140 hours
  - ii) Any employee terminating with at least 10 consecutive years of employment with the County who is alleged to have committed, aided or abetted in any theft,

embezzlement, fraud, official misconduct or bribery during employment shall have their leave balance held in abeyance until the completion of the investigation. If the investigation reveals the allegations to be unsubstantiated, the County will authorize the payment of terminal annual leave in accordance with this Section. In no case shall the County hold the terminal annual leave in abeyance for more than 180 days from termination.

iii) Any employee terminating who has completed their initial or extended probationary period shall forfeit all rights and benefits under this Section if they are:

(1) Determined by the County, during its internal investigation, to have committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment; or

(2) Found guilty or entered a plea of guilty or no contest in a court of competent jurisdiction to have committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment, committed prior to terminating; or

(3) Terminated based upon the employee having admitted that they committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment.

iv) If the County, during its internal investigation, determines that the employee has committed, aided or abetted in any theft, embezzlement, fraud, official misconduct or bribery committed in connection with their employment, or otherwise meets any of the criteria contained in subsection iii) (1), (2) or (3) above, then the County, through its Human Resources Director, shall issue a written determination setting forth its findings and the basis for that determination. Within five (5) business days of the issuance of the determination by the Human Resources Director, the employee may seek review of that determination by the County Administrator. The County Administrator, or his designee, shall review the basis for the determination and relevant material submitted by the employee and either uphold or reverse the determination of the County. The decision shall be final.

v) The appeal and review of any determination relating to the forfeiture of rights and benefits under this Section is separate from any appeal and review of an adverse employment action under the County's grievance process.

#### 8) Certification by Physician

For the following reasons, a medical certification signed by a licensed physician may be required by the employee's department director to substantiate a request for sick leave:

a) Any period of absence (due to illness) consisting of 32 hours or more, commencing after 24 hours, or at the discretion of the department director.

b) To support a request for sick leave during a period when the employee is on vacation leave, or when taken before or after a holiday or other scheduled day off.

- c) Leave of any duration if absence from duty recurs frequently or habitually provided the employee has been notified or warned that a certificate will be required.
- d) To support a request for FMLA leave, and a fitness for duty report to return to work.

Section H – Optional Yearly Sick Leave Pay Out

There will be an optional pay out of unused sick leave in November of each year based on use of leave in the previous fiscal year (October through September) and in accordance with the following schedule:

Employees who have a balance of at least 200 hours of sick leave may choose to be paid for unused sick leave indexed to the amount of sick leave used as follows:

Sick Leave Hours Used      Maximum Unused Hours Paid at Option of Employee

0-12    24 hours

13-24    16 hours

25-40    8 hours

41+    not eligible for payout

The first optional sick leave pay out occurred in December 2000 and was based on leave taken between the first pay period in October 1999 and the last pay period in September 2000.

Section I – Sick Leave Pool

1) Purpose

The purpose of the sick leave pool is to establish a plan allowing the participation of full-time regular employees to pool sick leave for use after the depletion of their sick leave, annual leave and compensatory leave.

2) Eligibility

a) In order to be eligible for membership in the sick leave pool, an employee must:

- i) Be a full-time employee; and
- ii) Have completed one (1) year of employment with the Board prior to application for membership; and
- iii) Have a minimum of 80 hours of accumulated sick leave at the time of application for membership.

b) The Application for Membership in the Sick Leave Pool Form must be completed with the following:

- i) Employee's name and social security number;
  - ii) A statement that the employee's participation is voluntary;
  - iii) An authorization for an initial contribution of eight (8) hours of sick leave to the pool;
  - iv) An authorization for an additional contribution of sick leave upon depletion by the pool;
  - v) A statement of terms and conditions of membership in the pool;
  - vi) The signature of the participating employee.
- c) Eligible employees will have 30 calendar days following the completion of one (1) year of employment to join the sick leave pool. In addition, eligible employees may join the sick leave pool during the annual open enrollment period from August 1<sup>st</sup> to September 15<sup>th</sup>.

### 3) Participation/Maintenance

- a) Participation in the sick leave pool is at all times voluntary and a participating member may withdraw at any time by giving written notice to the administrator of the sick leave pool.
- b) When 320 hours have been deposited in the sick pool, the pool will be activated for use by eligible employees.
- c) When the balance of the sick leave pool drops below 240 hours, each member will be required to contribute eight (8) hours of sick leave from his/her official sick leave record (not to exceed 16 hours in any one (1) calendar year).
- d) Should a member be in the process of applying for leave from the pool at the time the pool is in need of replenishment, membership shall be continued and replenishment shall be waived. Upon return to duty and after the member has accrued 20 hours of sick leave, if the pool is in need of replenishment, this member will be required to contribute as noted in item c) above.
- e) A member of the pool may request up to 240 hours from the sick leave pool. An additional 240 hours may be requested by the member due to extenuating circumstances. Approval for the additional 240 hours shall require renewed medical evaluation and committee review.
- f) No member shall use more than 480 hours of leave from the pool in a calendar year.
- g) Hours contributed to the pool shall be placed in a single account for use by all members. No contributions for the benefit of a specific individual, illness or position will be accepted.

- h) A participating member who withdraws sick leave hours from the pool will not be required to replace those hours, except as a regular contributing member of the pool.
- i) Any sick leave contributed to the sick leave pool by a member shall be forfeited upon the employee's cancellation of membership in the pool, retirement or termination from county employment.
- j) Sick leave may be granted retroactive for a period not to exceed 80 hours from the date an application for sick leave is received by the Human Resources Department.
- k) In the event the employee returns to work prior to using all leave granted, any unused leave shall be returned to the sick leave pool.
- l) The following occurrences do not qualify for use of sick leave pool hours:
  - i) Cosmetic surgery, unless necessitated by an illness, accident or injury not excluded under this sub-section;
  - ii) Intentional self-inflicted injuries;
  - iii) Illness, accident or injury to a member of the employee's family;
  - iv) Personal illness, accident or injury covered by workers' compensation;
  - v) Normal pregnancy and delivery without serious complications.

4) Request to Use Pooled Sick Leave

- a) Eligibility to request use of pooled sick leave shall be:
  - i) That sick leave be used for member's illness, injury or accident;
  - ii) That all sick, annual and compensatory leave on employee's record have been exhausted;
  - iii) That the employee's department director has approved the request and attests that:
    - (1) The leave will not be used for workers' compensation injury;
    - (2) A doctor's statement has been provided as to the nature of the illness or injury, the anticipated recuperation period and prognosis for recovery or return to work.
- b) The employee shall request use of pooled sick leave on the Request to Use Pooled Leave Form.



- c) The department shall provide the County Human Resources Department with the request to use pooled sick leave on the appropriate form and shall include:
  - i) Date absence began;
  - ii) Number of hours of absence to date;
  - iii) Number of hours of leave without pay (if any) during this period;
  - iv) An original doctor's statement;
  - v) Attestation that the employee/member has no leave left;
  - vi) Signature of the department director.
- d) If the request to use pooled sick leave is approved, members shall not be required to pay back the sick leave awarded except upon investigation and findings of abuse of the sick leave pool.
- e) If the request to use pooled sick leave is denied, members shall have the right to appeal the denial to the County Administrator within five (5) working days after being notified of the denial. The decision of the County Administrator shall be final.

5) Sick Leave Pool Committee

- a) Each department having members in the sick leave pool shall nominate one (1) employee to serve on the sick leave pool committee.
- b) To be qualified for appointment, each employee must be eligible to participate in the sick leave pool and must have elected to do so.
- c) Five (5) members [plus two (2) alternates] will be selected (names drawn at random) by the Human Resources Director from the nominated employees to serve on the sick leave pool committee. The five (5)-member committee will serve for a period of two (2) years.
- d) The sick leave committee shall meet as needed to review requests to use pooled sick leave. The committee shall approve or deny a request within five (5) working days.
- e) The sick leave committee shall appoint a chairperson who will serve as spokesperson in all administrative matters.

- f) The County Human Resources Director shall be a non-voting member of the sick leave pool committee and shall serve as the administrator of the sick leave pool. The Human Resources Director shall not be required to participate in the sick leave pool. The Human Resources Director shall:
  - i) Maintain accurate and reliable written records regarding all functions of the sick leave pool;
  - ii) Investigate alleged abuse of the sick leave pool;
  - iii) Receive applications from county employees who elect to participate in the pool;
  - iv) Annually provide a summary report to all pool members, to include:
    - (1) Number of hours on deposit in the pool at the close of the calendar year;
    - (2) Total number of hours withdrawn from the pool during the calendar year;
    - (3) Number of employees who withdrew leave from the pool during the calendar year.
- g) Approval to grant hours will be by majority vote. The committee may grant fewer hours than requested.

#### 6) Termination of Membership

- a) Members who choose not to contribute to replenish the pool when such request is made will be dropped from the pool.
- b) Members who choose to withdraw from participation after initially contributing to the pool may not withdraw their contributed leave.
- c) A member who has utilized pooled sick leave and returns to work may reapply to the pool during the next open enrollment, when he/she meets all eligibility requirements.
- d) Members who withdraw from participation from the sick leave pool may not reapply for membership for a period of 12 months. The Application For Voluntary Withdrawal Form is available in the Human Resources Department and online.

#### 7) Abuse of Sick Leave Pool Policy

Alleged abuse of the sick leave pool shall be investigated by the administrator of the pool and, if warranted, the participating employee shall repay all sick leave credits drawn from the pool and may have his/her membership in the pool canceled by majority vote of the committee. In addition, the employee may be subject to disciplinary action.

Section J – Bereavement Leave

- 1) A maximum of 24 regularly scheduled and consecutive work hours with pay will be granted to a full-time employee when a death in the family occurs.
- 2) The family members to be included as bereavement leave are:

Husband	Father-in-Law	Step Parents
Wife	Brother-in-Law	Step Children
Mother	Sister-in-Law	Step Brother
Father	Son-in-Law	Step Sister
Son	Daughter-in-Law	Uncle & Spouse
Daughter	Grandparents	Aunt & Spouse
Brother	Great Grandparents	Great Uncle & Spouse
Sister	Grandchildren	Great Aunt & Spouse
Mother-in-Law	Great Grandchildren	

- 3) Bereavement leave will not be charged against your accumulated vacation or sick leave time.
- 4) You must notify your supervisor/department director of this bereavement leave so that your time will not be docked.
- 5) Part-time employees will be granted bereavement leave only when the death occurs on days previously scheduled as duty hours/days. Any other scheduled days off will not be paid as bereavement leave.
- 6) The department director will verify the relationship of the deceased family member in accordance with the above relationships. The relationship of the deceased to the employee will be indicated on the biweekly time reports and exception reports.

Section K – Family and Medical Leave Act (FMLA) Leave

The following information is intended to be used as a guide for FMLA leave. The Family and Medical Leave Act of 1993 as amended in 2008 is detailed and lengthy; the provisions contained therein shall apply to Okaloosa County employees. Please contact the Human Resources Department for more details.

- 1) FMLA leave provides up to 12 weeks of job-protected leave during any 12 month period to eligible employees for certain family and medical reasons.
  - a) Reasons for taking leave for up to 12 weeks:
    - i) To care for the employee’s child after birth, or placement for adoption or foster care (leave may begin on the date of birth or placement and expires at the end of a 12 month period);
    - ii) To care for the employee’s spouse, child, or parent, who has a serious health condition;

- iii) For a serious health condition that makes the employee unable to perform their job;
  - iv) For a “qualifying exigency” arising out of the fact that the employee’s spouse, child, or parent is in or called to service in a foreign country as a member of the armed forces, National Guard and/or Reserves.
- b) For purposes of the 12 week entitlement, the 12 month period shall be defined as a “rolling” 12 month period measured backward from the first date an employee uses FMLA leave.
- 2) FMLA leave provides up to 26 weeks of job-protected leave during any 12 month period for an eligible employee to care for a covered service member or covered veteran with a serious injury or illness that occurred while serving on active duty or a preexisting injury or illness that was aggravated in the course of military service and is within five years preceding the date of treatment. To be eligible for this leave the employee must be a spouse, child, parent or next of kin of the covered service member or covered veteran.
- a) For purposes of the 26 week entitlement, the 12 month period shall be defined as ending 12 months after taking the first day of leave.
- 3) Employees are required to use their available annual, compensatory or sick leave during the family leave in accordance with normal leave policies as outlined in this Policy Manual.
- 4) Employees are eligible if they have worked for Okaloosa County for at least 12 months, and for 1250 hours over the previous 12 months.
- 5) Employees should provide 30 days advance notice when the leave is foreseeable.
- 6) A medical certification is required to support a request for FMLA leave, and a fitness for duty report must be submitted prior to returning to work.
- 7) The employee’s group health insurance will be continued for the duration of FMLA leave; employees must continue to pay their share of health insurance premiums while on leave.
- 8) Upon return from FMLA leave, most employees must be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms.
- 9) The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

#### Section L – Military Leave of Absence

The following information is intended to be used as a guide for military leave of absence. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) is detailed and lengthy; the provisions contained therein shall apply to Okaloosa County employees.

- 1) Employees are eligible for military leave of absence when they are assigned (volunteered or ordered) to active or inactive duty in connection with U.S. Reserve Forces or the National Guard. A copy of the member's official orders should be submitted as much in advance of the leave as possible.
- 2) Compensation for employees called to military training exercises shall be full county pay up to 240 working hours per fiscal year.
- 3) Compensation for employees called to active military service shall be full county pay for normally scheduled work days within the first 30 calendar days. An employee whose active duty extends beyond 30 days, and whose military pay is less than their county salary, will have their military pay supplemented by the County so that their total salary equals their county salary at the time they were called to active military duty. The supplement will continue for one (1) year from the date of military activation. Adequate documentation verifying military pay must be provided to Human Resources before the supplement can be paid. Leave accrual will continue for one (1) year from the date of military activation.
- 4) Absences exceeding the respective 240 working hour or 30 day caps may, upon request of the employee, be charged to paid vacation, floating holiday or compensatory leave and/or leave without pay, provided that paid leave combined with any supplemental pay does not exceed the employee's county salary.
- 5) An employee on military leave of absence may elect to continue group health and dental insurance coverage as if the employee had continued working. The County will continue to pay the premiums up to one (1) year for the employee, while premiums for dependent coverage will continue to be the responsibility of the employee. If an employee called to active military service chooses not to elect continued health and dental insurance coverage, then upon re-employment, the employee's health insurance benefits present before deployment will be reinstated, including family coverage, without any waiting period.
- 6) Returning employees will retain seniority, status and rate of pay as though the employee on military leave of absence had been continuously employed. Re-employment will be granted pursuant to USERRA.
- 7) When an employee in a covered position leaves employment with Okaloosa County for the purpose of serving in the Armed Forces of the United States and is separated there from with an honorable discharge, Okaloosa County shall reinstate or re-employ such person to the same or equivalent position within one (1) year and that person shall be awarded preference in promotion ahead of all other employees who are as well or less qualified for the position. Eligibility for promotion shall apply only to the first promotion after reinstatement or re-employment.

#### Section M – Civil Leave

- 1) When an employee has been summoned for jury duty or as a witness in county matters, he/she must notify the supervisor/department director and present the summons.

- 2) If the employee is in court (or required to remain in the court's jurisdiction) for the entire working day said employee will receive the regular day's pay. The same does not apply on an employee's regular day off; on those days they will only receive the court's compensation.
- 3) Upon release from the court's jurisdiction, an employee will be allowed a maximum of one and one-half (1½) hours to attend to personal matters before returning to duty, if the entire day has not been required by the court.

#### Section N – Leave of Absence, Without Pay (LOA/WOP)

- 1) A full-time employee, if valid reasons are presented, may be granted a leave of absence not to exceed six (6) months upon approval of the department director. Each case will be handled on an individual basis on its own merit.
- 2) An employee on a LOA/WOP, will not receive pay for holidays falling within this period of time.
- 3) When an employee is placed on or returns from LOA/WOP, annual and sick leave will be prorated in the same manner as a new or terminated employee based on the effective date.
- 4) All annual leave and compensatory time accumulated will be used before commencement of a LOA/WOP. Annual leave will not accrue during the LOA/WOP.
- 5) Sick leave may remain intact and be protected. Sick leave will not accrue during the LOA/WOP.
- 6) Seniority rights are retained but the anniversary date will be adjusted the number of calendar days off on leave of absence.
- 7) Upon resuming employment, the employee's assignment will be dependent upon the department's needs at that particular time. Positions will not be held vacant until the employee returns to work. Exceptions to this provision will be granted in accordance with the Family and Medical Leave Act.
- 8) While on an approved LOA/WOP you must pay for your insurance coverage to avoid an interruption of benefits. These amounts should be paid to the Finance Department. Exceptions to this provision will be granted in accordance with the Family and Medical Leave Act.
- 9) An employee will be placed on a LOA/WOP if absent more than 80 consecutive hours without pay [or two (2) weeks for employees working 24 hour shifts]. The LOA/WOP will be effective retroactively to the date of the first full shift without pay.

#### Section O – Unauthorized Leave

- 1) An employee absent from duty for a day(s) or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these regulations shall be deemed to be an unauthorized leave.

- 2) Any such absence shall be without pay and may be subject to disciplinary action.
- 3) In the absence of disciplinary action, an employee who absents himself/herself for three consecutive work days without leave shall be deemed to have resigned (compulsory resignation, see Separations Chapter).

#### Section P – Mentoring Leave Policy

To assist in positive development of community youth, and in support of the Governor's Mentoring Initiative and other mentoring initiatives, Okaloosa County will allow administrative paid time off to employees to volunteer as mentors as outlined below:

- 1) Each qualified employee may be granted up to one (1) hour of administrative leave per week, not to exceed five (5) hours per month, to participate in Take Stock in Children, Okaloosa County Public Schools Foundation, Inc.'s mentoring initiative and other mentoring initiatives. Any travel time required during work hours, beyond the one (1) hour granted, will be charged to the employee's leave accrual.
- 2) Each interested employee must complete the Mentoring Initiative Application Form and receive prior written approval on an annual basis from his/her supervisor, department director, and the Human Resources Director in order to volunteer for the program.
- 3) Employees must be approved by the Okaloosa County Public Schools Foundation, Inc. to participate and must adhere to all school requirements for acceptance into the program and for continued participation.
- 4) In approving an employee for the program and in granting leave for this program, the supervisor shall take the following into consideration:
  - a) Impact of leave on the work unit, and
  - b) Employee's performance, attendance, and conduct record.
- 5) Leave granted under this policy:
  - a) Must fall within the employee's regularly scheduled work hours,
  - b) Will not be paid at overtime rate, and
  - c) Will not result in reimbursement of expenses of any kind by the County.
- 6) Time spent by employees as mentors under this program will be documented as follows:
  - a) On personal calendars and/or department calendars for exempt employees, and
  - b) On the biweekly time report for non-exempt employees.
- 7) The County reserves the right to approve, disapprove, terminate, or limit employee participation in this Mentoring Initiative at any time. The Human Resources Director will coordinate any and all such actions.

## Section Q – Compassionate Leave Pool

### 1) Purpose

The purpose of the compassionate leave pool is to establish a plan allowing the participation of full-time regular employees to pool annual leave for use after the depletion of their annual leave and compensatory leave for a FMLA qualifying family member's injury or illness which requires the employee's presence, or for other exceptional emergencies as approved by the County Administrator.

### 2) Eligibility

- a) In order to be eligible for membership in the compassionate leave pool, an employee must:
  - i) Be a full-time employee; and
  - ii) Have completed one (1) year of employment with the Board prior to application for membership; and
  - iii) Have a minimum of 80 hours of accumulated annual leave and/or compensatory leave at the time of application for membership.
- b) An Application for Membership in the Compassionate Leave Pool must be completed with the following:
  - i) Employee's name;
  - ii) A statement that the employee's participation is voluntary;
  - iii) An authorization for an initial contribution of eight (8) hours of annual leave to the pool;
  - iv) A statement of the terms and conditions of membership in the pool;
  - v) The signature of the participating employee.
- c) Eligible employees will have 30 calendar days following the completion of one (1) year of employment to join the compassionate leave pool. In addition, eligible employees may join the compassionate leave pool during annual open enrollment period from August 1<sup>st</sup> to September 15<sup>th</sup>.

### 3) Participation/Maintenance

- a) Participation in the compassionate leave pool is at all times voluntary and a participating member may withdraw at any time by giving written notice to the administrator of the compassionate leave pool.
- b) When 320 hours have been deposited in the compassionate leave pool, the pool will be activated for use by eligible employees.



- c) When the balance of the compassionate leave pool drops below 240 hours, each member will be required to contribute eight (8) hours of annual leave from his/her official annual leave record (not to exceed 16 hours in any one calendar year).
  - d) Should a member be in the process of applying for leave from the pool at the time the pool is in need of replenishment, membership shall be continued and replenishment shall be waived.
  - e) A member of the pool may request up to 240 hours from the compassionate leave pool.
  - f) No member shall use more than 240 hours of leave from the pool in a calendar year.
  - g) Hours contributed to the pool shall be placed in a single account for use by all members. No contributions for the benefit of a specific individual, illness or position will be accepted.
  - h) A participating member who withdraws compassionate leave hours from the pool will be required to pay back ½ of the hours used.
  - i) Any annual leave contributed to the compassionate leave pool by a member shall be forfeited upon the employee's cancellation of membership in the pool, retirement or termination from county employment.
  - j) Compassionate leave may be granted retroactively for a period not to exceed 80 hours from the date an application for compassionate leave is received by the Human Resources Department.
  - k) If the need for required care of a family member ends, any unused leave shall be returned to the compassionate leave pool.
  - l) The employee's own illness does not qualify for use of compassionate leave pool hours.
- 4) Request to Use Pooled Compassionate Leave
- a) Eligibility to request use of pooled compassionate leave shall be:
    - i) That compassionate leave be used for a FMLA qualifying injury or illness of a member's immediate family and which requires their presence on a full-time or part-time basis, or for other exceptional emergencies as approved by the County Administrator. In exceptional emergency circumstances, County Administrator approval is required prior to the employee beginning compassionate leave.
    - ii) That the member has exhausted all of his/her annual leave, and compensatory leave on record.
    - iii) That the employee's department director has approved the request and attests that a FMLA Certification of Health Care Provider form has been

provided as to the nature of the illness or injury, the anticipated recuperation period and prognosis for recovery.

- b) The employee shall request use of pooled compassionate leave on the Request to Use Pooled Leave Form.
  - c) The department shall provide the County Human Resources Department with the Request to Use Pooled Leave Form and shall include:
    - i) Date absence began;
    - ii) Number of hours of absence to date;
    - iii) Number of hours of leave without pay (if any) during this period;
    - iv) An original doctor's statement;
    - v) Attestation that the employee/member has no annual or compensatory time left;
    - vi) Signature of the department director;
    - vii) Relationship of family member;
    - viii) Signature of approval by the County Administrator if a non-FMLA qualifying circumstance.
  - d) If the request to use the pooled compassionate leave is approved, the member will be required to pay back  $\frac{1}{2}$  of compassionate leave used.
    - i) Once the employee returns to work in a regular status, the employee will be required to start paying back the time donated upon first receipt of annual leave accrual.
    - ii) Each monthly accrual of annual leave will be reduced by  $\frac{1}{2}$  through payroll deduction, until the required amount is repaid to the compassionate leave pool.
  - e) The employee will be required to pay back all of the compassionate leave used upon investigation and findings of abuse.
  - f) If the request to use pooled compassionate leave is denied, members shall have the right to appeal to the County Administrator within five (5) working days after being notified of the denial. The decision of the County Administrator shall be final.
  - g) This policy does not guarantee more job protected leave than is allowable under FMLA.
- 5) Compassionate Leave Pool Committee
- a) Each department having members in the compassionate leave pool shall nominate one (1) employee to serve on the compassionate leave pool committee.

- b) To be qualified for appointment, each employee must be eligible to participate in the compassionate leave pool and must have elected to do so.
  - c) Five (5) members [plus two (2) alternates] will be selected (names drawn at random) by the Human Resources Director from the nominated employees to serve on the compassionate leave pool committee. The five (5)-member committee will serve for a period of two (2) years.
  - d) The compassionate leave committee shall meet as needed to review requests to use pooled compassionate leave. The committee shall approve or deny a request within five (5) working days.
  - e) The compassionate leave committee shall appoint a chairperson who will serve as spokesperson in all administrative matters.
  - f) The County Human Resources Director shall be a non-voting member of the compassionate leave pool committee and shall serve as the administrator of the pool. The Human Resources Director shall not be required to participate in the compassionate leave pool. The Human Resources Director shall:
    - i) Maintain accurate and reliable written records regarding all functions of the compassionate leave pool;
    - ii) Investigate alleged abuse of the compassionate leave pool;
    - iii) Receive applications from county employees who elect to participate in the pool;
    - iv) Annually provide a summary report to all pool members, to include:
      - (1) Number of hours on deposit in the pool at the close of the calendar year;
      - (2) Total number of hours withdrawn from the pool during the calendar year;
      - (3) Number of employees who withdrew leave from the pool during the calendar year.
  - g) Approval to grant hours will be by majority vote. The committee may grant fewer hours than requested.
- 6) Termination of Membership
- a) Members who choose not to contribute to replenish the pool when such request is made will be dropped from the pool.
  - b) Members who choose to withdraw from participation after initially contributing to the pool may not withdraw their contributed leave.
  - c) A member who has utilized pooled compassionate leave and returns to work may reapply to the pool during the next open enrollment, when he/she meets all eligibility requirements.

- d) Members who withdraw from participation from the compassionate leave pool may not reapply for membership for a period of 12 months. The Application for Voluntary Withdrawal Form is available in the Human Resources Department and online.

#### 7) Abuse of Compassionate Leave Pool Policy

Alleged abuse of the compassionate leave pool shall be investigated by the administrator of the pool and, if warranted, the participating employee shall repay all compassionate leave credits drawn from the pool and may have his/her membership in the pool cancelled by majority vote of the committee. In addition, the employee may be subject to disciplinary action.

#### Section R – Domestic Violence Leave

Domestic violence is any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

- 1) In accordance with Chapter 741.313, Florida Statutes, eligible employees are provided up to three (3) working days of job-protected leave during any 12 month period for an employee or a family or household member who is the victim of domestic violence or sexual violence. Employees are required to use their available annual, compensatory or sick leave during the domestic violence leave.
- 2) Employees are eligible if they have worked for Okaloosa County for at least three (3) months.
- 3) Reasons for taking leave:
  - a) Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
  - b) Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence;
  - c) Obtain services from a victim services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence;
  - d) Make the employee's home secure from the perpetrator of the domestic violence or sexual violence or to seek new housing to escape the perpetrator; or
  - e) Seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic violence or sexual violence.
- 4) An employee seeking leave from work under this policy must provide appropriate advance notice of the leave, if possible.

- 5) The department director may require sufficient documentation of the act of domestic violence.
- 6) Written requests for domestic violence leave and biweekly timesheets or exception reports reflecting domestic violence leave are confidential and exempt from Statute 119.07 (1) and 24 (a), Article 1 of the State Constitution until one (1) year after the leave has been taken.

## **CHAPTER X – BENEFITS**

### Section A – Insurance

All regular full-time employees are eligible for group insurance benefits as provided by the Board.

Employees who terminate their employment (unless through gross misconduct) have the option, at the time of their termination, of retaining their health insurance as set forth in the current health insurance benefit plan, under the COBRA law. Health insurance may also be retained under the provision of COBRA when a covered employee no longer qualifies for coverage due to a reduction in work hours.

### Section B – Travel Expenses

1) County employees shall be entitled to reimbursement for expenses which they may incur while performing travel in conduct of county business in accordance with the County's Official Travel: Authorization and Reimbursement Policy.

### Section C – Credit Union

Okaloosa County employees are eligible to join the Central Credit Union of Florida and the Eglin Federal Credit Union. For more information, call the County Human Resources Department.

### Section D – Workers' Compensation

- 1) All county employees are covered by and are entitled to the benefits of the Florida Workers' Compensation Law.
- 2) All employees who sustain an injury arising out of, and in the course of, performing their duties with the County are responsible for immediately advising their supervisor and completing a "First Report of Injury Form."

The First Report of Injury Form, completed by the employee and signed by the supervisor and/or department director, and the Supervisor's Accident/Incident Investigation Report Form, completed by the employee's supervisor, should be forwarded to the Risk Management Department within 24 hours.

- 3) Employer sponsored health, life, and dental insurance benefits will continue for a period of six (6) consecutive months.
- 4) No paid leave may be used in addition to or in lieu of workers' compensation benefits.
- 5) At the end of six (6) months continued lost time for an on-the-job injury, annual and sick leave accrual will cease. The affected department may refill the position at this time.

## Section E – Retirement

- 1) Complete and up-to-date information on retirement is available; contact the Human Resources Department for facts.
- 2) At retirement, an employee may be paid for annual leave up to the maximum limits prescribed in this policy. Employees electing to participate in the Florida State Retirement System Deferred Retirement Option Program (DROP) may choose to receive payment for unused annual leave up to the prescribed maximum limits upon entry into the DROP. Employees choosing this option will continue to accrue annual leave and may use it in accordance with the Annual Leave (Vacation) Section, but will not then be eligible for payment of any remaining unused annual leave upon actual termination of employment with the County.

## Section F – Employee Assistance Program (EAP)

Okaloosa County is committed to maintaining and strengthening our most important resources – our employees. In support of this tradition, the Board has initiated an Employee Assistance Program (EAP). We recognize that many kinds of personal and emotional problems which often affect job performance can be resolved more readily if they are properly identified, diagnosed and appropriately treated. Problems included under this program are marital, child or other family problems, persistent anxiety, substance abuse, stress problems, financial, or other distractive concerns. The establishment of the EAP will provide a confidential short-term counseling and referral service for eligible employees and their immediate family members. This EAP reflects the County's concern for the well-being of its employees as well as its dedication to the effective accomplishment of its goals.

The County will not impose or imply any moral judgment on an employee who utilizes or refuses to utilize the EAP.

The County encourages an employee who is experiencing problems to take it upon themselves to seek assistance from the EAP. All communications and information received by the counselors of the program through such a self-referral process will be kept strictly confidential. No one other than the individual and the counselor will know how the program is being used by the individual. Work absences for evaluations or treatments will be handled in accordance with already established benefit programs and policies.

When a supervisor becomes aware of a developing pattern of unsatisfactory job performance that cannot be corrected through the County's corrective procedures or the employee's own efforts, the employee may be encouraged or required to seek help through an administrative referral. It is recognized that it is not the role of any supervisor or manager to attempt to diagnose or resolve the employee's personal problems. However, it is the responsibility of the supervisor to be explicit about the job performance expectations of an employee, and to take appropriate disciplinary action in the event that the employee's job performance fails to meet acceptable standards. The administrative referral is an additional tool that allows the supervisor to assist troubled employees to correct their problems, thus retaining a valuable employee.

In the case of administrative referral the EAP shall report to the referring administrator whether or not the original screening interview took place. Further information regarding the employee's diagnosis or the fact of the person's further involvement in the program will be released only with prior written authorization from the employee or client. The decision to seek counseling and accept treatment is the responsibility of the individual employee. However, continued employment may be made contingent upon the employee following through on the administrative referral and the EAP provider's resulting recommendations.

Participation in the EAP does not excuse employees from complying with county policies or from meeting normal job requirements during or after receiving assistance. Nor will participation in the EAP prevent the County from taking disciplinary action against any employee for performance problems that occur before or after the employee's seeking assistance through the program.

1) Procedures

- a) Eligibility – All full-time county employees who have completed their probationary period shall be considered eligible for the EAP. The county I.D. Badge will be required for identification purposes.
- b) Expense to Employee – If the problem focuses on a single issue, or if the client is reasonably in control of his/her situation and if the counselor determines that short-term counseling is required, counseling will be provided by the EAP as a free service up to the maximum number of sessions as outlined in the EAP contract.

If the problem requires a specific type of professional assistance or agency, the counselor will then refer the client to an appropriate referral service. The provisions of the employee's health benefit program govern any possible reimbursement for these services.

- c) Client Records and Confidentiality – A minimum of client records will be maintained by the EAP provider agency. All records will be locked in a secured file cabinet, and only EAP provider staff members will be allowed access to those records.

No records of an employee whose involvement with the EAP is self-referred will appear in the employee's human resources record, nor will his/her program involvement affect, in any way, his/her promotional opportunities or job security.

- d) Program Access – Any employee can directly contact the EAP provider agency for an appointment.

Section G – Educational Reimbursement Program

1) Educational Reimbursement Policy

- a) The County will provide financial assistance, subject to availability of funds, to county employees for educational courses that are applicable to the



employee's field of work or of such nature and quality to directly contribute to the employee's value and potential growth in the County.

- b) Where tuition is funded through benefits from the Veterans Administration, a philanthropic source, grants, or government subsidized student loans, qualified employees may participate only in the "time off from work" feature of the program.
- c) This program may be amended or terminated at any time. However, such amendment or termination will not affect any course of study previously approved.

## 2) Eligibility

- a) An employee will be considered for participation in the Educational Reimbursement Program if he/she has been a full-time regular employee of the County for one (1) year or more and is so approved by his/her department director.
- b) Applications will be considered by the department director based on the benefit to the department or on a first come first served basis.

## 3) Application

- a) Submit a completed Request for Educational Reimbursement Form to the immediate supervisor.
- b) The supervisor shall review the application with the department director for participation, eligibility and budget approval, sign the application and forward it to the County Administrator for final approval.
- c) The County Administrator will forward the application back to the employee.
- d) Employees must submit a completed application and obtain all required approvals prior to the start of the educational course.

## 4) Time Off From Work

- a) Qualified employees shall be permitted to use annual leave or leave without pay if no accrued leave is available, to attend required classes that are not available during non- working hours, if approved by the department director.
- b) No more than one (1) period of absence is permissible on any one (1) day.

## 5) Reimbursement

- a) Upon the successful completion ("C" or above) of approved courses, the employee will be eligible for reimbursement of tuition and books. Employees will be eligible for 100% reimbursement for an "A" or "P", 90% reimbursement for a "B", or 75% reimbursement for a "C". Reimbursement based on other grading scales will be considered on a case- by-case basis. The employee must present documentation of successful course completion and a receipt

showing payment for tuition and books to the Human Resources Director. Request for reimbursement must be made within 35 days after completion of the course.

- b) The Human Resources Director will forward the approved reimbursement request with supporting receipts to the Finance Department for payment.
- c) Reimbursement for tuition and books will be made only to employees who are on the active payroll when payment is due.
- d) Under some circumstances, reimbursement under the Educational Reimbursement Program constitutes income to the employee. In those situations, the County must withhold taxes from this income and report it to government agencies in the same manner as for other wages.
- e) Refunds shall be limited subject to the availability of funds and the number of participants in the program.
- f) Transportation must be provided by the employee and is not reimbursable.
- g) An employee who voluntarily terminates his/her employment with the County, will be required to repay the County for tuition and books reimbursements made to the employee based on the following scale:

Course completion date vs. termination date Reimbursement

Less than 1 year	100%
At least 1 year but less than 2 years	75%
At least 2 years but less than 3 years	50%
More than 3 years	0%

Upon severing their relationship with the County, the amount to be refunded may be deducted from the employee's final paycheck or other arrangements must be made for full repayment in accordance with the scale.

## **CHAPTER XI – TRAINING ACTIVITIES**

### Section A – Purpose

The Board is interested in the growth and development of all its employees. Training and development programs are provided to assist the County in meeting its goals and objectives.

### Section B – Procedure

Each department is responsible for developing and implementing individualized training that affects their particular operations and/or procedures. The Human Resources Department will assist in establishing departmental training and development priorities in conjunction with the needs and objectives of the County.

Upon approval of the department director, an employee may be granted leave with pay to attend professional or technical conferences, meetings or short-time schools relating to their duties, or to visit other counties to obtain information and observe practices related to their duties with Okaloosa County.

### Section C – New Employee Orientation

New Employee Orientation has two phases:

Phase I is conducted by a Human Resources Department representative who acquaints new employees with Okaloosa County policies and procedures and coordinates completion of all required employment forms.

Phase II is conducted by the appropriate departmental supervisor who orients new employees to the work site and explains the specific obligations and procedures required for the job.

## CHAPTER XII – POLITICAL ACTIVITIES

- 1) The law does not prohibit a state or local officer or employee from voting as desired or from expressing an individual opinion on political subjects and candidates. The law also does not prohibit an employee from voluntarily engaging in political management or campaigning. What is prohibited generally is coercing other employees to engage in such activity, improper use of official authority or influence.
- 2) An employee may not:
  - a) Take any part in a political campaign while on duty.
  - b) Use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
  - c) Directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes.
- 3) Florida Statutes 99.012 or its successor in function places some restrictions on certain county employees qualifying for public office. County employees not affected by F.S.

99.012 may seek any elected position (municipal, county, state or federal) without resigning or taking a leave of absence, providing campaigning does not interfere with their normal job performance.

## **CHAPTER XIII – CODE OF CONDUCT**

Revised and effective 05-18-2021

### Section A – Personal and/or Romantic Relationships

Okaloosa County BCC holds its employees to the highest ethical and professional standards. As such, this policy was created to outline the guidelines regarding employees having romantic relationships within the workplace. The goal is to protect the well-being of our employees and retain a professional working environment.

County employees are encouraged to develop and maintain professional relationships in the workplace. This policy does not prevent the development of friendships or even romantic relationships between most coworkers, but it does establish boundaries with regard to those relationships and as to how relationships are conducted during working hours and within the working environment. Romantic relationships are permitted so long as these relationships are not otherwise prohibited herein and do not interfere with the effective functioning of the workplace and goals of the County. Romantic relationships are considered a personal relationship between individuals beyond friendship and otherwise intimate, that generally may involve some or all of the following: physical/sexual contact, potentially lunch or after-hours social dates, cohabitation, and non-work related: phone calls, pictures/emails/texts and other private personal communication between individuals of an intimate nature.

#### 1) Prohibited Personal Relationships

The following employees are prohibited from being involved in romantic relationships and working for the County based on their positions. Violations may be subject to disciplinary action up to and including termination. Progressive discipline shall not be required. Existing relationships in violation of these policies shall be required to be disclosed and the parties to be separated. The following are prohibited romantic relationships:

- a) Any supervisor-subordinate in the same supervisory chain.
- b) Any Director position and above in the County with any other Board of County Commission employee. Existing employees in this situation shall be grandfathered.
- c) Any romantic relationships in the following para-military departments (temporary employees excluded) – Corrections, EMS, and Public Safety. With a temporary employee, a) and b) above still apply.

#### 2) Disclosure of Consensual, Non-prohibited, Romantic Relationships.

If two BCC County employees become romantically involved, they must immediately disclose the relationship by completing and submitting a Relationship Disclosure Form to the Human Resources Department. This is not required for existing married individuals already on file with the County. Human Resources will work with the Department(s) housing the employee(s) to determine if an accommodation may be made to ensure that County operations are not impacted by the relationship. This may include consideration of transferring one or both employees to other

departments. In cases where a transfer is not viable, the employees involved will either have to determine which is to resign voluntarily, or both may be terminated. Failure to disclose a personal relationship may result in disciplinary action up to and including termination for the first offense.

Employees who engage in consensual, non-prohibited, romantic relationships must conduct themselves in an appropriate professional manner while on County property and during working hours. They should not engage in any inappropriate behaviors that may cause their coworkers to feel embarrassed, awkward or uncomfortable. This includes, but is not limited to, intimate contact at the workplaces such as: *kissing, prolonged hugging, hand holding, massaging, and personal texting, emails and calls.*

Additionally, employees are prohibited from involvement in all employment actions (i.e. disciplinary, promotion, and similar actions) related to the person they are having the romantic relationship with. When a conflict or the potential for conflict arises because of a romantic relationship between employees, even if non-prohibited, the employees may be separated by reassignment, or terminated from employment.

#### Section B – Ethics, Purchasing and Gifts

- 1) In the application of the provisions of the Okaloosa County Code of Conduct, the various Advisory Opinions and Recommended and Final Orders issued by the Florida Commission on Ethics relating to the interpretation of the Code of Ethics for Public Officers and Employees, as contained in Part III, Chapter 112, Florida Statutes, may be considered in the interpretation of these provisions.
- 2) Any attempt by an employee or officer to realize personal gain through conduct which is inconsistent with the proper discharge of the employee's duties shall have committed a breach of public trust which constitutes a conflict of interest. Employees who believe they may have a potential conflict of interest in regard to their County employment, regardless if it is actual or perceived, are required to disclose the details of such conflict on the Conflict of Interest Disclosure Form at least annually or more frequently if their situation changes. In addition, Okaloosa County will disclose in writing identified conflicts of interest to the contracting, granting, appropriating, etc. agency in accordance with the awarding agency's policy. Any employee who violates these standards of conduct is guilty of misconduct and may be subject to discipline up to and including dismissal.
- 3) No employee shall solicit nor accept gifts, gratuities, favors, anything of monetary value or loans from organizations, business concerns, or individuals with whom the employee has official relationships or business of the Okaloosa County government. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, not to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. All employees must guard against relationships that might be construed as evidence of favoritism, coercion, unfair advantage or collusion.
- 4) No employee or officer of Okaloosa County shall participate in the selection, award, or administration of a contract funded by public financial assistance which includes

contracts, grants, cooperative agreements, appropriations, etc. if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties indicated, has a financial or other interest in or a tangible benefit personal benefit from the firm selected for an award. Employees, officers or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

- 5) No employee acting in his/her official capacity as a purchasing agent or officer of Okaloosa County (as defined by F.S. 112.313) shall either directly or indirectly purchase, rent, or lease any realty, goods, or services in excess of \$500.00 per calendar year for Okaloosa County from any business entity of which the employee, the employee's spouse or employee's child has a material interest or is an officer, partner, director, or proprietor.
- 6) No employee or officer of Okaloosa County acting in his/her private capacity shall rent, lease, or sell any realty, goods, or services in excess of \$500.00 per calendar year to Okaloosa County.
- 7) No employee or officer of Okaloosa County shall participate directly or indirectly in any procurement when they know that:
  - a) The employee or officer, or any member of their immediate family, is negotiating or has an arrangement concerning prospective employment with any person, business, or organization that will be participating in such procurement; or
  - b) The employee or officer or any member of their immediate family has a financial interest pertaining to the procurement. However, any employee or any member of an employee's immediate family who holds a financial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest.

## **CHAPTER XIV – OUTSIDE WORK**

- 1) No employee shall have or hold any employment or contractual relationship with any business entity or any agency which:
  - a) is subject to the regulation of, or is doing business with Okaloosa County; or
  - b) in any way creates a continuing or frequently recurring conflict between his/her private interests and the performance of his/her public duties; or
  - c) would impede the full and faithful discharge of his/her public duties.
- 2) Prior approval to engage in outside employment must be obtained in writing from your department director on the Outside Employment & Contractual Relationship Form.
- 3) If the specific conditions of the outside employment or contractual relationship change, a new request for approval must be submitted.
- 4) Failure to secure required approval may cause you to be suspended or dismissed.
- 5) Approval will at all times be subject to review and cancellation.



## **CHAPTER XV – TIME REPORTS**

- 1) Time reports will be prepared on all non-exempt (hourly) employees. Exception reports will be prepared on all exempt (salaried) employees whenever they take any type of leave other than holiday leave.
- 2) Reports not received accurately completed will result in paychecks being delayed.
- 3) Time reports will be typewritten or prepared with an ink pen, no other will be accepted.
- 4) At the end of each pay period, the supervisor will check for accuracy.
- 5) The supervisor will sign all time reports or exception reports for employees under his/her jurisdiction and employees will sign for themselves.

## **CHAPTER XVI – RECORDS AND REPORTS**

The Human Resources Department is hereby designated as the official repository of all employee records. Department directors will forward immediately all employee records (active and inactive) in their possession to the Human Resources Director. Employee actions, letters of appreciation and admonishment, requests for leave, matters affecting pay and any other matters of permanent or semi-permanent nature will be forwarded for inclusion in the respective human resources file.

Department directors will report county vehicle accidents, theft, and losses of materials and tools on a Property Damage/Loss Investigation Report Form to the Risk Manager within three (3) working days. Vehicle accidents will also be reported on a Property Damage/Loss Investigation Report Form to the County Administrator within three (3) working days.

### Section A – Human Resources Transactions

- 1) All appointments, separations and other employee transactions shall be made on forms designated by the Human Resources Director.
- 2) A separate file folder shall be set up and maintained in the Human Resources Department for each employee and shall contain an original or a copy of all pertinent documents.

### Section B – Human Resources File Inspection

The human resources information relative to employees and former employees is available for the employee's inspection at reasonable times and in accordance with such procedures as the Human Resources Director may prescribe.

## **CHAPTER XVII – USE OF COUNTY PROPERTY**

### Section A – General Statement

All property of the County, real and personal, including vehicles, offices, lockers, etc., are furnished to county employees only for use on the job, and are solely for convenience in performing employment duties. The County may conduct searches of all its property without notice. From time to time, canines trained for detecting drugs and narcotics may be utilized in the searches of county property without notice.

### Section B – Theft or Pilfering

All County property is for business use only and shall not be removed or utilized for non-business purposes. Furthermore, it is the responsibility of every employee to report any acts of theft or pilfering of County funds, property, the property of other employees or the property of any citizen.

Theft or pilfering is defined as possessing, taking, destroying, or tampering with County property without proper authorization. Employees who violate this policy may be subject to disciplinary action, up to and including termination.

The following actions are not permitted:

- 1) Misappropriation of County funds, property, services or personnel for personal or non-business use;
- 2) Unauthorized use or unauthorized possession of County property, the property of other employees or the property of any citizen;
- 3) Disposal of County property without authorization from the Department Director and in accordance with the Purchasing Department's *Tangible Personal Property, Commodity Inventory & Accountability Manual*;
- 4) The removal of any item discarded by the County, including those items discarded in accordance with Department Director approval and the Purchasing Department's Manual listed above. Items that are discarded are to remain discarded and shall not be removed for the personal use of any employee, employee's family member or member of the public without the explicit written approval of the County Administrator;
- 5) Borrowing County equipment, tools or property.

### Section C – Tobacco-Free Workplace Policy

- 1) The Florida Clean Indoor Air Act prohibits smoking in public places including, but not limited to, government buildings and places of employment. Employees are not permitted to smoke in any County buildings, workspaces or vehicles, to include common areas such as hallways, corridors, entryways and water fountain areas. In addition to prohibiting smoking in public places, the County has implemented a

tobacco-free workplace policy for all employees to provide a clean, healthy, productive and safe environment.

2) Definitions

- a) Electronic Cigarette – any electronic device composed of a mouthpiece, heating element, battery and electronic circuits that provides a vapor of liquid nicotine and/or other substances mixed with propylene glycol to the user that he/she inhales in simulation of smoking.
  - b) Tobacco – includes any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, cigarillo, hookah, and any other smoking products, and any smokeless or spitless tobacco also knowns as dip, chew, snuff, snus, orbs, and strips, sticks, or electronic cigarette in any form, and all other unapproved nicotine-delivery devices.
- 3) The use of tobacco by any employee is prohibited in County buildings, facilities and job sites, including but not limited to, workspaces, bathrooms, vehicles, hallways, corridors, entryways, breezeways, exits and water fountain areas.
  - 4) An employee may use tobacco before/after their shift, during an authorized break or during lunch. Tobacco may be used in areas identified as such by signs stating “Smoking Area” or on a job site in an area that does not expose employees and/or the public to the secondhand effects of tobacco use. Tobacco use is not permitted in all other areas.
  - 5) It is the responsibility of department directors, managers and supervisors to ensure all employees within their areas of responsibility are notified of and comply with this policy.
  - 6) Employees who are found in violation of this policy may be subject to disciplinary action up to and including dismissal.
  - 7) Any person who observes violations of this policy may report these violations to any member of management and will not be retaliated against.

## **CHAPTER XVIII – UNLAWFUL ACTS PROHIBITED**

### **1) Penalty and Definition**

- a) Any employee of Okaloosa County who violates any of the following provisions shall forfeit their position in the County service:
  - i) No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provisions of these rules and regulations or in any manner commit or attempt to commit any fraud preventing the impartial execution of these rules.
  - ii) No person shall directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any service or personal gain.
  - iii) No employee of the Human Resources Department, an examiner, or other person shall defeat, deceive or obstruct any certification or appointment under these rules and regulations, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the Okaloosa County government service.

## CHAPTER XIX – USE OF COUNTY VEHICLES

It is the policy of Okaloosa County that all possible measures be taken to ensure the safety of its employees, the public, and county property. The complete Loss Control/Safety Policy is included in the Okaloosa County Safety Manual.

### Section A – Operation of County Vehicles

- 1) It is necessary for many county employees to use county vehicles to carry out their duties. It is essential that these vehicles be used with utmost care and discretion at all times. All county vehicles are distinctively marked, and the way they are operated directly reflects on the public image of all county employees.
- 2) County employees are permitted to use county owned vehicles for the performance of their official duties only; under no circumstances are they to be used for personal business or pleasure.
- 3) Anyone other than a county employee riding in a county vehicle must be doing so in the conduct of county business.
- 4) Any employee driving a county vehicle shall have on his/her person the necessary valid driver's license.
- 5) Any employee who loses their privilege to drive a vehicle, (has their driver's license suspended or revoked) must notify their department director and Human Resources immediately. Failure to do so may result in disciplinary action. When driving is a job requirement, loss of the privilege to drive a vehicle may result in dismissal from employment. A valid driver's license shall be exhibited by any employee upon demand of his/her superior, and a record of the license number shall become a permanent part of the employee's human resources file.
- 6) It is mandatory that all county vehicles be equipped with seat belts and that they be used when the vehicle is in operation.
- 7) All mechanical defects or malfunctions should be reported as soon as possible to the employee's department.
- 8) All county equipment must be operated in a conscientious and safe manner at all times.
- 9) If a county vehicle is involved in an accident, the employee shall notify the Police or Sheriff's Department and his/her department director or supervisor immediately. The department director or supervisor will then notify the Risk Management Department, and promptly comply with the post-accident drug and alcohol testing procedures, if applicable, as outlined in the Drug-Free Workplace Policy Chapter.
- 10) Written reports of all county vehicle accidents will be placed in the human resources file of the employee(s) involved in the accident.

- 11) Department directors will make a written report of county vehicle accidents on a Property Damage/Loss Investigation Report Form to the County Administrator and Risk Management Department within three (3) working days.

#### Section B – Employee Driving Records

- 1) Employees who drive county vehicles or operate county equipment must maintain a satisfactory driving record in accordance with the following standard:
  - a) Driving record cannot have three (3) or more moving violations or two (2) or more at-fault accidents within the past three (3) years;
  - b) No reckless driving or DUI within the past three (3) years;
  - c) Not more than one (1) at-fault accident within the past 12 months.
- 2) This standard applies to all applicants for employment for positions that require a driver's license. Failure to meet the standard is cause for not hiring an applicant.
- 3) Employees violating this standard will be required by the Risk Management Department to attend a county approved defensive driving course. The employee must present evidence of completing a defensive driving program.
- 4) When driving is a job requirement, loss of the privilege to drive a vehicle may result in dismissal from employment.

#### Section C – Assignment of Vehicles

- 1) County vehicles shall be assigned to individual employees on the basis of work responsibility.
- 2) The decision to authorize a county vehicle to be driven home shall be left to the discretion of the department director with review and approval by the County Administrator. Vehicles may be authorized for commuting in the following situations:
  - a) Be a department director whose regular duties and responsibilities involve evening and/or weekend public appearances; or
  - b) Be an employee on call or standby, or regularly subject to call out to respond to emergency situations; or
  - c) Be an employee whose responsibilities require that he/she perform certain job functions on a regular basis during off-hours; or
  - d) When it is more efficient to proceed to a job site directly to or from home rather than from the office location; or
  - e) When it is determined by the County Administrator to be in the best interest of the county for an employee to do so.
- 3) An employee who is assigned a taxable vehicle that will be used for commuting must complete and return to Human Resources form Commuting Fringe Benefit

Acknowledgement. Certain vehicles are exempted from taxation under IRS regulations; for example, clearly marked emergency response vehicles, and certain specially modified service vehicles.

- 4) An employee is responsible for any taxable benefit that may accrue as a result of the use of a county assigned vehicle for commuting. The county will calculate the value of the benefit using IRS regulations and show such amount as taxable wages on the employee's bi-weekly pay check.
- 5) County vehicles are not to be used for personal purposes other than authorized commuting to and from the employee's residence and de minimus personal use such as minor stops on the regular route while commuting to and from work and to and from an authorized meal or break.



## **CHAPTER XX – DISCIPLINARY ACTIONS**

### Section A – Policy

It is the policy of Okaloosa County to:

1) Provide a well-defined system of discipline that sets forth standards of conduct and guidelines for disciplinary actions and which will be applied to all employees equitably, without bias or prejudice.

The Human Resources Department is designated as the official repository of all employee records. All disciplinary actions taken will be forwarded to the Human Resources Department for inclusion in the respective human resources files.

### Section B – General Provisions

- 1) It is the intent of the County that discipline should be characterized as corrective and constructive rather than punitive and that disciplinary actions be utilized as an element of an overall program to educate and motivate employees to exhibit behavior that will contribute to individual growth and development and to the successful operation of county government.
- 2) Any county employee may be disciplined.
- 3) The need for disciplinary action may arise as a result of different kinds of action on the part of the employee, such as, but not limited to:
  - a) Failure to perform his/her job in a satisfactory manner, that is, unsatisfactory performance as to one or more of the requirements of the job;
  - b) Infraction of rules, regulations, policy or procedures as established either by the Board or by the department;
  - c) Offenses or misconduct which violate general rules of behavior or are specifically prohibited by law.
- 4) The following types of infractions, offenses, or misconduct represent typical reasons for disciplinary action and are not meant to be the only permissible reasons for such action:
  - a) Absence without calling in;
  - b) Disregard or violation of safety rules;
  - c) Distracting other employees;
  - d) Failure to report an injury;
  - e) Failure to keep work area tidy;

- f) Failure to follow instructions, departmental rules, policies or protocols;
- g) Leading or participating in a work slowdown;
- h) Gambling while on duty;
- i) Late for work without valid reason, or habitual tardiness;
- j) Leaving work area or job without permission;
- k) Incompetence or inefficiency in the performance of assigned duties;
- l) Use of another employee's equipment without permission;
- m) Involvement in an accident chargeable to employee while operating county vehicles or equipment;
- n) Operating a county vehicle or equipment without a proper and valid driver's license;
- o) Habitual extension of lunch periods or break periods;
- p) Abuse of sick leave privilege or excessive absenteeism;
- q) Conduct unbecoming a county employee;
- r) Failure to report an accident;
- s) Insubordination;
- t) Outside employment that interferes with county job;
- u) Possession or drinking of alcoholic beverage or illegal use of drugs on the job;
- v) Giving falsified information or refusal to give testimony;
- w) Reporting to work when intoxicated or under the influence of drugs;
- x) Sleeping on the job;
- y) Union solicitation on the job that is prohibited by law;
- z) Threatening co-worker or supervisor;
- aa) Unauthorized posting of notices or distribution of union material on the job;
- bb) Unauthorized use or unsafe operation of county property, equipment or vehicle;
- cc) Use of abusive, obscene or harassing language to an employee, co-worker, supervisor or public;
- dd) Abuse, misuse, damage or loss of county vehicle or equipment;

- ee) Conviction and imprisonment for a felony or first degree misdemeanor directly relating to the position held;
- ff) Excessive accidents resulting in injury to self, others or damage to equipment;
- gg) Falsifying application or concealing information during screening and processing;
- hh) Giving false testimony;
- ii) Leading or participating in a strike against the county;
- jj) Falsifying attendance or leave records;
- kk) Failure to work required overtime assignments or unavailability during stand-by-duty;
- ll) Fighting on the job or engaging in any intentional act that may inflict bodily harm on anyone;
- mm) Participation in prohibited political activity;
- nn) Theft or removal from county locations without proper authorization, any county property or property of any county employee;
- oo) Soliciting or accepting an unauthorized fee or gift;
- pp) Unauthorized display or possession of a firearm or concealed weapon on property or while performing official county duties (without possession of a concealed weapon license issued pursuant to Chapter 790.06, Florida Statutes or Florida approved reciprocal state, or violations of license restrictions found in the section);
- qq) Sale or possession of narcotics or alcohol while on duty;
- rr) Alcohol and/or illegal drug influence during working hours;
- ss) Any other action that would bring discredit or interfere with the county service;
- tt) Refusal to submit to a drug or alcohol test;
- uu) Being unavailable for duty while on stand-by;
- vv) Failing an alcohol or drug test;
- ww) Failure to wear required uniform;
- xx) Failure to maintain current licensure or certification;
- yy) Causing or contributing to an accident;
- zz) Horseplay.

### Section C – Application of Disciplinary Action

- 1) Although internal consistency in administering discipline (both departmentally and county- wide) is desirable, numerous factors should be considered in determining the appropriate level of discipline to be assessed at each successive step.
- 2) Some of the factors involved include time intervals between offenses, effectiveness of prior disciplinary actions, willingness to improve, overall work performance, job attitudes, and disciplinary actions previously taken with other comparable employees for similar offenses.
- 3) Some infractions may be more serious in one case, because of the employee's responsibilities than in another case. For example, failure to be at an assigned workstation would be a more serious offense for a dispatcher or watchman than for a secretary or maintenance worker.
- 4) A repetition of the same offense or other serious offenses indicates that more severe disciplinary measures should be administered.
- 5) Certain offenses are of such a serious nature that immediate discharge upon first offense is applicable. Prior to any proceedings to dismiss an employee, the department director will contact the Human Resources Director and review that human resources file.
- 6) When circumstances permit, department directors are encouraged to pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented for inclusion in the employee's human resources file.
- 7) Incidents of misconduct may differ in individual cases from somewhat similar incidents, and the county retains the right to treat each incident on an individual basis without creating a precedent for cases that arise in the future.
- 8) These provisions are not to be construed as a limitation upon the retained rights of the County, but are to be used as a guide.

### Section D – Disciplinary Action Procedures

- 1) Contact the Human Resources Director prior to administering discipline. All disciplinary actions must be signed by the Human Resources Director or designee prior to administering.
- 2) All disciplinary actions must be documented on the Okaloosa County Disciplinary Action Form. These forms are available in the Human Resources Department.

- 3) Authority – Most disciplinary actions are initiated by the immediate supervisor. In general, the final authority to approve a disciplinary action is related to the type of action taken:

TYPE OF ACTION	AUTHORITY TO APPROVE
Written Reprimand	Supervisor
Suspension	Department Director
Dismissal	Department Director
Demotion	Department Director

Section E – Types of Disciplinary Action

1) Written Reprimand

In situations where an oral warning or counseling has not resulted in the expected improvement, or when an employee commits a more serious offense, a written reprimand should be given to the employee. The Okaloosa County Disciplinary Action Form is available in the Human Resources Department and should include incident(s) detailed description, specific times, dates, locations, employees involved, and rules violated. The reprimand should indicate an expected date of improvement or period allowable for improvement.

2) Suspension

In the event of continued and repetitive offenses for which the employee has already received oral or written reprimands, or where the nature of the offense is relatively serious, an employee may be suspended for a specific period of time.

Such suspension shall be without pay and, if for more than one (1) day, shall be issued on a consecutive working day basis. A suspended employee may not be permitted to work on his/her normal day(s) off, nor take paid leave time, nor make up the time by working overtime, in lieu of a payroll loss for the period of suspension. The Okaloosa County Disciplinary Action Form showing the number of days and specific dates of suspension, in order for the appropriate payroll computation to be made, should be sent to Human Resources with an acknowledgement from the employee.

In cases where an investigation may have to be made of the employee’s conduct or of the seriousness of the offense, an employee should be placed on indefinite suspension which may later be changed to dismissal depending on the results of the investigation. Such suspension may be with or without pay.

3) Dismissal

For non-remedial lesser offenses, repetition of serious offenses, or on the first occurrence of an extremely serious offense, an employee may be dismissed from county employment. The Okaloosa County Disciplinary Action Form must be sent to the Human Resources Department for the employee’s file, to document this action. Prior to any proceedings to dismiss an employee, the department director will contact the Human Resources Director and review that employee’s file.

## **CHAPTER XXI – GRIEVANCE/APPEAL PROCEDURE**

Revised and effective 05-04-2021

### Section A – Policy

The County provides a grievance procedure to promote prompt and responsible resolution of issues raised by employees. This procedure may be used freely without fear of retaliation, and the Human Resources Department is available to assist throughout the procedure. The internal process outlined below should be used if an individual disagrees with a supervisor's action including any disciplinary action. If the problem involves prohibited harassment, reference to those policies should be made to initiate a complaint. When unsure which policy applies, contact should be made with a Human Resources HR Representative for assistance.

### Section B – Definitions

A "grievance" is defined as a dispute alleging a violation of a policy, rule or procedure contained in the Human Resources Policy Manual.

- 1) The term "days" as used in this Chapter shall mean working days.

The Grievance Form is the document on which the employee provides the details of the grievance in writing. The form is available on the Human Resources Department page of the Okaloosa County website.

### Section C – Eligibility to File a Grievance

Regular full-time and regular part-time employees, excluding department directors, shall be eligible to file a grievance under these provisions. Employees serving in a probationary status are not eligible to file a grievance. Management decisions that are fundamentally subjective in nature, including employee performance appraisals, are not grievable. In the event that there is a conflict regarding whether a dispute is grievable under this policy, the matter shall be resolved by the County Administrator or his/her designee. Employees terminated for cause are not eligible for this internal process.

### Section D – Informal Discussion (Immediate Supervisor)

An employee having a grievance should first discuss it on an informal basis with his/her immediate supervisor. If the matter is not resolved by such informal discussion, then the employee has recourse to the grievance procedure, as set forth in this policy. At this time the immediate supervisor should advise the employee(s) of his/her grievance/appeal rights.

### Section E – Procedures

Any employee who feels that he/she wishes to file a grievance may contact the Human Resources Department for procedural guidance.

Grievances shall be presented and addressed in the following manner:

Step 1 – Section Level (Non-Director Next level Supervisor/Manager)

- a) An employee having a grievance shall, within five (5) days following the date of the grievable issue, submit to the supervisor a Grievance Form, citing in detail (i) the facts on which the grievance is based, (ii) the provision(s) of the HR Policy Manual allegedly violated, and (iii) the relief requested. Failure to include any of these aspects on the grievance form may result in the grievance being dismissed.
- b) The supervisor and/or department senior manager may have a meeting with the employee to discuss the grievance.
- c) The supervisor and/or senior department manager shall communicate a decision in writing to the employee within five (5) days following receipt of the Grievance Form, with copy to the Director and Human Resources Department.

Step 2 – Department Level (Director)

- a) If the grievance is not resolved at Step 1, and the employee desires additional review, the employee shall submit the original grievance form and the official outcome from step 1 in writing to the department director within five (5) days after receipt of the decision at Step 1.
- b) The department director may have a meeting with the employee to discuss the grievance. The supervisor and/or senior department manager may also be requested to attend this meeting.
- c) The department director shall communicate a decision in writing to the employee within five (5) days following receipt of the written grievance, with copy to the appropriate Deputy County Administrator and the Human Resources Department.
- d) The grieving employee is responsible for ensuring grievances not resolved in steps 1 or 2 are forwarded in the process as outlined in step 3.

Step 3 – County Administrator Level

- a) If the grievance is not resolved at Step 2, and the employee desires additional review, the employee must submit the grievance form along with the official decisions rendered in steps 1 and 2 in writing to Human Resources, within five (5) days after receipt of the decision at Step 2.
- b) The Human Resources Department will coordinate with the County Administrator to appoint a designee to review the grievance. The designee shall review the record to date and the facts of the matter and make a recommendation in writing within 10 days to the County Administrator with feedback from Human Resources. The reviewer may seek various documents, consult with other parties (i.e. HR or legal) and/or meet with involved employees as necessary.

- c) The County Administrator, or designee, will review the factual determination and recommendation of the reviewer and will either sign as concurring with that recommendation or render another decision, in writing. The decision at this step shall be final. The County Administrator shall provide his/her decision within ten (10) business days from the date HR presents the recommendation for consideration.

#### Section F – Time Limits

- 1) Failure to initiate a grievance within the time limit in the previous section shall be deemed a waiver of the grievance.
- 2) Failure at any step of this procedure, by the employee, to submit a grievance to the next step within the specified time limit shall be deemed to be acceptance of the decision at that step.
- 3) Failure at any step by the supervisor/department director, of this procedure to communicate the decision of a grievance within the specified time limit shall permit the employee to proceed to the next step.
- 4) The number of days indicated at each step should be considered as a maximum, and every effort should be made to expedite the process. However, the time limits specified in any step of this procedure may be extended, in any specific instance, by mutual agreement.

#### Section G – General Provisions

- 1) If a grievance arises from the action of an official higher than the supervisor, the grievance may be initiated at Step 2 or 3, as appropriate, by submitting a Grievance Form within the time limit as set forth in Step 1.
- 2) The filing or pendency of any grievance under the provisions of this chapter shall in no way operate to impede, delay, or interfere with the right of the County to take the action regarding the matter complained of, subject to the final disposition of the grievance.
- 3) An employee who resigns from employment shall be deemed to have waived the right to initiate or to process a grievance under the provisions of this chapter.
- 4) Nothing in this chapter shall be construed to prevent or discourage informal discussion between an employee and his/her supervisor(s) on matters of concern to the employee.
- 5) Employees are not entitled to representation during this process.
- 6) Employees working in positions represented by a union are not eligible to utilize this process and should follow the grievance process as outlined in the appropriate collective bargaining agreement.



## **CHAPTER XXII – SEPARATIONS**

All employees separating their employment will personally go to the Human Resources Department to process out. Failure to complete this separation process and return all issued county property will result in the final pay check being held. An employee may be separated from the service of Okaloosa County by any one of the methods as described below.

### Section A – Types of Separation from County Service

Separations and/or terminations from positions in the county service shall be designated as one of the following types:

- 1) Resignation;
- 2) Compulsory Resignation;
- 3) Layoff or Reduction in Force;
- 4) Disability;
- 5) Loss of License or Other Requirements;
- 6) Dismissal or Unsatisfactory Service Separation;
- 7) Death;
- 8) Retirement.

### Section B – Resignation

To resign in good standing, an employee will give notice in writing to the department director or appointing authority at least 14 calendar days prior to termination date. Department directors must give one (1) months' notice. Normally, failure to comply with this rule shall be entered on the service record of the employee and result in a denial of re-employment rights. However, the department director or appointing authority, with the approval of the Human Resources Director, may exempt from any or all of these penalties an employee who has given less than the required notice, if in their judgment, exceptional circumstances warrant such exemption.

### Section C – Compulsory Resignation

An employee who, without valid reason, fails to report to work for three (3) consecutive work days without authorized leave shall be separated from the payroll and reported as a compulsory resignation.

### Section D – Reduction in Force (Layoff) Policy

- 1) An employee may be laid off when it becomes necessary by reason of, but not limited to: lack of work, shortage of funds, abolishment of a position, or changes in organizational structure. This action does not reflect discredit upon the service of the

employee. Employees affected by such reductions in force shall receive not less than two (2) weeks written notice of termination of employment, if possible.

The order of such layoffs shall be based on overall performance record, disciplinary record, training and experience, attendance, length of service with the County, and other valid and appropriate criteria. When two (2) employees are relatively equal with respect to these factors, the less senior employee will be laid off.

Laid off regular employees will receive full payment for all accrued annual leave at the employee's current rate of pay, up to the maximum limits prescribed in this policy.

Regular employees with less than 10 years of continuous services with Okaloosa County who are laid off shall receive payment for twenty-five percent (25%) of accrued sick leave, up to a maximum of 240 hours. Regular employees with more than 10 years of continuous service with Okaloosa County who are laid off shall receive payment for accrued sick leave in accordance with the schedule stated in this policy.

Employees who are laid off may apply for internal vacancies for a period equal to one-half ( $\frac{1}{2}$ ) of the employee's service of employment with the County at the time of layoff or one (1) year, whichever is less.

## 2) Recall

The anniversary date for a laid off employee who is recalled shall be adjusted forward by the number of days that the employee was laid off.

For purposes of annual and sick leave accrual rate, recalled employees shall retain credit for prior service. Recalled employees shall have any accrued annual and sick leave for which the employee did not receive any payment at the time of layoff restored. The employee may have all annual and sick leave restored if the employee repays the full amount of payment received within 60 days following reinstatement.

The employee may be paid at a rate comparable to others in the same job classification with a comparable length of service, if the department budget will permit.

Recalled employees shall be granted first day coverage in health, life and dental insurance.

## Section E – Loss of License or Other Job Requirements

Any employee, who is unable to do his/her job adequately because of loss of a necessary license or other requirement, shall be separated by a layoff or placed in a class not requiring same license or requirements.

## Section F – Dismissals

Dismissals are involuntary terminations of county employment.

Prior to any proceedings to dismiss an employee, the department director will contact the Human Resources Director and review that employee's human resources file.

## Section G – Death

Separation shall be effective as of the last day paid prior to the employee's death or the date of death, if it was paid. All compensation due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse, or to the estate of the employee as determined by law or by executed form in the employee's human resources file.

## Section H – Retirement

All full-time and part-time employees are covered by the Florida Retirement System.

A person must have separated their employment with the County (or have a foreseeable separation date) to apply for retirement benefits.

There are several types of retirement and the Human Resources Department has up-to-date information concerning retirement.

## **CHAPTER XXIII – DRUG-FREE WORKPLACE POLICY**

Revised and effective 05-18-2021

Okaloosa County is committed to maintaining a drug-free workplace. There are three separate policies governing the federally and state defined drug-free workplace programs.

- 1) Section A covers both the federal Drug-Free Workplace Act of 1988 and the 1990 amendments to the Florida Workers' Compensation Law.
- 2) Section B implements the U.S. Department of Transportation's (DOT) Federal Motor Carrier Safety Administration's (FMCSA) regulations for covered employees.
- 3) Section C implements the U.S. Department of Transportation's (DOT) Federal Transit Administration's (FTA) regulations for covered employees.

Some employees are required to follow the procedures in more than one section of this policy, depending on the capacity that they are working in at the time of the event.

### Section A – Drug-Free Workplace Policy (Effective September 9, 1997)

#### 1) Statement of Policy

Okaloosa County strives to provide a safe work environment and encourages personal health. In this regard, the County considers the abuse of drugs on the job to be an unsafe, counter-productive work practice. Furthermore, we see substance abuse as a serious threat to our staff and community. With these objectives in mind, the County has established the following policy with regard to the use, possession, and sale of illegal drugs and alcohol at work.

Drug addiction is a complex, yet treatable condition. For this reason, our substance abuse program is targeted at alleviating the problem at the community level by involving both our employees and their families. Our commitment to eradicating substance abuse in the community reflects our firm belief that by building this community, we build our county.

The ultimate goal of this policy is to balance our respect for individual privacy with our need to keep a safe and drug-free environment. Our intention is to prevent and treat substance abuse. We encourage those who use drugs or abuse alcohol to seek help in overcoming their problem.

It is county policy that any employee found with the presence of illegal drugs and/or alcohol in his/her system, in possession of, using, selling, trading, or offering for sale illegal drugs during working hours, shall be subject to disciplinary action up to and including discharge.

Substance abuse includes possession, use, purchase or sale of drugs on county premises (includes all buildings, facilities, grounds, parking lots, vehicles, equipment and other real and personal property under the control of the Okaloosa County Board of County Commissioners). It also includes reporting to work under the influence of alcohol or with illegal drugs in an employee's system.

Drugs prescribed by an employee's physician may be taken during work hours. However, the employee is required to notify his/her supervisor if the use of any drug or medication may affect or impair the employee's judgment, job performance, or safety. Under no circumstance will abuse of prescription drugs be tolerated.

Any and all information gathered as a result of this drug testing program is confidential and shall not be disclosed except in accordance with procedures allowed under the Federal/State statutes, professional licensing regulations, or county policy.

It is the responsibility of county supervisors to counsel an employee whenever they see changes in performance that suggest an employee may have a drug or alcohol problem. The supervisors should suggest that the employee seek appropriate professional help with the problem.

As a condition of employment, employees must abide by the terms of this policy and must notify the County in writing of any conviction or a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.

## 2) Definitions

- a) Legal Drug – Includes prescribed drugs and over-the-counter drugs that have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured. Written confirmation from the prescribing physician is required when the Medical Review Officer (MRO) asks the medical reason for the prescription.
- b) Illegal Drug – Any drug that is not legally obtainable, may be legally obtainable but has not been legally obtained, or is being used in a manner or for a purpose other than as prescribed.
- c) Alcohol Abuse – Blood alcohol level of 0.02.
- d) Job Applicant – Means a person who has applied for a position and has been offered employment pending a negative result of a drug test.
- e) Detectable Amount – The cut-off levels established by the governing authority for screening and confirmation.
- f) Safety-Sensitive – These positions as determined by law, usually include positions that involve national security; health; safety; functions that require a high degree of trust and confidence; operation of county vehicles, machinery, or equipment (the mishandling of which may place fellow employees or the general public at risk in the workplace); the handling of hazardous material.
- g) Medical Review Officer (MRO) – a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the county drug testing program. The MRO must have knowledge of substance abuse disorders; and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history and other relevant biomedical information.

### 3) Policy and Work Rules

The county policy is to employ a workforce free from the use of illegal drugs either on or off the job and the abuse of alcohol in the workplace. Any employee in violation of this policy is subject to disciplinary action, which may include termination, even for the first offense. It is a standard of conduct of the employees of this County that employees shall not use illegal drugs or abuse legal ones. In order to maintain this standard, the County shall establish and maintain the programs and rules set forth in this policy.

This county policy specifically prohibits employees from possessing, using, consuming, transferring, selling, buying, or attempting to buy, sell or transfer any illegal drug or alcohol while at work or while on county property. Possession includes having the substance on the employee's person, vehicle or other personal property and/or in the employee's body, blood or urine in an amount above the threshold levels established by the Florida Department of Health and Human Services. This prohibition applies while an employee is on county business or at any time between the beginning and the end of the employee's workday, whether on county property or not. Furthermore, the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace.

Any employee who violates this policy is guilty of misconduct and is subject to discipline including discharge or suspension without pay from employment, even for a first offense. Failure to submit to a required medical or physical examination or test is misconduct and is grounds for discharge.

Refusal to take a drug or alcohol test is cause for denial of unemployment compensation; forfeiture of medical and indemnity benefits under Florida's Workers' Compensation Act; and automatic termination of employment.

#### a) General Procedures

An employee under the influence of an illegal drug or alcohol presents a safety hazard to himself/herself and others. Employees in such a condition shall not be allowed to work. First, if possible, the supervisor shall seek another supervisor's opinion concerning the employee's condition. Then the supervisor(s) shall consult privately with the employee to determine his/her condition. The discussion should include inquiries about possible illegal drug or alcohol use. If, in the opinion of the supervisor(s), the employee is unfit for duty, the employee shall be taken to a collection facility to be tested. To assure safe transportation of the employee, he/she shall be taken by the supervisor or a designee. Under no circumstances shall an employee suspected of drug or alcohol use be allowed to drive a vehicle to the testing facility.

#### b) Initial Test

The initial screen for all drugs except alcohol shall use an immunoassay. For alcohol the initial test shall be the enzyme oxidation methodology. The following cut-off levels shall be used when first screening specimens to find whether they are negative or need to be tested further with the gas chromatography/mass spectrometry (GC/MS) test.

All levels equal to or exceeding the following shall be reported as positive:

Alcohol	0.02 g/210 liters of breath or 100 ml of blood
Amphetamines	1000 ng/ml
Cannabinoids	50 ng/ml
Cocaine	300 ng/ml
Phencyclidine	25 ng/ml
Opiates	2000 ng/ml
Barbiturates	300 ng/ml
Benzodiazepines	300 ng/ml
Synthetic Narcotics	
Methadone	300 ng/ml
Propoxyphene	300 ng/ml

c) Confirmation Test

A positive finding will generate a confirmation test through the GC/MS method and the results will be kept confidential. A copy of any positive can be received by the employee by submitting his/her request in writing. As drug testing technology is constantly improving, and state and federal laws governing said testing are changing almost as rapidly, the County may change the cut-off levels without notice. The cut-off levels in effect for the GC/MS at the time of this printing are as follows:

Alcohol	0.02 g/210 liters of breath or 100 ml of blood
Amphetamines	500 ng/ml
Cannabinoids	15 ng/ml
Cocaine	150 ng/ml
Phencyclidine	25 ng/ml
Opiates	2000 ng/ml
Barbiturates	150 ng/ml
Benzodiazepines	150 ng/ml
Synthetic Narcotics	
Methadone	150 ng/ml
Propoxyphene	150 ng/ml

d) Pre-Employment Drug Screening

Consistent with the county policy opposing drug abuse and our commitment to a safe working environment, we have implemented a pre-employment drug testing policy. Safety-sensitive job applicants shall undergo screening for the presence of illegal drugs as a condition of employment. Safety-sensitive job applicants will be required to voluntarily submit to a urinalysis test at a laboratory chosen by the County after signing a consent and release form. Safety-sensitive job applicants must successfully pass the drug screen urinalysis prior to beginning work.

The County will not discriminate against applicants for employment because of past drug abuse. This Drug-Free Workplace Policy concerns current abuse of drugs that may prevent employees from properly and safely performing their job duties.

All testing will be done by certified laboratories. All test results will be checked by a MRO to assure accuracy. All testing, sample collection, storage, handling and chain of custody will be done in accordance with the Florida Agency on Health Care Administration rules and regulations.

e) Active Employee Drug Testing

i) This County has adopted screening practices to identify employees who use illegal drugs. As a condition of continued employment, no employee shall report to work, or perform work, with illegal drugs or alcohol in his/her body. Every employee shall submit to drug screening:

(1) When there is reasonable suspicion to believe that an employee is using or has used illegal drugs;

(2) When there is a report of drug use, provided by a reliable and credible source;

(3) When there is any mishap or accident involving, caused by, or contributed to by an employee in which injury to a person or persons (requires a physician) occurs;

(4) Where damage to property in the amount of \$1,000 or greater has occurred;

(5) Upon return from extended absence of six (6) months;

(6) As part of a general physical, if required, to ensure fitness for duty.

ii) Circumstances that could indicate a drug problem and considered reasonable suspicion are:

(1) Observed drug use during work hours on county premises;

(2) Observable physical signs;

(3) Incoherent mental state;

(4) Marked changes in personal behavior that are otherwise unexplainable;

(5) Deteriorating work performance that is otherwise unexplainable;

(6) Accidents or other actions that provide reasonable cause to believe the employee may be under the influence;

(7) Other behavior associated with possible drug use.

iii) Our County is a drug-free workplace for the benefit of all employees, customers and the community. State law provides for the possible denial of workers' compensation benefits for employees who are injured while working and subsequently test positive (Florida Rule 38F-9.001 (2) (a)) (W.C. Act 440.102 (5)) and the denial of unemployment compensation. The use of illegal drugs will not be tolerated or subsidized.



f) Testing

All testing will be done at certified laboratories. A MRO will analyze all results. All testing, sample collection, storage, handling, and chain of custody will be done in accordance with appropriate federal and state regulations. All test results will be maintained in a confidential file.

The County will provide to an employee [upon request within seven (7) days] a written report regarding the circumstances that formed the basis for reasonable suspicion. The original and signed report will be maintained in a confidential file.

If a test is not conclusive because of possible tampering or adulteration, a second test will be requested. The second sample collection may be observed. If a test is rejected because of purposeful adulteration, the employee shall be terminated.

Documentation of a positive drug test result will be placed in the employee's confidential file within five (5) working days of notification of the positive test result.

If an employee is tested for reasonable suspicion, documentation of this test, regardless of the test result, will be placed in the employee's confidential file within five (5) working days of receipt of the test results.

All information received in regard to drug testing results will be maintained in separate confidential files and only be used for the purposes of complying with the Drug-Free Workplace Policy.

i) Random Drug Testing

All designated safety-sensitive employees will be randomly tested for drugs. The Human Resources Department shall maintain a list of job descriptions classified as safety-sensitive by the County. A computer program or other independent, bias-free method shall be used to select names of employees for random testing.

ii) Unscheduled Drug Testing

All regular safety-sensitive employees shall be tested for drugs at unscheduled intervals.

iii) Extended Absence Drug Testing

Safety-sensitive employees who return to work after an extended absence of six (6) months will be required to take a drug test comparable to the pre-employment screening.

iv) Rehabilitative Drug-Testing

Employees who successfully complete a rehabilitation program, or as part of their rehabilitation program may return to work, must agree to follow-up drug testing for two (2) years following a return to duty and/or completion of a rehabilitation program if he/she continued to work. Testing will consist of an initial test, then testing once each quarter for the remainder of the two (2) years (all post

rehabilitative testing will be unannounced). Employees not complying with these conditions or testing positive at any time during or following rehabilitation shall be terminated from employment.

v) Routine Fitness for Duty

The County will require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled fitness for duty medical examination that is required for all members of an employment classification or group.

g) Employee Assistance Program (EAP)

The management of Okaloosa County is aware that many personal or health problems can and do interfere with an employee's ability to perform on the job.

The County offers an EAP for employees and their dependents as part of its employee benefits. The EAP provides confidential assessment, referral, and short-term counseling to the employees whose personal health problems are interfering with their job performance.

The EAP can be accessed by an employee through self-referral or as a referral by a supervisor. Refer to the section on Employee Assistance Program for the complete county EAP policy and procedures.

The Human Resources Department has a list of contacts of EAP and other mental health facilities available in the area.

h) Grounds for Discipline or Termination

This county policy specifically prohibits employees from possessing, using, consuming, transferring, selling, buying, or attempting to buy, sell or transfer any illegal drug or alcohol while at work or while on county property. Possession includes having the substance on the employee's person, vehicle or other personal property and/or in the employee's body, blood, or urine in an amount above the threshold levels established by the Florida Department of Health and Human Services. This prohibition applies while an employee is on county business or at any time between the beginning and the end of the employee's workday, whether on county property or not. Any employee who violates this policy is guilty of misconduct and is subject to discipline including discharge or suspension without pay from employment, even for a first offense.

Failure to submit to a required medical or physical examination or test is misconduct and is grounds for discharge. The County will use the Federal Department of Transportation guidelines to determine a refusal to test in the case of shy bladder or shy lung. In the case of shy bladder or shy lung, the employee will have seven (7) working days to secure documentation from a physician establishing the physical condition. In the case of psychological cause, the diagnosis must have been made prior to the test. Diagnosis such as typical anxiety is not acceptable.

An employee who purposely tampers or alters a specimen is guilty of misconduct and is subject to discipline including discharge or suspension without pay from employment, even for a first offense.

Employees tested for reasonable suspicion may be suspended without pay or placed in non-safety-sensitive jobs pending the results of the required test and/or investigation. An employee with a negative result will be reinstated (if suspended) with full back pay and/or return to previous duties. A positive test will result in immediate action up to, and including, termination of employment.

i) Responsibilities of the Employee

- i) As a condition of employment, employees must abide by the terms of this policy and must notify the County in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such a conviction.
- ii) The employee must notify his/her supervisor of any drug or medication that may affect or impair his/her judgment or job performance or safety.
- iii) The employee or job applicant must notify the laboratory of any administrative or civil action planned as a result of a positive test within five (5) working days from receipt of notification.
- iv) The employee has the right to contest the result of a positive drug test, in writing, within five (5) working days of being notified in writing of the positive test result. The employee has a right to a copy of the test result, upon request, and to have the sample taken to a certified lab to be re-tested at the employee's expense.

j) Rights of the Employee/Job Applicant

- i) An employee or job applicant who receives a positive confirmed drug test may contest or explain in writing the result to the MRO within five (5) working days of receipt of the written test results.
- ii) The employee or job applicant has the right to consult the MRO for technical information regarding the effects of prescription medication on the drug test.
- iii) An employee or job applicant may, by written request, have his/her specimen re-tested at the laboratory of their choice, at their expense.
- iv) The employee can request, in writing, within seven (7) days a written report regarding the circumstances that formed the basis for their reasonable suspicion testing.

k) Drugs that May be Tested For

The County may test for any or all of the following (they are listed by chemical name and brand or common name):

Alcohol	(booze, drink)
Amphetamines	(biphphetamine, desoxyn, dexedrine, speed)
Cannabinoids	(marijuana, hashish, hash, hash oil, pot, joint, roach, grass, weed, reefer)
Cocaine	(coke, blow, nose candy, snow, flake, crack)
Phencyclidine	(PCP, angel dust, hog)
Methaqualone	(quaaludes, ludes)
Opiates	(opium, Dover's powder, paregoric, parepectolin)
Barbiturates	(phenobarbital, tuinal, amytal)
Benzodiazepines	(ativan, azene, clonopin, dalmene, diazepam, halcion, librium, poxipam, restoril, serax, tranxene, valium, veratrine, xanax)
Methadone	(dolophine, methadose)
Propoxyphene	(darvocet, darvon N, dolene)

4) Conclusion

The county Drug-Free Workplace Policy is not intended to be abusive or discriminatory nor to come into conflict with any public policy. This County considers drug testing to be only one of several steps to achieve a safe, healthy, and productive atmosphere for its employees. This policy is available for inspection by the job applicant or employees during regular business hours. This policy supersedes any information provided to applicants and/or employees either written or oral and reserves the right to change the provisions of this policy and testing program at any time in the future without prior notice and does not constitute a contract for employment.

Section B – Substance and Alcohol Misuse Policy DOT FMCSA for CDL Holders (Effective: March 14, 1995)

1) Statement of Policy

Okaloosa County has a firm commitment to provide employees with a safe and drug/alcohol-free work environment. In order to accomplish this goal, and comply with Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Testing Regulations (49 C.F.R. Part 40 and 382), Okaloosa County has implemented this policy, that will provide the necessary guidelines and procedures to augment measures taken in the past to achieve a drug/alcohol-free workplace.

Within this context, an alcohol and drug-testing program, designed to help prevent accidents and injuries resulting from the misuse of alcohol and drugs, will be inaugurated on the effective date of this policy. All drivers of commercial motor vehicles

(CMV's) who are required to hold commercial driver's licenses (CDL's) are subject to the provisions of this policy and will be alcohol and drug tested, accordingly.

All employees (and applicants for employment) who perform duties covered by DOT FMCSA regulations are covered by these policies and procedures in addition to any and all other County policies and procedures related to alcohol and drug use.

## 2) Applicability

County employees subject to the provisions of this policy, are those DOT covered employees who hold CDL's and include, but are not limited to:

- a) Full-time, regularly employed drivers;
- b) Casual, intermittent or occasional drivers;
- c) Leased drivers;
- d) Independent, owner-operator contractors who are either directly employed by or under lease to Okaloosa County or who operate commercial motor vehicles (CMV's) at the direction of or with the consent of Okaloosa County.

## 3) Definitions

Many of the following defined terms are used throughout this policy and many other terms may be helpful in better understanding the alcohol/drug testing procedures.

- a) Alcohol – Intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl and isopropyl alcohol.
- b) Alcohol Concentration/Content – Alcohol in a volume of breath (shown as grams of alcohol/210 liters of breath) as indicated by an evidential breath test (EBT).
- c) Alcohol Use – Consumption of any beverage, mixture, or preparation, including medications, containing alcohol.
- d) Breath Alcohol Technician (BAT) – An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing (EBT) device.
- e) Collection Site – A place designated by Okaloosa County where individuals present themselves to provide a urine specimen to be analyzed for the presence of drugs.
- f) Collection Site Person – A person who meets the requirements of 49 C.F.R. Part 40.
- g) Commercial Motor Vehicle (CMV) – A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
  - i) Has a gross combination weight rating of 26,001 pounds or over, including a towed unit with a gross vehicle weight rating of over 10,000 pounds; or
  - ii) Has a gross vehicle weight rating of 26,001 pounds or over; or

- iii) Is designed to transport 16 or more passengers (including driver); or
- iv) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Act (49 C.F.R. 172, Subpart F).
- h) Confirmation Test In Alcohol Testing - A second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.
- i) Confirmation Test In Controlled Substance Testing – A second test to identify the presence of a specific drug or metabolite. In order to ensure reliability and accuracy, this test is separate from and uses a different technique and chemical principal from that of the screening test. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines and phencyclidine (PCP).
- j) Controlled Substances – For purposes of this policy, the terms “drugs” and “controlled substances” are interchangeable and have the same meaning. Unless otherwise specified, these terms refer to:
  - i) Marijuana (THC);
  - ii) Cocaine;
  - iii) Opioid;
  - iv) Phencyclidine (PCP);
  - v) Amphetamines, including Methamphetamines.
- k) Evidential Breath Testing (EBT) Device – A device used for alcohol breath testing that has been approved by the National Highway Traffic Safety Administration (NHTSA) and placed on NHTSA’s Conforming Products List (CPL) of evidential breath measurement devices and identified on the CPL as conforming with the model specifications available from the NHTSA, Office of Alcohol and State Programs.
- l) Medical Review Officer (MRO) – A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by Okaloosa County drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual’s confirmed positive test, medical history and other relevant biomedical information.
- m) Performing a Safety-Sensitive Function – A driver is considered to be performing a safety-sensitive function when he/she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
- n) Refusal to Submit (to an Alcohol or Controlled Substances Test) – An employee:

- i) Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing in accordance with federal regulations; or
  - ii) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he/she has received notice of the requirement of urine testing in accordance with federal regulations; or
  - iii) Engages in conduct that clearly obstructs the testing process.
- o) Safety-Sensitive Function – Any on-duty functions required by federal regulations, and/or County requirements, including but not limited to the following times and/or activities:
- i) At a carrier or shipper plant, terminal, facility, or other property, or on properties and premises owned or controlled by Okaloosa County, or on any public property, waiting to be dispatched, unless the driver is relieved from duty by Okaloosa County; or
  - ii) Inspecting emergency and/or safety equipment as required by federal regulations and/or Okaloosa County policy; or
  - iii) Otherwise inspecting, servicing, or conditioning any commercial motor vehicle (CMV) at any time; or
  - iv) At the driving controls of a CMV in operation; or
  - v) While in or upon any CMV owned or controlled by Okaloosa County, during normal duty hours; or
  - vi) Supervising or assisting in loading or unloading a vehicle or attending a vehicle being loaded or unloaded; or
  - vii) Performing the driver requirements, specified by federal regulations, relating to accidents; or
  - viii) Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;
- p) Screening Test (initial test)
- i) In alcohol testing – A procedure to determine if a safety-sensitive employee has a prohibited concentration of alcohol in his/her system.
  - ii) In controlled substances testing – A screen to eliminate “negative” urine specimens from further consideration.
- q) Substance Abuse Professional (SAP) – A licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor [certified by the National Association of Alcoholism and Drug Abuse Counselors (NAADAC)] with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

#### 4) Prohibitions

##### a) Alcohol Use

- i) Since alcohol is a legal substance, the prohibitions for its use are closely tied to the performance of safety-sensitive functions.
- ii) Prohibitions for alcohol
  - (1) A safety-sensitive employee may not report for duty or remain on duty requiring the performance of a safety-sensitive function (a) with an alcohol concentration of 0.04 or greater, (b) if using alcohol; or, (c) within four (4) hours of using alcohol. In addition, no safety-sensitive employee shall be on duty or operate a commercial motor vehicle while in the possession of alcohol (unless it is manifested and transported as part of a shipment).
  - (2) A safety-sensitive employee who has had an accident may not use alcohol until post-accident testing is done or for a period of eight (8) hours, whichever comes first.
  - (3) Safety-sensitive employees cannot refuse to submit to testing. Okaloosa County reserves the right to take disciplinary actions against any employee who refuses to be tested for alcohol.

##### b) Controlled Substances Use

- i) Prohibitions for controlled substances
  - (1) Safety-sensitive employees may not report for duty or remain on duty requiring the performance of safety-sensitive functions, while using any controlled substance. The exception to this prohibition is if a physician has prescribed the substance and has advised the safety-sensitive employee that it does not interfere with the ability to safely operate a motor vehicle or perform safety-sensitive functions.
  - (2) Safety-sensitive employees may not report for duty or remain on duty or perform safety-sensitive functions if they have tested positive for a controlled substance.
  - (3) Okaloosa County reserves the right to require safety-sensitive employees to report the use of any therapeutic drugs. Also, Okaloosa County reserves the right to remove employees from safety-sensitive duties until a physician's opinion can justify safe resumption of safety-sensitive functions.
  - (4) Safety-sensitive employees cannot refuse to submit to controlled substance testing. Okaloosa County reserves the right to take disciplinary actions against any safety-sensitive employee who refuses to be tested for controlled substances.



c) Consequences

A safety-sensitive employee who has violated any of the prohibitions concerning alcohol misuse or controlled substances use, including a refusal to be tested, will be removed from any safety-sensitive function and will not be allowed to return to a safety-sensitive function with Okaloosa County until an evaluation by a Substance Abuse Professional (SAP) has been done and any recommended treatment has been completed. Okaloosa County reserves the right to take disciplinary action against any safety-sensitive employee who violates these alcohol/drug prohibitions up to and including termination.

Anyone found to have an alcohol concentration of 0.02, but less than 0.04, will not be allowed to return to a safety-sensitive position for 24 hours, or until another alcohol test is administered with an alcohol concentration of 0.02 or less. Federal regulations require that no further actions can be taken under this policy solely on the basis of a test result showing an alcohol concentration of less than 0.04. This does not prevent the County from taking disciplinary action otherwise consistent with any other county policy, which is consistent with law.

5) Referral, Evaluation, and Treatment

- a) Safety-sensitive employees who violate any of the prohibitions concerning alcohol misuse or controlled substance use will be provided with an opportunity for alcohol or drug abuse treatment. Federal regulations do not require that the employer pay for rehabilitation or hold a job open for a safety-sensitive employee.
- b) Specifically, federal regulations require:
  - i) That the employees who violate alcohol or drug prohibitions be advised of the resources available to evaluate and resolve the problem;
  - ii) That the safety-sensitive employee be evaluated by a SAP to determine what assistance is necessary.
- c) If the County decides to allow a safety-sensitive employee to return to work, before returning to safety-sensitive duties, the employee must:
  - i) Produce a return-to-duty alcohol test of 0.02 alcohol concentration or less (if violation was alcohol related); or produce a verified negative return-to-duty controlled substances test (if violation was drug related);
  - ii) Be subject to a minimum of six (6) unannounced follow-up tests within the first year back to work;
  - iii) If assistance was recommended, the DOT covered employee must be evaluated by a SAP to determine if treatment recommendations were followed. The County will direct the DOT covered employee to undergo return-to-duty and follow-up testing for both alcohol and controlled substances, at the recommendation of the SAP. Follow-up testing can be done for up to five (5) years after return to work.

## 6) Required Testing

There are five (5) situations in which testing can be done to determine the presence of alcohol and/or drugs.

### a) Pre-Employment Testing

Pre-employment testing is required:

- i) Before a new hire is permitted to perform any safety-sensitive function;
- ii) When a person transfers into a safety-sensitive function from elsewhere in the County that is non-safety-sensitive.

### b) Post-Accident Testing

Post-accident drug and alcohol testing is required following an accident involving a commercial motor vehicle as follows:

- i) Fatal Accidents – A human life is lost; or
- ii) Non-Fatal Accidents – The driver was cited for a moving traffic violation and either (1) or (2) applies:
  - (1) Injury that required an injured person to leave the scene of the accident for immediate medical attention; or
  - (2) Vehicle that received damage causing the vehicle to be towed away from the accident by a tow truck or another type of vehicle.

Post-accident tests will be done as soon as possible, however in any case, all reasonable efforts shall be made to test the employee within two (2) hours of the accident, but not after eight (8) hours for alcohol testing and 32 hours for drug testing. The County will document the reasons any test was not performed during these time periods.

When reporting the accident, the employee is required to report whether the accident resulted in the loss of life or moving violation. It is then the responsibility of the supervisor to arrange for testing under the prescribed procedures herein.

Employees who are subject to post-accident testing shall remain readily available for the test or may be deemed to have refused the test. However, employees are not required to delay necessary medical attention for injured people following an accident. Employees shall not be prohibited from leaving the scene of the accident for the period of time necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

The results of a urine, saliva or breath test for the use of prohibited drugs or alcohol misuse conducted by federal, state, or local officials having independent authority for the test may be used to satisfy this section, provided the tests comply with applicable federal, state, or local testing requirements and the results of the tests are obtained by the County.

c) Random Testing

Unannounced random testing of County employees engaged in safety-sensitive functions will be done each year. Employees, who are randomly selected from a pool, must be tested for alcohol just before, during or immediately after performing a safety-sensitive function. A DOT FMCSA covered employee may be randomly tested for prohibited drug use anytime while on duty. Random testing is done on a percentage basis:

- i) Ten percent (10%) of DOT FMCSA covered employees must be randomly tested for alcohol annually.
- ii) Fifty percent (50%) of DOT FMCSA covered employees must be randomly tested for controlled substances annually.

d) Reasonable Suspicion

Testing can also be done if a County management official or supervisor has reasonable suspicion to believe that an employee's behavior or appearance may indicate alcohol or drug use in violation of this policy. The determination to test for reasonable suspicion must be based on:

- i) The observation of a supervisor or County official who has received the training required by federal regulations. Supervisor training requires at least 60 minutes of training on alcohol misuse and 60 minutes of training on controlled substances. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances;
- ii) Specific, clearly stated observations concerning the appearance, behavior, speech or body odors of the DOT covered employee. An alcohol test is authorized only if the observation is made during, just before, or just after the employee performs safety-sensitive functions.

The time and documentation constraints for administering a reasonable suspicion alcohol test following the observations are the same as the time requirements for post-accident testing. In addition, a written record shall be made of the observations leading to a controlled substance test, signed by the supervisor or official who made the observation, within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.

e) Return-to-Duty and Follow-Up Testing

- i) Return-to-duty testing is required for an employee who violates this policy and/or federal requirements for continuing to perform safety-sensitive functions. Prior to returning to duty requiring performance of safety-sensitive functions, the following test results are required on a return-to-duty test:

- (1) An alcohol concentration of less than 0.02 (after engaging in prohibited conduct concerning alcohol);

(2) A verified negative controlled substance test (after engaging in prohibited conduct concerning controlled substances).

ii) Unannounced follow-up testing, as directed by a substance abuse professional, is required for an employee who engages in prohibited conduct, if the employee does return to safety-sensitive functions. Follow-up testing for alcohol will be conducted just before, during, or after performing safety-sensitive functions. The federal rules and this policy calls for a minimum of six (6) unannounced tests during the first year back in a safety-sensitive position.

f) Refusal to Test

A refusal to be tested for alcohol or controlled substances constitutes a violation of County policy and will be interpreted in the same way as a positive test for alcohol or controlled substances. Okaloosa County reserves the right to take additional disciplinary actions against an employee who refuses to be tested.

7) Alcohol Testing Procedures and Employee Safeguards

a) Breath Alcohol Technician (BAT)

i) A “breath alcohol technician” is an individual who instructs and assists individuals in the alcohol testing process and operates an “evidentiary breath testing” device (EBT). The BAT is required to be properly trained, as follows:

(1) Proficiency shall be demonstrated by successful completion of a course of instruction that, at a minimum, provides training in the principals of EBT methodology, operation, and calibration checks; the fundamentals of breath analysis for alcohol content; and the procedures required in this part for obtaining a breath sample, and interpreting and recording EBT results.

(2) Only courses of instruction for operation of EBT’s that are equivalent to the Department of Transportation (DOT) model course, as determined by the National Highway Traffic Safety Administration (NHTSA), may be used to train BAT’s to proficiency.

(3) The course of instruction shall provide documentation that the BAT has demonstrated competence in the operation of the specific EBT(s) he/she will use.

(4) Any BAT who will perform an external calibration check of an EBT shall be trained to proficiency in conducting the check on the particular model of EBT.

(5) The BAT shall receive additional training, as needed, to ensure proficiency, concerning new or additional devices or changes in technology that he/she will use.

(6) Okaloosa County will establish documentation of the training and proficiency test of each BAT it uses to test County employees.

A BAT-qualified supervisor of an employee may conduct the alcohol test for that employee only if another BAT is unavailable.

A supervisor or management official, who makes a “reasonable suspicion” determination as to a DOT covered employee, shall not test that employee.

b) Evidential Breath Testing (EBT) Device

An EBT used for a screening test of a County employee will be capable of printing out results and numbering each result sequentially. A logbook may also be kept.

The EBT used will have a Quality Assurance Plan (QAP) developed by the manufacturer and approved by NHTSA. Okaloosa County will remove from service any EBT that fails a calibration check as set forth in the QAP.

c) Breath Alcohol Testing Form/Logbook

A federally approved alcohol testing form will be used to ensure the integrity of the test result, properly identify the employee with the test result, and serve as a documented record of the testing event.

The logbook, if used, will become additional documentation of the testing event by providing a sequential test number, date, name of BAT, location of test, quantified test result and initials of the employee for each test.

d) Preparation for Testing

Alcohol testing will be conducted in a location that affords, to the greatest extent practicable, visual and aural privacy to the County employee being tested.

The employee is required to show positive identification (picture I.D.) to the BAT and may request the BAT to also show positive identification. Employees who have no I.D. on their person shall have their identity confirmed by their supervisor.

The BAT must supervise only one (1) employee's use of the EBT at a time and must not leave the testing site while the test is in progress.

e) Screening Test Procedure

After the employee has been positively identified, the alcohol screening test procedure will be conducted using any federally approved method. With breath alcohol testing:

- i) The employee will provide the BAT with identifying information and employer information to be entered onto the Breath Alcohol Testing Form. The employee will be asked to certify, by signature, that the information provided is correct. A refusal by an employee to sign the certification will be regarded as a refusal to take the test.
- ii) An individually sealed mouthpiece will be opened in view of the employee and attached to the EBT.

- iii) The BAT will instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds or until the EBT indicates that an adequate amount of breath has been obtained.
- iv) After showing the employee the quantitative alcohol concentration results printed out by the EBT, the BAT will enter the results, test number, testing device, serial number of the EBT, time and date on the proper section of the Breath Alcohol Testing Form. If the EBT device prints the test results directly onto the form, the BAT will show the employee the result displayed on the device. If the EBT device provides a printed result, but does not print the result directly onto the form, the BAT will show the employee the results displayed on the device; then affix the test result printout to the Breath Alcohol Test Form in the designated space, using a method that will provide clear evidence of removal (e.g., tamper-evident tape). The BAT may also record the test number, date, name of BAT, location, and quantified test result in the logbook. The employee will then initial the logbook.
- v) Depending on the result, the following procedures apply:

- (1) If the result is less than 0.02, the BAT will date the form and sign the certification to the effect that all procedures were followed as required by federal regulations.

No further testing is required. The BAT will transmit the result of less than 0.02 to a County designated official in a confidential manner, and the County official will receive and store the information so as to ensure that confidentiality is maintained. The employee will receive a copy of the alcohol form.

Failure of the employee to sign the alcohol test form or initial the logbook after a test has been conducted will be noted by the BAT in the remarks section of the alcohol form but will not be considered a refusal to be tested.

If a test result printed by the EBT does not match the displayed result, the BAT shall note the disparity in the remarks section, both BAT and employee will initial the remarks. The test result will be considered invalid and the employee and County will be so notified.

- (2) If the result is 0.02 or greater, a confirmation test will be performed. If the confirmation test will be performed by a different BAT, the BAT who conducted the screening test will complete and sign the form and logbook entry. The BAT will give the employee a copy of the alcohol form.

f) Confirmation Testing Procedures

If a different BAT is conducting the confirmation test, the new BAT will require positive identification of the employee, explain the testing procedure, and initiate a new Breath Alcohol Testing Form, requiring a repetition of information and certification by signature. In addition, the following instructions must be followed:

- i) The BAT will instruct the employee not to eat, drink, or put any object or substance in his/her mouth and, to the extent possible, not belch, for at least 15 minutes. The BAT will explain that the reason for these instructions is to ensure against an artificially high reading. The BAT will note in the "Remarks" section of the form any non-compliance with instructions.
- ii) The confirmation test will be conducted between 15 and 20 minutes of the completion of the screening test.
- iii) A new mouthpiece will be opened and used for the confirmation test.
- iv) Before the confirmation test is administered for each employee, the BAT will ensure that the EBT registers 0.00 on an air blank. If the reading is greater than 0.00, after two (2) attempts, that EBT will not be used for testing.

Any EBT taken out of service because of failure to register 0.00 on an air blank will not be returned to service until an external calibration is conducted and the EBT is, once again, to be found within tolerance limits.

- v) In the event that the screening and confirmation test results are not identical, the confirmation test result is to be deemed to be the final result upon which any action will be taken in compliance with federal rules or County authority.
- vi) The BAT will affix the confirmation test printout to the Breath Alcohol Test Form using tamper-evident tape.
- vii) Following completion of the test, the BAT will date and sign the form. The employee will also sign the certification statement at the designated place.

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.

I) 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.

9) DOT Drug and Alcohol Policy Addendum – Commercial Driver's License Drug and Alcohol Clearinghouse.

Beginning January 6, 2020, a repository created by the FMCSA will collect information on drivers' DOT drug and alcohol violations occurring under the County's FMCSA DOT testing program.

The County must report DOT drug and alcohol testing program violations to the Clearinghouse. Motor carriers, medical review officers, third-party administrators (TPA/Consortiums), and substance abuse professionals (SAPs) must provide information when a driver:

1. Tests positive for drugs or alcohol;
2. Refuses required drug and or alcohol testing;
3. Undergoes the return to duty drug and alcohol rehabilitation process.

The following records will be collected and maintained in the Clearinghouse:

1. A verified positive adulterated or substituted drug test result;
2. An alcohol confirmation test with a concentration of 0.04 or higher;
3. A refusal to submit to any test;
4. An employer's report of actual knowledge, as defined, including:
  - a. On duty alcohol use;
  - b. Pre-duty alcohol use;
  - c. Alcohol use following an accident;
  - d. Control substances use.
5. A substance abuse professional report of the successful completion of the return-to-duty process;
6. An employer's report of completion of the follow-up testing.

FMCSA requires motor carrier employers to:

1. Query the system for information on drivers and applicants;
2. Search the database annually for current employees.

Before the County may gain access to the information in the Clearinghouse, the driver must grant consent. Failure to provide consent will prevent the company from using the CDL driver in a safety-sensitive function.

Civil Penalties for an employer, employee, medical review officer, or service agent who violates the regulations implementing the Drug and Alcohol Clearinghouse will cost \$5,833 for a single DOT violation.

### Section C – Substance and Alcohol Misuse Policy DOT FTA – For Employees Performing Maintenance on Revenue Service Vehicles or Equipment

Revised and effective 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)

Edward Sisson, Human Resources Director  
(850) 689-5870  
esisson@myokaloosa.com

##### Alternate Program Manager

Shannon Clowes, Human Resources Manager  
(850) 689-5870  
sclowes@myokaloosa.com

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:

Edward F. Sisson, Human Resources Director  
Okaloosa County Board of County Commissioners  
Human Resources Department  
302 N Wilson Street, Suite 203  
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  
302 N. Wilson Street, Suite 203  
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.

## APPENDIX F

### Over-the-counter and prescription drugs that could alter or affect the outcome of a drug test:

#### ALCOHOL

All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. For example, Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex, 20% (40 proof); Listerine, 26.9% (54 proof).

#### AMPHETAMINES

Obetral, Biphetimine, Desoxyn, Dexedrine, Didrex.

#### CANNABINOIDS

Marinol (Dronabinol, THC).

#### COCAINE

Cocaine HCl topical solution (Roxanne).

#### PHENCYCLIDINE

Not legal by prescription.

#### OPIATES

Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxinol (morphine sulfate), Percodan, Vicodin, etc.

#### BARBITURATES

Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fiorecet, Esgic, Butisol, Mebarbal, Butabarbital, Phrenilin, Triad, etc.

#### BENZODIAZEPHINES

Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

#### METHADONE

Dolophine, Methadose.

#### PROPOXYPHENE

Darvocet, Darvon N, Dolene, etc.

## CHAPTER XXIV – HEALTH CRISIS MANAGEMENT POLICY

Revised 05-04-2021

### 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 to include approving and authorizing separate pandemic and infectious disease policies related to departments with unique characteristics to be required to provide enhanced protective measures for the public and employees.

#### 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. Administrative leave may also be considered for those employees forced to isolate or quarantine either due to exhibiting symptoms, potential exposure, or as a result of guidance issued from a healthcare professional in order to provide for the safety of the workforce and stop potential spread of the disease/virus. The decision to grant such leave and the length of the leave will be handled on a case by case basis as requested by the Department Director where the employee is assigned and as 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. Employees are to ensure the appropriate pay codes are used in order to allow for proper documenting of time as applicable.
- 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.

## **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 ANSII 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.