BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: August 17, 2005

Division: Management Services

Bulk Item: Yes X No ___

Department: Administrative Services

Staff Contact Person: Dave Owens - Chairman
Sheila Barker – Vice Chairman.

AGENDA ITEM WORDING: Approval of changes to the Monroe County Policies & Procedures Manual as recommended by the Monroe County Personnel Policies & Procedure Review Board.

ITEM BACKGROUND: Monroe County Code Section 2-214 established a seven-member Monroe County Personnel Policies & Procedure Review Board. The members a 3 members elected by the Employee Relations Committee, 1 supervisor, 1 middle management employee, Director of Human Resources, and 1 Division Director. They are tasked with reviewing all proposed changes to the Personnel Policies & Procedures prior to presentation to the Board of County Commissioners.

PREVIOUS RELEVANT BOCC ACTION: Last revision to Monroe County Personnel Policies & Procedures was January 15, 2003.

CONTRACT/AGREEMENT CHANGES: See attached letter

STAFF RECOMMENDATIONS: Approval recommended by Monroe County Personnel Policies & Procedure Board.

TOTAL COST: Approx. $600 yearly additional costs. **BUDGETED:** Yes ___ No X

COST TO COUNTY: Approx. $600 **SOURCE OF FUNDS:** Grant Funds

REVENUE PRODUCING: Yes ___ No X **AMOUNT PER MONTH**___ **Year** ___

APPROVED BY: County Atty ___ OMB/Purchasing ___ Risk Management ___

DIVISION DIRECTOR APPROVAL: Sheila A Barker
Sheila A. Barker

DOCUMENTATION: Included X Not Required___

DISPOSITION:_____ **AGENDA ITEM #**_____

Revised 2/05

Recap of **Significant** Changes to Personnel Policies & Procedures Manual
Board of County Commissioners Meeting – August 17, 2005

Note: Changes of a housekeeping nature (spelling, grammar, consistency, capitalization, rearrangement of items for clarifications, updating current source numbers of Ordinances and regulations, and title changes) are not considered significant.

Introduction – Add mission of Employee Relations Committee

Section 2.15B – Years of Service Program Add verbiage specifying eligibility of grant and part-time employees to receive this award. This has minimal impact of $600 per year.

Section 4 – Pay Plan – Add compensation of Executive Assistant to Mayor – replacement of Administrative Instruction

Section 5 – Hours of Work – Replacement of Administrative Instruction regarding flextime and alternative work weeks.

Section 8.04C – Scheduling leave of absence without pay – clarification of prior approval provision.

Section 9.03C – Standards of Employment – Replacement of Administration Instruction regarding no smoking on county property or in county vehicles.

Section 18 – NEW – Replacement of Administrative Instruction regarding Children in the Workplace

Section 19 – NEW – Replacement of Administrative Instruction regarding Cash Management procedures

Section 20 – NEW – Replacement of Administrative Instruction regarding Fire Alarm Procedures.

Submitted by Monroe County Personnel Policies & Review Board

Dave Owens, Chairman
Sheila Barker, Secretary
Lisa Druckemiller
Linda McLeod
Jerry O'Cathey
James Paros
Pat Reeder
Sandy Molina, Alternate

PREAMBLE

ADMINISTRATION CODE OF ETHICS

An employee in the public service must always demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in all public activities in order to inspire public confidence and trust in public institutions.

Perceptions of others are critical to the reputation of an individual or a public agency. Nothing is more important to public administrators than the public's opinion about their honesty, truthfulness and personal integrity. It overshadows competence as the premier value sought by citizens in their public officials and employees.

Any individual or collective compromise with respect to these character traits can damage the ability of an agency to perform its tasks or accomplish its mission. The reputation of the administrator may be tarnished. Effectiveness may be impaired. A career or careers may be destroyed.

The best insurance against loss of public confidence is adherence to the highest standards of integrity, honesty, truthfulness and fortitude.

Public administrators are obliged to develop civic virtues because of the public responsibilities they have sought and obtained. Respect for the truth, for fairly dealing with others, for sensitivity to rights and responsibilities of citizens, and for the public good must be generated and carefully nurtured and matured.

If one is responsible for the performance of others, the reasons for the importance of integrity must be shared with them. They must be held to high ethical standards and taught the moral as well as the financial responsibility for the public funds under their care.

If one is responsible only for his or her performance, then he or she must not compromise honesty and integrity for advancement, honors, or personal gain.

We must strive to be discreet, respectful of proper authority and our appointed or elected superiors, and sensitive to the expectations and the values of the public we serve. We must practice the Golden Rule: doing to and for others what we would have done to and for us in similar circumstances.

One should be modest about his or her talents, letting the work speak for itself and be generous in their praises of the good work of our peers and associates. We must be ever mindful to guard the Public Purse as if it were our own.

No matter whether an official or an employee, by our own example, we should give testimony to our regard for the rights of others, acknowledging their legitimate responsibilities and not trespassing upon them. We must concede gracefully, quickly and publicly when we have erred and be fair and sensitive to those who have not fared well in their dealings with our agencies and their applications of the law, regulations, or administrative procedures.

The only gains one should seek from public employment are salaries, fringe benefits, respect and recognition for work. One's personal gains may also include the infinite pleasure of doing a good job, helping the public, and achieving career goals.

No elected or appointed public servant should borrow or accept gifts from the staff or any corporation which buys services from, or sells to, or is regulated by his or her governmental agency. If one's work brings him or her in frequent contact with firms supplying the government, her or she must be sure to pay his or her own expenses.

Public property, funds and power should never be directed toward personal or political gain. We must make it clear by our own actions that we will not tolerate any use of public funds to benefit one's self, family or friends.

And finally, we must serve the public with respect, concern, courtesy and responsiveness, recognizing that service to the public is beyond service to oneself.

END

Mission Statement
of
Monroe County Government

The well being and prosperity of our citizens
requires government's commitment to quality service that enhances and promotes public safety.

As such, we have agreed upon the following as our Mission Statement:

- To deliver quality public services in an efficient, professional, and timely manner.
- To protect and preserve the county's physical, environmental, and aesthetic assets.
- To provide for efficient management and equitable allocation of all fiscal resources.
- To function as a catalyst for the involvement of residents, businesses, and organizations in the development and maintenance of a well-integrated community.
- To identify and anticipate citizens' concerns, problems and opportunities and take actions to address and resolve them.
- To develop and maintain infrastructure and utilities that enhance transportation, commerce, communication, recreation, and the physical well-being of the people.
- To support the growth and development of individuals, families, and groups.
- To contribute to the economic development and prosperity of our citizens and promote a well-planned, attractive, and vital community.
- To select, train, motivate, and retain highly qualified dedicated men and women as County employees.

The above Monroe County Mission Statement reflects
the underlying principle of County government.
It exemplifies the contribution that the organization makes to society in
terms of public service, programs, and activities and
is based on values, tradition, and legal mandates.

Organizational Values
Of
Monroe County Government Employees

The quality of life and environment in Monroe County, Florida
depends upon a partnership among citizens, elected officials and county employees.

Each one of us is the county.
Each one of us is striving for success.
We are what makes a difference between a good organization and an outstanding one.

As such, we have agreed upon the following as our organizational values:

We value open, accessible government. A government cannot be dishonest if its actions are taken openly, and honest government is our first responsibility. Openness encourages competence because it subjects our actions to public scrutiny.

We value fiscal responsibility. Careful management of our financial resources demonstrates our respect for the citizens whose taxes support our organization. Fiscal responsibility recognizes that most problems cannot be solved by money alone, and therefore demands fresh approaches and creativity in addressing issues.

We value a spirit of professionalism. We believe that successful completion of the task is more important than who gets the credit. A professional attitude dictates a dispassionate analysis of issues, free of personal biases and with a commitment to the organization and the county.

We value a humane organization. We believe that our work should be a source of enjoyment and satisfaction. We place great emphasis upon personal qualities that contribute to that environment; informality, humility, energy, independence of thought, a ready sense of humor and a caring attitude.

We value organization self-sufficiency. To insure the continuity of County services and programs, and to foster innovation in the development of those services and programs, we encourage the use of local resources to meet local needs.

We are proud of the Florida Keys, Monroe County,
And the citizens we serve.

INTRODUCTION

INTENT

It shall be the intent of the Board of County Commissioners and other grants, agencies or elected officials who so request to adopt these policies and procedures that:

A. The employees of Monroe County be productive persons who perform useful County functions.

B. There shall be no employees on the County payroll for whom there is no employment need.

C. All officials and employees shall comply with and assist in carrying out the personnel program.

D. All appointments to the County Service are to be made in accordance with the rules, regulations and procedures established and adopted by the Board of County Commissioners.

E. These Policies and Procedures generally cover the information concerning the policies, regulations and benefits for the employees of Monroe County. These Policies and Procedures and the representations made in them do not constitute any form of employment contract or guarantee. If an employee seeks information which is not covered in these Policies and Procedures, or if an employee wishes clarification of any policy or procedure, he or she should check with his or her Supervisor and/or Department Head.

The County, of course, may change its Policies and Procedures with regard to matters covered herein and such changes may not be reflected in these Policies and Procedures at the time the employee reads them. Existing policy as determined from time to time by the County Administrator or the Board of County Commissioners shall supersede any written information previously distributed to employees.

F. In accordance with Ordinance #038-1988, the Board of County Commissioners established a Personnel Policies and Procedures Review Board whereby any employee may submit proposed changes to the Monroe County Personnel Policies and Procedures to the Personnel Section at any time. Proposed changes will be discussed by the Review Board and recommendations will be made to the County Administrator who will review said recommendations for his approval. If there are any recommendations that do not meet with the approval of the Administrator, those changes will again be reconsidered by the Review Board. If approved, said changes will be presented to the Board of Commissioners for a final decision. If there are one or more proposed changes on which the Review Board and the Administrator cannot agree, the final decision will be made by the Board of Commissioners. These changes will be adopted by resolution. Forms for proposed changes may be obtained in the Personnel office.

SCOPE

For the purpose of expediency, these policies may refer to either the male or female gender, or both with no intent to discriminate. All policies apply to both genders.

The personnel policies, regulations and procedures as adopted shall apply to all personnel in the County Service falling under the jurisdiction of the Board of County Commissioners and any other agency grant, board or department which so requests.

Any action which these procedures authorize to be taken at a particular level of authorization may be initiated or taken by anyone in a position of higher authority, within the chain of command.

THE COUNTY SERVICE

The County Service shall consist of all existing positions and any positions hereinafter created in the County with the following exemptions:

A. The Board of County Commissioners and any positions which are exempt under Chapter 69-1321, Section 3, Laws of Florida.

B. Other elected officials.

C. Members of Boards, Committees and Commissions, unless they are also County employees.

D. Persons employed in a professional capacity on a contractual, fee or retainer basis or hired to perform specific services, as defined herein, including but not limited to investigations or inquiries on behalf of the County Commissioners, or a committee thereof, or other elected officials.

E. Volunteers.

PERSONNEL SECTION

It is the responsibility of the County Administrator to render service to the County government in the fields of personnel management and employee relations, and to ensure uniform, fair and efficient personnel administration. In this regard, the County Administrator shall establish and oversee the administration of a Human Resources Department, through the Division of Management Services. In addition to the duties imposed by personnel policies and regulations, it is the responsibility of the County Administrator, through the Personnel Section, to:

A. Apply and carry out personnel policies and regulations as adopted by the Board of County Commissioners.

B. Foster and develop programs for the improvement of employee effectiveness and morale.

C. Conduct evaluations and studies to determine the effectiveness of the personnel program, and periodically submit a report of findings and recommendations to the Board of County Commissioners.

D. Ensure that all personnel have been employed in accordance with the provisions of personnel policies and procedures.

E. Maintain a classification plan for all employees in the County Service.

F. Maintain a pay plan for all employees in the County Service.

G. Develop and administer tests and examinations as deemed necessary to determine the fitness and abilities of applicants for jobs in the County Service, and promotional opportunities.

H. Prepare, or have prepared, and submit to the Board of County Commissioners, corrected, revised, or additional personnel policies and procedures for their approval.

I. Perform any other lawful acts considered necessary to carry out the purpose and provisions of the personnel policies and procedures.

J. Perform interviewing, background investigations and otherwise pre-qualifying candidates for County employment.

K. Prepare any County Affirmative Action Plan.

L. Recruit qualified applicants to fill departmental vacancies.

M. Perform induction of all newly-hired personnel including completion of required personnel and payroll forms, arranging physical examinations and providing employee orientation.

N. Provide staff support to the Board of County Commissioners in regard to personnel matters.

O. Administer B.O.C.C. adopted drug and alcohol programs.

RECORDS OF PERSONNEL SECTION

The efficient administration of the County's Personnel Section depends on accurate information about the County and each of its employees. In order to keep personnel records up to date, employees must notify their Supervisor and the Personnel Section immediately of any change of name, address, telephone number, whom to contact in case of emergency, insurance beneficiaries, dependents eligible for family coverage of insurance, information for income tax withholding, driving status and other similar information.

The County respects the privacy of its employees' rights and, in this regard, will keep all information in its personnel files confidential -- to the extent permitted under Florida law.

All requests from sources outside the County for personnel information concerning applicants for employment, current employees, and former employees shall be directed to the Human Resources Department. The Human Resources Department will release information to outsiders in accordance with Florida Statute 119.

RISK MANAGEMENT - SAFETY/LOSS CONTROL SECTION

A. RISK MANAGEMENT

It is the responsibility of the County Administrator to protect the County from financial loss due to public liability exposures and/or property damage. This may be accomplished by either the utilization of fully insured or self-insured programs or policy contracts, as approved by the Board of County Commissioners. The Human Resources Department, Risk Management Section will maintain all insurance policies, property schedules, etc., and will properly distribute all insurance premiums to the budgetary units.

The County Administrator will institute recognized risk management techniques, with the cooperation of all Division and Department Heads, the County Attorney's office, and Constitutional Officers (where applicable), to further identify potential exposures, recommending to the County Commission the best course of action to properly protect the interests of Monroe County.

INSURANCE

A. EMPLOYEE BENEFITS SECTION (Group Insurance and Workers Compensation)

The County Administrator will oversee all employee benefit programs, including, but not limited to Life Insurance and Health Insurance for Board employees, as well as Constitutional Officer employees (if participated in by those entities). All enrollment records, claim files and the proper distribution of expenses will be assigned to the Human Resources Department, Employee Benefits Section, with final approval of program types and levels of benefits remaining with the Board of County Commissioners.

B. SELF-FUNDED PROGRAMS

Where the Board of County Commissioners has determined that the use of a self-funded program is in its best interest, it will be the County Administrator's responsibility to oversee the Administration of said programs.

C. MONROE COUNTY ACCIDENT REVIEW BOARD

In accordance with the Monroe County Safety Policies and Procedures, and County Administrator Instructions, the Monroe County Safety/Accident Board functions to prevent accidents through review of accident/incidents reported to the Human Resource Department, and recommends safety-related policies and procedures to the County Safety Office. This Board also serves as the Safety Advisory Committee, and functions under the guidelines as set down in the Administrative Instructions for the function and by-laws of the committee

D. ADMINISTRATIVE INSTRUCTION SYSTEM

The County Administrator will establish a standardized administrative instruction system for initiating, preparing, controlling, monitoring and promulgating all Monroe County Administrative Policies and Procedures by way of rules and guidelines, which clarify those adopted Monroe County Administrative Policies and Procedures. These Administrative Instructions shall only be further detailing, by instructions or rules, of those Policies and Procedures provided in this manual, where, for ministerial purposes, policy clarifications are particularly applicable. Where conflict may occur, the Board of County Commissioners reserves the authority of final determination as to ministerial function. This system will be structured according to Monroe County Administration Instruction 1000, issued February 2, 1989, but may be deleted, changed, revised or altered at any time by the County Administrator. Reference to these Administrative Instructions will be made throughout these policies.

All employees will be responsible for being familiar with and complying with these instructions. Division and Department Heads will be responsible for appropriate dissemination of these instructions.

All references to Administrative Instruction should be construed to mean most current revision. Suffix numbers change with revisions.

E. EMPLOYEE RELATIONS COMMITTEE

The Employee Relations Committee was established to provide non-supervisory employees an avenue of direct communication with the County Administrator for the purpose of constructively identifying and discussing problems within the County System. By-laws for the composition and operation of the Employee Relations Committee are covered in Administrative Instruction 1008.

GENERAL POLICIES

SECTION 1

1.01 CAREER SERVICE

A. DEFINITION

In accordance with Chapter 69-1321 Laws of Florida, as amended, employees designated in this Act, having at least one (1) year of continuous satisfactory service, shall be considered career service employees, except as set forth in these policies and procedures.

B. APPLICATION FOR CAREER SERVICE

Approximately one month prior to the employee's anniversary date, except as provided for in Section 2.04 herein, the Personnel Section will provide the Department Head with notice to evaluate the employee in accordance with Administrative Instruction 4003. The evaluation form shall be forwarded to the Personnel Section and placed in the employee's personnel file. (See Section 2.04.) If a positive recommendation is made to retain the employee by the appropriate Department/Division Director and approved by the County Administrator, the employee will be eligible for Career Service upon completion of one (1) year of continuous, satisfactory, full-time employment. Temporary employees who transfer to or are hired in a regular County position must serve a 12-month probationary period in the County position before being eligible for Career Service.

C. CONTRACT EMPLOYEE

The County Commission may waive, at its option, the necessity for the probationary service of a contract employee prior to his employment by the County into a regular position under the Career Service rules. In no event, however, may the County waive such probationary requirement unless the affected employee has served at least one (1) year in the capacity for which the probation has been waived.

1.02 POLITICAL ACTIVITY

A. No employee shall use any promise, reward or threat to encourage or coerce any person to support or contribute to any political issue, candidate or party.

B. No employee shall use his official authority as an employee to influence or attempt to influence, coerce or attempt to coerce a political body or to in any way interfere with any nomination or election of any person to any public office.

C. Nothing will prohibit any employee from expressing his opinion on any candidate, on issues, or from participating in any political campaign during his off-duty hours.

D. Nothing herein contained shall affect the right of the employees to hold membership in, and support, a political party, to vote as they choose, to express opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings during off-duty hours.

E. Employees shall at all times comply with all provisions of Section 104.31, Florida Statutes, which is generally stated in part in 1.02 (A) & (B) above, any may be amended from time to time.

1.03 OUTSIDE EMPLOYMENT

A. Full-time employees are not restricted from engaging in other employment during their off-duty hours. However, County employment must be considered the primary employment. Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, in the County's opinion, with the best interests of the County or interfere with the employee's ability to perform the assigned County job. Examples include, but are not limited to, outside employment which:

1) Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
2) Is conducted during the employee's work hours;
3) Utilizes County telephones, computers, supplies, or any other resources, facilities, or equipment;
4) May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

B. Employees shall not be instructed or allowed to perform work for private individuals or other governmental agencies as part of his/her County employment except in those instances where such work is part of contract arrangements entered into by the Board of County Commissioners with such private individuals or government agencies, or in those cases where under prior Board of County Commission policy, the employee is to give service in an emergency situation.

1.04 USE OF COUNTY PROPERTY, PROCEDURES OR FACILITIES

Equipment, facilities, vehicles, property, or any resource or procedure of the County shall not be used by any employee, or use of same authorized for anyone by an employee for any reason or purpose beyond that deemed de minimis use by the Internal Revenue Service Code for anything other than County business. The use of same for personal gain or use may be cause for termination. See Administrative Instruction 1004 for additional information concerning use of County vehicles.

1.05 CODE OF ETHICS

A. All employees must be aware of, and comply with, Section 112:311 (6) Florida Statutes which currently provides in part: "It is declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered with respect hereto regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern."

B. Employees may not, either directly or indirectly, use their official position with the County or information obtained in connection with their employment for private gain, for themselves or others.

C. Employees shall not accept any gift, favor or service from any member of the public, including but not limited to Christmas and/or birthday gifts.

D. No employee shall make any false statement, certification or recommendation of any employment under any provision of these policies, or in any manner, commit or attempt to commit any fraud preventing the impartial execution of the provisions of these policies, with regard to employment, promotion or transfer.

E. Conflict of interest rules shall be in accordance with the established laws of the State of Florida.

No County employee shall transact any business in his or her official capacity with any business entity of which that employee is an officer, agent or member, or in which he or she holds a material interest.

If an employee is uncertain as to whether he or she may be in violation of this policy, clarification may be obtained from the Personnel Section.

The County Administrator may at any time, require a statement of disclosure from any employee if he has reason to believe that said employee may be in violation of this policy. The Personnel Section will be responsible for investigating any alleged incident of conflict of interest and when needed, the County's legal counsel will interpret Florida Statute 112.311-112.326. If a violation of this policy is found, appropriate disciplinary action may be initiated.

F. Employees shall not conduct personal business while in County uniform while on duty Employees shall not consume alcoholic beverages while on duty, nor on off-duty hours while in uniform.

G. Employees shall not consume or be under the influence of alcoholic beverages while on duty or in County uniform, nor shall they use, be under the influence of, consume or possess illegal substances while on duty, in County uniform or on County property at any time. It is the intent of Monroe County to create and maintain a drug-free workplace for Monroe County employees, in accordance with the Drug-Free Workplace Act of 1988. (See Monroe County Administrative Instruction 4703.)

H. Any violation of the provisions of this policy shall be subject to review and appropriate disciplinary action. If the employee has any doubt as to the application of the policy as it relates to his or her position, the possible violations should be discussed with the Department Head or his or her designee, who shall either approve or forbid the activity, or refer the question to the Personnel Section. The County Administrator, Division and Department Heads, their Deputies and other employees holding positions of high public trust and/or authority will be held to higher disciplinary and ethical standards than other employees.

1.06 DISCLOSURE OF INFORMATION

Information of a sensitive or confidential nature which is obtained in the course of official duties shall not be released by any employee other than by those charged with this responsibility as part of their official duties.

1.07 RESTRICTION OF EMPLOYMENT OF RELATIVES

Restrictions on employment of relatives shall be in accordance with Florida Statute 112.3135 (2) (a) as amended, which currently reads, "A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which he is serving or over which he exercises jurisdiction or control, any individual who is a relative of the public official." The definition of relative will be expanded by the County to include Domestic Partner. Nothing set forth herein shall prohibit the employment of more than one (1) member of the same family. The Personnel Section will be responsible to investigate any alleged incident of

nepotism, and when needed, the County's legal advisor will furnish current information to the Personnel Section on Florida Statute 116.111.

Where a State or Local statute regarding nepotism exists which is more restrictive than this policy, the eligible applicant should follow the State and Local statute in lieu of this policy.

Definition: Domestic Partner[1] - "Domestic Partners" are two adults who have chosen to share one another's lives in a committed family relationship of mutual caring. Two individuals are considered to be Domestic Partners if:
(1) they consider themselves to be members of each other's immediate family;
(2) they agree to be jointly responsible for each other's basic living expenses:
(3) neither of them is married or a member of another Domestic Partnership;
(4) they are not blood related in a way that would prevent them from being married to each other under the laws of Florida;
(5) each is at least of the legal age and competency required by Florida Law to enter into a marriage or other binding contract;
(6) they each sign of Declaration of Domestic Partnership as provided in for Section 1403
(7) they reside at the same residence.

1.08 VOLUNTEERS

Monroe County recognizes the importance of work performed by volunteers.

The Department Head will be responsible for obtaining authorization through the Personnel Section before allowing work to be performed by anyone on a volunteer basis. Volunteers will not, under any circumstances, be considered County employees, but will be responsible for following proper procedures and schedules as outlined by the Department Head.
(See Section 8.01 I regarding voluntary Emergency Response Team for County employees.)

1.09 VETERANS PREFERENCE IN INITIAL EMPLOYMENT

If no qualified applicant is selected in-house after a seven (7) calendar day posting period, available positions will then be offered to the general public, unless in-house and general public notice are authorized by the Director of Human Resources concurrently. Eligible veterans and spouses of veterans will receive preference in initial employment with the exception of those positions which are exempt pursuant to Florida's Preference Law {Chapter 295 Florida Statutes (1987)}.

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[1] Resolution 081-1998

EMPLOYMENT POLICIES

SECTION 2

2.01 APPOINTING AUTHORITY

The Board of County Commissioners shall be the appointing authority for the County Administrator and County Attorney. All other positions under the jurisdiction of the Board of County Commissioners shall be employed and supervised by the County Administrator. Employment of Division and Department Heads will require the confirmation of the Board of County Commissioners. The County Administrator will be responsible for:

A. Approval of all changes in employee status ensuring that all changes are in accordance with the Personnel Policies and Procedures and the Pay/Classification Plan.

B. Ensuring that all positions in all Divisions have been fairly and equally evaluated, rated and classified in accordance with Personnel Policies and Procedures and the Pay/Classification Plan.

2.02 POSITION CONTROL

A. All positions in the County Service are established and maintained through a budget each fiscal year, in accordance with procedures provided by the Board of County Commissioners.

B. The establishment of new or additional positions can only be authorized by the Board of County Commissioners and the County Administrator, subject to adequate justification of need and availability of funds.

C. Personnel to fill approved new positions shall be appointed after the position has been evaluated, classified and assigned a pay grade.

2.03 TYPES OF EMPLOYMENT

A. Original employment is subject to budgetary restrictions. When a person is initially employed in a position in County Service, he shall be employed in at least one of the following types of original employment status:

1. Full-Time Regular Employee
2. Substitute Employee
3. Temporary Employee
4. Emergency Temporary Employee
5. Part-Time Employee
6. Trainee
7. Contract

Participation in the Social Security program and the Florida State Retirement System will be in accordance with the rules and regulations governing said programs.

Any employee paid on an hourly basis will not be eligible for fringe benefits.

B. Definitions of types of original employment:

1. Full-Time Regular Employee

a. Full-Time Regular employment will be made to a classification for regularly budgeted County positions, working 25 hours or more per week.

b. A Full-Time Regular employee shall be eligible for all County fringe benefits as set forth in these policies.

c. An employee serving in a full-time regular position shall be eligible for career service status as described in Section 1.01.

2. Substitute Employee

a. Substitute employment may be made to fill positions for which leaves of absences are granted to a regular employee.

b. Substitute employment shall be only for a period of time for which the regular employee is granted leave.

c. A substitute employee shall not be eligible for County fringe benefits.

d. A substitute employee shall be exempt from career service status.

3. Temporary Employee

a. Temporary employment may be made when the work of a department requires the services of one or more employees on a seasonal or intermittent basis, or in a position not classified as a regular County position.

b. An employee shall not be allowed to serve on temporary employment of more than 12 consecutive months or, in the case of intermittent employment, for more than 1,040 hours during any 12-month period, except as set forth below.

c. A temporary employee shall not be eligible for County benefits, except as stated in 'e' below.

d. A temporary employee shall be exempt from career service status.

e. All employees who are employed under special grants/projects shall be temporary employees throughout the duration of the grant/project. Such employees shall at no time be considered regular employees of the County, and shall only have the rights of temporary employees as set forth in these policies and procedures, except as might be specifically set forth in the special grant or project requirements. Grant employees who do not qualify as temporary employees are entitled to the same benefits as a regular employee except for Career Service status, Years of Service and any benefit not eligible for reimbursement under the grant funding for the position.

4. Emergency Temporary Employee

a. Emergency temporary employment may be made when a short-term emergency exists.

b. Emergency temporary employment may be made without regard to the person's training or experience.

c. No person shall be given one or more emergency employments for more than three (3) calendar months.

d. An Emergency Temporary Employee shall not be eligible for County fringe benefits.

e. An employee hired on an emergency basis shall be exempt from career service status.

5. Part-Time Employee

An employee is to be considered part-time if the employee works less than twenty-five (25) hours per week. The salaried part-time employee who works at least twenty (20) hours per week will accrue vacation and sick leave prorated to the number of hours worked but will not receive group insurance. Anyone working less than twenty (20) hours per week will not accrue sick or annual leave.

6. Trainee Employee

An employee appointed to fill an established position on a regular full-time or part-time basis shall be given trainee status when qualified applicants are not available for the position and the employee does not meet the minimum training and experience requirements for the position. (Refer to Section 4.07.)

7. Contract Employee

Anyone whose employment is project specific will be a contract employee. Said employee(s) will not attain Career Service Status. Each proposed contract will be submitted by the County Administrator to the Board of Commissioners for approval.

2.04 PROBATIONARY PERIOD

A. The standard probationary period for new employees will be twelve (12) months from the date the employee begins working as a regular employee for the County. If at any time during the probationary period it is determined that the employee does not meet performance standards , the employee may be terminated without recourse. The County Administrator, or a designee, shall either: (1) approve, in writing, retention of the employee, at which time the employee shall be granted career service status: or (2) decide that the probationary period will be extended for no longer than an additional 90 days if the employee has not met performance standards : or (3) in the event the County shall fail to approve the employees' retention the employee shall automatically be separated from employment with the County, said separation being absolutely final, with no rights of appeal to any authority, including the grievance procedure contained herein.

Temporary employees, Federal or State Grant employees as well as employees originally hired under the CETA Program will retain their original date of hire if transferred to or hired in a regular County position for use in procedures governing fringe benefits and evaluation purposes, when applicable. Said employee must then serve the standard 12-month probationary period, before becoming eligible for career service status.

B. During the probationary period, the Department Head or duly-appointed representative must observe the employee's work habits, attitude and attendance to see if continued employment in the job is desirable.

C. In the event an employee receives a promotion through the promotional opportunity process, said employee will serve a 90 days probationary period, or the remainder of their original probationary period, whichever is greater. If during this probationary period the employee does not meet performance standards , he or she may be terminated without right of appeal if recommended by the Department Head and the Division Director and approved by the Administrator, but will be able to apply for another County position through the promotional opportunity system for 1 year, after which time he or she must wait until a desired position is open to the public.

D. Any employee whose position evolves into accepting additional or different duties and/or responsibilities within the same department may be reclassified to another pay grade and/or title upon recommendation of the Department Head and Division Director and approved by the Administrator but will not serve an additional probationary period. (See Section 3.04 and 3.05.)

2.05 DEFINITION OF SERVICE

A. Creditable Service shall be defined as service during which the employee was on the payroll of the County, or on approved leave of absence without pay.

B. An employee's continuous service date shall be established as the most recent date of hire and may not precede the date of actual job performance.

C. Authorized leaves of absence to the extent provided in Section 8 of these policies shall not be considered a break in service effective at the end of the employee's regular shift on the last day of work.

D. If an employee has a break of service of 48 hours or more, he/she cannot be reinstated to his/her former employment status. If he/she is selected for County employment after such a break in service, he/she must begin as a new employee in all respects, except for Retirement Benefits which are governed by Florida Statutes.

E. Any unauthorized leave without pay for three consecutive work days or more may be considered a break in service, and may result in termination.

2.06 MEDICAL EXAMINATIONS

A. In order to maintain a vigorous and healthy work force the County shall require post offer medical examinations by a physician designated by the County.

B. The County Administrator may require that an employee submit to a physical and/or psychiatric examination by a physician or other qualified practitioner at any time during their employment, which may include blood and/or urine testing for drug or alcohol usage. Charges for same will be the responsibility of the County.

Grant Programs will provide funding for medical examinations for their employees in their respective budgets.

C. Should an examination result in disclosure of inability to meet the required minimum standards of the specific occupation, the results of the examination shall be reviewed by the Personnel Section and the employee's Department Head and/or Division Director. Findings and recommendations shall be forwarded to the County Administrator for final disposition. Payment of any expense incurred by the applicant/employee other than the initial examination required by the County will be the responsibility of the applicant/employee.

D An employee determined to be physically or mentally unfit to continue working in his/her current classification may be terminated, but may apply through the promotional opportunity system for any available position for which said employee is determined to be qualified as well as physically and mentally fit to perform all required duties of the position. Said employee will have promotional opportunity rights for one year after his/her termination date.

E. If a Department Head has reasonable suspicion that an employee is under the influence of, or using alcoholic or illegal substances, that Department Head may require that said employee be examined by a physician which may include blood and/or urine testing.

2.07 BASIS FOR CHANGE OF STATUS

Selection of applicants for new hire and in-house promotion shall be based on the applicant's ability to perform the job as outlined in the job description of the position being filled. The job description shall identify the specific knowledge, skills, and abilities necessary for the successful performance of the duties of the position.

An evaluation of the applicant's knowledge, skills, and abilities as reflected in education, experience, licensure or certification as outlined on the employment application shall be compared to the required minimum qualifications of the position. All applicants who appear to possess the required minimum qualifications shall be evaluated according to uniform and consistently applied selection techniques established by Personnel Policies and Procedures. These selection techniques shall be designed to provide maximum validity, reliability, and objectivity and result in selection from among the applicants who are most qualified for the position.

In determining change of status as a result of demotion, recall from layoff or transfer, job performance shall be the sole criterion. Job performance being equal, length of continuous service shall be the criterion.

2.08 SELECTION PROCESS

All interviews whether for new hire or in-house promotion must follow the interview procedures outlined in Administrative Instruction 4705.

2.09 TRANSFERS

A. The County Administrator may, at any time, transfer an employee from one area to another and/or from one position to another when he determines that it is in the best interest of the operation of the County to do so. Transfers will be made by the County Administrator based upon a recommendation by the employee's Department Head and Division Director.

B. Employees will be notified in writing of the County Administrator's decision to transfer them. Employees who claim that a transfer is made arbitrarily and capriciously or that it is being recommended for disciplinary reasons may appeal a transfer decision pursuant to Section 10 (Employee Complaint/Grievance Procedure).

2.10. EMPLOYEE TRAINING

The County may require any employee to attend any and all training deemed necessary to perform his or her job duties adequately and safely. Prior to employment with Monroe County, it is the applicant's responsibility to provide proof of completion of said training

requirements. Once employed, any certification or training deemed necessary for continued employment is to be paid by the individual with reimbursement made after successful completion. See 2.11, item A.

2.11 EDUCATIONAL ASSISTANCE PROGRAM

A. EDUCATIONAL ASSISTANCE POLICY[2]

The County may provide financial assistance to County employees for educational courses which 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 service. Employees required to maintain training and certification requirements as a condition of employment are also eligible for this program.

In the case of a degree-seeking student; although attainment of said degree may provide job enhancement for the employee, courses taken in the pursuit of the degree must have some relation to County employment.

B. ELIGIBILITY

An employee will be considered eligible for participation in the Educational Assistance Program if he has been a full-time employee of the County for one year or more, and is so recommended by the Supervisor, Department Head and Personnel Section.
An exception may be made for those employees referred to in Ordinance No. 008-1987, as approved by the Board of Commissioners.

C. APPLICATIONS

An Employee must submit the completed Request for Educational Assistance Form to the immediate Supervisor and Department Head for approval. The employee shall forward the application to the Personnel Section with the appropriate approvals and a Purchase Order or Audit Slip for payment. The application must be submitted and approved by the Supervisor, Department Head, and the Personnel Section prior to the employee enrolling in the course.

The Personnel Section shall review the employee's eligibility to participate in the Educational Assistance Program and shall be responsible for the administration of the program.

Upon enrollment in the course, the employee shall submit to the Personnel Section the enrollment receipt and textbook receipt.

Upon completion of the course, the employee shall submit to the Personnel Section the proof of successful completion. The tuition and textbook receipts, the Audit Slip or Purchase Order and the proof of successful completion will be sent to the Finance Department for processing. A copy of all the documentation will be placed in the employee's personnel file.

D. TIME OFF FROM WORK

Qualified employees may be permitted time off from work with pay to attend educational training classes or seminars which are related to their job duties but which are not available during non-working hours, if approved by the applicable

[2] See Florida Statutes 112.063

Department Head and/or Division Director. Allowable time off will be restricted to a maximum of 160 hours in any calendar year unless specifically otherwise approved by the County Administrator.

Employees are attending this training on a volunteer basis and time allowed for attending such training does not constitute hours worked for the purpose of computing required overtime payments.

E. REIMBURSEMENT

1. Upon the successful completion of approved courses, the employee will be eligible for reimbursement of tuition, textbooks, online access fees, distance learning fees, and lab fees. The employee must present a certification of successful course completion and a paid receipt for tuition, textbooks, online access fees, distance learning fees, and lab fees to the Personnel Office. Requests for reimbursement must be made within sixty days after completion of the course.

2. Textbook reimbursement allowance is limited to $65 per course. The employee is responsible for paying any difference.

3. Reimbursement for tuition will be made only to employees who are on the active payroll when payment is due.

4. Where tuition is covered under benefits from the Veterans Administration or a philanthropic source, qualified employees may participate only in the "time off from work" feature of the program.

5. Reimbursement under the Educational Assistance Program constitutes income to the employee. The County must withhold taxes from this income and report to government agencies in the same manner.

6. Employees must provide their own transportation to and from training.

7. Refunds shall be limited subject to the availability of funds and the number of participants in the program.

8. This program may be amended or terminated at any time, however, such amendment or termination will not affect any courses of study previously approved.

F. CONDITIONS OF REIMBURSEMENT

Employees who obtain reimbursement for any educational assistance program shall remain with the County at least one (1) year after completion of courses, otherwise any reimbursement which was made by the County to the employee shall be refunded to the County, if the employee terminates within less than one (1) year from date of completion of educational assistance courses. Further funding to the County shall be accomplished by deducting all reimbursement due from the employee's final paycheck.

2.12 EMPLOYEE SAFETY It is the responsibility of the County to promote and pursue a safe and healthy environment for all employees. Monroe County has a viable safety program administered and enforced by the Monroe County Safety Administrator according to the Safety Policies and Procedures adopted by the Board of County Commissioners.

Employees will observe all safety rules and regulations established by the State of Florida and County Government. Division Directors, Department Heads and Supervisors are responsible for the observance of those rules within their jurisdiction. Failure to comply may result in disciplinary action.

2.13 PROMOTIONAL OPPORTUNITIES

A. It is the policy of the Board of County Commissioners to consider qualified County employees for promotional opportunities before applicants from the general public are considered. An employee must remain in his or her respective position for a period of at least six (6) months before transferring to another position through the Promotional Opportunity system. If it is thought to be in the best interest of the County to waive this rule, prior approval of the appropriate Division Director(s) and the County Administrator must be obtained. Please review Section 2.04 Probationary Period. Promotional Opportunities will be posted on bulletin boards throughout the County system for seven (7) calendar days.

B. An eligible employee wishing to apply for a promotional position will complete the Promotional Opportunity Application Form within the seven (7) day period (date of posting is day one (1)) and submit it to the Personnel Section. The Personnel Section will review these completed forms and forward all in-house applications to the Department with the vacancy for consideration.

C. During the seven (7) days the position is posted, any qualified County applicant is to be given preference in the vacant position. All Promotional Opportunity applications must be reviewed by the department with the vacancy.
It is the responsibility of the hiring department to review in-house applications and conduct interviews for qualified County applicants. Any qualified employee filing a Promotional Opportunity within the required seven (7) day period is to be considered a priority. In the event the Promotional Opportunity is not received within the seven (7) day period, the in-house employee shall lose preferential treatment.

D.. Eligible veterans and spouses of veterans will receive preference in initial employment pursuant to Florida's Veterans' Preference Law {Chapter 295, Florida Statutes}, with the exception of those positions which are exempt under said law.

2.14 EQUAL OPPORTUNITY POLICY

A. The County is firmly committed to equal employment opportunity, and does not discriminate in any employment-related decisions on the basis of race, color, religion, national origin, sex, age, disability or other similar factors that are not job-related.

The County's policy of equality of opportunity applies to all organizational levels of the County and to all job classifications. It is the responsibility of each Division Director, Department Head and Supervisor to give the County's non-discrimination policy full support through leadership, and by personal example. In addition, it is the duty of each employee to help maintain a work environment which is conducive to, and which reflects, the County's commitment to equal employment opportunity.

B. All personnel actions shall be based solely on ability and fitness of the individual.

C. The Personnel Section shall see that information about job opportunities is readily available to all employees and citizens of the County, and a continuing program shall be conducted to make the Equal Employment policies known to all citizens of the County.

D. In this capacity, the Personnel Section will be responsible for anticipating problems, formulating solutions, presenting complete analysis of alternatives and recommended

corrective actions and coordinating the recommended actions with Division Directors, Department Heads and employees.

In the implementation of this policy, the County will aggressively seek personnel for all job levels within the organization through upgrading and recruitment from minority group members and women.

This policy is specifically included and will be a continuing and essential component of the Personnel Policies and Procedures.

E. Harassment of any kind is prohibited and will not be tolerated This policy applies to all employees (including Division Directors, department heads and supervisors), agents and third-parties such as contractors, vendors, suppliers, and other visitors to County buildings or workplaces. A violation of this policy will subject an employee (including Division Directors, department heads or supervisors) to disciplinary action, up to and including termination of employment. A violation of this policy by any third party will result in appropriate action, which may result in the person(s) being barred from the County premises.

Harassment is defined as verbal or physical conduct which:

1. Denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age, veteran status, marital status, familial status, sexual orientation/preference, or disability/handicap, or that of his or her relatives, friends or associates.
2. Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
3. Has the purpose or effect of unreasonably interfering with an individual's work performance or;
4. Otherwise adversely affects an individual's employment opportunities.

Prohibited harassing conduct includes, but is not limited to, epithets, slurs, jokes, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, age, national origin, veteran status, marital status, familial status, sexual orientation/preference, or disability/handicap. Prohibited harassing conduct includes written or graphic material that is placed on walls, bulletin boards or elsewhere on the premises, or that is circulated in the workplace.

The above policy includes, but is not limited to, sexual harassment. Sexual harassment is defined as:

1. Unwelcome sexual advances;
2. Requests for sexual favors;
3. Verbal or physical conduct of a sexual or otherwise offensive nature, particularly where:
    a. submission to such conduct is made, explicitly or implicitly, a term or condition of employment;
    b. submission to or rejection of such conduct is used as a basis for decisions affecting an individual's employment; or
    c. such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.
4. Sexually offensive jokes, innuendoes, and other sexually oriented statements or behavior.

If you experience or observe any prohibited harassment by any person (including Division Directors, department heads, supervisors, employees or third-parties), you are required to promptly report the incident to a Department Head, the Human Resources Director or to the County Administrator. (We encourage you to put such a complaint in writing). Your complaint will be immediately investigated and kept confidential to the extent possible. Individuals who make complaints have an obligation to assist and cooperate with the County's investigation.

If the County determines that an employee (including Division Director, Department Head, or supervisor) or third-party has harassed another individual, appropriate remedial action will be taken against the offender, up to and including termination. If the harassment involves a third party such as a contractor, vendor, supplier, or other visitors to County buildings or the workplace, that person may be barred from the premises.

The County prohibits any form of retaliation against an employee or third party for lodging a bona fide complaint under this policy or for assisting in the investigation of a claim of harassment.

F. If one believes that the County has violated the equal opportunity policy, as stated in this section, he/she should submit a written complaint to the EEO Coordinator. The EEO Coordinator shall investigate the complaint and respond to the complaint.

2.15 EMPLOYEE RECOGNITION (See Section 2-15.6, Monroe County Code)

A - EMPLOYEE OF THE MONTH/YEAR PROGRAM

Monroe County has established an Employee of the Month/Year Program designed to recognize employees who demonstrate superior performance and dedication to their work which is above and beyond the call of duty. (See Monroe County Administrative Instruction Series 4000.) The employee of the month shall be awarded a $100 United States Savings Bond and an appreciation plaque. The employee of the year shall receive a 4% increase, and an appreciation plaque.

B - YEARS OF SERVICE PROGRAM

Monroe County has established a program to recognize County employees who have been in the County Service for Five, Ten, Fifteen, Twenty, Twenty-five and Thirty years. Grant and part-time employees will be eligible for the years-of-service program.

At the employee's anniversary date, or as soon thereafter as is feasible, the Human Resources Department must cause a letter to be placed in the employee's personnel file noting the years of service and must deliver the following to the employee:

a - For 5 years of service, a congratulatory certificate and a $100 award;
b - For 10 years of service, a congratulatory certificate and a $175 award;
c - For 15 years of service, a congratulatory plaque and a $200 award;
d - For 20 years of service, a congratulatory plaque and a $350 award;
e - For 25 years of service, a congratulatory plaque and a $500 award;
f- For 30 years of service, a congratulatory plaque and a $1,000 award.

CLASSIFICATION PLAN

SECTION 3

3.01 CLASSIFICATION PLAN

A. SCOPE

The Classification Plan provides for a systematic and equitable arrangement of job classes and provides for a complete inventory of all County positions. The purpose of the plan is to group various positions into related classes based upon the range of duties, responsibilities and level of work performed.

B. COMPOSITION OF THE CLASSIFICATION PLAN

The Classification Plan comprises written job descriptions for each class of work included in the County service. Job descriptions are intended to be a general outline of job duties performed by employees in a particular job. They are used as a guide in recruiting and examining candidates for employment, in determining the lines of promotion and developing training programs, as guidelines in determining salary relationships and in providing uniform job terminology to convey the same meaning to all concerned. Job descriptions may be changed from time to time by the County. This change may expand or reduce the job duties of any job classification. Employees will be given as much advance notice of a change in their jobs as is practicable. The job descriptions are maintained by the Personnel Section and should be reviewed and updated annually, or whenever a change occurs in the duties of any position. Each job description will be approved by the Department Head, the Division Director, and the County Administrator. Each employee will receive a copy of his or her respective job description at the time of his or her employment, and any time there is a change in his or her job description.

3.02 POSITION AUDIT PROCEDURE

The County Administrator is charged with the responsibility of initiating position audits of any or all County service positions at any time. Other position audits may be initiated by written request to the County Administrator from the Department Head or the Division Director in which the specific position is located, or the incumbent of the position to be audited. All requests must be approved by the Division Director.

Position information will be gained through completion of a Position Information Questionnaire (PIQ) by the incumbent or by the Supervisor of the position if the position is vacant, and through field studies of the position, which may include a personal visit with the position incumbent by a representative of the Personnel Section. The applicable Department and Division Director should review and make recommendations to the County Administrator through the Personnel Section on all proposed new positions, changes, and position descriptions.

3.03 DETERMINATION OF CLASSES

A. The Personnel Office upon certification of funds and findings that the proposed class or classes are needed, shall propose new or revised classes of work as well as the abolition of existing or obsolete classes, to the County Administrator for appropriate action.

B. Whenever an employee's position is abolished under this section, said employee shall have first consideration for a position in a similar classification that may arise in the County service for a period of one year. However, if that employee refuses an offer for a similar position or, if that employee within the one-year period elects to take any position in the County service, said employee shall be removed from preferential consideration.

3.04 ALLOCATION AND RECLASSIFICATION OF POSITIONS

A. The Personnel Office, after having determined the content of the positions and having received the certification of funds and findings that the proposed class or classes are needed, shall propose new or revised classes of work as well as the abolition of existing or obsolete classes, to the County Administrator for appropriate action. Recommendations for changes may be made by the Division Director, who must submit sufficient documentation for the change, including assurance(s) that the respective departmental budget contains sufficient funds.

B. An employee may be reclassified to a different title and/or pay grade at any time the County Administrator deems appropriate, after receiving good and sufficient documentation. A temporary reclassification does not constitute a promotion or demotion. A change in title and/or pay grade which results from an evolution into a reduction of duties and/or responsibilities does not constitute a demotion.

3.05 STATUS OF AN INCUMBENT IN A RECLASSIFIED POSITION

When the incumbent of a position, through diligent application of work, is officially assigned more difficult and significant additional responsibilities and duties so that it appears as if the position warrants reclassification to a higher class, the Personnel Office shall perform a field study of the present duties and responsibilities of the position. If it is determined after recommendation by the Department Head, Division Director and Personnel that the position should be reclassified, the County Administrator may require that the incumbent undergo a prescribed test of fitness, depending on the conditions of the reclassification and the nature of the position to be reclassified before approval. A revised job description will be submitted by the Department Head for approval by the Division Director and the County Administrator which includes the additional duties of the position. An employee reclassified in this manner will not serve an additional probationary period as a result of this reclassification.

3.06 POSITION CONTROL

All positions are established and maintained through a budget each fiscal year in accordance with established budget and accounting procedures. The establishment of a new or additional position can only be based on adequate justification of need and the availability of funds. Such additions must be approved by the County Administrator and the Board of County Commissioners. The provisions herein do not relate to the Pay Plan, but to position statuses created by need and necessity only.

The Division of Management Services shall maintain a position control system in the Department of Human Resources, Personnel Section.

Important:

All additions, revisions, reclassifications or other personnel actions having a financial impact on the County shall be reviewed by the Personnel Section and the Office of Management and Budget and approved by the County Administrator.

PAY PLAN

SECTION 4

4.01 PURPOSE

The Pay Plan is designed to provide a fair and equitable method for payment of employees in the County service. It also establishes a set of rules and a uniform system of administration.

4.02 ESTABLISHMENT OF THE PAY PLAN

The Pay Plan shall be directly related to the Classification Plan and is the basis for payment of employees in the County service. This plan shall be established with consideration being given to the following factors:

A. Relative difficulty and responsibilities existing between various classes of work.

B. Prevailing wage scales, for similar types of work, found in public and private industry in the local labor market.

C. Availability of qualified personnel.

D. Economic conditions found in the area.

E. Fiscal policies of the Board of County Commissioners.

4.03 AMENDMENTS

The County Administrator shall make amendments to the Pay Plan when, in his discretion, economic conditions, labor supplies, or other considerations indicate a need for such action.

Division Directors may recommend to the County Administrator possible amendments to the Pay Plan by providing sufficient justification to make an evaluation of the causes and conditions requiring the change within the confines of their respective departmental budget.

4.04 PAY PLAN REVISIONS

The Board of County Commissioners must approve the County Administrator's recommended Plan of Compensation and subsequent revisions for approval and adoption.

4.05 ADMINISTRATION

The Human Resources Department, Personnel Section, in conjunction with the Office of Management and Budget, shall have the responsibility for the day to day administration of the compensation plan. Approval of all hiring rates and other payroll changes shall require approval of the County Administrator in accordance with these personnel policies.

4.06 APPLICATION OF THE PAY PLAN

All employees shall be employed and paid in accordance with the rates and policies established by the Pay Plan for the specific job classification under consideration, unless otherwise stipulated in these policies.

4.07 STARTING RATES

A. The minimum salary established for a position is considered the normal appointment rate for new employees.

B. Appointments below or above the minimum salary may be authorized in the following situations:

1. In the event an applicant does not meet the minimum qualifications, but is expected to obtain said qualifications within 6 months, the hiring authority may request appointment as a "trainee". In such cases, the employee should be hired at an appropriate rate below the minimum starting salary.

2. If the applicant's training, experience or other qualifications are substantially above those required for the position, the County Administrator may approve employment at a rate above the minimum established for the class. The need to make appointments in excess of the minimum shall require documentation and specific approval from the County Administrator.

4.08 SALARY RANGES, PROGRESSIONS, INCREASES

No salary adjustment shall be approved unless there is availability of funds, and must be recommended in writing by the Division Director and approved by the County Administrator.

A. An employee may receive a salary increase by means of a promotion, reclassification or pay range adjustment.

B. There are no provisions in the County Pay Plan for automatic salary advancements, as all increases are to be based on availability of funds, work performance, and other pertinent factors as evaluated by the employee's Supervisor and/or Department Head, and approved by the Division Director and County Administrator.

C. All requests for salary increases shall be processed through the Personnel Office and the Office of Management and Budget for review and determination of compliance with the County policies and procedures and budgetary control.

D. MERIT INCREASES

1. A merit increase is a salary increase within the same pay grade, awarded for outstanding County Service.

2. Merit increases are not automatic.

3. The amount of merit increase an employee receives, if any shall be determined by the availability of funds, and the system/procedures proposed by the County Administrator and adopted by the Board of County Commissioners each fiscal year. All salary adjustments must be approved by the County Administrator.

4. An employee shall be eligible for consideration for a merit increase during the budget preparation period after completion of their probation period.

5. New employees hired below the minimum rate would be eligible for consideration six months from the date they are adjusted into the minimum rate.

6. Once an employee has reached the maximum salary amount of the pay grade in which his or her position is classified, no additional merit increases shall be

awarded to that employee, unless said position is reclassified to a higher pay grade (See Section 3 regarding reclassifications). Nevertheless, the employee will still be evaluated in accordance with the County evaluation system. All employees are expected to maintain a satisfactory or above performance level. Failure to do so will result in appropriate disciplinary action.

7. The foregoing reflects the current procedure, however the County reserves the right to change or eliminate the procedure whenever necessary.

NOTE: Time spent on a leave of absence without pay in excess of thirty days shall be deducted from the employee's length of service record when determining the time required for advancement eligibility.

E. COST OF LIVING INCREASES

The decision whether to or when to grant a cost of living allowance, as well as the decision of the amount of such increase (if any) will be made in the sole and exclusive discretion of the Board of County Commissioners.

4.09 DATE OF HIRE, PAYROLL CHANGES, ANNIVERSARY DATES & EMPLOYMENT STATUS CHANGES

A. DATE OF HIRE

The date an employee first begins work for the County shall be his/her date of hire, and shall be used in relation to the procedures governing fringe benefits and evaluations when applicable. Any break in employment of 48 hours or more will create the need for a new date of hire if that employee returns to County Service.

B. CHANGES IN EMPLOYMENT STATUS

A promotion can occur when an employee is moved from a position in one class to another position in a different class which has a higher maximum salary.

Any employee may be recommended for demotion by the Department Head with the approval of the Division Director and the County Administrator for cause. A demoted employee may not be paid more than the maximum rate established for the new pay grade.

An employee transferred to another position in the same job classification or to a different position with the same pay range may not be eligible for a salary increase at the time of transfer. Such transfers may not affect the employee's anniversary date or other status.

C. ANNIVERSARY DATES

An employee's anniversary date is the date of any major changes of employment status and may be used for evaluation purposes when applicable.

D. OTHER

When a temporary employee attains the status of regular employee in the same position, his anniversary date will be his date of hire for evaluation purposes.

Leave accrual and benefits will be implemented in accordance with current rules and regulations governing same.

4.10 TEMPORARY - HIGHER CLASSIFICATION

An employee may be assigned to work in a higher classification up to one year, unless otherwise determined by the County Administrator. An employee required to work in a higher classification 30 consecutive working days or less may be required to do so at no increase in pay. If the employee is required to work beyond this period, he or she should be given a temporary transfer to the higher classification and be paid the appropriate rate for the higher classification retroactively applied to day one he or she served in such higher classification and every consecutive working day thereafter. At the conclusion of the assignment, pay shall revert to the authorized rate established for his regular position. Any such temporary increase granted shall not affect the employee's eligibility for normal salary advancement.

4.11 WAGES DUE DECEASED EMPLOYEE

In the case of the death of an employee for whom an estate is not raised, any wages, travel expenses or similar amounts due the employee shall be paid by the County in accordance with the Florida Statute 222.15. An employee who does not have living parents, spouse, or children shall have the right to designate a beneficiary in writing.

4.12 BUDGET LIMITATIONS

The County Administrator must administer these Policies and Procedures within the amounts which are contained in the budget as established by the Board of County Commissioners. Accordingly, all employees are hereby placed on notice that the payment of salaries and the granting of salary increases is always subject to the availability of funds.

4.13 COMPENSATION FOR EXECUTIVE ASSISTANT TO THE MAYOR

When an employee becomes the mayor's aide, said employee will be awarded a 4% salary increase for the length of time he/she holds the position of Executive Assistant to the mayor. Said employee will acknowledge by signature on form entitled "Monroe County Employment Agreement Executive Assistant to the Mayor" that he/she understands and agrees that this additional compensation will be withdrawn if and when the commissioner is no longer Mayor.

HOURS OF WORK

SECTION 5

5.01 WORK DAYS AND WORK WEEK

A. No County Department may operate on less than a 37 1/2 hour normal work week, nor more than a 40 hour normal work week (exclusive of lunch breaks), unless authorized in advance in writing by the County Administrator.

B. The work week shall start at 12:01 a.m. Sunday and end at 12:00 midnight Saturday, unless otherwise approved by the County Administrator.

C. Effective May 1, 1991, all newly hired regular full-time employees will be required to work 40 hours per week unless the authorized job posting states otherwise, or unless otherwise determined by the County Administrator. When an employee changes his or her position through the Promotional Opportunity system he/she will be required to work forty (40) hours per week, unless otherwise posted.

D. All full-time employees are required to be present on their assigned jobs for the total hours in their work week, unless absence from duty is authorized by the appropriate authority in accordance with these personnel policies.

E. Part-time employees are required to be present on their assigned jobs for the total number of hours for which compensations are being received, unless absence from duty is authorized by the appropriate authority in accordance with these personnel policies.

F. All absences shall be properly recorded and charged.

G. Nothing herein shall constitute a guaranteed minimum number of working hours per week.

H. Alternative work schedules (e.g.. four 10 hour days) are implemented at the discretion of the Division Director for operations and sections that can utilize manpower and equipment in a more productive manner with the longer day.

I. Flextime Program – In departments where operations permit a flexible schedule, department heads may authorize a flexible schedule under the following provisions:

1. While maintaining sufficient staffing during normal office hours (defined as Monday – Friday, 8 am through 5 pm, staff may choose the following: (1) Continue working normal working hours; (2) work 4 ten hour days (no earlier than 7 a.m. – no later than 7 p.m.); (3) work 4 nine hour days and one four hour day; (4) work 5 eight hour days and use only ½ hour for lunch and arrive a half-hour later or leave a half-hour earlier; or (5) such other arrangement as are mutually agreeable with employee, supervisor, and Division Director.
2. During weeks with holidays as detailed in Section 6 of Personnel Polices and Procedures (or as otherwise granted by the BOCC), the employee will be granted time for the holiday (if not worked) for what the employee would have normally worked for that day.
3. In situations where there are multiple requests for the same schedule that leaves the department understaffed, the schedules will be rotated on the basis of seniority with the most senior county employee getting their first

choice for one month and the next most senior county employee getting their schedule of choice during month two and so forth.

4. Immediate supervisor, Department Head or Division Director has the right to cancel an employees participation in the Flex Time Program due to hardship issues or abuse of the policy.

J. Shift Exchange Policy - FIRE/EMS employees on 24/48 shifts - see EMS Policy Addendum - Section A-4.

5.02 OVERTIME WORK FOR NON-EXEMPT, NON-EMERGENCY RESPONSE EMPLOYEES

Overtime is generally an unbudgeted expense, and should be approved prior to time worked.

A. STATEMENT OF POLICY

1. Overtime, whether compensated with cash or time off, must be approved by the Department Head or other appropriate authority as stated in Administrative Instruction #1003 Series. The employment and work program of each Department should be arranged so as to eliminate the necessity of overtime work except in emergency situations.

2. Overtime is defined as work assigned and actually worked by any employee beyond the normal scheduled work week.

3. Employees who work more than their normally scheduled hours will be paid at their straight-time rate of pay for all hours worked up to and including forty (40) hours in a work week. Hours worked in excess of forty (40) hours in a work week will be compensated as provided below.

4. Employees who work in excess of forty (40) hours in any work week will be paid overtime at one and one-half times their regular rate of pay for all hours worked over forty (40), or will be granted time off (compensatory time) in lieu of overtime if the employee consents in writing.

5. Compensatory time, if offered by the County, will be governed by the following conditions:

a. Must be authorized by the appropriate Department Head or other appropriate authority as defined in A. 1. above and the employee must consent in writing to compensatory time in lieu of time and a half monetary compensation;

b. One and one-half hours of compensatory time will be granted for each hour of overtime worked;

c. Compensatory time may be "banked"; however, the maximum balance is 240 hours. When an employee has accrued the maximum of 240 hours compensatory time, any additional overtime hours worked {i.e., over forty (40)} will automatically be paid at the time and one-half rate;

d. An employee's reasonable request to utilize accrued compensatory time will be considered; however, the County reserves the right to exercise control of the use of time off based on work load and scheduling but only if such work load and scheduling constitutes an undue burden on the County. Paying overtime to another employee to accommodate an employee's compensatory time request is not an undue burden.

e. Upon termination of employment, an employee will be paid for all unused authorized compensatory time at a rate of compensation not less than:

(i) the average regular rate received by the employee during the last three years, or

(ii) the final regular rate received by the employee, whichever is higher.

5.03 OVERTIME WORK FOR EMERGENCY RESPONSE EMPLOYEES

Pursuant to Section 7K of the Fair Labor Standards Act, the County has established a work schedule for the shift work employees of the Public Safety Division. All hours worked will be paid at the regular rate until an employee reaches a number of hours worked whereby overtime is required as set down in the Fair Labor Standards Act. Overtime will be compensated in a way that does not conflict with the Fair Labor Standards Act.

5.04 OVERTIME WORK FOR EXEMPT EMPLOYEES

It is the general policy of Monroe County not to compensate for overtime those employees classified as 'exempt', from the Fair Labor Standards Act. However the County Administrator in his sole discretion may approve compensation for overtime, either in compensatory time or pay, for an exempt employee who has been required to work unusually large amounts of overtime, such as during a disaster, etc.

5.05 MEAL AND REST PERIODS

Employees classified as regular full time will receive a total of one hour for meal/rest period per work shift, the time and sequence of which will be determined by the Supervisor and approved by the Department Head. If it is necessary for the non-exempt employee to work without a meal/rest period he/she will be otherwise compensated for that time. All other employees will receive meal or rest periods in an amount and time deemed appropriate by their Supervisor.

Meal and rest periods shall be scheduled by the Department Head consistent with the effective operation of the department and may be rescheduled whenever necessary.

HOLIDAYS

SECTION 6

6.01 OFFICIAL HOLIDAYS

The following are holidays which shall be observed by all County offices in which functions can be discontinued without adversely affecting required services to the public:

New Year's Day	Labor Day
Presidents Day	Columbus Day
Martin Luther King's Birthday	Veterans Day
Good Friday	Thanksgiving Day
Memorial Day	Thanksgiving Friday
Independence Day	Christmas Day

In addition to the above-designated holidays, the Board of Commissioners, in its sole discretion, may grant other special holidays during the course of a year to some, or all, County employees.

6.02 ELIGIBILITY

All salaried employees on the active payroll on the date of the holiday shall be eligible for holiday pay at their regular rate of pay. Hourly employees shall not be eligible for holiday pay. Employees must be working or on approved leave with pay the entire day before and the day after a holiday to be compensated for said holiday.

6.03 WORK DURING HOLIDAYS

Each employee shall observe all holidays designated in this Section, provided that the work load of the department is, in the discretion of the County Administrator, such that the employee's work load cannot be discontinued without causing a hardship to the County.

In the event that the work load in any department does not permit the observance of any designated holiday, all employees required to work on said designated holiday, or if holiday falls on employees designated day off, may be granted another day's leave in lieu of the holiday or paid for the work performed on the holiday, as determined by the Department Head and/or Division Director.

6.04 HOLIDAYS FALLING ON WEEKENDS

Unless otherwise specified by the Board of County Commissioners - when a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday - when a holiday falls on a Sunday, the following Monday shall be observed as a holiday.

For County facilities normally open on Saturdays and Sundays, when a holiday falls on a Saturday or Sunday, those facilities will observe the holiday on the actual holiday in lieu of the normally scheduled County Holiday.

6.05 HOLIDAY DURING PAID LEAVE

Employees on annual or sick leave during periods when designated holidays occur, shall not have the day of the holiday charged against their accrued leave.

6.06 OBSERVANCE OF RELIGIOUS HOLIDAYS

Employees who choose to observe other "holidays" for religious or other reasons must do so by utilizing annual leave pursuant to Section 7.

LEAVE WITH PAY

SECTION 7

7.01 ANNUAL LEAVE

A. ELIGIBILITY

All salaried employees with regular status working 20 hours or more per week shall earn and accrue annual leave with pay. Hourly employees will not accrue annual leave.

B. ACCRUAL

FIRE/EMS Personnel on 24/48 shifts - refer to EMS Policy Addendum - Section A-3.

For employees hired on or prior to September 30, 1999, Annual leave for regular, employees shall be earned in accordance with the following table:

Years of Continuous Service	Hours of Leave Earned During Each Calendar Month	Hours of Leave Earned During Each Calendar Month
	40 HPW	37 ½ HPW
1 through 3 years	4 hours per bi-weekly pay period (13 working days per year)	3.75 hours per bi-weekly pay period (13 working days per year)
4 through 10 years	5 hours per bi-weekly pay period (16 1/4 working days per year)	4.75 hours per bi-weekly pay period (16.5 working days per year)
11 through 15 years	6 hours per bi-weekly pay period (19 1/2 working days per year)	5.75 hours per bi-weekly pay period (19.9 working days per year)
16 through termination of employment	7 hours per bi-weekly pay period (22 3/4 working days per year)	6.75 hours per bi weekly pay period (23.4 working days per year)

Monroe County currently has a bi-weekly pay period system commencing at 12:00 a.m. Sunday, ending two Saturdays later at 11:59 p.m. There are 26 pay periods per year.

For employees who are hired on October 1, 1999, or after Annual leave for regular, full-time employees with a work week of 40 hours per week shall be earned in accordance with the following table:

Years of Continuous Service	Hours of Leave Earned During Each Calendar Month
1 through 5 years	4 hours per bi-weekly pay period (13 working days per year)
6 through 15 years	5 hours per bi-weekly pay period (16 1/4 working days per year)
16 through termination of employment	6 hours per bi-weekly pay period (19 1/2 working days per year)

Monroe County currently has a bi-weekly pay period system commencing at 12:00 a.m. Sunday, ending two Saturdays later at 11:59 p.m. There are 26 pay periods per year.

Annual leave for employees working less than 40 hours per week, but more than 20 hours per week will be prorated according to the hours worked.

When there has been a break in employment of 48 hours or more, the employee, upon reinstatement or re-employment, will begin earning annual leave as a new employee.

Employees who are on leave without pay status for more than 8 hours during a pay period will not accrue annual leave for that pay period.

C. 1. Annual leave may be used on a payday –to-payday basis as it is earned according to scheduling requirements and may be accumulated up to 40 working days. Any time earned in excess of this amount as of the last pay period in August of each year will be paid to the employee at the rate of pay in effect on the last day of the pay period in August. These hours will be paid on either the first or second pay day in September.

2. All annual leave must be approved in advance by the applicable Department Head, Division Director and/or the County Administrator depending on the position held by the requesting employee. The employee shall fill out his Leave Request Form and submit it to the Department Head, who has the right to deny an employee's request for annual leave, if granting such leave at that time would be detrimental to County operations. Upon such denial, the employee may request the leave at another time.

The Department Head is responsible for verifying that the employee does have sufficient accrued leave to cover the period of absence, and should return the leave request to the employee indicating approval or denial, within seven (7) days of receipt of the request, unless a valid reason is given to the employee for the delay.

D. ANNUAL LEAVE PAY UPON SEPARATION

If the payment of annual leave is approved by the County, computing said leave pay will be based on the employee's regular rate of pay and terms of separation.

E. RESTRICTIONS

Annual leave may be used for any purpose; however, it is a privilege incident to County service and is not a right, and may only be used by the employee if taken prior to termination for cause or in accordance with these policies, with the following restrictions:

1. Annual leave may not be taken until accrued in accordance with these rules.

2. Employees will not accrue annual leave during a leave of absence without pay, a suspension or when the employee is otherwise in a non-paying status.

3. Section 11.01-Resignations.

4. Employees who leave the County service without proper notice or who are terminated for just cause may be denied payment of accrued annual leave.

7.02 SICK LEAVE

A. ELIGIBILITY

All salaried employees with regular status working 20 hours or more per week shall have the privilege of accruing sick leave in accordance with these policies. Hourly employees will not accrue sick leave.

Employees shall not be eligible to use sick leave until they have been in the County service for 90 days, unless recommended by the Department Head and approved by the Division Director. Verification of illness by a physician may be required.

B. ACCRUAL OF SICK LEAVE

FIRE/EMS Personnel on 24/48 shifts - refer to EMS Policy Addendum - Section A-3.

All regular, full-time employees will accrue 4 hours sick leave per pay period.

There will be no limit of the amount of sick leave that can be accrued.

Sick leave for employees working less than 40 hours per week, but at least twenty (20) hours per week will be prorated according to the hours worked.

When there has been a break in service of 48 hours or more, the employee upon reinstatement or re-employment will begin accruing sick leave as a new employee. Employees who are on leave without pay for more than 8 hours during a pay period will not accrue sick leave for that pay period.

C. USE OF SICK LEAVE

1. Sick leave shall be used only with the approval of the applicable Department Head, Division Director or County Administrator and shall not be authorized prior to the time it is earned and credited to the employee except in cases of prearranged medical appointments, surgery or other health-related matters.

2. Sick leave shall be authorized only in the event of:

a. The employee's personal illness, injury or exposure to a contagious disease which would endanger others.

b. Illness or injury of a member of the immediate family. (see 7.05 for definition of immediate family.)

c. The employee's personal appointments with a practitioner when it is not possible to arrange such appointments for off-duty hours, but not to exceed the extent of time required to complete such appointments.

d. Prearranged surgery or other health-related matters.

D. Monroe County has established a Sick Leave Pool for eligible full-time employees designed to aid the employee suffering from an extended illness or injury (See Administrative Instruction 4702 for rules and enrollment procedures).

7.03 MEDICAL JUSTIFICATION

A. Sick leave is a privilege, and not a benefit. In fact, use of sick time actually causes a hardship on the County. The County must, therefore, ensure that employees utilizing sick leave are complying with Section 7.02 of these policies and procedures.

Employees must meet the following conditions in order to be granted sick leave with pay:

(1) Notify his/her immediate Supervisor as soon as the employee learns that he/she will be unable to report to work in accordance with individual department policy. The employee shall call in to his/her immediate Supervisor at least one (1) time on each consecutive shift thereafter, that the employee will miss work because of sick leave.

(2) File a written report (after returning to work) explaining the nature of the illness when required, by her Supervisor or Department Head.

(3) Permit medical examination, nursing visit or any County inquiry (telephone call, visit to the employee's house, etc.) deemed appropriate by the County to document the illness of the employee or family member.

The Department Head is responsible for following up on sick leave use and for ensuring that there is no sick leave abuse. The Department Head may require any employee to bring in a note from his or her personal physician for absences of three (3) consecutive working days or more. However, if a Department Head reasonably suspects that an employee is abusing sick leave, said Department Head may require that any use of sick leave by the employee for herself or family member be justified by a note from a physician. Further, in the event that a Department Head is unsatisfied with the initial doctor's note, he may require the employee or family member to be examined by a County - designated physician at the County's expense.

B. If it is determined that the employee is unfit to continue working, the Department Head may require the employee to use any part of his accrued sick leave, compensatory time or annual leave and may thereafter require the employee to take such leave without pay as is medically determined sufficient to restore him to normal health, however, this will in no

way prevent the County from separating him from employment if the absence would be of such duration as to pose a hardship on the operations of the Department.

C. The Department Head may require, at any time, an employee to present medical evidence that he is physically or mentally fit to work and/or the Department Head may require an employee to be examined by a County-designated physician or psychiatrist, at the County's expense.

7.04 NOTIFICATION OF ABSENCE

(SEE 7.03 A)

If absent for three consecutive work days without reporting to the Supervisor a reason sufficient to justify the absence, the employee may be removed from the payroll as having voluntarily resigned without notice. The Supervisor is to notify the Department Head. Any unauthorized absence may be cause for disciplinary action, up to and including termination.

7.05 FUNERAL LEAVE

A. All employees covered under this policy shall be granted up to two working days off with pay in order to attend a funeral of a member of the employee's immediate family. The immediate family shall be construed to mean one of the following: Spouse, parent, son, daughter, sister, brother, domestic partner, legal guardian, grandparent or in-laws. Additional time off (over and above the two working days herein provided) may be approved by the Department Head, and charged to sick or annual leave. Additionally, the County may require proof of death of a family member before making payment for leave.

B. FIRE/EMS Personnel on 24/48 shifts - refer to EMS Policy Addendum - Section A-2 for Funeral Leave.

7.06 HOLIDAYS DURING SICK LEAVE

Holidays occurring while an employee is on sick leave shall not be charged against the employee's sick leave balance.

7.07 PAYMENT OF UNUSED SICK LEAVE

A.An employee with sick leave in excess of 480 hours accrued on September 30th of each fiscal year will be paid a maximum of 52 hours of sick leave at the rate of pay in effect on September 30th. In no event will an employee be paid in excess of 52 hours unless separation from the County occurs as covered under the provisions of this section. Employee may elect to retain sick leave accrual and must notify Personnel by September 1 of each fiscal year if they do not want to receive payment for unused sick leave.

B An employee who terminates with less than five (5) years continuous service shall not be paid for any unused sick leave credits.

C. Employees with varying years of continuous service shall, upon separation, from the County in good standing, death or retirement, receive incentive sick leave pay as follows:

5 to 10 years of service - 1/4 of all accrued sick leave, with a maximum of 30 days.

10 to 15 years of service - 1/2 of all accrued sick leave, with a maximum of 90 days.

15 years or more - 1/2 of all accrued sick leave, with a maximum of 120 days.

D. The payments made as terminal pay for unused sick leave, whether paid as salary or otherwise, shall not be used in the calculation of average final compensation for retirement.

E. Employees who leave the County service without proper notice or who are terminated for just cause may be denied payment of accrued sick leave.

7.08 TRANSFER OF LEAVE

An employee who resigns from any entity or organization to accept a position with the county will not be credited with hours of unused sick or annual leave which was accrued while employed by that entity or organization.

LEAVE OF ABSENCE

SECTION 8

8.01 ADMINISTRATIVE LEAVE

Administrative leave is leave with pay that is not charged to the employee's sick or annual leave.

A. JURY DUTY AND COURT LEAVE

1. A full-time employee who is summoned to jury duty by a city, the County (Monroe), the State of Florida, or the Federal Government or subpoenaed to appear in court as a witness in a criminal or civil action arising from his or her county employment shall be granted time off with pay for the time actually spent on jury duty or in the court appearance. Fees paid by the court will be retained by the employee unless otherwise determined by the County Administrator. As conditions precedent to receiving time off with pay for jury duty or court appearance of the aforesaid nature, the employee must:

   a. Notify his/her Department Head of the summons or subpoena immediately upon receipt, produce the summons or subpoena to his/her Department Head upon request, and provide the Department Head with an estimate of the duration of the absence;

   b. Report to the Department Head immediately upon the conclusion or continuance of such jury duty or court appearance;

   c. Report status of jury duty to supervisor or designee on a daily basis.

2. Any employee on jury duty as specified above, and who is released or excused from jury duty during normal working hours, will immediately contact his or her supervisor in order to determine whether the employee will be required to report back to work. Employees who work a 24 hour shift, will contact their Department Head (or designee) when released from jury duty. If the Department Head (or designee) determines that the employee could not effectively complete his or her work shift, the employee may be granted time off with pay for the remainder of the shift.

3. The County, in its discretion, may reschedule the working hours and days of work of an employee employed on other than a full-time basis who is summoned to jury duty or subpoenaed to appear in court as a witness by a city, the County (Monroe), the State of Florida, or the Federal Government in a criminal or civil action arising from his or her county employment. If, in the County's judgment, it is not feasible or practical to schedule the employee's hours of work around such, the County shall grant the employee time off with pay for the time actually spent on jury duty or in the court appearance. As conditions precedent to receiving time off with pay for jury duty or court appearance of the aforesaid nature, the employee must abide by the provisions contained above in Section 8.01 A-1, (a) and (b).

4. If any employee is subpoenaed as a witness other than in the specific circumstances described above, the County will grant the employee leave without pay to the extent that the Department Head so approves.

5. Notwithstanding any of the provisions of Section 8.01-A above, no employee shall receive pay from the County where the employee is a plaintiff, claimant, or witness against the County in a matter contrary to the County's interests.

6. Fire/EMS Personnel on 24/48 shift - refer to EMS Policy Addendum - Section A-1 for work related court appearances/depositions.

7. Any employee subpoenaed or otherwise requested to be a participant in any legal matter related to County business must inform the County Attorney's office as soon as possible after receiving said notification.

B. ELECTIONS

An employee who is a properly registered voter and who lives at such distance from his assigned work locations as to preclude his voting outside of working hours may be authorized by the Department Head to have a maximum of two hours of leave with pay for this purpose. An employee shall not be granted administrative leave to work at the polls during elections.

C. MEETINGS

In cases where it is deemed by the Division Director to be beneficial to the County, an employee may be granted leave with pay to attend such professional meetings or conferences as may contribute to the effectiveness of his employment (See Section 15 - Travel - for reimbursement procedures).

D. EXAMINATIONS

An employee may be granted leave with pay while taking examinations before a Federal, State or County agency, provided such examinations are pertinent to his County employment, if approved by the Department Head and the Division Director.

E. MILITARY LEAVE – In accordance with F.S. 115

1. Military Training - Employees who are reserve enlisted personnel in the United States military or naval service or members of the National Guard will be granted leave with full pay during days which they are engaged in military or naval training. Leave shall not exceed 17 working days in any one annual period (beginning October 1 and ending September 30 of the following year). Additional time shall be without pay and shall be granted without loss of time or efficiency rating. The employee will not be required to use annual leave or similar leave (comp time) in lieu of LWOP. Does not include Armory Drills or Multiple Training Assemblies.

2. Military Service - Employees who are enlisted personnel in the National Guard or a reserve of the U.S. Armed Forces will be granted leave to perform active military service for the first 30 days with full pay. Paid leave shall also include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

Period of active military service shall begin with the date of entering upon active military service and shall terminate with death or a date 30 days immediately

next succeeding the date of release or discharge from active military service, or upon return from active military service, whichever shall occur first.

Military earnings will be retained by the employee.

3. Examinations for Military Service - Any employee who is ordered by the Selective Service Board to appear for a physical examination for induction into the military service shall be granted leave with pay for this purpose.

F. USERRA – Uniformed Service Employment and Reemployment Rights Acts of 1994. *Does not apply to "state" military duty or governor call-ups of National Guard Members. Please refer to "E" above for leave policy.*

In addition to "E" above:

USERRA covers employees who are:
Active or reserve: Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, or Air National Guard, Commissioned Corps of the Public Health Service, and Any other category designated by the President in time of war or emergency. In addition, protects former and retired members and applicants for future service with a uniformed service.

USERRA does not include temporary employees unless employment is for a brief period with no reasonable expectation of continuance for a significant period of time.

USERRA covers voluntary and involuntary.

For purposes of military leave covered by USERRA – "Service" is defined as: Active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, absence for examination to determine fitness for any of the above forms of duty and funeral honors duty by National Guard or Reserve.

Employees will receive up to 5 years military leave of absence (which includes reemployment rights). Certain specific exceptions will continue to protect beyond that time period. The 5-year cumulative total does not include: Inactive duty training (drills), annual training, involuntary recall to or retention on active duty, voluntary or involuntary active duty in support of war, national emergency, certain operational missions, or additional training requirements determined and certified in writing by the Service Secretary, and considered to be necessary for professional development or for completion of skill training or retraining.

1. BENEFITS WHILE ON LEAVE – Beginning on the 31st day and beyond, there will be no health insurance coverage. Employees will be offered coverage under COBRA.

2. RE-EMPLOYMENT (Military time served must be satisfactory. Must not be 'less than honorable conditions".)

   A returning employee's notification of an intent to return to work must be made promptly following completion of military service.

   Service of 1 – 30 days: the beginning of the next regularly scheduled work period on the first full day following completion of service and expiration of an 8-hour rest period following safe transportation home.

Service 31-180 days: application for reinstatement must be submitted no later than 14 days after completion of military duty.

Service of 181 or more days: application for reinstatement must be submitted no later than 90 days after completion of military duty.

The deadline for reinstatement may be extended for employees who are convalescing due to a disability incurred during service.

The employee must report back to work as soon as possible. Failure to report (unless through no fault of the employee) will be handled in accordance with the County's policies.

Returning employee's pension plan accruals and vesting will continue as though no break in service had occurred except in limited situations (regarding health benefits as defined under the Act).

Upon re-employment, the employee has 3 times the length of service (not to exceed 5 years) to make payments to any contributory plan and the County will fund any resulting obligation of the plan within the same time).

When re-employed, the health insurance coverage will start from day 1 and there will be no waiting period.

G. ADMINISTRATIVE LEAVE FOR RE-EXAMINATION OR TREATMENT BY VETERANS ADMINISTRATION WITH RESPECT TO SERVICE-CONNECTED DISABILITY – In accordance with F.S. 110-119.

Any employee of the County who has been rated by the Veterans Administration to have incurred a service-connected disability and has been scheduled by the Veterans Administration to be re-examined or treated for the disability shall be granted administrative leave for such examination or treatment without loss of pay or benefits. In no event shall the paid leave under this section exceed six (6) calendar days a year. A leave request should be submitted to the Department Head for said leave as far in advance as possible.

H. BLOOD DRIVES

Employees will be granted leave with pay to donate blood during the County's organized Blood Drives.

I. EMERGENCY RESPONSE VOLUNTEERS

1. Any employee who is a documented member of an Emergency Response Team will not be charged annual or sick leave, or be required to use accrued compensatory time when called to respond to a legitimate emergency. The County reserves the right to require documentation that an emergency did in fact exist.

2. Any employee who is a member of an Emergency Response Team should inform the County at the time of employment interview or if already employed by the County, upon becoming a member of such a Team. Failure to do so could result in disciplinary action.

J. MENTORING PROGRAM

Pursuant to Resolution 100-2000, county employees may mentor a child in the Monroe County School District for up to one hour per week (not to exceed five hours per calendar month). Leave will be granted after taking into consideration the impact on such leave on the employee's work unit. If an employee is granted administrative leave under this section and does not use the administrative leave as authorized in this section, the employee shall not accrue or be paid for such unused leave.

8.02 DISABILITY LEAVE - WORKERS COMPENSATION

A. ELIGIBILITY

An employee who sustains a County Service-connected disability which prevents the employee from carrying out his regular duties or any other duties as assigned, shall be entitled to disability leave within the guidelines of this Section.

B. DEFINITIONS

1. Date of Disability - The date on which the disability began, or the last day of duty following injury, whichever is later.

2. Service-Connected Disability - A physical condition, resulting from accident or injury in the line of duty, which prevents an employee from performing his regular duties or any other duties as assigned.

C. DISABILITY DETERMINATION

Determinations of the existence and service connection of a disability shall be made in accordance with the Florida State Workers Compensation Act which provides that the employer is responsible for furnishing employees, who have incurred service-connected disabilities, with such remedial treatment, care and attendance under the direction and supervision of a qualified physician, surgeon or other recognized practitioner. The County reserves the right under the provisions of this Section to specify the physician or surgeon or recognized practitioner to handle any and all service-connected disability cases.

Disability determination shall be made based on:

1. All facts in the service history of the case.

2. The findings of the medical examiner assigned by the Workers Compensation carrier.

3. Such evidence as the employee may submit, at his own expense, of the service connection of his disability.

4. Other relevant evidence submitted to the medical examiner.

5. There shall be no presumption that any disability is service-connected, unless such a presumption exists as a matter of law.

6 Any condition which is self-inflicted or caused by another person for reasons personal to the employee and not because of his employment shall not be considered as disability under this provision.

D. WORKERS COMPENSATION CLAIMS

1. It is the responsibility of the employee to report any and all job related injuries to his or her immediate Supervisor as soon after the injury occurs as possible., All Notice of Injury must be reported to Worker's Compensation Section, x 4449.

It is the responsibility of the Supervisor to file a Notice of Injury Form and Supervisor's Report with the Employee Benefits Section, as soon as possible. A fine of $500 will be assessed against the County by the State

of Florida for a claim that is not filed on a timely basis. The Notice of Injury Form must be complete.

2. An employee who sustains a job-related injury resulting in disability that is compensable under the Workers Compensation Law, Chapter 440, Florida Statutes, shall have a seven (7) calendar day waiting period before Workers Compensation Benefit payments begin. During this waiting period, an employee may elect to use sick leave, annual leave, or documented compensatory time to receive normal salary.

3. Time spent obtaining medical treatment after seven (7) day waiting period related to the workers compensation injury will be paid for by the employing department and will not be charged against the employee's sick, annual or other accrued hours. The employee shall obtain the "Authorization for Treatment Evaluation" form from the Worker's Compensation Office and have the physician complete and forward to the workers' compensation office so that the employee not be charged sick/annual hours.

4. If disability continues into the eight (8th) calendar day, normal Workers Compensation payments would begin at a rate of 66 2/3% of the employees gross salary, computed on their average weekly wage for 13 weeks prior to the date of injury, in accordance with the Workers Compensation Law.

5. If disability continues into the twenty-first (21st) calendar day, the employee will receive Workers Compensation benefits retroactive to the date of injury, at the same rate discussed in #2, in accordance with the Workers Compensation Law. Any sick leave, annual leave, or compensatory time used by the employee for this seven (7) day period will be replaced on the books, based percentage wise on Workers Compensation Benefits paid.

6. After seven (7) calendar days, the disabled employee will continue to receive Workers Compensation benefit payments every two weeks until their physician releases them to return to work.

7. If requested by the employee, a review of the case will be made by a committee composed of a representative of the Personnel and/or Employee Benefits offices and the employee's Department Head, and a written recommendation may be made to the County Administrator that the employee be allowed to use annual leave, sick leave and/or approved compensatory time in an amount necessary to receive a salary amount that will supplement their Workers Compensation payments up to the total net salary received prior to the disability. In no case shall the employee's salary and Workers Compensation benefits combined exceed the amount of their regular salary payments.

If the Workers Compensation absence is designated as FMLA leave, the employee will not be allowed to use annual leave, sick leave and/or approved compensatory time to supplement leave, in accordance with Department of Labor rules.

8. The disabled employee will continue to accrue both sick leave and annual leave during the period of disability.

9. An employee placed on light-duty by his or her physician, may enroll in the Light-Duty Program as written in Administrative Instruction 8002.

10. When an employee on Workers Compensation can no longer perform his/her normal job duties, he/she may be separated from employment, if approved by the County Administrator, in accordance with the laws of the State of Florida governing Workers Compensation and these policies and procedures.

8.03 PREGNANCY, MATERNITY AND CHILD CARE LEAVE

A. PREGNANCY

1. An employee who knows in advance that he/she intends to request Maternity or Child Care leave shall notify, in writing, their Department Head or Supervisor at least thirty (30) days prior to the requested time of leave. Eligible employees shall submit a "Family And Medical Leave Act Leave Request" form (see Section 8.05)

2. An employee whose duties may be considered hazardous enough to cause the employee to become medically disabled anytime during the pregnancy, will be required to furnish medical evidence of her fitness to continue in the performance of her duties beyond that time. A Department Head may request this determination at any time he/she deems necessary for the health or welfare of the employee.

3. A pregnant employee may continue her employment as long as she is able to properly perform the required duties of the job, and these duties are stated in writing by her physician to be non-hazardous to the employee and the unborn infant.

B. MATERNITY LEAVE

1. Disabilities arising out of pregnancy, childbirth and recovery therefrom, shall be treated the same as other temporary, non-job-connected disabilities in terms of eligibility for use of sick leave, annual leave, or leave of absence.

2. A regular employee who has completed the standard probationary period, may request a maternity leave of absence without pay for childbirth, recovery and child-rearing following birth of up to six (6) months after all accrued sick and annual leave has been used. Such approval is subject to scheduling and work load requirements. The County reserves the right to require employee(s) to return to work when it is no longer medically necessary to be away from their job, if work load and scheduling requirements require the employee's return in accordance with the Family And Medical Leave Act.

3. Any such leave must be requested in advance and approved by the applicable Department Head and the Division Director, who may approve the length of said leave based on workload, scheduling and the employee's physical ability to return to work.

4. An employee approved for maternity leave shall be eligible to return to work at any time during the leave of absence upon presentation of medical certification indicating that she is able to satisfactorily perform her original duties.

5. An employee returning from an approved maternity leave of absence shall resume her duties in the position held prior to childbirth or a similar position with like pay.

6. An employee who fails to return from an approved maternity leave of absence shall be considered to have abandoned her position and shall be terminated from the County Service, unless proper resignation procedures are followed.

C. CHILD CARE LEAVE

Child Care Leave is an absence available to eligible employees under the Family Medical Leave Act for up to 12 weeks (see Section 8.05).

8.04 LEAVE OF ABSENCE WITHOUT PAY

A. EDUCATIONAL LEAVE

1. An employee with at least twelve (12) months of satisfactory service may be granted leave of absence without pay for the purpose of furthering his/her education, if it is determined by the County Administrator, in his discretion, that such education will be of clearly foreseeable benefit to the County.

2. Leaves of this type shall not normally exceed twelve (12) months; however, the Division Director may approve an extension of such leave if an individual case is justified and approved by the County Administrator.

B. PERSONAL LEAVE

1. If recommended by the Department Head and the Division Director, an employee with at least twelve (12) months of satisfactory service may be granted leave without pay for reasons other than those stated in the previous paragraphs for a period not exceeding six (6) months; provided the County Administrator deems such leave to be justified, and not detrimental to the operations of the Department.

C. SCHEDULING AND APPROVAL OF LEAVE OF ABSENCE WITHOUT PAY

1. All leave of absence without pay must be approved in advance. The employee shall fill out the Leave Request Form and submit it to the Department Head for approval. The Department Head will submit the approved form to the Division Director for approval. . A completed copy of the Leave Request Form will be forwarded to the Payroll Department along with the Employee's Time Sheet whenever possible and a copy placed in the employee's official personnel file.
2. Leave without pay is not intended as a convenience for the employee but rather to help the employee in cases where an emergency exists after all available time has been used. In cases of short term absences (except as noted in 8.04 A & B) where the employee has no leave available, such leaves may be processed without the prior approval of the County Administrator.

D. LEAVE OF ABSENCE - GENERAL PROVISIONS

1. RETURN FROM LEAVE OF ABSENCE

An employee returning from approved leave shall be entitled to employment in the same Department and the same or equivalent classification wherein employed when said leave began, provided the employee is physically capable of performing the required duties, and that there is such a vacant and budgeted position available.

2. EFFECTIVE DATE

Leave of absence shall be effective the first date of approved absence and shall continue through the last date of approved absence.

3. LIMITATIONS ON LEAVE WITHOUT PAY

a. Fringe Benefits - An employee shall not earn benefits while on leave without pay status. This would include, but not necessarily be limited to, sick, vacation and holiday leave.

b. Wage Increases - The time during which an employee is on leave without pay may not count toward eligibility for wage increases. Nor may an employee receive any wage increases while on leave without pay; unless special approval is obtained from the County Administrator.

c. Employees on an approved leave of absence without pay that is covered under the Family And Medical Leave Act will not lose the benefits that the employee earned or was entitled to before using FMLA leave.

E. INSURANCE COVERAGE WHILE ON LEAVE OF ABSENCE

1. The County will continue to maintain group insurance benefits for employees while on approved paid leave status.

2. Employee Coverage - In most cases the County will not maintain Group/Health insurance benefits for employees on leave without pay status, except in the case of debilitating/catastrophic illness, of the employee or member of the immediate family for which the care of that family member is the responsibility of the employee. In accordance with 8.04 (C). the Division Director shall approve the absence and communicate with the Employee Benefits Committee. The Employee Benefits Committee is comprised of the County Administrator, the Human Resource Director and the Administrator Group Insurance. The Committee will review each case to determine whether employee coverage should be maintained as verified by a physician, up to six (6) months. Employees covered under the Family And Medical Leave Act will be granted up to 12 weeks of insurance benefits as stated in Section 8.05.

If leave without pay extends beyond the maximum allowed period of six months and is on a non-paid statue, said employee must make monthly premium payments for themselves in order to continue health insurance coverage. Failure to make payment(s) on a timely basis will result in termination of coverage.

3. Dependent Coverage - Monroe County employees elect dependent coverage under a group plan at their own expense. Monroe County uses the bi-weekly payroll deduction system for payment of dependent coverage premiums for employees. However, if for any reason an employee is not due to receive a paycheck in an amount sufficient to deduct said premium, that employee is responsible for making the premium payments to the Employee Benefits Section in accordance with their payment schedule. As long as an employee is in good standing, as in the case of approved leave without pay status, he or she may make premium payments and coverage will remain in effect. Failure to make payments on a timely basis may result in termination of coverage.

4. Extension of Group Insurance benefits will be awarded in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA), effective October 1, 1986. Information regarding this Act is available in the Employee Benefits Section.

8.05 FAMILY AND MEDICAL LEAVE OF ABSENCE (FMLA) (FAMILY AND MEDICAL LEAVE ACT OF 1993.

A family leave of absence, and/or medical leave of absence, is an approved absence available to eligible employees. An eligible employee is entitled to 12 weeks of leave during the calendar year to care for:

- The employee's newborn child or child placed with the employee for adoption or foster care (leave must conclude within 12 months of placement and may be taken by either parent);
- The employee's spouse, child or parent with a serious health condition, or
- An employee's own serious health condition.

If the employee is requesting FMLA qualifying leave, all accrued sick and annual leave must be taken first. Paid leave so taken will be counted against the employee's total FMLA leave entitlement. The employee will be notified that paid leave will be counted as FMLA leave within two (2) business days of making that determination. The notice will be confirmed in writing to the employee on or before the following payday.

A. ELIGIBILITY

To be eligible, an individual must have been employed at Monroe County:

- For at least 12 months, and
- For at least 1,250 hours of service during the 12 month period immediately preceding the leave.

Subsequent eligibility will be determined by looking back to the beginning of that calendar year from the first day of a new FMLA leave period which is requested by the employee. FMLA leave may not exceed twelve weeks during the calendar year.

The determination of whether an employee meets the minimum service and hour requirements of the FMLA must be made by Monroe County as of the date the leave commences, and Monroe County will advise the employee whether he or she is eligible with two (2) business days after making a determination of eligibility.

B. PROCEDURES

A "Request for Family and Medical Leave of Absence" form should be completed by the employee as part of the notice and reporting requirements. The employee shall notify the Department Supervisor of the need for leave either verbally or by completing the FMLA form. (In any event, the employee shall fill out a Leave Request Form in accordance with the County's Policies and Procedures in order to request leave.) After completing the form in detail and signing it, the employee or Supervisor must submit it to Personnel for approval. Notification shall be given at least thirty (30) days in advance of the effective date of the requested leave if the need for leave is foreseeable.

The "Certification of Health Care Provider" form must be completed and signed by the health care provider. Failure to have the form completed may result in a delay for the approval of leave.

C. BASIC REGULATIONS AND CONDITIONS OF LEAVE

1. Monroe County will require the employee to fill out a request for Family and Medical Leave of Absence form that included the "Certification of Health Care Provider" form supporting the need for leave due to a serious health condition affecting the employee or employee's spouse, child, or parent.

2. Monroe County may, at its own expense, require a second medical opinion and periodic re-certification. If the first and second medial opinions vary, Monroe County may, at its own expense, require the binding opinion of a third healthcare provider, approved jointly by Monroe County and the employee.

3. If medically necessary, such leave may be taken intermittently or on a reduced work schedule. If leave is requested on this basis, Monroe County may require the employee to transfer temporarily to a different position which better accommodates recurring absences or a part-time schedule. The alternate position will have equivalent pay and benefits. Expectant mothers may take intermittent leave for prenatal care.

The decision to grant leave or to temporarily transfer the employee on this basis rests solely with the County Administrator based on a medical certification provided with the Family Medical Leave of Absence Form.

4. When husband and wife are both employed by Monroe County, together they are entitled to a total aggregate of twelve weeks of Family Leave - not twelve weeks each - for the birth, adoption, or foster care of a child or for the care of a parent with a serious health condition.

5. Employees requesting FMLA qualifying leave will be required to substitute paid vacation and sick leave for all or party of any (otherwise) unpaid FMLA leave.

6. While on any unpaid part of an FMLA qualifying leave, no time will be accrued by the employee. Upon return to work, leave will accrue based upon established policy.

D. DESIGNATION OF LEAVE

Monroe County shall designate an employee's absence toward the employee's 12-week FMLA entitlement as soon as it is known that the employee's absence qualifies as FMLA leave. Monroe County will notify the employee that his/her leave will be designated as FMLA leave within two business days. The notification to the employee can be oral, but will be confirmed in writing no later than the next regular payday.

Injuries entitling employees to workers' compensation frequently qualifies as serious health conditions for purposes of FMLA leave eligibility. Monroe County shall count an employee's workers' compensation absence toward the employee's 12-week FMLA entitlement as stated above. IF it is found that the absence does not qualify under the FMLA, Monroe County will withdraw the designation with written notice to the employee.

E. EMPLOYEE NOTICE AND REPORTING REQUIREMENTS

1. When FMLA qualifying leave is foreseeable, an employee must give Monroe County thirty (30) days advance notice.

2. When such leave is not foreseeable, an employee must give notice as soon as practicable. According to the FMLA regulations, "as soon as practicable" means within one or two working days of learning of the need for leave, except in extraordinary circumstances.

3. If an employee fails to satisfy the thirty (30) day notice without reasonable excuse, Monroe County may, at its discretion, postpone the leave until the notice requirement is satisfied.

4. The employee may be required to submit periodic reports during FMLA leave regarding the employee's leave status and intent to return to work. This requirement may be satisfied by he employee's personally telephoning his or her immediate supervisor.

F. HEALTH BENEFITS DURING LEAVE OF ABSENCE

1. Monroe County will continue group health coverage for an employee on leave at the same level and under the same conditions that existed while he or she was working. The employee must pay the dependent coverage premium for any unpaid leave. Payment for dependent coverage must be received in the Group Insurance Office every payday in order to continue coverage. Failure to pay dependent coverage during this unpaid leave will result in termination of coverage.

2. In the event that the employee does not return to work at Monroe County following FMLA leave, the employee can be required to reimburse Monroe County for health insurance premiums paid to continue the employee's health coverage during FMLA leave, unless the employee is unable to return to work due to a continuation, recurrence, or onset of a serious health condition that would entitle the employee to FMLA leave or other circumstances beyond the employee's control.

Questions regarding the FMLA should be addressed to the Personnel Section.

STANDARDS OF EMPLOYMENT, DISCIPLINARY ACTION AND APPEALS

SECTION 9

9.01 INTENTION

It is the intention of the Board of County Commissioners that effective supervision and employee relations will avoid most matters which necessitate disciplinary action. The purpose of rules and disciplinary action for violating such rules is not intended to restrict the rights of anyone; but to ensure the rights of all, and secure cooperation and orderliness throughout the County Service. For minor, non-serious offenses, whenever possible, the administration of discipline will be characterized as constructive, corrective and progressive.

9.02 RESPONSIBILITY FOR ADMINISTRATION

It shall be the responsibility of the County Administrator, in cooperation with Division Directors and the Board of County Commissioners to assure that disciplinary action is fair and consistent throughout the County Service.

9.03 STANDARDS OF EMPLOYMENT

For the protection of Monroe County government and each employee, the following rules for personnel conduct have been established. The list includes, but is not limited to, reasons which may require disciplinary action, up to discharge. A violation of any reasonable standard of employment, whether or not specifically listed herein, will result in appropriate disciplinary action, which may include discharge for the first offense, depending upon the seriousness of the offense.

A. Willful or repeated violations of County, State or Federal law or of these policies and procedures.

B. Insubordination - Refusal to respond to authority's reasonable request(s) or instruction.

C. Misconduct - Behavior not conforming to prevailing standards - Misconduct may include, but is not limited to the following: Fighting or inflicting bodily harm on another person, gambling, dangerous horseplay, being under the influence or possession of illegal drugs or alcoholic beverages, immoral behavior, smoking in restricted areas, any violent act or language which adversely affects morale, production, or maintenance of discipline. Rudeness or acts of disrespect to members of the public, supervisors, or other employees; on duty or off duty. Employees shall not consume or be under the influence of alcoholic beverages, while on duty or in County uniform, nor shall they use or be under the influence of, consume or possess illegal substances while on duty, in County uniform or on County property at any time.

D. Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employer/employee relationship (on duty or off duty).

E. Conviction of (or a plea of nolo contendere in connection with) a felony or gross misdemeanor, or conviction of a misdemeanor or ordinance violation involving moral turpitude.

F. Theft or pilfering - Possessing, unauthorized use of, taking, removing, destroying or tampering with County property without proper authorization.

G. Fraud or Dishonesty - Falsification of County documents or records or failure to give complete information for personnel records. Intentionally making false statement either oral or written about the County, other employees, supervision, oneself or work situations.

H. Absenteeism or Abuse of Sick Leave - Habitual or excessive absence from work, or failure to return to work promptly upon expiration of leave or vacation. Excessive absences, even if caused by a legitimate illness, seriously impairs the County's operations, and such absences may be grounds for separation.

I. Tardiness - Failure to report to assigned work station on or before the scheduled starting time.

J. Leaving Assigned Work Area - Except for emergency reasons or with the Supervisor's approval, employees are not to leave their assigned work area.

K. Misuse of Time - Sleeping or other acts of inattention or neglect of duty. Unauthorized sale of articles or services, distribution or posting of literature, canvassing, polling or petitioning.

L. Abuse of County Policies and Procedures - Misuse or abuse of established County policies such as vacation, leave of absence, excused absence, sick leave, or any rule, regulation, policy or procedure.

M. Safety Violations - Unauthorized possession and/or use of weapons, ammunition or explosives. Failure to observe County and general safety practices and regulations. Neglect in the safety of others or the committing of unsafe acts in the use and care of County property or equipment.

N. Illegal driving - Driving private or County vehicle while on County business when not possessing a valid Florida and County driver's permit or liability insurance, in accordance with the Monroe County Safety Policies.

O. Malicious or Negligent Destruction of Property - Willful or malicious destruction of County property. Damage of property by failing to use proper equipment, care and good judgment.

P. Incompetence or Inefficiency - Inability or failure to perform work of an acceptable standard after a reasonable trial and training period.

Q. Discrimination in Employment - Discriminating against an employee or an applicant for employment because of race, color, national origin, sex, religion, creed, sexual preference, handicap or age as defined in State and Federal laws.

R. Acceptance of unauthorized compensation.

S. Misfeasance - The doing of a lawful act in an unlawful or improper manner so that there is an infringement on the rights of another.

T. Smoking – Smoking of tobacco products is prohibited in all Monroe County owned or occupied public facilities (buildings), vehicles, elevators, meeting rooms, hallways, corridors, lobbies, water fountain areas, stairwells and entryways.

9.04 DISCIPLINARY ACTIONS

Disciplinary actions are a means of calling employees to accountability for some act of commission or omission which is regarded as injurious to the employer/employee relationship. The act could be relatively minor, or quite serious. Serious acts may warrant immediate discharge, even for the first offense. All employees should be made aware that a system of discipline exists for the benefit of all, and will be administered without favor for the sake of orderliness and proper compliance with reasonable rules and regulations pertaining to conduct and the performance of work.

When it is necessary that disciplinary action be taken, the degree of action shall be based on the following considerations:

1. There can be no mechanical formula for the application of discipline. Each instance of misconduct or deficiency must be viewed and judged individually. For most lesser or first minor offenses, oral or written reprimand shall be appropriate discipline.

2. When applicable, discipline for employees who commit multiple non serious offenses of a like or different nature shall be more progressively stringent until the employee corrects the deficiency, or failing this, discharge is considered to be necessary.

3. Department, Division Directors, the County Administrator, their Deputies and others occupying positions of high trust and authority will be held to higher disciplinary and ethical standards than that of other employees. Therefore the rules of progressive discipline for violations of Personnel Policies and Procedures, and/or State and Federal Statutes may not be applicable.

4. Disciplinary actions shall be severe enough to constitute a reasonable attempt to bring about correction.

5. Acceptable disciplinary actions shall be oral warning, written warning, written reprimand, suspension (with or without pay), discharge, and in some cases demotion, depending on the offense.

6. Discharge for continued commitment of non serious, minor offenses shall be resorted to only when sufficient other efforts to bring about correction have failed, or when the offense is sufficiently serious in and of itself to warrant termination.

7. In determining the appropriate disciplinary action to be imposed against an employee, the County Administrator will consider, at a minimum, the following factors:

a. The seriousness and circumstances of the particular offense.

b. The past record of the employee and his length of service.

c. The lapse of time since the employee last received a disciplinary action.

d. The County's practice in similar cases.

9.05 AUTHORIZATION FOR DISCIPLINARY ACTION

A. All written reprimands, suspensions and recommendations for suspension or discharge actions must be approved by the Department Head and the Division Director and the letter concerning the action must be forwarded immediately to the Personnel Section for review, and then approved by the County Administrator or his designee.

B. In case of a recommendation for discharge, the employee may be suspended pending approval of discharge by the County Administrator.

C. Disciplinary actions applied to Department Heads or Division Directors may be initiated by the County Administrator.

9.06 ORAL WARNING

An oral warning is given to an employee to take recognition of a violation of County policy, rule, regulation, standard or of an unsatisfactory habit, practice or act which, if repeated or continued, will subject the employee to a more severe disciplinary action. The oral warning should be noted in writing, a copy of the notation placed in the employee's official personnel file, specifying the nature of the warning and the date given.

9.07 WRITTEN REPRIMAND

A letter of reprimand constitutes formal action against an employee for more serious types of violation of County rules or standards of employment, or where less stringent actions have not been successful in correcting a deficiency. The letter of reprimand must identify the offense or deficiency and the correction required.

A letter of reprimand can be used to impose restrictions on an employee, such as attendance, conduct or special procedures to be followed. Restrictions so imposed shall be reviewed periodically and be removed, modified, or continued with a follow-up letter. A copy of all letters should be placed in the employee's official personnel file within 15 days of writing, whenever possible.

9.08 DEMOTION

Whenever it becomes apparent that an employee can no longer efficiently perform any or all of the duties and responsibilities of his or her position, or when it is otherwise deemed to be in the best interest of the County, an employee may be demoted. A demoted employee shall be notified by the County Administrator or his designee at the time of demotion of the specific reason for the action and correction expected, if any. Such notification shall be given the employee in writing. A copy of the notification will be placed in the employee's official personnel file along with a written report on all appropriate information concerning the action.

An employee may be reclassified to a different title and/or pay grade at any time the County Administrator deems appropriate. A temporary reclassification does not constitute a demotion, nor does a change in title and/or pay grade which results from an evolution into a reduction of duties and/or responsibilities.

9.09 SUSPENSION

1. An employee may be suspended with or without pay by the Department Head and/or Division Director with the approval of the County Administrator. The employee must be notified in writing of the suspension period and citing the reason for the suspension.

2. An employee may be verbally suspended with or without pay by a Supervisor for the balance of a workshift, or a longer period of time if needed until the Department Head or appropriate authority can be contacted, if the employee's conduct impairs normal working operations. The Supervisor must then report the incident to the Department Head, who with the approval of the Division Director must either concur with, or cancel the action, in writing, to the employee citing the reason for the suspension, and corrective action expected. Additional time of suspension may be recommended by

the Department Head with the approval of the Division Director and the County Administrator at that time. A copy of the suspension notification will be placed in the employee's official personnel jacket along with a written report containing all appropriate information concerning the action.

9.10 DISCHARGE

Discharge is appropriate for first offenses of serious misconduct as well as repeated offenses of less serious misconduct.

Sufficient documentation must be present to merit recommendation by the Department Head and the Division Director to the County Administrator for discharge of any employee.

9.11 PROCEDURE FOR IMPOSING DISCIPLINE

1. This procedure shall apply in cases where an employee may be subject to suspension, demotion or termination. Furthermore, this procedure shall not necessarily apply to contract employees, probationary employees, temporary employees or grant employees.

2. When the County receives information that an employee has engaged in certain conduct which could warrant disciplinary action (other than a verbal warning or written reprimand, which may be issued by the appropriate Supervisor) the employee will be advised, in writing, that disciplinary action could possibly be imposed against him/her.

3. The employee will be provided with a written statement of the charges including sufficient facts and reasons therefore as will enable the employee to provide an explanation and/or defense. An employee against whom disciplinary charges have been made will remain in pay status until such time as the County Administrator renders his decision pursuant to paragraph 6(e), below. However, nothing herein shall preclude the County Administrator, or other authorized personnel, from imposing immediate disciplinary action, without advance notice, where it is believed by the person taking that action that giving such notice would result in damage to the property of the County, would be detrimental to the interests of the County or would result in injury to the employee, a fellow employee, or the general public. In such circumstances, said employee will be given reasons for such action after it takes effect and thereafter will be entitled to utilize the hearing procedure set forth in the following paragraphs.

4. The hearing shall be informal and shall not be in the nature of an evidentiary hearing. The employee may bring an attorney or qualified representative to assist or advise him, but discovery, cross-examination, and similar legal procedures are generally not permissible. An employee who wants to engage in discovery, cross-examination, or other legal procedures must make an advance written application to the hearing officer. The hearing officer's decision is final.

5. The informal hearing will be conducted before a hearing officer who shall be:

   a. A Division Director or the County Administrator where the employee charged is a Department Head;
   b. The County Administrator or his designee where the employee charged is a Division Director; or
   c. A Division/Department Head or a designee where the employee charged is an employee holding Career Service Status and to whom section A and B above do not apply.

d. The County Administrator may serve as hearing officer whenever he/she sees a need to do so.

6. The hearing will be informal and will be conducted as follows:

a. At least two working days prior to the hearing date, the employee shall provide the individual conducting the hearing with a list of any witnesses or documents which the employee wishes to offer at the hearing.

b. The employee may be accompanied by legal counsel of his/her choice. If the employee intends to be represented by counsel at said hearing, notice of such must be provided to the hearing officer as far in advance of the hearing as possible. The hearing officer may reschedule the hearing if necessary.

c. During the hearing, the hearing officer will orally review the charges with the employee. The employee shall have the right to respond to the charge(s) made against him/her, either orally and/or in writing. The employee may present documentation to the hearing officer and may, if appropriate, be permitted to call witnesses in support of his/her case.

d. The hearing officer may consider any available documentation and may discuss the charges with any witness he/she deems appropriate. The hearing officer shall decide what evidence -- either in the form of witness testimony or documents -- may be introduced. Cumulative or irrelevant evidence will not be permitted.

e. The hearing officer shall render a final written decision within ten (10) calendar days after the hearing. In the event of extenuating circumstances, the final written decision may be extended beyond the ten (10) calendar days upon mutual agreement of the Hearing Officer and employee. Such an agreement shall be provided in writing from the hearing officer to the employee in order to officially document the agreement. The final decision shall advise the employee of whatever action, if any, the hearing officer is recommending to be taken against the employee. The hearing officer's recommendation will be forwarded to the County Administrator (through the appropriate Department and Division Director, if applicable). Disciplinary action (except for verbal warning and written reprimand, which may be issued by the appropriate Supervisor) becomes final when approved by the County Administrator.

7. Employees who are suspended without pay, discharged, given a reduction in pay or a demotion (as defined herein) may appeal said disciplinary actions only to the Career Service Council as provided in Section 9.15. Other forms of discipline may be appealed pursuant to Section 10.

8. During the period between the first notice and the effective date of the action, the employee shall be expected to perform his usual duties without disrupting fellow employees, or other persons, or the agency's activities. If, however, it is deemed highly desirable or necessary that the employee not continue to perform the same duties in the same location during this period, the County may temporarily assign the employee to other duties.

9.12 POSSESSION OF WEAPON OR FIREARM

It is the policy of Monroe County that no employee shall carry or otherwise possess a weapon while on duty or in uniform, including firearms.

If the performance of job duties require the use or possession of a weapon or firearm, prior approval from the County Administrator must be obtained.

9.13 INDICTMENTS, PROSECUTIONS, ARRESTS

It is the responsibility of Monroe County to maintain a proper workforce. Employees who are arrested, indicted by a Grand Jury, or on whom information has been filed by a prosecuting official, shall be given a pre-determination hearing to determine the effect said action and/or circumstances surrounding said actions has on his or her employment with the County, which may result in disciplinary action. If the employee is tried and found guilty and the conviction is not reversed he or she may be terminated from his or her position in the County Service.

9.14 FAILURE TO COOPERATE IN A JOB-RELATED INVESTIGATION

1. As a condition of employment, any County employee may be required, upon due notice, to cooperate with respect to any job-related hearing or investigation scheduled by the County, or any person, commission, board or body authorized to act on its behalf. This duty of cooperation also extends to any "outside" agency, body or court of law with respect to any job-related matters.

2. Any employee who refuses to appear at any such hearing or inquiry, or who having appeared fails to answer questions related to the performance of their official job duties will be considered to have resigned from their employment with the County.

9.15 APPEALS

A Career Service employee who has been suspended without pay, discharged, given a reduction in pay or a demotion (as defined herein) shall have only the right to appeal said action to the Career Service Council by filing a petition with said Council within thirty (30) days following such suspension, discharge, reduction in pay, or demotion. Failure to file a timely appeal shall result in the forfeiture of all right to challenge/grieve the discipline. There shall be no appeals to the Board of County Commissioners and/or the County Administrator.

EMPLOYEE COMPLAINT/GRIEVANCE PROCEDURE

SECTION 10

10.01 COMPLAINT/GRIEVANCES

In the event an employee believes that the rules contained in this manual have been misapplied/violated, he/ she must utilize the following procedure, except in the cases of suspension, demotion or termination - See 10.01 F. Failure of the grieving employee to follow the time limits will automatically result in a final and binding denial of the grievance. If the County does not follow the time limits, the appropriate County official will be deemed to have denied the grievance and it may proceed to the next step.

A. Step 1: The aggrieved employee shall present his/her grievance orally or in writing to his or her Supervisor within fifteen (15) working days of the incident to be grieved. Discussion will be informal for the purpose of resolving differences in the simplest and most direct manner. The immediate Supervisor shall consult with the Department Head, reach a decision, and communicate that decision orally or in writing to the aggrieved employee within ten (10) working days from the date the grievance was presented to him or her. Supervisors are not empowered to make policy decisions.

B. Step 2: If the grievance is not resolved in Step 1, the employee shall reduce the grievance in writing, sign it, and present it to the Supervisor . The Supervisor shall attempt to resolve the issue(s) concerning the alleged grievance within ten (10) working days of the receipt of the written grievance. Should the grievance still not be resolved at this point, it shall be presented to the Department Head for review. The Department Head shall confer with the immediate Supervisor and they shall attempt to obtain the facts concerning the alleged grievance, and within ten (10) working days of receipt of the written grievance, answer the employee in writing or schedule a meeting with the employee. If a meeting is held, the Department Head shall notify the aggrieved employee in writing of his or her decision, no later than ten (10) working days after the meeting. The meeting may be rescheduled by the Department Head for a valid reason.

C. Step 3: If the response from the Department Head is not satisfactory, the employee may present the grievance form to the Division Director , who may confer with anyone he/she deems appropriate to obtain the facts concerning the alleged grievance, and within ten (10) working days of receipt of the grievance, schedule a meeting with the employee. The Division Director shall notify the aggrieved employee in writing of his/her, decision no later than ten (10) working days after the meeting.

D. Step 4: If the response from the Division Director is not satisfactory, the employee may bring the grievance form to the Personnel Office, for review before the Employee Grievance Council. This Council will provide an additional avenue for the employee to pursue in the processing of appropriate complaints or grievances. By the establishment of the Employee Grievance Council, the employee whose problem is not resolved by the Division Director , may have the opportunity appear before this Council of peers and present his/her case. The Employee Grievance Council is empowered to call all necessary witnesses before them and to subsequently make their recommendations concerning disposition actions to the County Administrator. The decision of the Council is not binding; final determination will be made by the County Administrator. (Please refer to Monroe County Administrative Instruction 1005 for rules and procedures governing the Council.) The County Administrator shall furnish a copy of his decision to the aggrieved employee within fifteen (15) working days of receipt of the Councils recommendation(s).

E. Any complaint/grievance involving matters that pertain to Personnel, Policy and Procedures may be addressed in writing to the Employee Grievance Council, (via the Personnel Office) who will forward to the Council to determine whether the matter is appropriate to be considered by the Council. If deemed appropriate by a majority of Council members, the Personnel Section will schedule the airing of the Grievance at the earliest convenience. Council. The Council is empowered to call all necessary witnesses and make a recommendation concerning disposition to the County Administrator whose decision is final.

F. This Procedure does not apply to an individual who has been suspended, discharged, reduced in pay or demoted. Such individuals shall appeal in accordance to Section 9.15 hereof.

G. If an employee does not answer to a Department Head and/or a Division Director, the Personnel Section will assist the employee in moving through the appropriate steps of this grievance procedure.

H. The by-laws governing the establishment and operation of the Employee Grievance Council may be reviewed in Administrative Instruction 1005

I. If the grievant feels the issue has not been satisfactorily resolved, the employee may appeal to the County Administrator.

SEPARATIONS

SECTION 11

11.01 RESIGNATIONS

A resignation is defined as an action whereby an employee voluntarily leaves the County Service with or without the giving of notice and/or as any employee conduct which is stated herein to constitute a resignation. An employee wishing to leave the County Service in good standing shall file with the Department Head a written letter of resignation stating the date and reasons for leaving, 14 calendar days prior to the effective date of resignation. Failure to comply with this requirement may be cause for denying such employees re-employment rights and payment of unused leave. Unauthorized absences of three (3) days or more may be considered a resignation.

11.02 LAYOFFS

Should it become necessary to abolish a position or reduce the number of County employees because of lack of work, shortage of funds, re-organized and transferred functions to an existing County employee, or for other legitimate reasons, the County Administrator/Board of County Commissioners may lay off as many employees as required, after two weeks notice. There shall be no appeal except the internal grievance proceedings. No regular employee shall be laid off while there are temporary or probationary employees serving in the same class in the same department. Such laid off employees shall be given priority of re-hire, in the event the position(s) is/are re-established, based on seniority and previous performance evaluations, for a period of time to their length of continuous service, but not to exceed one year. Such employees will also be eligible for promotional opportunity privileges for a period of one year after date of lay-off.

11.03 RETIREMENT

Employee benefits upon retirement will be based upon the regulations of the State and County Government, Employees Retirement System Law, Social Security Act, and any other provisions which may be in effect at the time of retirement.

11.04 DISCHARGES

A discharge occurs when an employee has been involuntarily separated from County Service, usually for cause. Employees discharged for disciplinary reasons may not be eligible for re-hire and may lose all seniority and reinstatement privileges.

11.05 EXIT INTERVIEWS

It is the desire of the County to determine why good employees leave the County Service. An exit interview program has been established for the purpose of determining the causes and possible solutions of turnover among County personnel.

If an employee wishes, he or she may request an exit interview with the Personnel Director by contacting the Personnel Office. The Personnel Director or County Administrator may also request an interview with an employee who has made known his or her intention to leave the County Service. The information obtained during the interview will be used solely for the purpose of identifying or solving problem areas, and will not become part of the employee's personnel record unless authorized in writing by the employee.

SOLICITING

SECTION 12

12.01 SOLICITING

1. No employee shall be permitted to solicit any other employee during working time. Working time means the time when either employee (solicitor or solicitee) is on duty and not on an authorized break or meal period.

2. No employee shall be permitted to distribute leaflets, notices or other materials, or pass petitions during working or non-working time in work areas. Such distribution can take place only in non-work areas and during non-working time.

3. No non-employee shall be permitted to enter County premises or property at any time for the purpose of soliciting employees or distributing or posting any written, printed or other material except in those areas customarily open to the public or vendors.

4. Limited exceptions to the above rules may occur but only upon application to and approval by the County Administrator.

5. It is intended that the above rules shall be interpreted and applied in accordance with applicable law.

EMPLOYEE PERFORMANCE EVALUATIONS

SECTION 13

13.01 POLICY

All Departments shall evaluate the performance of all employees on an impartial basis using standard evaluation forms and the Employee Performance Appraisal Handbook provided in Administrative Instruction 4003..

13.02 PURPOSE

Employee performance evaluations shall be used for, but not limited to, the following purposes:

A. To inform the employee of strong and weak points in his performance, as well as training needs and improvements expected.

B. To recognize the employee's potential for promotion.

C. To determine the employee's eligibility for merit salary advancements.

D. To provide a record of past performance..

E. To assist in determining the order of layoffs and reinstatements.

13.03 PROCEDURES

A. Each employee shall have his performance evaluated on a periodic basis as outlined in the Performance Appraisal Handbook

1. All performance evaluations shall be made by the employee's immediate Supervisor (with input from anyone deemed appropriate by the Supervisor) and reviewed by a higher level Supervisor whenever possible. The immediate Supervisor's final evaluation shall not be changed by higher level Supervisors; however, reviewing Supervisors shall certify that they reviewed the rating and may attach any written comments they deem appropriate concerning the evaluation.

2. A Department Head may authorize an evaluation at any time he or she deems appropriate.

3. The original, completed evaluation form, as well as any written material from the Supervisor, the Department Head, or the employee, shall be placed in the employee's official Personnel File.

B. If an employee receives a below satisfactory rating in any category, the immediate Supervisor shall work with the employee in an effort to assist him/her in improving job performance. Such employees, if retained by the department, shall have their performance re-evaluated in the category(s) which do not meet performance standards.

EMPLOYEE INSURANCE COVERAGE

SECTION 14

14.01 COVERAGE

All full-time, regular employees are covered by life and accidental death and dismemberment insurance paid for by the County. The amount of such insurance is determined by the Board of County Commissioners.

Group hospitalization insurance coverage for full-time employees is paid for by the County at a rate approved by the Board of Commissioners. Dependent coverage will be available for those eligible at group rates, paid for by the employee.

The County may change its benefit program at any time, for example, by adjusting benefits, changing employee contributions, changing deductibles, and/or selecting other insurance carriers.

14.02 DEFINITIONS

A. Domestic Partners. "Domestic Partners"[3] are two adults who have chosen to share one another's lives in a committed family relationship of mutual caring. Two individuals are considered to be Domestic Partners if:
   1. they consider themselves to be members of each others immediate family;
   2. they agree to be jointly responsible for each other's basic living expenses;
   3. neither of them is married or a member of another Domestic Partnership;
   4. they are not blood related in a way that would prevent them from being married to each other under the laws of Florida;
   5. each is at least of the legal age and competency required by Florida law to enter into a marriage or other biding contract;
   6. they must each sign a Declaration of Domestic Partnership as provided for in Section 14.03;
   7. they both reside at the same residence.

B. Joint Responsibility for Basic Living Expenses. "Basic living expenses" means basic food and shelter. "Joint responsibility" means that each partner agrees to provide for the other's basic living expenses while the domestic partnership is in effect if the partner is unable to provide for himself or herself. It does not mean that the partners must contribute equally or jointly to basic living expenses.

C. Competent to Contract. "Competent to Contract" means the two partners are mentally competent to contract.

D. Domestic Partnership. "Domestic Partnership" means the entity formed by two individuals who have met the criteria listed above and file a Declaration of Domestic Partnership as described below.

E. Declaration of Domestic Partnership. "Declaration of Domestic Partnership" or "DDP" is a form provided by the Human Resources Director. By signing it, two people swear under penalty of perjury that they meet the requirements of the definition of domestic partnership when they sign the statement. The form shall require each partner to provide a mailing address.

F. Dependent. "Dependent" means an individual who lives within the household of a domestic partnership and is:

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[3] Resolution 081-1998

1. A biological child or adopted child of a domestic partner; or
2. A dependent as defined under County employee benefit plan document.
3. A ward of a domestic partner as determined in a guardianship proceeding.

G. Employee means an employee of the Board of County Commissioners, the constitutional officers or the Mosquito Control Board, except where the context is otherwise.

14.03 ESTABLISHING A DOMESTIC PARTNERSHIP

A. An employee and his/her domestic partner as set out in Section 14.02 are eligible to declare a Declaration of Domestic Partnership (hereafter DDP) in the presence of the Human Resources Director, or the employee partner may present a signed and notarized DDP to the Human Resources Director. The DDP shall include the name and date of birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pain and penalties of perjury, by both domestic partners and witnessed (two) and notarized.

B. As further evidence of two individuals being involved in a domestic partnership, to of the following documents must be presented along with the DDP to the Human Resources Director:
   1. A lease, deed or mortgage indicating that both parties are joint responsible;
   2. Driver's licenses for both partners showing the same address;
   3. Passports for both partners showing the same address;
   4. Verification of a joint bank account (savings or checking)
   5. Credit cards with the same account numbers in both names;
   6. Joint wills;
   7. Powers of attorney; or
   8. Joint title indicating that both partners own a vehicles.

C. An individual cannot become a member of a domestic partnership until at least six months after any other domestic partnership of which she or he was a member has ended and a notice that the partnership has ended was given as provided for in Section 14.04. This does not apply if their domestic partners deceased.

D. Domestic partners may amend the DDP to add or delete dependents or change the household address. Amendments tot he DDP shall be executed in the same manner as the declaration of a domestic partnership.

14.04 TERMINATION OF A DOMESTIC PARTNERSHIP

A. A domestic partnership is terminated when:
   1. one of the partners dies;
   2. one of the partners marries; or
   3. a domestic partner files a termination statement with the Human Resources Director. A domestic partnership may be terminated by a domestic partner who files with the Human Resources Director by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pain and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at this or her last know address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

B. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective thirty (30) days after the receipt of a termination statement by the Human Resources Director. If the termination

statement is withdrawn before the effective date, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

C. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six (6) months have elapsed from effective termination.

D. It is the obligation of the employee domestic partner to notify the Human Resources Director of the termination of a domestic partnership as soon as possible after it occurs.

14.05 HUMAN RESOURCES DIRECTOR RECORDS

A. The Human Resources Director will keep a record of all employees DDPs, Amendments and Termination Statements. The records will be maintained so that DDPs, Amendments and Termination Statements will be filed to which they apply.

B. The Human Resources Director shall identify on the DDP what type of documents were presented for further verification of the domestic partnership.

C. Upon determination by the Human Resources Director that the DDP is complete and that further evidence of the domestic partnership has been presented as provided in Section 14.03 (B); the Human Resources Director shall provide the employee with a copy of the DDP. The employee/domestic partner shall become eligible to elect domestic partnership health and other employee fringe benefits as provided in Section 14.06. It will be the employee's responsibility to notify the Employee Benefits Section of their intent to enroll the domestic partner and/or any eligible dependents under the Monroe County Employee Benefit Plan . Domestic partner/dependents enrolled in the Monroe County Employee Benefit Plan are subject to the same rules and provision applicable to covered spouses/dependents.

D. The Human Resources Director shall provide forms to employees requesting them.

E. The Human Resources Director shall allow public access to domestic partnership records to the same extend and in the same manner as any other public record.

14.06 EMPLOYMENT BENEFITS

A. The County shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this section, "employees" refers to active and retired employees of Monroe County that are eligible for benefits pursuant to state law, County Ordinances, County employment policies, and collective bargaining agreements.

B. The County shall provide health insurance and benefit coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent's of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline health insurance coverage for her or his domestic partner, without foregoing the right to obtain health insurance coverage or her or his domestic partner during a future open enrollment period.

C. Upon termination of a domestic partnership by an employee, the nonemployee domestic partner health insurance and benefits lapses. If the employee domestic partner leaves employment with the County, the health and benefit package of the nonemployee domestic partner shall lapse on the date that the former employee's insurance lapses.

D. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's health insurance and benefits coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

E. Board of County Commissioners employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

F. Board of County Commissioners employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

G. Board of County Commissioners employees shall be entitled to take parental leave to take care of a child born to his/her domestic partner or a newly adopted child to the same extent as a married person.

14.07 LIMITATION OF LIABILITIES

A. Nothing in this ordinance shall be interpreted to contravene the general laws of this state.

B. Nothing contained in this Ordinance shall be construed to impose liability upon a domestic partner for the health or health expenses of his or her domestic partner.

14.08 FORMS

A. The Human Resources Director shall distribute copies of the following forms to those individuals who request them:

1. Declaration of Domestic Partnership
2. Domestic Partnership Information Sheet
3. Amendment to Declaration of Domestic Partnership
4. Termination Statement of Domestic Partnership.

TRAVEL

SECTION 15

15.01 TRAVEL

It shall be the policy of the Board of County Commissioners to reimburse all employees, Board members and other Department personnel for all authorized travel. Said reimbursement shall be made in the following manner:

A. In County overnight travel will require the approval of the Department Head. Out of County travel will require the prior approval of the applicable Division Director or County Administrator. If travel is to any county contiguous to Monroe County or if the travel can be completed within one workday, not requiring overnight lodging, prior approval of the next-highest supervisory level can be obtained.
B. Private use of individual vehicles for county business shall be reimbursed for travel mileage in accordance with Monroe County Code.

C. Employees who use their personal vehicles for approved County travel shall be reimbursed in accordance with the information reflected on the reverse side of Form #C676. These employees should be aware that they may be subject to periodic odometer audit(s), and that the employee's personal auto insurance is primary payer in case of an accident while or County business.

D. Individuals shall be entitled to per diem while on official travel in accordance with provisions contained in Monroe County Code, except the Board may authorize the reimbursement of actual expenditures where documented evidence is provided justifying actual expenses incurred.

E. The County Administrator shall authorize reimbursement for lease, rental cars and/or aircraft where it is deemed by the County Administrator to be the most advantageous to the County. Employees are to waive all insurance on rental car contracts, and no reimbursement for insurance costs shall be authorized under this section.

F, All requests for travel reimbursement shall be submitted in writing on State of Florida Voucher for Reimbursement of Travel Expenses which shall give date(s) of travel, purpose, all applicable receipts, and amount due the traveler. Advance payment for travel must be requested by submitting voucher form for approval by the applicable Division Director or County Administrator.

G. Travel shall be the most economical and practicable method available.

APPEARANCE

SECTION 16

16.01 APPEARANCE AND PROPER ATTIRE

All County employees should strive to be as neat and clean in appearance as possible. Proper attire conducive to carrying out the functions of their respective positions should be worn by all employees.

The Department Head will be responsible to insure that the appearance of his or her employees properly represents Monroe County in relation to their positions.

Proper clothing and equipment needed to insure employee safety is required to be utilized at all times in accordance with the Monroe County Safety Policies.

VIOLENCE IN THE WORKPLACE

Section 17

17.01 The purpose of this policy is to provide a safe environment for conducting County business for employees, visitors, clients, and customers by prohibiting, preventing, and taking action in response to work-related acts of violence.

17.02 Definitions:

For the purpose of this policy, acts of violence include, but are not limited to:

1. verbal abuse, assault, threatening or obscene language or behavior, or
2. aggressive, harmful, dangerous, or violent physical actions, or
3. actions which endanger county employees, directly or incidentally, or
4. improper or dangerous use or display of any weapon or object used as a weapon.

For the purpose of this policy, work-related acts include, but are not limited to, those which:

1. take place on County premises and affect county property, employees or representatives, or
2. involve one or more County employees or representatives, acting in their official County capacity, or
3. may occur off of County premises, but are related to County business, or
4. may occur outside of normal working hours, but are related to County business or
5. involve the use of County equipment, vehicles, communications equipment (phones, radio, FAX, etc.).

17.03 Procedures:

A. The County will take prompt remedial action against any employee, visitor, client, or customer who engages in any behavior prohibited by this policy.

B. The County will establish security measures, to the extent practical, to ensure that County facilities are safe and secure against actions prohibited by this policy.

C. Employees, supervisors, etc. will take reasonable immediate action to protect victims of violent actions from further harm. Actions which will increase any danger should be avoided. When necessary, local law enforcement agencies must be notified as soon as possible.

D. After any imminent danger or threat has been dealt with, an employee, manager, supervisor, etc. has a duty to notify their immediate supervisor, Safety Administrator, Risk Manager, or other appropriate person of any incident or activity which is in violation of this policy. Reports made pursuant to this policy will be held in confidence to the extent possible. The County will not tolerate any form of retaliation against anyone who makes a report under this policy.

E. The Personnel Department shall be notified of any prohibited acts by the affected employee, their supervisor, or other appropriate person, as mentioned in the preceding paragraph. Personnel shall determine the extent of remedial and disciplinary action to be taken. In making this determination, Personnel may consult with employees, supervisors, safety or risk management representatives, law enforcement officials, etc. Disciplinary action taken against employees who violate this policy will be carried out in accordance with Monroe County Personnel Policies and Procedures.

Section 18
CHILDREN IN THE WORK ENVIRONMENT

1. The Purpose of this section is to establish the policy of the Administration concerning Monroe County employees bringing children into the County work environment during normal working hours.

    A. It is the policy of this Administration that County employees shall not routinely bring children into the County work environment during the applicable employee's normal working hours.
    B. It is recognized that circumstances may arise wherein an employee's option with regard to caring for their dependent children may be restricted for any number of reasons. Generally, it would be expected that the employee would utilize vacation or sick leave, as appropriate, to resolve said matters. However, on the rare occasion where there are no other alternatives, and/or the work requirements are such that the employee's presence is mandatory, the Division Director or Department head may grant a special exception.
    C. A Division Director or Department head may grant a special exception in response to unusual or emergency circumstances which would, for a very limited, specific period of time, permit an employee to bring children into the environment. The applicable Division Director or Department head shall then formally authorize said special exception in writing by completing the "Children in the Work Place Form" and routing the original to the Human Resources Department via the appropriate Division Director and the County Administrator, prior to the day the child is expected to be present.
    D. It is incumbent upon all Division Directors/Department Heads to insure that permitting children in the work environment is a rare exception and not the rule and that the special exception provisions provided above are not to be abused.
    E. The parent(s) shall be responsible for the proper behavior of the child while in the workplace.
    F. Children are not permitted in County vehicles at any time.
    G. Children are totally barred from certain high-risk jobs and work locations (such as construction sites).
    H. The County Administrator has the authority to waive the policy for special events (such as Daughter/Son At-Work Days.

Section 19
CASH MANAGEMENT PROCEDURES

To establish a standardized cash management procedure that will elilminate the risk of loss or misappropriation of funds.

1. All Divisions/Departments will have in effect a policy for all cash funds received to be deposited as quickly as possible, but in any event, not later than three (3) business days from receipt.
2. Check vouchers should be date stamped. In cases where there is no voucher attached, paperwork corresponding to the transaction should indicate the date of the check's receipt.
3. Advise OMB of the appropriate employees in each Division/Department who will be responsible for the cash deposits of the policy.
4. Division Directors and Department Heads are responsible for periodically reviewing the cash management procedure with their departments to ensure efficiency and compliance with this policy.

Section 20
FIRE ALARM PROCEDURES

The purpose of this instruction is to establish the procedure for building occupants to adhere to when fire alarm systems located within County facilities annunciate. The definition of annunciate is to announce the alarm system.

1. **When a fire alarm system located in a County Facility annunciate, building occupants are to turn off all electrical equipment that will not delay their exit; and shall immediately evacuate the building, reporting to their designated assembly area in accordance with posted fire evacuation plans located throughout County Facilities.**
2. **Emphasis shall be placed on orderly evacuation under proper discipline, rather than on speed.**
3. **Once in the assembly area, each Office Representative will account for their personnel.**
4. **All personnel will remain in the designated assembly area, well clear of the building, until released by the Fire Department and/or a representative from the Monroe County Public Works, Facilities Maintenance Department.**
5. **Constitutional Officers, Division Directors, and Department Heads are to ensure that all employees under their purview familiarize themselves with this policy and Reference A – Monroe County Safety Policies and Procedures Manual, along with the designated assembly area.**
6. **Constitutional Officers, Division Directors, Department Heads, and Monroe County Safety Administrator are to ensure evacuation routes are posted on bulletin boards throughout County Facilities, to include an assembly area for each office to report to, in the event of a fire evacuation.**
7. **Constitutional Officers, Division Directors, and Department Heads shall assign one person from each office the responsibility of accounting for each employee that works in their office, in the event of a fire evacuation.**

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