RESOLUTION R-26-071

A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS, AMENDING THE MANATEE COUNTY PERSONNEL POLICY, RULES & PROCEDURES MANUAL; MAKING CERTAIN FINDINGS; DIRECTING DISTRIBUTION; PROVIDING FOR TREATMENT OF CONFLICTING RESOLUTIONS; REPEALING RESOLUTIONS R-15-176 AND R-22-168; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Manatee County is an employer required to comply with various state and federal employment laws and regulations; and

WHEREAS, Manatee County desires to provide its employees with a clear statement of the policies, rules and procedures under which they are required to work; and

WHEREAS, Manatee County desires to create and maintain a workplace where employees are encouraged to conduct themselves in a professional and collegial manner and to successfully develop their careers; and

WHEREAS, the Board of County Commissioners adopted the Manatee County *Personnel Policy, Rules & Procedures Manual* ("Personnel Policy") in Resolution No. R-15-176 on November 3, 2015, and approved revisions to the Personnel Policy in Resolution R-22-168 on October 11, 2022; and

WHEREAS, the County Human Resources Department, in cooperation with the County Administrator, wishes to revise the Personnel Policy to update and clarify Section I (Veterans' Preference), Section V (Promotions, Transfers), Section VI (Personal Holidays), Section VII (Sick Leave, Veterans Leave, and Manatee Thrives 365 Leave), Section XI (Discipline and Discharge), and Section XX (Drug-Free Workplace Program), as shown in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, proposed revisions to Section I are intended to ensure the County's Veterans' Preference provisions are current, legally compliant, and consistently applied in recruitment and selection; and

WHEREAS, proposed revisions to Sections V, VI, and VII are intended to modernize eligibility, administration, and award provisions for internal movement and leave programs, including personal holidays, sick leave, veterans leave, and Manatee Thrives 365 Leave; and

WHEREAS, proposed revisions to Section XI are intended to improve clarity, consistency, and operational guidance for progressive discipline, discipline levels, and separation actions; and

WHEREAS, proposed revisions to Section XX are intended to align the County's Drug-Free Workplace Program with current operational needs and requirements identified during the Federal Transit Administration's audit review; and

WHEREAS, proposed revisions to Section XXIII are intended to strengthen and clarify the County's Workplace Violence and Threats standards and to help ensure a safe work environment for employees, customers, and the public; and

WHEREAS, the Board of County Commissioners finds that it is in the County's best interest to approve this Resolution and adopt the proposed revisions to the Manatee County Personnel Policy, Rules & Procedures Manual as set forth in Exhibit A.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

1. The recitals set forth above are hereby adopted as findings of this Board and are incorporated by reference.

2. The 2026 edition of the Manatee County Personnel Policy, Rules & Procedures Manual, set forth in Exhibit A, is hereby approved and adopted. To allow for time to develop a distribution plan and inform staff, the effective date of the new Personnel Policy shall be August 25, 2026.

3. The Human Resources Department shall revise the Personnel Policy to include the revisions set forth in Exhibit A and shall distribute copies of the revised sections of the Personnel Policy to the County's managerial staff to be shared with employees of Manatee County Government.

4. Any terms or provisions that are in direct conflict and cannot be harmonized with the previsions of this Resolution shall, as to such terms or provisions, be deemed as superseded by this Resolution.

BE IT FURTHER RESOLVED that the provisions of this Resolution are severable such that the invalidity of any one provision shall not operate to invalidate any other provision.

BE IT FURTHER RESOLVED that the Personnel Policy adopted by Resolution R-15-176, as amended, is hereby rescinded and replaced in its entirety by the Personnel Policy attached hereto as Exhibit A. Resolution R-15-176 is hereby repealed and superseded effective August 25, 2026.

BE IT FURTHER RESOLVED that the amendments to the Personnel Policy adopted by Resolution R-22-168 are hereby rescinded and replaced entirely by the Personnel Policy attached hereto as Exhibit A. Resolution R-22-168 is hereby repealed and superseded effective August 25, 2026.

BE IT FURTHER RESOLVED that this Resolution shall be effective upon adoption.

PASSED AND DULY ADOPTED by the Manatee County Board of County Commissioners, with a quorum present and voting this the 25th day of August, 2026.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

MANATEE COUNTY
BOARD OF COUNTY COMMISSIONERS

PERSONNEL POLICY, RULES, AND PROCEDURES MANUAL

APPROVED IN OPEN SESSION AUGUST 25, 2026

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GENERAL POLICY STATEMENT

Excellence in government public service is attained, in part, through personnel systems that reflect merit principles and sound administrative management. It is the intent of Manatee County's Board of County Commissioners that its Personnel Policies, Rules and Procedures Manual provide firm and clear direction to its employees. To this end, every reasonable effort is made to protect the personal rights and privileges of individual employees.

Furthermore, it is the intent of the Board of County Commissioners that no unlawful discrimination exist in the application and administration of any Manatee County Board of County Commissioners' policy, practice, rule or regulation.

The County Administrator (County Attorney for employees of that office), through the County department directors, in coordination with the Human Resources Director, is charged with ensuring that the provisions of this Policy are implemented and made known to the employees of Manatee County Government.

Executive contract employees hired by the Board of County Commissioners shall have the same authority and responsibility as the County Administrator, where cited, in matters pertaining to this Policy, unless specifically excluded by Contract or Resolution.

These Personnel Policies are not and shall not be considered an employment contract with any person. Nothing herein is intended to create an employment contract between the County and any person for the purposes of employment, promotions, or for the providing of any benefit.

The provisions contained within this Manual are and shall be considered as part of the terms and conditions of employment of all regular employees with Manatee County and should thus be adhered to by all regular County employees. Manatee County reserves the right to establish, modify, or make exceptions to these rules when necessary. Any question concerning the interpretation or application of these rules shall be referred to the Human Resources Director for resolution.

Manatee County may, from time to time, designate certain positions, such as part time, temporary, initial probationary, managers or directors, as serving at the will of the County Administrator and exempt from "regular employee" status. In such cases, the provisions within this Manual regarding regular employees, including just cause and disciplinary appeals, are inapplicable.

Manatee County endeavors to include a comprehensive overview of the rules and policies governing employment with Manatee County within this Personnel Policy Manual. However, there may from time to time be additional personnel rules or policies issued by the Board of County Commissioners. The County Administrator or a particular department head may also issue additional rules so long as such additional rules do not conflict with the provisions in this Manual. All such additional rules shall also constitute a part of the terms of employment. Violation of any provision of any such additional rules will subject an employee to discipline.

If a direct conflict exists between policies and procedures included in these rules and a current labor agreement to which the County is a party, the terms and conditions of the labor agreement shall take precedence for employees in classifications represented by a bargaining agent, whether the rights and benefits are greater or less than those provided in these rules.

Equal Employment Opportunity

It is the continuing policy of the Board of County Commissioners of Manatee County, Florida, to promote the concepts of equal employment opportunity in its employment function and to comply with all federal, state and local laws, rules and regulations pertaining to fair employment practices.

1. All employees and applicants for employment will be treated fairly with respect to all terms and conditions of employment regardless of race, color, religion, national origin, ancestry, gender, age, marital status, or physical or mental disability which does not preclude the performance of the essential functions of the job with or without reasonable accommodation(s).

2. All personnel opportunities and decisions related to employment, promotions, transfers, reclassifications, compensation, benefits, performance ratings, training courses and programs, layoffs, returns from layoff, terminations, and all other aspects of employment with Manatee County will be in accordance with the principles of the merit system, which afford equal opportunity by imposing only valid requirements.

3. The Board of County Commissioners reaffirms its commitment to equal employment opportunity through a formal Affirmative Action Program.

4. Employees who allege that they have been unlawfully discriminated against or treated unfairly in the application or employment process must follow the steps outlined in the policy on Illegal Harassment or Discrimination, as described in Section XIII of this Policy. Non-employee applicants and applicants for temporary employment alleging unlawful discrimination must complain in writing to the Human Resources Director, who will conduct an investigation in accordance with the applicable portions of this Policy.

I. EMPLOYMENT

A. Non-Temporary (Regular) Employment

1. In the interest of hiring "best qualified and available" people to meet County employment requirements, and to avoid favoritism in hiring practices, the Human Resources Department is responsible for ensuring that all interested applicants have an equal opportunity to apply for County employment.

2. Notices of open positions will be published interdepartmentally and/or publicly according to the department's request and concurrence of the Human Resources Department. Notwithstanding the foregoing, where a department director or other official with hiring authority determines that a particular candidate is fully qualified for a position (for instance where an intern or employee in acting status has been working successfully in the position for some time), the Human Resources Director may authorize that candidate to be offered the position without the need to post the position. However, to prevent undue favoritism or nepotism and ensure a diverse, well qualified workforce, this exception should not be regularly used in place of posting opportunities and allowing candidates to apply.

3. Applicants for County employment apply to the Human Resources Department in the form and manner, including electronic application submission, as the Department designates. Applicants who make initial contact with an individual County department and/or applications/resumes received by other County departments shall immediately be directed to the Human Resources Department. The Human Resources Director or designee may grant exceptions for certain special programs.

4. Applications are accepted for announced openings during the published advertising period.

5. Once a position has been filled, the position is closed. Should one or more of the same position come open again within ninety days after first being filled, a department may make an offer to the next most qualified candidate from among the original applications. Alternatively, or if the vacancy arises more than ninety days later, the position will, absent an exception approved by the Human Resources Director, be re-advertised and new applications sought.

6. Employees chosen for interview for other County jobs will be allowed to interview during work hours if necessary. Departments shall work with the employee to make reasonable adjustments to the employee’s schedule to permit the interview. If the interview takes place during the employee's scheduled work hours, the time will not be paid, and employees should use available vacation leave for such purposes. All other interviews are unpaid.

7. The Human Resources Director may establish eligibility registers for positions as required by turnover frequency or other recruitment issues. Positions that are identified by departments or the Human Resources Department as being vacant on a regular basis or having certain recruitment needs, may have an eligibility register of qualified applicants established. The Human Resources Director is responsible for establishing the registers in accordance with the County's policy of non-discrimination.

8. No employee may begin activities associated with working for the County, including engaging in post-offer screening activities, until the candidate signs, electronically or otherwise, a conditional offer of employment. No term or condition of employment, including matters of pay, bonuses, expense reimbursement, or other similar matters, shall be effective unless included within a conditional offer of employment.

9. The County Administrator and Human Resources Director are authorized to adopt such forms and procedures as are deemed necessary to effectively implement these employment policies and to conduct such pre-employment screening as may be either legally or administratively required, including background and reference checks and physical or psychological examinations related to job functions. For any position requiring a pre-employment, post-offer examination, it shall be job-related, and given uniformly to all candidates conditionally offered the position. Candidates must meet/satisfy any established screening requirements and any candidate who fails to do so may be denied employment. In addition to the foregoing, for any County position requiring interaction with law enforcement personnel, records or other matters, access to secure facilities, or otherwise required to pass background standards promulgated by a regulating agency with jurisdiction over such records, personnel or facilities, employees holding such positions must be able to pass the relevant standards and their inability to do so will disqualify them from continued employment. The County Attorney, in exercising the authority granted in the County Attorney Ordinance to hire staff, may obtain such assistance from the Human Resources Department as the County Attorney may deem desirable.

10. For purposes of this Policy, the term "at-will" or "serving at-will" shall mean that employees holding positions designated as such serve at the will and pleasure of the County Administrator, and pursuant to Manatee County Code § 2-2-23(e) includes, but is not limited to, all deputy or assistant administrators, directors, deputy or assistant directors, division managers, division chiefs, section managers, or trusted aides or assistants, regardless of specific position title. Pursuant to Manatee County Code § 2-2-33, the term also includes all employees of the County Attorney's Office, who serve at the will and pleasure of the County Attorney.

11. All volunteers, as defined in Florida Statutes § 125.9501 are not County employees for any purpose. However, pursuant to Florida Statutes § 125.9504, volunteers are eligible for worker compensation benefits and must comply with all related County reporting procedures.

12. Employment of persons under 18 years of age in either regular or temporary positions shall be subject to and in accordance with applicable child labor laws.

13. To ensure compliance with the Affordable Care Act, when an employee formerly eligible for health benefits leaves the County's employ for any reason, he/she shall be ineligible for re-hire until the former employee has been separated from the County for a minimum of thirteen (13) weeks.

B. Temporary Employment

1. Temporary employment, for purposes of this Policy, shall include:

   a. OPS regular (Other Personal Services) positions (including non-student interns) which cannot extend beyond six (6) consecutive calendar months.

   b. OPS on-call positions where employees are called unexpectedly, on an as-needed basis, to complete a specific task or assignment.

   c. OPS Seasonal positions where employees work a seasonal assignment (such as summer camp or pool guard).

   d. OPS Intern positions follow guidelines provided in Section I.B.3. of this Policy.

   e. Other temporary employment programs, not specifically defined herein, shall be considered at the option of the Human Resources Director in compliance with any federal, State or local laws, rules or regulations governing such programs.

2. Unless waived by the Human Resources Director, employment procedures described in Section I.A of this policy shall apply to employees hired in temporary positions except for temporary employees defined in Section I.B.1.d.e. of this Policy.

3. Interns

   a. The County provides internship opportunities for students to experience work in County government that is relevant to their educational goals and objectives or personal career interests, and to non-students seeking to experience working in a County position.

   b. Recruitment of interns shall be conducted through the County's regular recruiting procedures, outlined in this section, unless otherwise approved by the Human Resources Director.

   c. Interns shall not be recruited to fill regularly authorized position vacancies or displace regular employees. Interns are considered temporary employees and are not eligible for benefits provided regular employees. Intern appointments shall not exceed 12 months, non-student intern appointments shall not exceed six months.

   d. In order for a student to be eligible for employment as an intern, an individual must be a student in good standing, enrolled in or on school-approved break from an accredited secondary or post-secondary school, junior college, college or university, or a vocational-technical school.

   e. Student Interns are required to notify the employing department of any change in their academic or disciplinary standing at the institution.

   f. Interns will be paid at the minimum pay rate of assigned pay grades. A departure from the minimum pay rate may be approved by the Human Resources Director upon request and proper justification from the relevant director.

g. Persons who may be students but who wish to volunteer with the County outside of any academic program must complete a Volunteer Service Agreement form (Form VSA<18 if under 18 years of age or Form VSA>18 if 18 years of age or older).

h. Students who are present in the workplace and who are not performing any services for the County, nor participating in any related academic program, are considered to be "job shadowing" and are not considered to be volunteers, or employees, of the County. Any persons who are "job shadowing" must be approved by the relevant department director in advance, must not perform any work for the County, and must be under the supervision of an employee-mentor.

i. Students who are present in the workplace and who may perform work for the County but who are not compensated shall meet the requirements of the federal Department of Labor concerning the acceptance of work by student interns. Interns who are not students must be compensated at least the prevailing minimum wage for work performed for the County.

j. The Human Resources Department is responsible for the development, coordination and promotion of intern recruitment activities and is responsible for ensuring that all interested persons have an equal opportunity to apply and be considered for internship opportunities.

k. Notwithstanding the foregoing, Manatee County may, from time to time, enter into agreements with educational institutions whereby student interns will be identified, assigned and compensated pursuant to the terms of such agreements. In such cases, Human Resources shall assist hiring departments as needed to implement the terms of the agreements, even where same may vary from the provisions of this Policy.

4. Employment of temporary personnel shall be subject to the equal employment opportunity provisions of this Policy.

5. To ensure compliance with the federal Affordable Care Act, except for Seasonal OPS staff, all persons employed in temporary/OPS positions who are not offered health care coverage shall not be scheduled or permitted to work more than 27 hours per week.

6. Unless otherwise required by law, individuals performing work for the County through temporary employment agencies shall not be considered "employees" for purposes of this Policy.

C. Joint Employment

The intent of this policy is to allow employees to be employed in more than one position, and at possibly more than one pay rate, at the same time within the County payroll structure. The following criteria must be met for eligibility:

1. Only temporary OPS, part-time positions, which are considered to be occasional or sporadic (in accordance with 29 C.F.R., Section 553.30), will be eligible.

2. The employee's decision to work in a different capacity must be made freely and without coercion, implicit or explicit, by the employer.

3. The joint position must be in a different capacity, i. e., it must not fall within the same general occupational category as the employee's primary government employment.

Administrative procedures for implementation and tracking of this program are published separately.

D. Employment of Relatives (Nepotism)

1. Employment shall be in compliance with Florida Statutes § 112.3135 regarding "*Restriction on employment of relatives*." Pursuant to this section, a public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in which the official is serving or over which the official exercises jurisdiction or control any relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over a County department or office, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a County board of which a relative of the individual is a member.

2. Relative, for purposes of this Section only, shall include father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister; but shall not include any other relatives who become related by law or marriage not specifically listed above.

3. For the County's purpose, public official, hereinafter referred to as "official," shall include, but not be limited to, commissioners, the county administrator, assistant county administrator, county attorney, department and office directors, assistant directors, managers, supervisory employees and any other County employee authorized to make employment-related recommendations or decisions, whether the official is elected, contracted, appointed, or hired through procedures established in Section I.A. of this Policy.

4. It is the County's policy to prohibit an official from having direct supervision over any employee who is a relative of the official, as more fully set forth in Paragraph 1. It is also the County's policy to prohibit an official from having direct supervision over any employee to whom the official is engaged or is otherwise involved in a current romantic relationship.

5. Direct supervision shall include any situation in which the official would be in a position to make decisions concerning the terms and conditions of the person's employment with the County including decisions about hiring, promotion, transfer, reclassification, compensation, benefits, work assignments, performance evaluations, training courses and programs, layoffs, return from layoff, termination, and all other tangible aspects of employment.

E. Re-Employment and Disqualification

1. An employee who has been terminated from County employment for violation of any conduct or performance rule set forth in this Policy, or who resigns after being notified of the County's intent to conduct a pre-termination meeting but prior to a final disciplinary decision, is ineligible for re-employment for three years from the date of such resignation or termination.

2. An employee terminated due to a positive drug/alcohol test, a refusal to test, or other violations of the drug-free workplace policy; or who voluntarily resigns within two weeks of a positive result in a test for drug use; or when an employee serves notice of resignation immediately upon notification of being selected for such test, is ineligible for re-employment for a period of three years after such resignation. Additionally, a former employee who owes the County money for drug testing or treatment which was the responsibility of the employee to pay shall be ineligible for re-employment until all funds owed are paid.

3. An employee who voluntarily resigns without giving the required two weeks' notice (see Section IX.A.4) or is separated from employment for absence without leave (see Section VIII) is ineligible for re-employment for a period of one year. In circumstances where the hiring department director certifies, to the Human Resources Director's satisfaction, that a non-eligible former employee will meet a critical need of the County, the Human Resources Director has the authority to waive this waiting period.

4. Employees who separate from County service due to failure to complete probation period where no discipline violation occurred, layoff, end of a temporary position, or whose employment is terminated because work is no longer available, are eligible for re-employment with no waiting period.

5. Notwithstanding the foregoing provisions, an employee may become ineligible for a longer period, or permanently ineligible for re-employment, as the result of independent action such as the settlement of a legal claim or an arbitration decision. Additionally, the County Administrator shall have the authority, in exceptional circumstances and where the best interests of the County will be served, to waive or reduce the periods of ineligibility stated in paragraphs 1 and 2 above.

6. NOTE: The disqualification periods contained herein are distinct from the ability of a department to recommend or not recommend an employee for re-hire. Such recommendations are simply the opinion of the former employee's management. Though such recommendations may be taken into account should a former employee apply for re-employment, they do not create a bar against such applicant from being considered for re-hire so long as the applicant is not under a disqualification period, and is otherwise qualified to perform the job duties.

F. Veterans' Preference

1. Manatee County is committed to honoring the service and sacrifice of our nation's veterans and their eligible family members by providing Veterans' Preference in employment as prescribed by Chapter 295, Florida Statutes, and Chapter 55A-7, Florida Administrative Code. Veterans' Preference ensures that qualified veterans are given priority in hiring, promotion, and retention decisions, as applicable under the law.
2. Veterans' Preference applies to all initial hiring decisions for positions covered by the Career Service System unless exempt by law. This policy does not apply to positions designated as temporary without benefits, certain high-level executive roles, or positions requiring licensure as a physician or attorney, as outlined in Section 295.07(5), F.S.
3. Individuals eligible for Veterans' Preference include:
    a. Disabled veterans with a service-connected disability recognized by the U.S. Department of Veterans Affairs (VA) or the Department of Defense (DoD).
    b. Disabled veterans receiving compensation, disability retirement benefits, or pension under public laws administered by the United States Department of Veterans Affairs and the United States Department of Defense.
    c. Spouses of disabled veterans who are permanently unable to work or are missing in action, captured, or detained.
    d. Wartime veterans who served during designated periods or earned a campaign or expeditionary medal.
    e. Unremarried widows or widowers of veterans who died due to a service-connected disability.
    f. Parents, legal guardians, or un-remarried widows, or widowers of service members who died in combat-related conditions.
    g. Honorably discharged veterans who served on active duty, excluding training-only periods.
    h. Current members of the Reserves or Florida National Guard serving honorably.
4. Responsibilities of Human Resources
    a. Human Resources must ensure that all job postings include the statement: "Manatee County is a Veterans' Preference employer. Veterans and eligible family members are encouraged to apply."
    b. Human Resources must verify and document Veterans' Preference eligibility during the application review process. If an applicant's documentation is incomplete, the applicant must be notified and provided five business days to correct the deficiency.
    c. Veterans' Preference must be applied at each stage of the hiring process for eligible applicants who meet the minimum qualifications.
5. Application of Veterans' Preference
    a. When a numerically based scoring system is used, preference points must be applied to eligible applicants' scores:
        (1) 20 points for disabled veterans or eligible spouses. Disabled veterans or eligible spouses with at least 30% service-connected disability rating must receive an interview if minimum job qualifications are met.
        (2) 15 points for wartime veterans or eligible family members.

(3) 10 points for honorably discharged veterans or current members of the Reserves or National Guard.

b. When a non-numerically based scoring system is used, such as a star rating or percentage ranking, preference points must be converted into an equivalent percentage increase.
(1) 20% for disabled veterans or eligible spouses.
(2) 15% for wartime veterans or eligible family members.
(3) 10% for honorably discharged veterans or current members of the Reserves or National Guard.

c. For non-numerical selection processes, all preference-eligible applicants who meet the minimum qualifications must be interviewed.

d. If equally qualified candidates are identified, hiring preference must be given to veterans in the following order:
(1) Disabled veterans.
(2) Spouses of disabled veterans.
(3) Wartime veterans.
(4) Other eligible veterans and family members.

e. Examples of Application of Veteran' Preference

(1) Example 1: Hiring for an Entry-Level Position. A wartime veteran applies for a clerk position. The veteran meets the minimum qualifications and must be granted an interview. If a numerically based scoring system is used, preference points must be applied to the veteran's score.

(2) Example 2: Equally Qualified Candidates. A disabled veteran and a non-veteran applicant are equally qualified for a technician role. The disabled veteran must be offered the position.

6. Documentation Requirements

a. Applicants claiming Veterans' Preference must submit the following documentation:

(1) DD Form 214 showing an honorable discharge.

(2) VA or DoD certification of service-connected disability, if applicable.

(3) Marriage certificate and proof of eligibility for spouses, if applicable.

(4) Other documentation as required for specific eligibility categories (e.g., death certificates or proof of current military service).

b. All applicants may submit: a Veterans' Preference Certification, FDVA form VP-1, incorporated by reference and found at http://www.flrules.org/Gateway/reference.asp?No=Ref-14602 or a simple letter, form, or other written application containing essentially the same information.

7. Retention and Promotion

a. Veterans' Preference applies to retention decisions in cases of workforce reductions or layoffs. Eligible veterans must be considered before non-veteran employees. Preference in retention shall be administered in compliance with Rule 55A-7.015, Florida Administrative Code.

b. If a preference-eligible employee is not selected for retention, the employer shall notify the applicant within 7 days of the retention decision.

c. Eligible veterans returning to County employment after military service must be granted preference for their first promotional opportunity, provided they meet the qualifications.

8. Notification and Complaints

a. The County has an affirmative duty to notify the applicant if a timely submitted Veterans' Preference claim is later found to be missing information. The County shall advise the applicant of what is missing and provide at least five (5) business days for the applicant to cure the deficiency by submitting the missing documentation.

b. Applicants not selected for a position must be notified in writing within 14 business days of the decision.

c. All persons seeking Veterans' Preference shall attempt to contact Human Resources or other designated contact at least one time after 45 days have passed, but not longer than 90 days from the final date for submitting an application or the interview date, whichever is later in time, and shall document such attempt, if the applicant has not received notice of a hiring decision from the employer.

d. If an eligible veteran believes Veterans' Preference was not properly applied, they may file a complaint with the Florida Department of Veterans' Affairs within 60 days of notification.

9. Record-Keeping

a. Hiring managers and Human Resources must document all hiring decisions and maintain a file that includes documentation of advertised positions, dates advertised, waiver of educational requirements advertised, applications received, candidates interviewed, evaluation criteria, and methods used such as numerical scoring or other means of evaluating applicants, documentation of manager, team or committee process and interview notes, waiver of educational requirements requested or granted, employment offer and acceptance letters, employment pre-screening results, agreed upon start date for person hired, and any other relevant information for the appropriate records retention period.

II. PERSONNEL FILES

A. File Location and Content

1. The County's official records of present and past employees' personnel files are maintained by the Human Resources Department. The Human Resources Director is the custodian of these records and may delegate maintenance and control responsibilities to staff members.

2. The Human Resources Department shall develop, revise and authorize all forms related to personnel matters. Therefore, absent specific authorization from the Human Resources Director to the contrary, departments may not promulgate or make use of any customized or unauthorized personnel forms, including leave requests, time records or employee evaluations. Department directors may, however, compile informational files on their employees. These files may duplicate information in the "official" personnel files. The department director is the custodian of personnel files maintained in his/her area of responsibility.

3. Public Records requests made for personnel files must be referred to the Records Management Division for response. The Human Resources Director, or designee, shall be responsible for reviewing files to ascertain any information which has been designated as exempt from public records disclosure, and in conjunction with the County Attorney's Office, asserting applicable public records exemptions for such files.

   NOTE: Employees holding certain positions are entitled under Florida law to request that certain personally-identifying information such as home addresses, not be released by other governmental agencies which may be in possession of this information. It is the responsibility of each employee holding such a position to make these requests to other governmental agencies.

4. The official personnel record, which will be maintained by the Human Resources Department, shall contain at least the following documents regarding the employee:

   a. The employee's initial and any subsequent employment/transfer/promotion applications; I-9 form; interview forms; Oath of Employment; Drug Acknowledgment/Consent form; employment contract (if applicable); acknowledgment of receipt of policies and benefits (i.e., Secondary Employment Form, Drug-Free Workplace Handbook, Health Benefits, etc.); Conditional Offer forms; Retirement Enrollment Form (when applicable); approved Hire Action Form (HAF) authorizing employment; and other related documents.

   b. The employee's Performance Evaluation forms;

   c. All official personnel actions, such as promotions, transfers, and pay increases;

   d. Records concerning discipline given to the employee;

   e. Signature forms demonstrating an employee's receipt of County policies;

   f. Records demonstrating attendance at County training sessions.

5. The personnel record may also contain the following items, at the discretion of the Human Resources Director:

    a. Written responses to Employee Evaluations;

    b. Correspondence from citizens, co-workers, etc., concerning the employee's performance of his or her job or contribution to the community;

    c. Records regarding an employee's education or professional credentials;

    d. Such other records as the Human Resources Director may deem appropriate for inclusion or which may, by law, be required to be included.

6. The Human Resources Department will also keep and maintain files which containing medical information, including drug test results, of current or former employees, which may be included in the official personnel file, or kept in a separate file, as may be required by law.

7. Standardized administrative procedures have been developed to control, maintain and request disposition of personnel files in accordance with rules of the Florida Division of Archives, History and Records Management.

B. Access to and Retention of Official Personnel Files

1. Personnel files (official and informational copies) are public records subject to review under Section 119.07, Florida Statutes, subject to any applicable exemption(s). Official employee personnel files may be reviewed at the Human Resources Department during normal working hours. The records custodian, or designee, will assist and supervise during the review. Documents cannot be removed or rearranged within the official personnel file during review.

   ***NOTE**: Employees holding certain positions are entitled under Florida law to request that certain personally-identifying information such as home addresses, not be released by other governmental agencies which may be in possession of this information. It is the responsibility of each employee holding such a position to make these requests to other governmental agencies.*

2. Requests concerning past or present employee personnel information should be referred to the Human Resources Department. The Human Resources Director, or designee, will respond to inquiries from agencies and the general public regarding disclosure of official personnel data.

3. In accordance with the Florida Public Records Act, copies of personnel files may be made and furnished to requesters upon payment of the statutory fees. Money collected is remitted to the Clerk of the Circuit Court for deposit in the County's general fund. Employees are not charged for single copies made from their official personnel files. However, they shall be charged the established rate for additional copies. The Human Resources Department is responsible for reviewing a personnel file prior to production or copying to ensure all material exempt from public records disclosure has been covered.

4. Official personnel files must be retained for a length of time determined by the State of Florida Bureau of Archives and Records Management. This period is currently twenty-five (25) years following the employee's effective date of separation from County employment. Because of the permanency of such records, department directors must carefully review documents to determine their necessity before requesting entry to the "official" personnel file. The Human Resources Director, in consultation with the County Attorney’s Office, is authorized to develop administrative procedures concerning the proper storage of, and access to, records, including medical files, of current or former employees.

III. PROBATIONARY PERIOD

1. The first twelve (12) months of employment serve as a probationary period for all non-at-will employees filling regular full-time or part-time positions and are used for the following:

   a. To provide an adjustment period for an employee to become familiar with his/her job duties and responsibilities.

   b. To provide on-the-job instruction, guidance and counseling.

   c. To observe and evaluate employee job performance.

   d. To remove/discharge an employee whose job performance fails to meet required work standards or who, for reasons stated in Section XI.B. of this Policy, must be removed/discharged for other reasons.

2. Probationary employees are not entitled to utilize the Employee Complaint Procedure (ECP) or appeal process unless a claim of unlawful discrimination is made, nor are they entitled to any hearing except as provided in Section XI.D.2.d. of this Policy.

3. Regular employees accrue paid leaves of absence during the probationary period. They can use accrued sick or vacation hours subject to normal approval procedures (after they have been credited to their accrual accounts).

4. Probationary employees who leave County employment are paid their compensatory time and accrued vacation leave balances in accordance with Section VII. A. of the Policy. This payment is made at the employee's base hourly pay rate in effect at the time of separation. If service is terminated by death, payment is made as authorized by Chapter 222.15, Florida Statutes.

IV. PAY, HOURS OF WORK AND WORKWEEK

A. General Policies

1. Due to the variety of services provided by County departments, certain employees may be required to work varying days and hours. Department directors schedule work that is necessary and beneficial for the efficient operation of the County. It is the responsibility of the department director to manage overtime within budgetary constraints. Pursuant to 29 C.F.R. § 553.23, by accepting employment with the County, all overtime-eligible employees agree that the County may elect to provide compensatory time in lieu of payment of overtime work in cash pursuant to its compensatory time policies. Employees may also be required, at the discretion of the County, to use compensatory time in lieu of vacation pay when requesting vacation time off.

2. Non-Exempt Employees

    a. For purposes of this Policy, all employees not considered exempt will be considered non-exempt, and therefore subject to the minimum wage and maximum hour provisions of the Fair Labor Standards Act (FLSA). Non-exempt employees are eligible to earn overtime (including premium pay differential when applicable) or compensatory time at one and one-half (1 ½) times their hourly rate.

    b. Whenever a non-exempt employee becomes promoted or reclassified to an FLSA-exempt position, the employee shall have any accrued compensatory time paid to him/her at their rate of pay of the non-exempt position they held immediately prior to their promotion.

3. Exempt Employees:

    a. For purposes of this Policy, exempt employees are expected to work whatever hours are necessary to accomplish assigned duties and responsibilities. However, it is recognized that because exempt employees are often required to work irregular and/or extended hours, it is appropriate that they be provided a certain latitude in occasionally being away from their place of work during normal work hours. It is the responsibility of the immediate supervisor or the department director to determine if the absences are inappropriate.

    b. Exempt employees are not eligible to be awarded compensatory time or premium pay differential.

    c. Department directors may suggest the exemption of certain job classifications from the provisions of the Fair Labor Standards Act (FLSA). However, the final determination is made and executed by the Human Resources Director, in consultation with the County Attorney's Office.

B. Allocation of Work Hours, Workweek and Work Period

1. The *workweek* starts at 12:00 a.m. on Saturday and ends at midnight the following Friday. The normal full-time work schedule includes forty (40) hours during the workweek. These hours should not be construed as either a fixed minimum or maximum. Work hours that exceed a normal workweek may be required. Except as provided herein or as determined by the department director, in conjunction with the County Administrator (County Attorney for employees of that office) and payroll, normal hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

2. *Lunch periods*- Bona fide meal periods (employee is completely relieved from duty for the purpose of eating regular meals) are not work time and are unpaid. The time scheduling and length of lunch periods are coordinated between the employee and the supervisor, according to that organization's needs. (Note: There is no federal or State of Florida law requiring meal breaks in industries or offices, with the exception that minors 17 years of age or younger shall not be permitted to work for more than 4 hours continuously without at least 30 minutes for a meal period.)

3. *Break (rest periods)* - Breaks (usually not more than 15 minutes each) may be permitted by supervisors when the work requirements allow them, and must be allowed for nursing mothers to express milk for up to one year after birth. Break periods are considered to be rest periods and must fall within working hours (work is performed immediately preceding and following the break period) and may not be accumulated for additional time away from work. (Note: There is no federal or State of Florida law requiring rest periods, but if they are offered, they must be counted as hours worked.)

4. *Flextime* is the generic term for flexible scheduling programs - work schedules that permit flexible starting and quitting times within limits set by management. Flextime requires employees to work a standard number of hours within a given time period (usually forty (40) hours during a five-day work week). Each County department has the option to use flextime, if it can be adapted to better meet that organization's unique needs. However, each County department or division which elects to permit flextime must, with the assistance of the Human Resources Director, adopt a flextime procedure which will be published to the department's employees and which will be uniformly applied within that department or division.

5. *Telecommuting Program* - The Manatee County Board of County Commissioners recognizes the value and benefit of telecommuting for its operations, employees, and citizens. Manatee County Government supports telecommuting as an alternative work arrangement. Supervisors are encouraged to give telecommuting every consideration in situations where it will work to meet the county's needs while supporting work/life balance initiatives for employees. Telecommuting arrangements allow department directors to approve County employees to work remotely if their job functions can be performed at an alternative work location. All requests for telecommuting must be submitted in writing. To be eligible for this program, employees must exhibit the personal attributes outlined in the policy. Department managers have the responsibility for monitoring program participation and progress regularly. The employee is responsible for the accountability and serviceability of any County equipment used at the alternative worksite. Employees are responsible for securing all County confidential information at the alternative worksite. The duties,

obligations, responsibilities, terms, and conditions of County employment are not changed by telecommuting. For additional requirements, please refer to the teleworking policy and procedure documents. There may be times when certain projects could be performed by employees who are at home due to extenuating circumstances outside of a formal telecommuting agreement. Any such projects must be authorized by the department director (County Attorney for employees of that office). If a project is approved to be completed at home outside of a formal teleworking arrangement, the project must be familiar to the employee concerned and have definite parameters for measuring time necessary to perform the work. The employee will only be compensated for the standardized hours recognized for completion of the project. County equipment is not to be used outside the regular workplace, unless authorized by the department director (County Attorney for employees of that office). All hours worked at home must be reported. *The "Manatee County Government Telecommuting Procedures" are published separately.*

6. *Medical Attention* - In accordance with 29 C.F.R., § 785.43, time spent by an employee in waiting for and receiving non-elective medical attention on the premises or at the direction of the employer during the employee's normal working hours on days when he or she is working constitutes hours worked except for worker compensation visits (see also section VII.B.8.a. of this Manual).

7. *Furlough* - Notwithstanding any other provision of these policies to the contrary, where the County Administrator (County Attorney for employees of that Office) determines that current budgetary conditions require a reduction in the overall hours employees work in order to remain within the authorized budget, the operational hours of any one or more office, service or function of the County may be reduced for one or more weeks, days or hours, either consecutively or sporadically. Such periods of reduction may be either by complete closure or operation with a less than full staff as deemed necessary. Employees working within such offices, services or functions will be placed on unpaid furlough during such periods, and hours spent on furlough shall not count as hours worked for any purpose. Pursuant to 29 C.F.R. § 541.710(b), the County Administrator (County Attorney for employees of that Office) is authorized to deduct hours spent on any furlough from any employee being compensated on a salary basis if budgetary constraints require the deduction.

8. *Electronic Timekeeping* – In recognition of the limitations which may be inherent in the electronic timekeeping systems the County may now or in the future use, including limitations on the delineation of actual lunch or break schedules, employees who are unable to enter the actual chronological times for such events shall not be subject to discipline for falsifying records. FLSA non-exempt employees must, however, ensure that their actual hours worked each day are truthfully and accurately recorded in any such system to ensure proper payment of wages due, including overtime and premium pay.

9. *Pay Class/Annual Base Salary Calculations* – Annual base salaries shall be calculated based upon the pay class and full time equivalent assigned to the position. Positions assigned to pay class 300 or 400 are calculated on 2080 hours. Positions assigned to pay class 324 are calculated on 2288 hours. Positions assigned to pay class 903 are calculated on 3328 hours.

C. Pay Eligibility

1. Extra Hours

The necessity to work extra hours is made at the discretion of the department director. It is important that department directors ensure that extra hours are distributed equitably among employees qualified to perform the work, while giving consideration to the personal wishes of employees involved. However, it is ultimately the department director's decision to designate who will perform the extra hours.

For overtime control purposes, overtime-eligible employees are prohibited from coming to work early and leaving late for purposes of conducting work, or working through lunch periods or bringing work home, unless specifically authorized by their supervisor in advance. Supervisors shall monitor the workplace to ensure that employees who are not scheduled to be working do not remain in the workplace. Nothing herein is intended to prevent an employee from remaining in a County building during a meal period. However, during such period, the employee is prohibited from working, and should not be expected to perform work for the County.

Unless otherwise specified by a collective bargaining agreement, an employee shall be required to work overtime when assigned unless excused by the supervisor. An employee who refuses to work overtime when assigned will be subject to disciplinary action for said refusal. An employee scheduled to work overtime who fails to fulfill the assignment for reported medical reasons will, at the County's discretion, be required to substantiate the medical absence with a doctor's note or similar proof.

A schedule of work hours or other form of written documentation should be available to support the designation of overtime or compensatory time.

a. Non-Exempt Employees

All hours worked over forty (40) in a workweek are considered overtime and are compensated by overtime pay or compensatory time as agreed or understood before the work in excess of forty (40) in a workweek is performed. Overtime should be scheduled in advance whenever possible.

b. Exempt Employees

For purposes of this Policy, exempt employees are paid on a salaried basis and are expected to work the hours necessary to accomplish assigned duties and responsibilities. Paid extra hours are only to be considered under the terms of an approved performance bonus plan.

2. Overtime Pay

Employees entitled to overtime pay are paid for each work hour in excess of forty (40) hours in the workweek at a rate of one and one-half (1 ½) times their regular hourly rate of pay, including premium pay differentials when applicable.

3. Compensatory (Comp.) Time

Time off in place of overtime is called compensatory (comp.) time.

a. Non-exempt employees scheduled for extra hours of work designated as comp. time are credited at the rate of one and one-half (l ½) hours for each hour worked. Used comp. time (reflected on the timecard) is deducted from the compensatory time accrual account hour for hour and does not count as hours worked.

b. Employees may be required to utilize compensatory time in lieu of leave time at the discretion of the department director.

c. Non-exempt employees are prohibited from accumulating comp. time balances in excess of one-hundred twenty (120) hours (180 for certain EMS employees who work 24/48 hour shifts). Such employees who perform work and are not eligible for the accumulation of additional comp time shall be compensated by regular or overtime pay as the case may be. By accepting employment with the County, employees consent to be paid comp. time in lieu of overtime pay at the discretion of management.

d. Comp. time hours shall be paid out when an employee is promoted or reclassified to an FLSA-exempt position, as specified in Section IV.A.2.b., or when an employee separates (voluntarily or involuntarily) from County service.

e. An employee who has accrued compensatory time, and requests use of the time, must be permitted to use the time off within a reasonable period after making the request, if it does not unduly disrupt the operations of the agency (29 U.S.C., § 207 (O)(5)). Comp. time cannot be used in lieu of sick leave if sick leave balances are available.

f. When a non-exempt employee is designated as "acting" in an open exempt position (such as a manager position open due to retirement where a new manager must be recruited), the employee shall be compensated during this acting status as an FLSA exempt manager and shall therefore not be eligible for overtime, comp or premium pay differential.

g. However, when a non-exempt employee is only temporarily fulfilling the duties normally associated with an exempt position (such as to cover for a vacationing manager) in addition to their normal duties, the employee shall continue to be paid his/her normal rate of pay, and shall be eligible for overtime, comp and premium pay differential, as may normally be applicable.

4. Premium Pay Differential

   a. EMS 24/48 hour, collective bargaining unit where applicable, and exempt employees are ineligible for Premium Pay Differentials.

   b. Hours worked between designated times will be paid at either the regular rate or at premium pay differentials, as shown below:

7:00 a.m.	- 6:00 p.m.	- Regular Pay Rate
6:00 p.m.	- 12:00 midnight	- Premium Pay Differential #1 (Regular rate plus 35 cents per hour)
12:00 a.m.	- 7:00 a.m.	- Premium Pay Differential #2 (Regular rate plus 50 cents per hour)

   (1) A non-exempt employee who works over forty (40) hours in a workweek receives either overtime pay or compensatory (comp.) time as follows:

      (a) Overtime Pay: If overtime pay is designated, pay will be based on the type of overtime hours worked (Regular, Premium Pay Differential #1 or Premium Pay Differential #2).

      (b) Comp. Time: Compensatory (Comp.) time is eligible for Premium Pay Differentials (PPD) when earned.

   (2) Various types of leave, i. e., vacation, sick, comp time used, etc., are paid according to number of scheduled hours for that workday. Premium pay differentials are not paid on leave hours even if the employee's scheduled hours include those eligible for premium pay differentials. (Note: Holiday hours are paid in accordance with the "Holiday Pay Procedures" published separately in the BCC Approved Policies and Procedures 201.003.)

   (3) Employees subject to a collective bargaining agreement will receive premium pay differentials on certain types of leave hours, as set forth in the collective bargaining agreement.

5. On-Call Status

   a. Exempt employees are ineligible for on-call status.

   b. An employee required to remain on-call (on County premises or so close that he/she cannot use the time effectively for personal purposes) is considered to be working in an on-call status. On-call hours are designated as work hours for the workweek and count towards overtime.

   c. On-call hours for non-exempt employees are eligible for premium pay differentials, overtime and compensatory time.

   d. On-call employees must always be reachable by a pre-designated means of communication and able to arrive at the work location within the time established by the department director or designee. As employees are compensated for on-call assignments,

they must refrain from drinking alcohol, taking medications or engaging in any other conduct which would prevent being ready for duty. Further, if they are unavailable when called in, they will be subject to disciplinary action and will not be paid any on-call pay for that assigned period. On-call assignments should be distributed equitably among qualified employees, consistent with operational needs.

6. Standby Status

   a. Exempt employees are ineligible for standby pay.

   b. Employees who are not otherwise informed that they have been scheduled to work and who are placed on standby status (instructed to be available but otherwise able to use the time effectively for personal purposes) may remain at home, or they may leave word how (pager, cell phone, etc.) and where they can be reached, but they must do one or the other. These employees receive straight time pay (compensatory time not allowed) for hours designated as standby assignment, with maximum accruable hours of three (3) in a 24 hour period. Standby hours must be outside the scheduled (regular or modified-schedule) workday, and may not be assigned to or worked by employees who do not work their regularly-scheduled shift immediately prior to standby assignment, or who are unable to respond, due to illness. Employees who receive advanced notice of a requirement to report for duty, even where such work is to be performed outside of a regular schedule, are not eligible for standby pay. Since assigned standby hours can vary according to circumstances, guidelines will be used to award compensation as shown below. (Note: No other proration methods are authorized):

      - ❖ Less than five (5) hours of standby status is ineligible for standby pay
      - ❖ One (1) hour of straight time pay for 5 up to 9 hours of standby status
      - ❖ One and one-half (1.5) hours of straight pay for 9 up to 12 hours of standby status
      - ❖ Two (2) hours of straight pay for 12 up to 16 hours of standby status
      - ❖ Two and one half (2.5) hours straight pay for 16 up to 20 hours of standby status
      - ❖ Three (3) hours of straight pay for 20 up to 24 hours of standby status

   c. If employees on standby status are required to report for duty, they are paid for hours worked, with a minimum of two (2) hours for the first "call out" regardless of time spent responding. Thereafter, employees shall only be paid for the actual hours worked on subsequent "call outs" during the standby period. Call-out hours are eligible for premium pay differentials and count as hours worked towards overtime. In addition to the call-out hours, employees are also compensated for standby status as reflected under Section IV.C.6.b.

   d. Employees placed on standby assignments must always be reachable by a pre-designated means of communication and able to arrive at the work location within the time established by the department director or designee. As employees are compensated for standby assignments, they must refrain from drinking, taking medications or engaging in any other conduct which would prevent being ready for duty. Further, if they are

unavailable when called in, they will be subject to disciplinary action and will not be paid any standby pay for that assigned period.

e. Standby assignments should be distributed equitably among qualified employees, consistent with operational needs.

D. Work Time Records and Emergency Conditions

1. The County's Work Time Records or timecards are designed to meet the record-keeping requirements of the FLSA. Department directors are responsible for maintaining a record of work schedules for non-exempt employees. Appropriate coding for hours recorded by employees as worked is coordinated with the Clerk of the Circuit Court and furnished to each department director through administrative procedures.

2. **Exempt Employees**: Due to their exempt, salaried status and the expectation that they are often required to work irregular and extended hours but have the latitude of occasionally being away from their workplace during normal work hours, exempt employees complete work records but do not have to complete a daily record of time worked. For payroll accounting purposes, they will need to record absences charged to employee benefit accounts (i. e., sick, vacation, holiday, etc.). Exempt employees are not required to create time worked records, unless absences are charged to their accrued benefit accounts.

3. **Non-Exempt Employees**: All hours (paid, unpaid or charged to accrual accounts) must be recorded in the County's time and attendance system daily for the non-exempt employee's scheduled work periods. Pay, including overtime pay, is calculated for each workweek and paid (if overtime pay) or credited (if comp. time) to employees on a bi-weekly basis. Non-exempt employees are required to sign their time records, either physically or, where provided, via electronic means.

4. After Payroll has completed processing, original records of time worked are maintained by the Human Resources Department for the appropriate period set by the Florida Division of Archives, History and Records Management. To the extent the County employs an electronic time and attendance system, such records maintenance may be performed electronically with remote access provided with oversight by Human Resources.

5. **Emergency Conditions:** When the Board of County Commissioners formally declares a state of emergency, County employees who perform essential services during the actual emergency declaration period shall, if deemed necessary by the employee's department director (County Attorney for employees of that office), be required to work. Department directors may require employees who perform essential services to work during actual or impending extreme emergency situations or conditions (weather, hazard, etc.), not declared as a "state of emergency" by the Board of County Commissioners.

6. **Emergency Pay Procedures:** The County Administrator is authorized to develop, issue and periodically revise emergency pay procedures outlining the specific conditions to which emergency compensation standards will apply.

E. Salary Basis Compensation Questions

1. It is Manatee County's policy to comply with applicable wage and hour laws and regulations. Accordingly, the County intends that deductions be made from your pay only in circumstances permitted by the Fair Labor Standards Act and the U.S. Department of Labor's rules governing the salary basis for pay for exempt employees. The improper pay deductions specified in 29 C.F.R. §541.602(a) may not be made from the pay of employees subject to the salary basis test.

2. If you have any questions or concerns about your salaried status, or you believe that any deduction has been made from your pay that is inconsistent with your salaried status, you should immediately raise the matter with your department director. If you have raised the matter with your supervisor and it is not resolved within ten (10) business days, or if, for any reason, you are uncomfortable discussing the matter with your director, you must submit your question or concern to the Human Resources Director for review and response.

3. To ensure the County understands your question or concern and is able to conduct a proper review, any such question or concern which seeks the payment of wages allegedly owed must be made using the official HR form approved for that purpose. Any such question or concern must, at a minimum, include employee name, a brief description of the facts related to the question or concern, and the response of the employee's director, if any. The pay period(s) at issue should also be identified. If you are unable due to disability to submit your complaint in writing, a Human Resources representative will assist you in formalizing your question or concern, which you will then be asked to review and sign to ensure its accuracy.

4. The County is committed to investigating and resolving all compensation disputes as promptly, but also as accurately, as possible. Consistent with the U.S. Department of Labor's policy, any question or concern will be responded to within a reasonable time given all the facts and circumstances. If a review of the matter reveals you were subjected to an improper deduction from pay, you will be reimbursed and the County will take whatever action it deems necessary to ensure compliance with the salary basis test in the future.

F. Forms

1. Department directors, in conjunction with the Human Resources Director, are responsible for investigating and ensuring job compliance for all positions (exempt and non-exempt) under applicable federal, state, local, and personnel policy guidelines. Any significant or important changes should be noted on the appropriate position description forms.

2. Changes (i. e., pay, classification, status, etc.) for exempt and non-exempt positions are initiated and approved by processing Pay Assignments and other pertinent forms. Procedures are set through "administrative" guidelines.

3. The Human Resources Director ensures standardization of forms used throughout County departments. These forms are designed, updated and distributed from time to time under direction of the Human Resources Director. To reduce the cost of purchasing, printing and storing paper, and to enhance efficiency, the Human Resources Director shall endeavor to use electronic generation, electronic signatures, and electronic storage and retrieval systems for personnel records whenever possible.

V. CLASSIFICATION AND PAY PLAN

A. General Policies

The Manatee County Board of County Commissioners has authorized appropriate actions be taken for on-going development of the Manatee County Classification and Pay Plans. This includes studies relating to equitable classification categories and pay ranges. The goal of the Board of County Commissioners is to maintain sound plans providing classification and pay structures that are fair, equitable, and systematic compared with other governmental jurisdictions and the private sector. This enhances Manatee County's ability to attract and retain competent employees to provide efficient services to the citizens of Manatee County.

Annually, concurrent with the budget process, the Human Resources Department will examine, by use of staff, consultants and such other resources available, market conditions and comparative wage data for relevant public and private sector employers, and based upon the results of this examination, will make a written recommendation to the County Administrator concerning wage adjustments for the next fiscal year. Based upon this written recommendation concerning the need for market equity adjustments, the County Administrator may propose a budget including funds sufficient to implement such adjustments concurrent with the new fiscal year, and may implement same upon budget approval. Any such overarching market equity adjustments shall be confined by the budget approved by the County Commission for that fiscal year.

Notwithstanding the foregoing, any awarded wage rate increases based upon a merit evaluation system (which system must be set forth in the County's Employee Performance Evaluation Manual) shall be implemented based on the calendar year.

The County Administrator (County Attorney for employees of that Office) is charged with creating classifications and pay plans (subject to annual budgetary approvals by the County Commission), and implementing and periodically revising same as business needs and operating experience dictate.

Manatee County reserves the right to organize itself, and classify and schedule its employees, in the manner deemed most effective and efficient at any given time, based on the needs of the community the County serves, and available County resources. Therefore, while the County will make every attempt to create stable career opportunities and work environments for employees, no County employee has any permanent right to claim any job title, classification, department, pay plan or rate, job description, benefit, schedule, shift, work location, co-worker(s) or any other aspects of the employment relationship other than those required by law to be provided.

B. Administration

1. Recommendations for assignment of authorized positions to classification titles and pay grades and recommendations for changes to existing classification and pay grade assignments are made by the Human Resources Director to the County Administrator for approval and implementation. The County Attorney may, upon consulting with the Human Resources Director, develop and implement such classification titles and pay grades for employees of that office as the County Attorney deems necessary. Such changes for administration or attorney positions shall become effective once approved by the County Administrator or Attorney as the case may be.

2. Recommendations for staffing level changes which will result in an overall increase in the number of authorized employees under the County Administrator (County Attorney for employees of that Office) or for which an increase in the overall operating budget is sought shall be submitted to the Board of County Commissioners for approval. Staffing level reductions, or any transfer or reassignment of one or more County staff, either within or between departments, may be performed administratively by the County Administrator (County Attorney for employees of that Office).

C. Application

1. General

a. Notwithstanding any other provision of this Policy, no employee may receive any pay rate increase (other than for temporary duty performance) which would cause such employee to be compensated in excess of the maximum of the pay range established for the position such employee holds.

b. Requests that are different from the parameters provided in Section V. of this Policy may be considered under extenuating circumstances. Such requests must be submitted, with appropriate justification, by the department director to the Human Resources Director who shall approve or decline such requests. The County Attorney shall have authority to establish salary increase rates as that official deems appropriate for employees of that office within the authorized budget.

c. An applicant or employee should not be promised pay or conditions that are outside the parameters of the Policy, unless authorized through the approval process (as outlined in b. above.) Any terms or conditions of employment, including but not limited to departures from established pay rates, moving expenses, hiring bonuses, unique leave accrual rates, or transfer of unpaid leave balances or time in service, must, to be effective, be included in the written conditional offer of employment presented to the candidate by the County. Any other promises or representations made to a candidate not included in the conditional offer of employment shall not be valid or enforceable against the County.

2. New Hire Employment

a. Initial employment in a classified position may be paid at any rate agreed to between the County and an applicant. In establishing a pay rate offer, department director shall consider grant/program funding levels, current budgetary allocations and projected expenditures within the department, labor market conditions, equity and compression issues within the department, as well as candidate qualifications. Prior to extending an offer to a candidate which exceeds the mid-point of the pay range, the department must be able to provide appropriate justification to the Human Resources Director. The Human Resources Director shall review all proposed offers and, where an offer is in excess of the mid-point of the pay range established for the position, shall make a recommendation to the County Administrator as to whether the proposed offer should be approved or denied. Employees of the County Attorney's Office shall have initial rates of pay as are assigned by the County Attorney upon hire.

3. Promotions

a. *Advertised Promotion* occurs when a current employee is selected through open competition for a position in a higher classification. Subject to available resources and market conditions, employees promoted as a result of advertising to a classification in a higher pay grade, the following pay guidelines will be applied:

(1) up to 5% increase above minimum of the new pay grade or current compensation, whichever is greater, for one (1) pay grade increase, or

(2) up to 7.5% increase above minimum of the new pay grade or current compensation,

whichever is greater, for two (2) pay grade increase, or

(3) up to 10% increase above minimum of the new pay grade or current compensation, whichever is greater, for three (3) or more pay grade increase, or

(4) department directors may request higher increases than what is listed in paragraphs (1), (2), and (3) for extenuating circumstances, but may not offer higher increases to an employee prior to the Human Resources Director's (or County Attorney's review for employees of that office), review and approval of the written documentation supporting the request. A promotion from non-exempt status to exempt status will be considered as one (1) pay grade increase.

b. Internal Promotion occurs when a qualified employee is placed in a higher position without advertising. Requests for internal promotions must be submitted to the Human Resources Director by the department director with explicit support documentation (i. e., employee meets job requirements, will not create equity or other issues with other employees, is in the employee's career path, employee is already performing duties, and is in the best interest of the County). The Human Resources Director (County Attorney for employees of that office) shall either approve or deny the request. Pay guidelines are the same as outlined in V.C.3.a. above (Note: External recruitment helps build strong workforces. Therefore, positions below director level should usually be advertised. Internal promotions without first advertising should only be considered in unusual circumstances, such as recruitment difficulty, departmental health/safety criteria dictates an immediate need to fill an internal candidate with extraordinary skills or background, etc.)

4. Demotions (Changes to Lower Classifications)

a. When an employee is demoted for any reason, the employee is requested to sign a statement of understanding, acknowledging the demotion and rate of pay. (Signing this document does not mean that the employee agrees or disagrees with the action, only that he/she received notice of it). This acknowledgment is attached to the demotion paperwork sent to Human Resources Department for processing.

b. Demotions may occur for various reasons, including, but not limited to, disciplinary, reassignment, reorganization, employee requested, when an employee applies through open competition, or performance related matters. In the event of a demotion, whether voluntary or involuntary, the employee's rate of pay may be adjusted to reflect the duties and responsibilities of the new position.

c. Compensation adjustments resulting from demotions are not automatic and will be determined on a case-by-case basis. Factors considered in setting the revised rate of pay may include, but not limited to, internal equity, budgetary constraints, nature and reason for the demotion, pay range of the new position, and organizational impact and operational needs. This is subject to approval by the Human Resources Director (County Attorney for employees of that office).

5. Temporary Assignments

a. Acting Status. Employees temporarily assigned to perform all duties of a higher-level

position shall be placed in acting status and receive additional compensation during the assignment at the pay rate of the acting position, as determined by county administration. Acting status is applicable when the employee is expected to be assigned to the higher-level duties for a minimum period of thirty (30) day. The assignment must be appropriately documented by the department director and approved by the Human Resources Director (County Attorney for employees of that office). Acting status assignments must be reassessed at least every one hundred twenty (120) days. Regular salary adjustments are granted during temporary assignments and shall be applied to the employee's non-acting pay rate. Upon expiration of the acting status, the employee's pay rate will return to the same level it was prior to entering into acting status but increased by any regular salary adjustments which occurred during that period. An employee may not be placed in acting status unless that employee meets the minimum qualifications of the higher level position.

b. Additional Duties. Employees temporarily assigned by their directors to perform additional duties while continuing to perform their regular duties may, upon request of the department director and approval by the Human Resources Director (County Attorney for employees of that office), be eligible to receive additional compensation over their current pay rate consistent with Section IV.C.3.g and Section V.C.3.a., above. Criteria for additional duty pay may include extraordinary working conditions, assuming all duties of a vacant position, or covering all responsibilities during another employee's extended leave of absence. Additional duties must be reassessed at least every one hundred twenty (120) days. Regular salary adjustments are granted during additional duty status and shall be applied to the employee's non-additional duty pay rate. Upon expiration of the additional duties status, the employee's pay rate will return to the same level it was prior to assignment of the additional duties. Alternative forms of compensation for the performance of additional duties may be developed by the County Administrator from time to time and may be utilized in lieu of the rate enhancement provided for above.

c. Skill-Based Duty Requirements. In certain circumstances, an employee may be called upon to regularly perform some additional duty not part of the normal duties of the position he/she holds. If a department director (County Attorney for employees of that office) determines in writing that an employee regularly must perform such an additional duty, and that requirement has a significant impact on the employee's ability to perform his/her regular duties, the director may request an additional pay supplement for the employee. Any such supplement shall be established as a flat rate or percentage of wage, shall be market validated by the Human Resources Department, and shall only be paid so long as the director certifies that the employee must regularly utilize the skill. The Human Resources Department will develop, maintain, and regularly validate and update a list of skills covered by this policy.

d. Temporary pay assignments shall coincide with the pay period beginning and ending dates.

6. Reclassifications and Reorganizations

Market factors, evolving priorities, evolutions in equipment and materials, employee input, grant funding, or changing organizational needs may cause a particular position classification within the County to become subject to change. The County continually evaluates these

factors against classified positions accordingly and at times determines, where the position is not wholly eliminated, to re-classify and/or reassign one or a group of positions to better serve the needs of the County and its citizens. Such reclassifications/reassignments can be minor or significant, and may result in enhancing one or more positions and related duties and requirements, or decreasing duties and requirements. Such reclassifications/reorganizations are solely within the discretion of the County and no employee possesses any right or expectation to hold or keep any one position or set of duties. To ensure compliance with any applicable personnel policies or regulations, requests for reclassifications must be submitted by a department director in writing with supporting justification to the Human Resources Department which shall review and comment upon all reclassifications or reorganization requests regardless of number of employees involved. Every possible scenario cannot be described in a general policy document such as this Manual. However, in an effort to inform employees of the outcomes of common reclassification decisions, the following examples are provided:

a. Employees reclassified to higher pay grades shall be compensated based upon the County's assessment of the factors set forth in subsection (c) below, and such compensation changes shall take effect on the first pay period after the effective date of the reclassification.

b. In circumstances where an employee's position is downgraded based upon reorganization, market study, individual job analysis or other similar non-disciplinary reason, the employee will not normally have their pay rate reduced, though their pay grade may be reduced, based upon the County's assessment of the factors set forth in subsection (c) below.

c. In reaching any decisions regarding the establishment of reclassifications and accompanying pay grades and rates, the County will consider various factors including, but not limited to, individual experience and years of service, individual work/discipline records, current compensation and where same falls within a new pay range, equity between and among similarly-situated positions and incumbent employees, market factors, established career ladders and budgetary constraints.

7. Career Ladder Classification Changes

a. Employees whose positions are upgraded through a career ladder as a result of achievement of prerequisites such as licenses/certifications (i. e., W/WW Plant Operators, Utilities Maintenance Technicians, Fleet Maintenance Technicians, etc.) or training shall be compensated as set forth in the approved career ladder plan or otherwise as outlined in Section V.C.3.a. above. Safety sensitive career ladder advancement will be subject to drug testing (See Section XX.B.1.b). The appropriate documentation must be submitted by the department director to the Human Resources Department and is subject to approval by the Human Resources Director (County Attorney for employees of that office).

b. The initial placement of employees into appropriate classifications within a career ladder will be determined by their qualifications at the time of placement. Wage rate adjustments (increases or decreases) may accompany the initial placement of employees into a newly-established career ladder where, in the County's judgment, such adjustments are required to address unusual circumstances surrounding employee tenure or equitable initial treatment of similarly-situated employees. Such adjustments would be subject to final

approval of the Human Resources Director (County Attorney for employees of that office). Once a career ladder has been instituted and incumbent employees have been initially placed therein, no further adjustments will be instituted and all subsequent new hires, transfers or promotions into positions covered by a ladder will have a wage rate set according to the terms of that ladder.

8. Transfers

Employees may be transferred to vacant positions with the same job title or within the same pay grade, different job title without advertising, if appropriate justification is provided and the request is authorized by the department director, approved by the Human Resources Director and future department director (or County Attorney for employees of that office) if transfer is to another department. Any pay adjustments will be determined on a case-by-case basis. Factors considered in setting a revised rate of pay may include education, experience, internal equity, and organizational impact and operational needs. This is subject to approval by the Human Resources Director (County Attorney for employees of that office).

9. Permanent Additional Duties

Where an employee is permanently assigned significant additional duties not warranting a reclassification of their position, the employee's director shall work with the Human Resources Director to conduct a compensation analysis and determine a suitable wage rate increase.

10. Equity Pay Adjustment

a. An equity pay adjustment is a salary increase or change made to address discrepancies in pay between employees performing similar work or with similar experience, skills, and responsibilities.

b. Equity pay adjustments are granted to maintain fair and equitable treatment of employees.

c. Requests for equity pay adjustments may be submitted, with appropriate justification, by the department director to the Human Resources Director (County Attorney for employees of that office), for review and approval.

11. Retroactive Pay Adjustments

Retroactive pay adjustments may be considered under exceptional circumstances (such as where an employee performed assigned duties but due to accounting/recordkeeping error was not paid or where a pay-increasing certification was earned but unknown to the County). If a department director requests retroactive payment for an action, a written request must be submitted to the Human Resources Director for consideration. If approved by the Human Resources Director (County Attorney for employees of that office), the amount of retroactive compensation will be determined by the Human Resources Department and the Payroll Division of the Clerk of the Circuit Court and Comptroller. (NOTE: Nothing herein should be interpreted as authorizing any employee to be paid for work which was not authorized to be performed by the County. Employees performing unauthorized work shall be subject to disciplinary action). To the extent the adjustment results in a deduction from pay for wrongly-paid compensation, any such deduction shall not result in an employee being paid less than the established minimum wage for any given pay period.

12. Pay for Performance

In addition to any general wage adjustment that the County Commission may from time to time adopt, the County Administrator (County Attorney for employees of that office) is authorized to administratively develop and implement a compensation program which includes variable wage increases linked to job performance. Such program may distinguish between exempt professional and managerial classifications, and full and part-time hourly compensated employees. Any such program shall be based upon quantifiable measures of performance and shall be designed and administered so as to ensure discrimination, favoritism or inconsistent application of eligibility criteria do not occur. To the extent the County Administrator (County Attorney for employees of that office) desires to grant lump sum bonuses in lieu of a performance-based wage increase, these shall be paid only in accordance with Resolution 09-20 as adopted by the County Commission. Nothing herein shall be interpreted as creating any requirement to develop or budget funds for pay for performance programs or policies, nor as creating an entitlement on the part of any employee to receive same.

VI. HOLIDAYS

A. Administration

The following is offered as a guideline and is not considered to be all inclusive. The "Manatee County Government Holiday Pay Procedures" are published separately.

1. Paid holidays are a Manatee County Regular employee benefit. OPS (temporary) employees are not eligible for paid holidays.
2. They may not be accrued for future use, and holiday hours taken shall not count as hours worked for any purpose other than FMLA eligibility.
3. Employees are assigned by work schedule to either the ACTUAL Holiday Calendar or the OBSERVED Holiday Calendar.
4. A holiday must be taken in one (1) workday.
5. When a County observed holiday occurs during an approved leave of absence with pay (i. e., vacation, sick, compensatory, military, bereavement, etc.), and the appropriate leave is identified on the timecard, the employee will be paid for the holiday. (The holiday is coded as "holiday" on the timecard.)
6. An employee who is not on an approved leave of absence and is absent from work on the day preceding or the day following a County observed holiday is required by the department director to explain the absence. If the absence is approved, appropriate accrued balances will be charged on the timecard. If the absence is not approved, or if the employee has no appropriate accrued balances to be charged, the employee is not paid for the unapproved absence, nor for the holiday, and may also be subject to discipline.
7. When an employee is scheduled to work on a County observed holiday and fails to report for duty, the employee shall not be paid for the holiday and may be subject to discipline.
8. When a County observed holiday occurs during a leave of absence without pay, i.e., FMLA, Suspension, Military Leave/Call, or with no accrued leave balances, etc., the employee will not be paid for the holiday.
9. When a County observed holiday occurs within a period of Workers' Compensation benefit pay, holiday hours shall be paid to bring the employee's pay to 100 percent pay status for that day.
10. When a holiday falls on a Saturday, it is observed on the preceding Friday. When a holiday falls on a Sunday, it is observed on the following Monday, except as may be determined otherwise by the County Administrator.
11. When a holiday falls outside of an employee's regular work schedule, the employee will be paid straight time for the holiday at 8 hours multiplied by the full-time equivalent (FTE). These hours will not be subject to overtime consideration or count as hours worked for any purpose.

B. Listing of Holidays

Holidays recognized are as follows:

1. New Year's Day - January 1
2. Martin Luther King Jr's Birthday - Third Monday in January
3. President's Day - Third Monday in February
4. Good Friday – The Friday before Easter Sunday
5. Memorial Day - The last Monday in May
6. Independence Day - July 4
7. Labor Day - First Monday in September
8. Veteran's Day - November 11
9. Thanksgiving Day - Fourth Thursday in November
10. Friday After Thanksgiving Day
11. Christmas Day - December 25
12. Day before or after Christmas (determined annually by the County Administrator, [County Attorney for employees of that office] for Departments under his/her jurisdiction).
13. Employees under the jurisdiction of the Court Administrator will recognize holidays only under the Court Administrator's holiday calendar.
14. Personal Holiday(s)
    a. Personal holidays, the number of which are set by the County Commission from time to time, and awarded during a calendar year, are to be taken during the year in which they are award.
    b. Personal holidays must be used by December 31 in the calendar year in which they are awarded and cannot be carried over into the next calendar year.
    c. OPS (temporary) employees are not eligible for personal holidays.
    d. Since daily scheduled work hours can vary depending on an employee's status and job assignment, the number of hours to be paid as a personal holiday must be equal to the number of regular work hours scheduled for that day. Personal holiday hours used do not count as hours worked for any purpose unless otherwise specified in a collective bargaining agreement.
    e. While on unpaid leaves of absence employees are ineligible to use a personal holiday.
    f. Notwithstanding the availability of personal holidays to employees, advanced permission to use a personal holiday must be obtained, and the department director has the sole discretion to allow a personal holiday to be used on any particular day, or to rescind a prior approval where the needs of the County so require.

g. Personal holidays are not eligible for conversion or payment, such as pay in lieu, under any section set forth in this Manual.

h. Personal holidays may not be used on or after the date an employee provides notice of intent to separate from County employment. Employees who separate from County employment and are rehired within the same calendar year are ineligible to use a personal holiday if it was used prior to separation.

VII. LEAVES OF ABSENCE

A. Vacation Leave

1. Full-time and part-time employees who fill established positions earn Vacation Leave credits. For health and well-being purposes, employees are encouraged to use their vacation leave each year and it is recommended that supervisors ensure employees are given that opportunity. Vacation Leave taken for purposes which qualify for FMLA coverage will be designated as FMLA Vacation Leave. Scheduling preference (where such decisions become required such as traditional holiday seasonal request increases) will be made by the department director based upon the operational needs and efficiencies of the department, seniority, timing of request, and any other factors which the department director deems appropriate.
2. Employees who are hired by Manatee County from another Manatee County Constitutional Officer may, at the option of the hiring department director, transfer a portion or all of their time in service and their unpaid vacation balance to the County.
3. Employees may only begin a new calendar year with a maximum of 400 vacation leave hours, accruals of which are tracked by the calendar year. If an employee's vacation leave balance exceeds its maximum by end of calendar year (inclusive of pay period containing the end of the calendar year), excess hours will be transferred to sick leave account in the first pay period of the new calendar year unless otherwise approved under Section VII.A.8. Employees earn vacation leave according to the following tables:

*** 80 Scheduled Work Hours Per Pay Period**		
Period of Continuous Employment	Hours of Leave Earned Bi-Weekly/Annually	Maximum End of Year Hours
0 to End of 5 Years	5 Hours/130 Hours	400 Hours
6th to End of 10 Years	6 Hours/156 Hours	400 Hours
11th to Termination	7 Hours/182 Hours	400 Hours

***Applies to employees regularly scheduled to work 8 hours per day/40 hours per week. (Part-time employees accrue on a pro-rata basis.)**

**** 84 Scheduled Hours Per Pay Period**		
Period of Continuous Employment	Hours of Leave Earned Bi-Weekly/Annually	Maximum End of Year Hours
0 to End of 5 Years	5.71 Hours/148.50 Hours	400 Hours
6th to End of 10 Years	6.76 Hours/175.80 Hours	400 Hours
11th to Termination	7.81 Hours/203.10 Hours	400 Hours

****Applies to employees regularly scheduled to work rotating 12-hour shifts.**
(Effective 8/3/2019)

NOTE: When hours paid are less than the scheduled hours, the hours accrued are a pro-rata of the designated accrual rate. (Example: Scheduled hours 80, paid hours 60, accrual rate 5.00 hours; would be calculated as 60 divided by 80 = .75 X 5.00 = 3.75 hours accrued).

4. Vacation leave for nonexempt employees (which should generally be scheduled no less than three (3) workdays in advance), regardless of whether such leave is used for actual vacation or other purposes such as FMLA absence, court appearance, etc., will not be counted as hours worked towards overtime (including premium pay differentials, if applicable).

5. Approved vacation leave will be paid in accordance with the number of hours regularly scheduled to work that day. Employees taking less than a full workday shall be paid vacation hour for hour.

6. Employees shall forfeit all vacation payouts under this section if employment terminates because the employee:

   a. Has been found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement or theft from the employee's employer or bribery in connection with the employment; or

   b. Has been terminated by reason of the employee having admitted to committing, aiding, or abetting an embezzlement or theft from his or her employer or by reason of bribery; or

   c. Prior to termination or retirement, is found guilty of, or adjudged by a court of competent jurisdiction to have violated any state law against strikes by public employees; or

   d. Was terminated for the commission of any felony with the intent to defraud the public or a public agency of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position.

   e. The forfeiture of leave payout pursuant to this policy is supplemental to any other forfeiture requirements related to public officers or employees provided by law.

   f. Forfeiture shall also occur where the employee resigns from employment after having been charged by the County or other law enforcement authority with any of the above acts but prior to having been terminated.

7. Use of vacation leave credits cannot be authorized prior to the time they are earned and credited. Vacation leave hours are used only with approval from the department director or designee.

8. At the end of the last pay period in the calendar year, the vacation leave account is audited. Vacation leave in excess of 400 hours is transferred to the employee's sick leave account on an hour-for-hour basis. Under extenuating circumstances, an exception may be granted to carry over excess annual leave. Exceptions must meet the following criteria:

   a. The “Excess Vacation Leave Carry-Over Request Form" (HR Form 153) must be documented with explicit extenuating reasons and must be endorsed by the Human Resources Director and approved by the County Administrator (County Attorney for

employees of that office), and

b. The employee shall not be approved for the carry-over of excess vacation leave unless he/she has first taken ten (10) workdays (need not be consecutive) of vacation leave during the calendar year for which the request applies.

9. If an employee becomes sick/injured (personal illness/injury only) during approved vacation leave, the leave hours may be adjusted only if the time record has not been processed by Payroll and, if applicable, where acceptable FMLA certification has been submitted.

10. Unused vacation time, up to 400 hours, shall be paid when an employee ends employment with Manatee County, subject to the provisions of Section VII.A.6. However, to the extent an employee, upon enrolling in the Florida Retirement System's Deferred Retirement Option Program, elects to receive a vacation leave payout under state administrative rules, such payout shall count toward the total 400 hours payout provided for herein.

11. Sick Leave accruals cannot be used or paid out as vacation leave.

12. Notwithstanding any provision of this Policy referring to "calendar year," accruals of leave balances shall be governed by the County's adopted payroll tracking system, and may be calculated by the payroll calendar year used by that system.

B. Sick Leave

NOTE: Family and Medical Leave Act (FMLA) will be considered and, if applicable, will run concurrently with Sick Leave. (See FMLA Section: VII.L.)

1. Full-time and part-time employees who fill established positions earn Sick Leave credits each bi-weekly pay period based on a maximum of 80 paid hours (pro-rated if less than 80). Tracking of sick leave accruals is by the calendar year. The accrual rate for regular employees is five hundredths (.05) of an hour for each hour paid up to a maximum of 80 hours (.07 for Emergency Medical Services employees on 24/48 hour shifts). (Examples: 80 paid hrs. x .05 = 4 hrs.; 60 paid hrs. x .05 = 3 hrs.; EMS 80 paid hrs. x .07 = 5.6 hrs., etc.).

2. Employees using sick leave are paid at the hourly rate in effect at the time the approved sick leave is taken, but such leave used shall not count as hours worked for any purpose other than FMLA eligibility.

3. During leaves of absence with pay, employees continue to earn sick leave credits (with the exception of employees drawing hours from the Sick Leave Bank or Long Term Disability).

4. Full-time and part-time employees who fill established positions may accumulate unlimited sick leave credits. OPS employees are not eligible for paid sick leave.

5. Sick leave earned during any pay period is credited to the employee on the last day of that pay period. In the case of employment termination, it is credited on the last day the employee is on the payroll.

6. Use of sick leave credits cannot be authorized prior to being earned and credited, and used only with approval from the Department Director or designee, who may require sufficient and specific medical documentation of the need for leave prior to authorizing sick leave pay. Sick leave pay may be denied to any employee who fails to provide requested documentation.

7. Sick leave hours are charged to an employee's sick leave account. If accumulated sick leave is exhausted, the employee may request through the appropriate departmental authority to use vacation, compensatory time, or personal holiday (may be used only as a whole day) leave to cover remainder of the absence. The employee may also, if eligible, be considered for the Sick Leave Bank. (See Section VII.B.13.) After all accrued leaves of absence are exhausted, the employee may request, through the appropriate departmental authority, to be considered for a leave of absence without pay. (See Section VII.J.)

8. Sick leave can be authorized for the following purposes:

   a. Personal Sick Leave

      Personal Sick Leave is for an employee's personal medical appointments, illness, injury, or exposure to a contagious disease which could endanger other employees. Any sick leave credits used for these reasons are authorized in accordance with provisions of Section VII.B.9. For purposes of this Policy, personal illness includes complications in pregnancy, miscarriage, childbirth, and recovery from these. With prior approval, eligible employees may attend personal medical related appointments when it is not possible to arrange for appointments during off duty hours. If there is question that an employee may be abusing personal medical related appointments, the department may require verification of appointment. Note: Medical Attention - In accordance with 29 C.F.R., § 785.43, and Section IV.B.6, time spent by an employee in waiting for and receiving non-elective

medical attention (with the exception of worker compensation-related visits) on the premises or at the direction of the employer during the employee's normal working hours on days when he or she is working constitutes hours worked.

b. Family Sick Leave

Family Sick Leave may be used to cover illness, injury or checkups (annual physicals, dental checkups, etc.) for an employee's immediate family (see definition for "immediate family" below). In approving use of sick leave, the department director may require certification of the family member's illness/injury from the attending physician. (Note: Family Sick Leave also includes paternity leave for fathers, prior to or immediately following birth of their child.)

c. Definition of Immediate Family

For the purpose of administering this type of leave, "Immediate Family" is defined as the employee's spouse, child (defined as biological, adopted, foster child, or stepchild), grandchild, parent, step-parent, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, brother, sister, half-brother, half-sister, step-brother, or step-sister. The definition also includes an individual for whom the employee is the legal guardian, and any other family member of the employee or of the employee's spouse who was a full-time resident in the employee's household immediately preceding the illness.

9. The employee has the responsibility of notifying his/her supervisor or other designated personnel when sick leave absence is necessary. This notification should be given prior to the absence, if possible, or as soon as possible on the first day of absence. Upon request, an employee may be permitted to use sick leave credits if the following procedures are followed:

   a. Prior to authorizing an employee to use sick leave credits, the department director may require the employee to certify that the absence is for reasons outlined in this Policy.

   b. After three (3) consecutive workdays (regardless of number of scheduled hours in any workday) of sick leave absence, the employee shall be required to provide medical certification from a certified health care provider before being authorized to use additional sick leave credits, unless deemed unnecessary by the department director based upon facts already known.

   c. Employees may be required to report periodically (no more often than seven (7) calendar day intervals) on the status of their sick leave and intent to return to work, and may be required to submit (no more often than thirty (30) day intervals) medical certification/re-certification from a certified health care provider if their sick leave continues.

   d. Employees may be required to convalesce at a specific location, such as a health care facility or at home where deemed necessary by the department director to prevent abuse of sick leave.

   e. Upon returning to work following a long-term illness or injury, an employee may be required to provide medical certification from a certified health care provider showing he/she is safely able to perform the essential functions of his/her job with or without reasonable accommodation.

10. An employee who refuses to comply with the above stated requirements is not eligible to use sick leave credits. Any unapproved absence from work will be considered unauthorized and may subject the employee to disciplinary action in accordance with the provisions of Section XI. of this Policy.

11. Employees providing written documentation from a certified health care provider indicating that the employee is unable to perform regular job duties due to an accident, illness, or medically related reason, with the approval of the department director, may be placed on light duty status or assigned to perform other temporary duties which will not be prohibited by the condition during recuperation, within the following guidelines:

    a. The employee's hourly rate of pay remains the same, including personnel working non-standard schedules (such as 24/48 shifts).

    b. If requested by the employer, the employee submits to a physical examination by a certified health care provider (selected and paid for by the department) prior to approval (or continuation) of the temporary status. Failure to comply could result in denial of use of further sick leave.

    c. The temporary status may be approved by the department director for a period not to exceed three (3) consecutive months.

    d. Requests to remain in the temporary status in excess of the three-month period must be authorized by the County Administrator (County Attorney for employees of that office). Such requests will only be considered under exceptional circumstances.

    e. Approval of temporary light duty is in the sole discretion of the County and is conditioned upon the availability of budgeted payroll funds to pay the employee and/or temporary workers at the same time, the disruption which may be caused to other workers in the workplace, the needs of the department, and the availability of bona fide light duty work to be done.

    f. With documentation from a certified health care provider stating the employee may return to regular, unrestricted, full duty status, the employee will resume his/her regular position.

    g. When approved to return to regular, unrestricted, full duty status, failure by the employee to do so could result in termination of employment under Section XI. of the Policy.

    h. Approval of temporary light duty does not signify the County's agreement that the employee is a qualified individual with a disability under the Americans with Disabilities Act ("ADA") or the Rehabilitation Act, or that the employee is covered by the terms of the FMLA, or abrogate any defense that the County may have under the civil rights laws.

    i. Employees who are determined to be unable to perform the essential functions of their job may either request a reasonable accommodation under Section IX.E, or where no accommodation is available, be referred to the Alternate Employment Program under Section IX.F.

12. Sick Leave Bank

a. The Sick Leave Bank Program is intended to provide a source of extended income to qualified member employees who have exhausted all paid leave and due to a disabling illness or injury remain unable to return to work. Certification from a healthcare provider may be required to establish eligibility. The Sick Leave Bank Program shall cover illness or injury of the member only and will not provide benefits for members being paid by a long term disability policy, or for absences due to family illness or injury, self-inflicted injuries, injuries covered by the worker compensation law (including secondary employment). The Sick Leave Bank program is administered by the Human Resources Department pursuant to administrative rules.

b. The Human Resources Department is authorized to develop and periodically revise administrative rules and related forms to administer the Sick Leave Bank. All administrative procedures shall be published to employees on the County's I net and any other reasonable means.

c. The Sick Leave Bank shall be funded by voluntary contributions of hours by qualified member employees. Employees may join or resign from the Sick Leave Bank at any time. However, any contributed hours made by a member who resigns from the program, or who otherwise separates from employment with the County, shall remain in the bank and shall not be reimbursed to or paid to the resigned or separated member.

13. Payment of Unused Sick Leave

NOTE: Payment for unused sick leave balances for contract employees will be in accordance with the contract in effect at the time of separation.

a. Employees with continuous service who leave County employment, and qualify to receive payment of unused sick leave credits, may be paid a percentage of their existing sick leave balance in accordance with the table shown below, with a lifetime maximum of 500 hours:

Less than 5 Years of Service	0%	10 Years of Service	40%
5 Years of Service	30%	11 Years of Service	42%
6 Years of Service	32%	12 Years of Service	44%
7 Years of Service	34%	13 Years of Service	46%
8 Years of Service	36%	14 Years of Service	48%
9 Years of Service	38%	15 Years of Service or More	50%

b. Employees who are rehired by Manatee County Board of County Commissioners after having previously worked for the Board are not entitled to receive credit for unpaid sick leave hours related to the previous period of employment.

c. Employees who are hired by the Manatee County Board of County Commissioners from another Manatee County Constitutional Officer may, at the option of the hiring department director, transfer a portion or all of their time in service and their sick leave balance (with no sick leave payout) to the Board.

d. Payment of unused sick leave credit is paid in a lump sum at the regular hourly rate in effect at the time of separation. This payment is not considered as salary in determining the average final compensation of an employee in the State administered retirement system. There is a lifetime maximum payout of 500 sick leave hours for all eligible employees.

e. Employees shall forfeit all sick leave payouts under this section if employment terminates because the employee:

(1) Has been found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement or theft from the employee's employer or bribery in connection with the employment; or

(2) Has been terminated by reason of the employee having admitted to committing, aiding, or abetting an embezzlement or theft from his or her employer or by reason of bribery; or

(3) Is adjudged by a court of competent jurisdiction to have violated any state law against strikes by public employees; or

(4) Has been found guilty by a court of competent jurisdiction of violating any state law prohibiting strikes by public employees; or

(5) Was terminated for having committed any felony with the intent to defraud the public or a public agency of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position.

(6) The forfeiture of leave payout pursuant to this policy is supplemental to any other forfeiture requirements related to public officers or employees provided by law.

(7) Forfeiture shall also occur where the employee resigns from employment after having been charged by the County or other law enforcement authority with any of the above acts but prior to having been terminated.

14. Notwithstanding any provision of this Policy referring to “calendar year,” accruals of leave balances shall be governed by the County’s adopted payroll tracking system, and may be calculated by the payroll calendar year used by that system.

C. Manatee Thrives Leave

1. Manatee Thrives is an annual employee wellbeing incentive program intended to encourage participation in activities across the five (5) components of the employee wellbeing wheel: physical, emotional, financial, community, and career.

2. The program operates on a calendar-year basis. Employees may complete approved activities in each component to earn points. Points must be earned within the calendar year to qualify for awards in that year.

3. First Award. Employees who earn at least 100 points in each of the five (5) components, for a total of 500 points, will receive an additional eight (8) hours of vacation leave (twelve (12) hours for employees regularly scheduled on 12-hour shifts; twenty-four (24) hours for EMS employees regularly scheduled on 24-hour shifts). The leave will be awarded the first pay period following verification that the threshold has been met.

4. Second Award. Employees who earn at least 300 points in each of the five (5) components, for a total of 1,500 points, will receive an additional eight (8) hours of vacation leave (twelve (12) hours for employees regularly scheduled on 12-hour shifts; twenty-four (24) hours for EMS employees regularly scheduled on 24-hour shifts). The leave will be awarded the first pay period following verification that the threshold has been met. Points earned to achieve the first award threshold count toward the second award threshold.

5. Awards for regular part-time employees are prorated based on the employee's regular scheduled hours.

6. Employees on disciplinary probation are ineligible to earn awards under this section. OPS employees are not eligible to earn awards under this section.

7. The Human Resources Department will publish the list of eligible activities and their point values, the documentation required for credit, and the method for submitting completion. Human Resources will verify points and determine whether thresholds have been met.

8. Vacation hours awarded under this section are subject to all rules governing vacation leave usage, scheduling, approval, and expiration as stated in Section VII-A, including department director approval based on operational needs.

9. The Human Resources Director is responsible for administration of the program, including establishing procedures, resolving eligibility or documentation questions, and making necessary adjustments to activities and point values to maintain program integrity and operational feasibility.

D. Bereavement Leave

1. Paid leave may be authorized for probationary and regular employees (OPS employees are ineligible) who have a death in their immediate family (see 2. below). The following procedures apply:

   a. Bereavement leave may be authorized (excluding holidays if scheduled to work the holiday) for up to 3 scheduled workdays with the exception of EMS 24/48 hour employees, who may be authorized to receive up to two shifts (not to exceed 48 hours) and 12 hour shift employees may be authorized to receive up to three shifts not to exceed 36 hours.

   b. Bereavement leave is separate and distinct from other types of leave and is not chargeable to any accrued leave balance (i.e., sick, vacation, etc.). Bereavement leave does not count as hours worked towards overtime.

   c. In the event a family death occurs during an employee's approved sick, vacation or compensatory time leave, the time missed due to the death may be designated as bereavement leave, if eligible. The actual leave account charged (i. e., sick, vacation, etc.) can be adjusted through a request from the department director to the Human Resources Director (HR Form 131).

   d. Bereavement leave is paid in accordance with scheduled workdays for the number of hours scheduled to work that day.

2. Definition of Immediate Family

   For the purpose of administering this type of leave, "Immediate Family" is defined as the employee's spouse, child (defined as biological, adopted, foster child, or stepchild), grandchild, parent, stepparent, mother-in law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, brother, sister, half-brother, half-sister, step-brother, or step-sister. The definition also includes an individual for whom the employee is the legal guardian, and any other family member of the employee or of the employee's spouse who was a full-time resident in the employee's household immediately preceding the death.

3. Proof of Purpose of Leave

   Validation of the request is left to the discretion of the employee's department director.

E. Military Leave

1. For purposes of interpreting this Section, the general term "Military Leave" includes both Military Leave, as provided for in subsection (2) below, and Military Call, as provided for in subsection (3) below.

2. **Military Leave**: In accordance with Chapter 115, Florida Statutes, County employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or a member of the National Guard, shall, upon presentation of a copy of the employee's official orders, be granted military leave on all days during which the employee is ordered to active duty or inactive duty for training. Such employees shall not be required to work or use accrued personal leave on any day during which they are engaged in training under official orders. Whether continuous or intermittent, such leave with pay may not exceed 240 working hours in any one annual period beginning January 1 and ending December 31. Administrative leaves of absence for additional or longer periods of time for assignment to duty functions of a military character, including assignments under applicable FEMA or USERRA regulations, shall be without pay unless required by federal law.

3. **Military Call:** County employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard, who are ordered to active military duty shall, upon presentation of a copy of the employee's official orders, be granted military leave beginning with the day ordered to duty and ending up to 31 days after the date of release from the military service or from hospitalization continuing after discharge, unless a longer period is required by the FMLA. The first thirty (30) calendar days of such leave shall be with full pay. (Note: Employees would only be compensated for scheduled workdays during this 30-day period.)

4. Scheduled workdays for which Military Leave is taken under the rules outlined in subsections (2) and (3) above will be compensated as Military Leave or Military Call (as applicable) and will not count towards overtime. If an employee approved for Military Leave is scheduled to work a shift which qualifies for premium pay differential, Military Leave hours will be compensated at the appropriate premium pay differential rate.

5. Employees requesting Military Leave shall furnish the department director with competent orders from the appropriate military command as valid evidence of such duty status. These orders shall be kept in the employee's departmental personnel file. Since "competent orders" are not always defined or consistent, department directors should consult with the Human Resources Department for guidance.

6. Any absence in excess of the limits set in subsections (2) and (3) above may, upon request by the employee and approval by the appropriate supervisor, be covered by accrued vacation leave, accrued comp. time or personal holiday. If not requested by the employee or approved by the appropriate supervisor as vacation, comp. time, or personal holiday, such absences in excess of the limits shall be approved as military leave without pay. However, such leave shall be without loss of seniority, time or efficiency rating. Should any portion of the leave be paid leave, the employee shall be entitled to accumulate all benefits granted under paid leave status.

7. Manatee County employees called to active military service will not be discharged, reprimanded, or in any other way penalized because of their absence due to such service. The employee's position may be filled by another employee with substitute or temporary

status. Upon separation from the military service, the employee shall be eligible to return to the former position held or a different position in the same class in the same geographic location.

8. **Veteran's Leave:** A County employee filling a regularly established position and who has been rated by the United States Department of Veterans Affairs or its predecessors to have incurred a service-connected disability and has been scheduled by the United States Department of Veterans Affairs to be examined or treated for the disability may request veteran's leave for such reexamination or treatment without loss of pay or benefits. The Department may request a doctor's note to verify the appointment. The maximum veteran's leave authorized for this purpose shall not exceed 48 hours in any one annual period beginning January 1 and ending December 31. Hours used are not counted as hours worked toward overtime. The use of Veteran's Leave shall not reduce the employee's sick or vacation accruals.

9. Issues of military leave not addressed in this policy shall be resolved as provided in applicable provisions of the Florida Administrative Code, Florida Statutes, and federal law.

F. Jury Leave

1. Whenever an employee filling a regularly established position (full-time, or part-time) or is called for jury duty, upon presentation of the summons to his/her supervisor, the employee will be excused from scheduled workdays and will receive Jury Leave pay for hours performing such duty, but not exceeding their scheduled work hours. The employee will not be compensated by the County for Jury Leave on unscheduled workdays unless the employee requests to substitute a night or weekend shift or portion thereof immediately preceding or following jury duty. The employee keeps any jury fees received.

2. Paid Jury Leave hours are <u>not</u> considered as hours worked for all compensation purposes including calculating hours worked towards overtime. The County does not reimburse an employee for meals, lodging, travel, or any other expenses incurred as a juror.

3. Employees are required to report to work if excused from jury duty during their regular working hours. However, if their scheduled shift has been filled or they are not otherwise needed to complete the shift, they may, with supervisory approval, charge the balance of their scheduled work hours to their vacation or compensatory time leave accounts, or take the time off without pay, but only to the extent they are not able to make up regularly-scheduled hours by means of flex time assignment.

4. An employee called to jury duty shall promptly notify his or her department director and provide a copy of the court summons so that arrangements may be made in advance for his or her absence from work. Where so requested by an employee's department director, an employee will provide the director with a statement of actual days spent on jury duty service (such as by memo or e mail) before compensation is approved. Where the Clerk of Court engages in "day prior call in" programs (where unseated jurors call a number to determine whether their presence will be needed the next day), employees who discover their presence at the court house will not be required the following day (but who have not yet been released from duty) shall report to work on that day unless otherwise ordered by the Court. Once an employee is released from duty, he or she shall inform the department and report to work as required in Paragraph 4 above.

5. An employee called to jury duty while on vacation leave shall be allowed jury duty pay for that time served in court which corresponds to his or her regular workday. Such employee shall have his or her vacation leave hours restored provided satisfactory evidence of the time served on jury duty is presented to the department. In the event a holiday occurs during the period an employee is serving on jury duty, he or she shall receive holiday pay for the holiday rather than jury duty pay.

6. Employees who have a normal work schedule outside the regular business day (night or weekend shifts) who are summoned for jury duty during the business day immediately following the scheduled shift shall, if they request, be permitted to be excused from their scheduled work shift (or portion thereof) immediately prior to the jury duty day, in order to rest or otherwise prepare for their jury service. However, such excused period shall not exceed 8 hours and, where an employee requests to be excused from work for a portion or all of a scheduled shift, the employee shall not be compensated for the shift or portion thereof, not actually worked (unless vacation leave is used) but shall only be compensated for jury duty equal to the number of shift hours missed performing such duty. Notwithstanding the general requirement for employees to report to duty should they not be required to spend an entire day of jury duty service, night/weekend shift employees who serve any portion of a day for jury duty without taking time off their regular shift shall be paid for the entire shift, not to exceed the number of work hours scheduled.

G. Witness Leave

1. An employee appearing as a witness for the County in a court case or administrative proceeding within the boundaries of Manatee County, in which the County is a party, including depositions, post-termination proceedings, mediation or arbitration proceedings, or who is subpoenaed as a witness in a court case or administrative proceeding in which the employee's testimony is related to official County business, is considered to be on duty during such appearance (not including travel time), even during off-duty hours should be coded as Regular Hours on their timesheet, with a note added indicating Witness duty. The employee must remit to the County any witness fee received in connection with such appearance. In the event the litigation is in a forum outside Manatee County, and the employee attends as a witness for Manatee County, he/she shall be entitled to per diem expenses in accordance with Florida Statutes § 112.061. However, in the event the litigation is in a forum outside Manatee County, and the employee is subpoenaed by a party other than Manatee County, the employee may keep any reimbursement of travel expenses, and he/she shall not be entitled to reimbursement of per diem expenses from the County.

2. An employee who voluntarily appears at a court or administrative proceeding, as defined above, on behalf of a party litigating against the County shall be ineligible for witness leave pay by the County for any time spent at such proceeding and must attribute such time to appropriate available leave balances or take leave without pay.

3. An employee who becomes a party in, or appearing as a witness in any case other than those described in Paragraph 1. is off duty and must attribute such time to appropriate available leave balances or take leave without pay. Under such circumstances, the employee is entitled to keep any witness fee received. The only exception to this provision is where a County EMT or Paramedic who, while off duty, renders medical aid or assistance at an accident scene or emergency event and by so doing becomes a witness. In such cases, the EMT or Paramedic will be paid as described in Paragraph 1. above.

H. Disability Leave

Note: Family and Medical Leave Act (FMLA) eligibility will be considered and may run concurrently with Disability Leave. (See FMLA Section: VII.L.)

1. Workers' Compensation

a. An employee who suffers accidental injury arising out of work performed in the course and scope of County employment may qualify for benefits during periods in which the employee is unable to work, as provided in the Workers' Compensation Law, F.S. Chapter 440. Any employee who has suffered an injury or illness while at work is required to report that injury or illness on an appropriate County form as soon as possible. Supervisors or managers who are aware of such illness/injury are required to provide the appropriate form to the employee, to compel the employee to complete it, and to promptly report the incident to the director and the Risk Management Division.

b. The Risk Management Division administers all workers' compensation claims and benefits.

c. An employee receiving workers' compensation wage benefits may, at the employee's election, use available leave balances, in accordance with Section VII.B.7, to supplement those benefits. The supplemental payments plus workers' compensation benefits cannot exceed the employee's regular salary. Time spent by an employee accessing treatment for a workers' compensation covered injury does not count as hours worked toward overtime.

d. An employee who is released to light duty by the workers' compensation primary care provider may, at the discretion of the department director, be assigned to perform other than his/her regular duties during recuperation. An employee who refuses to accept a light duty assignment will be ineligible for other disability leave, may lose workers' compensation benefits, and will be subject to disciplinary action under Section XI. of the policy.

e. An employee who refuses to return to work after being released to unrestricted full duty by the workers' compensation primary care provider will be subject to discipline, including discharge, or may be deemed to have abandoned his/her job and resigned.

f. Nothing in this sub-section eliminates or reduces an employee's rights under Florida law, to appeal workers' compensation decisions, nor should it be read as guaranteeing light duty work. Where no bona fide light duty work is available within the employee's department, the employee may be required to remain out of the workplace until recuperated. While no employee will be retaliated against for having submitted a claim for benefits and will give every opportunity for employees to recover from work-related injuries, the County reserves its right under law to terminate any employee for the inability to perform the essential functions of his or her job where the needs of the County so require. (See Section IX-E).

2. Short-Term Disability Leave/Reasonable Accommodations/Fitness for Duty Exam

a. All employees of the County are expected to be able to perform the essential functions of the positions they hold. At times, a physical or mental impairment may cause an employee to become unable to perform one or more job functions. In such circumstance, it will be the responsibility of the employee's department, in consultation with the Human Resources Department, to work with the employee to identify reasonable

accommodations, which will permit the employee to perform all essential job functions. This process may take more than one try, depending on the specific facts of the case. Though the employee's input on accommodations should be given weight, an employee is not entitled to demand a particular accommodation if the department wishes to provide a different accommodation, so long as the accommodation will permit the employee to perform his or her job functions. The Human Resources Department and the County Attorney's Office should be consulted where any questions arise over the identification of accommodations.

b. A department director who, through appropriate medical documentation or written representations from the employee, becomes aware that an employee is unable to perform the functions of his/her job due to illness or injury, will explore with the employee any workplace accommodations which may permit the employee to perform the affected job functions. In conjunction with this accommodation search, or in instances where the facts reveal that an accommodation is not possible or legally unreasonable, the department may require the employee to submit to a fitness for duty medical examination by a physician named and paid for by the department. The County's inquiry is limited to whether the employee is able to perform job-related functions and if not, the probable duration of the disability and expected return to full duty. If the medical examination confirms that the employee is unable to perform the essential functions of his/her job with or without reasonable accommodation, the employee may request to be placed on short term disability leave for up to thirty (30) calendar days. The granting of such request is at the discretion of the department director. NOTE: Outside of a worker compensation claim administered by the Risk Management Division or a County-paid fitness for duty examination, department employees, including directors and personnel liaisons, should NOT be directly communicating with healthcare providers of employees. Instead, all such communication will be made through the employee to the provider in writing.

c. At the outset of short-term disability leave, the department director informs the employee in writing of the maximum duration of the leave and that, at the conclusion of that time period, the employee is expected to return to unrestricted full duty work, if he/she is able to perform the essential functions of the job with or without reasonable accommodation.

NOTE: The granting, denying, or administration of short-term disability leave under this rule relates only to the ability to remain on the County's payroll as an employee and does not constitute, and is in no way related to, any disability insurance policy or other benefit to which an employee may be entitled on becoming disabled, whether such policy or benefit is issued through the County's self-insurance program or via a private insurer.

d. An employee placed on short-term disability leave is required to use sick leave hours. If sick leave is exhausted, the employee may request use of vacation, compensatory time, or personal holiday (must be used as a whole day) credits. If the employee uses all such leave or does not have enough leave to cover the duration of the short-term disability leave period (including Sick Leave Bank credits if relevant), the employee may request to be placed on leave without pay for the balance of the short-term disability leave period.

e. If, at the conclusion of the short-term disability leave, the employee is still unable to perform the essential functions of his/her job with or without reasonable accommodation, the following options are available:

(1) The department director may require the employee to submit to another medical examination as described in Section VII.I.2.a. If the examination reveals that the employee is able to perform the essential functions of the job with or without reasonable accommodation, the employee must return to work or face discharge in accordance with Section XI-B. of the Policy, or be deemed to have abandoned his/her position and resigned.

(2) The employee may request an extension of short-term disability leave for another thirty (30) calendar day period not to exceed a total of three (3) consecutive months. The department director may require the employee to produce medical certification indicating that he/she remains unable to perform the essential functions of the job during these periods. Such requests may be granted under exceptional circumstances, depending on the operational needs of the department.

(3) The department director may refer the employee to the Alternate Employment Program, as outlined in Section IX-F of this Policy.

(4) The department director may accept the employee's voluntary written resignation for reason of inability to perform assigned duties.

f. While under short-term disability leave without pay, it is the employee's responsibility to pay any group health and life insurance premiums that are normally paid by the employee. Such monthly premiums must be paid by the employee to Employee Health Benefits prior to the effective month of coverage; otherwise, EHB will cease coverage as to health, or inform the life insurance company which may terminate coverage.

3. Retirement Disability Leave Benefits (Florida Retirement System)

a. *Regular Disability Benefits* - Employees are eligible for regular retirement disability benefits upon completing eight (8) years in the Florida Retirement System. The disability must be total and permanent. The injury or illness must have occurred before termination of employment.

b. *In-Line-of-Duty Disability Benefits* - Employees are covered for in-line-of-duty disability beginning on the first day of employment. In-line-of-duty disability must be **total and permanent**. The disability must have been caused by an injury or illness that occurred in, or arose from, the actual performance of duties required by the employee's job.

c. If the employee is a retiree with renewed membership, he/she is not eligible for retirement disability benefits. Retirement disability requests are handled through the Human Resources Department, in coordination with Employee Health Benefits.

I. Domestic Violence Leave

1. Pursuant to Florida Statute § 741.313, an employee who has been employed for 3 or more months is permitted to request up to 3 working days of paid or unpaid leave during any rolling 12 month period if the employee, or a family or household member of the employee is the victim of domestic violence, where such leave is taken to:

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

    b. Obtain medical or mental health care for the employee or family or household member to address injuries resulting from an act of domestic violence;

    c. Make the employee's home secure from the perpetrator of domestic violence or to seek new housing to escape the perpetrator; or

    d. Seek legal assistance or attend court proceedings arising from an act of domestic violence.

2. Domestic violence leave shall be coded as paid vacation or sick leave (depending on whether the reason for taking the leave is to seek medical treatment or not) to the extent the employee has sufficient balances in his or her relevant leave account. Otherwise, the leave shall be coded as no pay.

3. Except in cases of imminent danger to the health or safety of the employee or family or household member, an employee seeking domestic violence leave must provide appropriate advanced notice of the leave request, and may be required to produce sufficient documentation to support the requested leave. To the extent an employee provides personal identifying information related to a request for domestic violence leave, such information shall be maintained by the department as confidential and exempt from public records disclosure, pursuant to Florida Statute § 741.313(4)(c)(2).

4. Employees who feel they are not being granted domestic violence leave should contact a Human Resources Manager to determine eligibility and obtain a suitable resolution to the matter.

J. Leaves of Absence Without Pay

Note: Family and Medical Leave Act (FMLA) eligibility will be considered and may run concurrently with Leaves of Absence Without Pay which are unrelated to judicial proceedings. (See FMLA Section: VII.L.)

1. Leaves of absence without pay will only be allowed upon depletion of applicable accrued leave balances (including Sick Leave Bank, if employee is eligible). The exception to this would be an employee who requests a leave of absence without pay to supplement military leave.

2. The decision to grant leaves of absence without pay is a matter of administrative discretion and must be approved by the department director.

3. Leaves of absence without pay may be approved up to a maximum of three (3) months.

4. While under a leave of absence without pay, any group health and life insurance premiums that are normally paid by the employee must continue to be paid by the employee. Applicable monthly premiums must be paid by the employee to Employee Health Benefits prior to the effective month of coverage; otherwise, coverage will be canceled at the beginning of the delinquent period.

K. Family and Medical Leave Act of 1993 (FMLA)

Note: This section of Policy is intended to set guidelines only and does not represent the Family and Medical Leave Act of 1993 in its entirety. FMLA procedures may differ from other types of County leave but FMLA does not provide any additional paid leave accruals over the County's other leave awards. (If further information is needed, contact the Human Resources Department.) FMLA use will be tracked concurrently with other types of leave where the reason for the leave is an FMLA-qualifying event. There are two general FMLA types, Basic Leave (see Section VII.K.1, et seq.) and Military Family Leave (see Section VII.K.15).

1. Basic FMLA Eligibility and Qualifying Events

The Family and Medical Leave Act (FMLA) is not to be considered as a separate or distinct form of leave. Instead, it is a law which provides for protection for employees who take leave from work for a covered reason, regardless of the pay code used. The FMLA authorizes an employee with 12 months of County service in the last seven (7) years, who has worked at least 1,250 hours during the 12 months preceding commencement of leave, a maximum of 12 weeks of job-protected leave during a 12-month period. The 12 month-period is based on a rolling 12 month period beginning with the most recent day upon which coverage is requested and counting back 12 months. Basic FMLA leave may be taken for the following reasons:

a. The birth of a son or daughter of an employee and to care for the newborn child;

b. The placement of a son or daughter with an employee for adoption or foster care (entitlement to leave for birth, placement for adoption or foster care of a son or daughter expires 12 months from the date of the birth or placement of the child);

c. In order to care for the employee's spouse, son, daughter or natural or adoptive parent with a serious health condition.

For purposes of this policy, definitions of spouse, son, daughter or parent are:

(1) Spouse means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides. (Note: Florida does not recognize common law marriage.)

(2) Parent means a biological parent or an individual who stands or stood "in loco parentis" to an employee when the employee was a son or daughter as defined in (3) below. This term does not include parents "in law".

(3) Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing "in loco parentis" who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability."

d. A serious health condition which renders the employee unable to perform one or more functions of the employee's position.

e. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty."

Twenty-six (26) workweeks of military caregiver FMLA leave may be taken during a single 12- month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent or next of kin.

2. Serious Health Condition

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

a. In-patient care (i. e., an overnight stay) in a hospital, hospice facility, including any period of incapacity (for purposes of this policy defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom), or any subsequent treatment in connection with such in-patient care; or

b. Continuing treatment by a health care provider, which includes any one or more of the following:

(1) A period of incapacity (i. e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from) of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(a) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

(2) Any period of incapacity due to pregnancy, or for prenatal care.

(3) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition.

(4) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective.

(5) Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

(6) FMLA leave for a serious health condition may be intermittent under the following circumstances: For intermittent leave or leave on a reduced leave schedule, there must be a medical need for leave (as distinguished from voluntary treatments and

procedures) and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the certification of a serious health condition meets the requirement for certification of the medical necessity of intermittent leave or leave on a reduced leave schedule. Employees needing intermittent FMLA leave or leave on a reduced leave schedule must attempt to schedule their leave so as not to disrupt the employer's operations. In addition, the employer may assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced leave schedule.

c. When leave is taken after the birth, or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the employer agrees. However, the employer's agreement is not required for leave during which the mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition.

3. Medical Certification

a. The employer may require that an employee's leave to care for the employee's seriously ill spouse, son, daughter, or parent, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a medical certification issued by the certified health care provider of the employee or the employee's ill family member.

b. When leave is foreseeable and at least 30 days' notice has been provided, the employee should provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the employer within the time frame requested by the employer (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. Failure to provide the appropriate healthcare certifications after having been requested to do so may result in disciplinary action, and/or in the delay or denial of approval of FMLA leave.

c. In accordance with Department of Labor (DOL) rules, if the employer has reason to doubt the validity of the medical certification, the employer may request, at the employer's expense, a second or third health care provider's opinion for leave taken because of a serious health condition. The employer may also require subsequent recertification from the employee's health care provider on a reasonable basis, in accordance with DOL rules, which normally will not be more than every thirty (30) days. No second or third opinion on recertification may be required.

4. Spouses Working for the Same Employer

If both spouses work for the same employer (Board of County Commissioners), the combined leave shall not exceed 12 weeks in the 12-month period, if the leave is taken:

a. for birth of the employee's son or daughter or to care for the child after birth;

b. for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement; or

c. to care for the employee's parent with a serious health condition.

5. Health Insurance Premiums

(Note: Any questions regarding employee health insurance premiums while under FMLA should be directed to Employee Health Benefits.)

a. During FMLA leaves of absence, the employer will continue to pay its portion of the health insurance premiums and maintain the employee's coverage under the health plan in the same manner as if the employee had been continuously employed during the entire leave period, provided the employee continues to pay his or her share of the premiums normally paid by the employee.

b. Should the employee fail to continue to pay his or her share of the premiums, notices of proposed insurance cancellation and the opportunity to pay the premium as required by the FMLA will be provided before cancellation.

c. Employees will be advised well in advance of any changes in premiums so they will have ample opportunity to make arrangements to continue to pay their share of the premiums during the Family Medical Leave. To avoid required reimbursement, appropriate certification from a health care provider may be required if the employee does not return to work because of a serious health condition.

6. Benefit Accruals

a. During FMLA leave, the FMLA does not require accrual of employment benefits, such as vacation leave, sick leave, etc. Accordingly, during unpaid FMLA leave, accrual of benefits shall be on the same basis as for any other unpaid leaves of absence. Paid FMLA leave will continue to accrue vacation, sick, etc., on the same basis as other types of paid leave. With respect to pension and other retirement plans, any period of unpaid FMLA leave shall not be treated as or counted toward a break in service for purposes of vesting and eligibility to participate. Employment benefits to which an employee may be entitled on the day on which the Family and Medical Leave of absence begins will not be lost because of such leave, except for those paid leave days substituted for leave taken under this policy.

b. Employees on unpaid FMLA leave are to be treated as if they continued to work for purposes of changes to benefit plans. They are entitled to changes in benefits plans, except those which may be dependent upon seniority or accrual during the leave period, immediately upon return from leave or to the same extent they would have qualified if no leave had been taken.

c. Employees will not be disqualified from bonuses based upon safety for which they qualified prior to leave because of the taking of FMLA leave.

7. Relationship to Paid Leave

~~a.~~ Employees will be required to substitute paid sick leave for an equivalent portion of FMLA leave for a serious health condition of the employee, spouse, child or parent, as defined in section VII.K.1.c.(1-3).

b. If eligible sick leave is exhausted, the employee will be required to substitute any other available paid leave sources, as outlined in Section VII.B.7. If all eligible leave balances are exhausted, any FMLA leave entitlement remaining will be coded as FMLA, no-pay status. (Note: Compensatory time may be used during the FMLA leave period and will be charged against the FMLA leave entitlement.)

c. To the extent the County does not provide paid sick or family sick for a condition covered by FMLA, neither this policy nor the FMLA entitles the employee to paid leave. However, under paragraphs a. and b. above, paid leave and the FMLA leave will run concurrently.

d. Workers' Compensation or Short-Term Disability-based leaves, whether paid or unpaid, will run concurrently with FMLA leave when the reason for the leave is an FMLA qualifying event.

e. To the extent an event occurs which makes an employee eligible for an alternative form of leave not related to absence due to covered medical reason (for instance family death and ensuing need for bereavement leave), the employee's use of such leave will not be counted as an FMLA absence.

8. Return from Family Medical Leave

a. With the exception of certain "key" employees (salaried FMLA-eligible employees among highest paid 10 percent of all employees employed by the employer), those who return to work from FMLA leave within or on the business day following the expiration of the leave are entitled to return to their job or a position with equivalent benefits, pay and other terms and conditions of employment. Designation of "key" employee status and whether such status will affect the employee's right to reinstatement will be made at the time the employee gives notice of the need for leave, or at the commencement of leave, whichever is earlier, or as soon as practicable thereafter if such determinations cannot be made at that time.

b. Failure to return to work upon completion or expiration of FMLA-protected leave could result in termination of employment, in accordance with FMLA rules and regulations and the Manatee County Personnel Policy, Rules, and Procedures Manual.

9. FMLA Procedures and Forms:

Department directors, managers, supervisors and personnel liaisons shall review, be familiar with, and make use of procedures applicable to requesting, qualifying for, and approval of FMLA coverage *(Note: all non-automated FMLA-forms will be posted on the County i-net for employee use by Human Resources).* Requests for FMLA-covered leave must be submitted through use of the County's leave request system at least thirty (30) days before the leave is to begin if need for leave is foreseeable based on an expected birth, placement

for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member. If thirty (30) days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, change in circumstances, or medical emergency, notice must be given as soon as practicable. (Note: Notwithstanding any requirement to submit leave requests via the established leave request system, verbal notice, or the County's knowledge of the need for FMLA qualified leave, is sufficient to trigger the obligations under the FMLA.) Once the department has acquired knowledge that the leave is being taken for an FMLA eligible reason, whether from the employee, a health care provider or some other reliable source, the department will notify the employee, on an official Employer Response Form signed by the director, that the leave is being designated as FMLA qualified and whether it will be paid or unpaid leave (according to whether or not the employee has chargeable accrued balances.)

10. Counting FMLA Leave

To the extent allowed by law, in the event an absence is for a reason covered by the FMLA, the County will designate it as Family Medical Leave-protected whether the employee has applied for it or not. When this occurs, the employee will be promptly notified as described above. Tracking of FMLA leave is the responsibility of the employee and the employee's department. FMLA is specific to the individual employee, not to the particular health condition or family event. Therefore, employees should be aware that the maximum 12 week protection period will be inclusive of all covered conditions and events which happen within the applicable 12 month period. Additionally, where the County obtains unequivocal confirmation, either from the employee or a health care provider, that the employee does not intend to return, or the employee's medical condition will prevent the employee from returning to full duty permanently, or for a significant or indefinite extended period past the FMLA period, the County may terminate employment even where the 12 week period has not yet run, and the employee's entitlement to continued leave, maintenance of health benefits, and reemployment will cease.

11. Coordination

Absences due to sickness or injury, whether paid or unpaid, including absences for work-related sickness or injury that are also covered by the FMLA, will be considered for FMLA leave.

12. Employee Obligations

During FMLA leave, employees must periodically report on their medical status and intent to return to work. Upon taking such leave, the employee will be advised of the reporting requirements.

13. Medical Certification Upon Return to Work

An employee who has taken FMLA-covered leave for his/her own health condition (whatever pay code) may be required to obtain certification from the employee's health care provider, based on a job and FMLA condition-related fitness-for-duty exam at the employee's expense, that the employee is able to perform the essential functions of his/her job before being allowed to return to work.

14. Failure to Cooperate

Employees who fail to provide information, which Manatee County is allowed by law to require the employee to provide, may have their leave delayed, or not counted as FMLA leave, and be subject to discipline up to and including discharge as permitted by law.

15. FMLA Military Family Leave.

In addition to the FMLA-protected categories above, Congress's 2007 and 2010 FMLA military family leave amendments in the 2013 Final Rule provide that employees eligible for FMLA leave are entitled to leave for a covered family member's service in the Armed Forces under the following circumstances:

a. Qualifying Exigency Leave. Up to 12 weeks of unpaid leave in any 12 month period for a qualifying exigency arising out of a covered employee's spouse, son, daughter, or parent's Armed Forces (including members of the National Guard or Reserves) covered active duty or notification of an impending call or order to active duty in the support of a contingency operation; or

b. Military Caregiver Leave. Up to 26 weeks of unpaid leave in a single, 12 month period for an employee to care for his or her spouse, son, daughter, parent, or next of kin, a service member/covered veteran, recovering from a serious injury or illness suffered while on active duty in the armed forces. FMLA leave taken for family military leave runs concurrent with other leave entitlements, as allowed under federal, state and local law.

Qualifying exigencies may arise when the employee's spouse, son, daughter or parent who is a member of the Armed Forces (including the National Guard and Reserves) and who is on covered active duty or has been notified of an impending call or order to covered active duty.

Qualifying exigencies categories.

- Issues arising from the military member's short notice deployment (within seven or less days of notice)
- attending military events and related activities
- to arrange for childcare and related activities
- issues related to care of the military member's parent who is incapable of self-care
- making or updating financial and legal arrangements
- Attending counseling
- Rest and Recuperation leave during deployment (up to 15 calendar days)
- Post-deployment activities (within 90 days of the end of the military member's covered active duty)
- Any other event that the employee and employer agree is a qualifying exigency

Should an employee request FMLA military family leave for a qualifying exigency, please consult with Human Resources and the County Attorney's Office for additional guidance.

Contingency operation. A "contingency operation" means a military operation that is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or results in the call or order to, or retention on, active duty of members of the uniformed services during a war or during a national emergency declared by the President or Congress.

Covered active duty is duty during deployment of the covered service member of the Armed Forces to a foreign Country.

For members of the National Guard and Reserves, covered active duty is duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation.

Deployment to a foreign country means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the United States. It also includes deployment to international waters.

Service member is a current member of the Armed Forces, including a member of the National Guard or Reserves who is receiving medical treatment, recuperation, or therapy, or in outpatient status, or is on the temporary disability retired list for a serious injury or illness.

Covered veteran is an individual who was discharged or released under conditions other than dishonorable at any time 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 enactment of the FY 2010 NDAA on October 28, 2009 and effective date of the 2013 Final Rule is excluded in the determination of the five-year period for covered veteran status.

The covered veteran is undergoing medical treatment, recuperation, or therapy for a serious injury or illness if he or she:

- was a member of the Armed Forces (including a member of the National Guard or Reserves);
- was discharged or released under conditions other than dishonorable; and
- was discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for him or her.

Serious injury or illness. A serious injury or illness means an injury or illness that is/was incurred by the covered service member in the line of duty on active duty in the Armed Forces (including National Guard and Reserves) and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the service member's active duty and that were aggravated by service in the line of duty on active duty.

Serious injury or illness for a veteran means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before

the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:

1. A continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank or rating; or

2. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Services Related Disability rating (VASRD) of 50% or greater, and the need for military caregiver leave is related to that condition; or

3. A physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or

4. An injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

In order to obtain military family leave to care for a family member who is recovering from an injury or illness suffered while on active duty in the armed forces, an employee must demonstrate a qualifying injury or illness is suffered by a covered family member who is a service member/veteran 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 retired list for a serious injury or illness.

The term "outpatient status" means the status of a member/veteran of the armed forces assigned to a military medical treatment facility as an outpatient, or a unit established for the purpose of providing command and control of members of the armed forces receiving medical care as outpatients. The illness or injury must be serious enough to render the person unable to perform the duties of the member's office, grade, rank, or rating.

Next of kin. "Next of kin" is defined as the nearest blood relative to that individual.

Substitution of paid leave for military family leave. For leave taken for a qualifying exigency or for injured serviceperson caregiver leave, an eligible employee will be required to use available paid leave balances in the same manner as the County requires for other FMLA leave taken as noted below:

Qualifying Exigency Leave: Vacation, then Comp, then No Pay

Military Care Giver Leave: Family Sick (up to yearly max), then Vacation, then Comp, then No Pay.

Married employees. When both husband and wife work for the County, the aggregate amount of leave that can be taken by the husband and wife is 26 weeks in a single 12 month period for serviceperson caregiver leave, or a combination of active duty leave and serviceperson caregiver leave. The aggregate number of workweeks of leave to which both that husband and wife can take for only active duty leave is 12 weeks.

Notice and certification. If the need for leave is foreseeable, the employee must provide such notice to the County as is reasonable and practicable. Employees requesting leave under

this section shall provide certification for the need for the leave on such forms as may be developed in the Secretary of Labor's final regulations, as modified by the County.

Calculating the 12-month period. Leave for a qualifying exigency is counted as the County calculates other categories of FMLA leave. Leave to care for a covered spouse, son, daughter, parent, or next of kin recovering from an injury or illness suffered while on active duty in the armed forces is a one-time benefit and as such, the 26 weeks are only available during a single, 12-month period. The County will begin counting the 12-month period on the first day of leave taken to care for the injured or ill service person.

Note: This FMLA military family leave policy supplements the County's main FMLA policy and provides general notice of employee rights to such leave. Except as discussed above, an employee's rights and obligations to FMLA military family leave are governed by the County's main FMLA policy and application/approval procedures.

L. Judicial Leave

Leaves of Absence Related to Judicial Proceedings

1. If an employee is arrested for, and/or charged with, an alleged violation of a federal or State law, County or municipal ordinance, or an order of a court, and/or becomes incarcerated for such reason, the concerned department director shall investigate as necessary for the purpose of determining whether to take disciplinary action and/or whether to place the employee on judicial leave of absence pending judicial proceedings. The investigation, review and action options shall be coordinated with the Human Resources Department. The decision to place an employee on leave of absence is discretionary with the department director and subject to review by the Human Resources Director. Any decision to place an employee on judicial leave shall be final and not subject to appeal through any grievance process.

2. While in some cases the County may elect to await the outcome of judicial proceedings prior to discipline action, the County reserves the right to make its own determination regarding the facts of the case and whether its personnel rules were violated, regardless of the outcome of any criminal proceedings.

3. An employee not incarcerated while awaiting disposition of a charge may be permitted to work if it is determined by the department director that allowing the employee to work will not adversely impact County operations or citizen goodwill or jeopardize the wellbeing of other employees or citizens.

4. Judicial Leave is not a right but an option which may be exercised in the sole discretion of the County and shall be unpaid. However, an employee must use all of his or her Vacation Leave prior to any unpaid period. Nothing herein should be interpreted as preventing the County from proceeding to terminate or otherwise discipline an employee at any time after a charge or arrest where the County possesses adequate information upon which to base its decision.

VIII. ABSENCE WITHOUT AUTHORITY

None of the provisions of this Policy shall be interpreted or construed to circumvent or mitigate the rule that: Any County employee absent from his/her position of employment without approval of competent authority for a period of two (2) consecutive workdays/shifts is considered to have resigned without notice.

IX. NON-DISCIPLINARY SEPARATIONS FROM COUNTY EMPLOYMENT

A. Resignation

1. Resignation is the separation of an employee from County employment through submission of a written or verbal notice of intent to resign. An employee's resignation shall be deemed as accepted by Manatee County the moment it is tendered regardless of any stated effective date, and no supervisor, manager or director has the authority to reject or permit an employee to rescind a resignation without the express prior authorization of the County Administrator (County Attorney for members of that office).

2. An employee who wants to leave County employment in good standing must notify his/her immediate supervisor at least two (2) weeks prior to leaving. The supervisor, in turn, will notify the department director. The department director may allow the employee, under extenuating circumstances, to give less than two (2) weeks' notice and still resign in good standing. In the event the department director, in consultation with the Human Resources Director, determines that it would be in the County's best interest to deem a resignation notice an immediate resignation or shorten the resigning employee's notice, he/she may do so.

3. Upon an employee's resignation notice, any interest in continued employment ceases, and the employee is not entitled to any due process hearing.

4. Employees who resign from County employment without two (2) weeks' notice (unless otherwise approved by the department director), may not be recommended for rehire, nor be eligible for re-employment, with the County for one (1) year following their date of termination unless approved by the Human Resources Department.

5. Each County employee separating from County employment is requested to complete an Employee Separation Survey. The purpose of this survey form is to provide management with input the employee may have about his/her job and the County. The completed form is maintained by the Human Resources Department.

6. An employee who fails to report to work for two (2) consecutive workdays/shifts without approval of competent authority is considered to have resigned without notice. (See Section VIII., Absence Without Authority.)

7. An employee who takes any step to run for a Manatee County Commission seat, including opening a campaign account for that purpose, filing qualifying paperwork with the Supervisor of Elections, or conducting a press conference or issuing a press release confirming his or her candidacy, shall be deemed to have resigned his or her position with Manatee County as of the close of business of the date any of these actions are first taken. Nothing herein shall be read or interpreted as preventing an employee from standing for election for any other elective public office or applying for appointment to any appointive public office.

B. Retirement

1. None of the provisions of this Policy can be construed or interpreted to alter or impair the County's retirement plan, which is governed by law.

2. There is no mandatory retirement age for employees of Manatee County unless otherwise provided by Florida Statute or pension plan provision. Continued employment is determined by the employee's ability to perform satisfactorily in the job classification assigned.

3. Employee assistance and retirement information is available from the Human Resources Director, or designee, as needed. Department directors should urge their employees to contact the Human Resources Department at least ninety (90) days in advance of the anticipated retirement date, to allow time to process retirement benefits.

4. Employees who have retired from County employment may be re-hired by the County in any position and under such terms and conditions as the County may offer, consistent with policies or procedures applicable at the time of application. Retired applicants seeking re-hire with the County must comply with any applicable hiring procedures and FRS requirements.

C. Death

1. Separation is effective on the date the death occurs.

2. All compensation due the employee at separation is paid to the beneficiary, surviving spouse, or to the estate of the employee, as determined by law or by executed forms in the employee's official personnel file.

3. Department directors must immediately report an employee's death, regardless of cause, to the Human Resources Director and initiate the appropriate separation paperwork forthwith. The Human Resources Director, or designee, will verify whether the employee's beneficiary is eligible for benefits under the Florida Retirement System.

4. Survivor benefit inquiries should be addressed to Employee Health Benefits.

D. Layoff

1. It is the intent of the Board of County Commissioners to provide stable employment to members of Manatee County Government. However, there may be occasions which necessitate a reduction in the County workforce.

2. A reduction of workforce may be instituted in cases of bona fide budget reduction, lack of work, lack of funds, program or grant discontinuation, technological replacement, or any other significant organizational change or condition of serious financial distress that may occur. When such conditions exist, the department director may, after coordination with the Human Resources Director and approval by the County Administrator, proceed to lay off an employee or employees. To the extent a reduction in force is necessitated by the County Administrator's proposed budget, layoff decisions shall be consistent with the programs, services or operations to be reduced or eliminated by such budget.

3. A reduction in workforce may be made by work site assignment and/or specific function performed and/or unique skills or qualifications held and/or by general job classification and/or by pay grade within the affected department, or division or operation thereof. Layoffs which are targeted solely at reduction of salary costs must fairly target the foregoing employee classifications in a roughly uniform way so as not to cause the layoff of a more senior worker where a more junior employee performing the exact same duties and working at the same location is earning more.

4. The duties previously performed by a laid-off employee may be reassigned to other employees already working in positions in appropriate job classifications.

5. The Human Resources Department and County Attorney shall review any reduction in force proposals prior to their implementation so as to review such proposals to minimize negative impacts on prior equal employment gains in impacted work units, and advise the County Administrator on any labor law implications.

6. Layoff Priority

a. In the event of layoff, primary consideration will be on the factors set out in Section IX.D.3. Thereafter, the order of layoff shall begin with temporary then probationary employees. The next order of layoff shall begin with the employee who has the least seniority (see Section IX.D.6.b.).

b. Seniority shall be determined by County-wide continuous service. Rules of continuous service shall be observed in deciding the date of last hire for the purpose of seniority determination.

c. If two or more individuals should have the same hire date for determining seniority, the employee with the most disciplinary and/or counseling notices shall be laid off first.

d. In accordance with prevailing veteran laws, including Chapter 295, Florida Statutes, certain veterans and spouses of certain veterans may be eligible for preference in retention when layoffs are necessitated. Human Resources shall review layoff proposals to ensure compliance with such laws.

7. County employees who are scheduled for layoff shall not have "bumping rights" to other positions in any County department. However, where the County is able to forecast a layoff in advance, the County may establish a time period wherein employees subject to a pending layoff will be permitted to apply for open positions. During this period, such employees shall, when being considered by interviewing departments, receive preference in hiring where they are otherwise equally qualified with other candidates. Nothing herein, however, is intended to require the hiring of any such employee by a department where another candidate is clearly more qualified for the position.

8. Employees scheduled for layoff may, if offered by the County, elect to accept transfer to vacant County positions for which they are qualified. Such transfer offers may be made at the discretion of the County and must be accepted by the employee within 3 days of receipt of the written offer. The employee's pay rate would be adjusted in accordance with Policy for any other County employee changing positions within the County. Employees who accept a transfer offer under this paragraph shall not be further entitled to any reinstatement to their prior position.

9. However, employees on layoff status with no offer of transfer, may for a period of twelve (12) months from the date of layoff apply and receive preference in interviewing for any job for which they are minimally qualified.

10. Human Resources Department shall ensure Employee Health Benefits is made aware of any layoffs to ensure proper COBRA notices are provided.

11. Reinstatement

a. Laid-off employees, who have not accepted an offer of transfer to a different County position, have priority for reinstatement, according to seniority, in jobs within their classifications at the time of separation for twelve (12) months following the effective date of layoff. Laid-off employees reinstated to those classifications within the twelve (12) month period shall have their previous dates of hire restored (including vacation and sick leave accrual rates and any unpaid sick leave balances in effect at the time of layoff). However, recalled employees may not be offered the rate of pay they had prior to their layoff, where fiscal conditions require a reduced rate for the position. At the end of the twelve (12) month period, all laid-off employees' rights associated with reinstatement are concluded. The County offers reinstatement to laid-off employees by certified mail to the last known address. (Note: It is the laid-off employee's responsibility to keep the Human Resources Department notified of any change of address, if he/she is interested in reinstatement.)

b. Reinstatement is offered to laid-off employees provided they are qualified (medical certification may be required) to perform the essential duties of the job, and are in compliance with current pre-employment requirements including the County's Drug Free Workplace Program. A laid-off employee, who is temporarily unable to accept an offer of reinstatement due to medical certification, may request a delay in starting work, not to exceed thirty (30) calendar days.

c. The return to work date for a laid-off employee, who is qualified to return to work and compliant with all pre-employment requirements, is determined by the County's requirements, but the employee must be available for work no later than two (2) weeks following notice or his/her seniority will be forfeited and he/she is no longer considered eligible for reinstatement under the Layoff procedures.

d. If the employee fails to report to the Human Resources Director within three (3) business days after receipt of the certified notice or if the employee does not meet all current pre-employment requirements, his/her seniority is forfeited and he/she is no longer considered eligible for reinstatement under the Layoff procedures.

12. Employees who are scheduled for layoff do not have the right to submit appeals or complaints in regard to layoff actions, except for reasons of alleged violation of these policies and procedures governing such reduction of workforce, or for alleged acts of illegal discrimination. The County Administrator may elect to offer separation agreements to employees subject to layoff. In such cases, no agreement may be offered prior to legal review by the County Attorney’s Office.

13. Employees who are scheduled for layoff should contact Employee Health Benefits to discuss their medical coverage and other health benefits.

14. The Human Resources Department shall make all reasonable efforts to provide out-placement assistance and services to laid-off employees.

E. Disability Separation/Reasonable Accommodation

1. All employees of the County are expected to be able to perform the essential functions of the positions they hold. At times, a physical or mental impairment may cause an employee to become unable to perform one or more job functions. In such circumstance, it will be the responsibility of the employee's department, in consultation with the Human Resources Department, to work with the employee to identify reasonable accommodations which will permit the employee to perform all essential job functions. This process may take more than one try, depending on the specific facts of the case.

2. Though the employee's input on accommodations should be given weight, an employee is not entitled to demand a particular accommodation if the department wishes to provide a different accommodation, so long as the accommodation will permit the employee to perform his or her job functions. The Human Resources Department and the County Attorney's Office should be consulted where any questions arise over the identification of accommodations.

3. If no reasonable accommodation can be identified, or if attempts at accommodations fail, or if the employee declines to accept reasonable accommodations offered by the department, then the department director, prior to separation, may refer the employee to the Alternate Employment Program (AEP). Such referrals shall be in writing and shall review the accommodations attempts made by the department.

4. An employee may be terminated when he/she is unable to perform the essential functions of the job because of a physical or mental impairment and where no reasonable accommodation has been identified or accepted. Separations based on the employee's inability to perform the essential functions of the job under the provisions of this section will not be considered disciplinary terminations.

5. If the inability to perform the job occurs due to an on-the-job injury, the employee should be given a reasonable opportunity to reach maximum medical improvement (MMI) as stated by the Workers' Compensation doctor before being evaluated for mandatory participation in the Alternate Employment Program (AEP) unless such inability has existed for more than 12 weeks in the immediate prior 12 month period. The point in time at which an employee is considered for discharge for an illness or off-duty injury will be dependent upon the needs of the department in conjunction with the availability of a definitive recovery prognosis. Nothing herein prohibits discharge for inability to perform duties, regardless of the source of illness or injury, where the continued non-performance of essential job functions by the employee results in an extreme hardship for the County department or operation involved.

F. Alternate Employment Program (AEP)

1. When the County receives information an employee has medical restrictions/limitations that appear to prevent the employee from performing the essential functions of the job and the department cannot provide or the employee does not accept reasonable accommodation(s) which would allow the performance of the essential job functions, the department director shall submit the appropriate referral form to the Human Resources Director indicating the information received regarding the restrictions and how those restrictions prevent the employee from performing the essential job functions. The department director shall also indicate what efforts were made to identify reasonable accommodations; what accommodations were suggested by the employee; and why any potential accommodations were rejected by the department as an undue hardship. The Human Resources Director will determine if the rationale are sufficient. If not, an independent medical and/or vocational evaluation may be arranged to further explore the potential for an accommodation.

2. After the Human Resources Director receives sufficient notice from a physician and/or vocational rehabilitation counselor and the department that the employee is restricted in such a manner that he/she can no longer perform essential job functions, an HR representative will meet with the employee and over a 90 day period assist him/her in searching for suitable alternate employment. The 90 day period shall be consecutive calendar days from the time the employee is notified in writing of acceptance into the AEP. Where deemed necessary by the Human Resources Director, a vocational rehabilitation counselor may be utilized in the search for alternate employment.

3. The HR representative shall maintain a list of all vacancies which occur during the 90 day period and evaluate the requirements for each vacant position vis-a-vis the individual's qualifications and capabilities. Employees in the AEP can be considered for any currently-vacant budgeted position which he/she would be otherwise qualified for, either with or without an accommodation. The HR representative will refer the employee to the department where an opening exists for an interview provided the employee executes an application, meets the qualifications for the position and satisfies all requirements with respect to testing, licensing and certification.

4. If suitable alternate employment has not been arranged within the 90 day period following the employee's entrance into the AEP, the HR representative will notify the Human Resources Director that no suitable alternate position was identified or accepted. The Human Resources Director will notify the employee's department director that the employee may be discharged after an exit interview, if possible, with the Human Resources representative and the department director.

5. The Human Resources Department, if at all possible, shall schedule an exit interview with the employee in order to inform the employee that the discharge is not a disciplinary termination, that all vacancies in the County have been examined and there is no suitable alternate employment available at that time. If the employee should recuperate to the extent that he/she can perform the essential functions of the job within nine (9) months of termination under this policy, he/she may contact the Human Resources Department and the employee's former Director may authorize reinstatement upon receipt of acceptable evidence that the employee can satisfactorily perform the job, providing there is a vacancy. The individual may continue to check the County job postings and may apply for other positions within the County as they occur. Nothing in this policy should be construed as creating a right to transfer to a different position, a right to reinstatement after termination under this policy, nor a right to any particular wage rate upon reinstatement.

X. CODE OF ETHICS FOR OFFICERS AND EMPLOYEES

1. Officer and Employee Ethics: Officers and employees are required to conduct the affairs of the County in an ethical manner in accordance with the Code of Ethics for Public Officers and Employees (Florida Statutes 112.311 - 112.326), including, but not limited to, the following:

   a. Duties and obligations will be discharged in a manner that reflects credibility upon the County. Conduct that gives the appearance that decisions and actions are motivated by personal relationships or for personal gain do not meet the standards of conduct for employees under the Policy.

   b. In conducting the affairs of the County, no employee shall seek or assure a favorable decision or service by any person or entity, public or private, through acceptance of gifts, loans, favors, or any other form of unethical or unlawful conduct.

   c. Employees shall not be employed or accept employment with any business entity or agency or engage in a professional activity which might result in a conflict of interest or cause/require the employee to disclose confidential information acquired as a result of his/her official capacity with the County. Approval of secondary employment shall be obtained as provided for in Section XVII of this Policy.

   d. No County officer or employee shall solicit or accept anything of value to the recipient such as a gift (including Christmas gift), favor, loan, reward, promise of future employment, preferred service, benefit, or concession that would reasonably tend to improperly influence the officer or employee in the discharge of his or her official duties or give the appearance of improperly influencing the officer or employee.

   e. No County officer or employee shall disclose/use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

   f. No County officer or employee shall transact, or solicit to transact any business in his or her official capacity with any business entity of which the officer or employee, or his or her spouse or child is an officer, director, agent, or member, or in which the officer or employee or his/her spouse or child owns a financial interest, or otherwise has any material interest therein. Nor shall a County officer or employee, acting in a private capacity, transact or solicit to transact any business with the County, or with any of its subdivisions or agencies.

   g. No County officer or employee shall have personal investments in any business which would reasonably create a conflict between his or her private interests and the County's interest.

   h. No County officer or employee or his or her spouse or minor child shall, at any time, accept any compensation, payment or thing of value when he or she knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his or her official capacity.

i. No County officer or employee shall have or hold any employment or contractual relationship with any business entity or agency which is subject to the regulation of, or is doing business with the County, or any part of the County of which he or she is an officer or employee. Nor shall any County officer or employee have or hold any employment or contractual relationship which will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties, or that would impede the full and faithful discharge of his or her public duties.

j. Violations of the Code of Ethics for Public Officers and Employees are violations of State law and can result in fines, removal from employment, and criminal conviction; as well as in discipline including discharge from County employment.

2. Certain County public officers and employees, including "Local Officers," "Procurement Employees," "Legislative Analysts," and those who are required by law to file either limited financial disclosure forms (Form 1), or full financial disclosure forms (Form 6), are under more stringent requirements, especially with regard to the acceptance of gifts and honoraria.

3. County employees are encouraged to seek guidance from the County Attorney and/or the Human Resources Department if there is any question whatsoever about the propriety of any contemplated action prior to such action being undertaken. A copy of the statutory Code of Ethics may be obtained by contacting the County Attorney's Office. Employees may also request, through their department directors, a formal request for an opinion from the Florida Commission on Ethics in Tallahassee. Such requests shall be directed to the County Attorney's Office, which shall formulate the request and be the point of contact with the Commission.

4. Procedures Upon Offering of Group Gift-From time to time, including during holidays, County departments, divisions, crews or individuals may receive or be offered gifts including gift certificates, baskets, tickets, food, or other items of value, from developers, vendors, contractors, lobbyists and other persons who conduct, have conducted, or seek to conduct business with Manatee County. In such instances, such gifts or offers should be reported to the County Administrator's Office so that the gift or offer may be evaluated under the applicable ethics laws. In cases where it is determined that a gift or offer may not be accepted, the gift will be returned or offer declined. Nothing herein, however, prevents any person from presenting a gift to Manatee County government, which gift may be accepted on behalf of the government by the Board of County Commissioners and used at its sole direction.

5. No current employee of Manatee County may serve on any Manatee County board, commission, task force or other body, nor hold any other office of County government, including advisory bodies. Nothing herein shall be interpreted as preventing employees from holding any office of any other governmental entity, or from serving on the board of directors of any corporation, so long as no other ethical conflict prevents such service.

6. Employees who may wish to disclose information concerning alleged violations of law or gross mismanagement, malfeasance, waste of public funds or neglect of duty by a County agent, official or contractor must follow the procedures outlined in the County's Whistle-Blower Ordinance, which are at § 2-2-260 through § 2-2-264 of the Manatee County Code.

XI. DISCIPLINE AND DISCHARGE

A. General Provisions

1. The level of discipline an employee will receive for a given offense varies in each case depending on the employee's past work and discipline record, seniority and the severity of the offense.

2. Employees may be disciplined by written notice (with or without other action or conditions), suspension, probation, demotion, discharge or combinations of these for an action or failure to act which adversely affects job performance or the efficient operation of Manatee County Government or the work unit. It is the intent of the County that employees succeed within their own departments. Therefore, transferring of employees from one department to another is a disfavored practice and will not generally be used to address employee performance or misconduct issues.

3. Probationary and temporary employees, employees of the County Attorney's Office and other employees designated as serving at the will of the County Administrator, do not possess a property interest in their positions and therefore may be discharged without cause and are not entitled to any recourse in the event of discipline or discharge, except as provided in this paragraph and Section XI.D.2.d. of this Policy. Further, employees who have waived their appeal rights by virtue of having entered into a last chance agreement or voluntary separation agreement are not entitled to appeal any subsequent discharge to the extent set forth in such agreements. If any such employee believes he/she has been disciplined or discharged as a result of illegal discrimination, the employee must follow the procedures outlined in Section XIII of this Policy regarding Illegal Discrimination or Harassment.

B. Grounds for Discipline or Discharge

Employees may be subject to discipline or discharge for violations of County policy, procedure, rule, standard, expectation, or other just cause. The examples provided in this section are illustrative and are not intended to be exhaustive:

1. Poor performance. Employees shall strive to perform at the highest level of efficiency and effectiveness; they shall do more than "just get by."

   a. Employees are expected to be reliable and dependable, for example: to show up for work, ready to work, on a reliable basis; to observe established work hours and scheduled appointments; to complete work on time; and to obtain permission before being off work and to schedule leave in a manner that minimizes work disruption.

   b. Employees are expected to be effective, for example: to organize their work; to stay focused on job related activities during work hours; to provide the level of effort necessary to get the job done; to demonstrate willingness and ability to make decisions and exercise sound judgment; to produce work that consistently meets or exceeds expectations; to accept responsibility for their actions and decisions; to adapt to changes in work assignments, procedures, and technology; and to be committed to improving individual performance.

2. Negligence. Employees shall exercise due care and reasonable diligence in the performance of job duties.

3. Inefficiency or inability to perform assigned duties. Employees shall, at a minimum, be able to perform duties in a competent and adequate manner.

4. Insubordination. Employees shall follow lawful orders and carry out the directives of persons with duly delegated authority. Employees shall resolve any differences with management in a constructive manner.

5. Conduct unbecoming a public employee. Employees shall conduct themselves, on and off the job, in a manner that will not bring discredit or embarrassment to the County.

   a. Employees shall be courteous, considerate, respectful, and prompt in dealing with and serving the public and co-workers.

   b. Employees shall maintain high standards of honesty, integrity, and impartiality. Employees shall place the interests of the public ahead of personal interests. Employees shall not use, or attempt to use, their official position for personal gain or confidential information for personal advantage.

   c. Employees shall protect County property from loss or abuse, and they shall use County property, equipment and personnel only in a manner beneficial to the agency.

6. Misconduct. Employees shall refrain from conduct which, though not illegal or inappropriate for a County employee generally, is inappropriate for a person in the employee's particular position. For example, while hesitation or reluctance may not be misconduct for employees generally, it may be unacceptable for an EMT or Paramedic whose position requires timely

response, sound judgment, and appropriate action during emergency medical situations. By way of further example, employees may generally engage in personal relationships outside the workplace; however, it may be unacceptable for certain employees to use their position, authority, access to confidential information, or contact with vulnerable individuals to create an actual or perceived conflict of interest, breach of trust, or compromise of professional boundaries.

7. Habitual drug use. Agencies shall not tolerate violations of the Drug-Free Workplace Program, Section XX, or other misuse of mood- or mind-altering substances, including alcohol and prescription medications.

C. Progressive Discipline

1. Progressive discipline is a series of steps which provide a systematic approach to address and correct performance or behavior that fails to meet standards established by the County.

2. This subsection shall cover regular employees except those listed in Section XI.A.3, and XI.D.2.d. of this Policy. Regular employees may appeal discipline in accordance with Section XI.D.

3. Directors and supervisors may utilize this process when discipline becomes necessary in an attempt to maintain fairness and consistency. However, the step at which progressive discipline begins may vary depending on a number of factors, such as the nature and severity of the conduct, the employee's past discipline and performance record, and seniority. The Human Resources Director or designee may be consulted at any step in the Progressive Discipline procedure.

4. The following steps apply to progressive discipline (Note-counseling and warnings alone are not considered disciplinary action for purposes of appeal, but are available tools to use in appropriate circumstances prior to issuing discipline. However, where conduct so warrants, counseling and/or warnings may be skipped in favor of disciplinary action):

   Step 1 - Oral Counseling or Warning

   Step 2 - Written Counseling or Warning

   Step 3 - Written Discipline Notice, Suspension Without Pay, Probation, Demotion

   Step 4 - Discharge

5. When a supervisor determines that an employee's behavior or performance fails to meet standards established by the County or violates any provision of this policy, the supervisor should discuss such concerns with the employee and recommend a course of action for improvement. The discussion should include the following interactive process:

   a. Clearly outline the behavioral problem or performance deficiency.

   b. Allow the employee to respond to the concerns.

   c. After considering the employee response, explain expected conduct or performance changes.

   d. Establish a reasonable time frame in which improvement can be noted. In some cases, it is reasonable to expect quick improvement; other times, months may be more appropriate.

   e. Tell the employee what the consequences will be if performance does not improve.

   f. Ask the employee for a commitment to improve performance and correct the problems and follow up with the employee, providing feedback where appropriate.

   g. Document this process on official Counseling/Warning or Discipline forms as appropriate.

   Step 1 - Oral Counseling or Warning. Progressive discipline may begin with an informal discussion between the supervisor and the employee.

   Step 2 - Written Counseling or Warning. Absent an improvement in performance, or

upon recurrence of a minor violation, the supervisor issues a written warning or counseling to the employee on appropriate County form. A copy of the counseling/warning, together with a copy of the employee's response (if any) will be sent to Human Resources for inclusion in the employee's official personnel file.

Step 3 - Written Discipline Notice, Suspension without Pay, Probation, Demotion. Absent an improvement in performance following a written counseling/warning, or upon the occurrence or recurrence of a serious violation, the department director may discipline with written notice, suspend without pay, place on probation, or demote, the employee. These measures are coordinated with Human Resources. Discipline actions shall be taken through issuance of the County's official Notice of Employee Discipline form, and will be sent to Human Resources for inclusion in the employee's official personnel file.

Step 4 - Discharge. Absent an improvement in performance following suspension without pay, probation, or demotion, or upon the occurrence or recurrence of a serious violation, the department director may decide to discharge the employee. Documentation associated with discharge will be included in the employee's official personnel file.

6. Managerial or professional personnel who have been designated as serving at the pleasure of the County Administrator or County Attorney are not covered by the progressive discipline provisions of this policy and may be removed, separated, or terminated at any time, with or without cause, and without application of progressive discipline, subject only to applicable law.

7. To the extent the County adopts official forms for counseling, warnings, corrective action, or discipline, department directors and other authorized supervisory personnel shall use the applicable official forms to document and communicate such actions to employees. The use of official forms is intended to promote consistency, documentation, and administrative accountability; however, the failure to use a particular form shall not, by itself, invalidate otherwise justified corrective action, discipline, or discharge.

8. The progressive discipline provisions set forth in this section are intended to serve as general guidelines for addressing employee conduct and performance concerns and shall not be construed as creating a mandatory sequence of discipline, a contractual right, a property interest, a condition precedent to discipline, or an entitlement to any particular level of corrective or disciplinary action. The County retains full discretion to determine the appropriate level of corrective action, discipline, or discharge based on the facts and circumstances of each case, including but not limited to the nature and severity of the conduct, the employee's position and responsibilities, prior disciplinary history, impact on County operations, risk to public safety, effect on public trust, and any aggravating or mitigating factors. The County may repeat, skip, combine, or proceed directly to any level of discipline, including discharge, when warranted by the circumstances. Nothing in this policy shall limit the County's authority to immediately address serious misconduct, performance deficiencies, policy violations, or conduct that undermines the effective and efficient operation of County government.

D. Appeal Process

1. Discipline Not Including Discharge

   a. A regular employee, not probationary or otherwise classified as serving at will, who is disciplined by written Notice of Discipline only, or by probation, suspension without pay, or demotion may, within five (5) business days after the employee is notified of the discipline, excluding weekends and holidays, request a review by the County Administrator of the discipline action. The request for review must be submitted to the Human Resources Director in writing and must state with specificity why the employee disagrees with the discipline action. The Request for Appeal form adopted by Human Resources must be used to file the appeal. Upon receipt of a timely request, the Human Resources Director or his/her designee will provide a review of the discipline action.

   b. After review, the Human Resources Director will make a recommendation and send to the County Administrator for final determination. The County Administrator may uphold the disciplinary action, rescind the disciplinary action, or amend the disciplinary action as deemed appropriate based on the facts, circumstances, applicable policy, and supporting documentation. The County Administrator's decision shall constitute the final administrative determination. If the disciplinary action is rescinded or amended in a manner that reduces or removes the discipline imposed, the employee shall be made whole for any corresponding loss of pay, benefits, or seniority resulting from the original disciplinary action.

2. Discharge

   a. A regular employee, not probationary, at will, or otherwise ineligible for appeal per Section XI.A, whose conduct is under investigation or whose discharge is contemplated, may be placed on administrative leave without pay pending a final decision. Such employee shall be offered a pre-termination meeting unless the discharge is in accordance with Section XX of this Policy. The purpose of a pre-termination meeting is to provide the employee an opportunity to hear the charges against him or her, and to present reasons why his/her employment should not be terminated. In the event the employee is discharged, a post-termination hearing before a hearing officer will be offered. In the alternative, and where the facts of the case appear to warrant it, the County Administrator, in his/her discretion, may forego a pre-termination meeting and may instead place the employee on administrative leave without pay, and conduct, either in person or through a designee a full evidentiary hearing in accordance with the procedure set forth in Section XI.D.2.c before the final decision is made.

   b. A regular employee, not probationary, at will, or otherwise ineligible for appeal per Section XI.A, who has been discharged for cause, and who was not afforded a full evidentiary hearing before the discharge, may file a written request for a post-termination hearing with the Human Resources Department within ten (10) calendar days following the date the notice of termination is mailed. Discharges for violation of Section XX based on test results must proceed with the test result challenge process in that Section prior to being granted a post-termination hearing. Employees failing to challenge a test result will be deemed to have waived any right to a post-termination hearing. At a post-termination hearing the County and the discharged employee may present evidence, examine and cross-examine witnesses, and be represented by counsel.

c. Upon receipt of a request for a post-termination hearing, the following will occur:

(1) The County Administrator will designate the individual who will conduct the hearing and make a recommendation to the County Administrator, unless the County Administrator elects to preside at the hearing.

(2) The Human Resources Director will designate a Clerk for the proceedings who shall maintain the official record. The Clerk will set the time and place of the hearing, and will notify all interested parties. The Clerk shall also ensure that hearing officers are provided with appropriate standard hearing procedures to permit an orderly, efficient and fair hearing.

(3) The County Administrator or designee will conduct the post-termination hearing. Where a designee is selected to conduct the hearing, the recommendations of the designee will be forwarded to the County Administrator who will make a final decision.

(4) In the event the County Administrator determines that discipline was unwarranted, the employee will be reinstated without loss of pay, benefits, or seniority. Upon determining that a violation has occurred but discipline short of discharge is warranted, the County Administrator shall impose the appropriate discipline.

d. Name Clearing Hearings

(1) When an employee is discharged for cause, and where the employee believes that his or her file contains stigmatizing information connected with the discharge, the employee may within ten (10) calendar days of receiving notice of the discharge, request a hearing for the sole purpose of responding to the information considered to be stigmatizing.

(2) The County Administrator (County Attorney for employees of that office) or his/her designee shall be the hearing officer, and shall provide the discharged employee an opportunity to clear his/her name. A hearing held pursuant to this section will be recorded and the record preserved for such times as may be prescribed by law or, if no such time is prescribed, for a reasonable time. Such a hearing shall not entitle the employee to any relief from discharge.

XII. EMPLOYEE COMPLAINT PROCEDURE

A. Definition of Terms

1. **Complaint** - a written statement made by an employee concerning any non-disciplinary, work-related problem. The statement must be on an official form before it can be considered a "complaint."

2. **Immediate Supervisor** - the person in the chain of command to whom an employee directly reports and under whose direct supervision the employee performs his/her job.

3. **Regular Employee or Employee** - (for purposes of this Section) - a person employed by the County who is not working in a temporary status.

4. **Occurrence** - an event that caused the complaint or an incident which the employee, through the exercise of reasonable care, should have known about.

5. **Temporary Employee** - a non-regular employee (e.g., OPS, on-call, contingency, student intern) as defined in Section I.B.1. of this policy.

B. General Provisions

1. Purpose

The purpose of the Complaint Procedure is to establish a process for resolving employee work-related problems and complaints at the lowest administrative level possible and to ensure the fair, expeditious and orderly resolution of employee problems and complaints. The Complaint Procedure shall NOT be used to address allegations of illegal harassment or discrimination. Complaints regarding such matters must be processed under the provisions of Section XIII, Illegal Discrimination or Harassment.

2. Coverage

a. The Employee Complaint Procedure is applicable to all regular employees.

b. Employees, including probationary and temporary employees, who wish to lodge a complaint concerning illegal discrimination must utilize the formal procedures established in Section XIII of this Personnel Policy Manual.

3. Time Limits

a. The time limits set forth in this Procedure are strictly adhered to unless waived by both parties concerned or the Human Resources Director or designee.

b. Failure on the part of the supervisor, the department or the Human Resources Department to comply with the time limits enables the employee to proceed to the next step.

c. If an employee fails to comply with the time limits, his or her problem shall be deemed resolved, and any pending complaint shall be dismissed.

4. Responsibilities of Department Directors

a. Department directors are responsible for ensuring that supervisors promptly handle employee problems and that each employee is made aware of this Procedure.

b. Department directors are encouraged to call upon the Human Resources Director for an interpretation of any County Personnel Policy or Procedure or for guidance regarding the application of County Personnel Policies, Rules and Procedures. Department directors are also encouraged to consult with the Human Resources Director or designee concerning employee relations matters.

5. Available Complaint Procedures

Employees have the following procedures available to them:

a. Opportunity to file a complaint with the Human Resources Department.

b. Opportunity for informal resolution of the complaint. An effort will be made within the affected department to resolve the problem informally through the use of representatives of the Human Resources Department, as necessary.

c. Opportunity to bring witnesses and documentary evidence at any step in this Procedure.

d. Opportunity to have copies of relevant records or documents provided by the records custodian when such records or documents are kept by or for the County in the ordinary course of business.

C. Procedural Steps

The following steps are available to employees for the orderly and expeditious processing of non-disciplinary, work-related problems or complaints.

1. STEP I: Immediate Supervisor

a. When an employee has a work-related complaint, the employee should consult with his/her immediate supervisor within ten (10) calendar days of the occurrence. Either or both parties may request Human Resources' assistance in resolving the complaint. However, employees are encouraged to work in good faith with their respective supervisors for speedy resolutions of their problems or concerns.

b. If a satisfactory resolution is not reached within two (2) of the supervisor's working days following the employee's initial consultation with the supervisor, the employee has two (2) additional workdays to put the problem in writing on an official form and to present it to his/her supervisor.

c. The supervisor has two (2) working days (supervisor's working days) from the day the employee presented the written complaint to give the employee a written decision on an official form, with forwarding copies.

2. STEP II: Department Director

If the matter is not satisfactorily resolved in Step I, the employee may present the written statement of the problem or concern to the department director. This step must be taken within five (5) working days of receipt of the supervisor's written decision. The department director shall render a written decision to the employee within five (5) working days after receipt of the employee's written statement, with forwarding copies.

3. STEP III: Human Resources Department

In the event the complaint remains unsettled, the employee may refer the matter to Human Resources within five (5) working days of receipt of the department director's decision. The Human Resources Director or designee attempts to resolve complaints within his/her area of responsibility. In the event the complaint is not resolved within ten (10) working days of receiving the complaint or if it is beyond the scope of the Human Resources Director's responsibility, the Human Resources Department will prepare a report to the County Administrator (County Attorney for employees of that office).

4. STEP IV: County Administrator (County Attorney)

The County Administrator (County Attorney for employees of that office) or his/her designee will consider the complaint. Upon request, the complaining employee may explain his/her position in writing and/or in a meeting with the relevant official/designee. After considering all the available information, including any recommendation by a designee, the County Administrator (County Attorney for employees of that office) will make a final determination within fifteen (15) calendar days after receipt of written submission, meeting with employee, or receipt of designee's report, whichever is last-occurring.

D. Prohibition Against Retaliation

1. Manatee County prohibits retaliation against any employee for using the Employee Complaint Procedure or for participating or cooperating in any way in connection with this Procedure.

2. An employee who believes that he/she has been harassed or retaliated against for having used this complaint procedure may, within ten (10) calendar days of the occurrence, file such allegation with the Human Resources Department for further investigation. After completion of its investigation, the Human Resources Department will submit a report of its investigation to the County Administrator (County Attorney for employees of that office), who will take appropriate action.

3. Violation of this section is subject to disciplinary action up to and/or including discharge.

XIII. ILLEGAL DISCRIMINATION OR HARASSMENT

A. Policy

1. Manatee County is committed to providing workplaces that are non-discriminatory and afford equal treatment to all. The County will not condone or tolerate illegal discriminatory behavior. This specifically includes sexual harassment and any other type of harassment or discriminatory conduct based on race, color, national origin, religion, gender, marital status, age, citizenship or disability (protected class).

2. Employees shall not engage in conduct which violates this policy at any time during working hours or on County premises while off duty.

3. All administrative and supervisory personnel are expected to abide by the County's commitment to equal opportunity and treatment under the law and to ensure that this policy is fully implemented and enforced.

4. Due to the severity of illegal discriminatory conduct, and the legal questions which are often involved in investigating such conduct, the procedures in this policy shall be used in investigating and dealing with illegal discrimination complaints. The County's general Complaint Procedure shall not be used to address such complaints.

B. Definitions

1. Illegal harassment or discriminatory conduct can be any verbal or physical conduct that belittles or otherwise shows hostility or aversion toward an individual or group based upon that individual's or group's race, color, religion, gender, national origin, marital status, age, citizenship or disability, and that for a reasonable person:

   (a) has the effect of creating an intimidating, hostile, or offensive work environment; or

   (b) has the effect of unreasonably interfering with an individual's work performance; or

   (c) otherwise adversely affects an individual's terms and conditions of employment.

2. Examples of illegal harassment include, but are not limited to, epithets, slurs, jokes, negative stereotyping, or other acts which are threatening, intimidating, or hostile in nature, that relate to a protected class, or any display of written or graphic material such as photographs or cartoons that belittles or shows hostility or aversion toward an individual or group because of the same.

3. Sexual harassment is generally defined as abusive treatment of an employee by the employer or by a person or persons under the employer's control, which would not occur but for the person's gender, when:

   (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

   (b) submission to such conduct by an individual is used as the basis for employment decisions affecting the individual; or

   (c) such conduct has the effect of unreasonably interfering with an individual's work

performance or creating an intimidating or offensive work environment.

4. Examples of conduct which may constitute sexual harassment may include, but are not limited to, the following:
   (a) unwelcome sexual advances, flirtations, or propositions
   (b) actual or implied demands for sexual favors in exchange for favorable treatment or continued employment
   (c) unwelcome jokes or remarks of a sexually oriented nature
   (d) verbal abuse of a sexual nature
   (e) unwelcome commentary about an individual's body, sexual prowess, attractiveness, or sexual deficiency
   (f) any display in the workplace of sexually suggestive objects, pictures, posters, or reading material
   (g) a coerced sexual act or assault
   (h) uninvited physical contact of a sexual nature such as pinching, grabbing, patting, or brushing against another person
   (i) uninvited leering, whistling, or gestures of a sexual nature

C. Procedure

1. Any employee or applicant who believes that he or she is being or has been illegally discriminated or retaliated against or harassed must file a timely written complaint with the Human Resources Director or specifically-designated senior-level Human Resources personnel. To the extent the County maintains an official form for the purpose of filing a charge under this section, such form must be used.

2. Departmental directors, managers and supervisors are responsible for bringing any allegations or concerns related to potential cases of illegal discrimination or harassment to the immediate attention of the Human Resources Department.

3. The Human Resources Department will be responsible for evaluating all complaints under this policy and making the determination on whether or not an internal investigation is warranted. In cases where such an investigation is determined to be warranted, the County Administrator will designate an appropriate person or persons who shall be responsible for conducting a prompt, thorough and objective investigation.

4. Employees questioned during the course of an investigation are obligated to cooperate in a full and honest manner. No employee shall face any form of reprisal for making a complaint or for his or her cooperation with an internal investigation. Employees who either refuse to cooperate in an internal investigation, or who intentionally give false information at any point within an investigation, shall be subject to disciplinary action.

5. Once an internal investigation has been concluded, the Human Resources Department will review the investigator's written report with the County Administrator and appropriate senior staff, to include the department director(s) at-interest and a

representative of the County Attorney's Office. This panel will determine the remedial action to be taken, if required. A final written report containing final findings and the actions taken will be generated at the conclusion of the investigation and review, with a copy provided to the complainant. Individuals against whom allegations were raised will likewise be entitled to receive a copy of the final report upon request.

6. Once an investigation has been concluded, it shall be the responsibility of the department director at-interest to implement the remedial actions which were determined by the review panel to be appropriate. The Human Resources Department shall be responsible for monitoring the workplace situation, and should be contacted by the complainant or other affected parties if they at any point feel that either retaliation is taking place or the illegal behavior is continuing.

7. This internal complaint and investigation process does not preclude an aggrieved employee from filing a complaint with the United States Equal Employment Opportunity Commission and/or the Florida Commission on Human Relations. However, failing to utilize this internal procedure may under the law result in the loss of important legal rights.

XIV. LABOR-MANAGEMENT RELATIONS

1. By law, Manatee County employees have the right to form, join, and participate in, or to refrain from forming, joining, or participating in legally sanctioned employee organizations to represent them in employee relations matters.

2. County employees have the right to refuse to join or participate in the activities of employee organizations. They also have the right to represent themselves individually in their employment relations with the County.

3. No employee will be interfered with, intimidated, restrained, coerced or discriminated against because of his/her exercise of these rights. It is the intent of the County that nothing in this section shall be construed to either encourage or discourage the organization of employees.

4. Employees who are or become covered under a collective bargaining agreement shall also be subject to the Personnel Policy, Rules and Procedures. If any direct conflicts occur between such agreements and the Personnel Policies, the agreement shall take precedence. Such agreements shall be controlling, in cases of conflict, even where the rights or benefits provided within said agreements are lesser than those contained within the Personnel Policies.

XV. EMPLOYEE RECOGNITION PROGRAM

1. The County Commission seeks to recognize and reward County employees for dedication to the County, exemplary performance and innovation, and gains in efficiency, County positive environmental impacts and cost reduction, all of which enhance the performance of Manatee County Government.

2. All regular full and part-time employees shall be eligible to receive recognition and awards related to an individual employee's or work group's exceptional accomplishments or contributions related to their County service.

3. Employees may, to the extent budgeted funds are available, receive appropriate recognition including plaques or other tokens, paid time off, leave credits or monetary awards for the following categories such as employee of the month/year, heroism, and years of service.

4. Employees may receive recognition based on the following criteria:

   - Discovery or invention of a unique innovative idea, process, procedure or policy which will result in significant improvement or efficiency in the operation of their department or the County in general.
   - Implementation of a project, idea, process, procedure or policy resulting in significant monetary savings to the County.
   - Outstanding and exemplary performance in the daily capacity of an employee which far exceeds the expectations of the position.
   - Achieving or substantially contributing to the achievement of a highly desirable outcome, either in terms of substantial safety improvements or the avoidance of risk, or otherwise obtaining an extraordinary beneficial result through exceptionally strenuous or complex work of a non-routine nature.
   - Providing highly effective assistance "above and beyond the call of duty" type efforts resulting in a positively changed outcome for the employees or citizens of Manatee County.

5. All employee awards provided for herein shall be in accordance with Florida law and County policies concerning such awards. The Human Resources Director shall have the authority to develop and periodically revise procedures and forms to implement the County Commission's policies concerning employee awards.

XVI. EMPLOYEE PERFORMANCE EVALUATION SYSTEM

1. Under the direction of the County Administrator (County Attorney for employees of that office), the Human Resources Director administers a program for rating the work performance of Manatee County employees.

2. The Performance Evaluation Program is designed to provide procedures and guidelines for supervisors to evaluate the performance of County employees in the accomplishment of their assigned duties and responsibilities.

3. Through the uniform application of these procedures and guidelines, supervisors can use the Performance Evaluation Program as an effective management tool to recognize accomplishments, guide and reward performance and improve productivity and morale.

4. The County Administrator (County Attorney for employees of that office) is authorized to approve administrative revisions to the Performance Evaluation Program.

5. The Employee Performance Evaluation Forms adopted by the County Administrator (County Attorney for employees of that office) must be used for all official employee performance evaluations. These forms shall be posted on the County's computer networks so as to facilitate electronic completion.

6. Performance Evaluation Program guidelines may be published separately to aid management in the use of the Program.

7. All employees of Manatee County may, at their election, draft and submit a written response to any performance evaluation given by management. Such written responses, which shall be free of profane, discriminatory, abusive or inflammatory language, will be appended to the evaluation being responded to, and placed in the official personnel file.

XVII. OUTSIDE EMPLOYMENT, ENTERPRISE, BUSINESS

1. No County official or employee shall work in any enterprise or business, including self-employment, accept outside employment, or render services for private interests, whether paid or unpaid, non-profit or profit, when the employment or service conflicts with the employee's official duties. Nor shall such work create an appearance of conflict or impair independent judgment or action in the performance of the duties of a County employee.

2. Newly-hired or current employees wishing to engage in, or continue in any enterprise, business, outside employment, or to render services for private interests, paid or unpaid, non-profit or profit, must first request approval from their department director on a request for outside employment form provided by the Human Resources Department. The department director will make an initial assessment of the request to ascertain whether the proposed nature and/or schedule of the outside employment will or likely will negatively impact the employee's County job performance. If an initial determination of non-interference is made by the director, the department director then informs the Human Resources Director of the request. Employees who fail to file a request to their department director (County Administrator or County Attorney for employees of those offices) prior to engaging in outside employment activity may be subject to disciplinary action up to and/or including dismissal. Newly hired employees must declare and seek approval of supplemental employment or other outside business at the time of hiring.

3. Upon referral from the department, the Human Resources Director reviews all pertinent information and consults with the department director as needed. The Human Resources Director determines if the employment or activity is inconsistent, incompatible, or conflicts with the employee's duties and responsibilities, or may tend to do so. Based upon this information, the Human Resources Director approves or disapproves the request to engage in the secondary employment or outside business.

4. The proposed employment shall not be with a business or agency subject to the regulation of, or that is doing business with, the department of the employee, except if expressly permitted by state law.

5. The proposed employment cannot require the employee to disclose or use information gained in his/her official County position that is not available to the public.

6. Changes in secondary employment or outside business must be reported promptly to the department director, who will determine whether further approval is required.

7. Permission to engage in secondary employment and outside business may be denied or withdrawn at any time if the County Administrator (County Attorney for employees of that office), Department Director, or Human Resources Director, determines, in his or her sole discretion, that such activities are interfering with, or may be expected to interfere with, the employee's production, efficiency, duties or responsibilities, or when it causes discredit or is in conflict with County interests.

8. Any outside employment or business described above is secondary to the requirements of regular County employment. It must not interfere with or impede the availability of an employee to perform his/her duties and responsibilities. Every employee granted approval

under this rule must agree to respond immediately to any call to duty by the County whenever the department director (County Administrator or County Attorney for employees of those offices) determines his/her services are necessary.

9. Supervisors must be notified immediately, but no later than the employee's next scheduled working day, of injuries sustained during outside employment. Employees sustaining injuries are ineligible to receive workers compensation benefits from the County. Sick leave benefits are allowed based on injury or illness arising from outside employment only if the outside employment has been approved under this policy and only to the extent the employee is not eligible to be otherwise compensated for absences caused by the injury or illness.

10. No County personnel, equipment, facilities, vehicles, or other property may be used by employees while engaged in outside employment, enterprise or business.

11. No employee shall perform work for private individuals or other governmental departments/agencies as a part of his/her County employment except when the work is part of contract arrangements or an agreement entered into by the Board of County Commissioners.

12. No employee of Manatee County shall have financial interests in the profits of contracts, services or other work performed by or for the County. Nor shall a County employee personally profit, directly or indirectly, from any contract, purchase, sale or service between the County and any person or business. Any employee who violates this rule is guilty of misconduct and subject to immediate dismissal.

XVIII. POLITICAL ACTIVITY

1. No person shall be appointed to, demoted, or dismissed from any County position, or in any way favored or discriminated against with respect to employment with Manatee County, because of political opinion or affiliations.

2. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure for any person an appointment or advantage in appointment to a position in Manatee County Government service, or in the service of any Manatee County constitutional officer, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any other political consideration.

3. As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the State and the Constitution and laws of the United States. However, no employee of Manatee County Government shall:

   a. Take any active part in a political campaign while on duty or within any period of time during which they are expected to perform services for which they receive compensation from the County. This will include making or distributing flyers, hand cards, or other campaign or political items in the workplace; or making use of any County equipment, service or facility in furtherance of any campaign or political purpose.

   b. Use the authority of their position to secure support for or oppose any candidate, party or issue in an election or affect the results thereof.

   c. Use any promise or reward or threat of loss to encourage or coerce any employee to support or contribute to any political issue, candidate or party.

   d. Display on their person (while on duty), County vehicles or in their workplace, any button, sign, decal or other symbol of support for any elected official, political party, issue or candidate for public office.

   e. Appear in any print, television, radio or other form of advertisement for any elected official, political party, issue or candidate while wearing a Manatee County uniform, or while identifying oneself as an employee of Manatee County.

   Nothing herein shall be interpreted as prohibiting a County employee from using County resources related to state or local referendum or initiative to the extent authorized by Florida Statute § 106.113 where that employee's duties permit or require such work, and where the Manatee County Commission has adopted a policy or position concerning the matter.

4. An employee who takes any step to run for a Manatee County Commission seat, including opening a campaign account for that purpose, filing qualifying paperwork with the Supervisor of Elections, or conducting a press conference or issuing a press release confirming his or her candidacy, shall be deemed to have resigned his or her position with Manatee County as of the close of business of the date any of these actions are first taken. Nothing herein shall be read or interpreted as preventing an employee from standing for election for any other elective

public office or applying for appointment to any appointive public office.

5. An employee elected to public office other than as a Manatee County Commissioner or Constitutional Officer shall resign from County employment if the elected position presents any conflict of interest or interference with the employee's County job. The County Administrator (County Attorney for employees of that office) may grant written permission to remain in the County job, if no such conflict or interference exists. For purposes of this section, a conflict of interest will be determined in the sole discretion of the County Administrator (County Attorney for employees of that office) regardless of any other determination.

6. Any person who violates any provision of this section shall be subject to disciplinary action, up to and/or including discharge. However, nothing herein shall be construed to prohibit an employee's right to file a complaint of workplace discrimination or harassment, to raise a concern regarding workplace safety, to report to appropriate authorities the misuse or theft of County assets, or to engage in casual workplace discussions on social or political topics, so long as such discussions do not, in the judgment of management, interfere with the orderly, peaceful, and efficient performance of assigned duties or with the valid exercise of authority of management. Employees or managers having questions concerning political activities or the interpretation of this policy should consult the Human Resources Director and the County Attorney's Office.

XIX. SAFETY

1. Employee safety is a primary Manatee County obligation. All employees are personally responsible for safety in the workplace.

2. A Manatee County Safety Manual has been compiled by the County' Risk Management Division and is published separately. This manual provides safety policies and procedures to be used by all departments for the safety of County employees and protection of County property.

3. Employees who knowingly and willfully violate the safety policies and procedures are subject to disciplinary action, up to and/or including discharge, under Section XI of the Policy.

XX. DRUG-FREE WORKPLACE PROGRAM

A. Purpose, Scope and Prohibitions

1. Manatee County Government has a compelling interest in maintaining a safe, healthy and productive work environment for all its employees; in providing professional services for its customers in a safe, timely and efficient manner; in maintaining the security of its equipment and workplace; and in performing all these functions in a fashion consistent with the interests and concerns of the community.

2. Pursuant to these goals, the County has established a Drug-Free Workplace Program. This program is intended to comply with: the Drug-Free Workplace Program requirements set forth in Chapter 440, Florida Statutes; the implementing regulations, promulgated by the State of Florida, Department of Labor and Employment Security, Division of Workers' Compensation; 49 U.S.C. §§ 5301 and 5331; and the implementing regulations in Title 49 of the Code of Federal Regulations, Parts 29, 40, 382 and 655 (bolded throughout Sections XX-A, B, C, and D of this policy) Testing conducted under federal authority (Federal Transit Authority and Federal Motor Safety Carrier Administration) will be collected on Department of Transportation forms and tests conducted under County authority will be on non-DOT forms.. The program is also intended to deter drug and alcohol abuse by employees in order to limit illness and injuries to themselves and to others. While the majority of the program will have standards applicable to all County employees, certain provisions will vary to comply with regulations specific to certain job classifications. A copy of the federal regulations applicable to this program may be obtained in the Human Resources Department, or directly from the federal government's web sites**.** For questions regarding the County's Anti-Drug and Alcohol Misuse Prevention Program contact the County's Human Resources Department.

3. To enforce the County's drug and alcohol-free policies and programs, candidates for employment and current employees can be required to submit to substance abuse testing under certain circumstances as set forth herein and are expected to cooperate fully in providing specimens and explanations that may be subsequently required by this Policy.

4. This policy applies to candidates for employment and to County employees in all job classifications at all locations, during their entire workday (includes on-call and stand-by time).

5. County employees are strictly prohibited from engaging in any of the following acts while on County premises or within County facilities, while conducting County-related work off County premises, or while operating County vehicles:

   a. Unlawful possession, use, consumption, sale, purchase, distribution, dispensation or manufacture of any illegal drug; or

   b. Use or consumption of alcoholic beverages; or

   c. Misuse of legally obtained drugs.

6. The County:

   a. Will not permit any employee to report to work nor to perform duties with the presence of any illegal drug in his/her system; or with a blood-alcohol level as defined in §316.1932(1)(b), Florida Statutes, of 0.08 percent or more; or if his/her senses are impaired due to misuse of legally obtained drugs. Will not permit any safety-sensitive employee covered by Parts 655 (Federal Transit Administration) and 382 (Federal Motor Carrier Safety Administration) of Title 49 of the Code of Federal Regulations (hereinafter: "covered employee") to:

      (1) report to work with an alcohol concentration of 0.02 or greater

      (2) perform safety sensitive functions within four hours of using alcohol

      (3) consume alcohol for 8 hours following an accident unless employee has undergone and tested clean after being administered a post-accident alcohol test

      (4) perform or continue to perform safety sensitive functions with an alcohol concentration of 0.02 or greater

      (5) perform or continue to perform any safety-sensitive functions with an alcohol concentration of 0.04 or greater until the employee successfully completes the return-to-duty process

      (6) use any of the following at all times: (1) marijuana, (2) cocaine, (3) opioids, (4) amphetamines, and (5) phencyclidine.

   b. Will not permit employees to consume alcohol during the hours the employee is on call. Pursuant to Federal Transit Administration regulation 49 C.F.R. Part 655, a covered-on call employee who is called to report to duty shall have the opportunity to acknowledge that he/she has used alcohol during the on-call period, and whether he/she is able to perform his or her safety-sensitive duties. If the covered employee acknowledges having used alcohol during the on-call period but asserts that he/she is able to perform his/her duties, the County shall refer the employee for testing. The County requires any admission that an on call employee has used alcohol during an on call duty shift be in writing, and reserves the right to send any employee for testing, even where the employee admits alcohol use and that he/she cannot perform their duties.

   c. Will not permit any employee to report to work or to perform his/her duties while taking prescription or non-prescription medication which adversely affects the person's ability to safely and effectively perform his or her job functions. Employees are required to notify their supervisor of prescription or over-the-counter medication which carries a warning label that indicates mental functioning, motor skills, or judgment may be adversely affected. All employees holding safety sensitive/special risk positions must comply with this requirement by completing the official reporting form developed by the Human Resources Department for this purpose. The County also reserves the right, once in receipt of notice, to require submission of additional documentation from the prescribing physician(s) confirming the ability to work under this policy. Medical advice will then be sought, as appropriate, before allowing the employee to return to performing work-related duties.

   d. Will require an employee to report any criminal drug statute conviction, or a finding of guilt whether or not adjudication is withheld, or the entry into a diversionary program in lieu of prosecution to the Human Resources Director, in writing, no later than three (3)

days after such conviction. Any employee who fails to notify the Human Resources Director will be subject to disciplinary action, up to and including termination.

7. Abiding by the terms of this policy is a condition of employment.
8. Any employee who violates this policy is subject to disciplinary action, up to and/or including discharge.
9. The policies and procedures set forth in the County's Drug-Free Workplace Program constitute statements of policy only, and are not to be interpreted as a contract of employment between the County and any of its employees. The County reserves the right to change, modify, or delete any of the Program's provisions and policies at any time.

B. Drug and Alcohol Testing Program

1. Types of Testing

   a. Job Applicant Testing

      (1) Employment of every applicant who has received an offer of a job which has been designated as safety-sensitive/special risk is contingent on successfully passing a substance abuse test. The County reserves the right to allow a job applicant to start work pending the results of the drug test (with exception to applicants hired into "covered" positions). Once the applicant has taken the pre-employment drug test, he/she must begin work within thirty (30) calendar days from the test date. If thirty (30) calendar days pass prior to the applicant beginning work, the hiring department must send the applicant for a re-test. Note: FTA employees being re-sent will be done utilizing nonfederal forms, unless 90 or more days have passed. If 90 or more days elapse, FTA-covered employees will be sent for a test using a federal form FMSCA employees will be re-sent utilizing federal forms.

      (2) For purposes of this section, the term "applicant" includes County employees who, for any reason, accept or are assigned to a safety-sensitive/special risk position.

      (3) Employees who advance within an established career ladder into a safety-sensitive/special risk position must submit to a drug test.

   b. Non-safety-sensitive applicants accepting or being assigned a covered safety-sensitive position and sent for testing, must use DOT-approved testing form(s). All other applicant testing under County authority will use non-DOT forms.

   c. Reasonable Suspicion Testing and/or Post Accident/Cause.

      Personnel trained by the County to detect the signs and symptoms of drug or alcohol use (and any other official authorized to make non-DOT referrals) may develop a reasonable suspicion to believe that an employee is using or has used drugs/alcohol in violation of the County's policy. Determination shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors. Evidence sufficient to support the development of a reasonable suspicion may consist of, but is not limited to the following:

      (a) Observable phenomena while at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol.

      (b) Evidence of drug/alcohol use obtained from a reliable and credible source. Employees will be referred and tests processed on non-DOT chain of custody and breath alcohol forms.

      (c) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs or alcohol while working or while on County premises or while operating a County vehicle, machinery, or equipment. Employees will be referred and tests

processed on non-DOT chain of custody and breath alcohol forms.

(d) Information that an employee has caused, contributed to, or been involved in an accident while at work. An employee who is unable to submit to testing at the time of an accident due to the seriousness of his/her injuries is required to provide the necessary authorization for obtaining medical reports or other documentation that would indicate whether there were any drugs or alcohol in his or her body. Employees not involved in accidents covered by specific federal regulatory criteria shall be referred to post-accident testing pursuant to forms and criteria developed by the Human Resources Department. Pursuant to Federal Transit Administration regulation 49 C.F.R. Part 655, covered employees, including operators and other covered employees whose performance could have contributed to the accident, shall be referred for post-accident testing in the case of a fatality, bodily injury requiring medical attention away from the scene of the accident, or if the transit vehicle is a rubber tire vehicle and any of the involved vehicles are towed away, unless, in the case of a non-fatal accident, the employee's performance can be completely discounted as a contributing factor based on the best information available at the time of the referral decision. Accidents involving employees covered by Federal Motor Carrier Administration regulations will be referred for post-accident testing as required by 49 C.F.R. Part 382.

(e) An expanded panel drug test will be completed if any of the above criteria in subsections (a) through (e) exist. Note: Federal Motor Carrier Administration and Federal Transit Administration employees will have both a 5-panel test and a County specified expanded panel test completed However, DOT tests must be separate from non-DOT tests in all aspects. DOT tests must take priority and must be conducted and completed before a non-DOT test is begun. Accordingly, two separate collections will occur simultaneously.

(1) Immediate supervisors will report their suspicions to their department director. An employee will report immediately after the order to the designated laboratory for testing, under the following conditions:

(a) If the supervisor believes the employee is impaired in any way by drugs or alcohol, the supervisor will personally drive or direct another responsible individual to drive the employee to the approved drug testing site.

(b) An employee suspected of being impaired shall never be permitted to drive a vehicle during any duty shift during the period of suspicion.

(c) Travel to and from, and time spent at, the drug testing site will be counted as hours worked.

(d) After drug testing is completed, the employee should be transported to the department director's location. The director, based on the facts and circumstances, may place the employee on administrative leave pending receipt of the results of the drug or alcohol testing.

(e) The department director or designee should arrange to have an impaired employee taken home. The director should tell an employee who refuses assistance that law enforcement authorities will be called if the employee attempts to drive home alone. If the employee persists in attempting to drive after such a warning, the director must call the appropriate law enforcement agency.

(f) Pursuant to 49 C.F.R. Parts 382 and 655, covered employees will be subject to alcohol testing only while performing safety sensitive duties or immediately before or after the performance of such functions. Alcohol testing shall only be administered if the reasonable suspicion observation is made immediately before or after the performance of safety sensitive duties, or while actually performing such duties (non-DOT forms shall be used to process referrals of employees performing non-safety-sensitive duties). If a breath alcohol test is not administered within two (2) hours, then reasons shall be documented by the supervisor or other authorized official on designated Human Resources' forms and attempts to obtain testing shall continue. However, attempts to obtain alcohol testing shall cease after eight (8) hours and the supervisor or authorized official must further document the reasons for the failure to obtain testing within the allotted time period.

(2) Within seven (7) days after testing based on reasonable suspicion, the supervisor who recommended the testing shall detail in writing, on the County's Reasonable Suspicion Testing Report Form, the circumstances which formed the basis of his or her belief that reasonable suspicion existed to warrant the testing. The department director who directed the drug test will certify on the form that he/she was informed of the basis of suspicion and was satisfied reasonable suspicion existed. A copy of this report shall be provided to the employee being tested upon request. The original copy of the report shall be kept confidential and retained by the Human Resources Department.

(3) Any on-the-job injury for which an employee requests or is required to seek Workers' Compensation medical treatment amounts to sufficient reasonable suspicion to require drug testing. All employees reporting for such medical treatment will submit to a drug/alcohol test as part of the evaluation. The employee's immediate supervisor will prepare a Reasonable Suspicion Testing Report Form the first time an employee is treated for a particular injury and forward the Form, through the department director for certification, to the Human Resources Director within three (3) workdays of the first treatment.

(4) Pursuant to 49 C.F.R. Parts 382 and 655, post-accident testing related to accidents involving covered employees shall be completed as soon as practicable but must be within thirty-two (32) hours of the accident. If a post-accident alcohol test is not conducted within two (2) hours of the accident, the supervisor must document the reasons why on such form as may be developed by the Human Resources Department for such use. Nevertheless, the supervisor shall continue attempts to obtain a specimen for up to eight (8) hours after the accident. All reasons why attempts to obtain a specimen within this eight (8) hour period were unsuccessful must be documented as noted above. Covered employees must remain readily available for post-accident testing, including notifying their department or Human

Resources of their location if they leave the scene of an accident prior to submission to post-accident testing. Failure to make such notifications upon leaving an accident scene shall constitute a refusal to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency care.

d. Routine Fitness-for-Duty Testing

All employees in an employment classification or group, for which the County routinely schedules employee fitness-for-duty medical examinations pursuant to County policy, must submit to a drug test as a part of their medical examinations.

e. Follow-up/Return to Duty Testing

(1) Covered employees subject to return to duty and follow up testing must first meet with a substance abuse professional pursuant to the requirements of 49 C.F.R. Part 655 and 40. Covered employees reemployed after violating DOT drug and/or alcohol regulations must show written proof of completion of required certified substance abuse professional (SAP) evaluation, referral and education/treatment process and obtain a negative return to duty test. If said covered employee has been released by the SAP to return to safety sensitive duties but still required by the SAP to obtain ongoing treatment (at employee's expense), all such SAP requirements must be complied with as a condition of continued employment. Any post-positive return to duty or follow up testing required will be at the employee's expense and be "observed collections."

(2) If, in the course of employment, an employee is required by the County to enter an employee assistance program (EAP) for drug-related problems or a drug/alcohol rehabilitation program, the employee must submit to drug or alcohol testing as a part of and as follow-up to such program.

f. Post-Absence Testing

Special risk employees who are returning to the workplace after an absence of ninety (90) calendar consecutive days or more (i.e., sick, vacation, jury duty, military leave, leave of absence, worker compensation, family sick, etc.), must, whether leave was FMLA-covered or not, submit to drug testing before returning. In accordance with applicable federal regulations, a Covered Employee returning to duty after ninety (90) consecutive calendar days or more, must obtain a negative test result prior to the reassignment to safety-sensitive duties. Covered Employees absent from the workplace for ninety (90) consecutive calendar days or more shall not be subjected to random testing during the period of absence. Note: If the employee is not removed from the random pool during this absence, post-absence testing will not be required upon return.

g. Random Testing

(1) A covered employee in a safety-sensitive position (See X-B 3 (a-i) below) will be required to submit to unannounced and unpredictable drug testing when selected pursuant to a random selection process, any time while on duty. The process

developed by Human Resources to make the random selections shall be by a scientifically valid method, such as a random number table or computer-based random number generator, and ensure that each covered employee will have an equal chance of being tested each time selections are made. Pursuant to 49 C.F.R. Parts 382 and 655, a covered employee in a safety-sensitive position (see X.B. 3(a-i) below shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased functions. Special risk employees (See X.B. 4 (a-g) below) will be required to submit to unannounced and unpredictable alcohol testing when selected pursuant to a random selection process, any time while on duty. Notwithstanding the foregoing and regardless of applicable federal DOT regulations, any employee may be subject to random testing at any time where such random testing has been agreed to by the employee and the County within a labor contract, last chance agreement or similar contract.

(2) The Human Resources Director will establish a program to annually test randomly a number of employees in safety-sensitive and special-risk positions. The percentage rates for testing conducted under County authority will be at a minimum of 25% of the total number of special risk employees for drugs and 10% for alcohol. At a minimum, random percentages for FTA and FMSCA employee categories will be subject to the percentage rates set forth in applicable implementing regulations (49 CFR Part 40, 382 and 655. The Program shall ensure that the dates established for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are being performed by those subjects to such testing. Once notified of selection for random testing, the selected employee must proceed immediately to the testing facility as instructed by the referral. Refer to 49 CFR Part 40 Section 655.(b) for Federal Transit Administration's employee category definitions for safety sensitive functions for positions listed below.

(3) "Safety-sensitive positions" includes the following functions:

(a) Operating a revenue service vehicle, including when not in revenue service (Examples: Transit and Para-transit vehicle operators and attendants)

(b) Operating a nonrevenue service vehicle, when required to be operated by a holder of a CDL

(c) Controlling dispatch or movement of a revenue service vehicle (Examples: Transit and Para-transit dispatchers, schedulers, and movement controllers)

(d) Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service (Examples: Fleet Mechanics who perform maintenance on Transit and Para-Transit vehicles and equipment)

(e) Carrying a firearm for security purposes

(f) All the time inspecting equipment as required by Part 40 Sections 392.7 and 392.8 , or otherwise inspecting, servicing or conditioning any commercial motor vehicle at any time

(g) All time spent at the driving controls of a commercial motor vehicle in operation (Example: Employees who, as a condition of employment, must possess a Commercial Driver's License (CDL))

(h) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth

(i) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipt for shipments loaded or unloaded

(j) All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle

(4) Special risk positions includes the following positions: (Note: The term "Special Risk" as used herein, is not related to any similar designation by the Florida Retirement System.):

(a) Pool lifeguards

(b) Emergency Communications Division dispatchers

(c) Emergency Medical Technicians, Paramedics, Supply Officers and Trainees

(d) Emergency Medical Lieutenants, Captains and Chiefs

(e) Beach lifeguards and officers

(f) Water treatment plant operators and laboratory technicians

(g) Any employee not listed above who, has the use of heavy equipment or machinery, such as, but not limited to dump trucks, forklifts, bull dozers, compactors, back hoes and chain saws which could, during a momentary lapse of attention, cause great harm to others, or who work with toxic or hazardous chemicals, high voltage, pressurized gasses, or volatile chemicals.

2. Conditions of Testing

a. Confidentiality

(1) All information including, but not limited to, interviews, reports, statements, memoranda, and drug and alcohol test results received by any County official in conjunction with this Drug/Alcohol Testing Program, will be forwarded to the Human Resources Director and will be considered confidential communications. Such information will not be disclosed or released except as authorized pursuant to State law or regulations or written consent by the person tested.

(2) The Human Resources Department will establish and maintain a separate confidential file for Drug/Alcohol Testing Program information. All correspondence and documentation shall be retained for at least one year. The file is exempt from release except as provided in § 440.102(8), Florida Statutes.

b. Refusal to Submit to Testing

(1) Refusals to submit to drug/alcohol testing will consist of the following:

(a) Refusing to provide a specimen or report for drug and/or alcohol testing as defined by 49 C.F.R. § 40.191(a), by this part, or any DOT agency without a valid medical explanation.

(b) Failing to provide adequate breath for alcohol testing without a valid medical explanation.

(c) Failing to provide a sufficient amount of specimen when directed for controlled substance testing without an adequate medical explanation for the failure.

(d) In the case of a required directly observed or monitored collection in a drug test, failure to permit direct observation or monitoring of the employee/applicant's provision of a specimen, or, where directed to attend a direct observation collection, to follow an observer's instructions to raise clothing above waist, lower clothing/underpants, and turn to permit observer to determine if any type of prosthetic or other device is being used to interfere with the collection process.

(e) Failing or refusing to submit to an additional test directed by the County or collector. Examples of when such additional tests may be directed include the following categories: Negative Dilute—the employee will be required to undergo another test. Should this additional test result in a negative dilute, the test will be considered a negative, and no additional testing will be required unless directed by the medical review officer (MRO). Invalid Result with no Medical Explanation will require immediate observed recollection. Test Cancelled Results will require an immediate, non-observed recollection when a negative test result is required (i.e.: pre-employment, post-absence, etc.). Test Cancelled Results will require observed recollection if directed by the MRO. Negative-dilute result or invalid result with no medical explanation will require immediate observed recollection.

(f) Failing to undergo a medical examination or evaluation when directed by the Medical Review Officer as part of the test result verification process, or when required as part of the "Shy Bladder"/" "Shy Lung" evaluation.

(g) Under non-DOT authority, refusing to comply with the Drug-Free Workplace Program policy or disciplinary consequences of this procedure.

(h) Under non-DOT authority, refusing to comply with mandatory referrals to the County's employee assistance program provider or failing to comply with any recommendations made by that provider.

(i) Engaging in conduct that clearly obstructs the testing process, including failing to remain readily available for testing by leaving an accident scene without notifying the department or Human Resources of location. Refusal to empty pockets when directed by collector, behaving in a confrontational manner that disrupts the collection process, failure to wash hands after being directed by the collector, or wearing or possessing prosthetic devices or other items/substances which could be used to interfere with test results.

(j) A verified MRO report of an altered, adulterated or substituted test sample.

(k) Admittance by employee to collector or MRO that specimen was adulterated or substituted.

(l) Failing to appear at the collection facility at date and time directed by the County, via form or verbal instruction of authorized personnel, without prior approval or valid explanation. Under County authority, covered safety sensitive applicants who fail to appear at a testing facility as directed as part of the pre-employment application process will not be considered a "refusal" under DOT authority; however, will be subject to County authority consequences listed under section XX.C.1.a-c.

(m) Failure to sign the certification on Step 2 of the alcohol test form.

(n) Once the testing process has begun, failure to remain at the testing facility until the testing process is complete.

(o) Under non-DOT authority, once the employee has arrived at the testing facility, failure to remain at the facility until the testing process is complete.

(p) A non-employee applicant who does not provide a specimen because he or she has left the testing site before the testing process commences for pre-employment testing is not deemed to have refused a test.

(q) The collector is not required to inform an employee that the failure to remain at the collection site is a refusal. If an employee leaves prior to the completion of the testing process, per 49 C.F.R. § 40.355(i) the employer must decide whether the employee's actions constitute a refusal.

(2) An employee who is injured in the course and scope of his/her employment and who refuses to submit to a drug test, forfeits his/her eligibility for Florida Workers' Compensation medical and indemnity benefits. Any County group health/medical insurance in effect does not cover injuries sustained in the course and scope of employment.

3. Testing Procedures

a. Licensed/Certified Laboratory

(1) All drug testing will be conducted by a County-designated laboratory licensed by the State of Florida Agency for Health Care Administration or, in the case of Department of Transportation employees in safety sensitive positions, certified by the United States Department of Health and Human Services to do drug-testing for Federal agencies. All testing procedures will comply with 49 C.F.R Parts 40, 382 and 655.

(2) The testing will be conducted with chain of custody procedures in place to ensure accuracy/continuity in specimen collection, handling, transfer and storage.

b. Drugs to be Tested

When testing is conducted in conjunction with this Program, the County may test for any or all of the following drugs: amphetamines; cannabinoids; cocaine; opioids; phencyclidine; barbiturates; benzodiazepines; methaqualone; hallucinogens; synthetic narcotics; designer drugs; alcohol, including distilled spirits, wine, malt beverages or an intoxicating liquor; or a metabolite of any of the substances listed in this paragraph. Screening test cut off levels for amphetamines, cannabinoids, cocaine, opiates, and phencyclidine will be as set forth in 49 C.F.R. Part 40.87.

c. Reporting Medication Which May Alter or Affect a Drug Test Result

Either before or after being tested, job applicants or employees are required to inform the MRO of the use of prescription or non-prescription medication which may alter or affect the outcome of a drug test as well as any other information relevant to the drug test result. The information provided by the employee or job applicant will be kept confidential and shall be reviewed only by a Medical Review Officer (MRO) interpreting any confirmed positive results. Applicants or employees have the right to consult with the MRO for technical information regarding prescription and non-prescription medication to determine whether the medication has affected a drug or alcohol test result. To aid in this opportunity, the County will provide to the applicant or employee, at the point of referral, a list of the most common medications, by brand name or common name, as well as by chemical name, which may alter or affect a drug test result. (Note: hemp, hemp and/or “coca” products, nor "medical marijuana" will not be accepted as a legitimate explanation for a THC positive test.)

d. Cost of Testing

(1) The County will pay the costs of initial and confirmation drug/alcohol testing which it requires of job applicants and employees.

(2) Applicants and employees shall pay the cost of any additional drug and alcohol testing not required by the County, including tests conducted for employees as part of an EAP or drug/alcohol rehabilitation program, or as a condition of returning to work. Payment for such tests are a condition of employment and must be paid under the terms and conditions established by the Human Resources Director. Former employees who owe the County funds for drug testing or treatment which remain unpaid will not be eligible for re-employment until such amounts are paid.

(3) Any drug/alcohol test requested by an employee, but not required by the County, will be at the employee's expense. The employee requesting the test may not use the County's "Drug Test Referral" form, nor will the result of the test be reported to the County through its normal testing/reporting procedures.

e. Collection Site and Laboratory Analysis Procedures

Security of the collection site, chain of custody procedures, privacy of the individual, collection control, integrity and identity of the specimen and transportation of the specimen to the laboratory, as well as laboratory security, laboratory chain of custody, transporting and receiving of specimens, specimen processing, retesting, storage of specimens, instrument calibration, and reporting of results, shall be in accordance with

§§ 112.0455 and 440.102 of the Florida Statutes, or 49 U.S.C. § 5331, and the rules established by the State of Florida, Agency for Health Care Administration, or by 49 C.F.R. Parts 40, 382 and 655. These procedures are intended to ensure that specimens are properly collected, identified and tested.

f. Specimen Type Testing

(1) Drug testing will be by specimen collection, following the procedures of 49 C.F.R. Part 40 Subpart E and Chapters 112 and 440 of the Florida Statutes.

(2) Normally, alcohol testing will be by a breath alcohol device, following the procedures of 49 C.F.R. Part 40 Subpart L. Evidential breath testing devices (EBTs), approved by the National Highway Traffic Safety Administration, will be operated only by Breath Alcohol Technicians (BATs), qualified under 49 C.F.R. §40.211 or certified under Florida law. EBTs will be able to print out results and will conform to subparts L & M of 49 C.F.R. Alcohol screening tests will be conducted according to the procedures set forth in 49 C.F.R. §40.243. If the screening shows an alcohol concentration of 0.02 or greater, a confirmation test will be performed, according to 49 C.F.R §40.253 & 40.255, within 30 minutes of the screening test. A different BAT, EBT or location is not required.

4. Release and Review of Test Results

a. Medical Review Officer (MRO)

The County will contract with a private entity, which will employ licensed physicians to act as MROs. The MROs will be responsible for receiving and reviewing all confirmed test results from the testing laboratory. The MROs will contact each donor who tested positive to inquire about possible prescription or over-the-counter medications or other factors which could have caused a positive test result, and to provide technical assistance for the purpose of interpreting the result.

b. Reporting Results

(1) The testing laboratory will report all drug test results directly to the MRO as soon as possible. The laboratory must provide the MRO quantification of the test results upon request.

(2) Only specimens which are confirmed as positive on the confirmation test shall be reported positive to an MRO for a specific drug.

(3) When the MRO receives a confirmed non-negative drug test result from the laboratory, the MRO will telephonically contact the donor (actually talk to the donor) on a confidential basis to determine whether the employee wants to discuss the test result. In making this contact, the MRO will explain to the donor that if he or she declines to discuss the result, either face to face or on the phone, the result will be verified as positive or a refusal, as applicable. While the staff of the MRO may make the initial contact with the donor to schedule the discussion, advise the donor to have medical information (e.g. prescriptions or other medical information explaining the result) ready to present to the MRO, and relay the consequences of the donor's refusal

to discuss the results with the MRO, MRO staff will not gather any medical information from the donor, nor any information concerning possible explanations for the test result. If the donor declines to schedule a discussion with the MRO concerning results, MRO staff will document this decision, including the date and time the donor so declined. The MRO or his/her staff will make reasonable efforts to contact the donor at the day and evening phone numbers listed on the referral form. Such efforts will include, at a minimum, three (3) attempts to call each number, at reasonable intervals, over a 24-hour period.

(4) If the MRO is unable to directly contact a donor who has tested positive after contact efforts, such efforts will be documented, including dates and times of calls. If the numbers provided are found to be incorrect (disconnected, wrong number), upon the first attempts to use them, then, without waiting the full 24-hour period, the MRO will notify the Designated Employer Representative (DER) and request that the County direct the donor to contact the MRO, but will not then inform the County that the donor has a confirmed positive, adulterated, substituted or invalid result. The MRO will document the dates and times the County was contacted, and the name of the County staff person contacted. After such notice from the MRO, the County will attempt to contact the donor immediately, using procedures that protect, as much as possible, the confidentiality of the MRO's request that the donor contact the MRO. If the County succeeds in contacting and actually talking to the donor, it will order the donor to comply with the MRO's request for contact immediately, inform the donor of the consequences of failing to contact the MRO within the next 72-hours, document the date and time, and inform the MRO that the foregoing information has been conveyed to the donor. The County will not inform anyone else about its efforts to contact the donor on behalf of the MRO. If the County has made at least three (3) reasonably-spaced attempts over a 24-hour period to contact the donor at both the day and evening phone numbers listed, the County will leave a message for the donor by any reasonable means (including letter, e mail or voice mail) that the donor must contact the MRO, and may thereafter place the donor on unpaid leave pending receipt of test results from the MRO. The County will document the dates and times of the call attempts.

(5) If the MRO was unable to speak directly with the donor and has reported the result to the DER, or designee, the MRO will allow the donor to present information to the MRO within 60 days of the verification to document that serious illness, injury, or other circumstances unavoidably precluded contact with the MRO and/or DER in the times provided. On the basis of such information, the MRO may reopen the verification, allowing the donor to present information concerning whether there is a legitimate medical explanation of the confirmed test result.

(6) If the donor refuses to talk with the MRO regarding a confirmed positive test result, the MRO will validate the result as positive and annotate such refusal in the report.

(7) The MRO will notify the Human Resources Director or designee, in writing, of the verified test result, either negative or positive. If the MRO determines that there is a legitimate medical explanation for the positive test result, the MRO will report a negative test result to the County.

(8) Should the MRO feel that the legal use of a medication would endanger the donor or others, or if the donor is in a safety sensitive or special risk position at the County, the MRO will report the test negative due to a validated prescription, but will request that the individual be placed in a position which would not threaten the safety of the donor or others. The Human Resources Director or designee will notify the employee's department director, or designee, immediately.

c. Notice to Donor of Test Results

Within three (3) workdays after receipt of a confirmed positive test result from the MRO on an employee or a job applicant, the Human Resources Director, or designee, will inform the applicant in writing of the positive test results, the consequences of the results, and the options available to the employee/applicant, including the right to file an administrative or legal challenge.

d. Administrative Requirements

The County will contract with a reputable firm which will be responsible for maintaining all records and making all reports required by federal and state laws, regulations and rules. Employees will have access to their personal records.

5. Challenges to Test Results

a. A copy of the test results will be provided to the donor upon request.

b. Administrative or Legal Challenge

(1) An injured employee may administratively challenge test results by filing a petition for benefits with a Judge of Compensation Claims pursuant to Chapter 440, Florida Statutes.

(2) Any donor may challenge the test result in a Court of competent jurisdiction, as may be authorized by general law.

(3) A donor who desires to challenge the results of a test is responsible for notifying the testing laboratory to retain the testing sample until the retesting is performed or the matter otherwise closed.

c. Independent Testing

(1) DOT employees that have a verified positive drug test result, or a test refusal due to adulteration or substitution, may request a test of their split specimen. However, there is no split specimen testing for an invalid result.

(2) The donor has 180 days, from time of written notification~~,~~ (3 days, from time of MRO notification, for safety-sensitive Department of Transportation employees) to request independent testing of a portion of the tested specimen after receiving written notification of a positive test result. The laboratory utilized must also be licensed by the State of Florida Agency for Health Care Administration certified by the United States Department of Health and Human Services. Split specimens conducted under

DOT regulations must be tested at a laboratory certified by the United States Department of Health and Human Services. DOT employees must submit their request directly to the Medical Review Officer. All other employee requests for re-testing must be made in writing to the Human Resources Director. If employee does not designate the name and address of the qualified independent laboratory chosen by the employee, the first laboratory which performed the test for Manatee County Government shall be responsible for transferring a portion of the specimen to be retested to a second qualified laboratory.

(3) The independent testing is at the donor's expense. Safety-sensitive Department of Transportation employees will be required to pay in full any and all costs relating to their requested re-test of their original split specimen after such test has been ordered. All other employee retest request will not be ordered until full pre-payment has been received by Manatee County Government.

(4) Results of the testing may be used in any administrative or legal challenge.

C. Consequences of Non-Negative Test Results

1. Non-Employee Applicants
   a. If the results of a pre-employment drug test are confirmed positive, or if the applicant's actions are deemed a refusal to submit to testing, as defined in Section XX.B.2.b.1 (hereinafter defined as "refusals"), a general public applicant will be disqualified from further consideration. Leaving a testing site before submitting to testing is not a refusal for non-employee applicants.
   b. General public applicants are eligible to reapply for employment consideration employment consideration as provided in that section.
   c. Disqualified from applying for employment for thirty-six (36) months from the date of result.
   d. Covered safety-sensitive applicants who have violated the DOT drug and alcohol regulations cannot perform any DOT safety-sensitive duties for any employer until and unless they complete the certified Substance Abuse Professional's evaluation, referral and education/treatment process set forth by the CFR. Additionally, any DOT employee returning to County employment at the end of his/her restriction period will be required to show proof of completing the Substance Abuse Professional's (SAP) evaluation and recommendations and stating his/her ability to return to safety-sensitive duties. This must be done by a written report on letterhead from the SAP.
2. Employees
   a. Non-covered employees whose results are confirmed positive when tested for any valid reason, or who refuses to submit to testing as defined in Section XX.B.2.c(1), will be immediately removed from duties and discharged. Covered employees who test positive will be given a list of local substance abuse professionals and treatment providers.
   b. Notwithstanding the foregoing, non-safety-sensitive employees with a confirmed alcohol concentration of .02 or greater but less than .08, or special risk and covered safety sensitive employees with a confirmed alcohol concentration of .02 but less than .04 will not constitute a "positive."
   c. Consequences, as set forth in 49 C.F.R. § 655.35, Subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 will be immediate removal from safety sensitive duties for at least eight hours or until a retest results in the employee's alcohol concentration measuring less than 0.02. An employee who is removed from duties pursuant to this section shall be placed on administrative leave without pay pending disciplinary action for having alcohol in his/her system during working hours.
   d. Manatee County Government, as the employer, shall not permit a covered employee tested under the provisions of 49 C.F.R. § 655.35, Subpart E, who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety sensitive functions, until (1) The employee's alcohol concentration measures less than 0.02; or (2) The start of the employee's next regular scheduled duty period, but not less than eight hours following the test.
   e. Except as provided in paragraph (a) of Subpart E, the County shall not take adverse action under this part against an employee based solely on the test results showing an alcohol

concentration less than 0.04. This does not prohibit the County, with authority independent from this part, from taking action otherwise consistent with the law.

f. Employees terminated from employment due to a positive drug/alcohol test, refusal to test, or violation of the Drug-Free Policy shall be disqualified from re-employment for a period of thirty-six (36) months, as required by Section I.E.2.

g. The County reserves the right to place an employee on administrative leave with or without pay pending receipt of the results of a drug test or the outcome of an investigation or appeal related to a violation of the County's Drug-Free Workplace Policy.

3. Request for Review of Termination/Disqualification

   a. Within five (5) working days after receiving notice of a confirmed positive test result or a notice of refusal as defined by Section XX.B.2.c.(1), the donor may submit a written, signed statement to the Human Resources Director explaining the test results and providing all relevant information the donor believes should result in the automatic dismissal/disqualification provisions of this policy not being applied. The donor may be required to submit additional statements or materials to facilitate the Human Resources Director's review. The purpose of the submission would be to explain how the positive test result/refusal was not the fault of the donor, not to challenge the underlying test result.

   b. The Human Resources Director will review the submission and if he/she believes that the donor has provided confirmed, reliable evidence that the positive test result was not in any way the fault of the donor or the result of the donor's actions, inaction, or illegal, careless or negligent behavior, and that the circumstances otherwise may not support the application of the automatic dismissal/disqualification provisions of this policy to the donor, a recommendation to that effect may be made to the County Administrator, who shall have sole authority to except the application of the provisions, and may condition any exception on such terms and conditions as he or she may deem appropriate to place upon the donor. The Human Resources Director will provide the donor with a written response to the submission once a determination has been made. Notwithstanding any reversal of the automatic dismissal/disqualification provisions pursuant to this section, neither confirmed positive test results nor related medical conclusions concerning the reasons for those results may be overturned by the County and the record of same will remain in the applicable confidential drug free workplace program files.

D. Awareness and Education Program

1. The Manatee County Drug-Free Workplace Awareness and Education Program is designed to help achieve the County's goal of maintaining a drug-free workplace. This program is implemented based upon Manatee County's independent authority as an employer.

2. The Human Resources Director will establish an awareness and education program, which will include the following elements:

   a. Ongoing communications to County employees through educational and informational materials advising about the dangers of drug and alcohol abuse.

   b. Display and distribution to County employees of the County's Drug-Free Workplace Policy and a community service hot-line telephone number for employee assistance concerning drug and alcohol abuse.

   c. Training of County management and supervisory personnel who are responsible for determining when an individual is subject to testing based on "reasonable suspicion." Such training will encompass the physical, behavioral, and performance indicators of probable drug or alcohol use. Training will comply with 49 C.F.R. § 382.603 and § 655.14.

   d. Maintaining a current resource file of EAP providers the County may have available and providing a representative sampling of local drug/alcohol rehabilitation programs and employee assistance programs.

   e. Notice of drug-testing requirements on all job vacancy announcements.

   f. Copies of drug testing policy available for inspection by employees and job applicants.

   g. The Human Resources Director or designee, located at 1112 Manatee Avenue West in Bradenton, Florida, phone 941.748.4501 ext. 3865, is designated as the person to whom employees may direct their questions on drug and alcohol related matters.

   h. Training of covered employees will comply with 49 C.F.R § 655.14.

E. Rehabilitation

1. The County supports sound treatment efforts. No employee will be retaliated against for voluntarily seeking assistance for problems relating to drug or alcohol use or abuse. Such individuals will be allowed to address and resolve any drug and alcohol related problems on a confidential basis.

2. An employee who realizes that he or she has developed a dependence on drugs, alcohol or any controlled substance should inform his/her supervisor, or the Human Resources Director, of that condition and seek trained, professional assistance immediately. Employees are encouraged to seek rehabilitation voluntarily (without disciplinary action) prior to any management action, to address and resolve any drug and alcohol related problems on a confidential basis.

3. The County reserves the right to require an employee to use an EAP or drug rehabilitation program. In all cases, the cost will be paid by the employee, through insurance or otherwise. This program is implemented based upon Manatee County's independent authority as an employer.

XXI. PROFESSIONAL DEVELOPMENT

1. To encourage a well-trained, educated workforce, the County Commission desires through this policy to provide training and education opportunities for its employees to the fullest extent allowed by law.
2. The Human Resources Department shall serve as clearing-house for all education/training opportunities, including but not limited to the development of training programs for all employees with the authority to make such programs mandatory where deemed necessary, and shall otherwise administer the professional development policy. Individual department directors shall have oversight of all issues herein related to the obtaining and maintaining of professional licenses, legal or technical certifications, or similar department-specific or specialized training or testing.
3. A record indicating the employee has attended training and/or participation in tuition reimbursement shall be maintained by Human Resources for each employee.
4. The following policies apply to costs related to degree programs and non-degree courses:
    a. *Non-degree courses or seminars*: Costs of training courses or seminars not taken as part of a college or university program terminating in the award of a degree may be paid for or reimbursed only if the course or seminar is designed to improve the effectiveness or efficiency of an already qualified employee in the position which the employee already holds and works in, and is not designed to qualify an employee for his/her current duties. However, such costs may be paid for or reimbursed for courses or seminars which will allow an employee to advance within established career ladders, or to obtain or maintain certifications required by state or federal laws or regulatory authorities.
    b. *Degree programs*: Tuition reimbursement funds for employees pursuing an academic degree will only be available to employees in regular full-time established who have completed 6 months of employment with Manatee County BOCC. Tuition may be reimbursed at a level not to exceed $200 per Credit Hour for Undergraduate courses and $400 per Credit Hour for Graduate courses. Reimbursement shall be limited to courses which are required as part of an overall academic program leading to a degree related to the employee's current county position, but specifically excludes remedial courses and doctoral dissertation credits. The tuition reimbursement benefit shall only be applicable to actual tuition charged and shall not be used to pay for other college-related costs, included, but not limited to costs such as books, fees, transportation, laboratory, or campus housing. Reimbursement may only be provided for a course offered by an institution accredited by the Southern Association of Colleges and Schools, or other national or regional accrediting agency recognized by the U. S. Secretary of Education, as listed at: www.ed.gov.
5. *Tuition reimbursement conditions*: Reimbursement for college tuition is a discretionary benefit and shall always be subject to the availability of appropriated funds from the County Commission. Approval of any specific reimbursement request is at the sole discretion of the Human Resources Director, who must weigh all relevant facts and policies in granting or denying any request. Reimbursement is further conditioned on the award of a "C" grade (or "pass" in pass/fail courses), and upon such standards or priorities as Human Resources may develop for eligibility, such as execution of tuition records release, whether the employee is full or part time, the employee's work, attendance or discipline record, whether the institution is a Florida public institution, private college, or online college, and past ability of the

employee to successfully complete reimbursed courses. Reimbursement may also be conditioned upon an employee's agreeing to reimburse the County for tuition paid should the employee resign or be terminated before a set period of time, or for other reasons set forth in an agreement with the County. Manatee County will not reimburse employees for tuition already covered by a fellowship, scholarship, grants, or the GI bill, but an employee may receive reimbursement for tuition not otherwise covered

6. Pursuant to paragraph 4(a) above, expenditures for technical training, licensing and/or certifications, renewal of licensing and/or certifications, and testing fees may be paid for or reimbursed as long as they relate to the employee's position or career ladder. Where the department director deems it appropriate, he/she may authorize a one-time pre-payment of fees for a required license or certification exam where such license or certification is contingent upon the passage of such exam.
7. In addition to these policies, the County Attorney may authorize attorneys of that Office to attend courses identified by the Florida Bar as part of any continuing legal educational requirements.
8. In accordance with 29 C.F.R. § 785.27, attendance at lectures, meetings, training programs and similar activities need not be counted and, consequently, shall not be counted as working time if the following four 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.
9. Attendance at training workshops/seminars is permissible during working hours with prior department approval.
10. Where reimbursement requests under this policy exceed available funds as they have been budgeted and allocated across the County organization, the Human Resources Director, subject to approval of the County Administrator, may set priorities such as electing to offer only partial reimbursement to requestors, reimburse in a first-come, first-served manner, or in such other manner as is deemed needed to ensure a fair and balanced ability for all employees to obtain the benefit.
11. An employee may not use any County personnel, equipment or supplies as part of the course or program of instruction. Nor may an employee work on projects or homework, or attend a tuition-reimbursed course during assigned working hours, unless such time is covered by approved vacation or compensatory time leave, or leave without pay.
12. Human Resources is authorized, subject to approval of the County Administrator, to develop such forms, schedules and procedures so as to implement the provisions of this policy.

XXII. TRAVEL TIME

1. Ordinary home to work travel is not considered "hours worked" or compensable time. (This includes travel time to and from home for employees assigned a take-home County vehicle.)

2. **Exempt Employees**

   Travel time and/or attendance at a meeting, seminar, conference, etc. (voluntary or requested by the County) is compensable only when it occurs during regular working hours during the regularly scheduled workweek.

3. **Non-Exempt Employees**

   a. Travel time and/or attendance at a meeting, seminar, conference, etc., which is for the County's benefit and at the employer's request is compensable, regardless if it occurs within or outside regular working hours. These hours count as hours worked towards overtime.

   b. Travel time and/or attendance at a meeting, seminar, conference, etc., which is voluntary and not required by the employer, will be compensated only during regular scheduled working hours during the regularly scheduled workweek.

   c. Employees driving or riding as passengers will receive compensation in accordance with Section XXII.3.a. and b. above.

XXIII. WORKPLACE VIOLENCE AND THREATS

1. Manatee County does not condone workplace violence, or the threat of violence, by any of its employees, customers, the general public and/or anyone who conducts business with the County. It is the intent of the County to provide an environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

2. Violence or the threat of violence, by or against any employee of Manatee County or other person, is unacceptable and will subject the perpetrator to disciplinary action up to and including discharge and possible criminal charges. The County will work with law enforcement to aid in the prosecution of anyone within or outside of the organization who commits or threatens violence against an employee or employees.

3. In accordance with Florida Statutes and state preemption laws, employees who are lawfully permitted to carry a firearm may do so on County property, except in areas specifically prohibited by law (such as court facilities, detention facilities, facilities leased in part by the federal government, within 1,000 feet of schools, or any location where firearms are expressly restricted by federal or state regulation). Employees must comply will all applicable licensing, permitting, and safety requirements at all times.

   Employees are expected to exercise sound judgment, discretion, and responsibility if they choose to carry a firearm while on County property. Firearms must never be used, displayed, or handled in a manner that could compromise the safety of others, disrupt County operations, or create a hostile work environment. Any violation of this policy, or misuse of a firearm, will result in disciplinary action up to and including termination, and may also carry civil or criminal consequences under applicable law.

4. Each incident of violence or threat of violent behavior, whether committed by another employee or an outside individual such as a customer, vendor, or citizen, must be reported immediately to the appropriate management authority (supervisor or Department Director) or directly to the Human Resources Department.

5. Any employee who acts in good faith by reporting real or implied threats or violent behavior will not be subject to any form of retaliation or harassment.

6. False or malicious reports of threats or violent behavior, real or implied, will result in an investigation and be subject to appropriate disciplinary action.

XXIV. UNIFORMS

1. ***Purpose***

It is the intent of this policy to provide the following guidelines to County employees required to wear uniforms in the performance of their duties.

1. If the County provides an employee a uniform, the employee shall be required to wear such uniform as a condition of employment.

2. Employees required to wear uniforms shall only wear the uniforms while on duty or commuting. Wearing uniforms at any other time is strictly prohibited.

3. Uniforms are County property and must be returned to the Department upon separation or transfer to a position which does not require use of the uniform.

4. It is the responsibility of the employee to ensure that their uniforms are properly maintained and laundered.

5. Employees may be subject to disciplinary action, up to and/or including dismissal, for violation of any of the above.

2. ***Uniform Maintenance Allowance***

1. Employees required (as a condition of employment) to wear, maintain and launder uniforms purchased by their Department will receive a $10.00 uniform maintenance allowance each pay period.

2. This allowance is to cover the cost of cleaning and maintaining the uniforms in accordance with departmental standards.

3. Any taxes due on uniform maintenance allowance shall be the responsibility of the employee.

3. ***Uniform Rental Service***

1. The County's contract for uniform rentals provides maintenance and laundering services for all uniforms under this agreement.

2. Employees opting to launder uniforms supplied under the County's Uniform Rental contract will not receive a uniform maintenance allowance.

XXV. MISCELLANEOUS POLICIES

A. Departmental Rules

Though Manatee County attempts, where possible, to maintain uniform rules generally applicable to all County employees, unique departmental needs may call for customized rules. Therefore, each County department director may promulgate and implement departmental rules based upon operational needs and requirements as a supplement to the Personnel Policy, Rules and Procedures Manual. Such rules, when issued, shall be applicable to employees of that department as though they were published herein.

B. General Appearance and Work Attire

The Administration (County Attorney for employees of that office) is authorized to adopt reasonable standards of personal dress, appearance and hygiene during working hours. Personal appearance should be evaluated based upon the type of work, the work environment, and the amount of public contact required by the job. Designated uniforms or work clothes shall be worn as required by departmental policy.

C. County Property and Supplies

1. Employees are expected to take proper care in the handling and use of all County equipment and property. Employees are not to remove County property from the premises without authorization by the department director (County Attorney for employees of that office) with the exception of those items that have been authorized for use off the premises such as cellular phones, pagers, laptop computers, etc.

2. Employees are not permitted to "recycle," "scavenge" or take for personal use any used or excess supplies, tools or equipment, including construction materials and office supplies, absent a published County policy on re-use or recycling of such materials.

3. Upon request or separation from employment, employees shall return all County property to the County. By accepting employment with the County, employees agree that the replacement cost for all property damaged, lost or not returned may be deducted from the employee's paycheck without need to file any further legal action against the employee, except to the extent a deduction would reduce pay to an hourly rate below the prevailing minimum wage.

D. County Communications Equipment

All County equipment, including electronic communications systems such as e mail and voice mail, is the property of the County and is subject to monitoring at any time, with or without further notice, at the sole discretion of management. All County employees are required to comply with the terms of the County's computer and internet use policies, to the extent such are adopted by the Board of County Commissioners.

E. Address and Telephone Number

Each employee shall provide his or her department with a current physical address, telephone number, and contact information. The employee shall also provide and maintain a current name and telephone number of an emergency contact. The department and Human Resources department must be informed of any change in the above-required data in a timely manner.

F. Solicitation of Contributions, Memberships, or Business

1. The solicitation of contributions, memberships, or business among employees of the County shall not be permitted on County property during the employee's working time except for those charity drives or employee benefit promotions specifically authorized by the County Commission. Employees may, with department approval, engage in limited, temporary, passive solicitation such as the temporary posting of a girl scout cookie order form, placement in break area of little league candy box, and the like. However, other forms of direct solicitation, including direct or network marketing, whether for charitable, business or other reasons, is prohibited.

2. Employee organizations, their members, agents, representatives, or persons acting on their behalf are prohibited from soliciting employees during working hours. This section shall not be construed to prohibit solicitation by employee organizations during the employee's lunch period or in such areas not specifically devoted to the performance of the employee's official duties. This provision is not intended to conflict with the provisions of the National Labor Relations Act and where any conflict is shown, the Act shall prevail.

G. Statements by County Employees to Attorneys, Law Firms, or Others Concerning Employees or County Business

County employees may from time to time be requested or subpoenaed to make a statement to an investigator, an attorney, or a law firm. These statements may be concerned with an actual or contemplated legal action against the County. Employees are not generally authorized to make representations to anyone regarding County business. Therefore, should any employee receive either a request to make a statement or be subpoenaed regarding County business, the employee shall discuss the matter first with his or her department director and, prior to making any oral or written statements, discuss the matter with the County Attorney's Office. Nothing herein should be interpreted as preventing an employee from speaking with his or her own legal counsel regarding personal legal matters, nor from speaking with a representative of a labor association concerning any grievance, mutual aid or concerted activity as protected by Florida Statutes § 447.301.

H. Media Relations, Requests for Interviews

1. General Policy: The County's official positions and policies are set and communicated to the public by the elected Board of County Commissioners and, in certain circumstances such as litigation or administrative matters where the Commission has delegated responsibility to the County Administrator or County Attorney, by those persons. However, other County employees may from time to time be asked by various media outlets to provide comments or interviews concerning the County's policies, operations, or other such matters. To ensure that the County's official positions on matters related to the business of the County are communicated to the media in a consistent and informed way, any employee, with the exception of the County Administrator or County Attorney or their respective assistants, who receives a request to be interviewed or provide comments concerning County business shall refer the matter to his or her department director or designated media officer for response. Unless first authorized by the applicable department director, employees shall refrain from providing comments or

being interviewed regarding County business or policy.

2. Exceptions: Certain County departments or functions, by their nature, draw frequent media requests for interviews or information. In these circumstances, such as hurricane and other emergency services operations, the department director or administrator overseeing the department or function may designate an employee as a "spokesman" regarding that matter and that employee, once designated, may then provide interviews and information to the media concerning their area of responsibility without the need to obtain individualized prior approval. Such employees should, however, keep the County Administration and, where appropriate County Commissioners and the County Attorney informed of interviews or information requests of significant concern.

3. Nothing herein shall be interpreted or applied so as to prevent any employee from the exercise of the personal right to free speech as a citizen, as that right is defined by the federal courts. However, employees in such situations should refrain from stating or implying that they are speaking for or as representatives of Manatee County.

I. Recording Workplace Communications Prohibited

Chapter 934, Florida Statutes, prohibits interception of wire or oral communications by electronic, mechanical or other device without the consent of all parties involved. Recordings related to County business are also public records subject to being retained and inspected. Employees are therefore prohibited from recording any conversations between individuals, whether fellow employees, subordinates or citizens, with or without the permission of all parties, except as otherwise provided by law, as part of an official County broadcast production, as may be authorized by a criminal investigation conducted by law enforcement, or as is authorized by County policies regarding County-owned phones, faxes, radios and computers.

J. Loss of or Failure to Obtain Professional Certification or License

1. Where an employee's position with the County requires any specific certification, license or other credential, including driver's license, as a condition of holding that position, the employee is required to obtain and maintain the certification, license or credential, and to provide written proof thereof upon request. An employee who loses or within the provided amount of time fails to obtain the required certification, license or credential for whatever reason, including suspension, revocation, or expiration, has a responsibility to immediately report this fact to his or her department director. Failure to provide timely notice will result in discipline up to termination.

2. Upon timely notification by an employee that he or she has lost or failed to obtain the certification, license or credential, his or her department shall have the following options:

   (a) Make a reasonable effort to reassign the employee, on a temporary basis, to appropriate and available responsibilities not requiring the certification, license or credential, for a reasonable timeframe up to the subsequent exam/incident follow-up and results notification date to provide continuous employment during his or her efforts to attempt to acquire or obtain reinstatement.

   (b) Allow him or her to use any available and applicable leave during the allotted timeframe while obtaining reinstatement.

(c) Place him or her on a temporary administrative leave of absence without pay not to exceed the allotted timeframe.

3. An employee who fails to have his or her certification, license or credential reinstated, or to initially obtain same within the allotted period, may apply for and be considered on a competitive basis for any vacant County position for which he or she is qualified. If the employee is not selected or does not apply for such position prior to expiration of the allotted timeframe, then he or she shall be terminated for failure to obtain or maintain a necessary job qualification.

K. Searches on County Property

Manatee County seeks to provide a safe work environment for all its employees. To that end, the County reserves the right whenever a manager or department director has reasonable suspicion to believe an employee has brought on County premises or work sites alcohol, illegal drugs or controlled substances, or any other illegal or prohibited item, weapon, or stolen property; or has misused County equipment, to search County property including, but not limited to work locations, desks, file or storage cabinets, computer files (including software, hardware, e mail, voice mail, and internet activity), lockers (locked or unlocked), County vehicles and private vehicles parked on County property or being used at the time of search for County business, and all other County equipment.

On a case by case basis, employees may be requested to display personal property for visual inspection. Failure to comply with a search or visual inspection request from supervisory or security personnel will be grounds for discipline. Searches of an employee's personal property, such as purses or briefcases or lunch containers, will take place only in the employee's presence unless an emergency condition exists which would, if confirmed, endanger others or the employee him/herself. Employees who do not wish to subject personal items to possible inspection are strongly advised to leave such items at home.

The County will make every effort to honor the personal dignity of employees during any search but will take appropriate disciplinary action in cases where prohibited items or activities are uncovered, regardless of how such item(s) or activity has been discovered (accidentally or in the process of a search).

L. Employee Arrest or Charge

Employees or their designee must inform the County's Human Resources Director, either verbally or in writing and either personally or via an attorney or family member, etc., within three (3) business days of their being criminally arrested, charged or convicted of any state or federal crime, including for violation of parole or probation. Failure to do so will result in disciplinary action.

M. Use of Tobacco and "e-cigarettes"

Use of any lit or smokeless tobacco product, as well as e-cigarettes, is prohibited within County owned/leased buildings, including bathrooms and stairwells, except in areas specifically designated and designed for smoking.

N. County Bulletin Boards and Common Areas

The County may from time to time establish and ordain certain display cases, bulletin boards, or the like for the purpose of posting authorized communications to employees and/or the public. The purpose of such bulletin boards or display cases is not to create a general speech area but is instead intended to effectively and efficiently communicate information to citizens and employees. Employees are thus prohibited from posting any item not approved by the County Administrator or Human Resources Director in advance and not related to County government or County employment. Employees are likewise prohibited from removing any posted notice or item from a County display case or bulletin board unless authorized, and from posting, or facilitating or authorizing anyone else to post any advertisement, notice, solicitation or any other printed materials in, on or along any common area of any County building or facility. Common areas include, but are not limited to, break rooms, entryways, doors, elevators, hallways and parking facilities.

O. Communicable Diseases

Manatee County government desires to maintain a workplace free from preventable risks of communicable illness or disease. Therefore, all employees of Manatee County government are required to properly treat any communicable disease which would present a danger to the health or safety of fellow employees. Employees should, in consultation with their health care providers, take appropriate precautions within the workplace to reduce any infection risks to co-workers. Manatee County does not seek to needlessly impose on the medical privacy of its employees and where a communicable disease or illness is adequately managed and treated, the employee need not disclose same to co-workers or the County. However, should the employee desire the assistance of the County in modifying working conditions to prevent risk of transmission, the Human Resources Director should be consulted, and any records generated concerning the medical condition will be treated as confidential as permitted by state and federal law.

P. Inventions and Intellectual Property

Any invention, method, program, publication or other form of intellectual property which is developed by a County employee during work hours or using County equipment or resources, is the property of Manatee County. Employees are prohibited from seeking to patent, trademark, service mark, copyright or otherwise register such intellectual property without the prior authorization of the Board of County Commissioners.

Q. Letters of Reference

Though all employees have the right to express their personal opinions regarding another current or former co-worker, no employee below the rank of Department Director may write any letter of recommendation, commendation, etc., on County letterhead without the express prior approval of the Department Director or County Administrator.

R. Funds Owed by Employees; Debt Collection Calls

On occasion, employees may come to be indebted to the County. By accepting employment with the County, employees acknowledge and consent to the County's authority to retain or otherwise withhold portions of an employee's compensation to allow such funds to be recovered by the County except to the extent the deduction would reduce regular pay to an hourly rate below the prevailing minimum wage, or as otherwise prohibited by law. Manatee County does not authorize or permit the use of County communication assets and facilities, including phones, e mail systems or mail services, to be used to make or receive messages related to debt collection efforts. Employees are not authorized to initiate, receive or forward such communications to any other person, and debt collectors violating this policy shall be subject to fines and penalties as provided for by federal and state debt collection practice laws.

XXVI. USE OF COUNTY VEHICLES & USE OF PRIVATE VEHICLES FOR COUNTY BUSINESS

1. When it is necessary to allow an employee to carry out assigned job duties, an employee may be required to operate and control County-owned vehicles, or to operate a personally owned vehicle for County business. When possessing a County-owned vehicle for such a reason, employees may only use it during the course and scope of their assigned employment duties, and under no circumstances is the vehicle to be used for personal business or pleasure, whether during duty hours or not. However, employees may make work day deviations to use restrooms or take meal/comfort breaks.

2. An employee driving a County vehicle, or a personal vehicle for County business, must have in his or her possession a valid Florida driver's license with any required endorsements or classifications.

3. County vehicles will not be used to transport anyone other than County employees unless the person(s) to be transported are directly involved in the provision of County-related services or otherwise involved in County government operations.

4. In normal circumstances, County owned vehicles are to be driven over the most direct route. Any out of County travel must be pre-approved by the employee's director unless emergency circumstances prevent prior approval.

5. No employee shall operate a County vehicle or personal vehicle on County business when any physical or mental impairment causes the employee to be unable to drive. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication or being under the influence of illegal drugs or alcohol.

6. Vehicles driven on County business must be driven in accordance with all applicable traffic and parking laws, including applicable speed limits. Seat belts must be used by vehicle occupants at all times. Each employee shall be personally responsible for any fines or penalties incurred as a result of driving or parking violations while operating a County vehicle.

7. Any accident involving a county-owned vehicle which results in property damage and/or personal injury will be reported without delay to the operator's immediate supervisor, regardless of whether such accident occurs during or after regular duty hours, as well as to the law enforcement agency with jurisdiction over the accident scene.

8. Employees who are assigned a County vehicle and operate the vehicle to and from work shall be responsible for the personal tax liability for the value of this use. Employees using take-home vehicles must record such use when recording their hours in the County's time and attendance system.

9. County vehicles must be maintained in good working order at all times. An employee who observes an apparent safety or equipment defect regarding vehicle equipment should report it to a supervisor immediately and if the vehicle is unsafe, it shall not be driven further. Employees who have been assigned a take home vehicle shall store the vehicle in a safe, secure area at the employee's residence, keep it locked, and shall take all reasonable measures

to prevent damage to the vehicle.

10. Employees are on notice that they should avoid bringing valuable personal items into County vehicles. The County will not be responsible for the loss or theft of any personal items from County vehicles, and County vehicles may be inspected or searched at any time at the County's election.

11. Employees who are assigned a County vehicle, or who are using their personal vehicle while on County business, must refrain from speaking on cellular phones while driving the vehicle unless the employee makes use of a "hands-free" device. Employees not using hands-free devices must bring their vehicles to a full stop in a safe location prior to using a cellular phone. Employees shall not text or type on smart phones while driving.

12. Employees who are assigned a County vehicle, either permanently or on a rotational or pool basis, shall not smoke or use smokeless tobacco within the vehicle.

13. No County employee shall order, authorize or permit any non-County employee, including contractors and temporary workers, to operate any County vehicle, including cars, trucks, earth-moving equipment, airplanes, all-terrain vehicles, and boats, unless same is (i) absolutely required to respond to an extreme emergency or imminent threat to life or safety and no County employee is available to operate the vehicle or (ii) a non-County employee is otherwise expressly authorized by a written agreement with the County.

14. Employees may not use a County owned take home vehicle to engage in personal business while commuting to and from work, including shopping trips, stopping at dry cleaners (other than to pick up or drop off County uniforms), or picking up or dropping off school children.

15. Under Florida law, the County may not be required to cover injuries or damages resulting from use of vehicles by its employees unless such use was in the course and scope of employment. Employees are therefore warned that failure to limit use of County vehicles to such purposes may result in personal financial liability for any such damage or injury to the employee or third persons. To the extent the County Attorney determines appropriate, employees being granted use of County vehicles or being instructed to use personal vehicles to conduct County business will be required to execute acknowledgement forms concerning issues of liability and the County's self-insurance program.

16. Authorization given to an employee to use a County owned vehicle, whether take home, daily assignment, pool or otherwise, is not and shall not be construed as being a guaranteed benefit or entitled form of compensation to the employee. Vehicles are assigned based on operational needs and budgetary limitations and the County may remove, reassign or decommission any of its vehicles at any time within its discretion.

17. The County Administrator is authorized to issue operational procedures which govern the administration of this vehicle policy by the departments.

MANATEE COUNTY
BOARD OF COUNTY COMMISSIONERS

PERSONNEL POLICY, RULES, AND PROCEDURES MANUAL

APPROVED IN OPEN SESSION AUGUST 25, 2026

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GENERAL POLICY STATEMENT

Excellence in government public service is attained, in part, through personnel systems that reflect merit principles and sound administrative management. It is the intent of Manatee County's Board of County Commissioners that its Personnel Policies, Rules and Procedures Manual provide firm and clear direction to its employees. To this end, every reasonable effort is made to protect the personal rights and privileges of individual employees.

Furthermore, it is the intent of the Board of County Commissioners that no unlawful discrimination exist in the application and administration of any Manatee County Board of County Commissioners' policy, practice, rule or regulation.

The County Administrator (County Attorney for employees of that office), through the County department directors, in coordination with the Human Resources Director, is charged with ensuring that the provisions of this Policy are implemented and made known to the employees of Manatee County Government.

Executive contract employees hired by the Board of County Commissioners shall have the same authority and responsibility as the County Administrator, where cited, in matters pertaining to this Policy, unless specifically excluded by Contract or Resolution.

These Personnel Policies are not and shall not be considered an employment contract with any person. Nothing herein is intended to create an employment contract between the County and any person for the purposes of employment, promotions, or for the providing of any benefit.

The provisions contained within this Manual are and shall be considered as part of the terms and conditions of employment of all regular employees with Manatee County and should thus be adhered to by all regular County employees. Manatee County reserves the right to establish, modify, or make exceptions to these rules when necessary. Any question concerning the interpretation or application of these rules shall be referred to the Human Resources Director for resolution.

Manatee County may, from time to time, designate certain positions, such as part time, temporary, initial probationary, managers or directors, as serving at the will of the County Administrator and exempt from "regular employee" status. In such cases, the provisions within this Manual regarding regular employees, including just cause and disciplinary appeals, are inapplicable.

Manatee County endeavors to include a comprehensive overview of the rules and policies governing employment with Manatee County within this Personnel Policy Manual. However, there may from time to time be additional personnel rules or policies issued by the Board of County Commissioners. The County Administrator or a particular department head may also issue additional rules so long as such additional rules do not conflict with the provisions in this Manual. All such additional rules shall also constitute a part of the terms of employment. Violation of any provision of any such additional rules will subject an employee to discipline.

If a direct conflict exists between policies and procedures included in these rules and a current labor agreement to which the County is a party, the terms and conditions of the labor agreement shall take precedence for employees in classifications represented by a bargaining agent, whether the rights and benefits are greater or less than those provided in these rules.

Equal Employment Opportunity

It is the continuing policy of the Board of County Commissioners of Manatee County, Florida, to promote the concepts of equal employment opportunity in its employment function and to comply with all federal, state and local laws, rules and regulations pertaining to fair employment practices.

1. All employees and applicants for employment will be treated fairly with respect to all terms and conditions of employment regardless of race, color, religion, national origin, ancestry, gender, age, marital status, or physical or mental disability which does not preclude the performance of the essential functions of the job with or without reasonable accommodation(s).

2. All personnel opportunities and decisions related to employment, promotions, transfers, reclassifications, compensation, benefits, performance ratings, training courses and programs, layoffs, returns from layoff, terminations, and all other aspects of employment with Manatee County will be in accordance with the principles of the merit system, which afford equal opportunity by imposing only valid requirements.

3. The Board of County Commissioners reaffirms its commitment to equal employment opportunity through a formal Affirmative Action Program.

4. Employees who allege that they have been unlawfully discriminated against or treated unfairly in the application or employment process must follow the steps outlined in the policy on Illegal Harassment or Discrimination, as described in Section XIII of this Policy. Non-employee applicants and applicants for temporary employment alleging unlawful discrimination must complain in writing to the Human Resources Director, who will conduct an investigation in accordance with the applicable portions of this Policy.

I. EMPLOYMENT

A. Non-Temporary (Regular) Employment

1. In the interest of hiring "best qualified and available" people to meet County employment requirements, and to avoid favoritism in hiring practices, the Human Resources Department is responsible for ensuring that all interested applicants have an equal opportunity to apply for County employment.

2. Notices of open positions will be published interdepartmentally and/or publicly according to the department's request and concurrence of the Human Resources Department. Notwithstanding the foregoing, where a department director or other official with hiring authority determines that a particular candidate is fully qualified for a position (for instance where an intern or employee in acting status has been working successfully in the position for some time), the Human Resources Director may authorize that candidate to be offered the position without the need to post the position. However, to prevent undue favoritism or nepotism and ensure a diverse, well qualified ~~work force~~workforce, this exception should not be regularly used in place of posting opportunities and allowing candidates to apply.

3. Applicants for County employment apply to the Human Resources Department in the form and manner, including electronic application submission, as the Department designates. Applicants who make initial contact with an individual County department and/or applications/resumes received by other County departments shall immediately be directed to the Human Resources Department. The Human Resources Director or designee may grant exceptions for certain special programs.

4. Applications are accepted for announced openings during the published advertising period.

5. Once a position has been filled, the position is closed. Should one or more of the same position come open again within ninety days after first being filled, a department may make an offer to the next most qualified candidate from among the original applications. Alternatively, or if the vacancy arises more than ninety days later, the position will, absent an exception approved by the Human Resources Director, be re-advertised and new applications sought.

6. Employees chosen for interview for other County jobs will be allowed to interview during work hours if necessary. Departments shall work with the employee to make reasonable adjustments to the employee's schedule to permit the interview. If the interview takes place during the employee's scheduled work hours, the time will not be paid, and employees should use available vacation leave for such purposes. All other interviews are unpaid.

7. The Human Resources Director may establish eligibility registers for positions as required by turnover frequency or other recruitment issues. Positions that are identified by departments or the Human Resources Department as being vacant on a regular basis or having certain recruitment needs, may have an eligibility register of qualified applicants established. The Human Resources Director is responsible for establishing the registers in accordance with the County's policy of non-discrimination.

8. No employee may begin activities associated with working for the County, including engaging in post-offer screening activities, until the candidate signs, electronically or otherwise, a conditional offer of employment. No term or condition of employment, including matters of pay, bonuses, expense reimbursement, or other similar matters, shall be effective unless included within a conditional offer of employment.

9. The County Administrator and Human Resources Director are authorized to adopt such forms and procedures as are deemed necessary to effectively implement these employment policies and to conduct such pre-employment screening as may be either legally or administratively required, including background and reference checks and physical or psychological examinations related to job functions. For any position requiring a pre-employment, post-offer examination, it shall be job-related, and given uniformly to all candidates conditionally offered the position. Candidates must meet/satisfy any established screening requirements and any candidate who fails to do so may be denied employment. In addition to the foregoing, for any County position requiring interaction with law enforcement personnel, records or other matters, access to secure facilities, or otherwise required to pass background standards promulgated by a regulating agency with jurisdiction over such records, personnel or facilities, employees holding such positions must be able to pass the relevant standards and their inability to do so will disqualify them from continued employment. The County Attorney, in exercising the authority granted in the County Attorney Ordinance to hire staff, may obtain such assistance from the Human Resources Department as the County Attorney may deem desirable.

10. For purposes of this Policy, the term "at-will" or "serving at-will" shall mean that employees holding positions designated as such serve at the will and pleasure of the County Administrator, and pursuant to Manatee County Code § 2-2-23(e) includes, but is not limited to, all deputy or assistant administrators, directors, deputy or assistant directors, division managers, division chiefs, section managers, or trusted aides or assistants, regardless of specific position title. Pursuant to Manatee County Code § 2-2-33, the term also includes all employees of the County Attorney's Office, who serve at the will and pleasure of the County Attorney.

11. All volunteers, as defined in Florida Statutes § 125.9501 are not County employees for any purpose. However, pursuant to Florida Statutes § 125.9504, volunteers are eligible for worker compensation benefits and must comply with all related County reporting procedures.

12. Employment of persons under 18 years of age in either regular or temporary positions shall be subject to and in accordance with applicable child labor laws.

13. To ensure compliance with the Affordable Care Act, when an employee formerly eligible for health benefits leaves the County's employ for any reason, he/she shall be ineligible for re-hire until the former employee has been separated from the County for a minimum of thirteen (13) weeks.

B. Temporary Employment

1. Temporary employment, for purposes of this Policy, shall include:

   a. OPS regular (Other Personal Services) positions (including non-student interns) which cannot extend beyond six (6) consecutive calendar months.

   b. OPS on-call positions where employees are called unexpectedly, on an as-needed basis, to complete a specific task or assignment.

   c. OPS Seasonal positions where employees work a seasonal assignment (such as summer camp or pool guard).

   d. OPS Intern positions follow guidelines provided in Section I.B.3. of this Policy.

   e. Other temporary employment programs, not specifically defined herein, shall be considered at the option of the Human Resources Director in compliance with any federal, State or local laws, rules or regulations governing such programs.

2. Unless waived by the Human Resources Director, employment procedures described in Section I.A of this policy shall apply to employees hired in temporary positions except for temporary employees defined in Section I.B.1.d.e. of this Policy.

3. Interns

   a. The County provides internship opportunities for students to experience work in County government that is relevant to their educational goals and objectives or personal career interests, and to non-students seeking to experience working in a County position.

   b. Recruitment of interns shall be conducted through the County's regular recruiting procedures, outlined in this section, unless otherwise approved by the Human Resources Director.

   c. Interns shall not be recruited to fill regularly authorized position vacancies or displace regular employees. Interns are considered temporary employees and are not eligible for benefits provided regular employees. Intern appointments shall not exceed 12 months, non-student intern appointments shall not exceed six months.

   d. In order for a student to be eligible for employment as an intern, an individual must be a student in good standing, enrolled in or on school-approved break from an accredited secondary or post-secondary school, junior college, college or university, or a vocational-technical school.

   e. Student Interns are required to notify the employing department of any change in their academic or disciplinary standing at the institution.

   f. Interns will be paid at the minimum pay rate of assigned pay grades. A departure from the minimum pay rate may be approved by the Human Resources Director upon request and proper justification from the relevant director.

g. Persons who may be students but who wish to volunteer with the County outside of any academic program must complete a Volunteer Service Agreement form (Form VSA<18 if under 18 years of age or Form VSA>18 if 18 years of age or older).

h. Students who are present in the workplace and who are not performing any services for the County, nor participating in any related academic program, are considered to be "job shadowing" and are not considered to be volunteers, or employees, of the County. Any persons who are "job shadowing" must be approved by the relevant department director in advance, must not perform any work for the County, and must be under the supervision of an employee-mentor.

i. Students who are present in the workplace and who may perform work for the County but who are not compensated shall meet the requirements of the federal Department of Labor concerning the acceptance of work by student interns. Interns who are not students must be compensated at least the prevailing minimum wage for work performed for the County.

j. The Human Resources Department is responsible for the development, coordination and promotion of intern recruitment activities and is responsible for ensuring that all interested persons have an equal opportunity to apply and be considered for internship opportunities.

k. Notwithstanding the foregoing, Manatee County may, from time to time, enter into agreements with educational institutions whereby student interns will be identified, assigned and compensated pursuant to the terms of such agreements. In such cases, Human Resources shall assist hiring departments as needed to implement the terms of the agreements, even where same may vary from the provisions of this Policy.

4. Employment of temporary personnel shall be subject to the equal employment opportunity provisions of this Policy.

5. To ensure compliance with the federal Affordable Care Act, except for Seasonal OPS staff, all persons employed in temporary/OPS positions who are not offered health care coverage shall not be scheduled or permitted to work more than 27 hours per week.

6. Unless otherwise required by law, individuals performing work for the County through temporary employment agencies shall not be considered "employees" for purposes of this Policy.

C. Joint Employment

The intent of this policy is to allow employees to be employed in more than one position, and at possibly more than one pay rate, at the same time within the County payroll structure. The following criteria must be met for eligibility:

1. Only temporary OPS, part-time positions, which are considered to be occasional or sporadic (in accordance with 29 C.F.R., Section 553.30), will be eligible.

2. The employee's decision to work in a different capacity must be made freely and without coercion, implicit or explicit, by the employer.

3. The joint position must be in a different capacity, i. e., it must not fall within the same general occupational category as the employee's primary government employment.

Administrative procedures for implementation and tracking of this program are published separately.

D. Employment of Relatives (Nepotism)

1. Employment shall be in compliance with Florida Statutes § 112.3135 regarding "*Restriction on employment of relatives*." Pursuant to this section, a public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in which the official is serving or over which the official exercises jurisdiction or control any relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over a County department or office, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a County board of which a relative of the individual is a member.

2. Relative, for purposes of this Section only, shall include father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister; but shall not include any other relatives who become related by law or marriage not specifically listed above.

3. For the County's purpose, public official, hereinafter referred to as "official," shall include, but not be limited to, commissioners, the county administrator, assistant county administrator, county attorney, department and office directors, assistant directors, managers, supervisory employees and any other County employee authorized to make employment-related recommendations or decisions, whether the official is elected, contracted, appointed, or hired through procedures established in Section I.A. of this Policy.

4. It is the County's policy to prohibit an official from having direct supervision over any employee who is a relative of the official, as more fully set forth in Paragraph 1. It is also the County's policy to prohibit an official from having direct supervision over any employee to whom the official is engaged or is otherwise involved in a current romantic relationship.

5. Direct supervision shall include any situation in which the official would be in a position to make decisions concerning the terms and conditions of the person's employment with the County including decisions about hiring, promotion, transfer, reclassification, compensation, benefits, work assignments, performance evaluations, training courses and programs, layoffs, return from layoff, termination, and all other tangible aspects of employment.

E. Re-Employment and Disqualification

1. An employee who has been terminated from County employment for violation of any conduct or performance rule set forth in this Policy, or who resigns after being notified of the County's intent to conduct a pre-termination meeting but prior to a final disciplinary decision, is ineligible for re-employment for three years from the date of such resignation or termination.

2. An employee terminated due to a positive drug/alcohol test, a refusal to test, or other violations of the drug-free workplace policy; or who voluntarily resigns within two weeks of a positive result in a test for drug use; or when an employee serves notice of resignation immediately upon notification of being selected for such test, is ineligible for re-employment for a period of three years after such resignation. Additionally, a former employee who owes the County money for drug testing or treatment which was the responsibility of the employee to pay shall be ineligible for re-employment until all funds owed are paid.

3. An employee who voluntarily resigns without giving the required two weeks' notice (see Section IX.A.4) or is separated from employment for absence without leave (see Section VIII) is ineligible for re-employment for a period of one year. In circumstances where the hiring department director certifies, to the Human Resources Director's satisfaction, that a non-eligible former employee will meet a critical need of the County, the Human Resources Director has the authority to waive this waiting period.

4. Employees who separate from County service due to failure to complete probation period where no discipline violation occurred, layoff, end of a temporary position, or whose employment is terminated because work is no longer available, are eligible for re-employment with no waiting period.

5. Notwithstanding the foregoing provisions, an employee may become ineligible for a longer period, or permanently ineligible for re-employment, as the result of independent action such as the settlement of a legal claim or an arbitration decision. Additionally, the County Administrator shall have the authority, in exceptional circumstances and where the best interests of the County will be served, to waive or reduce the periods of ineligibility stated in paragraphs 1 and 2 above.

6. NOTE: The disqualification periods contained herein are distinct from the ability of a department to recommend or not recommend an employee for re-hire. Such recommendations are simply the opinion of the former employee's management. Though such recommendations may be taken into account should a former employee apply for re-employment, they do not create a bar against such applicant from being considered for re-hire so long as the applicant is not under a disqualification period, and is otherwise qualified to perform the job duties.

F. Veterans' Preference

1. Manatee County is committed to honoring the service and sacrifice of our nation's veterans and their eligible family members by providing Veterans' Preference in employment as prescribed by Chapter 295, Florida Statutes, and Chapter 55A-7, Florida Administrative Code. Veterans' Preference ensures that qualified veterans are given priority in hiring, promotion, and retention decisions, as applicable under the law.
2. Veterans' Preference applies to all initial hiring decisions for positions covered by the Career Service System unless exempt by law. This policy does not apply to positions designated as temporary without benefits, certain high-level executive roles, or positions requiring licensure as a physician or attorney, as outlined in Section 295.07(5), F.S.
3. Individuals eligible for Veterans' Preference include:
    a. Disabled veterans with a service-connected disability recognized by the U.S. Department of Veterans Affairs (VA) or the Department of Defense (DoD).
    b. Disabled veterans receiving compensation, disability retirement benefits, or pension under public laws administered by the United States Department of Veterans Affairs and the United States Department of Defense.
    c. Spouses of disabled veterans who are permanently unable to work or are missing in action, captured, or detained.
    d. Wartime veterans who served during designated periods or earned a campaign or expeditionary medal.
    e. Unremarried widows or widowers of veterans who died due to a service-connected disability.
    f. Parents, legal guardians, or un-remarried widows, or widowers of service members who died in combat-related conditions.
    g. Honorably discharged veterans who served on active duty, excluding training-only periods.
    h. Current members of the Reserves or Florida National Guard serving honorably.
4. Responsibilities of Human Resources
    a. Human Resources must ensure that all job postings include the statement: "Manatee County is a Veterans' Preference employer. Veterans and eligible family members are encouraged to apply."
    b. Human Resources must verify and document Veterans' Preference eligibility during the application review process. If an applicant's documentation is incomplete, the applicant must be notified and provided five business days to correct the deficiency.
    c. Veterans' Preference must be applied at each stage of the hiring process for eligible applicants who meet the minimum qualifications.
5. Application of Veterans' Preference
    a. When a numerically based scoring system is used, preference points must be applied to eligible applicants' scores:
        (1) 20 points for disabled veterans or eligible spouses. Disabled veterans or eligible spouses with at least 30% service-connected disability rating must receive an interview if minimum job qualifications are met.
        (2) 15 points for wartime veterans or eligible family members.

(3) 10 points for honorably discharged veterans or current members of the Reserves or National Guard.

b. When a non-numerically based scoring system is used, such as a star rating or percentage ranking, preference points must be converted into an equivalent percentage increase.
(1) 20% for disabled veterans or eligible spouses.
(2) 15% for wartime veterans or eligible family members.
(3) 10% for honorably discharged veterans or current members of the Reserves or National Guard.

c. For non-numerical selection processes, all preference-eligible applicants who meet the minimum qualifications must be interviewed.

d. If equally qualified candidates are identified, hiring preference must be given to veterans in the following order:
(1) Disabled veterans.
(2) Spouses of disabled veterans.
(3) Wartime veterans.
(4) Other eligible veterans and family members.

e. Examples of Application of Veteran' Preference

(1) Example 1: Hiring for an Entry-Level Position. A wartime veteran applies for a clerk position. The veteran meets the minimum qualifications and must be granted an interview. If a numerically based scoring system is used, preference points must be applied to the veteran's score.

(2) Example 2: Equally Qualified Candidates. A disabled veteran and a non-veteran applicant are equally qualified for a technician role. The disabled veteran must be offered the position.

6. Documentation Requirements

a. Applicants claiming Veterans' Preference must submit the following documentation:

(1) DD Form 214 showing an honorable discharge.

(2) VA or DoD certification of service-connected disability, if applicable.

(3) Marriage certificate and proof of eligibility for spouses, if applicable.

(4) Other documentation as required for specific eligibility categories (e.g., death certificates or proof of current military service).

b. All applicants may submit: a Veterans' Preference Certification, FDVA form VP-1, incorporated by reference and found at http://www.flrules.org/Gateway/reference.asp?No=Ref-14602 or a simple letter, form, or other written application containing essentially the same information.

7. Retention and Promotion

a. Veterans' Preference applies to retention decisions in cases of workforce reductions or layoffs. Eligible veterans must be considered before non-veteran employees. Preference in retention shall be administered in compliance with Rule 55A-7.015, Florida Administrative Code.

b. If a preference-eligible employee is not selected for retention, the employer shall notify the applicant within 7 days of the retention decision.

c. Eligible veterans returning to County employment after military service must be granted preference for their first promotional opportunity, provided they meet the qualifications.

8. Notification and Complaints

a. The County has an affirmative duty to notify the applicant if a timely submitted Veterans' Preference claim is later found to be missing information. The County shall advise the applicant of what is missing and provide at least five (5) business days for the applicant to cure the deficiency by submitting the missing documentation.

b. Applicants not selected for a position must be notified in writing within 14 business days of the decision.

c. All persons seeking Veterans' Preference shall attempt to contact Human Resources or other designated contact at least one time after 45 days have passed, but not longer than 90 days from the final date for submitting an application or the interview date, whichever is later in time, and shall document such attempt, if the applicant has not received notice of a hiring decision from the employer.

d. If an eligible veteran believes Veterans' Preference was not properly applied, they may file a complaint with the Florida Department of Veterans' Affairs within 60 days of notification.

9. Record-Keeping

a. Hiring managers and Human Resources must document all hiring decisions and maintain a file that includes documentation of advertised positions, dates advertised, waiver of educational requirements advertised, applications received, candidates interviewed, evaluation criteria, and methods used such as numerical scoring or other means of evaluating applicants, documentation of manager, team or committee process and interview notes, waiver of educational requirements requested or granted, employment offer and acceptance letters, employment pre-screening results, agreed upon start date for person hired, and any other relevant information for the appropriate records retention period.

II. PERSONNEL FILES

A. File Location and Content

1. The County's official records of present and past employees' personnel files are maintained by the Human Resources Department. The Human Resources Director is the custodian of these records and may delegate maintenance and control responsibilities to staff members.

2. The Human Resources Department shall develop, revise and authorize all forms related to personnel matters. Therefore, absent specific authorization from the Human Resources Director to the contrary, departments may not promulgate or make use of any customized or unauthorized personnel forms, including leave requests, time records or employee evaluations. Department directors may, however, compile informational files on their employees. These files may duplicate information in the "official" personnel files. The department director is the custodian of personnel files maintained in his/her area of responsibility.

3. Public Records requests made for personnel files must be referred to the Records Management Division for response. The Human Resources Director, or designee, shall be responsible for reviewing files to ascertain any information which has been designated as exempt from public records disclosure, and in conjunction with the County Attorney's Office, asserting applicable public records exemptions for such files.

   NOTE: Employees holding certain positions are entitled under Florida law to request that certain personally-identifying information such as home addresses, not be released by other governmental agencies which may be in possession of this information. It is the responsibility of each employee holding such a position to make these requests to other governmental agencies.

4. The official personnel record, which will be maintained by the Human Resources Department, shall contain at least the following documents regarding the employee:

   a. The employee's initial and any subsequent employment/transfer/promotion applications; I-9 form; interview forms; Oath of Employment; Drug Acknowledgment/Consent form; employment contract (if applicable); acknowledgment of receipt of policies and benefits (i.e., Secondary Employment Form, Drug-Free Workplace Handbook, Health Benefits, etc.); Conditional Offer forms; Retirement Enrollment Form (when applicable); approved Hire Action Form (HAF) authorizing employment; and other related documents.

   b. The employee's Performance Evaluation forms;

   c. All official personnel actions, such as promotions, transfers, and pay increases;

   d. Records concerning discipline given to the employee;

   e. Signature forms demonstrating an employee's receipt of County policies;

   f. Records demonstrating attendance at County training sessions.

5. The personnel record may also contain the following items, at the discretion of the Human Resources Director:

    a. Written responses to Employee Evaluations;

    b. Correspondence from citizens, co-workers, etc., concerning the employee's performance of his or her job or contribution to the community;

    c. Records regarding an employee's education or professional credentials;

    d. Such other records as the Human Resources Director may deem appropriate for inclusion or which may, by law, be required to be included.

6. The Human Resources Department will also keep and maintain files which containing medical information, including drug test results, of current or former employees, which may be included in the official personnel file, or kept in a separate file, as may be required by law.

7. Standardized administrative procedures have been developed to control, maintain and request disposition of personnel files in accordance with rules of the Florida Division of Archives, History and Records Management.

B. Access to and Retention of Official Personnel Files

1. Personnel files (official and informational copies) are public records subject to review under Section 119.07, Florida Statutes, subject to any applicable exemption(s). Official employee personnel files may be reviewed at the Human Resources Department during normal working hours. The records custodian, or designee, will assist and supervise during the review. Documents cannot be removed or rearranged within the official personnel file during review.

   ***NOTE**: Employees holding certain positions are entitled under Florida law to request that certain personally-identifying information such as home addresses, not be released by other governmental agencies which may be in possession of this information. It is the responsibility of each employee holding such a position to make these requests to other governmental agencies.*

2. Requests concerning past or present employee personnel information should be referred to the Human Resources Department. The Human Resources Director, or designee, will respond to inquiries from agencies and the general public regarding disclosure of official personnel data.

3. In accordance with the Florida Public Records Act, copies of personnel files may be made and furnished to requesters upon payment of the statutory fees. Money collected is remitted to the Clerk of the Circuit Court for deposit in the County's general fund. Employees are not charged for single copies made from their official personnel files. However, they shall be charged the established rate for additional copies. The Human Resources Department is responsible for reviewing a personnel file prior to production or copying to ensure all material exempt from public records disclosure has been covered.

4. Official personnel files must be retained for a length of time determined by the State of Florida Bureau of Archives and Records Management. This period is currently twenty-five (25) years following the employee's effective date of separation from County employment. Because of the permanency of such records, department directors must carefully review documents to determine their necessity before requesting entry to the "official" personnel file. The Human Resources Director, in consultation with the County Attorney's Office, is authorized to develop administrative procedures concerning the proper storage of, and access to, records, including medical files, of current or former employees.

III. PROBATIONARY PERIOD

1. The first twelve (12) months of employment serve as a probationary period for all non-at-will employees filling regular full-time or part-time positions and are used for the following:

   a. To provide an adjustment period for an employee to become familiar with his/her job duties and responsibilities.

   b. To provide on-the-job instruction, guidance and counseling.

   c. To observe and evaluate employee job performance.

   d. To remove/discharge an employee whose job performance fails to meet required work standards or who, for reasons stated in Section XI.B. of this Policy, must be removed/discharged for other reasons.

2. Probationary employees are not entitled to utilize the Employee Complaint Procedure (ECP) or appeal process unless a claim of unlawful discrimination is made, nor are they entitled to any hearing except as provided in Section XI.D.2.d. of this Policy.

3. Regular employees accrue paid leaves of absence during the probationary period. They can use accrued sick or vacation hours subject to normal approval procedures (after they have been credited to their accrual accounts).

4. Probationary employees who leave County employment are paid their compensatory time and accrued vacation leave balances in accordance with Section VII. A. of the Policy. This payment is made at the employee's base hourly pay rate in effect at the time of separation. If service is terminated by death, payment is made as authorized by Chapter 222.15, Florida Statutes.

IV. PAY, HOURS OF WORK AND WORKWEEK

A. General Policies

1. Due to the variety of services provided by County departments, certain employees may be required to work varying days and hours. Department directors schedule work that is necessary and beneficial for the efficient operation of the County. It is the responsibility of the department director to manage overtime within budgetary constraints. Pursuant to 29 C.F.R. § 553.23, by accepting employment with the County, all overtime-eligible employees agree that the County may elect to provide compensatory time in lieu of payment of overtime work in cash pursuant to its compensatory time policies. Employees may also be required, at the discretion of the County, to use compensatory time in lieu of vacation pay when requesting vacation time off.

2. Non-Exempt Employees

    a. For purposes of this Policy, all employees not considered exempt will be considered non-exempt, and therefore subject to the minimum wage and maximum hour provisions of the Fair Labor Standards Act (FLSA). Non-exempt employees are eligible to earn overtime (including premium pay differential when applicable) or compensatory time at one and one-half (1 ½) times their hourly rate.

    b. Whenever a non-exempt employee becomes promoted or reclassified to an FLSA-exempt position, the employee shall have any accrued compensatory time paid to him/her at their rate of pay of the non-exempt position they held immediately prior to their promotion.

3. Exempt Employees:

    a. For purposes of this Policy, exempt employees are expected to work whatever hours are necessary to accomplish assigned duties and responsibilities. However, it is recognized that because exempt employees are often required to work irregular and/or extended hours, it is appropriate that they be provided a certain latitude in occasionally being away from their place of work during normal work hours. It is the responsibility of the immediate supervisor or the department director to determine if the absences are inappropriate.

    b. Exempt employees are not eligible to be awarded compensatory time or premium pay differential.

    c. Department directors may suggest the exemption of certain job classifications from the provisions of the Fair Labor Standards Act (FLSA). However, the final determination is made and executed by the Human Resources Director, in consultation with the County Attorney's Office.

B. Allocation of Work Hours, Workweek and Work Period

1. The *workweek* starts at 12:00 a.m. on Saturday and ends at midnight the following Friday. The normal full-time work schedule includes forty (40) hours during the workweek. These hours should not be construed as either a fixed minimum or maximum. Work hours that exceed a normal workweek may be required. Except as provided herein or as determined by the department director, in conjunction with the County Administrator (County Attorney for employees of that office) and payroll, normal hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

2. *Lunch periods*- Bona fide meal periods (employee is completely relieved from duty for the purpose of eating regular meals) are not work time and are unpaid. The time scheduling and length of lunch periods are coordinated between the employee and the supervisor, according to that organization's needs. (Note: There is no federal or State of Florida law requiring meal breaks in industries or offices, with the exception that minors 17 years of age or younger shall not be permitted to work for more than 4 hours continuously without at least 30 minutes for a meal period.)

3. *Break (rest periods)* - Breaks (usually not more than 15 minutes each) may be permitted by supervisors when the work requirements allow them, and must be allowed for nursing mothers to express milk for up to one year after birth. Break periods are considered to be rest periods and must fall within working hours (work is performed immediately preceding and following the break period) and may not be accumulated for additional time away from work. (Note: There is no federal or State of Florida law requiring rest periods, but if they are offered, they must be counted as hours worked.)

4. *Flextime* is the generic term for flexible scheduling programs - work schedules that permit flexible starting and quitting times within limits set by management. Flextime requires employees to work a standard number of hours within a given time period (usually forty (40) hours during a five-day work week). Each County department has the option to use flextime, if it can be adapted to better meet that organization's unique needs. However, each County department or division which elects to permit flextime must, with the assistance of the Human Resources Director, adopt a flextime procedure which will be published to the department's employees and which will be uniformly applied within that department or division.

5. *Telecommuting Program* - The Manatee County Board of County Commissioners recognizes the value and benefit of telecommuting for its operations, employees, and citizens. Manatee County Government supports telecommuting as an alternative work arrangement. Supervisors are encouraged to give telecommuting every consideration in situations where it will work to meet the county's needs while supporting work/life balance initiatives for employees. Telecommuting arrangements allow department directors to approve County employees to work remotely if their job functions can be performed at an alternative work location. All requests for telecommuting must be submitted in writing. To be eligible for this program, employees must exhibit the personal attributes outlined in the policy. Department managers have the responsibility for monitoring program participation and progress regularly. The employee is responsible for the accountability and serviceability of any County equipment used at the alternative worksite. Employees are responsible for securing all County confidential information at the alternative worksite. The duties,

obligations, responsibilities, terms, and conditions of County employment are not changed by telecommuting. For additional requirements, please refer to the teleworking policy and procedure documents. There may be times when certain projects could be performed by employees who are at home due to extenuating circumstances outside of a formal telecommuting agreement. Any such projects must be authorized by the department director (County Attorney for employees of that office). If a project is approved to be completed at home outside of a formal teleworking arrangement, the project must be familiar to the employee concerned and have definite parameters for measuring time necessary to perform the work. The employee will only be compensated for the standardized hours recognized for completion of the project. County equipment is not to be used outside the regular workplace, unless authorized by the department director (County Attorney for employees of that office). All hours worked at home must be reported. *The "Manatee County Government Telecommuting Procedures" are published separately.*

6. *Medical Attention* - In accordance with 29 C.F.R., § 785.43, time spent by an employee in waiting for and receiving non-elective medical attention on the premises or at the direction of the employer during the employee's normal working hours on days when he or she is working constitutes hours worked except for worker compensation visits (see also section VII.B.8.a. of this Manual).

7. *Furlough* - Notwithstanding any other provision of these policies to the contrary, where the County Administrator (County Attorney for employees of that Office) determines that current budgetary conditions require a reduction in the overall hours employees work in order to remain within the authorized budget, the operational hours of any one or more office, service or function of the County may be reduced for one or more weeks, days or hours, either consecutively or sporadically. Such periods of reduction may be either by complete closure or operation with a less than full staff as deemed necessary. Employees working within such offices, services or functions will be placed on unpaid furlough during such periods, and hours spent on furlough shall not count as hours worked for any purpose. Pursuant to 29 C.F.R. § 541.710(b), the County Administrator (County Attorney for employees of that Office) is authorized to deduct hours spent on any furlough from any employee being compensated on a salary basis if budgetary constraints require the deduction.

8. *Electronic Timekeeping* – In recognition of the limitations which may be inherent in the electronic timekeeping systems the County may now or in the future use, including limitations on the delineation of actual lunch or break schedules, employees who are unable to enter the actual chronological times for such events shall not be subject to discipline for falsifying records. FLSA non-exempt employees must, however, ensure that their actual hours worked each day are truthfully and accurately recorded in any such system to ensure proper payment of wages due, including overtime and premium pay.

9. *Pay Class/Annual Base Salary Calculations* – Annual base salaries shall be calculated based upon the pay class and full time equivalent assigned to the position. Positions assigned to pay class 300 or 400 are calculated on 2080 hours. Positions assigned to pay class 324 are calculated on 2288 hours. Positions assigned to pay class 903 are calculated on 3328 hours.

C. Pay Eligibility

1. Extra Hours

The necessity to work extra hours is made at the discretion of the department director. It is important that department directors ensure that extra hours are distributed equitably among employees qualified to perform the work, while giving consideration to the personal wishes of employees involved. However, it is ultimately the department director's decision to designate who will perform the extra hours.

For overtime control purposes, overtime-eligible employees are prohibited from coming to work early and leaving late for purposes of conducting work, or working through lunch periods or bringing work home, unless specifically authorized by their supervisor in advance. Supervisors shall monitor the workplace to ensure that employees who are not scheduled to be working do not remain in the workplace. Nothing herein is intended to prevent an employee from remaining in a County building during a meal period. However, during such period, the employee is prohibited from working, and should not be expected to perform work for the County.

Unless otherwise specified by a collective bargaining agreement, an employee shall be required to work overtime when assigned unless excused by the supervisor. An employee who refuses to work overtime when assigned will be subject to disciplinary action for said refusal. An employee scheduled to work overtime who fails to fulfill the assignment for reported medical reasons will, at the County's discretion, be required to substantiate the medical absence with a doctor's note or similar proof.

A schedule of work hours or other form of written documentation should be available to support the designation of overtime or compensatory time.

a. Non-Exempt Employees

All hours worked over forty (40) in a workweek are considered overtime and are compensated by overtime pay or compensatory time as agreed or understood before the work in excess of forty (40) in a workweek is performed. Overtime should be scheduled in advance whenever possible.

b. Exempt Employees

For purposes of this Policy, exempt employees are paid on a salaried basis and are expected to work the hours necessary to accomplish assigned duties and responsibilities. Paid extra hours are only to be considered under the terms of an approved performance bonus plan.

2. Overtime Pay

Employees entitled to overtime pay are paid for each work hour in excess of forty (40) hours in the workweek at a rate of one and one-half (1 ½) times their regular hourly rate of pay, including premium pay differentials when applicable.

3. Compensatory (Comp.) Time

Time off in place of overtime is called compensatory (comp.) time.

a. Non-exempt employees scheduled for extra hours of work designated as comp. time are credited at the rate of one and one-half (l ½) hours for each hour worked. Used comp. time (reflected on the timecard) is deducted from the compensatory time accrual account hour for hour and does not count as hours worked.

b. Employees may be required to utilize compensatory time in lieu of leave time at the discretion of the department director.

c. Non-exempt employees are prohibited from accumulating comp. time balances in excess of one-hundred twenty (120) hours (180 for certain EMS employees who work 24/48 hour shifts). Such employees who perform work and are not eligible for the accumulation of additional comp time shall be compensated by regular or overtime pay as the case may be. By accepting employment with the County, employees consent to be paid comp. time in lieu of overtime pay at the discretion of management.

d. Comp. time hours shall be paid out when an employee is promoted or reclassified to an FLSA-exempt position, as specified in Section IV.A.2.b., or when an employee separates (voluntarily or involuntarily) from County service.

e. An employee who has accrued compensatory time, and requests use of the time, must be permitted to use the time off within a reasonable period after making the request, if it does not unduly disrupt the operations of the agency (29 U.S.C., § 207 (O)(5)). Comp. time cannot be used in lieu of sick leave if sick leave balances are available.

f. When a non-exempt employee is designated as "acting" in an open exempt position (such as a manager position open due to retirement where a new manager must be recruited), the employee shall be compensated during this acting status as an FLSA exempt manager and shall therefore not be eligible for overtime, comp or premium pay differential.

g. However, when a non-exempt employee is only temporarily fulfilling the duties normally associated with an exempt position (such as to cover for a vacationing manager) in addition to their normal duties, the employee shall continue to be paid his/her normal rate of pay, and shall be eligible for overtime, comp and premium pay differential, as may normally be applicable.

4. Premium Pay Differential

   a. EMS 24/48 hour, collective bargaining unit where applicable, and exempt employees are ineligible for Premium Pay Differentials.

   b. Hours worked between designated times will be paid at either the regular rate or at premium pay differentials, as shown below:

7:00 a.m.	- 6:00 p.m.	- Regular Pay Rate
6:00 p.m.	- 12:00 midnight	- Premium Pay Differential #1 (Regular rate plus 35 cents per hour)
12:00 a.m.	- 7:00 a.m.	- Premium Pay Differential #2 (Regular rate plus 50 cents per hour)

   (1) A non-exempt employee who works over forty (40) hours in a workweek receives either overtime pay or compensatory (comp.) time as follows:

      (a) Overtime Pay: If overtime pay is designated, pay will be based on the type of overtime hours worked (Regular, Premium Pay Differential #1 or Premium Pay Differential #2).

      (b) Comp. Time: Compensatory (Comp.) time is eligible for Premium Pay Differentials (PPD) when earned.

   (2) Various types of leave, i. e., vacation, sick, comp time used, etc., are paid according to number of scheduled hours for that workday. Premium pay differentials are not paid on leave hours even if the employee's scheduled hours include those eligible for premium pay differentials. (Note: Holiday hours are paid in accordance with the "Holiday Pay Procedures" published separately in the BCC Approved Policies and Procedures 201.003.)

   (3) Employees subject to a collective bargaining agreement will receive premium pay differentials on certain types of leave hours, as set forth in the collective bargaining agreement.

5. On-Call Status

   a. Exempt employees are ineligible for on-call status.

   b. An employee required to remain on-call (on County premises or so close that he/she cannot use the time effectively for personal purposes) is considered to be working in an on-call status. On-call hours are designated as work hours for the workweek and count towards overtime.

   c. On-call hours for non-exempt employees are eligible for premium pay differentials, overtime and compensatory time.

   d. On-call employees must always be reachable by a pre-designated means of communication and able to arrive at the work location within the time established by the department director or designee. As employees are compensated for on-call assignments,

they must refrain from drinking alcohol, taking medications or engaging in any other conduct which would prevent being ready for duty. Further, if they are unavailable when called in, they will be subject to disciplinary action and will not be paid any on-call pay for that assigned period. On-call assignments should be distributed equitably among qualified employees, consistent with operational needs.

6. Standby Status

   a. Exempt employees are ineligible for standby pay.

   b. Employees who are not otherwise informed that they have been scheduled to work and who are placed on standby status (instructed to be available but otherwise able to use the time effectively for personal purposes) may remain at home, or they may leave word how (pager, cell phone, etc.) and where they can be reached, but they must do one or the other. These employees receive straight time pay (compensatory time not allowed) for hours designated as standby assignment, with maximum accruable hours of three (3) in a 24 hour period. Standby hours must be outside the scheduled (regular or modified-schedule) workday, and may not be assigned to or worked by employees who do not work their regularly-scheduled shift immediately prior to standby assignment, or who are unable to respond, due to illness. Employees who receive advanced notice of a requirement to report for duty, even where such work is to be performed outside of a regular schedule, are not eligible for standby pay. Since assigned standby hours can vary according to circumstances, guidelines will be used to award compensation as shown below. (Note: No other proration methods are authorized):

      - ❖ Less than five (5) hours of standby status is ineligible for standby pay
      - ❖ One (1) hour of straight time pay for 5 up to 9 hours of standby status
      - ❖ One and one-half (1.5) hours of straight pay for 9 up to 12 hours of standby status
      - ❖ Two (2) hours of straight pay for 12 up to 16 hours of standby status
      - ❖ Two and one half (2.5) hours straight pay for 16 up to 20 hours of standby status
      - ❖ Three (3) hours of straight pay for 20 up to 24 hours of standby status

   c. If employees on standby status are required to report for duty, they are paid for hours worked, with a minimum of two (2) hours for the first "call out" regardless of time spent responding. Thereafter, employees shall only be paid for the actual hours worked on subsequent "call outs" during the standby period. Call-out hours are eligible for premium pay differentials and count as hours worked towards overtime. In addition to the call-out hours, employees are also compensated for standby status as reflected under Section IV.C.6.b.

   d. Employees placed on standby assignments must always be reachable by a pre-designated means of communication and able to arrive at the work location within the time established by the department director or designee. As employees are compensated for standby assignments, they must refrain from drinking, taking medications or engaging in any other conduct which would prevent being ready for duty. Further, if they are

unavailable when called in, they will be subject to disciplinary action and will not be paid any standby pay for that assigned period.

e. Standby assignments should be distributed equitably among qualified employees, consistent with operational needs.

D. Work Time Records and Emergency Conditions

1. The County's Work Time Records or time-cards are designed to meet the record-keeping requirements of the FLSA. Department directors are responsible for maintaining a record of work schedules for non-exempt employees. Appropriate coding for hours recorded by employees as worked is coordinated with the Clerk of the Circuit Court and furnished to each department director through administrative procedures.

2. **Exempt Employees**: Due to their exempt, salaried status and the expectation that they are often required to work irregular and extended ~~hours, but~~hours but have the latitude of occasionally being away from their workplace during normal work hours, exempt employees complete work records but do not have to complete a daily record of time worked. For payroll accounting purposes, they will need to record absences charged to employee benefit accounts (i. e., sick, vacation, holiday, etc.). Exempt employees are not required to create time worked records, unless absences are charged to their accrued benefit accounts.

3. **Non-Exempt Employees**: All hours (paid, unpaid or charged to accrual accounts) must be recorded in the County's time and attendance system daily for the non-exempt employee's scheduled work periods. Pay, including overtime pay, is calculated for each workweek and paid (if overtime pay) or credited (if comp. time) to employees on a bi-weekly basis. Non-exempt employees are required to sign their time records, either physically or, where provided, via electronic means.

4. After Payroll has completed processing, original records of time worked are maintained by the Human Resources Department for the appropriate period set by the Florida Division of Archives, History and Records Management. To the extent the County employs an electronic time and attendance system, such records maintenance may be performed electronically with remote access provided with oversight by Human Resources.

5. **Emergency Conditions:** When the Board of County Commissioners formally declares a state of emergency, County employees who perform essential services during the actual emergency declaration period shall, if deemed necessary by the employee's department director (County Attorney for employees of that office), be required to work. Department directors may require employees who perform essential services to work during actual or impending extreme emergency situations or conditions (weather, hazard, etc.), not declared as a "state of emergency" by the Board of County Commissioners.

6. **Emergency Pay Procedures:** The County Administrator is authorized to develop, issue and periodically revise emergency pay procedures outlining the specific conditions to which emergency compensation standards will apply.

E. Salary Basis Compensation Questions

1. It is Manatee County's policy to comply with applicable wage and hour laws and regulations. Accordingly, the County intends that deductions be made from your pay only in circumstances permitted by the Fair Labor Standards Act and the U.S. Department of Labor's rules governing the salary basis for pay for exempt employees. The improper pay deductions specified in 29 C.F.R. §541.602(a) may not be made from the pay of employees subject to the salary basis test.

2. If you have any questions or concerns about your salaried status, or you believe that any deduction has been made from your pay that is inconsistent with your salaried status, you should immediately raise the matter with your department director. If you have raised the matter with your supervisor and it is not resolved within ten (10) business days, or if, for any reason, you are uncomfortable discussing the matter with your director, you must submit your question or concern to the Human Resources Director for review and response.

3. To ensure the County understands your question or concern and is able to conduct a proper review, any such question or concern which seeks the payment of wages allegedly owed must be made using the official HR form approved for that purpose. Any such question or concern must, at a minimum, include employee name, a brief description of the facts related to the question or concern, and the response of the employee's director, if any. The pay period(s) at issue should also be identified. If you are unable due to disability to submit your complaint in writing, a Human Resources representative will assist you in formalizing your question or concern, which you will then be asked to review and sign to ensure its accuracy.

4. The County is committed to investigating and resolving all compensation disputes as promptly, but also as accurately, as possible. Consistent with the U.S. Department of Labor's policy, any question or concern will be responded to within a reasonable time given all the facts and circumstances. If a review of the matter reveals you were subjected to an improper deduction from pay, you will be reimbursed and the County will take whatever action it deems necessary to ensure compliance with the salary basis test in the future.

F. Forms

1. Department directors, in conjunction with the Human Resources Director, are responsible for investigating and ensuring job compliance for all positions (exempt and non-exempt) under applicable federal, state, local, and personnel policy guidelines. Any significant or important changes should be noted on the appropriate position description forms.

2. Changes (i. e., pay, classification, status, etc.) for exempt and non-exempt positions are initiated and approved by processing Pay Assignments and other pertinent forms. Procedures are set through "administrative" guidelines.

3. The Human Resources Director ensures standardization of forms used throughout County departments. These forms are designed, updated and distributed from time to time under direction of the Human Resources Director. To reduce the cost of purchasing, printing and storing paper, and to enhance efficiency, the Human Resources Director shall endeavor to use electronic generation, electronic signatures, and electronic storage and retrieval systems for personnel records whenever possible.

V. CLASSIFICATION AND PAY PLAN

A. General Policies

The Manatee County Board of County Commissioners has authorized appropriate actions be taken for on-going development of the Manatee County Classification and Pay Plans. This includes studies relating to equitable classification categories and pay ranges. The goal of the Board of County Commissioners is to maintain sound plans providing classification and pay structures that are fair, equitable, and systematic compared with other governmental jurisdictions and the private sector. This enhances Manatee County's ability to attract and retain competent employees to provide efficient services to the citizens of Manatee County.

Annually, concurrent with the budget process, the Human Resources Department will examine, by use of staff, consultants and such other resources available, market conditions and comparative wage data for relevant public and private sector employers, and based upon the results of this examination, will make a written recommendation to the County Administrator concerning wage adjustments for the next fiscal year. Based upon this written recommendation concerning the need for market equity adjustments, the County Administrator may propose a budget including funds sufficient to implement such adjustments concurrent with the new fiscal year, and may implement same upon budget approval. Any such overarching market equity adjustments shall be confined by the budget approved by the County Commission for that fiscal year.

Notwithstanding the foregoing, any awarded wage rate increases based upon a merit evaluation system (which system must be set forth in the County's Employee Performance Evaluation Manual) shall be implemented based on the calendar year.

The County Administrator (County Attorney for employees of that Office) is charged with creating classifications and pay plans (subject to annual budgetary approvals by the County Commission), and implementing and periodically revising same as business needs and operating experience dictate.

Manatee County reserves the right to organize itself, and classify and schedule its employees, in the manner deemed most effective and efficient at any given time, based on the needs of the community the County serves, and available County resources. Therefore, while the County will make every attempt to create stable career opportunities and work environments for employees, no County employee has any permanent right to claim any job title, classification, department, pay plan or rate, job description, benefit, schedule, shift, work location, co-worker(s) or any other aspects of the employment relationship other than those required by law to be provided.

B. Administration

1. Recommendations for assignment of authorized positions to classification titles and pay grades and recommendations for changes to existing classification and pay grade assignments are made by the Human Resources Director to the County Administrator for approval and implementation. The County Attorney may, upon consulting with the Human Resources Director, develop and implement such classification titles and pay grades for employees of that office as the County Attorney deems necessary. Such changes for administration or attorney positions shall become effective once approved by the County Administrator or Attorney as the case may be.

2. Recommendations for staffing level changes which will result in an overall increase in the number of authorized employees under the County Administrator (County Attorney for employees of that Office) or for which an increase in the overall operating budget is sought shall be submitted to the Board of County Commissioners for approval. Staffing level reductions, or any transfer or reassignment of one or more County staff, either within or between departments, may be performed administratively by the County Administrator (County Attorney for employees of that Office).

C. Application

1. General

a. Notwithstanding any other provision of this Policy, no employee may receive any pay rate increase (other than for temporary duty performance) which would cause such employee to be compensated in excess of the maximum of the pay range established for the position such employee holds.

b. Requests that are different from the parameters provided in Section V. of this Policy may be considered under extenuating circumstances. Such requests must be submitted, with appropriate justification, by the department director to the Human Resources Director who shall approve or decline such requests. The County Attorney shall have authority to establish salary increase rates as that official deems appropriate for employees of that office within the authorized budget.

c. An applicant or employee should not be promised pay or conditions that are outside the parameters of the Policy, unless authorized through the approval process (as outlined in b. above.) Any terms or conditions of employment, including but not limited to departures from established pay rates, moving expenses, hiring bonuses, unique leave accrual rates, or transfer of unpaid leave balances or time in service, must, to be effective, be included in the written conditional offer of employment presented to the candidate by the County. Any other promises or representations made to a candidate not included in the conditional offer of employment shall not be valid or enforceable against the County.

2. New Hire Employment

a. Initial employment in a classified position may be paid at any rate agreed to between the County and an applicant. In establishing a pay rate offer, department director shall consider grant/program funding levels, current budgetary allocations and projected expenditures within the department, labor market conditions, equity and compression issues within the department, as well as candidate qualifications. Prior to extending an offer to a candidate which exceeds the mid-point of the pay range, the department must be able to provide appropriate justification to the Human Resources Director. The Human Resources Director shall review all proposed offers and, where an offer is in excess of the mid-point of the pay range established for the position, shall make a recommendation to the County Administrator as to whether the proposed offer should be approved or denied. Employees of the County Attorney's Office shall have initial rates of pay as are assigned by the County Attorney upon hire.

3. Promotions

a. *Advertised Promotion* occurs when a current employee is selected through open competition for a position in a higher classification. Subject to available resources and market conditions, employees promoted as a result of advertising to a classification in a higher pay grade, the following pay guidelines will be applied:

(1) up to 5% increase above minimum of the new pay grade or current compensation, whichever is greater, for one (1) pay grade increase, or

(2) up to 7.5% increase above minimum of the new pay grade or current compensation,

whichever is greater, for two (2) pay grade increase, or

(3) up to 10% increase above minimum of the new pay grade or current compensation, whichever is greater, for three (3) or more pay grade increase, or

(4) department directors may request higher increases than what is listed in paragraphs (1), (2), and (3) for extenuating circumstances, but may not offer higher increases to an employee prior to the Human Resources Director's (or County Attorney's review for employees of that office), review and approval of the written documentation supporting the request. A promotion from non-exempt status to exempt status will be considered as one (1) pay grade increase.

b. Internal Promotion occurs when a qualified employee is placed in a higher position without advertising. Requests for internal promotions must be submitted to the Human Resources Director by the department director with explicit support documentation (i. e., employee meets job requirements, will not create equity or other issues with other employees, is in the employee's career path, employee is already performing duties, and is in the best interest of the County). The Human Resources Director (County Attorney for employees of that office) shall either approve or deny the request. Pay guidelines are the same as outlined in V.C.3.a. above (Note: External recruitment helps build strong workforces. Therefore, positions below director level should usually be advertised. Internal promotions without first advertising should only be considered in unusual circumstances, such as recruitment difficulty, departmental health/safety criteria dictates an immediate need to fill an~~,~~ internal candidate with extraordinary skills or background, etc.)

4. Demotions (Changes to Lower Classifications)

a. When an employee is demoted for any reason, the employee is requested to sign a statement of understanding, acknowledging the demotion and rate of pay. (Signing this document does not mean that the employee agrees or disagrees with the action, only that he/she received notice of it). This acknowledgment is attached to the demotion paperwork sent to Human Resources Department for processing.

b. Demotions may occur for various reasons, including, but not limited to, disciplinary, reassignment, reorganization, employee requested, when an employee applies through open competition, or performance related matters. In the event of a demotion, whether voluntary or involuntary, the employee's rate of pay may be adjusted to reflect the duties and responsibilities of the new position.

c. Compensation adjustments resulting from demotions are not automatic and will be determined on a case-by-case basis. Factors considered in setting the revised rate of pay may include, but not limited to, internal equity, budgetary constraints, nature and reason for the demotion, pay range of the new position, and organizational impact and operational needs. This is subject to approval by the Human Resources Director (County Attorney for employees of that office).

5. Temporary Assignments

a. Acting Status. Employees temporarily assigned to perform all duties of a higher-level

position shall be placed in acting status and receive additional compensation during the assignment at the pay rate of the acting position, as determined by county administration. Acting status is applicable when the employee is expected to be assigned to the higher-level duties for a minimum period of thirty (30) day. The assignment must be appropriately documented by the department director and approved by the Human Resources Director (County Attorney for employees of that office). Acting status assignments must be reassessed at least every one hundred twenty (120) days. Regular salary adjustments are granted during temporary assignments and shall be applied to the employee's non-acting pay rate. Upon expiration of the acting status, the employee's pay rate will return to the same level it was prior to entering into acting status but increased by any regular salary adjustments which occurred during that period. An employee may not be placed in acting status unless that employee meets the minimum qualifications of the higher level position.

b. Additional Duties. Employees temporarily assigned by their directors to perform additional duties while continuing to perform their regular duties may, upon request of the department director and approval by the Human Resources Director (County Attorney for employees of that office), be eligible to receive additional compensation over their current pay rate consistent with Section IV.C.3.g and Section V.C.3.a., above. Criteria for additional duty pay may include extraordinary working conditions, assuming all duties of a vacant position, or covering all responsibilities during another employee's extended leave of absence. Additional ~~temporary~~ duties must be reassessed at least every one hundred twenty (120) days. Regular salary adjustments are granted during ~~temporary~~ additional duty status and shall be applied to the employee's non-~~temporary~~ additional duty pay rate. Upon expiration of the ~~temporary~~ additional duties status, the employee's pay rate will return to the same level it was prior to assignment of the additional ~~temporary~~ duties. Alternative forms of compensation for the performance of additional duties may be developed by the County Administrator from time to time and may be utilized in lieu of the rate enhancement provided for above.

c. Skill-Based Duty Requirements. In certain circumstances, an employee may be called upon to regularly perform some additional duty not part of the normal duties of the position he/she holds. If a department director (County Attorney for employees of that office) determines in writing that an employee regularly must perform such an additional duty, and that requirement has a significant impact on the employee's ability to perform his/her regular duties, the director may request an additional pay supplement for the employee. Any such supplement shall be established as a flat rate or percentage of wage, shall be market validated by the Human Resources Department, and shall only be paid so long as the director certifies that the employee must regularly utilize the skill. The Human Resources Department will develop, maintain, and regularly validate and update a list of skills covered by this policy.

d. Temporary pay assignments shall coincide with the pay period beginning and ending dates.

6. Reclassifications and Reorganizations

Market factors, evolving priorities, evolutions in equipment and materials, employee input, grant funding, or changing organizational needs may cause a particular position classification within the County to become subject to change. The County continually evaluates these

factors against classified positions accordingly and at times determines, where the position is not wholly eliminated, to re-classify and/or reassign one or a group of positions to better serve the needs of the County and its citizens. Such reclassifications/reassignments can be minor or significant, and may result in enhancing one or more positions and related duties and requirements, or decreasing duties and requirements. Such reclassifications/reorganizations are solely within the discretion of the County and no employee possesses any right or expectation to hold or keep any one position or set of duties. To ensure compliance with any applicable personnel policies or regulations, requests for reclassifications must be submitted by a department director in writing with supporting justification to the Human Resources Department which shall review and comment upon all reclassifications or reorganization requests regardless of number of employees involved. Every possible scenario cannot be described in a general policy document such as this Manual. However, in an effort to inform employees of the outcomes of common reclassification decisions, the following examples are provided:

a. Employees reclassified to higher pay grades shall be compensated based upon the County's assessment of the factors set forth in subsection (c) below, and such compensation changes shall take effect on the first pay period after the effective date of the reclassification.

b. In circumstances where an employee's position is downgraded based upon reorganization, market study, individual job analysis or other similar non-disciplinary reason, the employee will not normally have their pay rate reduced, though their pay grade may be reduced, based upon the County's assessment of the factors set forth in subsection (c) below.

c. In reaching any decisions regarding the establishment of reclassifications and accompanying pay grades and rates, the County will consider various factors including, but not limited to, individual experience and years of service, individual work/discipline records, current compensation and where same falls within a new pay range, equity between and among similarly-situated positions and incumbent employees, market factors, established career ladders and budgetary constraints.

7. Career Ladder Classification Changes

a. Employees whose positions are upgraded through a career ladder as a result of achievement of prerequisites such as licenses/certifications (i. e., W/WW Plant Operators, Utilities Maintenance Technicians, Fleet Maintenance Technicians, etc.) or training shall be compensated as set forth in the approved career ladder plan or otherwise as outlined in Section V.C.3.a. above. Safety sensitive career ladder advancement will be subject to drug testing (See Section XX.B.1.b). The appropriate documentation must be submitted by the department director to the Human Resources Department and is subject to approval by the Human Resources Director (County Attorney for employees of that office).

b. The initial placement of employees into appropriate classifications within a career ladder will be determined by their qualifications at the time of placement. Wage rate adjustments (increases or decreases) may accompany the initial placement of employees into a newly-established career ladder where, in the County's judgment, such adjustments are required to address unusual circumstances surrounding employee tenure or equitable initial treatment of similarly-situated employees. Such adjustments would be subject to final

approval of the Human Resources Director (County Attorney for employees of that office). Once a career ladder has been instituted and incumbent employees have been initially placed therein, no further adjustments will be instituted and all subsequent new hires, transfers or promotions into positions covered by a ladder will have a wage rate set according to the terms of that ladder.

8. Transfers~~/Lateral Transfers~~

Employees may be transferred to vacant positions with the same job title ~~(transfer)~~ or within the same pay grade, different job title ~~(lateral transfer)~~ without advertising, if appropriate justification is provided and the request is authorized by the department director, approved by the Human Resources Director and future department director (or County Attorney for employees of that office) if transfer is to another department. Any pay adjustments will be determined on a case-by-case basis. Factors considered in setting a revised rate of pay may include education, experience, internal equity, and organizational impact and operational needs. This is subject to approval by the Human Resources Director (County Attorney for employees of that office).

9. Permanent Additional Duties

Where an employee is permanently assigned significant additional duties not warranting a reclassification of their position, the employee's director shall work with the Human Resources Director to conduct a compensation analysis and determine a suitable wage rate increase.

10. Equity Pay Adjustment

a. An equity pay adjustment is a salary increase or change made to address discrepancies in pay between employees performing similar work or with similar experience, skills, and responsibilities.

b. Equity pay adjustments are granted to maintain fair and equitable treatment of employees.

c. Requests for equity pay adjustments may be submitted, with appropriate justification, by the department director to the Human Resources Director (County Attorney for employees of that office), for review and approval.

11. Retroactive Pay Adjustments

Retroactive pay adjustments may be considered under exceptional circumstances (such as where an employee performed assigned duties but due to accounting/recordkeeping error was not paid or where a pay-increasing certification was earned but unknown to the County). If a department director requests retroactive payment for an action, a written request must be submitted to the Human Resources Director for consideration. If approved by the Human Resources Director (County Attorney for employees of that office), the amount of retroactive compensation will be determined by the Human Resources Department and the Payroll Division of the Clerk of the Circuit Court and Comptroller. (NOTE: Nothing herein should be interpreted as authorizing any employee to be paid for work which was not authorized to be performed by the County. Employees performing unauthorized work shall be subject to disciplinary action). To the extent the adjustment results in a deduction from pay for wrongly-paid compensation, any such deduction shall not result in an employee being paid

less than the established minimum wage for any given pay period.

12. Pay for Performance

In addition to any general wage adjustment that the County Commission may from time to time adopt, the County Administrator (County Attorney for employees of that office) is authorized to administratively develop and implement a compensation program which includes variable wage increases linked to job performance. Such program may distinguish between exempt professional and managerial classifications, and full and part-time hourly compensated employees. Any such program shall be based upon quantifiable measures of performance and shall be designed and administered so as to ensure discrimination, favoritism or inconsistent application of eligibility criteria do not occur. To the extent the County Administrator (County Attorney for employees of that office) desires to grant lump sum bonuses in lieu of a performance-based wage increase, these shall be paid only in accordance with Resolution 09-20 as adopted by the County Commission. Nothing herein shall be interpreted as creating any requirement to develop or budget funds for pay for performance programs or policies, nor as creating an entitlement on the part of any employee to receive same.

VI. HOLIDAYS

A. Administration

The following is offered as a guideline and is not considered to be all inclusive. The "Manatee County Government Holiday Pay Procedures" are published separately.

1. Paid holidays are a Manatee County Regular employee benefit. OPS (temporary) employees are not eligible for paid holidays.
2. They may not be accrued for future use, and holiday hours taken shall not count as hours worked for any purpose other than FMLA eligibility.
3. Employees are assigned by work schedule to either the ACTUAL Holiday Calendar or the OBSERVED Holiday Calendar.
4. A holiday must be taken in one (1) ~~work day~~workday.
5. When a County observed holiday occurs during an approved leave of absence with pay (i. e., vacation, sick, compensatory, military, bereavement, etc.), and the appropriate leave is identified on the timecard, the employee will be paid for the holiday. (The holiday is coded as "holiday" on the timecard.)
6. An employee who is not on an approved leave of absence and is absent from work on the day preceding or the day following a County observed holiday is required by the department director to explain the absence. If the absence is approved, appropriate accrued balances will be charged on the timecard. If the absence is not approved, or if the employee has no appropriate accrued balances to be charged, the employee is not paid for the unapproved absence, nor for the holiday, and may also be subject to discipline.
7. When an employee is scheduled to work on a County observed holiday and fails to report for duty, the employee shall not be paid for the holiday and may be subject to discipline.
8. When a County observed holiday occurs during a leave of absence without pay, i.e., FMLA, Suspension, Military Leave/Call, or with no accrued leave balances, etc., the employee will not be paid for the holiday.
9. When a County observed holiday occurs within a period of Workers' Compensation benefit pay, holiday hours shall be paid to bring the employee's pay to 100 percent pay status for that day.
10. When a holiday falls on a Saturday, it is observed on the preceding Friday. When a holiday falls on a Sunday, it is observed on the following Monday, except as may be determined otherwise by the County Administrator.
11. When a holiday falls outside of an employee's regular work schedule, the employee will be paid straight time for the holiday at 8 hours multiplied by the full-time equivalent (FTE). These hours will not be subject to overtime consideration or count as hours worked for any purpose.

B. Listing of Holidays

Holidays recognized are as follows:

1. New Year's Day - January 1
2. Martin Luther King Jr's Birthday - Third Monday in January
3. President's Day - Third Monday in February
4. Good Friday – The Friday before Easter Sunday
5. Memorial Day - The last Monday in May
6. Independence Day - July 4
7. Labor Day - First Monday in September
8. Veteran's Day - November 11
9. Thanksgiving Day - Fourth Thursday in November
10. Friday After Thanksgiving Day
11. Christmas Day - December 25
12. Day before or after Christmas (determined annually by the County Administrator, [County Attorney for employees of that office] for Departments under his/her jurisdiction).
13. Employees under the jurisdiction of the Court Administrator will recognize holidays only under the Court Administrator's holiday calendar.
14. Personal Holiday(s)
    a. Personal holidays, the number of which are set by the County Commission from time to time, and awarded during a calendar year, are to be taken during the year in which they are award.
    b. Personal holidays must be used by December 31 in the calendar year in which they are awarded and cannot be carried over into the next calendar year.
    c. OPS (temporary) employees are not eligible for personal holidays.
    d. Since daily scheduled work hours can vary depending on an employee's status and job assignment, the number of hours to be paid as a personal holiday must be equal to the number of regular work hours scheduled for that day. Personal holiday hours used do not count as hours worked for any purpose unless otherwise specified in a collective bargaining agreement.
    e. While on unpaid leaves of absence employees are ineligible to use a personal holiday.
    f. Notwithstanding the availability of personal holidays to employees, advanced permission to use a personal holiday must be obtained, and the department director has the sole discretion to allow a personal holiday to be used on any particular day, or to rescind a prior approval where the needs of the County so require.

g. Personal holidays are not eligible for conversion or payment, such as pay in lieu, under any section set forth in this Manual.

h. Personal holidays may not be used on or after the date an employee provides notice of intent to separate from County employment. Employees who separate from County employment and are rehired within the same calendar year are ineligible to use a personal holiday if it was used prior to separation.

VII. LEAVES OF ABSENCE

A. Vacation Leave

1. Full-time and part-time employees who fill established positions earn Vacation Leave credits. For health and well-being purposes, employees are encouraged to use their vacation leave each year and it is recommended that supervisors ensure employees are given that opportunity. Vacation Leave taken for purposes which qualify for FMLA coverage will be designated as FMLA Vacation Leave. Scheduling preference (where such decisions become required such as traditional holiday seasonal request increases) will be made by the department director based upon the operational needs and efficiencies of the department, seniority, timing of request, and any other factors which the department director deems appropriate.
2. Employees who are hired by Manatee County from another Manatee County Constitutional Officer may, at the option of the hiring department director, transfer a portion or all of their time in service and their unpaid vacation balance to the County.
3. Employees may only begin a new calendar year with a maximum of 400 vacation leave hours, accruals of which are tracked by the calendar year. If an employee's vacation leave balance exceeds its maximum by end of calendar year (inclusive of pay period containing the end of the calendar year), excess hours will be transferred to sick leave account in the first pay period of the new calendar year unless otherwise approved under Section VII.A.8. Employees earn vacation leave according to the following tables:

*** 80 Scheduled Work Hours Per Pay Period**		
Period of Continuous Employment	Hours of Leave Earned Bi-Weekly/Annually	Maximum End of Year Hours
0 to End of 5 Years	5 Hours/130 Hours	400 Hours
6th to End of 10 Years	6 Hours/156 Hours	400 Hours
11th to Termination	7 Hours/182 Hours	400 Hours

***Applies to employees regularly scheduled to work 8 hours per day/40 hours per week. (Part-time employees accrue on a pro-rata basis.)**

**** 84 Scheduled Hours Per Pay Period**		
Period of Continuous Employment	Hours of Leave Earned Bi-Weekly/Annually	Maximum End of Year Hours
0 to End of 5 Years	5.71 Hours/148.50 Hours	400 Hours
6th to End of 10 Years	6.76 Hours/175.80 Hours	400 Hours
11th to Termination	7.81 Hours/203.10 Hours	400 Hours

****Applies to employees regularly scheduled to work rotating 12-hour shifts.**
(Effective 8/3/2019)

NOTE: When hours paid are less than the scheduled hours, the hours accrued are a pro-rata of the designated accrual rate. (Example: Scheduled hours 80, paid hours 60, accrual rate 5.00 hours; would be calculated as 60 divided by 80 = .75 X 5.00 = 3.75 hours accrued).

4. Vacation leave for nonexempt employees (which should generally be scheduled no less than three (3) workdays in advance), regardless of whether such leave is used for actual vacation or other purposes such as FMLA absence, court appearance, etc., will not be counted as hours worked towards overtime (including premium pay differentials, if applicable).

5. Approved vacation leave will be paid in accordance with the number of hours regularly scheduled to work that day. Employees taking less than a full ~~work day~~workday shall be paid vacation hour for hour.

6. Employees shall forfeit all vacation payouts under this section if employment terminates because the employee:

   a. Has been found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement or theft from the employee's employer or bribery in connection with the employment; or

   b. Has been terminated by reason of the employee having admitted to committing, aiding, or abetting an embezzlement or theft from his or her employer or by reason of bribery; or

   c. Prior to termination or retirement, is found guilty of, or adjudged by a court of competent jurisdiction to have violated any state law against strikes by public employees; or

   d. Was terminated for the commission of any felony with the intent to defraud the public or a public agency of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position.

   e. The forfeiture of leave payout pursuant to this policy is supplemental to any other forfeiture requirements related to public officers or employees provided by law.

   f. Forfeiture shall also occur where the employee resigns from employment after having been charged by the County or other law enforcement authority with any of the above acts but prior to having been terminated.

7. Use of vacation leave credits cannot be authorized prior to the time they are earned and credited. Vacation leave hours are used only with approval from the department director or designee.

8. At the end of the last pay period in the calendar year, the vacation leave account is audited. Vacation leave in excess of 400 hours is transferred to the employee's sick leave account on an hour-for-hour basis. Under extenuating circumstances, an exception may be granted to carry over excess annual leave. Exceptions must meet the following criteria:

   a. The “Excess Vacation Leave Carry-Over Request Form" (HR Form 153) must be documented with explicit extenuating reasons and must be endorsed by the Human Resources Director and approved by the County Administrator (County Attorney for

employees of that office), and

b. The employee shall not be approved for the carry-over of excess vacation leave unless he/she has first taken ten (10) workdays (need not be consecutive) of vacation leave during the calendar year for which the request applies.

9. If an employee becomes sick/injured (personal illness/injury only) during approved vacation leave, the leave hours may be adjusted only if the time record has not been processed by Payroll and, if applicable, where acceptable FMLA certification has been submitted.

10. Unused vacation time, up to 400 hours, shall be paid when an employee ends employment with Manatee County, subject to the provisions of Section VII.A.6. However, to the extent an employee, upon enrolling in the Florida Retirement System's Deferred Retirement Option Program, elects to receive a vacation leave payout under state administrative rules, such payout shall count toward the total 400 hours payout provided for herein.

11. Sick Leave accruals cannot be used or paid out as vacation leave.

12. Notwithstanding any provision of this Policy referring to "calendar year," accruals of leave balances shall be governed by the County's adopted payroll tracking system, and may be calculated by the payroll calendar year used by that system.

B. Sick Leave

NOTE: Family and Medical Leave Act (FMLA) will be considered and, if applicable, will run concurrently with Sick Leave. (See FMLA Section: VII.L.)

1. Full-time and part-time employees who fill established positions earn Sick Leave credits each bi-weekly pay period based on a maximum of 80 paid hours (pro-rated if less than 80). Tracking of sick leave accruals is by the calendar year. The accrual rate for regular employees is five hundredths (.05) of an hour for each hour paid up to a maximum of 80 hours (.07 for Emergency Medical Services employees on 24/48 hour shifts). (Examples: 80 paid hrs. x .05 = 4 hrs.; 60 paid hrs. x .05 = 3 hrs.; EMS 80 paid hrs. x .07 = 5.6 hrs., etc.).

2. Employees using sick leave are paid at the hourly rate in effect at the time the approved sick leave is taken, but such leave used shall not count as hours worked for any purpose other than FMLA eligibility.

3. During leaves of absence with pay, employees continue to earn sick leave credits (with the exception of employees drawing hours from the Sick Leave Bank or Long Term Disability).

4. Full-time and part-time employees who fill established positions may accumulate unlimited sick leave credits. OPS employees are not eligible for paid sick leave.

5. Sick leave earned during any pay period is credited to the employee on the last day of that pay period. In the case of employment termination, it is credited on the last day the employee is on the payroll.

6. Use of sick leave credits cannot be authorized prior to being earned and credited, and used only with approval from the Department Director or designee, who may require sufficient and specific medical documentation of the need for leave prior to authorizing sick leave pay. Sick leave pay may be denied to any employee who fails to provide requested documentation.

7. Sick leave hours are charged to an employee's sick leave account. If accumulated sick leave is exhausted, the employee may request through the appropriate departmental authority to use vacation, compensatory time, or personal holiday (may be used only as a whole day) leave to cover remainder of the absence. The employee may also, if eligible, be considered for the Sick Leave Bank. (See Section VII.B.13.) After all accrued leaves of absence are exhausted, the employee may request, through the appropriate departmental authority, to be considered for a leave of absence without pay. (See Section VII.J.)

8. Sick leave can be authorized for the following purposes:

   a. Personal Sick Leave

      Personal Sick Leave is for an employee's personal medical appointments, illness, injury, or exposure to a contagious disease which could endanger other employees. Any sick leave credits used for these reasons are authorized in accordance with provisions of Section VII.B.9. For purposes of this Policy, personal illness includes complications in pregnancy, miscarriage, childbirth, and recovery from these. With prior approval, eligible employees may attend personal medical related appointments when it is not possible to arrange for appointments during off duty hours. If there is question that an employee may be abusing personal medical related appointments, the department may require verification of appointment. Note: Medical Attention - In accordance with 29 C.F.R., § 785.43, and Section IV.B.6, time spent by an employee in waiting for and receiving non-elective

medical attention (with the exception of worker compensation-related visits) on the premises or at the direction of the employer during the employee's normal working hours on days when he or she is working constitutes hours worked.

b. Family Sick Leave

Family Sick Leave may be used to cover illness, injury or checkups (annual physicals, dental checkups, etc.) for an employee's immediate family (see definition for "immediate family" below). In approving use of sick leave, the department director may require certification of the family member's illness/injury from the attending physician. (Note: Family Sick Leave also includes paternity leave for fathers, prior to or immediately following birth of their child.)

c. Definition of Immediate Family

For the purpose of administering this type of leave, "Immediate Family" is defined as the employee's spouse, child (defined as biological, adopted, foster child, or stepchild), grandchild, parent, step-parent, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, brother, sister, half-brother, half-sister, step-brother, or step-sister. The definition also includes an individual for whom the employee is the legal guardian, and any other family member of the employee or of the employee's spouse who was a full-time resident in the employee's household immediately preceding the illness.

9. The employee has the responsibility of notifying his/her supervisor or other designated personnel when sick leave absence is necessary. This notification should be given prior to the absence, if possible, or as soon as possible on the first day of absence. Upon request, an employee may be permitted to use sick leave credits if the following procedures are followed:

   a. Prior to authorizing an employee to use sick leave credits, the department director may require the employee to certify that the absence is for reasons outlined in this Policy.

   b. After three (3) consecutive workdays (regardless of number of scheduled hours in any workday) of sick leave absence, the employee shall be required to provide medical certification from a certified health care provider before being authorized to use additional sick leave credits, unless deemed unnecessary by the department director based upon facts already known.

   c. Employees may be required to report periodically (no more often than seven (7) calendar day intervals) on the status of their sick leave and intent to return to work, and may be required to submit (no more often than thirty (30) day intervals) medical certification/re-certification from a certified health care provider if their sick leave continues.

   d. Employees may be required to convalesce at a specific location, such as a health care facility or at home where deemed necessary by the department director to prevent abuse of sick leave.

   e. Upon returning to work following a long-term illness or injury, an employee may be required to provide medical certification from a certified health care provider showing he/she is safely able to perform the essential functions of his/her job with or without reasonable accommodation.

10. An employee who refuses to comply with the above stated requirements is not eligible to use sick leave credits. Any unapproved absence from work will be considered unauthorized and may subject the employee to disciplinary action in accordance with the provisions of Section XI. of this Policy.

11. Employees providing written documentation from a certified health care provider indicating that the employee is unable to perform regular job duties due to an accident, illness, or medically related reason, with the approval of the department director, may be placed on light duty status or assigned to perform other temporary duties which will not be prohibited by the condition during recuperation, within the following guidelines:

    a. The employee's hourly rate of pay remains the same, including personnel working non-standard schedules (such as 24/48 shifts).

    b. If requested by the employer, the employee submits to a physical examination by a certified health care provider (selected and paid for by the department) prior to approval (or continuation) of the temporary status. Failure to comply could result in denial of use of further sick leave.

    c. The temporary status may be approved by the department director for a period not to exceed three (3) consecutive months.

    d. Requests to remain in the temporary status in excess of the three-month period must be authorized by the County Administrator (County Attorney for employees of that office). Such requests will only be considered under exceptional circumstances.

    e. Approval of temporary light duty is in the sole discretion of the County and is conditioned upon the availability of budgeted payroll funds to pay the employee and/or temporary workers at the same time, the disruption which may be caused to other workers in the workplace, the needs of the department, and the availability of bona fide light duty work to be done.

    f. With documentation from a certified health care provider stating the employee may return to regular, unrestricted, full duty status, the employee will resume his/her regular position.

    g. When approved to return to regular, unrestricted, full duty status, failure by the employee to do so could result in termination of employment under Section XI. of the Policy.

    h. Approval of temporary light duty does not signify the County's agreement that the employee is a qualified individual with a disability under the Americans with Disabilities Act ("ADA") or the Rehabilitation Act, or that the employee is covered by the terms of the FMLA, or abrogate any defense that the County may have under the civil rights laws.

    i. Employees who are determined to be unable to perform the essential functions of their job may either request a reasonable accommodation under Section IX.E, or where no accommodation is available, be referred to the Alternate Employment Program under Section IX.F.

12. Sick Leave Bank

a. The Sick Leave Bank Program is intended to provide a source of extended income to qualified member employees who have exhausted all paid leave and due to a disabling illness or injury remain unable to return to work. Certification from a healthcare provider may be required to establish eligibility. The Sick Leave Bank Program shall cover illness or injury of the member only and will not provide benefits for members being paid by a long term disability policy, or for absences due to family illness or injury, self-inflicted injuries, injuries covered by the worker compensation law (including secondary employment). The Sick Leave Bank program is administered by the Human Resources Department pursuant to administrative rules.

b. The Human Resources Department is authorized to develop and periodically revise administrative rules and related forms to administer the Sick Leave Bank. All administrative procedures shall be published to employees on the County's I net and any other reasonable means.

c. The Sick Leave Bank shall be funded by voluntary contributions of hours by qualified member employees. Employees may join or resign from the Sick Leave Bank at any time. However, any contributed hours made by a member who resigns from the program, or who otherwise separates from employment with the County, shall remain in the bank and shall not be reimbursed to or paid to the resigned or separated member.

13. Payment of Unused Sick Leave

NOTE: Payment for unused sick leave balances for contract employees will be in accordance with the contract in effect at the time of separation.

a. Employees with continuous service who leave County employment, and qualify to receive payment of unused sick leave credits, may be paid a percentage of their existing sick leave balance in accordance with the table shown below, with a lifetime maximum of 500 hours:

Less than 5 Years of Service	0%	10 Years of Service	40%
5 Years of Service	30%	11 Years of Service	42%
6 Years of Service	32%	12 Years of Service	44%
7 Years of Service	34%	13 Years of Service	46%
8 Years of Service	36%	14 Years of Service	48%
9 Years of Service	38%	15 Years of Service or More	50%

b. Employees who are rehired by Manatee County Board of County Commissioners after having previously worked for the Board are not entitled to receive credit for unpaid sick leave hours related to the previous period of employment.

c. Employees who are hired by the Manatee County Board of County Commissioners from another Manatee County Constitutional Officer may, at the option of the hiring department director, transfer a portion or all of their time in service and their sick leave balance (with no sick leave payout) to the Board.

d. Payment of unused sick leave credit is paid in a lump sum at the regular hourly rate in effect at the time of separation. This payment is not considered as salary in determining the average final compensation of an employee in the State administered retirement system. There is a lifetime maximum payout of 500 sick leave hours for all eligible employees.

e. Employees shall forfeit all sick leave payouts under this section if employment terminates because the employee:

(1) Has been found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement or theft from the employee's employer or bribery in connection with the employment; or

(2) Has been terminated by reason of the employee having admitted to committing, aiding, or abetting an embezzlement or theft from his or her employer or by reason of bribery; or

(3) Is adjudged by a court of competent jurisdiction to have violated any state law against strikes by public employees; or

(4) Has been found guilty by a court of competent jurisdiction of violating any state law prohibiting strikes by public employees; or

(5) Was terminated for having committed any felony with the intent to defraud the public or a public agency of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position.

(6) The forfeiture of leave payout pursuant to this policy is supplemental to any other forfeiture requirements related to public officers or employees provided by law.

(7) Forfeiture shall also occur where the employee resigns from employment after having been charged by the County or other law enforcement authority with any of the above acts but prior to having been terminated.

14. Notwithstanding any provision of this Policy referring to “calendar year,” accruals of leave balances shall be governed by the County’s adopted payroll tracking system, and may be calculated by the payroll calendar year used by that system.

C. Manatee Thrives Leave

1. Manatee Thrives is an annual employee wellbeing incentive program intended to encourage participation in activities across the five (5) components of the employee wellbeing wheel: physical, emotional, financial, community, and career.

~~2. Participation is available to employees who are not serving an initial probationary period. Employees on disciplinary probation are ineligible to earn awards under this section.~~

~~3.~~2. The program operates on a calendar-year basis. Employees may complete approved activities in each component to earn points. Points must be earned within the calendar year to qualify for awards in that year.

~~4.~~3. First Award. Employees who earn at least 100 points in each of the five (5) components, for a total of 500 points, will receive an additional eight (8) hours of vacation leave (twelve (12) hours for employees regularly scheduled on 12-hour shifts; twenty-four (24) hours for EMS employees regularly scheduled on 24-hour shifts). The leave will be awarded the first pay period following verification that the threshold has been met.

~~5.~~4. Second Award. Employees who earn at least 300 points in each of the five (5) components, for a total of 1,500 points, will receive an additional eight (8) hours of vacation leave (twelve (12) hours for employees regularly scheduled on 12-hour shifts; twenty-four (24) hours for EMS employees regularly scheduled on 24-hour shifts). The leave will be awarded the first pay period following verification that the threshold has been met. Points earned to achieve the first award threshold count toward the second award threshold.

5. Awards for regular part-time employees are prorated based on the employee's regular scheduled hours.

6. Employees on disciplinary probation are ineligible to earn awards under this section. OPS employees are not eligible to earn awards under this section.

7. The Human Resources Department will publish the list of eligible activities and their point values, the documentation required for credit, and the method for submitting completion. Human Resources will verify points and determine whether thresholds have been met.

8. Vacation hours awarded under this section are subject to all rules governing vacation leave usage, scheduling, approval, and expiration as stated in Section VII-A, including department director approval based on operational needs.

9. The Human Resources Director is responsible for administration of the program, including establishing procedures, resolving eligibility or documentation questions, and making necessary adjustments to activities and point values to maintain program integrity and operational feasibility.

D. Bereavement Leave

1. Paid leave may be authorized for probationary and regular employees (OPS employees are ineligible) who have a death in their immediate family (see 2. below). The following procedures apply:

   a. Bereavement leave may be authorized (excluding holidays if scheduled to work the holiday) for up to 3 scheduled ~~work day~~workdays with the exception of EMS 24/48 hour employees, who may be authorized to receive up to two shifts (not to exceed 48 hours) and 12 hour shift employees may be authorized to receive up to three shifts not to exceed 36 hours.

   b. Bereavement leave is separate and distinct from other types of leave and is not chargeable to any accrued leave balance (i.e., sick, vacation, etc.). Bereavement leave does not count as hours worked towards overtime.

   c. In the event a family death occurs during an employee's approved sick, vacation or compensatory time leave, the time missed due to the death may be designated as bereavement leave, if eligible. The actual leave account charged (i. e., sick, vacation, etc.) can be adjusted through a request from the department director to the Human Resources Director (HR Form 131).

   d. Bereavement leave is paid in accordance with scheduled workdays for the number of hours scheduled to work that day.

2. Definition of Immediate Family

   For the purpose of administering this type of leave, "Immediate Family" is defined as the employee's spouse, child (defined as biological, adopted, foster child, or stepchild), grandchild, parent, step-parent, mother-in law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, brother, sister, half-brother, half-sister, step-brother, or step-sister. The definition also includes an individual for whom the employee is the legal guardian, and any other family member of the employee or of the employee's spouse who was a full-time resident in the employee's household immediately preceding the death.

3. Proof of Purpose of Leave

   Validation of the request is left to the discretion of the employee's department director.

E. Military Leave

1. For purposes of interpreting this Section, the general term "Military Leave" includes both Military Leave, as provided for in subsection (2) below, and Military Call, as provided for in subsection (3) below.

2. **Military Leave**: In accordance with Chapter 115, Florida Statutes, County employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or a member of the National Guard, shall, upon presentation of a copy of the employee's official orders, be granted military leave on all days during which the employee is ordered to active duty or inactive duty for training. Such employees shall not be required to work or use accrued personal leave on any day during which they are engaged in training under official orders. Whether continuous or intermittent, such leave with pay may not exceed 240 working hours in any one annual period beginning January 1 and ending December 31. Administrative leaves of absence for additional or longer periods of time for assignment to duty functions of a military character, including assignments under applicable FEMA or USERRA regulations, shall be without pay unless required by federal law.

3. **Military Call:** County employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard, who are ordered to active military duty shall, upon presentation of a copy of the employee's official orders, be granted military leave beginning with the day ordered to duty and ending up to 31 days after the date of release from the military service or from hospitalization continuing after discharge, unless a longer period is required by the FMLA. The first thirty (30) calendar days of such leave shall be with full pay. (Note: Employees would only be compensated for scheduled workdays during this 30-day period.)

4. Scheduled workdays for which Military Leave is taken under the rules outlined in subsections (2) and (3) above will be compensated as Military Leave or Military Call (as applicable) and will not count towards overtime. If an employee approved for Military Leave is scheduled to work a shift which qualifies for premium pay differential, Military Leave hours will be compensated at the appropriate premium pay differential rate.

5. Employees requesting Military Leave shall furnish the department director with competent orders from the appropriate military command as valid evidence of such duty status. These orders shall be kept in the employee's departmental personnel file. Since "competent orders" are not always defined or consistent, department directors should consult with the Human Resources Department for guidance.

6. Any absence in excess of the limits set in subsections (2) and (3) above may, upon request by the employee and approval by the appropriate supervisor, be covered by accrued vacation leave, accrued comp. time or personal holiday. If not requested by the employee or approved by the appropriate supervisor as vacation, comp. time, or personal holiday, such absences in excess of the limits shall be approved as military leave without pay. However, such leave shall be without loss of seniority, time or efficiency rating. Should any portion of the leave be paid leave, the employee shall be entitled to accumulate all benefits granted under paid leave status.

7. Manatee County employees called to active military service will not be discharged, reprimanded, or in any other way penalized because of their absence due to such service. The employee's position may be filled by another employee with substitute or temporary

status. Upon separation from the military service, the employee shall be eligible to return to the former position held or a different position in the same class in the same geographic location.

8. **Veteran's Leave:** A County employee filling a regularly established position and who has been rated by the United States Department of Veterans Affairs or its predecessors to have incurred a service-connected disability and has been scheduled by the United States Department of Veterans Affairs to be examined or treated for the disability may request veteran's leave for such reexamination or treatment without loss of pay or benefits. The Department may request a doctor's note to verify the appointment. The maximum veteran's leave authorized for this purpose shall not exceed 48 hours in any one annual period beginning January 1 and ending December 31. Hours used are not counted as hours worked toward overtime. The use of Veteran's Leave shall not reduce the employee's sick or vacation accruals.

9. Issues of military leave not addressed in this policy shall be resolved as provided ~~for state employees~~ in applicable provisions of the Florida Administrative Code, Florida Statutes, and federal law.

F. Jury Leave

1. Whenever an employee filling a regularly established position (full-time, or part-time) or is called for jury duty, upon presentation of the summons to his/her supervisor, the employee will be excused from scheduled ~~work day~~workdays and will receive Jury Leave pay for hours performing such duty, but not exceeding their scheduled work hours. The employee will not be compensated by the County for Jury Leave on unscheduled workdays unless the employee requests to substitute a night or weekend shift or portion thereof immediately preceding or following jury duty. The employee keeps any jury fees received.

2. Paid Jury Leave hours are not considered as hours worked for all compensation purposes including calculating hours worked towards overtime. The County does not reimburse an employee for meals, lodging, travel, or any other expenses incurred as a juror.

3. Employees are required to report to work if excused from jury duty during their regular working hours. However, if their scheduled shift has been filled or they are not otherwise needed to complete the shift, they may, with supervisory approval, charge the balance of their scheduled work hours to their vacation or compensatory time leave accounts, or take the time off without pay, but only to the extent they are not able to make up regularly-scheduled hours by means of flex time assignment.

4. An employee called to jury duty shall promptly notify his or her department director and provide a copy of the court summons so that arrangements may be made in advance for his or her absence from work. Where so requested by an employee's department director, an employee will provide the director with a statement of actual days spent on jury duty service (such as by memo or e mail) before compensation is approved. Where the Clerk of Court engages in "day prior call in" programs (where unseated jurors call a number to determine whether their presence will be needed the next day), employees who discover their presence at the court house will not be required the following day (but who have not yet been released from duty) shall report to work on that day unless otherwise ordered by the Court. Once an employee is released from duty, he or she shall inform the department and report to work as required in Paragraph 4 above.

5. An employee called to jury duty while on vacation leave shall be allowed jury duty pay for that time served in court which corresponds to his or her regular ~~work day~~workday. Such employee shall have his or her vacation leave hours restored provided satisfactory evidence of the time served on jury duty is presented to the department. In the event a holiday occurs during the period an employee is serving on jury duty, he or she shall receive holiday pay for the holiday rather than jury duty pay.

6. Employees who have a normal work schedule outside the regular business day (night or weekend shifts) who are summoned for jury duty during the business day immediately following the scheduled shift shall, if they request, be permitted to be excused from their scheduled work shift (or portion thereof) immediately prior to the jury duty day, in order to rest or otherwise prepare for their jury service. However, such excused period shall not exceed 8 hours and, where an employee requests to be excused from work for a portion or all of a scheduled shift, the employee shall not be compensated for the shift or portion thereof, not actually worked (unless vacation leave is used) but shall only be compensated for jury duty equal to the number of shift hours missed performing such duty. Notwithstanding the general requirement for employees to report to duty should they not be required to spend an entire day of jury duty service, night/weekend shift employees who serve any portion of a day for jury duty without taking time off their regular shift shall be paid for the entire shift, not to exceed the number of work hours scheduled.

G. Witness Leave

1. An employee appearing as a witness for the County in a court case or administrative proceeding within the boundaries of Manatee County, in which the County is a party, including depositions, post-termination proceedings, mediation or arbitration proceedings, or who is subpoenaed as a witness in a court case or administrative proceeding in which the employee's testimony is related to official County business, is considered to be on duty during such appearance (not including travel time), even during off-duty hours should be coded as Regular Hours on their timesheet, with a note added indicating Witness duty. The employee must remit to the County any witness fee received in connection with such appearance. In the event the litigation is in a forum outside Manatee County, and the employee attends as a witness for Manatee County, he/she shall be entitled to per diem expenses in accordance with Florida Statutes § 112.061. However, in the event the litigation is in a forum outside Manatee County, and the employee is subpoenaed by a party other than Manatee County, the employee may keep any reimbursement of travel expenses, and he/she shall not be entitled to reimbursement of per diem expenses from the County.

2. An employee who voluntarily appears at a court or administrative proceeding, as defined above, on behalf of a party litigating against the County shall be ineligible for witness leave pay by the County for any time spent at such proceeding and must attribute such time to appropriate available leave balances or take leave without pay.

3. An employee who becomes a party in, or appearing as a witness in any case other than those described in Paragraph 1. is off duty and must attribute such time to appropriate available leave balances or take leave without pay. Under such circumstances, the employee is entitled to keep any witness fee received. The only exception to this provision is where a County EMT or Paramedic who, while off duty, renders medical aid or assistance at an accident scene or emergency event and by so doing becomes a witness. In such cases, the EMT or Paramedic will be paid as described in Paragraph 1. above.

H. Disability Leave

Note: Family and Medical Leave Act (FMLA) eligibility will be considered and may run concurrently with Disability Leave. (See FMLA Section: VII.L.)

1. Workers' Compensation

a. An employee who suffers accidental injury arising out of work performed in the course and scope of County employment may qualify for benefits during periods in which the employee is unable to work, as provided in the Workers' Compensation Law, F.S. Chapter 440. Any employee who has suffered an injury or illness while at work is required to report that injury or illness on an appropriate County form as soon as possible. Supervisors or managers who are aware of such illness/injury are required to provide the appropriate form to the employee, to compel the employee to complete it, and to promptly report the incident to the director and the Risk Management Division.

b. The Risk Management Division administers all workers' compensation claims and benefits.

c. An employee receiving workers' compensation wage benefits may, at the employee's election, use available leave balances, in accordance with Section VII.B.7, to supplement those benefits. The supplemental payments plus workers' compensation benefits cannot exceed the employee's regular salary. Time spent by an employee accessing treatment for a workers' compensation covered injury does not count as hours worked toward overtime.

d. An employee who is released to light duty by the workers' compensation primary care provider may, at the discretion of the department director, be assigned to perform other than his/her regular duties during recuperation. An employee who refuses to accept a light duty assignment will be ineligible for other disability leave, may lose workers' compensation benefits, and will be subject to disciplinary action under Section XI. of the policy.

e. An employee who refuses to return to work after being released to unrestricted full duty by the workers' compensation primary care provider will be subject to discipline, including discharge, or may be deemed to have abandoned his/her job and resigned.

f. Nothing in this sub-section eliminates or reduces an employee's rights under Florida law, to appeal workers' compensation decisions, nor should it be read as guaranteeing light duty work. Where no bona fide light duty work is available within the employee's department, the employee may be required to remain out of the workplace until recuperated. While no employee will be retaliated against for having submitted a claim for benefits and will give every opportunity for employees to recover from work-related injuries, the County reserves its right under law to terminate any employee for the inability to perform the essential functions of his or her job where the needs of the County so require. (See Section IX-E).

2. Short-Term Disability Leave/Reasonable Accommodations/Fitness for Duty Exam

a. All employees of the County are expected to be able to perform the essential functions of the positions they hold. At times, a physical or mental impairment may cause an employee to become unable to perform one or more job functions. In such circumstance, it will be the responsibility of the employee's department, in consultation with the Human Resources Department, to work with the employee to identify reasonable

accommodations, which will permit the employee to perform all essential job functions. This process may take more than one try, depending on the specific facts of the case. Though the employee's input on accommodations should be given weight, an employee is not entitled to demand a particular accommodation if the department wishes to provide a different accommodation, so long as the accommodation will permit the employee to perform his or her job functions. The Human Resources Department and the County Attorney's Office should be consulted where any questions arise over the identification of accommodations.

b. A department director who, through appropriate medical documentation or written representations from the employee, becomes aware that an employee is unable to perform the functions of his/her job due to illness or injury, will explore with the employee any workplace accommodations which may permit the employee to perform the affected job functions. In conjunction with this accommodation search, or in instances where the facts reveal that an accommodation is not possible or legally unreasonable, the department may require the employee to submit to a fitness for duty medical examination by a physician named and paid for by the department. The County's inquiry is limited to whether the employee is able to perform job-related functions and if not, the probable duration of the disability and expected return to full duty. If the medical examination confirms that the employee is unable to perform the essential functions of his/her job with or without reasonable accommodation, the employee may request to be placed on short term disability leave for up to thirty (30) calendar days. The granting of such request is at the discretion of the department director. NOTE: Outside of a worker compensation claim administered by the Risk Management Division or a County-paid fitness for duty examination, department employees, including directors and personnel liaisons, should NOT be directly communicating with healthcare providers of employees. Instead, all such communication will be made through the employee to the provider in writing.

c. At the outset of short-term disability leave, the department director informs the employee in writing of the maximum duration of the leave and that, at the conclusion of that time period, the employee is expected to return to unrestricted full duty work, if he/she is able to perform the essential functions of the job with or without reasonable accommodation.

NOTE: The granting, denying, or administration of short-term disability leave under this rule relates only to the ability to remain on the County's payroll as an employee and does not constitute, and is in no way related to, any disability insurance policy or other benefit to which an employee may be entitled on becoming disabled, whether such policy or benefit is issued through the County's self-insurance program or via a private insurer.

d. An employee placed on short-term disability leave is required to use sick leave hours. If sick leave is exhausted, the employee may request use of vacation, compensatory time, or personal holiday (must be used as a whole day) credits. If the employee uses all such leave or does not have enough leave to cover the duration of the short-term disability leave period (including Sick Leave Bank credits if relevant), the employee may request to be placed on leave without pay for the balance of the short-term disability leave period.

e. If, at the conclusion of the short-term disability leave, the employee is still unable to perform the essential functions of his/her job with or without reasonable accommodation, the following options are available:

(1) The department director may require the employee to submit to another medical examination as described in Section VII.I.2.a. If the examination reveals that the employee is able to perform the essential functions of the job with or without reasonable accommodation, the employee must return to work or face discharge in accordance with Section XI-B. of the Policy, or be deemed to have abandoned his/her position and resigned.

(2) The employee may request an extension of short-term disability leave for another thirty (30) calendar day period not to exceed a total of three (3) consecutive months. The department director may require the employee to produce medical certification indicating that he/she remains unable to perform the essential functions of the job during these periods. Such requests may be granted under exceptional circumstances, depending on the operational needs of the department.

(3) The department director may refer the employee to the Alternate Employment Program, as outlined in Section IX-F of this Policy.

(4) The department director may accept the employee's voluntary written resignation for reason of inability to perform assigned duties.

f. While under short-term disability leave without pay, it is the employee's responsibility to pay any group health and life insurance premiums that are normally paid by the employee. Such monthly premiums must be paid by the employee to Employee Health Benefits prior to the effective month of coverage; otherwise, EHB will cease coverage as to health, or inform the life insurance company which may terminate coverage.

3. Retirement Disability Leave Benefits (Florida Retirement System)

a. *Regular Disability Benefits* - Employees are eligible for regular retirement disability benefits upon completing eight (8) years in the Florida Retirement System. The disability must be total and permanent. The injury or illness must have occurred before termination of employment.

b. *In-Line-of-Duty Disability Benefits* - Employees are covered for in-line-of-duty disability beginning on the first day of employment. In-line-of-duty disability must be **total and permanent**. The disability must have been caused by an injury or illness that occurred in, or arose from, the actual performance of duties required by the employee's job.

c. If the employee is a retiree with renewed membership, he/she is not eligible for retirement disability benefits. Retirement disability requests are handled through the Human Resources Department, in coordination with Employee Health Benefits.

I. Domestic Violence Leave

1. Pursuant to Florida Statute § 741.313, an employee who has been employed for 3 or more months is permitted to request up to 3 working days of paid or unpaid leave during any rolling 12 month period if the employee, or a family or household member of the employee is the victim of domestic violence, where such leave is taken to:

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

    b. Obtain medical or mental health care for the employee or family or household member to address injuries resulting from an act of domestic violence;

    c. Make the employee's home secure from the perpetrator of domestic violence or to seek new housing to escape the perpetrator; or

    d. Seek legal assistance or attend court proceedings arising from an act of domestic violence.

2. Domestic violence leave shall be coded as paid vacation or sick leave (depending on whether the reason for taking the leave is to seek medical treatment or not) to the extent the employee has sufficient balances in his or her relevant leave account. Otherwise, the leave shall be coded as no pay.

3. Except in cases of imminent danger to the health or safety of the employee or family or household member, an employee seeking domestic violence leave must provide appropriate advanced notice of the leave request, and may be required to produce sufficient documentation to support the requested leave. To the extent an employee provides personal identifying information related to a request for domestic violence leave, such information shall be maintained by the department as confidential and exempt from public records disclosure, pursuant to Florida Statute § 741.313(4)(c)(2).

4. Employees who feel they are not being granted domestic violence leave should contact a Human Resources Manager to determine eligibility and obtain a suitable resolution to the matter.

J. Leaves of Absence Without Pay

Note: Family and Medical Leave Act (FMLA) eligibility will be considered and may run concurrently with Leaves of Absence Without Pay which are unrelated to judicial proceedings. (See FMLA Section: VII.L.)

1. Leaves of absence without pay will only be allowed upon depletion of applicable accrued leave balances (including Sick Leave Bank, if employee is eligible). The exception to this would be an employee who requests a leave of absence without pay to supplement military leave.

2. The decision to grant leaves of absence without pay is a matter of administrative discretion and must be approved by the department director.

3. Leaves of absence without pay may be approved up to a maximum of three (3) months.

4. While under a leave of absence without pay, any group health and life insurance premiums that are normally paid by the employee must continue to be paid by the employee. Applicable monthly premiums must be paid by the employee to Employee Health Benefits prior to the effective month of coverage; otherwise, coverage will be canceled at the beginning of the delinquent period.

K. Family and Medical Leave Act of 1993 (FMLA)

Note: This section of Policy is intended to set guidelines only and does not represent the Family and Medical Leave Act of 1993 in its entirety. FMLA procedures may differ from other types of County leave but FMLA does not provide any additional paid leave accruals over the County's other leave awards. (If further information is needed, contact the Human Resources Department.) FMLA use will be tracked concurrently with other types of leave where the reason for the leave is an FMLA-qualifying event. There are two general FMLA types, Basic Leave (see Section VII.K.1, et seq.) and Military Family Leave (see Section VII.K.15).

1. Basic FMLA Eligibility and Qualifying Events

The Family and Medical Leave Act (FMLA) is not to be considered as a separate or distinct form of leave. Instead, it is a law which provides for protection for employees who take leave from work for a covered reason, regardless of the pay code used. The FMLA authorizes an employee with 12 months of County service in the last seven (7) years, who has worked at least 1,250 hours during the 12 months preceding commencement of leave, a maximum of 12 weeks of job-protected leave during a 12-month period. The 12 month-period is based on a rolling 12 month period beginning with the most recent day upon which coverage is requested and counting back 12 months. Basic FMLA leave may be taken for the following reasons:

a. The birth of a son or daughter of an employee and to care for the newborn child;

b. The placement of a son or daughter with an employee for adoption or foster care (entitlement to leave for birth, placement for adoption or foster care of a son or daughter expires 12 months from the date of the birth or placement of the child);

c. In order to care for the employee's spouse, son, daughter or natural or adoptive parent with a serious health condition.

For purposes of this policy, definitions of spouse, son, daughter or parent are:

(1) Spouse means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides. (Note: Florida does not recognize common law marriage.)

(2) Parent means a biological parent or an individual who stands or stood "in loco parentis" to an employee when the employee was a son or daughter as defined in (3) below. This term does not include parents "in law".

(3) Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing "in loco parentis" who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability."

d. A serious health condition which renders the employee unable to perform one or more functions of the employee's position.

e. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty."

Twenty-six (26) workweeks of military caregiver FMLA leave may be taken during a single 12- month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent or next of kin.

2. Serious Health Condition

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

a. In-patient care (i. e., an overnight stay) in a hospital, hospice facility, including any period of incapacity (for purposes of this policy defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom), or any subsequent treatment in connection with such in-patient care; or

b. Continuing treatment by a health care provider, which includes any one or more of the following:

(1) A period of incapacity (i. e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from) of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(a) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

(2) Any period of incapacity due to pregnancy, or for prenatal care.

(3) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition.

(4) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective.

(5) Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

(6) FMLA leave for a serious health condition may be intermittent under the following circumstances: For intermittent leave or leave on a reduced leave schedule, there must be a medical need for leave (as distinguished from voluntary treatments and

procedures) and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the certification of a serious health condition meets the requirement for certification of the medical necessity of intermittent leave or leave on a reduced leave schedule. Employees needing intermittent FMLA leave or leave on a reduced leave schedule must attempt to schedule their leave so as not to disrupt the employer's operations. In addition, the employer may assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced leave schedule.

c. When leave is taken after the birth, or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the employer agrees. However, the employer's agreement is not required for leave during which the mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition.

3. Medical Certification

a. The employer may require that an employee's leave to care for the employee's seriously ill spouse, son, daughter, or parent, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a medical certification issued by the certified health care provider of the employee or the employee's ill family member.

b. When leave is foreseeable and at least 30 days' notice has been provided, the employee should provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the employer within the time frame requested by the employer (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. Failure to provide the appropriate healthcare certifications after having been requested to do so may result in disciplinary action, and/or in the delay or denial of approval of FMLA leave.

c. In accordance with Department of Labor (DOL) rules, if the employer has reason to doubt the validity of the medical certification, the employer may request, at the employer's expense, a second or third health care provider's opinion for leave taken because of a serious health condition. The employer may also require subsequent recertification from the employee's health care provider on a reasonable basis, in accordance with DOL rules, which normally will not be more than every thirty (30) days. No second or third opinion on recertification may be required.

4. Spouses Working for the Same Employer

If both spouses work for the same employer (Board of County Commissioners), the combined leave shall not exceed 12 weeks in the 12-month period, if the leave is taken:

a. for birth of the employee's son or daughter or to care for the child after birth;

b. for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement; or

c. to care for the employee's parent with a serious health condition.

5. Health Insurance Premiums

(Note: Any questions regarding employee health insurance premiums while under FMLA should be directed to Employee Health Benefits.)

a. During FMLA leaves of absence, the employer will continue to pay its portion of the health insurance premiums and maintain the employee's coverage under the health plan in the same manner as if the employee had been continuously employed during the entire leave period, provided the employee continues to pay his or her share of the premiums normally paid by the employee.

b. Should the employee fail to continue to pay his or her share of the premiums, notices of proposed insurance cancellation and the opportunity to pay the premium as required by the FMLA will be provided before cancellation.

c. Employees will be advised well in advance of any changes in premiums so they will have ample opportunity to make arrangements to continue to pay their share of the premiums during the Family Medical Leave. To avoid required reimbursement, appropriate certification from a health care provider may be required if the employee does not return to work because of a serious health condition.

6. Benefit Accruals

a. During FMLA leave, the FMLA does not require accrual of employment benefits, such as vacation leave, sick leave, etc. Accordingly, during unpaid FMLA leave, accrual of benefits shall be on the same basis as for any other unpaid leaves of absence. Paid FMLA leave will continue to accrue vacation, sick, etc., on the same basis as other types of paid leave. With respect to pension and other retirement plans, any period of unpaid FMLA leave shall not be treated as or counted toward a break in service for purposes of vesting and eligibility to participate. Employment benefits to which an employee may be entitled on the day on which the Family and Medical Leave of absence begins will not be lost because of such leave, except for those paid leave days substituted for leave taken under this policy.

b. Employees on unpaid FMLA leave are to be treated as if they continued to work for purposes of changes to benefit plans. They are entitled to changes in benefits plans, except those which may be dependent upon seniority or accrual during the leave period, immediately upon return from leave or to the same extent they would have qualified if no leave had been taken.

c. Employees will not be disqualified from bonuses based upon safety for which they qualified prior to leave because of the taking of FMLA leave.

7. Relationship to Paid Leave

~~a.~~ Employees will be required to substitute paid sick leave for an equivalent portion of FMLA leave for a serious health condition of the employee, spouse, child or parent, as defined in section VII.K.1.c.(1-3).

b. If eligible sick leave is exhausted, the employee will be required to substitute any other available paid leave sources, as outlined in Section VII.B.7. If all eligible leave balances are exhausted, any FMLA leave entitlement remaining will be coded as FMLA, no-pay status. (Note: Compensatory time may be used during the FMLA leave period and will be charged against the FMLA leave entitlement.)

c. To the extent the County does not provide paid sick or family sick for a condition covered by FMLA, neither this policy nor the FMLA entitles the employee to paid leave. However, under paragraphs a. and b. above, paid leave and the FMLA leave will run concurrently.

d. Workers' Compensation or Short-Term Disability-based leaves, whether paid or unpaid, will run concurrently with FMLA leave when the reason for the leave is an FMLA qualifying event.

e. To the extent an event occurs which makes an employee eligible for an alternative form of leave not related to absence due to covered medical reason (for instance family death and ensuing need for bereavement leave), the employee's use of such leave will not be counted as an FMLA absence.

8. Return from Family Medical Leave

a. With the exception of certain "key" employees (salaried FMLA-eligible employees among highest paid 10 percent of all employees employed by the employer), those who return to work from FMLA leave within or on the business day following the expiration of the leave are entitled to return to their job or a position with equivalent benefits, pay and other terms and conditions of employment. Designation of "key" employee status and whether such status will affect the employee's right to reinstatement will be made at the time the employee gives notice of the need for leave, or at the commencement of leave, whichever is earlier, or as soon as practicable thereafter if such determinations cannot be made at that time.

b. Failure to return to work upon completion or expiration of FMLA-protected leave could result in termination of employment, in accordance with FMLA rules and regulations and the Manatee County Personnel Policy, Rules, and Procedures Manual.

9. FMLA Procedures and Forms:

Department directors, managers, supervisors and personnel liaisons shall review, be familiar with, and make use of procedures applicable to requesting, qualifying for, and approval of FMLA coverage *(Note: all non-automated FMLA-forms will be posted on the County i-net for employee use by Human Resources).* Requests for FMLA-covered leave must be submitted through use of the County's leave request system at least thirty (30) days before the leave is to begin if need for leave is foreseeable based on an expected birth, placement

for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member. If thirty (30) days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, change in circumstances, or medical emergency, notice must be given as soon as practicable. (Note: Notwithstanding any requirement to submit leave requests via the established leave request system, verbal notice, or the County's knowledge of the need for FMLA qualified leave, is sufficient to trigger the obligations under the FMLA.) Once the department has acquired knowledge that the leave is being taken for an FMLA eligible reason, whether from the employee, a health care provider or some other reliable source, the department will notify the employee, on an official Employer Response Form signed by the director, that the leave is being designated as FMLA qualified and whether it will be paid or unpaid leave (according to whether or not the employee has chargeable accrued balances.)

10. Counting FMLA Leave

To the extent allowed by law, in the event an absence is for a reason covered by the FMLA, the County will designate it as Family Medical Leave-protected whether the employee has applied for it or not. When this occurs, the employee will be promptly notified as described above. Tracking of FMLA leave is the responsibility of the employee and the employee's department. FMLA is specific to the individual employee, not to the particular health condition or family event. Therefore, employees should be aware that the maximum 12 week protection period will be inclusive of all covered conditions and events which happen within the applicable 12 month period. Additionally, where the County obtains unequivocal confirmation, either from the employee or a health care provider, that the employee does not intend to return, or the employee's medical condition will prevent the employee from returning to full duty permanently, or for a significant or indefinite extended period past the FMLA period, the County may terminate employment even where the 12 week period has not yet run, and the employee's entitlement to continued leave, maintenance of health benefits, and reemployment will cease.

11. Coordination

Absences due to sickness or injury, whether paid or unpaid, including absences for work-related sickness or injury that are also covered by the FMLA, will be considered for FMLA leave.

12. Employee Obligations

During FMLA leave, employees must periodically report on their medical status and intent to return to work. Upon taking such leave, the employee will be advised of the reporting requirements.

13. Medical Certification Upon Return to Work

An employee who has taken FMLA-covered leave for his/her own health condition (whatever pay code) may be required to obtain certification from the employee's health care provider, based on a job and FMLA condition-related fitness-for-duty exam at the employee's expense, that the employee is able to perform the essential functions of his/her job before being allowed to return to work.

14. Failure to Cooperate

Employees who fail to provide information, which Manatee County is allowed by law to require the employee to provide, may have their leave delayed, or not counted as FMLA leave, and be subject to discipline up to and including discharge as permitted by law.

15. FMLA Military Family Leave.

In addition to the FMLA-protected categories above, Congress's 2007 and 2010 FMLA military family leave amendments in the 2013 Final Rule provide that employees eligible for FMLA leave are entitled to leave for a covered family member's service in the Armed Forces under the following circumstances:

a. Qualifying Exigency Leave. Up to 12 weeks of unpaid leave in any 12 month period for a qualifying exigency arising out of a covered employee's spouse, son, daughter, or parent's Armed Forces (including members of the National Guard or Reserves) covered active duty or notification of an impending call or order to active duty in the support of a contingency operation; or

b. Military Caregiver Leave. Up to 26 weeks of unpaid leave in a single, 12 month period for an employee to care for his or her spouse, son, daughter, parent, or next of kin, a service member/covered veteran, recovering from a serious injury or illness suffered while on active duty in the armed forces. FMLA leave taken for family military leave runs concurrent with other leave entitlements, as allowed under federal, state and local law.

Qualifying exigencies may arise when the employee's spouse, son, daughter or parent who is a member of the Armed Forces (including the National Guard and Reserves) and who is on covered active duty or has been notified of an impending call or order to covered active duty.

Qualifying exigencies categories.

- Issues arising from the military member's short notice deployment (within seven or less days of notice)
- attending military events and related activities
- to arrange for childcare and related activities
- issues related to care of the military member's parent who is incapable of self-care
- making or updating financial and legal arrangements
- Attending counseling
- Rest and Recuperation leave during deployment (up to 15 calendar days)
- Post-deployment activities (within 90 days of the end of the military member's covered active duty)
- Any other event that the employee and employer agree is a qualifying exigency

Should an employee request FMLA military family leave for a qualifying exigency, please consult with Human Resources and the County Attorney's Office for additional guidance.

Contingency operation. A "contingency operation" means a military operation that is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or results in the call or order to, or retention on, active duty of members of the uniformed services during a war or during a national emergency declared by the President or Congress.

Covered active duty is duty during deployment of the covered service member of the Armed Forces to a foreign Country.

For members of the National Guard and Reserves, covered active duty is duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation.

Deployment to a foreign country means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the United States. It also includes deployment to international waters.

Service member is a current member of the Armed Forces, including a member of the National Guard or Reserves who is receiving medical treatment, recuperation, or therapy, or in outpatient status, or is on the temporary disability retired list for a serious injury or illness.

Covered veteran is an individual who was discharged or released under conditions other than dishonorable at any time 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 enactment of the FY 2010 NDAA on October 28, 2009 and effective date of the 2013 Final Rule is excluded in the determination of the five-year period for covered veteran status.

The covered veteran is undergoing medical treatment, recuperation, or therapy for a serious injury or illness if he or she:

- was a member of the Armed Forces (including a member of the National Guard or Reserves);
- was discharged or released under conditions other than dishonorable; and
- was discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for him or her.

Serious injury or illness. A serious injury or illness means an injury or illness that is/was incurred by the covered service member in the line of duty on active duty in the Armed Forces (including National Guard and Reserves) and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the service member's active duty and that were aggravated by service in the line of duty on active duty.

Serious injury or illness for a veteran means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before

the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:

1. A continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank or rating; or

2. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Services Related Disability rating (VASRD) of 50% or greater, and the need for military caregiver leave is related to that condition; or

3. A physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or

4. An injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

In order to obtain military family leave to care for a family member who is recovering from an injury or illness suffered while on active duty in the armed forces, an employee must demonstrate a qualifying injury or illness is suffered by a covered family member who is a service member/veteran 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 retired list for a serious injury or illness.

The term "outpatient status" means the status of a member/veteran of the armed forces assigned to a military medical treatment facility as an outpatient, or a unit established for the purpose of providing command and control of members of the armed forces receiving medical care as outpatients. The illness or injury must be serious enough to render the person unable to perform the duties of the member's office, grade, rank, or rating.

Next of kin. "Next of kin" is defined as the nearest blood relative to that individual.

Substitution of paid leave for military family leave. For leave taken for a qualifying exigency or for injured serviceperson caregiver leave, an eligible employee will be required to use available paid leave balances in the same manner as the County requires for other FMLA leave taken as noted below:

Qualifying Exigency Leave: Vacation, then Comp, then No Pay

Military Care Giver Leave: Family Sick (up to yearly max), then Vacation, then Comp, then No Pay.

Married employees. When both husband and wife work for the County, the aggregate amount of leave that can be taken by the husband and wife is 26 weeks in a single 12 month period for serviceperson caregiver leave, or a combination of active duty leave and serviceperson caregiver leave. The aggregate number of workweeks of leave to which both that husband and wife can take for only active duty leave is 12 weeks.

Notice and certification. If the need for leave is foreseeable, the employee must provide such notice to the County as is reasonable and practicable. Employees requesting leave under

this section shall provide certification for the need for the leave on such forms as may be developed in the Secretary of Labor's final regulations, as modified by the County.

Calculating the 12-month period. Leave for a qualifying exigency is counted as the County calculates other categories of FMLA leave. Leave to care for a covered spouse, son, daughter, parent, or next of kin recovering from an injury or illness suffered while on active duty in the armed forces is a one-time benefit and as such, the 26 weeks are only available during a single, 12-month period. The County will begin counting the 12-month period on the first day of leave taken to care for the injured or ill service person.

Note: This FMLA military family leave policy supplements the County's main FMLA policy and provides general notice of employee rights to such leave. Except as discussed above, an employee's rights and obligations to FMLA military family leave are governed by the County's main FMLA policy and application/approval procedures.

L. Judicial Leave

Leaves of Absence Related to Judicial Proceedings

1. If an employee is arrested for, and/or charged with, an alleged violation of a federal or State law, County or municipal ordinance, or an order of a court, and/or becomes incarcerated for such reason, the concerned department director shall investigate as necessary for the purpose of determining whether to take disciplinary action and/or whether to place the employee on judicial leave of absence pending judicial proceedings. The investigation, review and action options shall be coordinated with the Human Resources Department. The decision to place an employee on leave of absence is discretionary with the department director and subject to review by the Human Resources Director. Any decision to place an employee on judicial leave shall be final and not subject to appeal through any grievance process.

2. While in some cases the County may elect to await the outcome of judicial proceedings prior to discipline action, the County reserves the right to make its own determination regarding the facts of the case and whether its personnel rules were violated, regardless of the outcome of any criminal proceedings.

3. An employee not incarcerated while awaiting disposition of a charge may be permitted to work if it is determined by the department director that allowing the employee to work will not adversely impact County operations or citizen good-will or jeopardize the wellbeing of other employees or citizens.

4. Judicial Leave is not a right but an option which may be exercised in the sole discretion of the County and shall be unpaid. However, an employee must use all of his or her Vacation Leave prior to any unpaid period. Nothing herein should be interpreted as preventing the County from proceeding to terminate or otherwise discipline an employee at any time after a charge or arrest where the County possesses adequate information upon which to base its decision.

VIII. ABSENCE WITHOUT AUTHORITY

None of the provisions of this Policy shall be interpreted or construed to circumvent or mitigate the rule that: Any County employee absent from his/her position of employment without approval of competent authority for a period of two (2) consecutive workdays/shifts is considered to have resigned without notice.

IX. NON-DISCIPLINARY SEPARATIONS FROM COUNTY EMPLOYMENT

A. Resignation

1. Resignation is the separation of an employee from County employment through submission of a written or verbal notice of intent to resign. An employee's resignation shall be deemed as accepted by Manatee County the moment it is tendered regardless of any stated effective date, and no supervisor, manager or director has the authority to reject or permit an employee to rescind a resignation without the express prior authorization of the County Administrator (County Attorney for members of that office).

2. An employee who wants to leave County employment in good standing must notify his/her immediate supervisor at least two (2) weeks prior to leaving. The supervisor, in turn, will notify the department director. The department director may allow the employee, under extenuating circumstances, to give less than two (2) weeks' notice and still resign in good standing. In the event the department director, in consultation with the Human Resources Director, determines that it would be in the County's best interest to deem a resignation notice an immediate resignation or shorten the resigning employee's notice, he/she may do so.

3. Upon an employee's resignation notice, any interest in continued employment ceases, and the employee is not entitled to any due process hearing.

4. Employees who resign from County employment without two (2) weeks' notice (unless otherwise approved by the department director), may not be recommended for rehire, nor be eligible for re-employment, with the County for one (1) year following their date of termination unless approved by the Human Resources Department.

5. Each County employee separating from County employment is requested to complete an Employee Separation Survey. The purpose of this survey form is to provide management with input the employee may have about his/her job and the County. The completed form is maintained by the Human Resources Department.

6. An employee who fails to report to work for two (2) consecutive workdays/shifts without approval of competent authority is considered to have resigned without notice. (See Section VIII., Absence Without Authority.)

7. An employee who takes any step to run for a Manatee County Commission seat, including opening a campaign account for that purpose, filing qualifying paperwork with the Supervisor of Elections, or conducting a press conference or issuing a press release confirming his or her candidacy, shall be deemed to have resigned his or her position with Manatee County as of the close of business of the date any of these actions are first taken. Nothing herein shall be read or interpreted as preventing an employee from standing for election for any other elective public office or applying for appointment to any appointive public office.

B. Retirement

1. None of the provisions of this Policy can be construed or interpreted to alter or impair the County's retirement plan, which is governed by law.

2. There is no mandatory retirement age for employees of Manatee County unless otherwise provided by Florida Statute or pension plan provision. Continued employment is determined by the employee's ability to perform satisfactorily in the job classification assigned.

3. Employee assistance and retirement information is available from the Human Resources Director, or designee, as needed. Department directors should urge their employees to contact the Human Resources Department at least ninety (90) days in advance of the anticipated retirement date, to allow time to process retirement benefits.

4. Employees who have retired from County employment may be re-hired by the County in any position and under such terms and conditions as the County may offer, consistent with policies or procedures applicable at the time of application. Retired applicants seeking re-hire with the County must comply with any applicable hiring procedures and FRS requirements.

C. Death

1. Separation is effective on the date the death occurs.

2. All compensation due the employee at separation is paid to the beneficiary, surviving spouse, or to the estate of the employee, as determined by law or by executed forms in the employee's official personnel file.

3. Department directors must immediately report an employee's death, regardless of cause, to the Human Resources Director and initiate the appropriate separation paperwork forthwith. The Human Resources Director, or designee, will verify whether the employee's beneficiary is eligible for benefits under the Florida Retirement System.

4. Survivor benefit inquiries should be addressed to Employee Health Benefits.

D. Layoff

1. It is the intent of the Board of County Commissioners to provide stable employment to members of Manatee County Government. However, there may be occasions which necessitate a reduction in the County work-force.

2. A reduction of ~~work force~~workforce may be instituted in cases of bona fide budget reduction, lack of work, lack of funds, program or grant discontinuation, technological replacement, or any other significant organizational change or condition of serious financial distress that may occur. When such conditions exist, the department director may, after coordination with the Human Resources Director and approval by the County Administrator, proceed to lay off an employee or employees. To the extent a reduction in force is necessitated by the County Administrator's proposed budget, layoff decisions shall be consistent with the programs, services or operations to be reduced or eliminated by such budget.

3. A reduction in ~~work force~~workforce may be made by work site assignment and/or specific function performed and/or unique skills or qualifications held and/or by general job classification and/or by pay grade within the affected department, or division or operation thereof. Layoffs which are targeted solely at reduction of salary costs must fairly target the foregoing employee classifications in a roughly uniform way so as not to cause the layoff of a more senior worker where a more junior employee performing the exact same duties and working at the same location is earning more.

4. The duties previously performed by a laid-off employee may be reassigned to other employees already working in positions in appropriate job classifications.

5. The Human Resources Department and County Attorney shall review any reduction in force proposals prior to their implementation so as to review such proposals to minimize negative impacts on prior equal employment gains in impacted work units, and advise the County Administrator on any labor law implications.

6. Layoff Priority

a. In the event of layoff, primary consideration will be on the factors set out in Section IX.D.3. Thereafter, the order of layoff shall begin with temporary then probationary employees. The next order of layoff shall begin with the employee who has the least seniority (see Section IX.D.6.b.).

b. Seniority shall be determined by County-wide continuous service. Rules of continuous service shall be observed in deciding the date of last hire for the purpose of seniority determination.

c. If two or more individuals should have the same hire date for determining seniority, the employee with the most disciplinary and/or counseling notices shall be laid off first.

d. In accordance with prevailing veteran laws, including Chapter 295, Florida Statutes, certain veterans and spouses of certain veterans may be eligible for preference in retention when layoffs are necessitated. Human Resources shall review layoff proposals to ensure compliance with such laws.

7. County employees who are scheduled for layoff shall not have "bumping rights" to other positions in any County department. However, where the County is able to forecast a layoff in advance, the County may establish a time period wherein employees subject to a pending layoff will be permitted to apply for open positions. During this period, such employees shall, when being considered by interviewing departments, receive preference in hiring where they are otherwise equally qualified with other candidates. Nothing herein, however, is intended to require the hiring of any such employee by a department where another candidate is clearly more qualified for the position.

8. Employees scheduled for layoff may, if offered by the County, elect to accept transfer to vacant County positions for which they are qualified. Such transfer offers may be made at the discretion of the County and must be accepted by the employee within 3 days of receipt of the written offer. The employee's pay rate would be adjusted in accordance with Policy for any other County employee changing positions within the County. Employees who accept a transfer offer under this paragraph shall not be further entitled to any reinstatement to their prior position.

9. However, employees on layoff status with no offer of transfer, may for a period of twelve (12) months from the date of layoff apply and receive preference in interviewing for any job for which they are minimally qualified.

10. Human Resources Department shall ensure Employee Health Benefits is made aware of any layoffs to ensure proper COBRA notices are provided.

11. Reinstatement

a. Laid-off employees, who have not accepted an offer of transfer to a different County position, have priority for reinstatement, according to seniority, in jobs within their classifications at the time of separation for twelve (12) months following the effective date of layoff. Laid-off employees reinstated to those classifications within the twelve (12) month period shall have their previous dates of hire restored (including vacation and sick leave accrual rates and any unpaid sick leave balances in effect at the time of layoff). However, recalled employees may not be offered the rate of pay they had prior to their layoff, where fiscal conditions require a reduced rate for the position. At the end of the twelve (12) month period, all laid-off employees' rights associated with reinstatement are concluded. The County offers reinstatement to laid-off employees by certified mail to the last known address. (Note: It is the laid-off employee's responsibility to keep the Human Resources Department notified of any change of address, if he/she is interested in reinstatement.)

b. Reinstatement is offered to laid-off employees provided they are qualified (medical certification may be required) to perform the essential duties of the job, and are in compliance with current pre-employment requirements including the County's Drug Free Workplace Program. A laid-off employee, who is temporarily unable to accept an offer of reinstatement due to medical certification, may request a delay in starting work, not to exceed thirty (30) calendar days.

c. The return to work date for a laid-off employee, who is qualified to return to work and compliant with all pre-employment requirements, is determined by the County's requirements, but the employee must be available for work no later than two (2) weeks following notice or his/her seniority will be forfeited and he/she is no longer considered eligible for reinstatement under the Layoff procedures.

d. If the employee fails to report to the Human Resources Director within three (3) business days after receipt of the certified notice or if the employee does not meet all current pre-employment requirements, his/her seniority is forfeited and he/she is no longer considered eligible for reinstatement under the Layoff procedures.

12. Employees who are scheduled for layoff do not have the right to submit appeals or complaints in regard to layoff actions, except for reasons of alleged violation of these policies and procedures governing such reduction of ~~work force~~workforce, or for alleged acts of illegal discrimination. The County Administrator may elect to offer separation agreements to employees subject to layoff. In such cases, no agreement may be offered prior to legal review by the County Attorney's Office.

13. Employees who are scheduled for layoff should contact Employee Health Benefits to discuss their medical coverage and other health benefits.

14. The Human Resources Department shall make all reasonable efforts to provide out-placement assistance and services to laid-off employees.

E. Disability Separation/Reasonable Accommodation

1. All employees of the County are expected to be able to perform the essential functions of the positions they hold. At times, a physical or mental impairment may cause an employee to become unable to perform one or more job functions. In such circumstance, it will be the responsibility of the employee's department, in consultation with the Human Resources Department, to work with the employee to identify reasonable accommodations which will permit the employee to perform all essential job functions. This process may take more than one try, depending on the specific facts of the case.

2. Though the employee's input on accommodations should be given weight, an employee is not entitled to demand a particular accommodation if the department wishes to provide a different accommodation, so long as the accommodation will permit the employee to perform his or her job functions. The Human Resources Department and the County Attorney's Office should be consulted where any questions arise over the identification of accommodations.

3. If no reasonable accommodation can be identified, or if attempts at accommodations fail, or if the employee declines to accept reasonable accommodations offered by the department, then the department director, prior to separation, may refer the employee to the Alternate Employment Program (AEP). Such referrals shall be in writing and shall review the accommodations attempts made by the department.

4. An employee may be terminated when he/she is unable to perform the essential functions of the job because of a physical or mental impairment and where no reasonable accommodation has been identified or accepted. Separations based on the employee's inability to perform the essential functions of the job under the provisions of this section will not be considered disciplinary terminations.

5. If the inability to perform the job occurs due to an on-the-job injury, the employee should be given a reasonable opportunity to reach maximum medical improvement (MMI) as stated by the Workers' Compensation doctor before being evaluated for mandatory participation in the Alternate Employment Program (AEP) unless such inability has existed for more than 12 weeks in the immediate prior 12 month period. The point in time at which an employee is considered for discharge for an illness or off-duty injury will be dependent upon the needs of the department in conjunction with the availability of a definitive recovery prognosis. Nothing herein prohibits discharge for inability to perform duties, regardless of the source of illness or injury, where the continued non-performance of essential job functions by the employee results in an extreme hardship for the County department or operation involved.

F. Alternate Employment Program (AEP)

1. When the County receives information an employee has medical restrictions/limitations that appear to prevent the employee from performing the essential functions of the job and the department cannot provide or the employee does not accept reasonable accommodation(s) which would allow the performance of the essential job functions, the department director shall submit the appropriate referral form to the Human Resources Director indicating the information received regarding the restrictions and how those restrictions prevent the employee from performing the essential job functions. The department director shall also indicate what efforts were made to identify reasonable accommodations; what accommodations were suggested by the employee; and why any potential accommodations were rejected by the department as an undue hardship. The Human Resources Director will determine if the rationale are sufficient. If not, an independent medical and/or vocational evaluation may be arranged to further explore the potential for an accommodation.
2. After the Human Resources Director receives sufficient notice from a physician and/or vocational rehabilitation counselor and the department that the employee is restricted in such a manner that he/she can no longer perform essential job functions, an HR representative will meet with the employee and over a 90 day period assist him/her in searching for suitable alternate employment. The 90 day period shall be consecutive calendar days from the time the employee is notified in writing of acceptance into the AEP. Where deemed necessary by the Human Resources Director, a vocational rehabilitation counselor may be utilized in the search for alternate employment.
3. The HR representative shall maintain a list of all vacancies which occur during the 90 day period and evaluate the requirements for each vacant position vis-a-vis the individual's qualifications and capabilities. Employees in the AEP can be considered for any currently-vacant budgeted position which he/she would be otherwise qualified for, either with or without an accommodation. The HR representative will refer the employee to the department where an opening exists for an interview provided the employee executes an application, meets the qualifications for the position and satisfies all requirements with respect to testing, licensing and certification.
4. If suitable alternate employment has not been arranged within the 90 day period following the employee's entrance into the AEP, the HR representative will notify the Human Resources Director that no suitable alternate position was identified or accepted. The Human Resources Director will notify the employee's department director that the employee may be discharged after an exit interview, if possible, with the Human Resources representative and the department director.
5. The Human Resources Department, if at all possible, shall schedule an exit interview with the employee in order to inform the employee that the discharge is not a disciplinary termination, that all vacancies in the County have been examined and there is no suitable alternate employment available at that time. If the employee should recuperate to the extent that he/she can perform the essential functions of the job within nine (9) months of termination under this policy, he/she may contact the Human Resources Department and the employee's former Director may authorize reinstatement upon receipt of acceptable evidence that the employee can satisfactorily perform the job, providing there is a vacancy. The individual may continue to check the County job postings and may apply for other positions within the County as they occur. Nothing in this policy should be construed as creating a right to transfer to a different position, a right to reinstatement after termination under this policy, nor a right to any particular wage rate upon reinstatement.

X. CODE OF ETHICS FOR OFFICERS AND EMPLOYEES

1. Officer and Employee Ethics: Officers and employees are required to conduct the affairs of the County in an ethical manner in accordance with the Code of Ethics for Public Officers and Employees (Florida Statutes 112.311 - 112.326), including, but not limited to, the following:

   a. Duties and obligations will be discharged in a manner that reflects credibility upon the County. Conduct that gives the appearance that decisions and actions are motivated by personal relationships or for personal gain do not meet the standards of conduct for employees under the Policy.

   b. In conducting the affairs of the County, no employee shall seek or assure a favorable decision or service by any person or entity, public or private, through acceptance of gifts, loans, favors, or any other form of unethical or unlawful conduct.

   c. Employees shall not be employed or accept employment with any business entity or agency or engage in a professional activity which might result in a conflict of interest or cause/require the employee to disclose confidential information acquired as a result of his/her official capacity with the County. Approval of secondary employment shall be obtained as provided for in Section XVII of this Policy.

   d. No County officer or employee shall solicit or accept anything of value to the recipient such as a gift (including Christmas gift), favor, loan, reward, promise of future employment, preferred service, benefit, or concession that would reasonably tend to improperly influence the officer or employee in the discharge of his or her official duties or give the appearance of improperly influencing the officer or employee.

   e. No County officer or employee shall disclose/use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

   f. No County officer or employee shall transact, or solicit to transact any business in his or her official capacity with any business entity of which the officer or employee, or his or her spouse or child is an officer, director, agent, or member, or in which the officer or employee or his/her spouse or child owns a financial interest, or otherwise has any material interest therein. Nor shall a County officer or employee, acting in a private capacity, transact or solicit to transact any business with the County, or with any of its subdivisions or agencies.

   g. No County officer or employee shall have personal investments in any business which would reasonably create a conflict between his or her private interests and the County's interest.

   h. No County officer or employee or his or her spouse or minor child shall, at any time, accept any compensation, payment or thing of value when he or she knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his or her official capacity.

i. No County officer or employee shall have or hold any employment or contractual relationship with any business entity or agency which is subject to the regulation of, or is doing business with the County, or any part of the County of which he or she is an officer or employee. Nor shall any County officer or employee have or hold any employment or contractual relationship which will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties, or that would impede the full and faithful discharge of his or her public duties.

j. Violations of the Code of Ethics for Public Officers and Employees are violations of State law and can result in fines, removal from employment, and criminal conviction; as well as in discipline including discharge from County employment.

2. Certain County public officers and employees, including "Local Officers," "Procurement Employees," "Legislative Analysts," and those who are required by law to file either limited financial disclosure forms (Form 1), or full financial disclosure forms (Form 6), are under more stringent requirements, especially with regard to the acceptance of gifts and honoraria.

3. County employees are encouraged to seek guidance from the County Attorney and/or the Human Resources Department if there is any question whatsoever about the propriety of any contemplated action prior to such action being undertaken. A copy of the statutory Code of Ethics may be obtained by contacting the County Attorney's Office. Employees may also request, through their department directors, a formal request for an opinion from the Florida Commission on Ethics in Tallahassee. Such requests shall be directed to the County Attorney's Office, which shall formulate the request and be the point of contact with the Commission.

4. Procedures Upon Offering of Group Gift-From time to time, including during holidays, County departments, divisions, crews or individuals may receive or be offered gifts including gift certificates, baskets, tickets, food, or other items of value, from developers, vendors, contractors, lobbyists and other persons who conduct, have conducted, or seek to conduct business with Manatee County. In such instances, such gifts or offers should be reported to the County Administrator's Office so that the gift or offer may be evaluated under the applicable ethics laws. In cases where it is determined that a gift or offer may not be accepted, the gift will be returned or offer declined. Nothing herein, however, prevents any person from presenting a gift to Manatee County government, which gift may be accepted on behalf of the government by the Board of County Commissioners and used at its sole direction.

5. No current employee of Manatee County may serve on any Manatee County board, commission, task force or other body, nor hold any other office of County government, including advisory bodies. Nothing herein shall be interpreted as preventing employees from holding any office of any other governmental entity, or from serving on the board of directors of any corporation, so long as no other ethical conflict prevents such service.

6. Employees who may wish to disclose information concerning alleged violations of law or gross mismanagement, malfeasance, waste of public funds or neglect of duty by a County agent, official or contractor must follow the procedures outlined in the County's Whistle-Blower Ordinance, which are at § 2-2-260 through § 2-2-264 of the Manatee County Code.

XI. DISCIPLINE AND DISCHARGE

A. General Provisions

1. The level of discipline an employee will receive for a given offense varies in each case depending on the employee's past work and discipline record, seniority and the severity of the offense.

2. Employees may be disciplined by written notice (with or without other action or conditions), suspension, probation, demotion, discharge or combinations of these for an action or failure to act which adversely affects job performance or the efficient operation of Manatee County Government or the work unit. It is the intent of the County that employees succeed within their own departments. Therefore, transferring of employees from one department to another is a disfavored practice and will not generally be used to address employee performance or misconduct issues.

3. Probationary and temporary employees, employees of the County Attorney's Office and other employees designated as serving at the will of the County Administrator, do not possess a property interest in their positions and therefore may be discharged without cause and are not entitled to any recourse in the event of discipline or discharge, except as provided in this paragraph and Section XI.D.2.d. of this Policy. Further, employees who have waived their appeal rights by virtue of having entered into a last chance agreement or voluntary separation agreement are not entitled to appeal any subsequent discharge to the extent set forth in such agreements. If any such employee believes he/she has been disciplined or discharged as a result of illegal discrimination, the employee must follow the procedures outlined in Section XIII of this Policy regarding Illegal Discrimination or Harassment.

B. Grounds for Discipline or Discharge

~~Employees may be disciplined or discharged for any of the following reasons, or for any other just cause~~Employees may be subject to discipline or discharge for violations of County policy, procedure, rule, standard, expectation, or other just cause. The examples provided in this section are illustrative and are not intended to be exhaustive:

~~1. Incompetency or inefficiency in the performance of assigned duties.~~

~~2. Possession, use, sale, purchase, or attempt to sell or purchase, any illegal controlled substance, on or off duty; misuse of prescription drugs while on duty.~~

~~3. Consumption or possession of any alcoholic beverage on duty or while operating or riding in or on County vehicles or equipment or immediately prior to driving a County vehicle or operating County equipment.~~

~~4. Reporting to work, or working with, the presence of alcohol or illegal drugs in one's body; or failure to inform supervisor of use of prescription or non-prescription medication which may affect the employee's ability to safely and effectively perform job functions, or otherwise reporting to work while either mentally or physically unfit to perform duty.~~

~~5. Refusal to submit to drug or alcohol testing as provided for in this policy or as may be required by law; attempting to contaminate test specimens or otherwise interfering with drug or alcohol testing procedures.~~

~~6. Insubordination including refusing to perform work when assigned, or to comply with written or verbal instructions of the supervisory force, including the use of abusive or threatening language or behavior directed toward a supervisor.~~

~~7. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the County or to testify at any hearing or proceeding when directed to do so.~~

~~8. Interference with the work of another employee.~~

~~9. Conducting personal business during duty hours.~~

~~10. Unexcused absenteeism or tardiness, including failure to report to duty at any reasonable time.~~

~~11. Political campaigning in writing, orally, or by telephone while on the job or during work hours.~~

~~12. Carelessness or negligence in handling or control of County property or the improper appropriation of County property.~~

~~13. Willful or negligent failure to follow safety rules or procedures.~~

~~14. Discourteous, insulting, abusive, or inflammatory language or conduct toward any person, which disrupts the workplace or serves to offend any citizen, vendor or other person with whom the employee comes into contact during the performance of duties.~~

~~15. Inability to perform the essential functions of the employee's position with or without reasonable accommodation, including the inability to maintain regular attendance.~~

~~16. Failure to comply with ethical requirements in law or these Policies, including the acceptance of a gift under circumstances from which it could reasonably be inferred that the giver expects preferred treatment in a County-related matter.~~

~~17. On or off the job conduct which adversely affects the ability of the employee to perform his/her duties or the ability of another employee to perform his/her duties. This includes conduct that adversely affects the efficient operation of Manatee County Government or any department/office/division/area thereof.~~

~~18. Lying, falsifying an official document including employment applications, medical examination forms, accident records, insurance records, leave or payroll records, purchase orders, or any other dishonesty connected with the employee's job or the operation of Manatee County Government.~~

~~19. Unlawful or unauthorized possession, use, or threat of use, of a deadly weapon, including a firearm, ammunition, explosive device, illegal knife, or other weapon, while on duty, on County property, or in a County vehicle.~~

~~20. Horseplay, fighting, unsafe conduct, or other disorderly misconduct, while on duty or on Manatee County Government property.~~

~~21. Violation of a County or departmental rule, procedure, order or regulation, any statute or ordinance related to County employment, or any provision of this Policy.~~

~~22. Unlawful or improper conduct, either on or off the job, which would tend to affect the employee's relationship to his or her job, his or her fellow workers, or Manatee County's reputation or goodwill in the community.~~

~~23. Engaging in discriminatory or harassing behavior of a verbal or physical nature which includes, but is not limited to, slurs, epithets, jokes, negative stereotyping, or other acts that relate to race, religion, gender, national origin, marital status, age or disability; or any display or written or graphic material such as photographs or cartoons that denigrates or shows hostility or aversion toward any individual or group because of same; as prohibited by Section XIII and the County's EEO/AA Policy.~~

~~24. Violation of Florida Statute 447.505, prohibiting public employees from participating in any strike against a public employer.~~

~~25. Conviction or guilt of a felony or a misdemeanor of the first or second degree as defined by Florida statutes or federal criminal law, without regard to or status of any criminal proceeding, or any violation of a County or municipal ordinance involving moral turpitude, while either on or off the job.~~

~~26. Failure to obtain, maintain, or report suspension or revocation of a state, federal or other license/certificate required or essential to the performance of the employee's job.~~

~~27. Unacceptable driving record as determined by the Manatee County Workplace Safety Committee, or the loss, suspension, or revocation, of a driver's license, when driving duties and/or possession of a valid driver's license are requirements for the employee's job.~~

~~28. Two or more related or unrelated disciplinary actions.~~

~~29. A less than satisfactory employee performance evaluation.~~

~~30. Use of County vehicles for other than County business.~~

~~31. Failure to use seat belts while driving or riding in County vehicles, or any other violation of the policies on the use of vehicles for County business.~~

~~32. Failure to notify the County Human Resources Director or designee of any criminal arrest, charge or conviction within three (3) business days of such arrest, charge or conviction.~~

~~33. Operating, using, or possessing tools, equipment or machines to which the employee has not been assigned, or performing other than assigned work.~~

~~34. Productivity or workmanship not up to required standards of performance.~~

~~35. Failure to properly wear a complete County uniform as provided by the employee's department, or to display proper County identification as required by departmental rules.~~

~~36. Taking more than specified time for meals and rest periods.~~

~~37. Habitual failure to properly and timely complete record of time worked.~~

~~38. Knowingly making any unauthorized marks or amendments to time records of oneself or of another or requesting or soliciting another employee to make such marks or amendments.~~

~~39. Failure to obtain and keep current the required authorization for outside employment.~~

~~40. Failure to pay just debts due, including debts to the County, or failure to make reasonable provision for the future payment of such debts, thereby causing annoyance or embarrassment to the County or its agents.~~

~~41. Failure to report immediately to the department director the loss of a County identification card or access keys.~~

~~42. Knowingly permitting another person to use your County identification card, or using another person's identification card, or altering a County identification card.~~

~~43. Failure to keep the Human Resources Department notified of current address and telephone number.~~

~~44. Unauthorized posting or removal of any matter on or from any County bulletin boards or County property.~~

~~45. Provoking or instigating a fight, or actively participating in a fight during the workday, including breaks and meal periods, or at any time while on County property.~~

~~46. Sleeping during work hours unless otherwise provided as in the Emergency Medical Service.~~

~~47. Unauthorized distribution of written or printed matter of any description on County premises.~~

~~48. Failure to report to the County Attorney's Office a request for information, or receipt of a subpoena from an attorney, law firm, or court of law in connection with County related litigation.~~

~~49. Unauthorized vending, soliciting or collecting contributions at any time on County premises.~~

~~50. Failure to comply with the County's computer and internet use policies.~~

~~51. Disregarding job duties by loafing or neglecting work during working hours or stopping work, wasting time, or loitering, or temporarily leaving assigned work area during working hours without permission.~~

~~52. Abuse of vacation or other leave privileges, including failure to follow leave request procedures or giving false information to access leave.~~

~~53. Being absent without permission or leave.~~

~~54. Deliberately misusing, destroying, damaging, or causing to be destroyed or damaged, any County property or property of a co-worker or citizen.~~

~~55. Making false claims or misrepresentations in an attempt to obtain accident benefits, workers' compensation benefits, health insurance payments, or other benefits.~~

~~56. Knowingly harboring without proper treatment, a communicable disease, which may endanger the health of other employees.~~

~~57. Concerted curtailment or restriction of production or interference with work in or about the County's work stations including, but not limited to, instigating, leading or participating in any walkout, sit-down, stand-in, slowdown, sick-out, refusal to return to work at the assigned time for the scheduled shift, or participation in a strike or any concerted activity against the County as defined in Florida Statutes.~~

~~58. Threatening, intimidating, coercing or interfering with fellow employees, supervision or the public at any time, including the use of abusive, foul or obscene language.~~

~~59. Making or publishing false, vicious or malicious statements concerning any employee, supervisor, the County or its operations.~~

~~60. Failure to report a work-related accident, illness or injury to the Risk Management Division.~~

1. ~~Theft or misappropriation of County funds or other assets.~~Poor Performance. Employees shall strive to perform at the highest level of efficiency and effectiveness; they shall do more than "just get by."

   a. Employees are expected to be reliable and dependable, for example: to show up for work, ready to work, on a reliable basis; to observe established work hours and scheduled appointments; to complete work on time; and to obtain permission before being off work and to schedule leave in a manner that minimizes work disruption.

   b. Employees are expected to be effective, for example: to organize their work; to stay focused on job related activities during work hours; to provide the level of effort necessary to get the job done; to demonstrate willingness and ability to make decisions and exercise sound judgment; to produce work that consistently meets or exceeds expectations; to accept responsibility for their actions and decisions; to adapt to changes in work assignments, procedures, and technology; and to be committed to improving individual performance.

2. Negligence. Employees shall exercise due care and reasonable diligence in the performance of job duties.

3. Inefficiency or inability to perform assigned duties. Employees shall, at a minimum, be able to perform duties in a competent and adequate manner.

4. Insubordination. Employees shall follow lawful orders and carry out the directives of persons with duly delegated authority. Employees shall resolve any differences with management in a constructive manner.

5. Conduct unbecoming a public employee. Employees shall conduct themselves, on and off the job, in a manner that will not bring discredit or embarrassment to the County.

   a. Employees shall be courteous, considerate, respectful, and prompt in dealing with and serving the public and co-workers.

   b. Employees shall maintain high standards of honesty, integrity, and impartiality. Employees shall place the interests of the public ahead of personal interests. Employees shall not use, or attempt to use, their official position for personal gain or confidential information for personal advantage.

   c. Employees shall protect County property from loss or abuse, and they shall use County property, equipment and personnel only in a manner beneficial to the agency.

6. Misconduct. Employees shall refrain from conduct which, though not illegal or inappropriate for a County employee generally, is inappropriate for a person in the employee's particular position. For example, while hesitation or reluctance may not be misconduct for employees generally, it may be unacceptable for an EMT or Paramedic whose position requires timely response, sound judgment, and appropriate action during emergency medical situations. By way of further example, employees may generally engage in personal relationships outside the workplace; however, it may be unacceptable for certain employees to use their position, authority, access to confidential information, or contact with vulnerable individuals to create an actual or perceived conflict of interest, breach of trust, or compromise of professional boundaries.

~~6.~~7. Habitual drug use. Agencies shall not tolerate violations of the Drug-Free Workplace Program, Section XX, or other misuse of mood- or mind-altering substances, including alcohol and prescription medications.

C. Progressive Discipline

1. Progressive discipline is a series of steps which provide a systematic approach to address and correct performance or behavior that fails to meet standards established by the County.

2. This subsection shall cover regular employees except those listed in Section XI.A.3, and XI.D.2.d. of this Policy. Regular employees may appeal discipline in accordance with Section XI.D.

3. Directors and supervisors may utilize this process when discipline becomes necessary in an attempt to maintain fairness and consistency. However, the step at which progressive discipline begins may vary depending on a number of factors, such as the nature and severity of the conduct, the employee's past discipline and performance record, and seniority. The Human Resources Director or designee may be consulted at any step in the Progressive Discipline procedure.

4. The following steps apply to progressive discipline (Note-counseling and warnings alone are not considered disciplinary action for purposes of appeal, but are available tools to use in appropriate circumstances prior to issuing discipline. However, where conduct so warrants, counseling and/or warnings may be skipped in favor of disciplinary action):

   Step 1 - Oral Counseling or Warning

   Step 2 - Written Counseling or Warning

   Step 3 - Written Discipline Notice, Suspension Without Pay, Probation, Demotion

   Step 4 - Discharge

5. When a supervisor determines that an employee's behavior or performance fails to meet standards established by the County or violates any provision of this policy, the supervisor should discuss such concerns with the employee and recommend a course of action for improvement. The discussion should include the following interactive process:

   a. Clearly outline the behavioral problem or performance deficiency.

   b. Allow the employee to respond to the concerns.

   c. After considering the employee response, explain expected conduct or performance changes.

   d. Establish a reasonable time frame in which improvement can be noted. In some cases, it is reasonable to expect quick improvement; other times, months may be more appropriate.

   e. Tell the employee what the consequences will be if performance does not improve.

   f. Ask the employee for a commitment to improve performance and correct the problems and follow up with the employee, providing feedback where appropriate.

   g. Document this process on official Counseling/Warning or Discipline forms as appropriate.

   Step 1 - Oral Counseling or Warning. Progressive discipline may begin with an informal discussion between the supervisor and the employee.

   Step 2 - Written Counseling or Warning. Absent an improvement in performance, or

upon recurrence of a minor violation, the supervisor issues a written warning or counseling to the employee on appropriate County form. A copy of the counseling/warning, together with a copy of the employee's response (if any) will be sent to Human Resources for inclusion in the employee's official personnel file.

Step 3 - Written Discipline Notice, Suspension without Pay, Probation, Demotion. Absent an improvement in performance following a written counseling/warning, or upon the occurrence or recurrence of a serious violation, the department director may discipline with written notice, suspend without pay, place on probation, or demote, the employee. These measures are coordinated with Human Resources. Discipline actions shall be taken through issuance of the County's official Notice of Employee Discipline form, and will be sent to Human Resources for inclusion in the employee's official personnel file.

Step 4 - Discharge. Absent an improvement in performance following suspension without pay, probation, or demotion, or upon the occurrence or recurrence of a serious violation, the department director may decide to discharge the employee. Documentation associated with discharge will be included in the employee's official personnel file.

6. ~~The progressive discipline policies specified herein are guidelines only and shall not be interpreted as creating a condition precedent to the issuing of justified disciplinary action or any particular level of discipline. Furthermore, managerial or professional personnel of the County who have been designated as serving at the pleasure of the County Administrator or County Attorney are not covered by this progressive discipline policy and may be terminated at any time without regard to cause. To the extent the County adopts official forms for the purpose of issuing counseling, warnings or discipline, department directors will be required to make use of such official forms to communicate these actions to employees.~~Managerial or professional personnel who have been designated as serving at the pleasure of the County Administrator or County Attorney are not covered by the progressive discipline provisions of this policy and may be removed, separated, or terminated at any time, with or without cause, and without application of progressive discipline, subject only to applicable law.

7. To the extent the County adopts official forms for counseling, warnings, corrective action, or discipline, department directors and other authorized supervisory personnel shall use the applicable official forms to document and communicate such actions to employees. The use of official forms is intended to promote consistency, documentation, and administrative accountability; however, the failure to use a particular form shall not, by itself, invalidate otherwise justified corrective action, discipline, or discharge.

~~6.~~8. The progressive discipline provisions set forth in this section are intended to serve as general guidelines for addressing employee conduct and performance concerns and shall not be construed as creating a mandatory sequence of discipline, a contractual right, a property interest, a condition precedent to discipline, or an entitlement to any particular level of corrective or disciplinary action. The County retains full discretion to determine the appropriate level of corrective action, discipline, or discharge based on the facts and circumstances of each case, including but not limited to the nature and severity of the conduct, the employee's position and responsibilities, prior disciplinary history, impact on County operations, risk to public safety, effect on public trust, and any aggravating or mitigating factors. The County may repeat, skip, combine, or proceed directly to any level of discipline, including discharge, when warranted by the circumstances. Nothing in this policy shall limit

the County's authority to immediately address serious misconduct, performance deficiencies, policy violations, or conduct that undermines the effective and efficient operation of County government.

D. Appeal Process

1. Discipline Not Including Discharge

   a. A regular employee, not probationary or otherwise classified as serving at will, who is disciplined by written Notice of Discipline only, or by probation, suspension without pay, or demotion may, within five (5) business days after the employee is notified of the discipline, excluding weekends and holidays, request a review by the County Administrator of the discipline action. The request for review must be submitted to the Human Resources Director in writing and must state with specificity why the employee disagrees with the discipline action. The ~~official County~~Request for Appeal form adopted by Human Resources must be used to file the appeal. Upon receipt of a timely request, the ~~County Administrator~~Human Resources Director or his/her designee will provide a review of the discipline action~~, which will include an opportunity for the employee to explain the facts surrounding the discipline and why he/she disagrees with the disciplinary action~~.

   b. ~~The County Administrator shall make the final determination. In the event the County Administrator determines that the discipline was unwarranted or too severe for the incident concerned, the employee's suspension will be rescinded and loss of pay, benefits, or seniority restored, or the appropriate discipline will be imposed as determined by the County Administrator.~~After review, the Human Resources Director will make a recommendation and send to the County Administrator for final determination. The County Administrator may uphold the disciplinary action, rescind the disciplinary action, or amend the disciplinary action as deemed appropriate based on the facts, circumstances, applicable policy, and supporting documentation. The County Administrator's decision shall constitute the final administrative determination. If the disciplinary action is rescinded or amended in a manner that reduces or removes the discipline imposed, the employee shall be made whole for any corresponding loss of pay, benefits, or seniority resulting from the original disciplinary action.

2. Discharge

   a. A regular employee, not probationary, at will, or otherwise ineligible for appeal per Section XI.A, whose conduct is under investigation or whose discharge is contemplated, may be placed on administrative leave without pay pending a final decision. Such employee shall be offered a pre-termination meeting unless the discharge is in accordance with Section XX of this Policy. The purpose of a pre-termination meeting is to provide the employee an opportunity to hear the charges against him or her, and to present reasons why his/her employment should not be terminated. In the event the employee is discharged, a post-termination hearing before a hearing officer will be offered. In the alternative, and where the facts of the case appear to warrant it, the County Administrator, in his/her discretion, may forego a pre-termination meeting and may instead place the employee on administrative leave without pay, and conduct, either in person or through a designee a full evidentiary hearing in accordance with the procedure set forth in Section XI.D.2.c before the final decision is made.

b. A regular employee, not probationary, at will, or otherwise ineligible for appeal per Section XI.A, who has been discharged for cause, and who was not afforded a full evidentiary hearing before the discharge, may file a written request for a post-termination hearing with the Human Resources Department within ten (10) calendar days following the date the notice of termination is mailed. Discharges for violation of Section XX based on test results must proceed with the test result challenge process in that Section prior to being granted a post-termination hearing. Employees failing to challenge a test result will be deemed to have waived any right to a post-termination hearing. At a post-termination hearing the County and the discharged employee may present evidence, examine and cross-examine witnesses, and be represented by counsel.

c. Upon receipt of a request for a post-termination hearing, the following will occur:

(1) The County Administrator will designate the individual who will conduct the hearing and make a recommendation to the County Administrator, unless the County Administrator elects to preside at the hearing.

(2) The Human Resources Director will designate a Clerk for the proceedings who shall maintain the official record. The Clerk will set the time and place of the hearing, and will notify all interested parties. The Clerk shall also ensure that hearing officers are provided with appropriate standard hearing procedures to permit an orderly, efficient and fair hearing.

(3) The County Administrator or designee will conduct the post-termination hearing. Where a designee is selected to conduct the hearing, the recommendations of the designee will be forwarded to the County Administrator who will make a final decision.

(4) In the event the County Administrator determines that discipline was unwarranted, the employee will be reinstated without loss of pay, benefits, or seniority. Upon determining that a violation has occurred but discipline short of discharge is warranted, the County Administrator shall impose the appropriate discipline.

d. Name Clearing Hearings

(1) When an employee is discharged for cause, and where the employee believes that his or her file contains stigmatizing information connected with the discharge, the employee may within ten (10) calendar days of receiving notice of the discharge, request a hearing for the sole purpose of responding to the information considered to be stigmatizing.

(2) The County Administrator (County Attorney for employees of that office) or his/her designee shall be the hearing officer, and shall provide the discharged employee an opportunity to clear his/her name. A hearing held pursuant to this section will be recorded and the record preserved for such times as may be prescribed by law or, if no such time is prescribed, for a reasonable time. Such a hearing shall not entitle the employee to any relief from discharge.

XII. EMPLOYEE COMPLAINT PROCEDURE

A. Definition of Terms

1. **Complaint** - a written statement made by an employee concerning any non-disciplinary, work-related problem. The statement must be on an official form before it can be considered a "complaint."

2. **Immediate Supervisor** - the person in the chain of command to whom an employee directly reports and under whose direct supervision the employee performs his/her job.

3. **Regular Employee or Employee** - (for purposes of this Section) - a person employed by the County who is not working in a temporary status.

4. **Occurrence** - an event that caused the complaint or an incident which the employee, through the exercise of reasonable care, should have known about.

5. **Temporary Employee** - a non-regular employee (e.g., OPS, on-call, contingency, student intern) as defined in Section I.B.1. of this policy.

B. General Provisions

1. Purpose

The purpose of the Complaint Procedure is to establish a process for resolving employee work-related problems and complaints at the lowest administrative level possible and to ensure the fair, expeditious and orderly resolution of employee problems and complaints. The Complaint Procedure shall NOT be used to address allegations of illegal harassment or discrimination. Complaints regarding such matters must be processed under the provisions of Section XIII, Illegal Discrimination or Harassment.

2. Coverage

a. The Employee Complaint Procedure is applicable to all regular employees.

b. Employees, including probationary and temporary employees, who wish to lodge a complaint concerning illegal discrimination must utilize the formal procedures established in Section XIII of this Personnel Policy Manual.

3. Time Limits

a. The time limits set forth in this Procedure are strictly adhered to unless waived by both parties concerned or the Human Resources Director or designee.

b. Failure on the part of the supervisor, the department or the Human Resources Department to comply with the time limits enables the employee to proceed to the next step.

c. If an employee fails to comply with the time limits, his or her problem shall be deemed resolved, and any pending complaint shall be dismissed.

4. Responsibilities of Department Directors

a. Department directors are responsible for ensuring that supervisors promptly handle employee problems and that each employee is made aware of this Procedure.

b. Department directors are encouraged to call upon the Human Resources Director for an interpretation of any County Personnel Policy or Procedure or for guidance regarding the application of County Personnel Policies, Rules and Procedures. Department directors are also encouraged to consult with the Human Resources Director or designee concerning employee relations matters.

5. Available Complaint Procedures

Employees have the following procedures available to them:

a. Opportunity to file a complaint with the Human Resources Department.

b. Opportunity for informal resolution of the complaint. An effort will be made within the affected department to resolve the problem informally through the use of representatives of the Human Resources Department, as necessary.

c. Opportunity to bring witnesses and documentary evidence at any step in this Procedure.

d. Opportunity to have copies of relevant records or documents provided by the records custodian when such records or documents are kept by or for the County in the ordinary course of business.

C. Procedural Steps

The following steps are available to employees for the orderly and expeditious processing of non-disciplinary, work-related problems or complaints.

1. STEP I: Immediate Supervisor

a. When an employee has a work-related complaint, the employee should consult with his/her immediate supervisor within ten (10) calendar days of the occurrence. Either or both parties may request Human Resources' assistance in resolving the complaint. However, employees are encouraged to work in good faith with their respective supervisors for speedy resolutions of their problems or concerns.

b. If a satisfactory resolution is not reached within two (2) of the supervisor's working days following the employee's initial consultation with the supervisor, the employee has two (2) additional ~~work day~~workdays to put the problem in writing on an official form and to present it to his/her supervisor.

c. The supervisor has two (2) working days (supervisor's working days) from the day the employee presented the written complaint to give the employee a written decision on an official form, with forwarding copies.

2. STEP II: Department Director

If the matter is not satisfactorily resolved in Step I, the employee may present the written statement of the problem or concern to the department director. This step must be taken within five (5) working days of receipt of the supervisor's written decision. The department director shall render a written decision to the employee within five (5) working days after receipt of the employee's written statement, with forwarding copies.

3. STEP III: Human Resources Department

In the event the complaint remains unsettled, the employee may refer the matter to Human Resources within five (5) working days of receipt of the department director's decision. The Human Resources Director or designee attempts to resolve complaints within his/her area of responsibility. In the event the complaint is not resolved within ten (10) working days of receiving the complaint or if it is beyond the scope of the Human Resources Director's responsibility, the Human Resources Department will prepare a report to the County Administrator (County Attorney for employees of that office).

4. STEP IV: County Administrator (County Attorney)

The County Administrator (County Attorney for employees of that office) or his/her designee will consider the complaint. Upon request, the complaining employee may explain his/her position in writing and/or in a meeting with the relevant official/designee. After considering all the available information, including any recommendation by a designee, the County Administrator (County Attorney for employees of that office) will make a final determination within fifteen (15) calendar days after receipt of written submission, meeting with employee, or receipt of designee's report, whichever is last-occurring.

D. Prohibition Against Retaliation

1. Manatee County prohibits retaliation against any employee for using the Employee Complaint Procedure or for participating or cooperating in any way in connection with this Procedure.

2. An employee who believes that he/she has been harassed or retaliated against for having used this complaint procedure may, within ten (10) calendar days of the occurrence, file such allegation with the Human Resources Department for further investigation. After completion of its investigation, the Human Resources Department will submit a report of its investigation to the County Administrator (County Attorney for employees of that office), who will take appropriate action.

3. Violation of this section is subject to disciplinary action up to and/or including discharge.

XIII. ILLEGAL DISCRIMINATION OR HARASSMENT

A. Policy

1. Manatee County is committed to providing workplaces that are non-discriminatory and afford equal treatment to all. The County will not condone or tolerate illegal discriminatory behavior. This specifically includes sexual harassment and any other type of harassment or discriminatory conduct based on race, color, national origin, religion, gender, marital status, age, citizenship or disability (protected class).

2. Employees shall not engage in conduct which violates this policy at any time during working hours or on County premises while off duty.

3. All administrative and supervisory personnel are expected to abide by the County's commitment to equal opportunity and treatment under the law and to ensure that this policy is fully implemented and enforced.

4. Due to the severity of illegal discriminatory conduct, and the legal questions which are often involved in investigating such conduct, the procedures in this policy shall be used in investigating and dealing with illegal discrimination complaints. The County's general Complaint Procedure shall not be used to address such complaints.

B. Definitions

1. Illegal harassment or discriminatory conduct can be any verbal or physical conduct that belittles or otherwise shows hostility or aversion toward an individual or group based upon that individual's or group's race, color, religion, gender, national origin, marital status, age, citizenship or disability, and that for a reasonable person:

   (a) has the effect of creating an intimidating, hostile, or offensive work environment; or

   (b) has the effect of unreasonably interfering with an individual's work performance; or

   (c) otherwise adversely affects an individual's terms and conditions of employment.

2. Examples of illegal harassment include, but are not limited to, epithets, slurs, jokes, negative stereotyping, or other acts which are threatening, intimidating, or hostile in nature, that relate to a protected class, or any display of written or graphic material such as photographs or cartoons that belittles or shows hostility or aversion toward an individual or group because of the same.

3. Sexual harassment is generally defined as abusive treatment of an employee by the employer or by a person or persons under the employer's control, which would not occur but for the person's gender, when:

   (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

   (b) submission to such conduct by an individual is used as the basis for employment decisions affecting the individual; or

   (c) such conduct has the effect of unreasonably interfering with an individual's work

performance or creating an intimidating or offensive work environment.

4. Examples of conduct which may constitute sexual harassment may include, but are not limited to, the following:
   (a) unwelcome sexual advances, flirtations, or propositions
   (b) actual or implied demands for sexual favors in exchange for favorable treatment or continued employment
   (c) unwelcome jokes or remarks of a sexually oriented nature
   (d) verbal abuse of a sexual nature
   (e) unwelcome commentary about an individual's body, sexual prowess, attractiveness, or sexual deficiency
   (f) any display in the workplace of sexually suggestive objects, pictures, posters, or reading material
   (g) a coerced sexual act or assault
   (h) uninvited physical contact of a sexual nature such as pinching, grabbing, patting, or brushing against another person
   (i) uninvited leering, whistling, or gestures of a sexual nature

C. Procedure

1. Any employee or applicant who believes that he or she is being or has been illegally discriminated or retaliated against or harassed must file a timely written complaint with the Human Resources Director or specifically-designated senior-level Human Resources personnel. To the extent the County maintains an official form for the purpose of filing a charge under this section, such form must be used.
2. Departmental directors, managers and supervisors are responsible for bringing any allegations or concerns related to potential cases of illegal discrimination or harassment to the immediate attention of the Human Resources Department.
3. The Human Resources Department will be responsible for evaluating all complaints under this policy and making the determination on whether or not an internal investigation is warranted. In cases where such an investigation is determined to be warranted, the County Administrator will designate an appropriate person or persons who shall be responsible for conducting a prompt, thorough and objective investigation.
4. Employees questioned during the course of an investigation are obligated to cooperate in a full and honest manner. No employee shall face any form of reprisal for making a complaint or for his or her cooperation with an internal investigation. Employees who either refuse to cooperate in an internal investigation, or who intentionally give false information at any point within an investigation, shall be subject to disciplinary action.
5. Once an internal investigation has been concluded, the Human Resources Department will review the investigator's written report with the County Administrator and appropriate senior staff, to include the department director(s) at-interest and a

representative of the County Attorney's Office. This panel will determine the remedial action to be taken, if required. A final written report containing final findings and the actions taken will be generated at the conclusion of the investigation and review, with a copy provided to the complainant. Individuals against whom allegations were raised will likewise be entitled to receive a copy of the final report upon request.

6. Once an investigation has been concluded, it shall be the responsibility of the department director at-interest to implement the remedial actions which were determined by the review panel to be appropriate. The Human Resources Department shall be responsible for monitoring the workplace situation, and should be contacted by the complainant or other affected parties if they at any point feel that either retaliation is taking place or the illegal behavior is continuing.

7. This internal complaint and investigation process does not preclude an aggrieved employee from filing a complaint with the United States Equal Employment Opportunity Commission and/or the Florida Commission on Human Relations. However, failing to utilize this internal procedure may under the law result in the loss of important legal rights.

XIV. LABOR-MANAGEMENT RELATIONS

1. By law, Manatee County employees have the right to form, join, and participate in, or to refrain from forming, joining, or participating in legally sanctioned employee organizations to represent them in employee relations matters.

2. County employees have the right to refuse to join or participate in the activities of employee organizations. They also have the right to represent themselves individually in their employment relations with the County.

3. No employee will be interfered with, intimidated, restrained, coerced or discriminated against because of his/her exercise of these rights. It is the intent of the County that nothing in this section shall be construed to either encourage or discourage the organization of employees.

4. Employees who are or become covered under a collective bargaining agreement shall also be subject to the Personnel Policy, Rules and Procedures. If any direct conflicts occur between such agreements and the Personnel Policies, the agreement shall take precedence. Such agreements shall be controlling, in cases of conflict, even where the rights or benefits provided within said agreements are lesser than those contained within the Personnel Policies.

XV. EMPLOYEE RECOGNITION PROGRAM

1. The County Commission seeks to recognize and reward County employees for dedication to the County, exemplary performance and innovation, and gains in efficiency, County positive environmental impacts and cost reduction, all of which enhance the performance of Manatee County Government.

2. All regular full and part-time employees shall be eligible to receive recognition and awards related to an individual employee's or work group's exceptional accomplishments or contributions related to their County service.

3. Employees may, to the extent budgeted funds are available, receive appropriate recognition including plaques or other tokens, paid time off, leave credits or monetary awards for the following categories such as employee of the month/year, heroism, and years of service.

4. Employees may receive recognition based on the following criteria:

   - Discovery or invention of a unique innovative idea, process, procedure or policy which will result in significant improvement or efficiency in the operation of their department or the County in general.
   - Implementation of a project, idea, process, procedure or policy resulting in significant monetary savings to the County.
   - Outstanding and exemplary performance in the daily capacity of an employee which far exceeds the expectations of the position.
   - Achieving or substantially contributing to the achievement of a highly desirable outcome, either in terms of substantial safety improvements or the avoidance of risk, or otherwise obtaining an extraordinary beneficial result through exceptionally strenuous or complex work of a non-routine nature.
   - Providing highly effective assistance "above and beyond the call of duty" type efforts resulting in a positively changed outcome for the employees or citizens of Manatee County.

5. All employee awards provided for herein shall be in accordance with Florida law and County policies concerning such awards. The Human Resources Director shall have the authority to develop and periodically revise procedures and forms to implement the County Commission's policies concerning employee awards.

XVI. EMPLOYEE PERFORMANCE EVALUATION SYSTEM

1. Under the direction of the County Administrator (County Attorney for employees of that office), the Human Resources Director administers a program for rating the work performance of Manatee County employees.

2. The Performance Evaluation Program is designed to provide procedures and guidelines for supervisors to evaluate the performance of County employees in the accomplishment of their assigned duties and responsibilities.

3. Through the uniform application of these procedures and guidelines, supervisors can use the Performance Evaluation Program as an effective management tool to recognize accomplishments, guide and reward performance and improve productivity and morale.

4. The County Administrator (County Attorney for employees of that office) is authorized to approve administrative revisions to the Performance Evaluation Program.

5. The Employee Performance Evaluation Forms adopted by the County Administrator (County Attorney for employees of that office) must be used for all official employee performance evaluations. These forms shall be posted on the County's computer networks so as to facilitate electronic completion.

6. Performance Evaluation Program guidelines may be published separately to aid management in the use of the Program.

7. All employees of Manatee County may, at their election, draft and submit a written response to any performance evaluation given by management. Such written responses, which shall be free of profane, discriminatory, abusive or inflammatory language, will be appended to the evaluation being responded to, and placed in the official personnel file.

XVII. OUTSIDE EMPLOYMENT, ENTERPRISE, BUSINESS

1. No County official or employee shall work in any enterprise or business, including self-employment, accept outside employment, or render services for private interests, whether paid or unpaid, non-profit or profit, when the employment or service conflicts with the employee's official duties. Nor shall such work create an appearance of conflict or impair independent judgment or action in the performance of the duties of a County employee.

2. Newly-hired or current employees wishing to engage in, or continue in any enterprise, business, outside employment, or to render services for private interests, paid or unpaid, non-profit or profit, must first request approval from their department director on a request for outside employment form provided by the Human Resources Department. The department director will make an initial assessment of the request to ascertain whether the proposed nature and/or schedule of the outside employment will or likely will negatively impact the employee's County job performance. If an initial determination of non-interference is made by the director, the department director then informs the Human Resources Director of the request. Employees who fail to file a request to their department director (County Administrator or County Attorney for employees of those offices) prior to engaging in outside employment activity may be subject to disciplinary action up to and/or including dismissal. Newly hired employees must declare and seek approval of supplemental employment or other outside business at the time of hiring.

3. Upon referral from the department, the Human Resources Director reviews all pertinent information and consults with the department director as needed. The Human Resources Director determines if the employment or activity is inconsistent, incompatible, or conflicts with the employee's duties and responsibilities, or may tend to do so. Based upon this information, the Human Resources Director approves or disapproves the request to engage in the secondary employment or outside business.

4. The proposed employment shall not be with a business or agency subject to the regulation of, or that is doing business with, the department of the employee, except if expressly permitted by state law.

5. The proposed employment cannot require the employee to disclose or use information gained in his/her official County position that is not available to the public.

6. Changes in secondary employment or outside business must be reported promptly to the department director, who will determine whether further approval is required.

7. Permission to engage in secondary employment and outside business may be denied or withdrawn at any time if the County Administrator (County Attorney for employees of that office), Department Director, or Human Resources Director, determines, in his or her sole discretion, that such activities are interfering with, or may be expected to interfere with, the employee's production, efficiency, duties or responsibilities, or when it causes discredit or is in conflict with County interests.

8. Any outside employment or business described above is secondary to the requirements of regular County employment. It must not interfere with or impede the availability of an employee to perform his/her duties and responsibilities. Every employee granted approval

under this rule must agree to respond immediately to any call to duty by the County whenever the department director (County Administrator or County Attorney for employees of those offices) determines his/her services are necessary.

9. Supervisors must be notified immediately, but no later than the employee's next scheduled working day, of injuries sustained during outside employment. Employees sustaining injuries are ineligible to receive workers compensation benefits from the County. Sick leave benefits are allowed based on injury or illness arising from outside employment only if the outside employment has been approved under this policy and only to the extent the employee is not eligible to be otherwise compensated for absences caused by the injury or illness.

10. No County personnel, equipment, facilities, vehicles, or other property may be used by employees while engaged in outside employment, enterprise or business.

11. No employee shall perform work for private individuals or other governmental departments/agencies as a part of his/her County employment except when the work is part of contract arrangements or an agreement entered into by the Board of County Commissioners.

12. No employee of Manatee County shall have financial interests in the profits of contracts, services or other work performed by or for the County. Nor shall a County employee personally profit, directly or indirectly, from any contract, purchase, sale or service between the County and any person or business. Any employee who violates this rule is guilty of misconduct and subject to immediate dismissal.

XVIII. POLITICAL ACTIVITY

1. No person shall be appointed to, demoted, or dismissed from any County position, or in any way favored or discriminated against with respect to employment with Manatee County, because of political opinion or affiliations.

2. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure for any person an appointment or advantage in appointment to a position in Manatee County Government service, or in the service of any Manatee County constitutional officer, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any other political consideration.

3. As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the State and the Constitution and laws of the United States. However, no employee of Manatee County Government shall:

   a. Take any active part in a political campaign while on duty or within any period of time during which they are expected to perform services for which they receive compensation from the County. This will include making or distributing flyers, hand cards, or other campaign or political items in the workplace; or making use of any County equipment, service or facility in furtherance of any campaign or political purpose.

   b. Use the authority of their position to secure support for or oppose any candidate, party or issue in an election or affect the results thereof.

   c. Use any promise or reward or threat of loss to encourage or coerce any employee to support or contribute to any political issue, candidate or party.

   d. Display on their person (while on duty), County vehicles or in their workplace, any button, sign, decal or other symbol of support for any elected official, political party, issue or candidate for public office.

   e. Appear in any print, television, radio or other form of advertisement for any elected official, political party, issue or candidate while wearing a Manatee County uniform, or while identifying oneself as an employee of Manatee County.

   Nothing herein shall be interpreted as prohibiting a County employee from using County resources related to state or local referendum or initiative to the extent authorized by Florida Statute § 106.113 where that employee's duties permit or require such work, and where the Manatee County Commission has adopted a policy or position concerning the matter.

4. An employee who takes any step to run for a Manatee County Commission seat, including opening a campaign account for that purpose, filing qualifying paperwork with the Supervisor of Elections, or conducting a press conference or issuing a press release confirming his or her candidacy, shall be deemed to have resigned his or her position with Manatee County as of the close of business of the date any of these actions are first taken. Nothing herein shall be read or interpreted as preventing an employee from standing for election for any other elective

public office or applying for appointment to any appointive public office.

5. An employee elected to public office other than as a Manatee County Commissioner or Constitutional Officer shall resign from County employment if the elected position presents any conflict of interest or interference with the employee's County job. The County Administrator (County Attorney for employees of that office) may grant written permission to remain in the County job, if no such conflict or interference exists. For purposes of this section, a conflict of interest will be determined in the sole discretion of the County Administrator (County Attorney for employees of that office) regardless of any other determination.

6. Any person who violates any provision of this section shall be subject to disciplinary action, up to and/or including discharge. However, nothing herein shall be construed to prohibit an employee's right to file a complaint of workplace discrimination or harassment, to raise a concern regarding workplace safety, to report to appropriate authorities the misuse or theft of County assets, or to engage in casual workplace discussions on social or political topics, so long as such discussions do not, in the judgment of management, interfere with the orderly, peaceful, and efficient performance of assigned duties or with the valid exercise of authority of management. Employees or managers having questions concerning political activities or the interpretation of this policy should consult the Human Resources Director and the County Attorney's Office.

XIX. SAFETY

1. Employee safety is a primary Manatee County obligation. All employees are personally responsible for safety in the workplace.

2. A Manatee County Safety Manual has been compiled by the County' Risk Management Division and is published separately. This manual provides safety policies and procedures to be used by all departments for the safety of County employees and protection of County property.

3. Employees who knowingly and willfully violate the safety policies and procedures are subject to disciplinary action, up to and/or including discharge, under Section XI of the Policy.

XX. DRUG-FREE WORKPLACE PROGRAM

A. Purpose, Scope and Prohibitions

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1. Manatee County Government has a compelling interest in maintaining a safe, healthy and productive work environment for all its employees; in providing professional services for its customers in a safe, timely and efficient manner; in maintaining the security of its equipment and workplace; and in performing all these functions in a fashion consistent with the interests and concerns of the community.

2. Pursuant to these goals, the County has established a Drug-Free Workplace Program. This program is intended to comply with: the Drug-Free Workplace Program requirements set forth in Chapter 440, Florida Statutes; the implementing regulations, promulgated by the State of Florida, Department of Labor and Employment Security, Division of Workers' Compensation; 49 U.S.C. §§ 5301 and 5331; and the implementing regulations in Title 49 of the Code of Federal Regulations, Parts 29, 40, 382 and 655 (bolded throughout Sections XX-A, B, C, and D of this policy) Testing conducted under federal authority (Federal Transit Authority and Federal Motor Safety Carrier Administration) will be collected on Department of Transportation forms and tests conducted under County authority will be on non-DOT forms.. The program is also intended to deter drug and alcohol abuse by employees in order to limit illness and injuries to themselves and to others. While the majority of the program will have standards applicable to all County employees, certain provisions will vary to comply with regulations specific to certain job classifications. A copy of the federal regulations applicable to this program may be obtained in the Human Resources Department, or directly from the federal government's web sites**.** For questions regarding the County's Anti-Drug and Alcohol Misuse Prevention Program contact the County's Human Resources Department.

3. To enforce the County's drug and alcohol-free policies and programs, candidates for employment and current employees can be required to submit to substance abuse testing under certain circumstances as set forth herein and are expected to cooperate fully in providing specimens and explanations that may be subsequently required by this Policy.

4. This policy applies to candidates for employment and to County employees in all job classifications at all locations, during their entire ~~work day~~workday (includes on-call and stand-by time).

5. County employees are strictly prohibited from engaging in any of the following acts while on County premises or within County facilities, while conducting County-related work off County premises, or while operating County vehicles:

   a. Unlawful possession, use, consumption, sale, purchase, distribution, dispensation or manufacture of any illegal drug; or

   b. Use or consumption of alcoholic beverages; or

   c. Misuse of legally obtained drugs.

6. The County:

~~b.~~ a. Will not permit any employee to report to work nor to perform duties with the presence of any illegal drug in his/her system; or with a blood-alcohol level as defined in §316.1932(1) (b), Florida Statutes, of 0.08 percent or more; or if his/her senses are impaired due to misuse of legally obtained drugs. Will not permit any safety-sensitive employee covered by Parts 655 (Federal Transit Administration) and 382 (Federal Motor Carrier Safety Administration) of Title 49 of the Code of Federal Regulations (hereinafter: "covered employee") to:

(1) report to work with an alcohol concentration of 0.02 or greater

(2) perform safety sensitive functions within four hours of using alcohol

(3) consume alcohol for 8 hours following an accident unless employee has undergone and tested clean after being administered a post-accident alcohol test

(4) perform or continue to perform safety sensitive functions with an alcohol concentration of 0.02 or greater

(5) perform or continue to perform any safety-sensitive functions with an ~~prohibits covered employees having an~~ alcohol concentration of 0.04 or greater ~~will be prohibited from performing or continuing to perform any safety sensitive function~~until the employee successfully completes the return-to-duty process.

~~(4)~~ (6) use any of the following at all times: (1) marijuana, (2) cocaine, (3) opioids, (4) amphetamines, and (5) phencyclidine.

~~c.~~b. Will not permit employees to consume alcohol during the hours the employee is on call. Pursuant to Federal Transit Administration regulation 49 C.F.R. Part 655, a covered-on call employee who is called to report to duty shall have the opportunity to acknowledge that he/she has used alcohol during the on-call period, and whether he/she is able to perform his or her safety-sensitive duties. If the covered employee acknowledges having used alcohol during the on-call period but asserts that he/she is able to perform his/her duties, the County shall refer the employee for testing. The County requires any admission that an on call employee has used alcohol during an on call duty shift be in writing, and reserves the right to send any employee for testing, even where the employee admits alcohol use and that he/she cannot perform their duties.

~~d.~~c. Will not permit any employee to report to work or to perform his/her duties while taking prescription or non-prescription medication which adversely affects the person's ability to safely and effectively perform his or her job functions. Employees are required to notify their supervisor of prescription or over-the-counter medication which carries a warning label that indicates mental functioning, motor skills, or judgment may be adversely affected. All employees holding safety sensitive/special risk positions must comply with this requirement by completing the official reporting form developed by the Human Resources Department for this purpose. The County also reserves the right, once in receipt of notice, to require submission of additional documentation from the prescribing physician(s) confirming the ability to work under this policy. Medical advice will then be sought, as appropriate, before allowing the employee to return to performing work-related duties.

~~e.~~d. Will require an employee to report any criminal drug statute conviction, or a finding of guilt whether or not adjudication is withheld, or the entry into a diversionary program in lieu of prosecution to the Human Resources Director, in writing, no later than three (3)

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days after such conviction. Any employee who fails to notify the Human Resources Director will be subject to disciplinary action, up to and including termination.

7. Abiding by the terms of this policy is a condition of employment.
8. Any employee who violates this policy is subject to disciplinary action, up to and/or including discharge.
9. The policies and procedures set forth in the County's Drug-Free Workplace Program constitute statements of policy only, and are not to be interpreted as a contract of employment between the County and any of its employees. The County reserves the right to change, modify, or delete any of the Program's provisions and policies at any time.

B. Drug and Alcohol Testing Program

1. Types of Testing

a. Job Applicant Testing

(1) Employment of every applicant who has received an offer of a job which has been designated as safety-sensitive/special risk is contingent on successfully passing a substance abuse test. The County reserves the right to allow a job applicant to start work pending the results of the drug test (with exception to applicants hired into "covered" positions). Once the applicant has taken the pre-employment drug test, he/she must begin work within thirty (30) calendar days from the test date. If thirty (30) calendar days pass prior to the applicant beginning work, the hiring department must send the applicant for a re-test. Note: FTA employees being re-sent will be done utilizing nonfederal forms, unless 90 or more days have passed. If 90 or more days elapse, FTA-covered employees will be sent for a test using a federal form FMSCA employees will be re-sent utilizing federal forms.

(2) For purposes of this section, the term "applicant" includes County employees who, for any reason, accept or are assigned to a safety-sensitive/special risk position.

(3) Employees who advance within an established career ladder into a safety-sensitive/special risk position must submit to a drug test.

b. Non-safety-sensitive applicants accepting or being assigned a covered safety-sensitive position and sent for testing, must use DOT-approved testing form(s). All other applicant testing under County authority will use non-DOT forms.

c. Reasonable Suspicion Testing and/or Post Accident/Cause.

Personnel trained by the County to detect the signs and symptoms of drug or alcohol use (and any other official authorized to make non-DOT referrals) may develop a reasonable suspicion to believe that an employee is using or has used drugs/alcohol in violation of the County's policy. Determination shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors. Evidence sufficient to support the development of a reasonable suspicion may consist of, but is not limited to the following:

(a) Observable phenomena while at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol.

(b) Evidence of drug/alcohol use obtained from a reliable and credible source. Employees will be referred and tests processed on non-DOT chain of custody and breath alcohol forms.

(c) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs or alcohol while working or while on County premises or while operating a County vehicle, machinery, or equipment. Employees will be referred and tests

processed on non-DOT chain of custody and breath alcohol forms.

(d) Information that an employee has caused, contributed to, or been involved in an accident while at work. An employee who is unable to submit to testing at the time of an accident due to the seriousness of his/her injuries is required to provide the necessary authorization for obtaining medical reports or other documentation that would indicate whether there were any drugs or alcohol in his or her body. Employees not involved in accidents covered by specific federal regulatory criteria shall be referred to post-accident testing pursuant to forms and criteria developed by the Human Resources Department. Pursuant to Federal Transit Administration regulation 49 C.F.R. Part 655, covered employees, including operators and other covered employees whose performance could have contributed to the accident, shall be referred for post-accident testing in the case of a fatality, bodily injury requiring medical attention away from the scene of the accident, or if the transit vehicle is a rubber tire vehicle and any of the involved vehicles are towed away, unless, in the case of a non-fatal accident, the employee's performance can be completely discounted as a contributing factor based on the best information available at the time of the referral decision. Accidents involving employees covered by Federal Motor Carrier Administration regulations will be referred for post-accident testing as required by 49 C.F.R. Part 382.

(e) An expanded panel drug test will be completed if any of the above criteria in subsections (a) through (e) exist. Note: Federal Motor Carrier Administration and Federal Transit Administration employees will have both a 5-panel test and a County specified expanded panel test completed However, DOT tests must be separate from non-DOT tests in all aspects. DOT tests must take priority and must be conducted and completed before a non-DOT test is begun. Accordingly, two separate collections will occur simultaneously.

(1) Immediate supervisors will report their suspicions to their department director. An employee will report immediately after the order to the designated laboratory for testing, under the following conditions:

(a) If the supervisor believes the employee is impaired in any way by drugs or alcohol, the supervisor will personally drive or direct another responsible individual to drive the employee to the approved drug testing site.

(b) An employee suspected of being impaired shall never be permitted to drive a vehicle during any duty shift during the period of suspicion.

(c) Travel to and from, and time spent at, the drug testing site will be counted as hours worked.

(d) After drug testing is completed, the employee should be transported to the department director's location. The director, based on the facts and circumstances, may place the employee on administrative leave pending receipt of the results of the drug or alcohol testing.

(e) The department director or designee should arrange to have an impaired employee taken home. The director should tell an employee who refuses assistance that law enforcement authorities will be called if the employee attempts to drive home alone. If the employee persists in attempting to drive after such a warning, the director must call the appropriate law enforcement agency.

(f) Pursuant to 49 C.F.R. Parts 382 and 655, covered employees will be subject to alcohol testing only while performing safety sensitive duties or immediately before or after the performance of such functions. Alcohol testing shall only be administered if the reasonable suspicion observation is made immediately before or after the performance of safety sensitive duties, or while actually performing such duties (non-DOT forms shall be used to process referrals of employees performing non-safety-sensitive duties). If a breath alcohol test is not administered within two (2) hours, then reasons shall be documented by the supervisor or other authorized official on designated Human Resources' forms and attempts to obtain testing shall continue. However, attempts to obtain alcohol testing shall cease after eight (8) hours and the supervisor or authorized official must further document the reasons for the failure to obtain testing within the allotted time period.

(2) Within seven (7) days after testing based on reasonable suspicion, the supervisor who recommended the testing shall detail in writing, on the County's Reasonable Suspicion Testing Report Form, the circumstances which formed the basis of his or her belief that reasonable suspicion existed to warrant the testing. The department director who directed the drug test will certify on the form that he/she was informed of the basis of suspicion and was satisfied reasonable suspicion existed. A copy of this report shall be provided to the employee being tested upon request. The original copy of the report shall be kept confidential and retained by the Human Resources Department.

(3) Any on-the-job injury for which an employee requests or is required to seek Workers' Compensation medical treatment amounts to sufficient reasonable suspicion to require drug testing. All employees reporting for such medical treatment will submit to a drug/alcohol test as part of the evaluation. The employee's immediate supervisor will prepare a Reasonable Suspicion Testing Report Form the first time an employee is treated for a particular injury and forward the Form, through the department director for certification, to the Human Resources Director within three (3) ~~work day~~workdays of the first treatment.

(4) Pursuant to 49 C.F.R. Parts 382 and 655, post-accident testing related to accidents involving covered employees shall be completed as soon as practicable but must be within thirty-two (32) hours of the accident. If a post-accident alcohol test is not conducted within two (2) hours of the accident, the supervisor must document the reasons why on such form as may be developed by the Human Resources Department for such use. Nevertheless, the supervisor shall continue attempts to obtain a specimen for up to eight (8) hours after the accident. All reasons why attempts to obtain a specimen within this eight (8) hour period were unsuccessful must be documented as noted above. Covered employees must remain readily available for post-accident testing, including notifying their department or Human

Resources of their location if they leave the scene of an accident prior to submission to post-accident testing. Failure to make such notifications upon leaving an accident scene shall constitute a refusal to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency care.

d. Routine Fitness-for-Duty Testing

All employees in an employment classification or group, for which the County routinely schedules employee fitness-for-duty medical examinations pursuant to County policy, must submit to a drug test as a part of their medical examinations.

e. Follow-up/Return to Duty Testing

(1) Covered employees subject to return to duty and follow up testing must first meet with a substance abuse professional pursuant to the requirements of 49 C.F.R. Part 655 and 40. Covered employees reemployed after violating DOT drug and/or alcohol regulations must show written proof of completion of required certified substance abuse professional (SAP) evaluation, referral and education/treatment process and obtain a negative return to duty test. If said covered employee has been released by the SAP to return to safety sensitive duties but still required by the SAP to obtain ongoing treatment (at employee's expense), all such SAP requirements must be complied with as a condition of continued employment. Any post-positive return to duty or follow up testing required will be at the employee's expense and be "observed collections."

(2) If, in the course of employment, an employee is required by the County to enter an employee assistance program (EAP) for drug-related problems or a drug/alcohol rehabilitation program, the employee must submit to drug or alcohol testing as a part of and as follow-up to such program.

f. Post-Absence Testing

Special risk employees who are returning to the workplace after an absence of ninety (90) calendar consecutive days or more (i.e., sick, vacation, jury duty, military leave, leave of absence, worker compensation, family sick, etc.), must, whether leave was FMLA-covered or not, submit to drug testing before returning. In accordance with applicable federal regulations, a Covered Employee returning to duty after ninety (90) consecutive calendar days or more, must obtain a negative test result prior to the reassignment to safety-sensitive duties. Covered Employees absent from the workplace for ninety (90) consecutive calendar days or more shall not be subjected to random testing during the period of absence. Note: If the employee is not removed from the random pool during this absence, post-absence testing will not be required upon return.

g. Random Testing

(1) A covered employee in a safety-sensitive position (See X-B 3 (a-i) below) will be required to submit to unannounced and unpredictable drug testing when selected pursuant to a random selection process, any time while on duty. The process

developed by Human Resources to make the random selections shall be by a scientifically valid method, such as a random number table or computer-based random number generator, and ensure that each covered employee will have an equal chance of being tested each time selections are made. Pursuant to 49 C.F.R. Parts 382 and 655, a covered employee in a safety-sensitive position (see X.B. 3(a-i) below shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased functions. Special risk employees (See X.B. 4 (a-g) below) will be required to submit to unannounced and unpredictable alcohol testing when selected pursuant to a random selection process, any time while on duty. Notwithstanding the foregoing and regardless of applicable federal DOT regulations, any employee may be subject to random testing at any time where such random testing has been agreed to by the employee and the County within a labor contract, last chance agreement or similar contract.

(2) The Human Resources Director will establish a program to annually test randomly a number of employees in safety-sensitive and special-risk positions. The percentage rates for testing conducted under County authority will be at a minimum of 25% of the total number of special risk employees for drugs and 10% for alcohol. At a minimum, random percentages for FTA and FMSCA employee categories will be subject to the percentage rates set forth in applicable implementing regulations (49 CFR Part 40, 382 and 655. The Program shall ensure that the dates established for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are being performed by those subjects to such testing. Once notified of selection for random testing, the selected employee must proceed immediately to the testing facility as instructed by the referral. Refer to 49 CFR Part 40 Section 655.(b) for Federal Transit Administration's employee category definitions for safety sensitive functions for positions listed below.

(3) "Safety-sensitive positions" includes the following functions:

(a) Operating a revenue service vehicle, including when not in revenue service (Examples: Transit and Para-transit vehicle operators and attendants)

(b) Operating a nonrevenue service vehicle, when required to be operated by a holder of a CDL

(c) Controlling dispatch or movement of a revenue service vehicle (Examples: Transit and Para-transit dispatchers, schedulers, and movement controllers)

(d) Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service (Examples: Fleet Mechanics who perform maintenance on Transit and Para-Transit vehicles and equipment)

(e) Carrying a firearm for security purposes

(f) All the time inspecting equipment as required by Part 40 Sections 392.7 and 392.8 , or otherwise inspecting, servicing or conditioning any commercial motor vehicle at any time

(g) All time spent at the driving controls of a commercial motor vehicle in operation (Example: Employees who, as a condition of employment, must possess a Commercial Driver's License (CDL))

(h) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth

(i) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipt for shipments loaded or unloaded

(j) All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle

(4) Special risk positions includes the following positions: (Note: The term "Special Risk" as used herein, is not related to any similar designation by the Florida Retirement System.):

(a) Pool lifeguards

(b) Emergency Communications Division dispatchers

(c) Emergency Medical Technicians, Paramedics, Supply Officers and Trainees

(d) Emergency Medical Lieutenants, Captains and Chiefs

(e) Beach lifeguards and officers

(f) Water treatment plant operators and laboratory technicians

(g) Any employee not listed above who, has the use of heavy equipment or machinery, such as, but not limited to dump trucks, fork–lifts, bull dozers, compactors, back hoes and chain saws which could, during a momentary lapse of attention, cause great harm to others, or who work with toxic or hazardous chemicals, high voltage, pressurized gasses, or volatile chemicals.

2. Conditions of Testing

a. Confidentiality

(1) All information including, but not limited to, interviews, reports, statements, memoranda, and drug and alcohol test results received by any County official in conjunction with this Drug/Alcohol Testing Program, will be forwarded to the Human Resources Director and will be considered confidential communications. Such information will not be disclosed or released except as authorized pursuant to State law or regulations or written consent by the person tested.

(2) The Human Resources Department will establish and maintain a separate confidential file for Drug/Alcohol Testing Program information. All correspondence and documentation shall be retained for at least one year. The file is exempt from release except as provided in § 440.102(8), Florida Statutes.

~~b. Consent Form~~

~~(1) Employees and applicants must sign a "Testing Consent Form" stating they agree to be tested for drugs and alcohol as provided in this program and they release the County and its employees from liability.~~

~~(2) Refusal to sign the consent form may result in applicant disqualification for further employment or promotion consideration, or an employee's termination from County employment.~~

~~c.~~b. Refusal to Submit to Testing

(1) Refusals to submit to drug/alcohol testing will consist of the following:

(a) Refusing to provide a specimen or report for drug and/or alcohol testing as ~~required~~ defined by ~~the County~~49 C.F.R. § 40.191(a), by this part, or any DOT agency without a valid medical explanation.~~.~~

(b) Failing to provide adequate breath for alcohol testing without a valid medical explanation.

(c) Failing to provide ~~an adequate urine sample~~drug test a sufficient amount of specimen when directed for controlled substance testing without an adequate medical explanation for the failure.

(d) In the case of a required directly observed or monitored collection in a drug test, failure to permit direct observation or monitoring of the employee/applicant's provision of a specimen, or, where directed to attend a direct observation collection, to follow an observer's instructions to raise clothing above waist, lower clothing/underpants, and turn to permit observer to determine if any type of prosthetic or other device is being used to interfere with the collection process.

(e) Failing or refusing to submit to an additional ~~second~~ test directed by the County or collector. Examples of when such ~~second~~ additional tests may be directed include the following categories: Negative Dilute—the employee will be required to undergo another test. Should this ~~second~~ additional test result in a negative dilute, the test will be considered a negative, and no additional testing will be required unless directed by the medical review officer (MRO). Invalid Result with no Medical Explanation will require immediate observed recollection. Test Cancelled Results will require an immediate, non-observed recollection when a negative test result is required (i.e.: pre-employment, post-absence, etc.). Test Cancelled Results will require observed recollection if directed by the MRO. Negative-dilute result or invalid result with no medical explanation will require immediate observed recollection.

(f) Failing to undergo a medical examination or evaluation when directed by the Medical Review Officer as part of the test result verification process, or when required as part of the "Shy Bladder"/~~"~~ "Shy Lung" evaluation.

(g) Under non-DOT authority, refusing to comply with the Drug-Free Workplace Program policy or disciplinary consequences of this procedure.

(h) Under non-DOT authority, refusing to comply with mandatory referrals to the County's employee assistance program provider or failing to comply with any recommendations made by that provider.

(i) Engaging in conduct that clearly obstructs the testing process, including failing to remain readily available for testing by leaving an accident scene without notifying the department or Human Resources of location. Refusal to empty pockets when directed by collector, behaving in a confrontational manner that disrupts the collection process, failure to wash hands after being directed by the collector, or wearing or possessing prosthetic devices or other items/substances which could be used to interfere with test results.

(j) A verified MRO report of an altered, adulterated or substituted test sample.

(k) Admittance by employee to collector or MRO that specimen was adulterated or substituted.

(l) Failing to appear at the collection facility at date and time directed by the County, via form or verbal instruction of authorized personnel, without prior approval or valid explanation. Under County authority, covered safety sensitive applicants who fail to appear at a testing facility as directed as part of the pre-employment application process will not be considered a "refusal" under DOT authority; however, will be subject to County authority consequences listed under section XX.C.1.a-c.

(m) Failure to sign the certification on Step 2 of the alcohol test form.

(n) Once the testing process has begun, failure to remain at the testing facility until the testing process is complete.

(o) Under non-DOT authority, once the employee has arrived at the testing facility, failure to remain at the facility until the testing process is complete.

(p) ~~Fail to provide a specimen for any drug test required by this part or DOT agency regulations. Provided that A~~a non~~-~~employee applicant who does not provide a specimen because he or she has left the testing site before the testing process commences ~~(see 49 C.F.R. § 40.63(c) or 40.72(e), as applicable,~~ for pre-employment testing is not deemed to have refused a test.

~~(o)~~(q) The collector is not required to inform an employee that the failure to remain at the collection site is a refusal. If an employee leaves prior to the completion of the testing process, per 49 C.F.R. § 40.355(i) the employer must decide whether the employee's actions constitute a refusal.

(2) An employee who is injured in the course and scope of his/her employment and who refuses to submit to a drug test, forfeits his/her eligibility for Florida Workers' Compensation medical and indemnity benefits. Any County group health/medical insurance in effect does not cover injuries sustained in the course and scope of employment.

3. Testing Procedures

a. Licensed/Certified Laboratory

(1) All drug testing will be conducted by a County-designated laboratory licensed by the State of Florida Agency for Health Care Administration or, in the case of Department of Transportation employees in safety sensitive positions, certified by the United States Department of Health and Human Services to do drug-testing for Federal agencies. All testing procedures will comply with 49 C.F.R Parts 40, 382 and 655.

(2) The testing will be conducted with chain of custody procedures in place to ensure accuracy/continuity in specimen collection, handling, transfer and storage.

b. Drugs to be Tested

When testing is conducted in conjunction with this Program, the County may test for any or all of the following drugs: amphetamines; cannabinoids; cocaine; ~~opiates~~~~opiods~~opioids; phencyclidine; barbiturates; benzodiazepines; methaqualone; hallucinogens; synthetic narcotics; designer drugs; alcohol, including distilled spirits, wine, malt beverages or an intoxicating liquor; or a metabolite of any of the substances listed in this paragraph. Screening test cut off levels for amphetamines, cannabinoids, cocaine, opiates, and phencyclidine will be as set forth in 49 C.F.R. Part 40.87.

c. Reporting Medication Which May Alter or Affect a Drug Test Result

Either before or after being tested, job applicants or employees are required to inform the MRO of the use of prescription or non-prescription medication which may alter or affect the outcome of a drug test as well as any other information relevant to the drug test result. The information provided by the employee or job applicant will be kept confidential and shall be reviewed only by a Medical Review Officer (MRO) interpreting any confirmed positive results. Applicants or employees have the right to consult with the MRO for technical information regarding prescription and non-prescription medication to determine whether the medication has affected a drug or alcohol test result. To aid in this opportunity, the County will provide to the applicant or employee, at the point of referral, a list of the most common medications, by brand name or common name, as well as by chemical name, which may alter or affect a drug test result. (Note: hemp, hemp and/or "coca" products, nor "medical marijuana" will not be accepted as a legitimate explanation for a THC positive test.)

d. Cost of Testing

(1) The County will pay the costs of initial and confirmation drug/alcohol testing which it requires of job applicants and employees.

(2) Applicants and employees shall pay the cost of any additional drug and alcohol testing not required by the County, including tests conducted for employees as part of an EAP or drug/alcohol rehabilitation program, or as a condition of returning to work. Payment for such tests are a condition of employment and must be paid under the terms and conditions established by the Human Resources Director. Former employees who owe the County funds for drug testing or treatment which remain unpaid will not be eligible for re-employment until such amounts are paid.

(3) Any drug/alcohol test requested by an employee, but not required by the County, will be at the employee's expense. The employee requesting the test may not use the County's "Drug Test Referral" form, nor will the result of the test be reported to the County through its normal testing/reporting procedures.

e. Collection Site and Laboratory Analysis Procedures

Security of the collection site, chain of custody procedures, privacy of the individual, collection control, integrity and identity of the specimen and transportation of the specimen to the laboratory, as well as laboratory security, laboratory chain of custody, transporting and receiving of specimens, specimen processing, retesting, storage of specimens, instrument calibration, and reporting of results, shall be in accordance with §§ 112.0455 and 440.102 of the Florida Statutes, or 49 U.S.C. § 5331, and the rules established by the State of Florida, Agency for Health Care Administration, or by 49 C.F.R. Parts 40, 382 and 655. These procedures are intended to ensure that specimens are properly collected, identified and tested.

f. Specimen Type Testing

(1) Drug testing will be by ~~urinalysis~~specimen collection, following the procedures of 49 C.F.R. Part 40 Subpart E and Chapters 112 and 440 of the Florida Statutes.

(2) Normally, alcohol testing will be by a breath alcohol device, following the procedures of 49 C.F.R. Part 40 Subpart L. Evidential breath testing devices (EBTs), approved by the National Highway Traffic Safety Administration, will be operated only by Breath Alcohol Technicians (BATs), qualified under 49 C.F.R. §40.211 or certified under Florida law. EBTs will be able to print out results and will conform to subparts L & M of 49 C.F.R. Alcohol screening tests will be conducted according to the procedures set forth in 49 C.F.R. §40.243. If the screening shows an alcohol concentration of 0.02 or greater, a confirmation test will be performed, according to 49 C.F.R §40.253 & 40.255, within 30 minutes of the screening test. A different BAT, EBT or location is not required.

4. Release and Review of Test Results

a. Medical Review Officer (MRO)

The County will contract with a private entity, which will employ licensed physicians to act as MROs. The MROs will be responsible for receiving and reviewing all confirmed test results from the testing laboratory. The MROs will contact each donor who tested positive to inquire about possible prescription or over-the-counter medications or other factors which could have caused a positive test result, and to provide technical assistance for the purpose of interpreting the result.

b. Reporting Results

(1) The testing laboratory will report all drug test results directly to the MRO as soon as possible. The laboratory must provide the MRO quantification of the test results upon request.

(2) Only specimens which are confirmed as positive on the confirmation test shall be reported positive to an MRO for a specific drug.

(3) When the MRO receives a confirmed non-negative drug test result from the laboratory, the MRO will telephonically contact the donor (actually talk to the donor) on a confidential basis to determine whether the employee wants to discuss the test result. In making this contact, the MRO will explain to the donor that if he or she declines to discuss the result, either face to face or on the phone, the result will be verified as positive or a refusal, as applicable. While the staff of the MRO may make the initial contact with the donor to schedule the discussion, advise the donor to have medical information (e.g. prescriptions or other medical information explaining the result) ready to present to the MRO, and relay the consequences of the donor's refusal to discuss the results with the MRO, MRO staff will not gather any medical information from the donor, nor any information concerning possible explanations for the test result. If the donor declines to schedule a discussion with the MRO concerning results, MRO staff will document this decision, including the date and time the donor so declined. The MRO or his/her staff will make reasonable efforts to contact the donor at the day and evening phone numbers listed on the referral form. Such efforts will include, at a minimum, three (3) attempts to call each number, at reasonable intervals, over a 24-hour period.

(4) If the MRO is unable to directly contact a donor who has tested positive after contact efforts, such efforts will be documented, including dates and times of calls. If the numbers provided are found to be incorrect (disconnected, wrong number), upon the first attempts to use them, then, without waiting the full 24-hour period, the MRO will notify the Designated Employer Representative (DER) and request that the County direct the donor to contact the MRO, but will not then inform the County that the donor has a confirmed positive, adulterated, substituted or invalid result. The MRO will document the dates and times the County was contacted, and the name of the County staff person contacted. After such notice from the MRO, the County will attempt to contact the donor immediately, using procedures that protect, as much as possible, the confidentiality of the MRO's request that the donor contact the MRO. If the County succeeds in contacting and actually talking to the donor, it will order the donor to comply with the MRO's request for contact immediately, inform the donor of the consequences of failing to contact the MRO within the next 72-hours, document the date and time, and inform the MRO that the foregoing information has been conveyed to the donor. The County will not inform anyone else about its efforts to contact the donor on behalf of the MRO. If the County has made at least three (3) reasonably-spaced attempts over a 24-hour period to contact the donor at both the day and evening phone numbers listed, the County will leave a message for the donor by any reasonable means (including letter, e mail or voice mail) that the donor must contact the MRO, and may thereafter place the donor on unpaid leave pending receipt of test results from the MRO. The County will document the dates and times of the call attempts.

(5) If the MRO was unable to speak directly with the donor and has reported the result to the DER, or designee, the MRO will allow the donor to present information to the MRO within 60 days of the verification to document that serious illness, injury, or other circumstances unavoidably precluded contact with the MRO and/or DER in the

times provided. On the basis of such information, the MRO may reopen the verification, allowing the donor to present information concerning whether there is a legitimate medical explanation of the confirmed test result.

(6) If the donor refuses to talk with the MRO regarding a confirmed positive test result, the MRO will validate the result as positive and annotate such refusal in the report.

(7) The MRO will notify the Human Resources Director or designee, in writing, of the verified test result, either negative or, positive ~~or inconclusive~~. If the MRO determines that there is a legitimate medical explanation for the positive test result, the MRO will report a negative test result to the County.

(8) Should the MRO feel that the legal use of a medication would endanger the donor or others, or if the donor is in a safety sensitive or special risk position at the County, the MRO will report the test negative due to a validated prescription, but will request that the individual be placed in a position which would not threaten the safety of the donor or others. The Human Resources Director or designee will notify the employee's department director, or designee, immediately.

c. Notice to Donor of Test Results

Within three (3) workdays after receipt of a confirmed positive test result from the MRO on an employee or a job applicant, the Human Resources Director, or designee, will inform the applicant in writing of the positive test results, the consequences of the results, and the options available to the employee/applicant, including the right to file an administrative or legal challenge.

d. Administrative Requirements

The County will contract with a reputable firm which will be responsible for maintaining all records and making all reports required by federal and state laws, regulations and rules. Employees will have access to their personal records.

5. Challenges to Test Results

a. A copy of the test results will be provided to the donor upon request.

b. Administrative or Legal Challenge

(1) An injured employee may administratively challenge test results by filing a petition for benefits with a Judge of Compensation Claims pursuant to Chapter 440, Florida Statutes.

(2) Any donor may challenge the test result in a Court of competent jurisdiction, as may be authorized by general law.

(3) A donor who desires to challenge the results of a test is responsible for notifying the testing laboratory to retain the testing sample until the retesting is performed or the matter otherwise closed.

c. Independent Testing

(1) DOT employees that have a verified positive drug test result, or a test refusal due to adulteration or substitution, may request a test of their split specimen. However, there is no split specimen testing for an invalid result.

(2) The donor has 180 days, from time of written notification~~,~~ (3 days, from time of MRO notification, for safety-sensitive Department of Transportation employees) to request independent testing of a portion of the tested specimen after receiving written notification of a positive test result. The laboratory utilized must also be licensed by the State of Florida Agency for Health Care Administration certified by the United States Department of Health and Human Services. Split specimens conducted under DOT regulations must be tested at a laboratory certified by the United States Department of Health and Human Services. DOT employees must submit their request directly to the Medical Review Officer. All other employee requests for re-testing must be made in writing to the Human Resources Director. If employee does not designate the name and address of the qualified independent laboratory chosen by the employee, the first laboratory which performed the test for Manatee County Government shall be responsible for transferring a portion of the specimen to be retested to a second qualified laboratory.

(3) The independent testing is at the donor's expense. Safety-sensitive Department of Transportation employees will be required to pay in full any and all costs relating to their requested re-test of their original split specimen after such test has been ordered. All other employee retest request will not be ordered until full pre-payment has been received by Manatee County Government.

(4) Results of the testing may be used in any administrative or legal challenge.

~~(5) Notwithstanding the foregoing, the County reserves the right, where an adequate sample size exists, to request a retest on its own, but only to the extent that such retest can be performed without compromising the ability of the employee or applicant to request his or her own retest, as otherwise permitted under this policy.~~

C. Consequences of Non-Negative Test Results

1. Non-Employee Applicants
   a. If the results of a pre-employment drug test are confirmed positive, or if the applicant's actions are deemed a refusal to submit to testing, as defined in Section XX.B.2.b.1~~2.c.1~~ (hereinafter defined as "refusals"), a general public applicant will be disqualified from further consideration. Leaving a testing site before submitting to testing is not a refusal for non-employee applicants.
   b. General public applicants are eligible to reapply for employment consideration employment consideration as provided in that section.
   c. Disqualified from applying for employment ~~after~~ for ~~a~~ thirty-six (36) months from the date of result.
   d. Covered safety-sensitive applicants who have violated the DOT drug and alcohol regulations cannot perform any DOT safety-sensitive duties for any employer until and unless they complete the certified Substance Abuse Professional's evaluation, referral and education/treatment process set forth by the CFR. Additionally, any DOT employee returning to County employment at the end of his/her restriction period will be required to show proof of completing the Substance Abuse Professional's (SAP) evaluation and recommendations and stating his/her ability to return to safety-sensitive duties. This must be done by a written report on letterhead from the SAP.
2. Employees
   a. ~~Any~~ Non-covered employees whose results are confirmed positive when tested for any valid reason, or who refuses to submit to testing as defined in Section XX.B.2.c(1), will be immediately removed from duties and discharged. Covered employees who test positive will be given a list of local substance abuse professionals and treatment providers.
   b. Notwithstanding the foregoing, non-safety-sensitive employees with a confirmed alcohol concentration of .02 or greater but less than .08, or special risk and covered safety sensitive employees with a confirmed alcohol concentration of .02 but less than .04 will not constitute a "positive."
   ~~b.~~c. Consequences, as set forth in 49 C.F.R. § 655.35, Subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 will ~~immediately~~ be ~~removed~~immediate removal from safety sensitive duties for at least eight hours or until a retest results in the employee's alcohol concentration measuring less than 0.02. ~~However, such employee will be immediately removed from duties.~~ An employee who is removed from duties pursuant to this section shall be placed on administrative leave without pay pending disciplinary action for having alcohol in his/her system during working hours.
   d. Manatee County Government, as the employer, shall not permit a covered employee tested under the provisions of 49 C.F.R. § 655.35, Subpart E, who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety sensitive functions, until (1) The employee's alcohol concentration measures less than 0.02; or (2) The start of the employee's next regular scheduled duty

period, but not less than~~t~~ eight hours following the test.

e. Except as provided in paragraph (a) of Subpart E, ~~no employee shall~~the County shall not take adverse action under this part against an employee based solely on the test results showing an alcohol concentration less than 0.04. This does not prohibit ~~an employer~~the County, with authority independent from this part, from taking action otherwise consistent with the law.

~~c.~~f. Employees terminated from employment due to a positive drug/alcohol test, refusal to test, or violation of the Drug-Free Policy shall be disqualified from re-employment for a period of thirty-six (36) months, as required by Section I.E.2.

~~d.~~g. The County reserves the right to place an employee on administrative leave with or without pay pending receipt of the results of a drug test or the outcome of an investigation or appeal related to a violation of the County's Drug-Free Workplace Policy.

3. Request for Review of Termination/Disqualification

   a. Within five (5) working days after receiving notice of a confirmed positive test result or a notice of refusal as defined by Section XX.B.2.c.(1), the donor may submit a written, signed statement to the Human Resources Director explaining the test results and providing all relevant information the donor believes should result in the automatic dismissal/disqualification provisions of this policy not being applied. The donor may be required to submit additional statements or materials to facilitate the Human Resources Director's review. The purpose of the submission would be to explain how the positive test result/refusal was not the fault of the donor, not to challenge the underlying test result.

   b. The Human Resources Director will review the submission and if he/she believes that the donor has provided confirmed, reliable evidence that the positive test result was not in any way the fault of the donor or the result of the donor's actions, inaction, or illegal, careless or negligent behavior, and that the circumstances otherwise may not support the application of the automatic dismissal/disqualification provisions of this policy to the donor, a recommendation to that effect may be made to the County Administrator, who shall have sole authority to except the application of the provisions, and may condition any exception on such terms and conditions as he or she may deem appropriate to place upon the donor. The Human Resources Director will provide the donor with a written response to the submission once a determination has been made. Notwithstanding any reversal of the automatic dismissal/disqualification provisions pursuant to this section, neither confirmed positive test results nor related medical conclusions concerning the reasons for those results may be overturned by the County and the record of same will remain in the applicable confidential drug free workplace program files.

D. Awareness and Education Program

1. The Manatee County Drug-Free Workplace Awareness and Education Program is designed to help achieve the County's goal of maintaining a drug-free workplace. This program is implemented based upon Manatee County's independent authority as an employer.

2. The Human Resources Director will establish an awareness and education program, which will include the following elements:

   a. Ongoing communications to County employees through educational and informational materials advising about the dangers of drug and alcohol abuse.

   b. Display and distribution to County employees of the County's Drug-Free Workplace Policy and a community service hot-line telephone number for employee assistance concerning drug and alcohol abuse.

   c. Training of County management and supervisory personnel who are responsible for determining when an individual is subject to testing based on "reasonable suspicion." Such training will encompass the physical, behavioral, and performance indicators of probable drug or alcohol use. Training will comply with 49 C.F.R. § 382.603 and § 655.14.

   d. Maintaining a current resource file of EAP providers the County may have available and providing a representative sampling of local drug/alcohol rehabilitation programs and employee assistance programs.

   e. Notice of drug-testing requirements on all job vacancy announcements.

   f. Copies of drug testing policy available for inspection by employees and job applicants.

   g. The Human Resources Director or designee, located at 1112 Manatee Avenue West in Bradenton, Florida, phone 941.748.4501 ext. 3865, is designated as the person to whom employees may direct their questions on drug and alcohol related matters.

   h. Training of covered employees will comply with 49 C.F.R § 655.14.

E. Rehabilitation

1. The County supports sound treatment efforts. No employee will be retaliated against for voluntarily seeking assistance for problems relating to drug or alcohol use or abuse. Such individuals will be allowed to address and resolve any drug and alcohol related problems on a confidential basis.

2. An employee who realizes that he or she has developed a dependence on drugs, alcohol or any controlled substance should inform his/her supervisor, or the Human Resources Director, of that condition and seek trained, professional assistance immediately. Employees are encouraged to seek rehabilitation voluntarily (without disciplinary action) prior to any management action, to address and resolve any drug and alcohol related problems on a confidential basis.

3. The County reserves the right to require an employee to use an EAP or drug rehabilitation program. In all cases, the cost will be paid by the employee, through insurance or otherwise. This program is implemented based upon Manatee County's independent authority as an employer.

~~3.~~

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XXI. PROFESSIONAL DEVELOPMENT

1. To encourage a well-trained, educated workforce, the County Commission desires through this policy to provide training and education opportunities for its employees to the fullest extent allowed by law.
2. The Human Resources Department shall serve as clearing-house for all education/training opportunities, including but not limited to the development of training programs for all employees with the authority to make such programs mandatory where deemed necessary, and shall otherwise administer the professional development policy. Individual department directors shall have oversight of all issues herein related to the obtaining and maintaining of professional licenses, legal or technical certifications, or similar department-specific or specialized training or testing.
3. A record indicating the employee has attended training and/or participation in tuition reimbursement shall be maintained by Human Resources for each employee.
4. The following policies apply to costs related to degree programs and non-degree courses:
    a. *Non-degree courses or seminars*: Costs of training courses or seminars not taken as part of a college or university program terminating in the award of a degree may be paid for or reimbursed only if the course or seminar is designed to improve the effectiveness or efficiency of an already qualified employee in the position which the employee already holds and works in, and is not designed to qualify an employee for his/her current duties. However, such costs may be paid for or reimbursed for courses or seminars which will allow an employee to advance within established career ladders, or to obtain or maintain certifications required by state or federal laws or regulatory authorities.
    b. *Degree programs*: Tuition reimbursement funds for employees pursuing an academic degree will only be available to employees in regular full-time established who have completed 6 months of employment with Manatee County BOCC. Tuition may be reimbursed at a level not to exceed $200 per Credit Hour for Undergraduate courses and $400 per Credit Hour for Graduate courses. Reimbursement shall be limited to courses which are required as part of an overall academic program leading to a degree related to the employee's current county position, but specifically excludes remedial courses and doctoral dissertation credits. The tuition reimbursement benefit shall only be applicable to actual tuition charged and shall not be used to pay for other college-related costs, included, but not limited to costs such as books, fees, transportation, laboratory, or campus housing. Reimbursement may only be provided for a course offered by an institution accredited by the Southern Association of Colleges and Schools, or other national or regional accrediting agency recognized by the U. S. Secretary of Education, as listed at: www.ed.gov.
5. *Tuition reimbursement conditions*: Reimbursement for college tuition is a discretionary benefit and shall always be subject to the availability of appropriated funds from the County Commission. Approval of any specific reimbursement request is at the sole discretion of the Human Resources Director, who must weigh all relevant facts and policies in granting or denying any request. Reimbursement is further conditioned on the award of a "C" grade (or "pass" in pass/fail courses), and upon such standards or priorities as Human Resources may develop for eligibility, such as execution of tuition records release, whether the employee is full or part time, the employee's work, attendance or discipline record, whether the institution is a Florida public institution, private college, or online college, and past ability of the

employee to successfully complete reimbursed courses. Reimbursement may also be conditioned upon an employee's agreeing to reimburse the County for tuition paid should the employee resign or be terminated before a set period of time, or for other reasons set forth in an agreement with the County. Manatee County will not reimburse employees for tuition already covered by a fellowship, scholarship, grants, or the GI bill, but an employee may receive reimbursement for tuition not otherwise covered

6. Pursuant to paragraph 4(a) above, expenditures for technical training, licensing and/or certifications, renewal of licensing and/or certifications, and testing fees may be paid for or reimbursed as long as they relate to the employee's position or career ladder. Where the department director deems it appropriate, he/she may authorize a one-time pre-payment of fees for a required license or certification exam where such license or certification is contingent upon the passage of such exam.
7. In addition to these policies, the County Attorney may authorize attorneys of that Office to attend courses identified by the Florida Bar as part of any continuing legal educational requirements.
8. In accordance with 29 C.F.R. § 785.27, attendance at lectures, meetings, training programs and similar activities need not be counted and, consequently, shall not be counted as working time if the following four 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.
9. Attendance at training workshops/seminars is permissible during working hours with prior department approval.
10. Where reimbursement requests under this policy exceed available funds as they have been budgeted and allocated across the County organization, the Human Resources Director, subject to approval of the County Administrator, may set priorities such as electing to offer only partial reimbursement to requestors, reimburse in a first-come, first-served manner, or in such other manner as is deemed needed to ensure a fair and balanced ability for all employees to obtain the benefit.
11. An employee may not use any County personnel, equipment or supplies as part of the course or program of instruction. Nor may an employee work on projects or homework, or attend a tuition-reimbursed course during assigned working hours, unless such time is covered by approved vacation or compensatory time leave, or leave without pay.
12. Human Resources is authorized, subject to approval of the County Administrator, to develop such forms, schedules and procedures so as to implement the provisions of this policy.

XXII. TRAVEL TIME

1. Ordinary home to work travel is not considered "hours worked" or compensable time. (This includes travel time to and from home for employees assigned a take-home County vehicle.)

2. **Exempt Employees**

   Travel time and/or attendance at a meeting, seminar, conference, etc. (voluntary or requested by the County) is compensable only when it occurs during regular working hours during the regularly scheduled workweek.

3. **Non-Exempt Employees**

   a. Travel time and/or attendance at a meeting, seminar, conference, etc., which is for the County's benefit and at the employer's request is compensable, regardless if it occurs within or outside regular working hours. These hours count as hours worked towards overtime.

   b. Travel time and/or attendance at a meeting, seminar, conference, etc., which is voluntary and not required by the employer, will be compensated only during regular scheduled working hours during the regularly scheduled workweek.

   c. Employees driving or riding as passengers will receive compensation in accordance with Section XXII.3.a. and b. above.

XXIII. WORKPLACE VIOLENCE AND THREATS

1. Manatee County does not condone workplace violence, or the threat of violence, by any of its employees, customers, the general public and/or anyone who conducts business with the County. It is the intent of the County to provide an environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

2. Violence or the threat of violence, by or against any employee of Manatee County or other person, is unacceptable and will subject the perpetrator to disciplinary action up to and including discharge and possible criminal charges. The County will work with law enforcement to aid in the prosecution of anyone within or outside of the organization who commits or threatens violence against an employee or employees.

3. ~~Possession, use, or threat of use, of a deadly weapon, including a firearm, ammunition, explosive device, illegal knife, bow and arrow, or other weapon, is not permitted while on duty, on County property, or in a County vehicle, unless specifically required by law~~In accordance with Florida Statutes and state preemption laws, employees who are lawfully permitted to carry a firearm may do so on County property, except in areas specifically prohibited by law (such as court facilities, detention facilities, facilities leased in part by the federal government, within 1,000 feet of schools, or any location where firearms are expressly restricted by federal or state regulation). Employees must comply will all applicable licensing, permitting, and safety requirements at all times.

   Employees are expected to exercise sound judgment, discretion, and responsibility if they choose to carry a firearm while on County property. Firearms must never be used, displayed, or handled in a manner that could compromise the safety of others, disrupt County operations, or create a hostile work environment. Any violation of this policy, or misuse of a firearm, will result in disciplinary action up to and including termination, and may also carry civil or criminal consequences under applicable law.

~~3.~~4. Each incident of violence or threat of violent behavior, whether committed by another employee or an outside individual such as a customer, vendor, or citizen, must be reported immediately to the appropriate management authority (supervisor or Department Director) or directly to the Human Resources Department.

~~4.~~5. Any employee who acts in good faith by reporting real or implied threats or violent behavior will not be subject to any form of retaliation or harassment.

~~5.~~6. False or malicious reports of threats or violent behavior, real or implied, will result in an investigation and be subject to appropriate disciplinary action.

XXIV. UNIFORMS

1. ***Purpose***

It is the intent of this policy to provide the following guidelines to County employees required to wear uniforms in the performance of their duties.

1. If the County provides an employee a uniform, the employee shall be required to wear such uniform as a condition of employment.

2. Employees required to wear uniforms shall only wear the uniforms while on duty or commuting. Wearing uniforms at any other time is strictly prohibited.

3. Uniforms are County property and must be returned to the Department upon separation or transfer to a position which does not require use of the uniform.

4. It is the responsibility of the employee to ensure that their uniforms are properly maintained and laundered.

5. Employees may be subject to disciplinary action, up to and/or including dismissal, for violation of any of the above.

2. ***Uniform Maintenance Allowance***

1. Employees required (as a condition of employment) to wear, maintain and launder uniforms purchased by their Department will receive a $10.00 uniform maintenance allowance each pay period.

2. This allowance is to cover the cost of cleaning and maintaining the uniforms in accordance with departmental standards.

3. Any taxes due on uniform maintenance allowance shall be the responsibility of the employee.

3. ***Uniform Rental Service***

1. The County's contract for uniform rentals provides maintenance and laundering services for all uniforms under this agreement.

2. Employees opting to launder uniforms supplied under the County's Uniform Rental contract will not receive a uniform maintenance allowance.

XXV. MISCELLANEOUS POLICIES

A. Departmental Rules

Though Manatee County attempts, where possible, to maintain uniform rules generally applicable to all County employees, unique departmental needs may call for customized rules. Therefore, each County department director may promulgate and implement departmental rules based upon operational needs and requirements as a supplement to the Personnel Policy, Rules and Procedures Manual. Such rules, when issued, shall be applicable to employees of that department as though they were published herein.

B. General Appearance and Work Attire

The Administration (County Attorney for employees of that office) is authorized to adopt reasonable standards of personal dress, appearance and hygiene during working hours. Personal appearance should be evaluated based upon the type of work, the work environment, and the amount of public contact required by the job. Designated uniforms or work clothes shall be worn as required by departmental policy.

C. County Property and Supplies

1. Employees are expected to take proper care in the handling and use of all County equipment and property. Employees are not to remove County property from the premises without authorization by the department director (County Attorney for employees of that office) with the exception of those items that have been authorized for use off the premises such as cellular phones, pagers, laptop computers, etc.

2. Employees are not permitted to “recycle,” “scavenge” or take for personal use any used or excess supplies, tools or equipment, including construction materials and office supplies, absent a published County policy on re-use or recycling of such materials.

3. Upon request or separation from employment, employees shall return all County property to the County. By accepting employment with the County, employees agree that the replacement cost for all property damaged, lost or not returned may be deducted from the employee's paycheck without need to file any further legal action against the employee, except to the extent a deduction would reduce pay to an hourly rate below the prevailing minimum wage.

D. County Communications Equipment

All County equipment, including electronic communications systems such as e mail and voice mail, is the property of the County and is subject to monitoring at any time, with or without further notice, at the sole discretion of management. All County employees are required to comply with the terms of the County’s computer and internet use policies, to the extent such are adopted by the Board of County Commissioners.

E. Address and Telephone Number

Each employee shall provide his or her department with a current physical address, telephone number, and contact information. The employee shall also provide and maintain a current name and telephone number of an emergency contact. The department and Human Resources department must be informed of any change in the above-required data in a timely manner.

F. Solicitation of Contributions, Memberships, or Business

1. The solicitation of contributions, memberships, or business among employees of the County shall not be permitted on County property during the employee's working time except for those charity drives or employee benefit promotions specifically authorized by the County Commission. Employees may, with department approval, engage in limited, temporary, passive solicitation such as the temporary posting of a girl scout cookie order form, placement in break area of little league candy box, and the like. However, other forms of direct solicitation, including direct or network marketing, whether for charitable, business or other reasons, is prohibited.

2. Employee organizations, their members, agents, representatives, or persons acting on their behalf are prohibited from soliciting employees during working hours. This section shall not be construed to prohibit solicitation by employee organizations during the employee's lunch period or in such areas not specifically devoted to the performance of the employee's official duties. This provision is not intended to conflict with the provisions of the National Labor Relations Act and where any conflict is shown, the Act shall prevail.

G. Statements by County Employees to Attorneys, Law Firms, or Others Concerning Employees or County Business

County employees may from time to time be requested or subpoenaed to make a statement to an investigator, an attorney, or a law firm. These statements may be concerned with an actual or contemplated legal action against the County. Employees are not generally authorized to make representations to anyone regarding County business. Therefore, should any employee receive either a request to make a statement or be subpoenaed regarding County business, the employee shall discuss the matter first with his or her department director and, prior to making any oral or written statements, discuss the matter with the County Attorney's Office. Nothing herein should be interpreted as preventing an employee from speaking with his or her own legal counsel regarding personal legal matters, nor from speaking with a representative of a labor association concerning any grievance, mutual aid or concerted activity as protected by Florida Statutes § 447.301.

H. Media Relations, Requests for Interviews

1. General Policy: The County's official positions and policies are set and communicated to the public by the elected Board of County Commissioners and, in certain circumstances such as litigation or administrative matters where the Commission has delegated responsibility to the County Administrator or County Attorney, by those persons. However, other County employees may from time to time be asked by various media outlets to provide comments or interviews concerning the County's policies, operations, or other such matters. To ensure that the County's official positions on matters related to the business of the County are communicated to the media in a consistent and informed way, any employee, with the exception of the County Administrator or County Attorney or their respective assistants, who receives a request to be interviewed or provide comments concerning County business shall refer the matter to his or her department director or designated media officer for response. Unless first authorized by the applicable department director, employees shall refrain from providing comments or

being interviewed regarding County business or policy.

2. Exceptions: Certain County departments or functions, by their nature, draw frequent media requests for interviews or information. In these circumstances, such as hurricane and other emergency services operations, the department director or administrator overseeing the department or function may designate an employee as a "spokesman" regarding that matter and that employee, once designated, may then provide interviews and information to the media concerning their area of responsibility without the need to obtain individualized prior approval. Such employees should, however, keep the County Administration and, where appropriate County Commissioners and the County Attorney informed of interviews or information requests of significant concern.

3. Nothing herein shall be interpreted or applied so as to prevent any employee from the exercise of the personal right to free speech as a citizen, as that right is defined by the federal courts. However, employees in such situations should refrain from stating or implying that they are speaking for or as representatives of Manatee County.

I. Recording Workplace Communications Prohibited

Chapter 934, Florida Statutes, prohibits interception of wire or oral communications by electronic, mechanical or other device without the consent of all parties involved. Recordings related to County business are also public records subject to being retained and inspected. Employees are therefore prohibited from recording any conversations between individuals, whether fellow employees, subordinates or citizens, with or without the permission of all parties, except as otherwise provided by law, as part of an official County broadcast production, as may be authorized by a criminal investigation conducted by law enforcement, or as is authorized by County policies regarding County-owned phones, faxes, radios and computers.

J. Loss of or Failure to Obtain Professional Certification or License

1. Where an employee's position with the County requires any specific certification, license or other credential, including driver's license, as a condition of holding that position, the employee is required to obtain and maintain the certification, license or credential, and to provide written proof thereof upon request. An employee who loses or within the provided amount of time fails to obtain the required certification, license or credential for whatever reason, including suspension, revocation, or expiration, has a responsibility to immediately report this fact to his or her department director. Failure to provide timely notice will result in discipline up to termination.

2. Upon timely notification by an employee that he or she has lost or failed to obtain the certification, license or credential, his or her department shall have the following options:

   (a) Make a reasonable effort to reassign the employee, on a temporary basis, to appropriate and available responsibilities not requiring the certification, license or credential, for a reasonable timeframe up to the subsequent exam/incident follow-up and results notification date to provide continuous employment during his or her efforts to attempt to acquire or obtain reinstatement.

   (b) Allow him or her to use any available and applicable leave during the allotted timeframe while obtaining reinstatement.

(c) Place him or her on a temporary administrative leave of absence without pay not to exceed the allotted timeframe.

3. An employee who fails to have his or her certification, license or credential reinstated, or to initially obtain same within the allotted period, may apply for and be considered on a competitive basis for any vacant County position for which he or she is qualified. If the employee is not selected or does not apply for such position prior to expiration of the allotted timeframe, then he or she shall be terminated for failure to obtain or maintain a necessary job qualification.

K. Searches on County Property

Manatee County seeks to provide a safe work environment for all its employees. To that end, the County reserves the right whenever a manager or department director has reasonable suspicion to believe an employee has brought on County premises or work sites alcohol, illegal drugs or controlled substances, or any other illegal or prohibited item, weapon, or stolen property; or has misused County equipment, to search County property including, but not limited to work locations, desks, file or storage cabinets, computer files (including software, hardware, e mail, voice mail, and internet activity), lockers (locked or unlocked), County vehicles and private vehicles parked on County property or being used at the time of search for County business, and all other County equipment.

On a case by case basis, employees may be requested to display personal property for visual inspection. Failure to comply with a search or visual inspection request from supervisory or security personnel will be grounds for discipline. Searches of an employee's personal property, such as purses or briefcases or lunch containers, will take place only in the employee's presence unless an emergency condition exists which would, if confirmed, endanger others or the employee him/herself. Employees who do not wish to subject personal items to possible inspection are strongly advised to leave such items at home.

The County will make every effort to honor the personal dignity of employees during any search but will take appropriate disciplinary action in cases where prohibited items or activities are uncovered, regardless of how such item(s) or activity has been discovered (accidentally or in the process of a search).

L. Employee Arrest or Charge

Employees or their designee must inform the County's Human Resources Director, either verbally or in writing and either personally or via an attorney or family member, etc., within three (3) business days of their being criminally arrested, charged or convicted of any state or federal crime, including for violation of parole or probation. Failure to do so will result in disciplinary action.

M. Use of Tobacco and "e-cigarettes"

Use of any lit or smokeless tobacco product, as well as e-cigarettes, is prohibited within County owned/leased buildings, including bathrooms and stairwells, except in areas specifically designated and designed for smoking.

N. County Bulletin Boards and Common Areas

The County may from time to time establish and ordain certain display cases, bulletin boards, or the like for the purpose of posting authorized communications to employees and/or the public. The purpose of such bulletin boards or display cases is not to create a general speech area but is instead intended to effectively and efficiently communicate information to citizens and employees. Employees are thus prohibited from posting any item not approved by the County Administrator or Human Resources Director in advance and not related to County government or County employment. Employees are likewise prohibited from removing any posted notice or item from a County display case or bulletin board unless authorized, and from posting, or facilitating or authorizing anyone else to post any advertisement, notice, solicitation or any other printed materials in, on or along any common area of any County building or facility. Common areas include, but are not limited to, break rooms, entryways, doors, elevators, hallways and parking facilities.

O. Communicable Diseases

Manatee County government desires to maintain a workplace free from preventable risks of communicable illness or disease. Therefore, all employees of Manatee County government are required to properly treat any communicable disease which would present a danger to the health or safety of fellow employees. Employees should, in consultation with their health care providers, take appropriate precautions within the workplace to reduce any infection risks to co-workers. Manatee County does not seek to needlessly impose on the medical privacy of its employees and where a communicable disease or illness is adequately managed and treated, the employee need not disclose same to co-workers or the County. However, should the employee desire the assistance of the County in modifying working conditions to prevent risk of transmission, the Human Resources Director should be consulted, and any records generated concerning the medical condition will be treated as confidential as permitted by state and federal law.

P. Inventions and Intellectual Property

Any invention, method, program, publication or other form of intellectual property which is developed by a County employee during work hours or using County equipment or resources, is the property of Manatee County. Employees are prohibited from seeking to patent, trademark, service mark, copyright or otherwise register such intellectual property without the prior authorization of the Board of County Commissioners.

Q. Letters of Reference

Though all employees have the right to express their personal opinions regarding another current or former co-worker, no employee below the rank of Department Director may write any letter of recommendation, commendation, etc., on County letterhead without the express prior approval of the Department Director or County Administrator.

R. Funds Owed by Employees; Debt Collection Calls

On occasion, employees may come to be indebted to the County. By accepting employment with the County, employees acknowledge and consent to the County's authority to retain or otherwise withhold portions of an employee's compensation to allow such funds to be recovered by the County except to the extent the deduction would reduce regular pay to an hourly rate below the prevailing minimum wage, or as otherwise prohibited by law. Manatee County does not authorize or permit the use of County communication assets and facilities, including phones, e mail systems or mail services, to be used to make or receive messages related to debt collection efforts. Employees are not authorized to initiate, receive or forward such communications to any other person, and debt collectors violating this policy shall be subject to fines and penalties as provided for by federal and state debt collection practice laws.

XXVI. USE OF COUNTY VEHICLES & USE OF PRIVATE VEHICLES FOR COUNTY BUSINESS

1. When it is necessary to allow an employee to carry out assigned job duties, an employee may be required to operate and control County-owned vehicles, or to operate a personally owned vehicle for County business. When possessing a County-owned vehicle for such a reason, employees may only use it during the course and scope of their assigned employment duties, and under no circumstances is the vehicle to be used for personal business or pleasure, whether during duty hours or not. However, employees may make work day deviations to use restrooms or take meal/comfort breaks.

2. An employee driving a County vehicle, or a personal vehicle for County business, must have in his or her possession a valid Florida driver's license with any required endorsements or classifications.

3. County vehicles will not be used to transport anyone other than County employees unless the person(s) to be transported are directly involved in the provision of County-related services or otherwise involved in County government operations.

4. In normal circumstances, County owned vehicles are to be driven over the most direct route. Any out of County travel must be pre-approved by the employee's director unless emergency circumstances prevent prior approval.

5. No employee shall operate a County vehicle or personal vehicle on County business when any physical or mental impairment causes the employee to be unable to drive. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication or being under the influence of illegal drugs or alcohol.

6. Vehicles driven on County business must be driven in accordance with all applicable traffic and parking laws, including applicable speed limits. Seat belts must be used by vehicle occupants at all times. Each employee shall be personally responsible for any fines or penalties incurred as a result of driving or parking violations while operating a County vehicle.

7. Any accident involving a county-owned vehicle which results in property damage and/or personal injury will be reported without delay to the operator's immediate supervisor, regardless of whether such accident occurs during or after regular duty hours, as well as to the law enforcement agency with jurisdiction over the accident scene.

8. Employees who are assigned a County vehicle and operate the vehicle to and from work shall be responsible for the personal tax liability for the value of this use. Employees using take-home vehicles must record such use when recording their hours in the County's time and attendance system.

9. County vehicles must be maintained in good working order at all times. An employee who observes an apparent safety or equipment defect regarding vehicle equipment should report it to a supervisor immediately and if the vehicle is unsafe, it shall not be driven further. Employees who have been assigned a take home vehicle shall store the vehicle in a safe, secure area at the employee's residence, keep it locked, and shall take all reasonable measures

to prevent damage to the vehicle.

10. Employees are on notice that they should avoid bringing valuable personal items into County vehicles. The County will not be responsible for the loss or theft of any personal items from County vehicles, and County vehicles may be inspected or searched at any time at the County's election.

11. Employees who are assigned a County vehicle, or who are using their personal vehicle while on County business, must refrain from speaking on cellular phones while driving the vehicle unless the employee makes use of a "hands-free" device. Employees not using hands-free devices must bring their vehicles to a full stop in a safe location prior to using a cellular phone. Employees shall not text or type on smart phones while driving.

12. Employees who are assigned a County vehicle, either permanently or on a rotational or pool basis, shall not smoke or use smokeless tobacco within the vehicle.

13. No County employee shall order, authorize or permit any non-County employee, including contractors and temporary workers, to operate any County vehicle, including cars, trucks, earth-moving equipment, airplanes, all-terrain vehicles, and boats, unless same is (i) absolutely required to respond to an extreme emergency or imminent threat to life or safety and no County employee is available to operate the vehicle or (ii) a non-County employee is otherwise expressly authorized by a written agreement with the County.

14. Employees may not use a County owned take home vehicle to engage in personal business while commuting to and from work, including shopping trips, stopping at dry cleaners (other than to pick up or drop off County uniforms), or picking up or dropping off school children.

15. Under Florida law, the County may not be required to cover injuries or damages resulting from use of vehicles by its employees unless such use was in the course and scope of employment. Employees are therefore warned that failure to limit use of County vehicles to such purposes may result in personal financial liability for any such damage or injury to the employee or third persons. To the extent the County Attorney determines appropriate, employees being granted use of County vehicles or being instructed to use personal vehicles to conduct County business will be required to execute acknowledgement forms concerning issues of liability and the County's self-insurance program.

16. Authorization given to an employee to use a County owned vehicle, whether take home, daily assignment, pool or otherwise, is not and shall not be construed as being a guaranteed benefit or entitled form of compensation to the employee. Vehicles are assigned based on operational needs and budgetary limitations and the County may remove, reassign or decommission any of its vehicles at any time within its discretion.

17. The County Administrator is authorized to issue operational procedures which govern the administration of this vehicle policy by the departments.