

# MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS

## HUMAN RESOURCES POLICY MANUAL



This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at [www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback)

## Table of Contents

1.01 Purpose .....	7
1.02 Positions Covered.....	7
1.03 Administration.....	7
1.04 Departmental Policies .....	8
Section 2 – Employment Policies .....	8
2.01 Appointment and Removal .....	8
2.02 Position Control.....	8
2.03 Types of Appointments .....	8
2.04 Re-Hires.....	9
2.05 Hours of Work .....	9
2.06 Overtime, Compensatory, and Discretionary Time.....	10
2.07 Attendance .....	12
2.08 Employee Training.....	13
2.09 Remote Work (Telecommuting) .....	13
2.10 Lactation Break.....	16
2.11 Background Screening.....	16
2.12 Time Clock and Timecards .....	16
Section 3 – Compensation Plan.....	17
3.01 - Purpose .....	17
3.02 Content.....	17
3.03 Adoption and Amendment .....	17
3.04 Appointment and Starting Rates.....	17
3.05 Promotion .....	17
3.06 Reclassification .....	18
3.07 Pay Grade Adjustment .....	18
3.08 Demotion .....	18
3.09 Transfers .....	19
3.10 Trainee.....	19
3.11 On-Call Time .....	19
3.12 Acting Appointments and Temporary Assignments.....	20
3.13 Career Incentive Pay.....	20
Section 4 – Classification Plan.....	20

4.01 Purpose .....	21
4.02 Uses.....	21
4.03 Content.....	21
4.04 Reclassification.....	21
4.05 Reorganization .....	21
Section 5 – Holidays .....	21
5.01 Purpose and Intent.....	21
5.02 Eligible for Holiday Pay.....	22
5.03 Holiday on Scheduled Workday .....	1
5.04 Holiday on Leave Day .....	1
5.05 Unscheduled County Holidays .....	1
Section 6 – Paid Time Off .....	1
6.01 Purpose .....	1
6.02 Eligibility and Rate of Accrual.....	2
6.03 Charging Leave .....	3
6.04 Request for Leave.....	4
6.05 Use .....	4
6.06 Payment for Unused PTO .....	4
Section 7 – Sick Leave .....	4
7.01 Eligibility and Rate of Earnings.....	4
7.02 Charging Leave .....	5
7.03 Request for Leave.....	5
7.04 Use of Sick Time .....	6
7.05 Change in Employee’s Health Status.....	6
7.06 Physical Examination.....	6
7.07 Payment of Unused Sick Leave .....	6
7.08 Employee Shared Medical Leave Pool Program.....	6
7.09 Health Insurance .....	10
Section 8 – Other Leaves of Absence.....	10
8.01 Bereavement Leave.....	10
8.02 Court Leave .....	10
8.03 Conference Leave.....	11
8.04 Military Leave.....	11

---

8.05 Leave of Absence .....	11
8.06 Workers' Compensation Leave.....	12
8.07 Temporary Restricted Duty Policy (TRD) .....	13
8.08 Voting Leave .....	15
8.09 Family & Medical Leave .....	15
8.10 Domestic Violence Leave .....	22
Section 9 – Records and Reports.....	23
9.01 Responsibility .....	23
9.02 Records.....	23
9.03 Records Retention and Disposition .....	24
Section 10 – Safety .....	24
10.01 Accident Prevention .....	24
10.02 Accident Reporting.....	24
10.03 Workers' Compensation Policy .....	24
10.04 Safety Equipment .....	25
10.05 Employee Safety Awards.....	25
10.06 Drug-Free Workplace .....	25
10.07 Workplace Violence .....	25
10.08 Smoke-Free Workplace .....	26
10.09 Fragrance-Controlled Workplace Policy .....	26
Section 11 – Separations.....	26
11.01 Types of Separations .....	26
11.02 Resignation.....	26
11.03 Retirement .....	27
11.04 Retirement DROP Separation.....	28
11.05 Disability.....	29
11.06 Death.....	29
11.07 Reduction in Force .....	29
11.08 Exit Interviews.....	29
11.09 Return of Property and Financial Obligation.....	29
Section 12 – Standards of Conduct .....	30
12.01 Policy on Ethics.....	30
12.02 Conflict of Interest .....	33

---

12.03 Political Activity .....	35
12.04 Employment of Family Members .....	35
12.05 Personal Romantic Relationships .....	36
12.06 Outside Employment .....	36
12.07 Release of Information .....	37
12.08 Media Relations .....	37
12.09 Solicitation and Distribution .....	38
12.10 Use of County Property .....	38
12.11 Communication and Computer Systems Security and Usage Policy .....	38
12.12 Social Media .....	41
12.13 Cell Phones, Personal Digital Assistant and Other Handheld Electronic Devices .....	43
12.14 Facsimile and Copy Machine Policy .....	43
12.15 Dress and Appearance .....	44
12.16 General Prohibitions .....	44
12.17 Equal Employment Opportunity (EEO) Program .....	44
12.18 Professionalism in the Workplace .....	45
12.19 Policy Against Harassment .....	45
12.20 Disability Accommodations .....	47
12.21 Alcohol and Drug-Free Workplace .....	47
12.22 Searches and Inspections .....	48
12.23 Honesty .....	48
12.24 Investigation of Misconduct .....	48
Section 13 – Disciplinary Action .....	49
13.01 Intent .....	49
13.02 Types of Offenses/Discipline .....	49
Section 14 – Problem Solving Procedures .....	52
14.01 Open-Door Policy .....	52
14.02 Grievance Procedure .....	52
Section 15 – Miscellaneous .....	53
15.01 Vehicles .....	53
15.02 Pension Plan .....	53
15.03 Unemployment Compensation .....	53
15.04 Deferred Compensation .....	54

15.05 Defined Contribution .....	54
15.06 Employee Assistance Program (EAP).....	54
15.07 Tuition Reimbursement.....	54
15.08 Emergency Event Policy .....	55
15.09 Employee Restitution .....	56

#### 1.01 Purpose

The purpose of this Human Resources Policy Manual is to communicate the County's procedures which shall serve as a guide to administrative actions covering most human resources actions, which shall arise. These procedures are intended to indicate the customary methods of carrying out the objectives of the County's rules and regulations, as set forth herein by this policy manual. Any actions not specifically covered shall be interpreted by the County Administrator with such interpretations to be in keeping with the intent and purposes of the Human Resources Policy Manual, all within the County Administrator's discretion.

The Human Resources Policy Manual is not an employment contract and should not be considered as such; the Manual is a summary and a guideline regarding certain County benefits, policies, and procedures, which are subject to change as the County deems appropriate with or without notice. This Human Resources Policy Manual supersedes all previously issued Human Resources Policy Manuals and inconsistent verbal or written policy statements.

All directors, administrators, senior assistant county attorneys, assistant county attorneys, temporary and on-call employees are at-will employees. All division heads, managers, or positions with similar responsibilities hired after June 10, 2003, are at-will employees (including those employees who experience position transfers, promotions, demotions, reclassifications, etc. after this date). All employees hired, transferred, promoted, or demoted on or after January 1, 2008, are at-will employees. Accordingly, for those employees who are at-will, either the employee or the County may terminate the relationship at will, with or without cause or notice, at any time, for any reason or no reason. Employees not classified as at-will employees are entitled to the Grievance Procedure, set forth in [Section 14.02](#), prior to termination of employment (such termination may be with or without cause, for any reason or no reason at all). Notwithstanding the preceding, the County has determined that it will extend the Grievance Procedure set forth in [Section 14.02](#) to at-will employees. The extension of the Grievance Procedure to at-will employees does not change the nature of their at-will employment. The at-will provision does not apply to elected officials and employees in classifications included in a duly executed collective bargaining agreement.

Certain statements in this manual may conflict with provisions of existing collective bargaining agreements. In these instances, the terms of the collective bargaining agreement will prevail for those union employees subject to it. Notwithstanding anything else herein, the grievance process set forth in [Section 14.02](#) is not applicable to employees subject to a collective bargaining agreement.

The Board of County Commissioners (BOCC) has granted authority to the County Administrator to change the policies in this manual, with the exception of those policies that have significant financial impact, which will require BOCC approval.

#### 1.02 Positions Covered

This Manual covers all of the County positions that are paid employees of the BOCC. The County Administrator and County Attorney follow all provisions of the Human Resources Manual unless it is otherwise specifically stated in their employment contracts.

#### 1.03 Administration

- A. The County Administrator shall be responsible for the overall administration of the Rules and Regulations as set forth herein by this Human Resources Policy Manual. The term "County Administrator" as used in this manual shall include his/her designee.
- B. Department Directors, Administrators, and Managers shall be responsible for overall administration of these Human Resources Rules and Regulations within their respective departments. Routine matters pertaining to enforcement may be delegated.

#### 1.04 Departmental Policies

Departmental policies and procedures shall serve as supplements to this Human Resources Policy Manual and all written policies and procedures shall be kept on file in the Human Resource Office. In the event of conflict, the policies set forth in this Human Resources Policy Manual shall take precedence.

#### Section 2 – Employment Policies

##### 2.01 Appointment and Removal

The County Administrator has the authority to appoint, transfer, discipline, demote, and remove subordinate employees consistent with Florida Statutes §125.74. Appointments of Department Directors are subject to confirmation by the BOCC.

Former Martin County Commissioners are ineligible for appointment for a 2-year period that commences on the date they left elected service.

##### 2.02 Position Control

All positions in the County Program are established through a budget each fiscal year. The establishment of new additional positions can only be recommended by the appointing authority, who may consider need and fund availability, and such other considerations as the appointing authority deems appropriate. New or additional positions shall be approved by the BOCC. Employees to fill approved new positions (positions not currently established in the Classification Plan) shall be appointed only after the position has been evaluated, classified, and assigned to a pay grade.

##### 2.03 Types of Appointments

- A. Regular - Employees who work full or part-time on a continuous basis.
- B. Full Time - Employees are scheduled to work 40 or more hours per work week, including 56-hour employees.
- C. Student or Intern - Appointments which have the purpose of affording students of public administration and other professional areas an opportunity to gain actual work experience. Such appointments are for a definite period of time and require the approval of the County Administrator.
- D. Emergency - To prevent stoppage of public business or loss or serious inconvenience to the public, appointment of employees on a temporary basis may be authorized by the County Administrator up to 180 days unless extended by the County Administrator.
- E. Part-time - Employees who work less than 40 hours per week on a continuous basis throughout the year.

- F. Temporary - Positions (whether part-time, full-time, hourly, or contractual) anticipated to be of comparatively short or definitely limited duration up to 180 days per calendar year unless extended by the County Administrator, for special projects, grants, or programs. The employment status of temporary employees will not be changed due to an extension of employment in excess of that originally planned.
- G. Trainee - Employees who do not meet the minimum qualifications of the position, and who work full or part-time on a continuous basis. The length of training is at the discretion of the Department Director, submitted in writing with approval of the County Administrator.

#### 2.04 Re-Hires

All rehired employees are considered new employees, including without limitation, for purposes of all required background checks, screenings, and testing, and for all benefit purposes such as insurance, paid time off, salary increases, if any, and other benefits.

#### 2.05 Hours of Work

- A. The County Administrator in conjunction with Department Directors, shall establish the hours of work, which as far as possible shall be uniform within occupational groups, shall be determined in accordance with the needs of the County, and shall take into account the needs of the public served by the department.
- B. Lunch periods are scheduled at the discretion of the Department Director within the guidelines as established by the County Administrator. When a department's program is such that the office is open for public service more than 40 hours per week, the Department Director shall schedule the work as necessary to provide full service but should limit the work week of each employee to 40 hours or to a special category established work period.
- C. Flexible work hours may be available upon approval of the Department Director provided that it does not interfere with the provision of services to the public. Offices are to be open to the public from 8:00 a.m. to 5:00 p.m. Department Directors are responsible for ensuring adequate staff coverage to maintain customer service levels during these core hours. Examples of schedules for employees who work 40-hour work week may include 7:30 - 4:30; 8:00 - 5:00; 8:30 - 5:30 or 9:00 - 6:00. Some departmental functions may be suited to (4) 10-hour shifts per week. Flexible work hours may be appropriate when departmental operations and workload can accommodate the schedule provided each separate work period is structured below Fair Labor Standards Act (FLSA) overtime levels. An employee who has been approved to work a flexible work schedule may not alter their schedule without prior approval of the Department Director. Flexible work hours are not to be construed as permission to change a work schedule on a daily basis to meet the employee's personal needs. During weeks containing one or more holidays, daily hours of work will revert to standard 8-hour days.
- D. At an individual Department Director's discretion, County employees may be permitted to utilize 2 paid 15-minute breaks, one in the morning and the other in the afternoon. This benefit is intended to give employees the opportunity to take a "time-out" from work duties whenever workload permits and rejuvenate themselves for the remainder of the day.
- E. The County treats certain employees as being "salaried-exempt," meaning, among other things that they are executive, administrative, or professional employees paid on a "salary basis" who

are exempt from the minimum-wage, overtime, and timekeeping requirements of the federal FLSA. This policy describes certain salary deductions which are permitted.

### **Permissible Deductions**

In the following circumstances, a salaried-exempt employee's salary may be reduced:

- a. Proportional deductions may be made for whole-day absences due to personal reasons other than sickness or disability. For example, if an employee is absent for 2 whole days to handle personal affairs, the salary may be reduced for 2 whole-day absences.
- b. Proportional deductions may be made for whole-day absences due to sickness or disability when the employee has not yet qualified for benefits under the sick/disability plan and when the employee has exhausted such benefits.
- c. The County may offset against the employee's salary any amounts received by the employee as jury fees, witness fees, or military pay for the workweek.
- d. Salary deductions may be made for penalties imposed in good faith for infractions of safety rules of major significance.
- e. Salary deductions may be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules.
- f. The County may pay a proportionate part of the employee's full salary for the time actually worked in the first week of employment or the last week of employment.
- g. When a salaried-exempt employee takes unpaid leave under the Family and Medical Leave Act (FMLA), the County may pay a proportionate part of the salary for the time actually worked in the workweek.
- h. The County may make deductions from pay due to a budget-required furlough. During any such workweek in which a deduction is made, such employee shall be treated as a non-exempt salaried employee.

### **Complaint Procedure**

If a salaried-exempt employee experiences a salary reduction and believes that it violates this policy, the employee is expected to report this promptly to the Director of Human Resources. The employee will not be penalized in any way for making such a complaint. It is the County's policy to promptly reimburse the employee for any such improper salary reduction.

This policy is intended solely to implement FLSA regulatory requirements and is not to be considered any type of contract.

#### [2.06 Overtime, Compensatory, and Discretionary Time](#)

- A. In any department, overtime shall be authorized or directed for overtime eligible employees when it is in the best interest of the County and is the practical and economical way of meeting workloads or deadlines. All overtime shall be authorized in advance in writing by the County

Administrator. Where prior notice is impossible, immediate ratification by the County Administrator will be sought.

- B. Employees shall be required to work overtime when requested unless excused by supervisors.
- C. Employees working in those classifications shown in the Salary Plan as overtime eligible classifications, shall be paid overtime at the rate of time and one-half for all time worked in excess of 40 hours actually worked in that work week and for all hours worked on a day that is not part of their normally scheduled workweek. Department Directors may grant an employee's request to change their shift schedule. A change in schedule at the employee's request will not result in overtime unless it is provided for under the FLSA.

Department Directors and other FLSA exempt employees do not receive overtime pay for any hours worked in excess of their regular schedule. However, the Department Director may grant discretionary time off. No payment will be made for any unused discretionary time at the time of separation.

- D. When a non-exempt employee is required by proper authority to work beyond his/her normally scheduled hours in a workweek, the employee may be granted compensatory time off at the rate of time and a half for each overtime hour worked. All compensatory overtime must be authorized by the County Administrator, in advance, and should be credited to the employee as soon as practical following the overtime worked. Compensatory hours will be available for use the pay period after they have been earned.
- E. A record of earned compensatory time shall be maintained by the Department Director. Each Department Director shall make every effort to have employees use their earned compensatory time within 30 days in which it is earned.
- F. Payment shall be made for unused compensatory time at the time of separation from the County based on the employee's regular rate at time of termination or the employee's average regular rate for the last three years of employment (whichever is greater).
- G. Compensatory time off may be granted in lieu of overtime cash payments (by written agreement between the employee and supervisor). Compensatory time off will be computed in the same manner as financial compensation would otherwise have been computed. Such accumulation of compensatory time cannot exceed more than 40 hours and should be used within the 30 days in which it was earned. If accumulated compensatory time is not used within the fiscal year, the employee will be paid for any unused compensatory time within 30 days following end of the fiscal year or upon separation.

The final decision in each instance to use compensatory time off shall be at the discretion of the employer and consistent with the operating needs of the County. If compensatory time is to be taken, it shall be at a time convenient to the employee and employer, who will request such time off at least five workdays in advance. A department supervisor may grant an employee's request for compensatory time off with less notice at his/her discretion. Compensatory time off shall be taken under this article as provided by the FLSA if such continues to be applicable to local government employees.

- H. During a locally declared state of emergency when County operations are closed to the public and only critically necessary operations are in effect, at the discretion of the County Administrator:

- a. Non-exempt employees will receive straight time for the employee's regularly scheduled hours during the time of the emergency whether the employee worked or not unless employee was out on previously scheduled leave time in which case the leave time will remain in use. Employees will also receive time and one half for all hours working during the emergency. Employees will not receive any shift differential pay items on the days of the emergency whether the employee worked or not. Employees required to remain at the Emergency Operations Center (EOC) will be paid straight time for their normal work schedule and time and one half for all hours spent sequestered at the EOC whether working or not.
- b. Salaried employees exempt from the FLSA except the County Administrator and the County Attorney will receive straight time for the employee's regularly scheduled hours during the time of the emergency whether the employee worked or not unless employee was out on previously scheduled leave time in which case the leave time will remain in use. Employees required to remain at the EOC will be paid straight time for their normal work schedule and additional straight time for all hours spent sequestered at the EOC whether working or not.
- c. The County Administrator and the County Attorney will receive discretionary time.

Employees released from duty during a locally declared state of emergency, will receive straight time for their normal work schedule; this does not apply to employees who take leave prior to a locally declared emergency. Employees who take leave prior to a locally declared emergency will be charged their leave time.

Employees whose shift ended prior to the declaration of the emergency or who have been released to return home are on-call and must remain within a pre-determined radius, remain fit for duty, and may be subject to discipline for failure to respond.

- I. When an employee's services are needed for an emergency event in another jurisdiction, at the discretion of the County Administrator:
  - a. Non-exempt employees will receive straight time for the employee's regularly scheduled hours during the time of the emergency whether the employee worked or not. Employees will also receive time and one half for all hours worked beyond their normal work schedule during the emergency. Employees will not receive any shift differential pay items on the days of the emergency whether the employee worked or not.
  - b. Salaried employees exempt from the FLSA except the County Administrator and the County Attorney will receive straight time for the employee's regularly scheduled hours during the time of the emergency. Employees will also receive straight time for all hours worked beyond their normal work schedule during the emergency.
- J. When locally declared emergencies require extensive post-storm recovery after the County operations have reopened, exempt, salaried employees required to work consistently beyond the employee's normal work schedule, may be paid straight time for hours beyond their normal work schedule at the discretion of the County Administrator.

All employees are expected to report for duty at the scheduled time and each Department Director shall be responsible for the punctual attendance of all persons in the department. If an employee is unable to work for any reason, he/she must notify the department as indicated by departmental policy. Insufficient notice shall constitute leave without pay and is cause for disciplinary action.

When absence is due to illness, the County may require appropriate medical documentation.

Excessive absenteeism or lateness is sufficient cause for disciplinary action, up to and including termination from employment. Other continuing patterns of absences, early departures, tardiness, regardless of the exact number of days, may warrant disciplinary action.

Although an employee may be terminated at any time for failing to report to work without contacting the County, if an employee fails to report for work or call in for 3 consecutive calendar days, such action constitutes the abandonment of a position and shall be considered a resignation.

#### 2.08 Employee Training

Within its discretion and as it sees fit, the County may establish and develop various educational and training programs for County employees. Generally, the purpose of any such program is to provide general, educational job-related training, mandatory certification training to increase the operational efficiency of such employees, or to assist employees in preparing themselves for positions of increasing difficulty and responsibility. Attendance at any training program, does not guarantee advancement.

Generally, when the County requires or permits a non-exempt employee to attend training during the employee's regular work hours, the time is compensable time. Therefore, non-exempt employee training time is typically paid unless all four of the following criteria are met: (a) attendance is outside of the employee's regular working hours; (b) attendance is, in fact, voluntary; (c) the course, lecture, or meeting is not directly related to the employee's job; and (d) the employee does not perform any productive work during such attendance. Records of satisfactory training completion shall be placed in the employee's personnel file.

The Department Director may select an employee to receive on the job training for a higher-level position for a period of not to exceed 10 working days. The intent of this training is to afford the employee the opportunity to acquire new knowledge and skills. As a result of the training, the employee may then be more effective on the job and may qualify for jobs at a higher level. However, employee advancement is not guaranteed.

#### 2.09 Remote Work (Telecommuting)

Martin County considers remote work to be an alternative work arrangement in cases where individual job and supervisory characteristics are best suited to such an arrangement. Remote Work allows an employee to work at home, on the road, or in a satellite location for all or part of their regular workweek. Remote work should be a mutually agreed upon arrangement, when possible. The County may, in some circumstances, require remote work as a condition of employment. It is not an entitlement; it is not a County-wide benefit.

- A. All remote work arrangements shall be made on a case-by-case basis, provided that the County is able to maintain the same level of service to the public. Any remote work schedules must be recommended by the Department Director and approved by the County Administrator.

- B. All remote work arrangements are granted on a temporary and revocable basis and may be discontinued by the County at any time and for any reason. In addition, an employee may discontinue participation in remote work at any time (except in those circumstances noted earlier where remote work is required of the position).
- C. Martin County will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs for each remote work arrangement on a case-by-case basis. The Human Resources Department and Information Technology Services Department will serve as resources. Equipment supplied by the County will be maintained by the County. Equipment supplied by the employee, if deemed appropriate by the County, will be maintained by the employee. The County reserves the right to make determinations regarding appropriate equipment, subject to change at any time. Equipment supplied by the County is to be used for County business only. The remote work shall sign an inventory of all County property and agrees to protect the items from damage or theft. All County property will be returned to the County upon termination of the remote work arrangement, or at any other time at the request of the County. Employees are personally liable for missing or damaged equipment.
- D. Consistent with the County's expectations of information asset security for employees working at the office, remote work employees will be expected to ensure the protection of proprietary County information accessible from their home office. Requirements include, but are not limited to, use of locked file cabinets, disk boxes and desks, regular password maintenance, virus protection software and any other steps appropriate for the job and the environment. All records and documents regardless of physical form or characteristics created during the course of performing County business are considered Public Records. Unless specifically exempt by Statute (e.g., Social Security Numbers), such records must be maintained in an accessible format and must be made available for inspection upon request.
- E. The employee will establish an appropriate work environment within their home for work purposes. The County will not be responsible for costs associated with initial setup of the employee's home office such as remodeling, furniture, or lighting, or for repairs or modifications to the home office space, or for operating costs, home maintenance, or any other incidental costs associated with the use of the employee's residence. Employees will be offered appropriate assistance in setting up a workstation designed for safe, comfortable work.
- F. Injuries sustained by the employee while at their alternate worksite and in conjunction with their regular work duties are normally covered by the County's workers' compensation policy. The County assumes no liability for injuries occurring in the employee's home workspace outside of work hours. Remote work employees are responsible for notifying the employer of such injuries in accordance with the County workers' compensation procedures. The employee is liable for any injuries or damages sustained by third parties or family members at their work site. The employee agrees to hold the County harmless for injury and damages to others at the alternate work site.
- G. The County will supply the employee with appropriate office supplies (pens, paper, etc.) for successful completion of job responsibilities. The County will also reimburse the employee for all other business-related expenses such as phone calls, shipping costs, etc. that are reasonably incurred in accordance with job responsibilities.
- H. The employee and supervisor will agree on the number of days of remote work allowed each week, the work schedule the employee will maintain, and the manner and frequency of

communication. Unless otherwise agreed upon, the employee is to be accessible by phone or pager to his/her supervisor and customers during work hours. Employees must be on site as necessary to attend meetings, training sessions, or similar events or occurrences. Employees who are unable to work due to illness must use PTO or sick leave (if applicable) and must report their absence to their supervisor. Employees who wish to be relieved of responsibility for work on a particular day must use PTO and follow the requirements of the PTO policy. The employee agrees to allow the County access to the work environment to assess safety and security, upon reasonable notice.

- I. The employee's pay and benefits remain the same as if the employee were working at his/her county office. If the employee works less than the employee's normal workweek, salary and benefits may be adjusted accordingly. Remote work employees who are not exempt from the overtime requirements of the FLSA will be required to record all hours worked in a manner designated by the County. Hours worked in excess of those specified per day and per workweek, will require the advance approval of the supervisor. Failure to comply with this requirement can result in the immediate termination of the remote work agreement and/or appropriate disciplinary action.
- J. Remote work is not a substitute for childcare responsibilities. The employee must have childcare arrangements during all work hours.
- K. The employee and supervisor should discuss how and when job performance will be monitored. Supervisors are expected to monitor job performance and the related degree of success of the remote work arrangement. A revision of the employee's performance plan, with a focus on outcomes and objectives, may be advisable. The employee remains subject to all policies and procedures while remote work.
- L. Employees entering into a remote work agreement may be required to forfeit use of a personal office or workstation in favor of a shared arrangement to maximize County office space needs.
- M. The nature of the job, in terms of work performed and services provided, is the initial consideration in determining whether remote work is a possibility. The following factors, related to the nature and function of the job, should be present:
  - a. Remote work employment arrangements must be in the best business interests of the County.
  - b. Customer service, including business hours, must be satisfactorily maintained.
  - c. The position's duties and responsibilities must be inherently appropriate for or able to be adapted to remote work. The nature of some County jobs are quite appropriate for remote work, such as jobs in which the duties can be performed at a remote work location, jobs which involve autonomous and independent tasks, or jobs which involve a high frequency of field work. On the other hand, some County jobs clearly do not lend themselves to remote work, such as jobs which require a daily physical presence at the standard County worksite.
- N. All employees entering into a remote work agreement are required to sign the Remote Work Guidelines acknowledgement of receipt.

#### 2.10 Lactation Break

The County will provide a reasonable amount of break time to accommodate an employee's need to express breast milk for the employee's infant child for up to one year after the birth of the child. The break time should, if possible, be taken concurrently with other break periods already provided. Non-exempt employees should clock out for any time taken that does not run concurrently with normally scheduled rest periods, and such time generally will be unpaid. The County will also make access to a refrigerator available for the storage of breast milk and will ensure that the break room is both private and has access to an electrical outlet.

Employees should notify their immediate supervisor or the Director of Human Resources to request time to express breast milk under this policy. The County does, however, reserve the right to deny an employee's request for a lactation break if the additional break time will seriously disrupt operations.

#### 2.11 Background Screening

To ensure that employees of the County continue to be qualified and continue to have a strong potential to be productive and successful, to further ensure that the County maintains a safe and productive work environment free of any form of violence, harassment, or misconduct, and to determine eligibility for promotion, re-assignment or retention, the County reserves the right to conduct background screening on all of its employees. Background screening is a sound business practice that benefits everyone; it is not a reflection on any particular employee. All employees must report any arrests or changes to their criminal background to the Director of Human Resources within 24 hours of the occurrence so that the County can determine whether the employee's status should change. Failure to do so may result in termination of employment.

Should you have any questions regarding the County's background screening policy, please contact the Director of Human Resources.

#### 2.12 Time Clock and Timecards

Non-exempt (Hourly) employees are required to clock-in up to 7 minutes prior to their start time. No employee shall clock-in before that or begin work prior to 7 minutes unless approved by their supervisor. Employees who clock-in over 7 minutes late, will be docked a 1/4 hour (15 minutes) and may be subject to discipline as set forth in the disciplinary code or respective collective bargaining agreement.

Employees that are not required to clock-out and clock-in for their lunch time, the time will be automatically deducted in the timekeeping system when their timecard is generated each pay period. Employees should keep track of the time for their lunch breaks, nonetheless. Employees that have their lunch periods automatically deducted will be required to verify and attest that the time deductions are accurate at the end of each day worked.

Hourly employees will have up to 7 minutes before their scheduled end time to clock-out. Employees who clock-out beyond 7 minutes after their scheduled shift must have pre-approval from their supervisor.

Exempt employees will be required to verify and approve their timecard at the end of each pay period. At the discretion of the Department Director, exempt employees may be required to clock-in each day.

All time off should be recorded daily and properly reflected on the timecard for each pay period. Each employee should carefully review all entries made before submitting it to the supervisor for approval. The

supervisor should carefully review all entries, ascertaining that they represent an actual statement of hours worked prior to approving.

Employees who do not clock-in or clock-out are required to correct any errors on their timecard before submitting for final approval.

Employees who fail to clock-in or clock-out may be subject to discipline as set forth in the County's discipline code or respective collective bargaining agreement.

### Section 3 – Compensation Plan

#### 3.01 - Purpose

The Compensation Plan is directly related to the Classification Plan and provides the basis of compensation for employees of the County. The Compensation Plan is designed to support the following objectives:

- A. Correlates pay to the duties and responsibilities of the position.
- B. Provides competitive pay in a relative labor market.
- C. Attract and retain competent personnel.
- D. Is consistent with the economic conditions of the area.
- E. Meets financial policies of the County.

#### 3.02 Content

- A. The Compensation Plan includes the basic Salary Schedule as adopted.
- B. The Salary Schedule establishes pay grades with corresponding pay ranges. Jobs within the Classification Plan are positioned into the established pay grades.

#### 3.03 Adoption and Amendment

After study, analysis, and consultation, the County Administrator shall prepare the Compensation Plan for the various classifications of work. Amendments to the Plan may be considered when changes of responsibilities of work or classifications, availability of labor, prevailing rates of pay, the County's financial condition and policies, or other pertinent economic considerations warrant such action as determined in the sole discretion of the County.

#### 3.04 Appointment and Starting Rates

- A. The minimum of the pay grade established for a position is considered the normal level for new or re-hired employees.
- B. A qualified new-hire or re-hired employee may be employed at a rate which exceeds the minimum of the pay grade provided that justification is provided and requested in writing by the Department Director and approved in writing by the County Administrator or his/her designee.

#### 3.05 Promotion

An employee is promoted when assigned or appointed to a classification in a higher pay grade. Upon promotion, the employee shall receive an increase to the minimum of the pay grade into which he/she is being promoted or an increase of five percent whichever is greater. When the employee is promoted to a classification which is two pay grades or greater than the employee's prior pay grade, the employee shall receive an increase to the minimum of the pay grade or a 10 percent increase over his/her current rate of pay, whichever is greater. An increase greater than provided above may be approved in writing by the County Administrator, not to exceed the maximum of the pay grade. If an employee is at or above the maximum of the new pay grade, he/she will receive a one-time lump sum for the eligible increase stated above at the time of promotion.

### 3.06 Reclassification

The County Administrator may reclassify a position to an appropriate classification and pay grade when it is determined that the duties and responsibilities of a position have materially changed or as part of a reorganization. When an employee's position is reclassified, the employee shall be placed in the new classification, unless the employee does not meet the minimum qualifications of the new classification. When the employee is placed in a classification in a higher pay grade as a result of a reclassification, the employee will remain at the current rate of pay or, if the employee's current rate of pay is below the minimum for the pay grade, will be adjusted to the minimum of the new pay grade. If an employee's current rate of pay is above the maximum of the new pay grade, the County Administrator may authorize an employee to remain at their current rate of pay. Absent such authorization, reclassification to a lower pay grade shall result in reduction of pay to the maximum of the new pay grade or a five percent decrease in the rate of pay, whichever is less, or unless specified otherwise by the County Administrator and/or its designee.

In certain circumstances, an employee who is reclassified may receive a pay rate higher than the minimum of the pay grade or a five percent increase, provided that it is approved in writing by the County Administrator.

### 3.07 Pay Grade Adjustment

When the County Administrator determines that the range of a pay grade is no longer competitive or appropriate in the labor market, or when a change is required to maintain the internal equity of the Classification Plan, he/she may authorize moving a classification to a higher or lower pay grade. An employee's pay shall be adjusted according to the reclassification provisions in [Section 3.06, Reclassification.](#)

### 3.08 Demotion

#### A. The effect of demotion on pay shall be as follows:

- a. An involuntary or voluntary demotion is the assignment of an employee from one classification to another classification in a lower pay grade. An employee may be demoted at the discretion of the County Administrator. Demotion shall not result in a pay increase.
- b. Upon demotion of one pay grade lower, the employee's rate of pay will be reduced by 5%, or to the maximum of the new salary grade, whichever is lower. Upon demotion of 2 pay grades lower or more, the employee's rate of pay will be reduced by 10%, or to the maximum of the new salary grade, whichever is lower. A decrease lower than provided above may be approved by the County Administrator, not to fall below the minimum of the pay grade.

Employees demoted will receive a decrease to their base salary upon demotion and shall not have a salary above the maximum of their new pay grade. At the discretion of the County Administrator and/or its designee, the employee getting demoted may be kept at his/her current rate of pay.

#### 3.09 Transfers

An employee may be transferred from a classification to a different classification in the same pay grade with the same or similar job duties in the same department or another department at the discretion of the County. Transfers do not result in a change in the rate of pay or classification date.

#### 3.10 Trainee

- A. In the event an applicant for any position does not meet the minimum qualifications, but is otherwise qualified for the position, the County Administrator may authorize appointment as a "trainee." In such cases, the employee shall be hired at a rate of up to 10% below the minimum salary, until the minimum qualifications have been satisfied.
- B. This category is used to train people on-the-job who have the potential to do the work but lack some of the skills or experience needed.
- C. A Cost-of-Living Increase (COLA), or any other increase during a trainee status classification, will be carried over to the trainee's new salary at the time of increase. The trainee will still receive the increase as agreed upon completion of the minimum qualifications for the position.
- D. Employees that are "trainees" will be trainees for a period of time as outlined in the employment offer/promotion letter or any other form as approved by Human Resources. If an employee is not able to obtain the requirements for the position during the trainee period as outlined, they may be demoted, transferred, or terminated upon authorization of the County Administrator and/or its designee.

#### 3.11 On-Call Time

In order to provide coverage for services during off-duty hours, it may be necessary to assign and schedule certain employees to be on-call. An on-call assignment is made by a Department Director who requires an employee to be available for work during off-duty time which may include nights, weekends, or holidays.

On-call time is defined as the time period when an employee is required and designated to remain available for duty during non-scheduled work hours; but is permitted to engage in most personal activities as long as he or she responds to calls promptly, efficiently, and safely.

The department shall seek volunteers whenever possible consistent with equitable distribution of on-call time within a work area, classification, shift, and consistent with skills and abilities. In the event volunteers are not available, qualified employees shall be required to take the assignment in order to maintain service levels.

In the event an employee who is officially on-call fails to respond to a call to work or reports unfit for duty he/she shall be subject to disciplinary action.

When called to work while officially designated as being on-call, the employee shall be paid for the actual time worked in accordance with FLSA.

When the County requires a non-exempt employee to be on-call, the employee shall be compensated at the established on-call rate, whether or not the employee is actually required to report to work. Regarding this on-call rate, no employee will receive more than the established on-call rate during any consecutive 24-hour period.

Exempt employees, as defined under the FLSA, are expected to work whatever hours are necessary to complete assignments and successfully execute the duties and responsibilities of the position and are not eligible for on-call pay.

#### 3.12 Acting Appointments and Temporary Assignments

An employee assigned or appointed to work in a higher classification for more than 10 consecutive calendar days or such shorter period as determined by the County Administrator, will receive 5% for one pay grade, 10% for 2 pay grades or the minimum rate of pay for the higher classification, whichever is greater. This provision restarts each time there is a break in service when working in a higher capacity and requires the employee to work an additional 10 consecutive calendar days before earning acting pay. The assignment shall be effective on the 11<sup>th</sup> day or at such earlier date as the County Administrator designates. Employees will only receive acting pay for actual hours worked and not while on PTO or any other leave of absence.

#### 3.13 Career Incentive Pay

The following shall apply to employees hired prior to October 13, 2009. Employees hired on or after October 13, 2009, are not eligible for Career Incentive Pay.

Regular full-time and part-time employees hired prior to October 1, 1998, shall be eligible for a 5% increase in their base rate of pay at the completion of 10 years of continuous employment with the County. Upon completion of 20 years of continuous service, employees will be eligible to receive an additional 5% increase in their base rate of pay. Career incentive adjustments will not exceed the maximum of the pay range; the amount more than the maximum of the pay range will be given in a one-time lump sum payment. The effective date of such increases will be at the beginning of the next pay period following the anniversary (date of hire).

All regular full and part-time employees hired on or after October 1, 1998, will be eligible for a lump sum payment equal to 5% of their base rate of pay at the completion of 10 years of continuous employment within the County. Upon completion of 20 years of continuous service, employees will be eligible for an additional lump sum payment equal to five percent of their base rate of pay. All such payments will not be added to an employee's base rate of pay. The effective date of the lump sum career incentive payment will be at the beginning of the next pay period following the employee's anniversary (date of hire).

Upon completion of 30 years of continuous service, all regular full and part-time employees (those hired before and after October 1, 1998) will be eligible for a lump sum payment equal to 5% of their base rate of pay. All such payments will not be added to an employee's base rate of pay. The effective date of the lump sum career incentive payment will be at the beginning of the pay period following the employee's anniversary (date of hire).

#### Section 4 – Classification Plan

#### 4.01 Purpose

The County Administrator shall maintain a Classification Plan that assures employees' job responsibilities are appropriately classified and then ranked in relation to other classifications of employees; and that the pay grade assigned to each classification is sufficiently competitive, within the County's relevant labor market, to allow for the recruitment, selection, and retention of competent employees.

#### 4.02 Uses

The Classification Plan shall be used to:

- A. Determine qualifications and prepare job announcements.
- B. Standardize pay for the various classifications of work.
- C. Establish lines of promotion and career ladders.
- D. Assist in developing employee training programs.
- E. Provide uniform job terminology which is easily understood by employees.

#### 4.03 Content

The Classification Plan consists of:

- A. A grouping of positions into paygrades based on approximately equal difficulty and responsibility, which require the same general qualifications, and which can be equitably compensated.
- B. A Classification Title, indicative of the work of the classification, which shall be used on all personnel, accounting, budget, and related official records.
- C. Job descriptions containing the nature of work, relative responsibilities and illustrative duties, and essential duties of the job pursuant to the Americans with Disabilities Act (ADA).

#### 4.04 Reclassification

The Human Resources Department shall be responsible for assisting with determining the appropriate pay grade for a reclassified position consistent with maintaining the Classification Plan and labor and market conditions.

#### 4.05 Reorganization

At times it may be necessary in the interests of maintaining efficient County operations to reorganize County departments. Such reorganizations may require the assignment of County staff to positions that may be in a salary grade that is higher, lower, or equal to their current position in the County's Classification Plan. Assignments to positions pursuant to a reorganization may be made with or without salary adjustments and require the approval of the County Administrator.

### Section 5 – Holidays

#### 5.01 Purpose and Intent

It is the Policy of the BOCC to recognize, encourage and support the multicultural diversity in our workforce, recognize the pluralism of American culture and allow employees to choose the day they would refrain from working based upon their individual background and beliefs.

Therefore, employees will celebrate 10 holidays per calendar year and eligible employees may choose 2 diversity days on any day of the calendar year. The diversity days will provide eligible employees an opportunity to determine which days they wish to observe based upon their individual background and beliefs. Diversity days must be taken as a full day and when available in the employee's leave bank. The amount of time and pay granted for a diversity day is based upon the regular schedule of the employee's position. Employees who have completed 6 months of consecutive employment are eligible for 2 diversity days. The Department Director is responsible for ensuring adequate staffing and that the diversity days are scheduled during the calendar year in which it is earned. The diversity days are a day off with pay and cannot be carried into the following calendar year or paid out upon separation. Eligible employees are required to submit requests for their selected diversity days at least 2 weeks prior to the date of the requested day. The following holidays are observed by all employees:

### **Days Observed**

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

A. Holidays shall be granted with pay to all eligible employees regularly scheduled to work such days, provided that an employee may be required to work on a holiday if necessary to maintain service levels to the public.

B. When a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be designated a substitute holiday and observed as the official holiday.

C. The County Administrator shall determine when any department or operation shall be closed in observance of a holiday.

#### 5.02 Eligible for Holiday Pay

A. All employees shall receive 1 day off with pay for each of the holidays earned. All holidays earned must be taken as time off or paid in the same period as earned.

B. Part-time employees who work 20 hours or more shall be paid for holidays on a pro-rata basis.

C. An employee must be on active pay status or approved paid leave on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday to qualify for the holiday time.

D. Compensatory time off may be granted in lieu of holiday time cash payments (by written agreement between the employee and supervisor). Compensatory time off will be computed in the same manner as financial compensation would otherwise be computed. Such accumulation

of compensatory time cannot exceed more than 40 hours and should be used within the 30 days in which it was earned. If accumulated compensatory time is not used within the fiscal year, the employee will be paid for any unused compensatory time within 30 days following the end of the fiscal year or upon separation as required by the FLSA. The final decision in each instance to use compensatory time off shall be at the discretion of the employer. If compensatory time is to be taken, it shall be at a time convenient to the employee, who will request such time off at least five workdays in advance, or less at the discretion of the supervisor, and consistent with the operating needs of the County. Compensatory time off shall be taken under this article, as provided by the FLSA, if such continues to be applicable to local government employees.

#### 5.03 Holiday on Scheduled Workday

- A. Overtime eligible employees who are regularly scheduled to work on the observed holiday, to maintain essential services to the public, shall be paid time and a half for all hours worked on the holiday, in addition to the regular pay granted for the holiday, or shall be given compensatory time off, at the discretion of the County Administrator.
- B. An employee who is scheduled to work on the day observed as a holiday and reports sick, shall not be charged with sick leave time or PTO for that day, but will be treated as though the employee was on paid holiday.

#### 5.04 Holiday on Leave Day

- A. When a holiday falls on any employee's regularly scheduled workday during the employee's PTO period, that day shall not be charged as a leave day.
- B. When a holiday falls within a period of leave of absence without pay, the employee shall not be paid for the holiday.
- C. Where employees are scheduled to work shifts and a holiday falls on their normal day off, they will be allowed an extra day's pay in lieu of the holiday.

#### 5.05 Unscheduled County Holidays

If the BOCC declares a particular day as a day of unscheduled holiday for County employees, the following pay provisions will apply:

- A. Hourly employees who are required to work shall be paid time and a half for all hours worked in addition to their regular pay for the day.
- B. Employees who are already on scheduled PTO or sick leave shall be treated as though they were on a paid holiday.
- C. Exempt level employees who are required to work on the unscheduled holiday shall be given an additional day off with pay to be used at a later date.

### Section 6 – Paid Time Off

#### 6.01 Purpose

Paid Time Off (PTO) is defined as the entitlement to pay for time away from work based on the eligibility and accrual schedule in [Section 6.02](#).

6.02 Eligibility and Rate of Accrual

A. Each regular full-time employee shall earn PTO leave with pay on the following basis. For employees hired prior to January 1, 2010:

<b>Years of Service</b>	<b>Hours Accrued Per Eligible Pay Period</b>
Employees in their 1st year of service	6.46
2	6.77
3	7.08
4	7.39
5	7.39
6	7.69
7	8.00
8	8.00
9	8.31
<b>Years of Service</b>	<b>Hours Accrued Per Eligible Pay Period</b>
10	8.31
11	8.62
12	8.62
13	8.92
14	8.92
15	9.23
16	9.23
17	9.54
18	9.54
19+	9.85

As an example, at the end of the first completed year of service, a full-time employee may accrue a maximum of 168 hours (6.46 x 26 pay periods = 168 hours). After the first completed year of service, such employee will then accrue at a rate of 6.77 hours per eligible pay period during the next year.

Each regular full-time employee hired on or after January 1, 2010, shall earn PTO leave, with pay, on the following basis:

Years Of Service	Hours Accrued Per Eligible Pay Period
1 – 5	6.20
6 – 10	6.83
11 – 15	7.85
16+	9.23

- B. PTO is computed from the latest date of hire of the employee.
- C. Part-time employees (who work 20 hours or more per week) accrue PTO on a prorated basis (based on a 40 hour a week schedule). For example, an employee regularly scheduled to work 30 hours per week with 4 years of service will accrue 75% of 7.39 hours per eligible bi-weekly pay period, a total of 5.54 hours per eligible bi-weekly pay period.
- D. To accrue the designated amount of PTO leave on a bi-weekly basis, an employee must be paid for at least 80 % of scheduled working days within the bi-weekly pay period.
- E. Employees hired prior to July 1, 2008, will be permitted to accrue 600 hours maximum. No hours shall accrue above 600 hours.
- F. Employees hired on or after July 1, 2008, will be permitted to accrue 400 hours maximum. No hours shall accrue above 400 hours.
- G. For those employees who still have sick bank credits, when he or she calls in sick or has an extended sick leave, he or she will be encouraged to use time from their sick leave bank first.
- H. An employee may carry over PTO hours from one year to the next year, not to exceed the maximum accrual.
- I. When an employee is on active-duty military leave for a period of more than 30 calendar days, the employee will be eligible to accrue PTO, based on their current rate of accrual, up to a maximum of 80 hours every two 2 calendar years.

#### 6.03 Charging Leave

- A. PTO shall be charged at a minimum of 15-minute increments.
- B. Holidays which occur during the period selected by the employee for PTO shall not be charged against PTO.

- C. For purposes of determining overtime payments, authorized PTO hours shall not be counted as time worked.
- D. To ensure compliance with the FLSA, an exempt employee must always receive pay in full day increments. If PTO is depleted, the salary of an exempt employee is to be adjusted only in full day increments as permitted by the FLSA.

6.04 Request for Leave

- A. Request to use PTO shall be made in advance, in accordance with department rules, and in writing, whenever possible.

6.05 Use

- A. Your PTO accruals will be available for use, the first pay period after the completion of 90 days of employment.
- B. PTO leave may be used only as accrued and when available in the employee's leave bank.

6.06 Payment for Unused PTO

- A. Employees separating from County employment shall receive any PTO credit accrued and unused as of the date of separation at their current rate of pay up to a maximum of 400 hours. Employees separating from County employment shall receive payment for any PTO credit accrued and unused as of the date of separation at their current rate of pay up to a maximum of 400 hours. For employees entering DROP, the 400 hours may be taken as a lump sum payment upon entering DROP; at the completion of DROP and separation of employment; or in any combination thereof but shall not exceed the maximum allowable total of 400 hours. DROP participants are eligible to use accrued PTO. In addition, DROP participants are eligible to use accrued PTO and may also choose to be compensated annually for PTO in accordance with Human Resources Manual [Section 6.06.](#)
- B. Employees transferred into a new department and/or classification will retain their PTO credits.
- C. Employees who transfer, with a break in service of not more than 1 calendar month or 30 days from the BOCC, Property Appraiser, Tax Collector, Supervisor of Elections, Sheriff's Office, and Clerk of Courts may receive credit for years of service (longevity) for use in accruing future PTO. PTO is not transferable from the employee's prior agency. To be considered for this benefit, an employee shall submit a written request to the Human Resources Department or corresponding office and attach all documentation from the previous agency. Confirmation of the information will be requested by the receiving agency. The time will not be authorized until such confirmation is received. The employee shall be informed of the decision within 7 working days or whenever possible.
- D. Employees may choose to be compensated up to an amount not to exceed \$3,000 gross per fiscal year for accrued PTO taken in 1-hour increments at their current hourly rate. Employees must maintain a minimum balance of 200 hours in their account following any PTO leave payout.

Section 7 – Sick Leave

7.01 Eligibility and Rate of Earnings

- A. Employees who have completed 6 months of service will receive 40 hours of sick leave. Sick Leave will be issued in the first full pay period in January and is available for use the pay period after they have been issued. If an employee elects not to take their sick leave, their sick leave will not be carried over to the following calendar year.
- B. Sick leave is not eligible for any leave cash out policies and has no monetary value.
- C. Employees who start after January 1 and have successfully completed 6 months of service, will be issued sick leave on a prorated basis.
- D. Employees are only entitled to a maximum of 40 sick leave hours per calendar year.

#### 7.02 Charging Leave

- A. Sick leave shall be charged in 1 hour increments up to a maximum amount which is equivalent to one full day's pay at the employees' regular, straight time rate of pay.
- B. Should holidays occur during a paid sick leave, the holidays are not chargeable to sick leave; provided however, that employees who are regularly scheduled to work on holidays and who are sick or disabled and unable to work all or part of the holiday will have the time off charged to sick leave.
- C. Employees are eligible for sick leave if they are sick or disabled and unable to work during any regularly scheduled workday. Employees are not eligible for sick leave benefits while on vacation, suspension, layoff, leaves of absence without pay or any other time the employee is not regularly scheduled to work.
- D. Frequent claiming of benefits under this rule may constitute grounds for the assumption by the Department Director that the physical condition of the employee is below the standard necessary for the proper performance of duties. Evidence of malingering or the abuse of this benefit may constitute grounds for disciplinary action up to and including termination.
- E. For purposes of determining over-time payments, time spent on sick leave shall not be counted as time worked in any given workday.

#### 7.03 Request for Leave

- A. To receive compensation while absent on sick leave, the employee shall notify his/her immediate supervisor (or Department Director if his/her supervisor is unavailable within the time limit established by the department).
- B. The supervisor or Department Director may request a physician's certificate from an employee to verify the illness of any employee on sick leave.
- C. An employee returning from a sick leave of more than 3 days may be required to present a medical statement from his/her physician certifying to his/her ability to return to work without restrictions.
- D. An employee who does not return to work at the end of his/her sick leave may be terminated.
- E. The County may, at its discretion, require that employees submit to physical and mental tests and examinations by a County-appointed Physician and at County's expense, including paid time if

during the employee's normal working hours and mileage reimbursement if travel is outside of Martin County.

#### 7.04 Use of Sick Time

Sick leave may be granted for the following purposes:

- A. Personal injury, pregnancy, illness not connected with work, Workers' Compensation, and reasons granted under the Family Medical Leave Act (FMLA) of 1993.
- B. Medical, dental, optical, or chiropractic examination or treatment.
- C. Exposure to a contagious disease which would endanger others as determined by a physician.
- D. Illness of an employee's spouse or child living in the employee's home, which requires the personal care of the employee. In conformance with the FMLA, an employee may be granted time care for a spouse, child, or parent suffering from a serious health condition and who may be living in or away from the employee's place of residence.

#### 7.05 Change in Employee's Health Status

In order, for the County to provide a safe and healthy workplace, employees shall immediately inform the County of any possible change in physical or mental condition resulting from illness, injury, disability, or pregnancy. If, at any time, the County questions the ability of the employee to perform his/her job in a safe and satisfactory manner, the County may request that the employee submit to the County a statement by a physician of the County's choice that the employee is physically and mentally able to perform all of the duties that the job requires in a manner that does not interfere with the safety or health of the employee or any other person. If the physician does not so certify, then the County may place the employee on a leave of absence in accordance with the Sick Leave or Leave Without Pay Policy.

#### 7.06 Physical Examination

The County reserves the right to schedule employees to have an annual physical examination by a Physician of the County's choice and expense, which may include at the County's sole discretion a psychological examination. The County may request that the employee submit a Physician's statement that the employee is physically and mentally able to perform the duties of that position in a manner that does not interfere with the health, welfare, or safety of the public or co-workers. The County will pay the employee for the time spent getting the examination if during the employee's normal working hours and for mileage when the County's physician is located outside of Martin County.

#### 7.07 Payment of Unused Sick Leave

Employees with 10 or more years of continuous service with the County shall be paid one half of all unused sick leave credit, to a maximum of 480 hours, upon retirement, resignation in good standing, or death.

#### 7.08 Employee Shared Medical Leave Pool Program

The Shared Medical Leave Pool Program ("Leave Pool") is a voluntary program designed to extend benefits to participating employees who experience a medical emergency. A qualifying medical emergency is a medical condition of the employee that will require the prolonged absence from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave-sharing program.

## Participation Levels

This program is open to all regular full or part-time County employees. References to sick leave hereinafter refers to those employees that have banked sick leave hours remaining from County policies existing prior to the adoption of the Paid Time Off ("PTO") program in October 2001.

There are three levels of participation:

- A. **Level 1:** Participants must donate 40 hours (or prorated for part-time regular employees) of accrued PTO and/or sick leave (collectively referred to as "donated leave" or "leave") to the pool to enroll in the program. Employees may receive up to a maximum of 240 hours from the Shared Medical Leave Pool.
- B. **Level 2:** Participants must donate 20 hours (or prorated for part-time regular employees) of accrued PTO and/or sick leave to the pool to enroll in the program. Employees may receive up to a maximum of 120 hours from the Shared Medical Leave Pool.
- C. **Level 3:** An employee who suffers a medical emergency and did not donate any hours to the pool under Level 1 or Level 2 or who exhausted all the leave available in the Leave Pool under Level 1 or 2 above, can request donated leave and may receive up to a maximum of 80 hours per year. Level 3 will be funded by any excess leave over the maximum number of hours credited to County employees under the provisions of [Section 6.06](#) and upon separation from County employment and/or solicitation from other County employees as needed.

All Level 1 and Level 2 participants may be assessed 1 day of PTO each calendar year thereafter if the pool time is significantly depleted (less than 40 % of the donated time).

## Program Guidelines/Eligibility Criteria

- A. Participation in this program is fully voluntary.
- B. Employees shall not pressure, threaten or intimidate other employees to participate in this program.
- C. Employees cannot receive any monetary payment for leave donated or received under this program.
- D. Donated leave is not considered time worked, and therefore, employees do not accrue leave in their PTO account while on donated leave. Donated leave will not be counted as hours worked for any reason, including determination of overtime or eligibility for other leaves including but not limited to FMLA leave.
- E. While on donated leave, an employee is not eligible to work another job.
- F. Donated leave cannot be used if the employee is receiving any other type of compensation such as worker's compensation, disability, social security, etc.
- G. Employees are not eligible to receive donated leave for elective surgeries unrelated to a medical emergency.

- H. Employees who have been disciplined within the previous 12-months for chronic absences from work or abusing leave policies are not eligible to participate in the Leave Pool. The discipline must be documented in the employees' personnel file.
- I. Employees who are injured in an accident caused by their use of alcohol, controlled substances or illegal drugs are not eligible to participate in the Leave Pool.
- J. Any employee who falsifies information, deliberately prolongs a medical leave under this program, attempts to buy, sell, or coerce individuals into donating hours or abuses this program will be subject to disciplinary action, up to and including termination.
- K. The Leave Pool leave terminates when the recipient's employment terminates, the health care provider releases the employee to return to work, maximum benefits have been reached under this program or the recipient is granted benefits such as workers compensation, disability, or social security. The recipient employee must promptly notify the Leave Pool Administrator if any of these occur.
- L. Any employee with at least 1 year of service may make a leave donation to any of the Levels (subject to the limitations herein) as long as the donor has at least 80 hours of accumulated PTO or sick leave in the bank from which the donation is made remaining after the donation is made. In the event that after the leave is donated, but before it is processed to the donor employee's, the leave bank falls below 80 hours the transaction shall be reversed.
- M. No compensatory or discretionary leave is allowed to be donated or considered in reaching the threshold.
- N. If the donating employee has sick leave available, the donation must first come from the sick leave bank with any remaining hours needed to come from PTO.
- O. Donations must be made in whole hour increments.
- P. Donated leave cannot be used retroactively, it must be submitted and approved prior to use.
- Q. Donations of leave are irrevocable, unless specifically otherwise provided in this Policy.
- R. The names of recipient employees and donor employees will remain confidential and will only be revealed to the Leave Pool Administrator and those County employees and/or employees of the Clerk of the Circuit Court and Comptroller that are necessary to carry out the implementation of the Leave Pool Program.

## **Procedures**

Participants who experience a medical emergency which is defined as a medical condition of the employee that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave-sharing program. Employees who have exhausted sick bank leave and PTO may request leave based on their qualifying Level as follows:

- A. If an employee has exhausted all available leave balances, including compensatory time, discretionary time, sick leave, diversity days and PTO and is not eligible to apply for, awaiting determination or receiving any County pay or supplemental pay including, but not limited to

workers compensation, short term disability, long term disability or social security, and will attest in writing that they are not receiving any state supplemental payments or federal social security disability, he/she may request leave. Leave pool awards shall not be granted for waiting periods, as a supplement to or replacement for, other means of compensation as defined in this paragraph.

- B. The requesting employee must complete a Leave Request Form. The employee must acknowledge that they have not tried to influence, coerce, or pressure another employee to donate time or have promised anything of value. If an employee is unable to submit the request, the immediate supervisor or Human Resources Department may coordinate the submission of the required form with a family member of the employee.
- C. A written request giving the details of the situation along with a physician's statement of the illness and an estimation of amount of time must be submitted along with the request.
- D. The Human Resources Director or designee will be the Leave Pool Administrator ("Administrator").
- E. The Administrator will review the Leave Request Form and determine eligibility based on the eligibility criteria in this Policy. The Administrator may request additional information, if necessary to determine eligibility or determine the quantity of leave to grant.
- F. If the Recipient Employee falls under Level 3, the following procedures must be followed:
  - a. Once an eligibility determination is made, the Administrator will prepare an anonymous Solicitation for Donated Leave Announcement based on the information provided by the requesting employee.
  - b. The Administrator shall publish the request to all County Departments.
  - c. Employees willing to donate leave in response to a solicitation must complete a Donation Form which identifies the amount of leave being donated, authorizes the deduction of the leave, assigns the hours to either the Leave Pool or the recipient, surrenders any future claim to the leave if it is credited to a recipient, acknowledges that no one has tried to influence, coerce or pressure them to donate time, and acknowledges they have not been promised anything of value.
  - d. The Administrator shall transfer hours on a first-in, first-out basis. If the recipient does not need all the leave donated, all excess hours will be returned to the donors.
  - e. Donations shall be deducted from the donor's leave balances upon approval of payment of leave to the receiving employee.
- G. If for any reason the Leave Pool Administrator denies a request under this Program, the employee has the right of appeal to the County Administrator.
- H. No grievances shall be available to challenge any determinations under this Program.

### **Limitations**

An employee who has used the maximum time allowed by the pool in Level 1 and Level 2 will not be eligible to use the pool again unless they requalify by donating the required amount of leave. A request for leave may be denied because of failure to meet eligibility criteria.

## **Tax treatment**

Employees who donate leave pursuant to the Leave Pool Program are not subject to tax withholdings for donated leave. Donated leave will be treated as income to recipient employees and is subject to regular income tax withholdings.

### 7.09 Health Insurance

- A. It is the County's intent to provide a health insurance program for all employees who elect to participate, including Elected Officials. The County will maintain a self-insured health insurance program as long as it is practicable. Contributions made on behalf of those that are participating in the health insurance program are not guaranteed and are determined by the Board of County Commissioners. Changes made to the health insurance program will be made by the Board as deemed necessary to maintain a fully funded program.

## Section 8 – Other Leaves of Absence

### 8.01 Bereavement Leave

- A. Regular full-time employees may be granted, upon signed request, and on approval of the Department Director, up to 3 working days off with pay in the event of a death in their immediate family or up to 5 working days off with pay if the employee must travel greater than 200 miles one way or out of state. For purposes of this section, the employee's immediate family shall include the following for either the employee or their spouse: parent, sister, brother, spouse, children, nieces, nephews, stepparent, stepchildren, stepbrother, stepsister, half-brother, half-sister, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, aunts, uncles, grandchildren, and grandparents.
- B. The employee shall be required to provide the Department Director with proof of death of the immediate family member before compensation is approved.
- C. If additional days off are necessary, PTO may be used upon application by the employee and approval by the Department Director. If the employee wishes to attend the funeral of someone outside his/her immediate family PTO may be granted upon application by the employee and approval by the Department Director.

### 8.02 Court Leave

- A. Employees attending court as a witness pursuant to court subpoenas, county business, or jury duty during their normal working hours shall receive pay at their regular rate for the hours they attend court. This time shall be charged as leave with pay.
- B. Those employees who become plaintiffs or defendants in personal litigation are not eligible for leave with pay. In such cases, PTO leave or leave without pay may be granted.
- C. Employees on County paid leave who attend court for only a portion of a regularly scheduled workday are expected to report to their supervisor when excused or released by the court.
- D. Employees required to attend court as stated in "A" above, who are on scheduled PTO may be allowed to take additional leave with pay for that court time.

E. All court attendance must be verified before an employee is compensated. Monies received from court appearances shall be turned over to the County except for travel pay and meal allowance.

#### 8.03 Conference Leave

When deemed in the best interest of the County, an employee may be granted leave with pay to attend professional and technical institutes, conferences, or other such meetings which may contribute to the effectiveness of the employee's service to the County. All such leave and travel expenses shall be recommended by the Department Director, subject to the approval of the County Administrator.

#### 8.04 Military Leave

Employees will be granted paid leave for active military service or duty in accordance with applicable law.

As a condition precedent to receiving military leave, the employee must provide his/her supervisor with notice of at least one month in advance, and copies of orders to active duty, unless otherwise mandated by emergency military orders.

Effective May 2003, Martin County will supplement pay pursuant to Florida State Military Compensation Law adopted by Florida Statutes §§ 115.07, 115.09 and 115.14 for a period of up to 1 year per active-duty event.

#### 8.05 Leave of Absence

A. A leave of absence is an excused absence from work for an approved reason. The decision to grant a leave of absence is a matter of administrative discretion. Except as specifically provided herein, it shall be the responsibility of each Department Director to weigh each case on its own merits and make appropriate recommendations to the County Administrator for final approval. Any appointment made to a position vacated by an employee on a leave of absence shall be conditional upon the return of the employee from leave.

Subject to and in accordance with the requirements of federal and state laws, regular full-time and regular part-time (30 hours or more) employees may request a leave of absence for reasons of illness, injury, disability, family care, or valid personal reasons, not to exceed 12-months. All requests for more than 5 days leave must be made in writing on the form designed for this purpose and approved by the Department Director and the County Administrator.

Employees arrested for crimes that consist of improper conduct or indecency, either on or off the job, which would tend to affect the employee's relationships to the job, fellow workers, reputation, or goodwill in the community may be placed on Leave Without Pay status based on the nature and gravity of the offense or conduct and the nature of the position held.

B. The following provisions apply to a leave of absence status:

- a. An employee granted a leave of absence must keep the department informed every 30 days of his/her current status. In addition, the employee must keep the department advised of his/her current address at all times. Failure to comply with these requirements shall result in the employee being dropped from leave of absence status, in which case he/she must return to duty or be terminated.

- b. An employee on a leave of absence may not hold other employment. A violation of this requirement may result in disciplinary action, up to and including termination from employment.
- c. Any employee granted a leave of absence shall contact the Department Director at least 2 weeks prior to the expiration of the leave in order to facilitate the re-instatement process.
- d. Failure to return to work at the expiration of the leave shall be considered as a voluntary resignation.
- e. No PTO leave shall be earned by an employee for the time that the employee is in leave without pay status.

C. An authorized leave of absence for less than one month shall not constitute a break in service. A leave of absence for more than one month shall not be credited toward PTO or merit increases.

D. Benefits During Leave Period - Insurance coverage under the County's group benefit plans may be available to an employee during a leave period. Questions regarding your benefits during a leave of absence should be directed to the Director of Human Resources.

E. Return to Employment - At the end of a leave of absence of less than six months, an employee will be returned to his/her former position or to one of comparable pay and status within the County. However, re-employment may not be offered to a disabled employee if he/she is not then qualified to perform the essential functions of employee's former position or one of comparable pay and status within the department, with or without reasonable accommodation. Such determination is made on a case-by-case basis in light of all available medical information.

F. The first 12 weeks of the leave of absence must be taken concurrently with any qualifying leave under the Family and Medical Leave Act.

G. Any employee falsifying the reason for requesting a leave is automatically terminated from employment as of the date the leave commenced.

#### 8.06 Workers' Compensation Leave

Payment of workers compensation to all employees who are disabled because of an injury arising out of and in the course of performing their duties with the County shall be governed by the Florida State Workers' Compensation Law.

An employee sustaining a lost-time injury with sick and PTO leave credited to his/her account may request to apply sick and PTO hours in order to obtain pay while absent from duty, due to an injury, as provided in items A through J below (in no case shall the amount of workers' compensation and the amount of sick and PTO leave be more than the employee's base pay for that period).

- A. Full wages shall be paid for the day of the on-duty injury if disability results or for that part of the day is spent receiving medical treatment.
- B. If the injured employee cannot return to work on his/her next workday, the injury shall be considered a disability, with the disability starting immediately following the day of the injury, whether it is a weekday, weekend, or holiday. Disability shall be counted by calendar days.

- C. The statutory benefits of the Florida Workers' Compensation Law does not allow for compensation during the first 7 days of disability. However, if the injury results in disability of more than 21 days, compensation shall be allowed from the commencement of the disability. Compensation for the disability will be made in accordance with state statutes.
- D. Any employee who has experienced a disability resulting from a compensable injury may request the use of accrued sick or PTO which, together with the payment of workers' compensation monies, shall provide the employee with a salary equivalent to his/her normal schedule of hours at his/her straight time rate of pay. The amount of such accrued leave granted an employee shall be based upon an employee receiving workers' compensation monies from the first day of disability. If the employee returns to work prior to reaching his/her 22<sup>nd</sup> day of disability, accrued leave may then be granted the employee to allow the amount that would have been provided under the first 7 days provision of the Workers' Compensation Law as explained in "C" above.
- E. If the length of the employee's disability does not allow compensation from the first day of disability under state statutes, accrued leave may then be granted to the employee for the uncompensated period not covered by workers' compensation.
- F. An employee on Workers' Compensation Leave shall report to the County Administrator within the first week of every month regarding his/her health status and prognosis for return to work.
- G. An employee on Workers' Compensation Leave shall make himself/herself available for all Physician's appointments. Such an employee shall follow the Physician's orders and/or directions and shall avoid any activity which may aggravate or exacerbate the illness or injury.
- H. An employee who obtains either part-time or full-time employment elsewhere while on a Workers' Compensation Leave may be terminated unless specific approval by the County Administrator is received in advance.
- I. An effort will be made to return the employee to the position and status held immediately prior to his/her leave of absence. If the employee's former position is filled, he/she may be transferred to a vacant position for which s/he qualifies, subject to the approval of the Department Director and the County Administrator. If no vacancy exists for which the employee qualifies, he/she will be laid off in accordance with the provisions specified in this Manual.
- J. Failure to return to work at the expiration of the leave will be considered as a resignation.
- K. Workers' Compensation Leave runs concurrently with the Family and Medical Leave Act, and other County leave policies, as applicable.
- L. Filing a false or fraudulent workers' compensation claim is a violation of County policy and the law, and will result in disciplinary action, up to and including termination.

#### 8.07 Temporary Restricted Duty Policy (TRD)

TRD may be provided when a physician has determined that a classified employee can only perform restricted duties because of injury/illness. This would apply to both injuries on-the-job as well as non-work-related injuries and illnesses.

TRD is provided as a benefit to employees allowing them the opportunity to work within restrictions before returning to full duty.

A. The following provisions apply for work related injury/illness:

Employees who sustain a work-related injury or illness, which is found compensable by the Florida State Workers' Compensation Act and results in work restrictions, may be temporarily reassigned in accordance with the following steps:

- a. The approved medical care provider advises regarding the employee's work restrictions.
- b. A review of the employee's current position regarding the restrictions as outlined in #1 above is conducted by the employee's supervisor.
- c. If job restrictions are non-attainable with the employee's current position, assignment will be considered:
  - i. within the employee's division
  - ii. within the employee's department
  - iii. within another department

If TRD assignments are not possible, the employee shall be eligible to receive Workers' Compensation Benefits in accordance with Florida Statutes Chapter 440 until TRD becomes available or the employee is released to full duty by authorized provider, whichever is first.

B. The following provisions apply for non-work-related injury/illness:

TRD may be provided for non-work-related injuries/illness, if available. Work-related injuries/illnesses resulting in TRD will have priority. Employees who are approved for non-work-related restrictive duty shall follow the requirements below:

- a. The employee must provide medical certification regarding restrictions. The County may require a second opinion.
- b. A review of the employee's current position regarding the restrictions as outlined in #1 above is conducted by the employee's supervisor.
- c. If job restrictions are non-attainable with the employee's current position assignment will be considered:
  - i. within the employee's division
  - ii. within the employee's department
  - iii. within another department

TRD for non-work-related incidents are employee optional and are not intended to replace PTO, sick leave (if applicable), or family medical leave.

C. Definitions, Rules, and Restrictions:

- a. TRD Positions.

TRD is available on a case-by-case basis as determined by the Department Director. The County is unable to guarantee a requested TRD or a fixed number of days on TRD.

b. Time limit on TRD.

Limited to a total of eight weeks per calendar year commencing at the start of restricted duty.

c. Effect of TRD on existing job.

The County will hold the affected employee's regular job open in accordance with applicable law.

d. Rate of pay during TRD.

Rate of pay will remain the same for TRD regarding non-work-related injury/illness.

For work related injury/illness, Florida State Workers' Compensation determines the rate of pay for TRD.

#### 8.08 Voting Leave

During a primary or general election, an employee who is registered to vote whose hours of work do not allow sufficient time for voting shall be allowed the necessary time off with pay for this purpose. When the polls are open 2 hours before or 2 hours after the regularly scheduled work period, it shall be considered sufficient time for voting.

#### 8.09 Family & Medical Leave

The Family and Medical Leave Act (FMLA) provides eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons. The maximum amount of leave an employee may use is either 12 or 26 weeks within a 12-month period depending on the reasons for the leave.

### **Employee Eligibility**

To be eligible for FMLA leave, you must:

- A. Have worked at least 12-months for the County in the preceding seven years (limited exceptions apply to the seven-year requirement)
- B. Have worked at least 1,250 hours for the County over the preceding 12-months; and
- C. Currently work at a location where there are at least 50 employees within 75 miles.

### **Conditions Triggering Leave**

FMLA leave may be taken for the following reasons:

- A. Birth of a child or to care for a newborn child (up to 12 weeks)
- B. Placement of a child with the employee for adoption or foster care (up to 12 weeks)

- C. To care for an immediate family member (employee's spouse, child, or parent) with a serious health condition (up to 12 weeks)
- D. Because of the employee's serious health condition that makes the employee unable to perform the employee's job (up to 12 weeks)
- E. To care for a covered service member with a serious injury or illness related to certain types of military service (up to 26 weeks) (see Military-Related FMLA Leave for more details); or,
- F. To handle certain qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on duty under a call or order to active duty in the Uniformed Services (up to 12 weeks) (see Military-Related FMLA Leave for more details).

The maximum amount of leave that may be taken in a 12-month period for all reasons combined is 12 weeks, with one exception. For leave to care for a covered service member, the maximum combined leave entitlement is 26 weeks, with leaves for all other reasons constituting no more than 12 of those 26 weeks.

## **Definitions**

A "Serious Health Condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement includes an incapacity of more than three full calendar days and two visits to a health care provider or one visit to a health care provider and a continuing regimen of care; an incapacity caused by pregnancy or prenatal visits, a chronic condition, or permanent or long-term conditions; or absences due to multiple treatments. Other situations may meet the definition of continuing treatment.

A "covered service member" is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability or retired list, for a serious injury or illness or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy. The term "serious injury or illness" in the case of a member of the Armed Forces, means an injury or illness incurred by the member in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating, or one that existed before the beginning of active duty and was aggravated by service in the line of duty while on active duty. With regard to Veterans, the injury or illness may manifest itself before or after the individual assumed Veteran status.

"Qualifying exigencies" include activities such as short-notice deployment, military events, arranging alternative childcare, making financial and legal arrangements related to the deployment, rest and recuperation, counseling, and post-deployment debriefings.

## **Identifying the 12-Month Period**

The County measures the 12-month period in which leave is taken by the "rolling" 12-month method, measured backward from the date of any FMLA leave with one exception. For leave to care for a covered

service member, the County calculates the 12-month period beginning on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12-months after that date. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12-months of the birth or placement.

## **Using Leave**

Eligible employees may take FMLA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member, or in the case of a covered service member, his /her injury or illness. Eligible employees may also take intermittent or reduced-scheduled leave for military qualifying exigencies. Intermittent leave is not permitted for birth of a child, to care for a newly born child or for placement of a child for adoption or foster care. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the County's operations.

## **Use of Accrued Paid Leave**

Depending on the purpose of your leave request, you may choose (or the County may require you) to use accrued paid leave (such as sick leave or PTO), concurrently with some or all of your FMLA leave. In order to substitute paid leave for FMLA leave, an eligible employee must comply with the County's normal procedures for the applicable paid-leave policy (e.g., call-in procedures, advance notice, etc.).

## **Maintenance of Health Benefits**

If you and/or your family participate in our group health plan, the County will maintain coverage during your FMLA leave on the same terms as if you had continued to work. If applicable, you must make arrangements to pay your share of health plan premiums while on leave. In some instances, the County may recover premiums it paid to maintain health coverage or other benefits for you and your family. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of your leave.

## **Notice and Medical Certification**

When seeking FMLA leave, you are required to provide:

- A. Sufficient information for the County to determine if the requested leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that you are unable to perform job functions; a family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. You must also inform the County if the requested leave is for a reason for which FMLA leave was previously taken or certified.

If the need for leave is foreseeable, this information must be provided 30 days in advance of the anticipated beginning date of the leave. If the need for leave is not foreseeable, this information must be provided as soon as is practicable and in compliance with the County's normal call-in procedures, absent unusual circumstances.

- B. Medical certification supporting the need for leave due to a serious health condition affecting you or an immediate family member within 15 calendar days of the County's request to provide the certification (additional time may be permitted in some circumstances). If you fail to do so the

County may delay the commencement of your leave, withdraw any designation of FMLA leave or deny the leave, in which case your leave of absence would be treated in accordance with our standard leave of absence and attendance policies, subjecting you to discipline up to and including termination of employment. Second or third medical opinions and periodic re-certifications may also be required.

- C. Periodic reports as deemed appropriate during the leave regarding your status and intent to return to work; and
- D. Medical certification of fitness for duty before returning to work if the leave was due to your serious health condition. The County will require this certification to address whether you can perform the essential functions of your position.

Failure to comply with the foregoing requirements may result in delay or denial of leave, or disciplinary action, up to and including termination of employment.

## **County Responsibilities**

To the extent required by law, the County will inform employees whether they are eligible under the FMLA. Should an employee be eligible for FMLA leave, the County will provide them with a notice that specifies any additional information required as well as the employee's rights and responsibilities. If employees are not eligible, the County will provide a reason for the ineligibility. The County will also inform employees if leave will be designated as FMLA-protected and, to the extent possible, note the amount of leave counted against the employee's leave entitlement. If the County determines that the leave is not FMLA-protected, the County will notify the employee.

## **Job Restoration**

Upon returning from FMLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

## **Failure to Return after FMLA Leave**

Any employee who fails to return to work as scheduled after FMLA leave or exceeds the 12 week FMLA entitlement (or in the case of military caregiver leave, the 26 week FMLA entitlement), will be subject to the County's standard leave of absence and attendance policies. This may result in termination of employment if you have no other County-provided leave available to you that applies to your continued absence. Likewise, following the conclusion of your FMLA leave, the County's obligation to maintain your group health plan benefits ends (subject to any applicable Consolidated Omnibus Budget Reconciliation Act (COBRA) rights).

## **Other Employment**

The County generally discourages employees from holding other employment. This policy remains in force during all leaves of absence including FMLA leave and may result in disciplinary action, up to and including termination of employment.

## **Fraud**

Providing false or misleading information or omitting material information in connection with an FMLA leave will result in disciplinary action, up to and including termination of employment.

## **County's Compliance with FMLA and Employee's Enforcement Rights**

FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA, or termination or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

While the County encourages employees to bring any concerns or complaints about compliance with FMLA to the attention of the Human Resources Department, FMLA regulations require employers to advise employees that they may file a complaint with the U.S. Department of Labor or bring a private lawsuit against an employer.

Further, FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

### **Limited Nature of this Policy**

This Policy should not be construed to confer any express or implied contractual relationship or rights to any employee not expressly provided for by FMLA. The County reserves the right to modify this or any other policy as necessary, in its sole discretion to the extent permitted by law. State or local leave laws may also apply.

### **Military-Related FMLA Leave**

FMLA leave may also be available to eligible employees in connection with certain service-related medical and non-medical needs of family members. There are two forms of such leave. The first is Military Caregiver Leave and the second is Qualifying Exigency Leave. Each of these leaves is detailed below.

### **Definitions**

A “covered servicemember” is either: (1) a current servicemember of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness incurred in the line of duty for which the servicemember is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability or retired list; or (2) a “covered veteran” who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

A “covered veteran” is an individual who was terminated under conditions other than dishonorable during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. The period between October 28, 2009, and March 8, 2013, is excluded in determining this 5-year period.

The FMLA definitions of “serious injury or illness” for current servicemembers and veterans are distinct from the FMLA definition of “serious health condition.” For current servicemembers, the term “serious injury or illness” means an injury or illness that was incurred by the member, in the line of duty while on active duty in the Armed Forces, or that existed before the beginning of active duty and was aggravated by such service, that may render them medically unfit to perform the duties of their office, grade, rank or rating.

For covered veterans, this term means a serious injury or illness that was incurred in the line of duty while on active duty in the Armed Forces or that existed before the beginning of active duty and was aggravated by such service and manifested itself before or after the individual assumed veteran status, and is: (1) a

continuation of a serious injury or illness that was incurred or aggravated when they were a member of the Armed Forces and rendered them unable to perform the duties of their office, grade, rank or rating; (2) a physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 % or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; (3) a physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would be so absent treatment; or (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

"Qualifying exigencies" include activities such as short-notice deployment, military events, arranging alternative childcare, making financial and legal arrangements related to the deployment, rest and recuperation, counseling, parental care, and post-deployment debriefings.

### **Military Caregiver Leave**

Unpaid Military Caregiver Leave is designed to allow eligible employees to care for certain family members who have sustained serious injuries or illnesses in the line of duty while on active duty. Military Caregiver Leave is a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period.

To be "eligible" for Military Caregiver Leave, the employee must be a spouse, son, daughter, parent, or next of kin of the covered servicemember. "Next of kin" means the nearest blood relative of the servicemember, other than the servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the servicemember has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of Military Caregiver Leave. The employee must also meet all other eligibility standards as set forth within the FMLA Leave policy.

An eligible employee may take up to 26 workweeks of Military Caregiver Leave to care for a covered servicemember in a "single 12-month period." The "single 12-month period" begins on the first day leave is taken to care for a covered servicemember and ends 12-months thereafter, regardless of the method used to determine leave availability for other FMLA-qualifying reasons. If an employee does not exhaust his/her 26 workweeks of Military Caregiver Leave during this "single 12-month period," the remainder is forfeited.

Military Caregiver Leave applies on a per-injury basis for each servicemember. Consequently, an eligible employee may take separate periods of caregiver leave for each and every covered servicemember, and/or for each and every serious injury or illness of the same covered servicemember. A total of no more than 26 workweeks of Military Caregiver Leave, however, may be taken within any "single 12-month period."

Within the "single 12-month period" described above, an eligible employee may take a combined total of 26 weeks of FMLA leave including up to 12 weeks of leave for any other FMLA-qualifying reason (i.e., birth or adoption of a child, serious health condition of the employee or close family member, or a qualifying exigency). For example, during the "single 12-month period," an eligible employee may take up to 16 weeks of FMLA leave to care for a covered servicemember when combined with up to 10 weeks of FMLA leave to care for a newborn child.

An employee seeking Military Caregiver Leave may be required to provide appropriate certification from the employee and/or covered servicemember and completed by an authorized health care provider within 15 days. Military Caregiver Leave is subject to the other provisions in our FMLA Leave Policy (requirements regarding employee eligibility, appropriate notice of the need for leave, use of accrued paid leave, etc.). Military Caregiver Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

### **Qualifying Exigency Leave**

Eligible employees may take unpaid “Qualifying Exigency Leave” to tend to certain “exigencies” arising out of the duty under a call or order to active duty of a “covered military member” (i.e., the employee’s spouse, son, daughter, or parent). Up to 12 weeks of Qualifying Exigency Leave is available in any 12-month period, as measured by the same method that governs measurement of other forms of FMLA leave within the FMLA policy (with the exception of Military Caregiver Leave, which is subject to a maximum of 26 weeks of leave in a “single 12-month period”). Although Qualifying Exigency Leave may be combined with leave for other FMLA-qualifying reasons, under no circumstances may the combined total exceed 12 weeks in any 12-month period (with the exception of Military Caregiver Leave as set forth above). The employee must meet all other eligibility standards as set forth within the FMLA policy.

Persons who can be ordered to active duty include active and retired members of the Regular Armed Forces, certain members of the retired Reserve, and various other Reserve members including the Ready Reserve, the Selected Reserve, the Individual Ready Reserve, the National Guard, state military, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve.

A call to active duty refers to a *federal* call to active duty, and *state* calls to active duty are not covered unless under order of the President of the United States pursuant to certain laws.

Qualifying Exigency Leave is available under the following circumstances:

- A. **Short-notice deployment.** To address any issue that arises out of short notice (within 7 days or less) of an impending call or order to active duty.
- B. **Military events and related activities.** To attend any official military ceremony, program, or event related to active duty or a call to active-duty status or to attend certain family support or assistance programs and informational briefings.
- C. **Childcare and school activities.** To arrange for alternative childcare; to provide childcare on an urgent, immediate need basis; to enroll in or transfer to a new school or daycare facility; or to attend meetings with staff at a school or daycare facility.
- D. **Financial and legal arrangements.** To make or update various financial or legal arrangements; or to act as the covered military member’s representative before a federal, state, or local agency in connection with service benefits.
- E. **Counseling.** To attend counseling (by someone other than a health care provider) for the employee, the covered military member, or for a child or dependent, when necessary, as a result of duty under a call or order to active duty.

- F. **Temporary rest and recuperation.** To spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to 5 days of leave for each instance of rest and recuperation.
- G. **Post-deployment activities.** To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to 90 days following termination of the covered military member's active-duty status. This also encompasses leave to address issues that arise from the death of a covered military member while on active-duty status.
- H. **Parental care.** To care for the military member's parent who is incapable of self-care. The parent must be the military member's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age.
- I. **Mutually agreed leave.** Other events that arise from the close family member's duty under a call or order to active duty, provided that the County and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

An employee seeking Qualifying Exigency Leave may be required to submit appropriate supporting documentation in the form of a copy of the covered military member's active duty orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member, within 15 days. Qualifying Exigency Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

### **Limited Nature of This Policy**

This Policy should not be construed to confer any express or implied contractual relationship or rights to any employee not expressly provided for by FMLA. The County reserves the right to modify this or any other policy as necessary, in its sole discretion to the extent permitted by law. State or local leave laws may also apply.

#### **8.10 Domestic Violence Leave**

Eligible employees may take up to three days of unpaid, job-protected leave in any 12-month period for specified domestic violence situations.

##### **A. Employee Eligibility.**

To be eligible for domestic violence leave, you must have worked for the County for at least 3 months.

##### **B. Conditions Triggering Leave.**

Domestic violence leave can involve one or more of the following reasons:

- a. Seeking an injunction for protection against domestic violence, or an injunction for protection in cases of repeat violence, dating or sexual violence.

- b. Obtaining mental health counseling or medical care for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence.
- c. Obtaining services from a victim-services organization, including but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence.
- d. Making the employee's home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or
- e. Seeking legal assistance in addressing issues arising from the act of domestic violence or to attend and prepare for court-related proceedings arising from the act of domestic violence.

C. Notice and Certification.

When seeking domestic violence leave, you must provide:

- a. Advance notice of the need for leave except where you or a family member is in imminent danger such that notice is not possible.
- b. Documentation, if the County requests, establishing the need for domestic violence leave.

D. Usage of Other County Leave Available to Employee.

Any available PTO or other paid time off must be exhausted before domestic violence leave can be utilized.

E. No Retaliation.

Employees who make a bona fide request for leave pursuant to this policy will not be unlawfully retaliated against for exercising his/her rights under this policy. However, employees remain subject to the County's other policies and procedures.

Section 9 – Records and Reports

9.01 Responsibility

The County Administrator is responsible for establishing and maintaining comprehensive personnel records for all employees, pursuant to Florida law.

9.02 Records

There shall be one official personnel file for each employee and maintained by the Human Resources Department. Said file shall include the personnel records of employees and all official forms. All personnel records of employees shall be considered the property of the County. The County Administrator shall make all decisions relating to the use, maintenance and disposition of such records and material, and as to whether or not any information contained therein is exempt from disclosure pursuant to Florida and Federal law. The County will make an effort to notify the employee if a request is made to review their personnel file.

Employees should be aware of the importance of keeping their personnel records current. This means immediately notifying the Human Resources Department of any changes such as change of address (even if temporary), change of telephone number, driver's license status, change of beneficiary, number of dependents, divorce, marriage, or any change of previously provided information (not previously reported). This is the responsibility of the employee and failure to comply may result in employee discipline or delays in receiving employee benefits or even loss of such benefits.

The Human Resources Department should be informed of any special training courses completed by an employee. Copies of diplomas or certificates should be forwarded to become a permanent addition to the employee's personnel file.

#### 9.03 Records Retention and Disposition

The County Administrator shall determine the time limit that any personnel records shall be kept on file and the final disposition of such records, in accordance with applicable laws, as to record retention.

### Section 10 – Safety

#### 10.01 Accident Prevention

The development of safe working conditions, practices, habits, and thinking are the objectives of the County Safety Program. Reaching those objectives shall result in benefits to all employees and to the County. Accidents, injuries, disabilities, damage, lost time and pay, claims and medical expenses are all problems, which can be improved by efforts of all employees.

All Department Directors, supervisors, and employees shall be responsible for following the provisions of the Martin County Safety Manual and shall participate in the development, implementation, and improvement of this program. Please refer to Martin County's Safety Manual. A copy is available on-line and in the Human Resources Department.

#### 10.02 Accident Reporting

- A. All employees are responsible to immediately report to their supervisor all injuries and accidents, no matter how minor, that occur on the job.
- B. Accident reports must be submitted by the injured employee's supervisor within 24 hours after the date of the accident or the report of the injury. If the accident occurs over a holiday or weekend, the accident report should then be submitted within 24 hours from the time the work period starts after the weekend or holiday. This applies to industrial accidents and first aid injuries, as well as to injuries resulting from vehicular accidents involving County vehicles. In the latter case, a vehicular accident report shall be submitted; if an employee is injured, a report of injury to employee shall also be required.
- C. In the case of all vehicular accidents, the appropriate law enforcement agency and the employee's supervisor should be notified immediately, with proper notification to Risk Management within the Human Resources Department.
- D. In case of serious injury or fatality, the appropriate law enforcement agency shall be notified immediately with proper notification to Human Resources Department and the County Administrator.

#### 10.03 Workers' Compensation Policy

Payment of workers' compensation wage benefits to employees who are disabled because of an injury arising out of and in the course of performing their duties with the County shall be governed by the Florida Statutes § 440.35, Workers' Compensation Law. Please refer to Martin County's Workers' Compensation Policy; [Section 8.06](#).

#### 10.04 Safety Equipment

County provided equipment must be used. Failure to utilize provided equipment shall be cause for disciplinary action.

#### 10.05 Employee Safety Awards

The County may institute an Employee Safety Award Program. Safety awards may be made either to groups or to individuals and shall normally be made in recognition of praiseworthy or outstanding safety performance.

#### 10.06 Drug-Free Workplace

Martin County has a strong and legitimate interest in insuring that employees are fit to perform their duties and to promote a drug-free workplace. With a drug-free workplace, employees will be afforded the opportunity to maximize their levels of productivity and reach their desired levels of success without experiencing the costs, delays, and tragedies associated with work-related accidents resulting from drug abuse. It is the intent of the County that the drug and alcohol testing conducted shall be in compliance with the Drug-Free Workplace Program contained in the Workers' Compensation Act, Florida Statutes §§ 440.101 and 440.102, the regulations adopted pursuant to the statute, and any amendments that may be made thereto. It is further the intent of the County that drug abuse be prohibited and those employees who choose to engage in drug abuse face the risk of unemployment and the forfeiture of workers' compensation benefits. The Drug-Free Workplace Program is described in the County's Drug-Free Workplace Policy and Procedures. A copy of the full policy is located in Human Resources. All employees are expected to comply with this policy.

#### 10.07 Workplace Violence

Respect for our co-workers demands that Martin County will not tolerate violence, or the threat of violence in any of the County's work locations. It is the goal of the County to rid worksites of violent behavior or the threat of such behavior.

It is the shared obligation of all employees, law enforcement agencies, and employee organizations to act individually and jointly to prevent or defuse actual or implied violent behavior at work.

Violence or the threat of violence by or against any employee of Martin County or other person is unacceptable and contrary to County policy and will subject the perpetrator to serious disciplinary action and possible criminal charges. This includes discussions of the use of dangerous weapons, even in a joking manner. Any employee who is subjected to or threatened with violence or is aware of another individual who has been subjected to or threatened with violence, is to report this information to his/her supervisor or manager immediately. The County will work with law enforcement to aid in the prosecution of anyone outside of the organization who commits violent acts against employees.

Possession, use, or threat of use of a weapon of any kind, including without limitation all firearms, handguns, hunting arms, sport firearms (whether loaded or unloaded and/or registered or unregistered), knives, hunting knives, or any other obvious item that is designed to be a weapon, is not permitted on

County premises, or in a County vehicle, unless such possession or use of a weapon is a necessary and approved requirement of the job, or except as explicitly authorized by law.

All threats should be taken seriously. Employees must report all threats to his/her Department Director so that appropriate action can be taken. Department Directors are required to report all threats to Human Resources and the County's Security Access Team Lead. All reports of threats will be thoroughly investigated.

No employee acting in good faith, who reports real or implied violent behavior will be subject to retaliation or harassment based upon his/her report.

#### 10.08 Smoke-Free Workplace

Martin County is dedicated to providing a comfortable, productive, and healthy work environment for its employees. As a further step to ensure conformity to Florida's Indoor Air Act, all County owned/leased buildings and vehicles are entirely smoke-free. Smoking is strictly prohibited in all areas including hallways, 50 feet from any entryway, restrooms, private offices, open workspaces, waiting/reception rooms, conference/meeting rooms, elevators, lobby, lunchrooms, and all community areas. This policy specifically extends to electronic cigarettes ("e-cigarettes") or any other personal vaporizing devices.

#### 10.09 Fragrance-Controlled Workplace Policy

Recognizing that employees and visitors to our offices may have sensitivity and/or allergic reactions to various fragrant products, the County is a fragrance-controlled workplace. Personal fragrant products (fragrances, colognes, after-shave, lotions, powders, and other similar products) that are strong enough to be perceived by others are not to be worn by employees in the workplace, while on County business, or in County vehicles. Other fragrant products (scented candles, potpourri, and other similar items) are also not permitted in the workplace.

Any employee with a concern about scents or odors is to contact his/her supervisor or Human Resources.

### Section 11 – Separations

#### 11.01 Types of Separations

Separations from employment with the County are designated as one of the following types. Applicable Human Resource documents shall show the reason for the separation, and the last day and hour worked. The effective date of separation shall be determined by the employee and the Department Director.

- A. Resignation
- B. Retirement
- C. Disability
- D. Death
- E. Reduction in force
- F. Termination

#### 11.02 Resignation

- A. Resignation is defined as an action whereby an employee voluntarily leaves Martin County employ with or without giving notice.
- B. An employee wishing to leave the County in good standing shall file a written resignation, stating the date and reasons for leaving. Such notice must be given 2 weeks prior to the date of separation. Failure to comply with this courtesy may be cause for denying such employee re-employment with the County. Unauthorized absences from work for a period of 3 consecutive days or more constitute the abandonment of a position and shall be considered a resignation.

11.03 Retirement

- A. Retirement is defined as a voluntary or involuntary procedure whereby an employee separates from the County for reasons of length of service or disability.
- B. Retirement regulations and benefits shall conform to the provisions of the Florida Retirement System (FRS) currently in effect. Elected Officials are eligible to participate when they elect to receive retirement benefits as defined within the guidelines for FRS either investment plan or defined benefit plan. The requirements are established by the State and reflected in Florida Statutes.
- C. Martin County offers continuation for Medical, Dental and Life Insurance to eligible retirees. Eligible retirees must choose to continue their health, Dental and/or Life insurance coverage with Martin County within 30 days of their retirement date. Retirees are considered eligible for Martin County's retiree insurance program, if they have ceased active employment and meet the following criteria:
  - a. The retired employee must have met current FRS retirement eligibility requirements (age and/or years of service).
  - b. The retired employee must have met the requirements of Florida Statutes § 112.0801.
  - c. The retired employee must have been employed by Martin County and enrolled in Martin County's active employee health, dental and/or life insurance immediately preceding their retirement or separation date.
  - d. The retired employee must be receiving/drawing from retirement benefits. This includes receiving FRS pension payments or having begun the process of taking a distribution from their FRS investment plan and/or taking a distribution from Martin County's 401a Local Annuity Plan in lieu of the Florida Retirement System Investment Plan.

Retirees may only enroll at the same level of insurance coverage they carried as an active employee. Retirees are not eligible to add to or increase their insurance coverage but can elect to decrease their level of insurance.

Retirees may continue to cover their current dependents on the County's retiree insurance plans, as long as they meet the dependent criteria requirements. Dependents not covered on the County's insurance plan may not be added to the retiree insurance unless the retiree gains a new dependent through a qualified life event of marriage or birth/adoption. If a dependent is removed from the County's retiree insurance plans, they cannot be re-enrolled at a later date.

In the event a retiree declines retiree coverage, discontinues retiree coverage at any point or is removed from retiree coverage due to the failure to pay premiums, the retiree will not be given the opportunity to re-enroll in the County's retiree Insurance plans.

- D. Eligible employees who were hired prior to October 13, 2009, and elect to retire may have a portion of their health insurance premium paid for by Martin County. Once the retiree reaches age 65, the retiree will be responsible for the full cost of the health insurance premium. The County will not contribute to the cost of retiree life insurance or any dependent coverage. The County's contribution to the retiree's health insurance premium is subject to change and is not guaranteed.
- E. Employees hired on or after October 13, 2009, will be responsible for the full cost of their retiree insurance premium(s), regardless of age.
- F. Employees who elect to participate in the Florida Retirement System's Deferred Retirement Option Program (DROP) may elect to receive a lump-sum payment for accrued annual leave earned in accordance with the provisions of Chapter 121, Florida Statutes. DROP participants are encouraged to seek professional tax and/or legal advice regarding lump sum distributions. The lump sum payment for accrued leave will be made at the employee's current rate of pay up to the maximum allowable leave payout per current leave policy. Accrued leave under this provision is recognized as PTO or Vacation Time (VAC). The lump sum payment may be taken upon entering DROP; at the completion of DROP and separation of employment; or in any combination thereof but shall not exceed the maximum allowable total per the current leave policy. In addition, DROP participants are eligible to use accrued PTO and may also choose to be compensated annually for PTO in accordance with Human Resources policy.

#### 11.04 Retirement DROP Separation

Employees who elect to participate in the DROP may elect to receive a lump-sum payment for accrued annual leave earned in accordance with the provisions of Chapter 121, Florida Statutes. Accrued leave under this provision is recognized as PTO or VAC. DROP participants are encouraged to seek professional tax and/or legal advice regarding lump sum distributions.

- A. The lump sum payment will be made at the employee's current rate of pay up to a maximum of the latest leave policy hours as follows:
  - a. Lump-sum payments up to the maximum latest leave policy hours may be taken upon entering DROP; or
  - b. Lump-sum payments up to the maximum latest leave policy hours may be taken at the completion of DROP; or
  - c. Lump-sum payments up to maximum latest leave policy hours may be taken at separation of employment; or
  - d. Lump-sum payments may be taken in any combination of the above, but in no case shall exceed a total of the maximum latest leave policy hours combined.
- B. DROP participants are eligible to use accrued PTO and may also choose to be compensated for PTO in accordance with Human Resources policy, [Section 6.06](#).

#### 11.05 Disability

An employee may be separated from employment if unable to perform the essential functions of his/her position with or without reasonable accommodation.

#### 11.06 Death

When an active employee is terminated due to death, the date of termination (date of separation) will be the date reflected on the death certificate. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse, or the estate of the employee, as determined by law or by executed forms in the employee's personnel file.

#### 11.07 Reduction in Force

- A. When it becomes necessary to reduce the number of employees within a department because of lack of funds, shortage of work, the abolishment of a position, reorganization, or other causes which do not reflect discredit on the service of the employees, the following steps will be considered:
  - a. First, consideration will be given to the County budget and required staffing levels to meet the County needs.
  - b. Once positions have been identified for reduction, employees within a position shall be separated from employment using the following criteria:
    - i. Individual performance (past and current performance, including any disciplinary issues)
    - ii. Required skills and qualifications to meet future needs.
- B. Employees who have been laid-off may apply for future job openings.

#### 11.08 Exit Interviews

Upon the County's request, an employee shall complete an exit interview upon leaving County employment. Such interviews allow the County to understand the employee's reasons for leaving and to resolve any questions regarding compensation, insurance continuation, return of County property, or other related matters.

#### 11.09 Return of Property and Financial Obligation

- A. At the time of separation and prior to receiving final monies due, all records, books, assets, uniforms, keys, tools, and other items of County property in the employee's custody shall be returned to the department. Certification of such return shall be made by the employee's supervisor. Any monies due because of shortages shall be deducted from the final paycheck due or collected through appropriate action.
- B. Any outstanding debts incurred by an employee, such as shortages in leave accounts, deductions for the loss or abuse of County property or other financial obligations which are due the County shall be deducted from the employee's final paycheck and/or termination leave pay. This rule shall be excepted only when other appropriate arrangements have been made and approved in writing by the County Administrator.

Section 12 – Standards of Conduct

12.01 Policy on Ethics

A. Organizational Vision

"Martin County Government will be a value and service driven organization. Martin County will be known locally, regionally, statewide, and nationally as an innovative and progressive leader providing cost effective county services. Others will benchmark against Martin County service functions as an example of the best in local government. The Citizens and Board of Commissioners will be proud of the staff and have a firm belief in the reliability, truth and strength of the organization."

B. Organizational Mission and Values

- a. In order for Martin County government to achieve this vision of the future, it is essential that our employees recognize that the mission of the County organization is to be "cooperative, efficient and service oriented" when dealing with the citizens of Martin County. Our citizens should be considered our customers. Similarly, internal service departments should recognize that line departments are their customers. The provision of quality service is each employee's principal objective.
- b. To meet this mission, employees should recognize the fundamental values that should guide their conduct as Martin County employees.

**Martin County's Values**

Organizational culture is a system of shared beliefs, attitudes, values, and norms that determine our behavior in relation to customers, service, and other people within the organization. Martin County's organizational culture is expressed in both our Vision and Values. Our Values are:

i. Democratic Citizenship

- We believe in and foster the principles of our democracy.
- We uphold the intrinsic tenets and values of our democracy.
- We offer our commitment, creativity, imagination, and time to make our community a better place for all our citizens to live, work, and play.

ii. Diversity

- We value and respect differences in people and perspectives.
- We build relationships based on honesty and trust.
- We value the contribution of all individuals.

iii. Integrity

- We value integrity in all of our actions.

- We conduct business with honesty, courtesy, and respect.
- We are fair, compassionate, and ethical in our treatment of others.

iv. Professionalism

- We conduct Martin County's business with professionalism.
- We maintain high standards of competence through continuous learning.
- We keep abreast of the latest in technological developments and other areas of expertise to improve our skills, abilities, and contributions.

v. Responsibility

- We accept responsibility and accountability for our actions.
- We demonstrate County values in all aspects of our jobs.

vi. Teamwork

- We value the knowledge, skills, and contributions of all team members.
- We cooperate in sharing ideas and talents to achieve Martin County's goals.
- We strive to maintain open lines of communication with everyone to achieve positive results.

The articulation of these values is important as they should serve as a guide to employee conduct and actions where policies and procedures are silent or in apparent conflict.

C. Employee Empowerment Five Step Guide

- a. Martin County employees are empowered by management to take actions necessary to be a customer orientated service provider based upon the Martin County Five Step Empowerment Guide.
- b. When faced with a decision, each employee should determine the answers to the following questions:
  - i. Is the action I am considering legal?
  - ii. Is the action I am considering being done in accordance with County or Departmental policy?
  - iii. Is the action I am considering ethical and in the best interest of the citizens of Martin County?
  - iv. Is the action I am considering based upon the values of our organization?
  - v. Am I personally willing to be held accountable for this action by my supervisor?

- c. If the answer is "yes" to all five of these questions, then employees are encouraged to take the appropriate action. If one or more is unknown or "no", check with your supervisor prior to acting independently.
- D. The values of any organization are reflected in the quality of the decisions made by the officers and employees.
- E. One of the primary objectives of the BOCC is to establish and administer a system of personnel management consistent with the goal of providing superior service to the community by employing and retaining individuals of the highest qualifications and character whose actions and decisions exemplify the ethical values held by the Board and who adhere to the highest standard of professional and ethical conduct.
- F. The ethical obligations of public service employees go beyond mere legal obligations and demand from each employee a greater sensitivity to the potential ramifications of his/her conduct, as well as to the public's perception of such conduct. These Standards of Conduct are intended to provide direction to employees as they undertake public service.
- G. Article II, Section 8 of the Florida Constitution states, "a public office (or position) is a public trust." As stewards of the public trust, all County employees must use the powers and resources of the County entrusted to them by the public to further the public interest and not for any personal gain or benefit.

In addition to adhering to the highest ethical standards, all employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.

- H. It is the policy of the BOCC to expect from employee's compliance with all County Program Rules and Regulations as stated herein, State Statutes, and federal regulations in the performance of duties, as well as compliance with all safety rules and standards. An employee who violates any of the Standards of Conduct shall be subject to disciplinary action.
- I. The County retains certain rights in accordance with applicable laws, regulations, and provisions of the County Program, including but not limited to the following:
  - a. To determine the organization of the Martin County BOCC government.
  - b. To determine the purpose of each of its constituent agencies.
  - c. To exercise control and discretion over the organization and efficiency of operation.
  - d. To set standards for services to be offered to the public.
  - e. To manage and direct the employees and to determine the number of personnel to be employed.
  - f. To hire, examine, classify, promote, train, transfer, assign, schedule, and retain employees.
  - g. To suspend, demote, terminate, or take other disciplinary action against employees for cause.

- h. To increase, reduce, change, modify, or alter the composition and size of the work force, including the right to relieve employees from duties because of lack of work, lack of funds, or other legitimate reasons.
- i. To determine the location, methods, means, and personnel by which operations are to be conducted including the right to contract and subcontract existing and future work.
- j. To establish, change, or modify the number, types, and grades of positions or employees assigned to an organization, unit, department, division, or project.
- k. To establish, change, or modify duties, tasks, responsibilities, or requirements within job descriptions in the interest of efficiency, economy, technological change, or operating requirements.

12.02 Conflict of Interest

- A. Employees who may be in a position to influence actions and decisions of the County shall refrain from relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers of goods or services.
- B. An outside personal economic relationship, such as those described below, which affords or appears to afford present or future financial benefits to an employee, his/her family, or individuals with whom he/she has business or financial ties may be considered a conflict of interest requiring evaluation by the County Administrator.
  - a. The employee is engaged in a private business or financial relationship which may secure advantage of goods, services or influence due to the position of the employee with the County.
  - b. The employee designates sources for procurement or procures parts, materials, services, supplies, and facilities by purchase or lease, or sells or leases to the County in his/her own name or the name of others.
  - c. The employee acts as director, officer, agent, sole proprietor, partner, stockholder (if owning in excess of ten percent of securities outstanding), employee, paid consultant, or advisor to a supplier.

Any such transaction or relationship that would present an actual or potential conflict of interest for an employee also would likely present a conflict if it were related to a member of such person's family, including without limitation, spouse, parent, child or spouse of a child, brother, sister, or spouse of a brother or sister.

An employee having an outside personal economic relationship under the conditions specified above shall record a sworn statement to this effect with the County Administrator.

- C. If the employee is in doubt as to whether a conflict of interest or ethical question exists, it is the employee's responsibility to seek clarification. The County Administrator shall determine whether a relationship could cause a potential conflict of interest or an ethical issue.

D. Employee acceptance of loans, advances, gifts, gratuities, subsidies, favors, or entertainment from a supplier, bidder, or other party doing business with the County, is improper and may violate state law. Such actions shall not be condoned.

E. All employees must adhere to the following Martin County Officer and Employee Gift Policy:

- a. Martin County policy provides that officers and employees shall not solicit or accept any gift, gratuity, favor, entertainment or loan or any other items of monetary value from any organization, business firm, or person who has or is seeking to obtain business from Martin County Government or whose interests may be affected by the employee's performance or non-performance of official duties.
- b. Employees shall not accept personal gifts. Unsolicited gifts shall be reported through the Department Director to the County Administrator and shall be returned to the sender with a polite explanation of why the gift is being returned. In the event a personal gift is left anonymously or for some reason it cannot be returned, then it should be turned in to Administration for disposal. Gifts of alcoholic beverages are not to be accepted. If the gift is of a nature that it can be shared by other members of the department and it is obviously of nominal value (e.g., a tray of cookies) then it may be accepted, however, such gift giving is not to be encouraged.

Examples of gifts which may not be accepted by an employee, or a family member given on behalf of the employee include the following:

- Real property.
- The use of real property.
- Tangible or intangible personal property.
- The use of tangible or intangible personal property.
- A preferential rate or terms on a debt, loan, goods, or services which rate is below the customary rate and is not either a government rate available to all similarly situated government employees or officials or a rate which is available to similarly situated members of the public.
- Forgiveness of an indebtedness.
- Transportation, lodging, or parking.
- Food or beverage.
- Membership dues.
- Entrance fees, admission fees, or tickets to events, performances, or facilities.
- Plants, flowers, or floral arrangements except in cases of illness or bereavement.
- Services provided by persons pursuant to a professional license or certificate.

- Other personal services for which a fee is normally charged by the person providing the services.
- Any other similar service or thing having an attributable value not already provided for in this section.

F. It is improper for any officer or employee to use his/her position with the County to obtain or attempt to obtain any special preferences, privileges, or exemptions for him/her or for others.

G. No officer or employee shall disclose confidential information gained by reason of his/her official position, nor shall the employee use such information for personal gain or benefit. Employees shall not discuss matters in litigation without prior notice to and approval by the County Administrator and County Attorney.

#### 12.03 Political Activity

A. Employees may engage in the following political activities without fear of retribution: (None of these activities are to be accomplished while an employee is on duty. Violation shall be grounds for disciplinary action.)

- a. Register and vote as they choose.
- b. Assist in voter registration drives.
- c. Contribute money to a political organization or attend political fund-raising functions.
- d. Attend political rallies and meetings.
- e. Join a political club or party.
- f. Sign nominating petitions.
- g. Campaign for or against referendum questions, constitutional amendments, etc.

If an employee becomes a candidate for an elective public office, he/she must comply with the provisions of Florida Statute § 99.012 regarding the necessity to resign or take a leave of absence without pay. Such determination shall be made by the appointing authority.

B. Employees may not:

- a. Use official authority or influence for the purpose of interfering with an election or nomination for office, coercing, or influencing another person's vote, or affecting the result thereof.
- b. Directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party or candidate.
- c. Interfere in any other way with the personal right of any officer or employee.

#### 12.04 Employment of Family Members

Family members of a county employee are not permitted to work in a position that involves a direct or indirect reporting relationship, as this could create a conflict of interest. Additionally, County employees

are prohibited from appointing, employing, promoting, advancing, or advocating for the appointment, employment, promotion, or advancement of a relative.

Family members are defined as: parent, sister, brother, spouse, children, nieces, nephews, step-parent, step-children, step-brother, step-sister, half-brother, half-sister, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, aunts, uncles, grandchildren, and grandparents of the employee or spouse.

No employee may participate in, either directly or indirectly, employment decisions that may involve a direct benefit (such as work assignments, performance reviews, job classifications, hiring, or discipline) to a domestic partner or a romantic partner.

#### 12.05 Personal Romantic Relationships

The County desires to avoid misunderstandings, actual or potential conflicts of interest, complaints of favoritism, possible claims of sexual harassment, and the employee morale and dissension problems that can potentially result from romantic relationships involving managerial or certain other employees in the County.

Employees may be prohibited from becoming romantically involved with other employees when, in the opinion of the County, their personal relationships may create a conflict of interest, cause disruption, create a negative or unprofessional work environment, or present concerns regarding supervision, safety, security, or morale.

Employees shall immediately and fully disclose the relevant circumstances to the County Administrator so that a determination can be made as to whether the relationship violates this policy. If a violation is found, the County may take whatever action appears appropriate according to the circumstances, up to and including transfer or termination. Failure to disclose facts may lead to disciplinary action, up to and including termination of both employees.

All employees should also remember that the County maintains a strict policy against unlawful harassment of any kind, including sexual harassment. The County will vigorously enforce this policy consistent with all applicable federal, state, and local laws.

#### 12.06 Outside Employment

- A. Employees are discouraged but not prohibited from engaging in other employment during their off-duty hours. However, County employment shall be considered the primary employment and no employee may engage in outside employment which would interfere with the interest of the County, or without prior approval from the County Administrator.
- B. Outside employment may not be approved unless the following criteria are met:
  - a. A Conflict-of-Interest form is on file with Human Resources.
  - b. Such employment shall not interfere with the efficient performance of the employee's duties.
  - c. Such employment shall not involve a conflict of interest or conflict with the employee's duties.

- d. Such employment shall not involve the performance of duties which the employee should perform as part of his/her employment with Martin County.
- e. Such employment shall not occur during the employee's regular or assigned working hours.
- f. Any employee accepting outside employment under the terms of this rule shall make arrangement with the outside employer to be relieved from his/her outside duties if and when called for emergency service by Martin County.

C. The County retains the right to revoke its permission to engage in outside employment whenever an employee ceases to perform his/her duties in a manner which meets the standards of the position.

D. Any employee who obtains full-time or part-time employment elsewhere while on authorized leave of absence without pay is subject to termination of his/her position with the County unless the employee obtained prior approval from the County Administrator.

#### 12.07 Release of Information

- A. Employees shall at all times be courteous, friendly, and helpful to those members of the public who seek information.
- B. Employees are cautioned that information concerning subjects under discussion or consideration often change in content and meaning before becoming an accomplished fact. Any release of such information before final decisions or disposition of the matter often causes misunderstandings and confusion resulting in waste of time and money. This is not intended to discourage or delay release of information when requested pursuant to the Public Records Act.
- C. Unless release of information is a normal part of their duties, employees should promptly direct inquiries for information to the Department Director or County Administrator. It is not the intent of the County to be secretive or to withhold valid information but to assure that all information required to be released is provided.
- D. From time to time any employee, especially those in supervisory and managerial positions, may be requested or subpoenaed to make a statement to an attorney or law firm regarding County business. Should an employee receive either a request or a subpoena, the matter shall be discussed immediately with the Department Director as part of County business, who shall in turn notify the County Administrator and the County Attorney.
- E. These provisions shall not be interpreted in any manner that would conflict with Florida's Public Records Law or the Government in the Sunshine Laws.

#### 12.08 Media Relations

It is the policy of Martin County to provide the general public and the media with complete, accurate, and timely information about County programs, services, projects, events, etc. Unless release of information to the media is a normal part of an employee's job duties, media inquiries should be promptly directed to the Office of Communications, where staff has the authority to make statements to traditional and online media on behalf of the County.

12.09 Solicitation and Distribution

- A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.
- B. Employees of the County are prohibited from engaging in selling merchandise or soliciting while the employee is on working time or the employee to be solicited is on working time. Work time does not include authorized break periods, mealtimes, or before or after work.
- C. Employees are prohibited from distributing literature or other materials of any kind during working hours or in any area where County work is performed at all times.
- D. E-mail, facsimile machines, voicemail, and any other County provided communication method may not be used to advertise or solicit employees for non-work related or non-official County events.
- E. This policy does not apply to communication from the County regarding work-related or official County events.
- F. Non-employees are prohibited from soliciting or from distributing literature or other materials of any kind in any area on any part of County property that is not open to the general public.

**Bulletin Boards**

The County's bulletin boards are maintained as an important source of information. As such, they are to be used solely to post information approved by the County Administrator or designee regarding the County's policies, governmental regulations, and other matters of concern to all employees and related to the employees' employment by the County, and only persons designated by the County Administrator may place notices on or remove materials from the bulletin board(s). Please develop a habit of checking the bulletin boards daily so that you will be familiar with the information posted there.

12.10 Use of County Property

- A. Employees shall not use County property, equipment, or vehicles except in the performance of official duty, nor shall they permit its use by an unauthorized person, either on or off duty except in the case of official County business and authorized by the County Administrator or his/her designee.
- B. Personal use of County vehicles is expressly prohibited.

12.11 Communication and Computer Systems Security and Usage Policy

**Policy Overview**

This Communication and Computer Systems Security and Usage Policy contains guidelines for the use, access, monitoring, and disclosure of communications created, sent, received, viewed, shared, used, transmitted, or stored (collectively referred to as "used") by employees using any type of County-provided system or electronic device or equipment and employee-provided systems or electronic device or equipment used either in the workplace or during working time. "Workplace" includes any system or remote access to any system or data originating in or maintained by the County. "Electronic Device" includes, among other things, telephone, mail, e-mail, voice mail, desk and laptop computers, pagers,

mobile phones, camera phones, video cameras, electronic game devices, faxes or facsimiles, Internet, and intranet. (In the remainder of this policy, all these communication devices are collectively referred to as "systems.") "Text Messaging or Texting" is the act of composing and sending electronic messages between two or more cellular or mobile devices over a shared network. The term originally referred to messages sent using the Short Message Service (SMS), but has grown to include multimedia messages containing images, videos, and sound content as well as ideograms known as emoji.

**State of Florida Records Retention Schedule Item #146, Transitory Message(s) (as may be amended from time to time):** This record series consists of records that are created primarily to communicate information of short-term value. "Transitory" refers to short-term value based upon the content and purpose of the message, not the format or technology used to transmit the message. Transitory messages are not intended to formalize or perpetuate knowledge and do not set policy, establish guidelines or procedures certify a transaction, or become a receipt. RETENTION: Retain until obsolete, superseded, or administrative value is lost.

### **Confidentiality and Acceptable Systems Usage**

The County's systems are intended for County business only. Use of the County's systems for accessing or acquiring information and materials inappropriate to a County environment is against County policy and is prohibited. Employees are strictly prohibited from accessing, reading, and copying communications not directed to them without prior authorization.

All systems messages are County records. The contents of our systems may be disclosed to the County without your permission. Therefore, you should not assume that messages and communications are confidential.

### **County's Right to Access Information**

The County's computer, telephone, and communication hardware and software systems have been installed and are used to facilitate County communications. Although each employee has an individual password to access these systems, they belong to the County and the contents of all communications are accessible by the County for any business purpose. The County reserves the right to monitor, and will periodically monitor, its systems in order to ensure compliance with this policy. Employees are strictly prohibited from placing personal passwords on any County system for the purpose of preventing such monitoring.

Employees should not consider any materials transmitted or stored in County systems to be private.

### **Personal Use of the County's Communication and Computer Systems**

General Usage - Because personal communications can be accessed without prior notice, employees should not use County systems to transmit any messages, or to access any information, which you would not want a third party to see. Although incidental and occasional personal use of our systems is permitted, any such personal use will be treated the same as all other communications under this policy. However, employees are at all times strictly prohibited from downloading information from the Internet for personal use.

**Telephone Usage** - The telephone systems (including voice mail) at the County are the property of the County and are provided for business or County purposes. The County may periodically monitor the usage of the telephone systems to ensure compliance with this Policy. Therefore, employees should not consider their conversations on the County's telephone systems to be private.

**Personal Mail** - All mail that is delivered to the County is presumed to be related to County business. Mail sent to you at the County may be opened by the office personnel and routed to your department.

County postage meters and letterhead may not be used for personal correspondence.

### **Forbidden Use and Content of Communications**

You may not use County systems in any way that may be seen as insulting, disruptive, offensive, or harmful to morale. Examples of prohibited, non-business purposes include, but are not limited to, use of the County's systems:

- A. To convey insensitive, improper, derogatory, insulting, threatening, or harassing language or remarks, or sexually explicit messages, cartoons, jokes, or other potentially offensive material.
- B. To send propositions, love letters, or any other message that could be construed to be harassment or disparagement of others in violation of our Policy Against Harassment.
- C. To attempt to break into any computer, whether internal or external to the County, to copy or steal electronic files without permission or to knowingly cause or aid the spread of computer viruses.
- D. To write resumes, junk mail, mass-mailings, or other documents unrelated to County business or to create and/or forward "chain letters;"
- E. For the unauthorized advertisement of services.
- F. To run computer games or other personal software during working hours.
- G. As a forum for gossip or for personal gain.
- H. For any illegal purpose.

### **E-mail**

E-mail, short for electronic mail, is any of the various systems that transmit some form of electronic representation of a page or message from one location to another. It should be clear that electronic mail cannot be used to harass or threaten others. The County reserves the right to randomly check e-mail. E-mail messages must not include personal attacks and should follow the normal rules of appropriate public language. They should not contain any language or content, which the author would not be willing to share from the podium at a County meeting. Employees should be made aware that deleted e-mails can be undeleted.

### **Text Messaging**

Conducting public or official business via text message, text messaging services, or other text messaging web applications is strongly discouraged, regardless of whether a County-owned device or personal device is used. In the event that a user conducts public or official business via text message, the user shall be

responsible for ensuring that the text message(s) is/are properly archive for retention purposes. For purposes of this section, “properly archived” shall mean forwarding a copy of said text message(s) to the user’s County email account. Copies of any existing business-related text message(s) shall be forwarded to your County email account for archival purposes. Test messaging may be used for the limited purpose of exchanging “transitory” messages, as defined by the State of Florida Records Retention Schedule Item #146 Transitory Messages, and may be deleted.

### **Password and Encryption Key Security and Integrity**

All system passwords and encryption keys must be available to the County at all times. Additionally, employees may not use passwords that are unknown to your manager, nor may employees install encryption programs without first receiving permission and turning over encryption keys their manager. Further, employees are prohibited from the unauthorized use of passwords and encryption keys belonging to other employees in order to gain access to other employees’ messages. Passwords are private and should be treated as such. Employees are responsible for any and all activity occurring on the County’s systems under their password.

### **Software, Personal Disks, and Networking**

Computer software, whether purchased, developed, or modified by the County, may not be downloaded, copied, reproduced, altered, deleted, or appropriated by employees without prior County authorization. Any such computer software is the property of the County and may not be copied or appropriated by employees for personal use during employment with the County or upon separation. Employees should be aware that the illegal duplication of computer software may result in the filing of criminal copyright charges by the owners of the copyrights; copyright infringement is punishable by fines and/or imprisonment.

The County does not condone the use of “bootleg” or “pirate” software on its computer system. The use of such software is grounds for discipline, up to and including immediate termination of employment. Any employee who becomes aware of the presence of any “bootleg” or “pirate” software on the County’s computer system should notify management immediately.

The use of personal storage devices or software in the County’s computer system without prior authorization is strictly prohibited. Employees are further prohibited from accessing the County’s systems from remote locations via modem and from connecting County systems to outside systems via modem without prior authorization.

### **Penalties for Violation of the County’s Communication and Computer Systems Security and Usage Policy**

**VIOLATIONS OF ANY ASPECT OF THE COUNTY’S COMMUNICATION AND COMPUTER SYSTEMS SECURITY AND USAGE POLICY MAY RESULT IN DISCIPLINE, UP TO AND INCLUDING TERMINATION.** The County will also seek civil damages against any employee who appropriates or copies the County’s property as described in this Policy.

#### **12.12 Social Media**

Social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, use of social media also presents certain risks and carries with it

certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established the following guidelines for appropriate use of social media.

In a rapidly expanding world of electronic communications “social media” can mean many things. “Social media” includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else’s web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the County, as well as any other form of electronic communication.

The same principles and guidelines found in the County’s policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow co-workers or otherwise adversely affects members of the public, vendors, suppliers, people who work on behalf of the County or its legitimate business interests may result in disciplinary action up to and including immediate termination.

Carefully read these guidelines and the Equal Employment Opportunity Program, Policy Against Harassment and other conduct policies, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, retaliation, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including immediate termination.

Always be professional with fellow co-workers, members of the public, vendors, suppliers or third parties who work on behalf of the County. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your co-workers or by utilizing our Open-Door policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, vulgar, obscene, and threatening or intimidating, that defame or slander members of the public, co-workers, vendors, or suppliers, or that might constitute unlawful harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally defame someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, age, gender, national origin, color, disability, religion or any other status protected by federal, state or local law or County policy.

Make sure you are always truthful and accurate when posting information or news. If you make a mistake, correct it quickly. Be open about any previous posts you have altered. Use privacy settings when appropriate. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. The Internet is immediate, nothing that is posted ever truly “expires.” Never post any information or rumors that you know to be false.

Maintain the confidentiality of the County’s proprietary or confidential information. Do not post internal reports, policies, procedures or other internal business-related confidential communications.

Express only *your* personal opinions. Never represent yourself as a spokesperson for the County.

You must refrain from using social media while on working time or while using equipment we provide, unless it is work-related as authorized by your supervisor.

Do not use any of the County’s email addresses to register on social networks, blogs or other online tools utilized for personal use.

Employees are encouraged to report violations of this policy. The County prohibits retaliation against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another co-worker for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including immediate termination.

Employees should not speak to the media on the County's behalf unless release of information to the media is a normal part of an employee's job duties, media inquiries should be promptly directed to the Office of Communications, where staff has the authority to make statements to traditional and online media on behalf of the County.

The County maintains a separate Social Media Usage Policy for County Business. Employees are required to adhere to the County's Social Media Usage Policy for County Business. If you have questions or need further guidance, please contact Human Resources

#### 12.13 Cell Phones, Personal Digital Assistant and Other Handheld Electronic Devices

Other than as used in connection with an employee's job duties, excessive use, as determined by the County, of cell phones, personal computers, personal digital assistant, and other handheld devices is prohibited. Other than as used in connection with an employee's job duties, employees are encouraged to use such devices during meal or authorized break times. In the remainder of this policy, these devices are collectively referred to as "handheld devices." Excessive use of "personal" handheld devices during the workday can interfere with employee productivity and be distracting to others.

Employees are asked to ensure that friends and family members are aware of the County's policy. Flexibility will be provided in circumstances demanding immediate attention. The County will not be liable for the loss of handheld devices brought into the workplace.

The County prohibits unauthorized photography, audio or video recording of its employees, confidential documents, or its customers. Employees may not use handheld device in a manner that violates our Policy Against Harassment Policy, Equal Employment Opportunity Policy, or other County policy. Employees who violate this policy are subject to discipline, up to and including immediate termination of employment.

Employees are expected to refrain from using their handheld devices while driving in connection with their job duties. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull over to the side of the road and safely stop the vehicle or motorcycle before using any handheld device. Under no circumstances are employees allowed to place themselves or anyone else at risk to fulfill business needs. Under no circumstances may an employee while driving use any electronic wireless communications device to write, send, or read any text-based communication, including text messages, instant messages, or email messages.

Employees who are charged with traffic violations resulting from the use of their handheld devices while driving will be solely responsible for all liabilities that result from such actions. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

#### 12.14 Facsimile and Copy Machine Policy

The facsimile and copy machines are for legitimate business purposes only and should not be used for personal use. Employees are prohibited from using these machines for the purpose of transmitting, receiving, or copying materials which may be deemed offensive or insulting. Any employee who receives

such materials via facsimile transmission, the mail, or from any other source, should report the transmission immediately to the Director of Human Resources.

12.15 Dress and Appearance

- A. County employees are expected to maintain high personal standards. One of the most noticeable expressions of these personal standards is dress and appearance.
- B. No attempt is made to set specific standards. The important factor is the overall impression created. What is appropriate for employees in one department may not be appropriate for another.
- C. Work clothes and uniforms provided for many departments generally set the standard for their functions. Determination of an employee's specific dress and appearance is a supervisory responsibility and shall be treated as such. Personal appearance standards may be established in departmental rules.

12.16 General Prohibitions

- A. Employees are expected to be aware that they are public employees and to conduct themselves in a manner which shall in no way discredit the County, public officials, fellow employees, or themselves.
- B. No employee shall make any false statement, certificate, mark, rating, or report concerning any test, certification, or appointment made under the provisions of these rules or in any manner commit or attempt to commit any fraud preventing the impartial execution of these rules.
- C. No employee shall, directly or indirectly, give, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment promotion, or proposed promotion to, or any advantage in, a position in the County.
- D. No employee shall deceive or obstruct any person in their right to examination, eligibility, certification, or appointment under these rules, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment with the County.
- E. No employee whose duties involve the use of a badge, card, or clothing insignia as evidence of authority or for identification shall permit such badges, cards, or insignia to be used or worn by anyone who is not authorized to use or wear them nor permit them to be out of his/her possession without good cause or approval of the Department Director. Such badges, cards, and insignia shall be used only in the performance of the official duties of the positions to which they are related.

12.17 Equal Employment Opportunity (EEO) Program

- A. It is the express obligation and voluntary policy of the Martin County BOCC and of the Martin County government to engage in a program of total compliance with all applicable federal and state and local laws regarding recruitment, hiring, and promoting people on the basis of demonstrated ability, experience, and training without regard to race, color, religion, sex, pregnancy, age, national origin, ancestry, marital status, veterans status, disability/handicap, genetic information, or any other protected status in accordance with applicable law. This subject

requires continuous action at all levels to assure legal and moral compliance with the spirit of the policy.

B. Any employee of the Martin County BOCC who feels that he/she or another employee has been the victim of discrimination should notify the Director of Human Resources or the County Administrator. Employees may also notify their Department Director or the aforementioned individuals in writing regarding a complaint.

Employees have an obligation to bring complaints forward under the EEO policy and procedure if they experience or witness conduct contrary to the policy. Employees will not be retaliated against for bringing a complaint forward in good faith. Every effort will be made to keep the employee names confidential, to the extent possible consistent with the need to conduct an adequate investigation, and applicable with all laws and regulations.

Any employee found to have violated this policy of EEO is subject to appropriate disciplinary action, up to and including termination from employment. In this manner, the County strives to ensure a work environment that provides equal opportunity to all.

#### 12.18 Professionalism in the Workplace

A major goal of the Human Resources Policy Manual is to encourage a workplace environment that respects the dignity of all employees. For this reason, all employees should maintain a high degree of professionalism and respect with co-workers, subordinates, and superiors. Malicious, vulgar, obscene, threatening, intimidating language, and/or physically abusive behavior, discriminatory actions, or harassment is counter-productive to the desire for teamwork among all employees, levels of management, and in relationships with elected officials, and the public. Such behavior will be subject to disciplinary action, up to and including termination from employment, and will not be tolerated by the County organization.

#### 12.19 Policy Against Harassment

The County does not tolerate unlawful harassment of any of our employees, customers, vendors, suppliers, or independent contractors. Any form of harassment which violates applicable federal, state, or local law, including, but not limited to harassment related to an individual's race, religion, color, sex, gender, national origin, ancestry, citizenship status, military status, marital status, pregnancy, age, genetic information, or disability/handicap is a violation of this policy and will be treated as a disciplinary matter. The County also prohibits same sex harassment. For these purposes the term "harassment," includes slurs and any other offensive remarks, jokes, other verbal, graphic, or physical conduct.

In addition to the above listed conduct, "sexual harassment" can also include the following examples of unacceptable behavior:

- A. Unwanted sexual advances.
- B. Offering an employment benefit (such as a raise or promotion or assistance with one's career) in exchange for sexual favors, or threatening an employment detriment (such as termination, demotion, or disciplinary action) for an employee's failure to engage in sexual activity.
- C. Visual conduct, such as leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters.

- D. Verbal sexual advances, propositions, or requests.
- E. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive, or obscene letters, notes, or invitations.
- F. Physical conduct, such as touching, assault, impeding, or blocking movements.

If you have any questions about what constitutes harassing behavior, ask your supervisor or another supervisory official.

Violation of this policy will subject an employee to disciplinary action, up to and including termination. If you feel that you are being harassed by another employee, supervisor, or manager you should immediately contact your supervisor, Director of Human Resources, or the County Administrator. Employees may also notify their Department Director or the aforementioned individuals in writing regarding a complaint. In addition, if you observe harassment by another employee, supervisor, or manager, please report the incident immediately to the individuals above. You may be assured that you will not be penalized in any way for reporting a harassment problem in good faith.

All complaints of unlawful harassment which are reported to management will be investigated as promptly as possible and corrective action will be taken where warranted. The County prohibits employees from hindering internal investigations and internal complaint procedure. All complaints of unlawful harassment which are reported as provided herein will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation.

Harassment of employees in connection with their work by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to their Supervisor, Director of Human Resources, or the County Administrator. Employees may also notify their Department Director or the aforementioned individuals in writing regarding a complaint. Appropriate action will be taken against violation of this policy by any non-employee.

Harassment of our customers or employees of our customers, vendors, suppliers, or independent contractors, by our employees is also strictly prohibited. Such harassment includes sexual advances, verbal or physical conduct of a sexual nature, sexual comments, and gender-based insults. Any such harassment will subject an employee to disciplinary action, up to and including immediate termination.

Your notification of the problem is essential to us. The County cannot resolve a harassment problem without becoming aware of the situation. Therefore, it is your responsibility to bring those kinds of problems to the County's attention so that the County can take whatever steps are necessary to correct the problem.

If the County finds that an employee has violated County policy, appropriate disciplinary action will be taken, up to and including termination of employment.

All County employees will attend Sexual Harassment prevention training annually.

### **Protection Against Retaliation**

- A. It is the responsibility of every employee of the County to conscientiously follow the Policy Against Harassment and the County's policy prohibiting discrimination and to immediately bring to the

County's attention any concern they may have regarding any harassment or discrimination they believe they have experienced or witnessed.

- B. No employee will be subject to any form of retaliation for reporting in good faith any violation of the policies prohibiting harassment or discrimination or for participation in any investigation under these policies. Persons filing false, frivolous, or malicious complaints, however, will be subject to discipline up to and including termination of employment.
- C. Any employee who believes that they have been retaliated against in violation of this policy should immediately bring this matter to the attention of the Director of Human Resources or the County Administrator. Notification of the problem is essential.

All complaints of unlawful retaliation which are reported as provided herein will be investigated as promptly as possible and corrective action will be taken where warranted. The County prohibits employees from hindering internal investigations and internal complaint procedure. All complaints of unlawful retaliation which are reported as provided herein will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation.

If the County finds that an employee has violated County policy prohibiting retaliation, appropriate disciplinary action will be taken, up to and including termination of employment.

#### 12.20 Disability Accommodations

The County is committed to complying with the laws protecting qualified individuals with disabilities. The County will provide a reasonable accommodation for any known physical or mental disability of a qualified individual with a disability to the extent required by law, provided the requested accommodation does not create an undue hardship for the County and/or does not pose a direct threat to the health or safety of others in the workplace and/or to the individual. If you require an accommodation to perform the essential functions of your job, you must notify the Director of Human Resources. Once the County is aware of the need for an accommodation, the County will engage in an interactive process to identify possible accommodations that will enable the employee to perform the essential functions of the job.

If you believe that you have been treated in a manner not in accordance with this policy, please notify the County immediately, by speaking to the Director of Human Resources. You are encouraged to utilize this procedure without fear of reprisal.

This policy extends to all aspects of our employment practices, including but not limited to, recruiting, hiring, discipline, firing, promoting, transferring, compensation, benefits, training, leaves of absence, and other terms and conditions of employment.

#### 12.21 Alcohol and Drug-Free Workplace

It is the policy of the Martin County BOCC to prohibit the illegal use, sale, or possession of narcotics, drugs or controlled substances while on County time, on County property, or using County equipment. Such prohibition extends to off-the-job illegal drug activity which may adversely affect an employee's job performance; jeopardizes the safety of the employee, other employees, the public or county equipment; or undermines government or public confidence in the County. Consistent with this policy's intent.

- A. The sale, use, acceptance, possession of alcoholic beverages, illegal drugs, or illegal substances present in one's system on County time, County property, or in any County building, facility, or

equipment is prohibited and considered a terminable offense. Any illegal substances obtained will be turned over to the appropriate law enforcement agency.

- B. Off-the-job involvement with illegal drugs or controlled substances, which adversely affects an employee's job performance, jeopardizes the safety of the employee, other employees, the public or county equipment or undermines government or public confidence in the County will result in disciplinary action up to and including termination. In deciding what disciplinary action to take, the County will consider the employee's present job assignment, the employee's record of employment with the County, and other factors relative to the impact on the conduct of the County's business.
- C. Any employee convicted of a drug or alcohol offense is required to notify Human Resources of the conviction within 24 hours. Employees convicted of crimes are subject to disciplinary action up to and including termination or mandatory participation in a drug rehabilitation or treatment program.
- D. Employees undergoing prescribed medical treatment with a legal drug or controlled substance that might impair behavior or work performance must report this fact to their supervisor. It may be necessary to restrict the employee's work activity while undergoing treatment to ensure a safe work environment.

#### 12.22 Searches and Inspections

Employees should understand that there is no expectation of privacy on County premises or in County vehicles. In order to protect the safety and property of all employees, the County reserves the right to inspect all County vehicles, all County areas, and all items brought into County's physical premises including, but not limited to, work areas, desks, computers, cabinets, personal articles, clothes, lockers, packages, containers, bags, purses, briefcases, vehicles, and other items on County property in furtherance of this policy except as explicitly prohibited by law. Refusal to cooperate with the County in any search or investigation will result in discipline, up to and including immediate termination.

#### 12.23 Honesty

The mission of the County can only be carried out with the expectation of trust and honesty with respect to all employees. All employees are expected to perform their duties and conduct themselves at all times when working for or representing the County in any setting, with complete honesty and trustworthiness. Without limiting the generality of the foregoing, employees are responsible for honestly completing all County records, reports, timecards, and other County documents. Employees must also be honest and trustworthy in all verbal and written communications and general relationships with others, including without limitation, the County, co-workers, and the public. Any falsification, lying, or untrue oral, written, or other communication will be considered dishonest behavior. Any employee violating any aspect of this policy is subject to disciplinary action, up to and including immediate termination.

#### 12.24 Investigation of Misconduct

To protect our employees and the public, the County must be able to investigate suspected or alleged misconduct. Employees are required to cooperate and to assist the administration to the fullest extent possible in investigating misconduct, whether their own or another's. Such cooperation and assistance include, without limitation, being completely honest (including, providing all facts, documents, and information in the employee's possession or control or which the employee has knowledge of), and

submitting to searches and/or drug and alcohol tests, if requested to do so. An employee's failure or refusal to cooperate and assist in any investigation, including, without limitation, dishonesty, or a refusal to submit to a search or drug and alcohol test, if requested to do so, is grounds for discipline, up to and including immediate termination.

If an employee fails or refuses to cooperate or assist at any stage of an investigation into the employee's own suspected or alleged misconduct, the County also reserves the right to proceed without the employee's statement or cooperation and to make a decision based on all reasonable inferences from the employee's failure or refusal to cooperate (including drawing an adverse inference) and information from other sources. The employee's failure or refusal to cooperate remains a separate ground for discipline, up to and including immediate termination.

#### Section 13 – Disciplinary Action

##### 13.01 Intent

- A. It is the intent of the County that effective supervision and employee relations shall avoid most matters which necessitate disciplinary action. The purpose of the Rules and Regulations of the County Program, and of disciplinary action for violation of these rules, is not to restrict the rights of anyone, but to insure the rights of all, and to secure cooperation and orderliness throughout the personnel system.
- B. The violation of any of the Standards of Conduct or rules may result in disciplinary action up to and including termination from employment. Obviously, the list below is not all inclusive and there may be other circumstances for which employees may be disciplined, up to and including termination.
- C. Infractions of approved departmental and safety rules and regulations shall subject the employee to disciplinary actions, up to and including immediate termination. All disciplinary actions shall be documented in writing.
- D. In all cases, the Department Director shall notify the employee of the action taken, and a copy of such notice shall be included in the employee's personnel folder, with a copy to the County Administrator and Human Resources.
- E. Prior to suspending an employee or dismissing an employee, the Director of Human Resources or designee must approve of such action.

##### 13.02 Types of Offenses/Discipline

Types of offenses/discipline include, but are not limited to, the following:

#### **Inefficient Use of Time**

- A. Quitting work, wasting time, loitering, spending time on other than assigned duties, or leaving assigned work area during working hours without permission.
- B. Taking more than the specified time for meals or break periods.

#### **Unauthorized Leave/Absences**

- A. Abuse of leave privileges.

- B. Being absent from work without permission or leave.
- C. Leaving assigned area at the end of the scheduled shift without being relieved by the supervisor or the relieving employee on the incoming shift, for those units operating on a 24-hour basis.
- D. Excessive tardiness. “Excessive” is considered occurring three or more times within a 30-day period.
- E. Absenteeism. Unscheduled leave of three or more occurrences in a 30-day period without a Physician’s statement.
- F. Being absent from duty for a period of two consecutive days without personally notifying your supervisor.
- G. Failing to return from an authorized leave of absence.

### **Performance**

- A. Demonstrating productivity or workmanship which is not up to required standards of performance.
- B. Failing to report a request for information or receipt of a subpoena from a law firm or an attorney for a matter relating to County business.
- C. Incompetency, inefficiency, or negligence in the performance of duty.
- D. Neglect in performing assigned duties.

### **Safety**

- A. Violating a safety rule or safety practice.
- B. Failing to immediately report an accident or personal injury in which the employee was involved while on the job.
- C. Creating or contributing to unsafe or unsanitary conditions or poor housekeeping.
- D. Making mistakes due to carelessness that affect the safety of the public, County personnel, equipment, tools, or property.

### **Inappropriate Behavior**

- A. Reporting to work or working while unfit for duty, either medically, mentally, or physically.
- B. Posting or removing any material on official bulletin boards or County property without authorization.
- C. Failure to comply with requirements set forth in approved departmental rules and Standards of Conduct.
- D. Use of County equipment, tools and/or machines which the employee has not been assigned.

- E. Making or publishing false, vicious, or malicious statements concerning any employee, supervisor, the County, or its operations.
- F. Threatening, intimidating, coercing, or interfering with fellow employees or supervisors at any time, including using malicious, vulgar, obscene, threatening, or intimidating language.
- G. Receiving or soliciting from any person, or participating in any fee, gift, or other valuable thing in the course of work, when such fee, gift, or other valuable thing is given in the hope or expectation of receiving a favor of better treatment than that accorded other persons, in violation of Martin County's Gift Policy.
- H. Falsifying personal or County records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, application, or claims.
- I. Insubordination by refusing to perform work assigned, or to comply with written or verbal instructions of his/her supervisor, except that which is deemed illegal, unsafe, or contrary to County policy.
- J. Unauthorized use or display of firearms, explosives, or weapons on County property.
- K. Theft or removal from County locations without proper authorization of any County property or property of any employee or citizen.
- L. Unlawful (whether prosecuted or not) or improper conduct, or indecency, either on or off the job, which would tend to affect the employee's relationships to the job, fellow workers, reputation, or goodwill in the community.
- M. Possession of alcoholic beverages in or on County property or vehicles excluding unopened containers in personal vehicles. Drinking alcoholic beverages during the workday. Reporting for work having alcohol present in one's system.
- N. Abuse or misuse of controlled substances. Misuse of over-the-counter medications during the workday or reporting for work having controlled substances present in one's system, excluding prescription drugs prescribed to the employee by a licensed medical professional.
- O. Using or attempting to use political influence or bribery to secure an advantage of any manner.
- P. Showing courtesy to the public.
- Q. Sleeping or inattention during work hours.
- R. Provoking or instigating a fight or fighting on County property.

#### **Other**

- A. Violation of the Solicitation and Distribution rule.
- B. Failing to keep the department and the County notified of proper address and telephone number (if any).
- C. Misusing, destroying, or damaging any County property or property of an employee or citizen of the County while on duty.

- D. Permitting another person to use an employee's identification card, unauthorized use of another person's card, or altering an identification card.
- E. Being convicted of a misdemeanor of the first degree, as defined by Florida Statutes, being convicted of a felony, or any violation involving moral turpitude while either on or off the job, which directly impairs employee's ability to perform the functions of his/her position.
- F. Violation of any rules, policies, or procedures.
- G. Using County vehicles for personal use.
- H. Violation of Florida Statute 553.865 – Safety in Private Spaces Act

Section 14 – Problem Solving Procedures

14.01 Open-Door Policy

**EMPLOYEES, PLEASE NOTE:** Due to the serious nature of harassment, discrimination, and retaliation, you must voice your concerns or complaints about such behavior to the individuals listed in the Policy Against Harassment in this manual.

**Martin County pledges to provide the following open-door policy:**

Martin County believes that all employees should be able to make suggestions for work improvement and to register complaints regarding working conditions or properly report other problems in work-related areas. All employees are encouraged to discuss their problems with supervisory staff.

Martin County also believes that, when necessary, all employees shall be able to take their problems to whatever level of management the employee believes is necessary. In addition, employees may contact Human Resources. Human Resources will make sure employees receive a response within a reasonable time period.

It is Martin County's firm belief that the majority of employee questions, problems, etc., can be satisfactorily resolved by following the Open-Door Policy.

14.02 Grievance Procedure

While the grievance procedure is applicable only to those employees who are classified as not at-will, the County has decided to extend this process to at-will employees. Notwithstanding the foregoing, those employees who are classified at-will, remain at-will and nothing herein changes the at-will nature of employment for those employees classified as at-will. Eligible employees may use the County's formal grievance procedure without fear of retaliation or discrimination. Performance evaluations and ratings are not subject to the grievance procedure.

**A. Step 1**

If an employee feels he/she has a grievance, he/she shall, within 10 working days after the employee had knowledge, or reasonably should have had knowledge of its occurrence, present the grievance in writing to his/her immediate supervisor or other designated supervisor, or the grievance shall be considered waived. The written grievance shall name the employee involved, shall state the facts giving rise to the grievance, the remedy requested, and shall be signed and dated by the aggrieved employee.

The supervisor shall submit his/her answer in writing within 10 working days after receiving the employee's written grievance. The grievance may be resolved at that point if the adjustment is not inconsistent with the rules and regulations of the Human Resources Policy Manual. If the grievance is not satisfactorily adjusted, the employee may submit the written grievance at Step 2. If the grievance is an appeal of suspension or termination, the employee may proceed directly to Step 3.

**B. Step 2**

If the grievance is not resolved in Step 1, the employee shall present the Step 1 written grievance to the Department Director within 10 working days after the employee receives the answer in Step 1 or the grievance shall be considered waived. The grievance will be answered in writing by or on behalf of the Department Director within 10 working days after the grievance is presented. The grievance may be resolved at that point if the adjustment is not inconsistent with the rules and regulations of the Human Resources Policy Manual. If the grievance is not answered within 10 working days, it may be taken to Step 3 within the next 10 working days. If no further action is taken within 10 working days after the delivery of the written answer to the employee, the answer will be considered to be accepted, and no further action may be taken upon the grievance.

**C. Step 3**

If the grievance is not resolved at Step 2, the employee may present the grievance within 10 working days to the County Administrator. The due process hearing conducted by the County Administrator or designee regarding a recommendation of an employee suspension, demotion, or termination will also be considered a Step 3 grievance. Step 3 grievances shall be addressed to the County Administrator and delivered to the Department of Administration. If the grievance is not submitted to the Step 3 within the time limit stated above, it shall be considered waived. The County Administrator or designee will give the County's answer within 10 working days following the Step 3 grievance meeting.

Section 15 – Miscellaneous

15.01 Vehicles

Some employees are issued and are responsible for a truck or automobile which may be driven to and from work and lunch and to conduct official business. Such vehicle shall not be used for personal or private business. The permanent assignment of a take-home vehicle may result in an IRS taxable fringe benefit to the employee. Please contact Payroll for additional details. Other employees may be authorized to use County vehicles upon the approval of the County Administrator. The purpose of this policy is to enable the employee in question to respond to emergency conditions promptly. Abuse of this policy may result in a withdrawal of the vehicle and appropriate disciplinary action.

15.02 Pension Plan

The County participates in the Florida State Retirement System (FRS) which provides a Defined Benefit Plan or Investment Plan for all qualified employees to assist with their retirement goals. Details of the plan are maintained by the Human Resources Department.

15.03 Unemployment Compensation

This is another form of insurance that is paid entirely by the County. It helps an employee meet a loss of income resulting from unemployment beyond their control by paying certain benefits while out of work. This form of protection is in addition to group insurance, Social Security, and workers' compensation.

#### 15.04 Deferred Compensation

The Deferred Compensation program allows an employee to postpone receipt of a portion of his/her salary during working years and to receive its value later in life or upon retirement. The amount of current salary deferred will not be considered as income for federal tax purposes until its value is actually received. A strictly defined Internal Revenue code provision allows withdrawals in the event of an unforeseeable emergency. Emergency withdrawal of funds may be approved upon the issuance of an opinion by the deferred compensation provider that the emergency situation complies with the Internal Revenue Code. For further information, contact Human Resources.

#### 15.05 Defined Contribution

Employees that are not eligible to contribute to the FRS investment plan or FRS pension plan, shall be placed in the County's defined contribution plan. The County shall contribute the same amount to the employee's defined contribution plan as employees who are enrolled in the FRS investment plan. The County's contribution rate to the defined contribution plan shall remain consistent with the amount required by the FRS investment plan. The FRS investment plan contribution rate is determined annually on July 1.

#### 15.06 Employee Assistance Program (EAP)

An EAP is a benefit provided to employees and their dependents to assist them with personal or family problems that are too difficult or too complex to handle alone. The EAP program is confidential and one-on-one counseling is received from an experienced counselor who helps people find solutions to their problems. EAP services include marital/family, work-related, alcohol and drug abuse, emotional distress, mental health, and child/parent. Brochures are available in Human Resources.

#### 15.07 Tuition Reimbursement

Martin County will provide tuition reimbursement for full-time employees (with one year of full-time County service) for any courses to include vocational or technical courses related to the employee's job, or as determined by the Department Director and the Human Resources Department. The County may reimburse for public administration courses, and courses towards an Associate's Degree, Bachelor's Degree, or Graduate Degree from any accredited education institution as long as the benefit of the degree will be realized by the County. The Human Resources Department and the Department Director will agree to the appropriateness of the course(s) as they relate to the County. A maximum of \$2,400 per employee applies for courses towards an Associate's Degree or Bachelor's Degree per fiscal year as funding permits. Employees taking graduate level courses can receive up to \$5,000 per fiscal year for graduate level classes. Employees shall not be permitted to receive more than \$5,200 per fiscal year when combining graduate level courses and Bachelor level courses or below. There is no reimbursement for the cost of books, laboratory fees, and any other charges. Reimbursement is made in accordance with the following grade scale.

Grade Received	Percent of Reimbursement
A	100%

B	75%
C	50%
D	0%
F	0
Pass	80%

To be eligible for the tuition reimbursement, the employee must receive written approval from their Department Director and the Human Resources Department prior to taking any class. The approval and is completed in OnBase. To receive reimbursement after completing the course, proof of payment and grade received must be submitted. Only courses for which the employee has received prior approval will be eligible for reimbursement.

#### 15.08 Emergency Event Policy

Should there be an emergency event that affects Martin County, the County will make every effort to notify all necessary media contacts regarding the County's decision to close offices or to remain open for business. In the event that an emergency circumstance may impact the County, staff support will be required to provide the desired level of service to our community. Recognizing that the majority of job descriptions include emergency duty assignments and understanding the wealth of talented County employees available, all County employees have been deemed essential during times of emergency, unless the employee has a qualifying exemption.

Understanding that emergency duties may place an undue hardship on some individuals, employees can be considered for an exemption by completing the Essential Duty Exemption Form and submitting it to their Department Director. A qualifying exemption is determined and approved by the employee's Department Director, the Director of Human Resources, and the County Administrator or his/her designee.

**Department Essential** – Employees with positions in this category are required to report to their designated work location to ensure the operation of essential department functions when the County has suspended normal operations.

**Deployable Staff** – Employees with positions in this category are available to be assigned to other emergency roles when the County has suspended normal operations.

Employees whose shift ended prior to the declaration of the emergency or who have been released to return home are on-call and must remain within a pre-determined radius, remain fit for duty, and may be subject to discipline for failure to respond.

All County employees are expected to maintain up-to-date contact information in the Data Warehouse, which can be accessed via <https://dw.martin.fl.us> on any County computer or with a County employee login. Before, during, or after an emergency, this system will be utilized to provide information to County employees.

During emergency events that require employees to telecommute or work from locations other than their normal work site, employees may be permitted by Administrative Directive to sign for their payroll and related documents (work orders, material requests, etc.) with a digital signature.

## **Meals for Working Employees**

Individuals assigned to the Emergency Operations Center (EOC), Community Information Center (CIC) or shelters will receive meals during the activation. While performing emergency work at these locations, all meals will be provided to ensure continuous operations for the duration of the event. Meals for employees assigned to other work locations will be provided based on local conditions. When normal food sources are available, meals will not be provided unless otherwise determined by the County Administrator.

### **15.09 Employee Restitution**

It is the policy of Martin County to seek restitution for wage overpayments and/or shortfalls in benefit/premium payments in accordance with the FLSA, and applicable state law. Employees will be notified of the correction and required deductions at the time restitution is determined. Payment arrangements may be established over a period of time unless lump sum wages are available. This time period may not extend beyond the fiscal year in which the overpayment and/or shortfall was discovered. Additionally, employees may be required to reimburse the County up to \$500 per incident for the damage or loss of County property where the employee failed to follow established County policies and procedures.