

# Board of County Commissioners

## Jefferson County, Florida

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Stephen G. Fulford District 1, Chair	John Nelson, Sr. District 2	Hines F. Boyd District 3	Betsy Barfield District 4	Danny Monroe, III District 5
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### Regular Session Agenda

July 7, 2011 at the Courthouse Annex  
435 W. Walnut St. Monticello, FL 32344

1. **9:00 A.M. – Call to Order, Invocation, Pledge of Allegiance**
2. **Public Announcements, Presentations, & Awards**
3. **Consent Agenda**
  - a) **Approval of Agenda**
  - b) **Minutes of June 16, 2011 Regular Session**
4. **Citizens Request & Input on Non-Agenda Items**  
(3 Minute Limit, No Commissioner Discussion.)
5. **General Business**
  - a) **Resolution Supporting National Rec. Trail Designation – Liz Sparks/FWC**
  - b) **Annual Jefferson County Housing Authority PHA Plan – Roy Schleicher**
  - c) **Planning Commission Rules Revisions – Scott Shirley**
  - d) **Fire Station Discussion**
  - e) **Coordinator’s Authority**
  - f) **Non-Interference**
  - g) **Personnel Policy Review/Discussion**
6. **County Coordinator’s Report**
  - a) **Park Advisory Board By-laws**
  - b) **Selection Committee – Mine Consulting RFQ**
  - c) **Road Mapping**
7. **Citizen’s Forum**  
(3 Minute Limit, Discussion Allowed.)
8. **Commissioner Discussion Items**
9. **Adjourn**

From the manual "Government in the Sunshine", page 40:

Paragraph C. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**Kirk Reams**  
Clerk of Courts

**Roy M. Schleicher**  
County Coordinator

**Bird & Sparkman, P.A.**  
County Attorney

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JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR SESSION  
June 16, 2011

The Board met this date in regular session. Present were Chairman Stephen Fulford, Commissioners Betsy Barfield, Hines Boyd, Danny Monroe and John Nelson. Also present were County Coordinator Roy Schleicher, County Attorney Buck Bird and Clerk of Court Kirk Reams.

1. Commissioner Monroe requested that the General Business item concerning the Personnel Policy Review and Discussion be pulled from the Agenda due to expected time constraints. Commissioner Barfield expressed a desire to address the Personnel Policy as it had been an item on the shelf for over a year and that there were only two unresolved issues related to this item. Commissioner Boyd stated that the Board had been talking about this item for three years and that he did not see why waiting a few more weeks would make a difference. On motion by Commissioner Monroe, seconded by Commissioner Boyd and carried 4 to 1 (Barfield opposed), the Personnel Policy discussion was removed from the agenda and tabled to the next meeting.
2. On motion by Commissioner Nelson, seconded by Commissioner Monroe and unanimously carried, the minutes of the June 2, 2011 Regular Session were approved.
3. Clerk of Court Kirk Reams introduced the Resolution for the Watermill Road CIGP project. On motion by Commissioner Monroe, seconded by Commissioner Barfield and unanimously carried, the Board approved Resolution No. 11-061611-01, Watermill Road CIGP Joint Project Agreement.
4. Clerk of Court Kirk Reams introduced Budget Amendments adding authority to expend reimbursable funds for the White House Road SCRAP project, CIGP Watermill Road project and the Waukeelah Highway SCOP project.
5. Marianne Arbulu, with the Jefferson County Health Department Tobacco-Free Jefferson Partnership Program, introduced Resolution No. 11-061611-02, urging tobacco retailers to restrict/prohibit the sale of flavored tobacco products. On motion by Commissioner Nelson, seconded by Commissioner Barfield and unanimously carried, the resolution was approved.
6. Planning Attorney Scott Shirley introduced the Planning Commission By-laws Discussion. Chairman Fulford started by stating that the discussion was not directed at the Planning Commission or any individual commissioners, but that the process has been unknown/undefined and needed to be addressed. Attorney Shirley recommended addressing five Planning Commission seats in the first year and five Planning Commission seats in the second year, one from each district to allow staggering. He further recommended that the process begin with the first round of appointments/reconfirmations this September. Chairman Fulford asked whose responsibility it would be to manage these appointments, to which Attorney Shirley replied the County Coordinator. Clerk of Court Kirk Reams asked if September would be a good time frame due to the proximity of the election cycle. Attorney Shirley responded that newly elected Commissioners may not be ready to make appointments if it was toward the beginning of the calendar year. Commissioner Boyd said that it was not always easy to get good Planning Commissioners and there were currently districts that had more than two representatives. He suggested making four of the seats at-large

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- appointments voted on by the Board. Commissioner Monroe commented that Commissioners should make every attempt to appoint from his/her own district. Attorney Shirley asked for approval for a policy stating that committees would be re-evaluated/re-appointed in the September timeframe. Mr. Shirley stated that to address attendance issues, he recommended language stating if a member misses two of three consecutive meetings unexcused, then he or she would be subject to removal by the Planning Commission members. Mr. Shirley recommended three years as the term length for Planning Commissioners. Mr. Shirley concluded by stating he would bring back these revisions and recommendations to the Board at a later date.
7. Attorney Scott Shirley introduced the Code Enforce Ordinance Revisions and Review agenda item. Commissioner Monroe reiterated that he believed the county did not need a Code Enforcement Board at this time because of the cost and that it was tough times economically for residents. Chairman Fulford explained that the county was not changing a lot of what the county currently does, but is just clarifying and allowing for due process. Commissioner Boyd responded that he did not think the county would have to spend funds to perform this function. Planning Official Bill Tellefsen stated that the ordinance would be advertised for public hearing for the second meeting in July.
  8. Dick Bailar, on behalf of the Legislative Committee, introduced a proposal from Dr. Chapin of Florida State University's Urban and Regional Planning Department. The proposal included not just analyzing interchange uses but provided a total comprehensive look at the entire county. Mr. Bailar asked that the Board approve the proposal at the cost of \$10,000 this fiscal year and \$10,000 next fiscal year. Economic Development Director Julie Conley stated that the proposal comes at a great time with the work being done on the county Vision Plan and that the proposal was needed to help support decisions. Dr. Chapin explained that most of the work would be performed by graduate students under the direction of department faculty and professional staff. Commissioner Barfield asked how this would work with the site-specific zoning proposal being considered. Dr. Chapin responded that this was a bigger picture document that would help shape the work of site-specific zoning. Commissioner Boyd stated that this proposal was the missing piece and that it was a small investment considering what other counties have paid for similar work. He also felt the county could make much better decisions by utilizing this tool. Commissioner Nelson stated it was a wise investment to have professionals developing a tool that the county can draw from in order to be better prepared for growth. Citizen Ann Holt asked about public input. Citizen Phil Calandra responded that input would be gathered from the community throughout many review periods. Commissioner Boyd asked if public workshops could be involved in the process, to which Dr. Chapin responded in the affirmative. On motion by Commissioner Boyd, seconded by Commissioner Monroe and unanimously carried, the Board approved the proposal.
  9. County Coordinator Roy Schleicher presented the request to distribute RFQ for Mine Consulting Services. He explained that the committee consisting of Alan Wise, Hines Boyd, John McHugh and himself decided an RFQ would be the best option. Chairman Fulford stated that the Board needed to cast a wide net for advertising. Commissioner Boyd responded that the proposal was so specific that the county would likely not receive many responses. Mr. Schleicher stated that language suggested by Commissioner Barfield would be included, which was a five year budget and strategic plan. Commissioner Boyd responded that a five year budget would be impossible because this was an evolving process. Chairman Fulford responded that Mr. Hatch had a good idea of the stages and a financial requirement could be assigned to each stage of the process.

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Clerk of Court Kirk Reams stated that a business plan with measurable phases that could be evaluated would be necessary. Commissioner Barfield commented that inter-local agreements and marketing of byproducts would be crucial to the success of the mine operation. She asked if there was an opt-out option, to which Mr. Schleicher responded in the affirmative and that it was at the Board's discretion. Citizen Phil Calandra asked why the county was discussing the sale of product, to which Chairman Fulford responded the only way the mining operation for county use would be sustainable was if the county was able to supply other entities with materials. Citizen Phil Calandra stated that this RFQ looked like a constructed sole source, to which Mr. Schleicher responded that the RFQ was broad enough that anyone in the mining business could reply. Commissioner Barfield responded that she was pleased the county was moving in this direction with the RFQ and that this was what the public needed. On motion by Commissioner Monroe, seconded by Commissioner Boyd and unanimously carried, the Board approved the request to distribute an RFQ for mine consultant services.

10. County Coordinator Roy Schleicher presented Department Head reports to the Board. Commissioner Barfield asked for a report on how much was spent and how much was collected on ambulance fees.
11. County Coordinator Roy Schleicher presented a letter from GoRail requesting a letter of opposition to legislation increasing truck weight on roads to 17,000 lbs. It was Mr. Schleicher's recommendation that the Board not respond and by consensus the Board accepted Mr. Schleicher's recommendation.
12. County Coordinator Roy Schleicher presented By-laws for the Recreation Park, prepared by Recreation Park Director Mike Holm and Henry Gohlke. Clerk of Court Kirk Reams stated that any park fees should be deposited into a county maintained and audited account. County Coordinator Roy Schleicher stated he would bring back the proposed by-laws with any revisions deemed necessary.
13. Commissioner Monroe stated that he was having trouble getting quotes for logging timber along the easement of the Wacissa River property.
14. Commissioner Nelson stated his desire to see recreation in the area of Hopkins Landing and also gave an update on the Jefferson Warriors football program.
15. Commissioner Barfield informed the Board of a problem that was being addressed by Progress Energy at the interchange in Lloyd. She stated her disappointment in not addressing the Personnel Policy at tonight's meeting.
16. The warrant register was reviewed and bills ordered paid.
17. On motion by Commissioner Monroe, seconded by Commissioner Barfield unanimously carried, the meeting was adjourned.

\_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Clerk



6/7/2011

**Florida Fish  
and Wildlife  
Conservation  
Commission**

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MyFWC.com

Kirk Reams  
Clerk of Court  
1 Courthouse Circle  
Monticello, FL 32344

RE: Resolution of Support

Dear Mr. Reams,

The Florida Fish & Wildlife Conservation Commission's (FWC) Office of Recreation Services (ORS) is applying to the National Park Service for National Recreation Trail designation for the 'Rivers of AWE', a waterway trail comprised of the Aucilla, Wacissa and Econfinna Rivers. We are contacting you, as Clerk of Jefferson County, to place before the County Commissioners a request for a Resolution of Support for designation of these three local rivers as a National Recreation Trail.

Following are some points of consideration for the Resolution of Support:

- The 'Rivers of AWE' waterway trail is an excellent candidate for designation as a National Recreation Trail. It is well-used by local residents and visitors who enjoy fishing, paddling, boating, hiking, hunting, and viewing abundant wildlife along the spring-fed waterways.
- Anticipated benefits of national designation include being nationally recognized as a destination, nationally promoted on maps and through website, increased tourism, and increased revenue for local businesses
- The variety of ecosystems and diversity of wildlife, natural beauty, and unspoiled vistas appeals to tourists seeking an opportunity to enjoy an undeveloped, pristine area of Florida
- A new map guide produced in partnership between FWC's Office of Recreation Services and the Suwannee River Water Management District is an invaluable planning tool for visitors and residents seeking outstanding recreation opportunities. The map guide also promotes healthy outdoor activities that increase health benefits to the local community.
- The Wacissa and Aucilla Rivers are designated State Canoe Trails and also designated Outstanding Florida Waters by the Department of Environmental Protection

I look forward to meeting the Commissioners at the July 7<sup>th</sup>, 2011 meeting and providing information about the National Recreation Trail program. Please contact me at 850-922-6160 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Liz Sparks", with a long horizontal flourish extending to the right.

Liz Sparks

**A Resolution in Support of National Recreation Trail Designation of the ‘Rivers of AWE’  
(Aucilla, Wacissa, and Econfina)**

**WHEREAS**, the benefits of designation of the ‘Rivers of AWE’ as a National Recreation Trail include being recognized nationally as a recreation destination, nationally promoted on maps and through website, increased tourism, and increased revenue for local businesses

**WHEREAS**, our region benefits from promoting nature-based recreation opportunities, especially hunting, fishing, and wildlife viewing, to increase health benefits to our local communities and encouraging youth and families to participate in outdoor activities

**WHEREAS**, the rivers are contained within the State’s Wildlife Management Area system that conserves a diversity of fish and wildlife, including threatened and endangered species, and offers a unique opportunity for residents and visitors to explore an unspoiled, pristine area of Florida

**WHEREAS**, the cultural and natural resources of this area are some of the most unique in the Southeast

**WHEREAS**, the Wacissa and Aucilla Rivers are designated State Canoe Trails and also designated Outstanding Florida Waters by the Department of Environmental Protection

**THEREFORE, BE IT RESOLVED**, the Board of County Commissioners, Jefferson County, Florida, endorses the Florida Fish & Wildlife Conservation Commission’s application for designation of the ‘Rivers of AWE’ as a National Recreation Trail by the United States Department of the Interior.

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(Signature)

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(Date)

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(Date)

**Jefferson BOARD OF COUNTY COMMISSIONERS  
AGENDA REQUEST**

**TO:** The Honorable Chairman and Members of the Board of County Commissioners

**FROM:** Roy Schleicher, County Coordinator

**DATE:** June 29, 2011

**SUBJECT:** Annual Jefferson County Housing Authority PHA Plan

**DEPARTMENT:** Jefferson County Grants Department

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**Background:**

The PHA Plan is a comprehensive guide to public housing agency (PHA) policies, programs, operations, and strategies for meeting local housing needs and goals. There are two parts to the PHA Plan: the Five-Year Plan, which each PHA submits to HUD once every fifth PHA fiscal year, and the Annual Plan, which is submitted to HUD every year. It is through the Annual Plan that a PHA receives capital funding and/or Public Housing Drug Elimination Program (PHDEP) funding.

Any local, regional or State agency that receives funds to operate Federal public housing or Section 8 tenant-based assistance (Housing Choice Vouchers) programs must submit a PHA Plan. The PHA Plan essentially walks the PHA through the strategic planning process and reflects an organizational planning process such as the following:

- The PHA assesses the housing needs of the community;
- The PHA identifies the financial and other resources available to the PHA to help address those needs;
- The PHA establishes goals and strategies for addressing the needs identified; and
- the PHA translates these strategies into policies and programs.

**Analysis:**

Jefferson County Housing Authority administers the Housing Choice Voucher Program to serve very low to low income households to obtain rental subsidy throughout the County. The program utilizes funding from the U.S. Department of Housing and Urban Development and is operated in accordance with Federal laws and regulations. The goal of this plan is to provide clear identifiable source by which participants and other members of the general public may have access to the Jefferson County Housing Authority policies, rules and requirements concerning the operation of the , program. Jefferson County Housing Authority will work to identify housing needs, available financial resources and extend outreach for landlord participation.

**Options:**

1. Approve the PHA Plan
2. Do not approve the PHA Plan
3. Board Direction.

**Recommendation:**

Option #1

**Attachments:**

1. PHA Plan
2. Annual Certification-Please sign



<b>PHA 5-Year and Annual Plan</b>	<b>U.S. Department of Housing and Urban Development Office of Public and Indian Housing</b>	<b>OMB No. 2577-0226 Expires 4/30/2011</b>
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<b>1.0</b>	<b>PHA Information</b> PHA Name: <u>Jefferson County Housing Authority</u> PHA Code: <u>FL140</u> PHA Type: <input type="checkbox"/> Small <input type="checkbox"/> High Performing <input type="checkbox"/> Standard <input checked="" type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>10/2011</u>				
<b>2.0</b>	<b>Inventory</b> (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: _____ Number of HCV units: _____				
<b>3.0</b>	<b>Submission Type</b> <input type="checkbox"/> 5-Year and Annual Plan <input checked="" type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only				
<b>4.0</b>	<b>PHA Consortia</b> <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)				
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program
					PH      HCV
	PHA 1:				
	PHA 2:				
	PHA 3:				
<b>5.0</b>	<b>5-Year Plan.</b> Complete items 5.1 and 5.2 only at 5-Year Plan update.				
<b>5.1</b>	<b>Mission.</b> State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years: <b>Jefferson County Housing Authority is committed to providing improved living conditions for extremely low, very low and low income families while maintaining rental payments at an affordable level. Additionally, Jefferson County Housing Authority is tasked to promote fair housing and to provide safe, decent, and sanitary housing.</b>				
<b>5.2</b>	<p><b>Goals and Objectives.</b> Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.</p> <p><b><u>Goal (1). To Maximize the number of affordable housing units</u></b>  <b>Objective: To maintain the Section 8 lease up rates by establishing payments that will enable families to rent throughout the jurisdiction and to market owners outside areas of minority and poverty concentration. apply for additional rental vouchers that includes the implementation of the voucher homeownership program</b></p> <p><b><u>Goal (2). Increase the number of affordable housing units</u></b>  <b>Objective: To apply for additional rental vouchers that includes the implementation of the voucher homeownership program</b></p> <p><b><u>Goal (3). Promote self-sufficiency</u></b>  <b>Objective: Attract and promote supportive services to improve the percentage of employed persons by adopting rent policies that encourage work and developing admission preferences aimed at families who are working.</b></p> <p><b><u>Goal (4). Promote available assistance to the elderly and families with disabilities</u></b>  <b>Objective: Develop partnerships and referral system with existing assisted living facilities in the jurisdiction. Market to local non-profit agencies that assist families with disabilities.</b></p> <p><b><u>Goal (5). Ensure Equal Opportunity in Housing</u></b>  <b>Objective: Conduct a fair housing workshop annually to the public. Additionally, undertake affirmative measures to provide suitable living environment regardless of race, color, religion national origin, sex, familial status and disability.</b></p>				

6.0	<p><b>PHA Plan Update</b></p> <p>(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission: <b>None, however, revisions are ongoing on an as needed basis.</b></p> <p>(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions. <b>Plans may be viewed at the following location:</b>  <b>Jefferson County Housing Authority</b>  <b>445 West Palmer Mill Road</b>  <b>Monticello, FL 32344</b></p>																																	
7.0	<p><b>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers.</b> <i>Include statements related to these programs as applicable.</i>  <b>Not Applicable to Jefferson County Housing Authority</b></p>																																	
8.0	<p><b>Capital Improvements.</b> Please complete Parts 8.1 through 8.3, as applicable.  <b>Not Applicable to Jefferson County Housing Authority. Jefferson County Housing Authority is a Section 8 Housing Choice Voucher Program Only.</b></p>																																	
8.1	<p><b>Capital Fund Program Annual Statement/Performance and Evaluation Report.</b> As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i>, form HUD-50075.1, for each current and open CFP grant and CFFP financing.  <b>Not Applicable to Jefferson County Housing Authority. Jefferson County Housing Authority is a Section 8 Housing Choice Voucher Program Only.</b></p>																																	
8.2	<p><b>Capital Fund Program Five-Year Action Plan.</b> As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i>, form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.  <b>Not Applicable to Jefferson County Housing Authority. Jefferson County Housing Authority is a Section 8 Housing Choice Voucher Program Only.</b></p>																																	
8.3	<p><b>Capital Fund Financing Program (CFFP).</b>  <input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.  <b>Not Applicable to Jefferson County Housing Authority. Jefferson County Housing Authority is a Section 8 Housing Choice Voucher Program Only.</b></p>																																	
9.0	<p><b>Housing Needs.</b> Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.</p> <table border="1" data-bbox="365 1192 1247 1690"> <thead> <tr> <th></th> <th># of families</th> <th>% of total families</th> </tr> </thead> <tbody> <tr> <td><b>Waiting list total</b></td> <td>14</td> <td></td> </tr> <tr> <td><b>Extremely low income &lt;=30% AMI</b></td> <td></td> <td></td> </tr> <tr> <td><b>Very low income (&gt;30% but &lt;=50% AMI)</b></td> <td>9</td> <td>65%</td> </tr> <tr> <td><b>Low income (&gt;50% but &lt;80% AMI)</b></td> <td>5</td> <td>36%</td> </tr> <tr> <td><b>Families with children</b></td> <td>13</td> <td>93%</td> </tr> <tr> <td><b>Elderly families</b></td> <td>0</td> <td>0%</td> </tr> <tr> <td><b>Families with Disabilities</b></td> <td>1</td> <td>.08%</td> </tr> <tr> <td><b>Race/ethnicity –White</b></td> <td>0</td> <td>0%</td> </tr> <tr> <td><b>Race/ethnicity-Black</b></td> <td>14</td> <td>100%</td> </tr> <tr> <td><b>Race/ethnicity-Hispanic</b></td> <td>0</td> <td>0%</td> </tr> </tbody> </table> <p>Jefferson County Housing Authority currently assists low-income, very low-income, and extremely low-income families, including elderly families, families with disabilities, and households of various races and ethnic groups. Jefferson County Housing Authority waiting list is currently closed and has been for 24 months. The housing authority does not anticipate opening the waiting list.</p>		# of families	% of total families	<b>Waiting list total</b>	14		<b>Extremely low income &lt;=30% AMI</b>			<b>Very low income (&gt;30% but &lt;=50% AMI)</b>	9	65%	<b>Low income (&gt;50% but &lt;80% AMI)</b>	5	36%	<b>Families with children</b>	13	93%	<b>Elderly families</b>	0	0%	<b>Families with Disabilities</b>	1	.08%	<b>Race/ethnicity –White</b>	0	0%	<b>Race/ethnicity-Black</b>	14	100%	<b>Race/ethnicity-Hispanic</b>	0	0%
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9.1	<p><b>Strategy for Addressing Housing Needs.</b> Provide a brief description of the PHA’s strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. <b>Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.</b></p> <p><b>Jefferson County Housing Authority will continue to maintain or increase its lease-up rates by establishing payment standards that are affordable to enable families to rent throughout the jurisdiction, maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration. In addition, the Housing Authority intends on applying for additional vouchers to implement the Section 8 homeownership program for family self sufficiency.</b></p>
10.0	<p><b>Additional Information.</b> Describe the following, as well as any additional information HUD has requested.</p> <p>(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA’s progress in meeting the mission and goals described in the 5-Year Plan.  <b>Jefferson County Housing Authority has met its mission, goals and objectives. New goals and objectives have been established as noted in this plan.</b></p> <p>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA’s definition of “significant amendment” and “substantial deviation/modification”  <b>Jefferson County Housing Authority defines substantial deviations and significant amendments or modifications as any change in policy or procedures that alters the Housing Authority’s mission, goals and objectives. Jefferson County has not altered its mission, goals nor objectives.</b></p>
11.0	<p><b>Required Submission for HUD Field Office Review.</b> In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. <b>Note:</b> Faxed copies of these documents will not be accepted by the Field Office.</p> <p>(a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights)</p> <p>(b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only)</p> <p>(c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only)</p> <p>(d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only)</p> <p>(e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only)</p> <p>(f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations.</p> <p>(g) Challenged Elements</p> <p>(h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only)</p> <p>(i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)</p>

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced 5-Year and Annual PHA Plans. The 5-Year and Annual PHA plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Privacy Act Notice.** The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

## Instructions form HUD-50075

**Applicability.** This form is to be used by all Public Housing Agencies (PHAs) with Fiscal Year beginning April 1, 2008 for the submission of their 5-Year and Annual Plan in accordance with 24 CFR Part 903. The previous version may be used only through April 30, 2008.

### 1.0 PHA Information

Include the full PHA name, PHA code, PHA type, and PHA Fiscal Year Beginning (MM/YYYY).

### 2.0 Inventory

Under each program, enter the number of Annual Contributions Contract (ACC) Public Housing (PH) and Section 8 units (HCV).

### 3.0 Submission Type

Indicate whether this submission is for an Annual and Five Year Plan, Annual Plan only, or 5-Year Plan only.

### 4.0 PHA Consortia

Check box if submitting a Joint PHA Plan and complete the table.

### 5.0 Five-Year Plan

Identify the PHA's Mission, Goals and/or Objectives (24 CFR 903.6). Complete only at 5-Year update.

**5.1 Mission.** A statement of the mission of the public housing agency for serving the needs of low-income, very low-income, and extremely low-income families in the jurisdiction of the PHA during the years covered under the plan.

**5.2 Goals and Objectives.** Identify quantifiable goals and objectives that will enable the PHA to serve the needs of low income, very low-income, and extremely low-income families.

**6.0 PHA Plan Update.** In addition to the items captured in the Plan template, PHAs must have the elements listed below readily available to the public. Additionally, a PHA must:

- (a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.
- (b) Identify where the 5-Year and Annual Plan may be obtained by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

#### PHA Plan Elements. (24 CFR 903.7)

1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

2. **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.
3. **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.
4. **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.
5. **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.
6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: **1)** development name and number; **2)** designation type; **3)** application status; **4)** date the designation was approved, submitted, or planned for submission, and; **5)** the number of units affected.
7. **Community Service and Self-Sufficiency.** A description of: **(1)** Any programs relating to services and amenities provided or offered to assisted families; **(2)** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; **(3)** How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. **(Note: applies to only public housing).**
8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities.

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.
10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.
11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.
12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.
13. **Violence Against Women Act (VAWA).** A description of: 1) Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; 2) Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and 3) Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

**7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers**

- (a) **Hope VI or Mixed Finance Modernization or Development.** 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>
- (b) **Demolition and/or Disposition.** With respect to public housing projects owned by the PHA and subject to ACCs under the Act: (1) A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and (2) A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: [http://www.hud.gov/offices/pih/centers/sac/demo\\_dispo/index.cfm](http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm)  
**Note:** This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed.
- (c) **Conversion of Public Housing.** With respect to public housing owned by a PHA: 1) A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or

that the public housing agency plans to voluntarily convert; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>

- (d) **Homeownership.** A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.
- (e) **Project-based Vouchers.** If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

**8.0 Capital Improvements.** This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms. Items identified in 8.1 through 8.3, must be signed where directed and transmitted electronically along with the PHA's Annual Plan submission.

**8.1 Capital Fund Program Annual Statement/Performance and Evaluation Report.** PHAs must complete the *Capital Fund Program Annual Statement/Performance and Evaluation Report* (form HUD-50075.1), for each Capital Fund Program (CFP) to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:

- (a) To submit the initial budget for a new grant or CFFP;
- (b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and
- (c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, PHAs shall complete the Performance and Evaluation Report section (see footnote 2) of the *Capital Fund Program Annual Statement/Performance and Evaluation* (form HUD-50075.1), at the following times:

1. At the end of the program year; until the program is completed or all funds are expended;
2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and
3. Upon completion or termination of the activities funded in a specific capital fund program year.

**8.2 Capital Fund Program Five-Year Action Plan**

PHAs must submit the *Capital Fund Program Five-Year Action Plan* (form HUD-50075.2) for the entire PHA portfolio for the first year of participation in the CFP and annual update thereafter to eliminate the previous year and to add a new fifth year (rolling basis) so that the form always covers the present five-year period beginning with the current year.

**8.3 Capital Fund Financing Program (CFFP).** Separate, written HUD approval is required if the PHA proposes to pledge any

portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5-year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at:

<http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm>

**9.0 Housing Needs.** Provide a statement of the housing needs of families residing in the jurisdiction served by the PHA and the means by which the PHA intends, to the maximum extent practicable, to address those needs. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

**9.1 Strategy for Addressing Housing Needs.** Provide a description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

**10.0 Additional Information.** Describe the following, as well as any additional information requested by HUD:

- (a) **Progress in Meeting Mission and Goals.** PHAs must include (i) a statement of the PHAs progress in meeting the mission and goals described in the 5-Year Plan; (ii) the basic criteria the PHA will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**
- (b) **Significant Amendment and Substantial Deviation/Modification.** PHA must provide the definition of "significant amendment" and "substantial deviation/modification". **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan.)**

- (c) PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. **(Note: Standard and Troubled PHAs complete annually).**

**11.0 Required Submission for HUD Field Office Review.** In order to be a complete package, PHAs must submit items (a) through (g), with signature by mail or electronically with scanned signatures. Items (h) and (i) shall be submitted electronically as an attachment to the PHA Plan.

- (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*
- (b) Form HUD-50070, *Certification for a Drug-Free Workplace (PHAs receiving CFP grants only)*
- (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)*
- (d) Form SF-LLL, *Disclosure of Lobbying Activities (PHAs receiving CFP grants only)*
- (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet (PHAs receiving CFP grants only)*
- (f) Resident Advisory Board (RAB) comments.
- (g) Challenged Elements. Include any element(s) of the PHA Plan that is challenged.
- (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.1.
- (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.2.

## Amend the Administrative Plan to include Violence Against Women Act of 2005

**BACKGROUND:** The Violence Against Women and Justice Department Reauthorization Act of 2005 protects tenant and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. These provisions apply both to public housing agencies administering public housing and Section 8 programs and to owners renting to families under Section 8 rental assistance programs.

In general, the law provides in part that criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse. The law also provides that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease by the victim or threatened victim of that violence and will not be "good cause" for termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

**Implementation:** The goal, objective and policy enables JCHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault or stalking to enhance safety under the Violence Against Women Act of 2005. First, the Agency will not deny admission to an applicant who has been a victim of domestic violence, dating violence, or stalking. The applicant must comply with all other admission requirements. Also, the Agency will not terminate the assistance to a victim of domestic violence, dating violence, or stalking based solely on an incident or threat of such activity. The Agency still retains the right to terminate assistance for other criminal activity or good cause. All information provided by an applicant or tenant regarding VAWA will be held in strict confidence and will not be shared with any other parties, unless required by law. At this time, the Agency does not intend to put a victim of domestic violence admissions preference in place. The Executive Director will periodically review the need for such preference and may add an admissions preference for victim of domestic violence if a need is determined. To make sure all applicants are aware of the Violence Against Women Act, the Agency notifies all applicants of the information included in the Act during the application process.

## Civil Rights Certification

### Annual Certification and Board Resolution

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioner, I approve the submission of the Plan for the PHA of which this document is a part and make the following certification and agreement with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

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PHA Name

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PHA Number/HA Code

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Signature	Date



## Jefferson County Land Development Code

### Article 8 – Boards and Agencies

#### 8.02.00 PLANNING COMMISSION

##### 8.02.01 Purpose

In order to safeguard the life, health, property and public welfare of its citizens, a County Planning Commission will be established and maintained. The further purpose of the Jefferson County Planning Commission is to plan for future development and to prepare, adopt and amend comprehensive plans to guide future development and to recommend to the Board of County Commissioners the needs and plans for subdivision regulations, land use regulations and such other areas as to promote the general well being of the citizens of the County.

##### 8.02.02 Establishment

The Board of County Commissioners of Jefferson County hereby establishes the Jefferson County Planning Commission to be governed by the provisions of ~~Section Chapter 163.3174 in particular Section .160 through .315, of~~ Florida Statutes as well as the provisions set forth in this Section.

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##### 8.02.03 Membership

The Jefferson County Planning Commission shall consist of ten (10) members who shall be residents of Jefferson County, Florida appointed by the Board of County Commissioners of Jefferson County, Florida. Each member of the Board of County Commissioners of Jefferson County shall give first priority to designation e of two members from their respective District to the Jefferson County Planning Commission, but may designate members from another district with approval of the other members of Board of County Commissioners.

##### 8.02.04 Terms of Members

**A. Generally.** The terms of members of the Jefferson County Planning Commission shall be ~~three (3) years~~ (3 ~~2~~) years. Each Planning Commissioner may be reappointed at the end of each term.

**B. Vacancy.** Any vacancy in membership shall be filled for the unexpired term of the vacancy by the Board of County Commissioners of Jefferson County pursuant to the same procedure followed in the appointment of the previous member. The Planning Commission shall declare a member's position vacant in any of the following circumstances:

(1) When a member is absent from two of three consecutive meetings of the board without approval of the chair. Absences from emergency or special called meetings will not be recorded against a member in counting the absences. Special exceptions on the removal of members for absences may be made by the chair when the absences are due to health or time-limited

extenuating circumstances and the absences do not affect the ability of the board to maintain a quorum, or  
(2) When a member is absent from 33 percent of the regularly scheduled meetings in a given calendar year, regardless if such absence is excused or unexcused.

**C. Removal of Member.** The Board of County Commissioners of Jefferson County shall have the authority to remove any member of the Jefferson County Planning Commission for cause, on written charges, after a public hearing.

**D. Compensation.** All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

#### **8.02.05 Organization, Rules, Staff and Finances**

**A. Election of Chairman.** The Jefferson County Planning Commission shall elect a chairman and vice-chairman from the members recommended for appointment by the Board of County Commissioners of Jefferson County. The terms of the chairman and vice-chairman shall each be one year. The chairman and vice-chairman shall not serve consecutive terms, exceeding two (2) years.

**B. Designation Appointment of Secretary.** The Jefferson County Planning Official Commission shall designate appoint a secretary who may be an officer or employee of the County.

**C. Rules of Procedure.** If the Jefferson County Board of County Commissioners has not previously adopted rules of procedure that apply to the Planning Commission, ~~The Jefferson County Planning Commission shall make its own rules of procedure and determine its time of Meeting; provided that its rules of procedure and schedule of meetings shall be provided to the Board of County Commissioners of Jefferson County.~~

**D. Meetings.** All meetings of the Jefferson County Planning Commission shall be open to the public and all records of the Planning Commission shall be public records.

~~**E. Staffing.** The Jefferson County Planning Commission shall recommend to the Board of County Commissioners the appointment of any and all employees and staff deemed necessary by the Planning Commission for its work as well as any contracts or agreements with the State, other governmental or private planners or consultants for such services as may be deemed necessary by the Planning Commission.~~

~~**F. Budget.** The Jefferson County Planning Commission shall annually submit a proposed budget for expenditures of the Planning Commission in accordance with the rules and procedures of the Board of County Commissioners of Jefferson County. This budget will be prepared by the Planning Official.~~

### **8.02.06 Functions, Powers and Duties**

The Jefferson County Planning Commission shall have the following functions, powers, duties, and responsibilities as set forth in Chapter 163, of Florida Statutes:

- A.** Acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions. Such information and material must include maps and photographs of man-made and natural physical features of the area concerned. Statistics on past trends and present conditions with respect to population, property values, economic base, land use, and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the area and its various parts.
- B.** Prepare or cause to be prepared a comprehensive plan for Jefferson County. Adopt and, from time to time, amend and revise said plan for meeting present requirements and such future requirements as may be foreseen.
- C.** Prepare and recommend the adoption of a land development code and subsequent amendments thereto and administer the code as needed.
- D.** Review and make recommendations on development orders and development permit applications to the Board of County Commissioners of Jefferson County.
- E.** Approve location selection and site planning for ~~public housing renewal projects, community facilities and utilities and other~~ appropriate projects as assigned by the Board of County Commissioners of Jefferson County.
- F.** Prepare and recommend adoption of latest official transportation map of the County.
- G.** Establish principles and policies for guiding action in the development of the area.
- H.** Conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the comprehensive plan and such additional public hearings as are required by Florida Statutes.
- I.** Make or cause to be made any necessary special studies on the location, condition and adequacy of facilities or functions administered by the Board of County Commissioners of Jefferson County.
- J.** Perform any other duties which lawfully may be assigned by the Board of County Commissioners of Jefferson County on its activities and progress, ~~including functioning as the Code Enforcement Board until said Code Enforcement Board is designated otherwise by the Board of County Commissioners.~~

Draft #2, June 23, 2011

**K.** Take appeals from or recommendations by the Planning Official arising from a development proposal within the geographical area of Jefferson County to which that Planning Commission has been assigned by the Board of County Commissioners.

DRAFT

1. With respect to Department Heads specifically, the County Coordinator shall make a recommendation to the Board whether a Department Head should be terminated, which shall be accepted or rejected by the Board by majority vote. With respect to employees who are below the level of County Coordinator, the County Coordinator shall make the final decision as to whether the employee should be terminated.

**OR**

The County Coordinator shall make the final decision regarding the termination of all County employees.

ICMA / About / Professional Management / Hiring a Manager

## Professional Local Government Management

**Today's elected local government officials can better fulfill their legislative or policy-making roles by delegating the day-to-day management of the municipality to an appointed professional administrator.**

### The Benefits of Professional Management

- The appointed manager or administrator is charged with carrying out the policies established by the elected officials, and with delivering public services efficiently, effectively, and equitably. Elected officials, in turn, have more time to concentrate on creating a vision for the community's future.
- Day-to-day operations are managed by a professional who is educated and trained in current city and town management practices, state and federal laws and mandates, and cost-effective service delivery techniques.
- Responsiveness to citizens is enhanced by centralizing administrative accountability in an individual appointed by the elected governing body. City and town managers or administrators are appointed by and serve at the pleasure of the elected legislative body. They generally do not have guaranteed terms of office or tenure. They are evaluated based on their responsiveness to the elected legislative body and community, and on their ability to provide efficient and effective services. If the administrator is not responsive to the elected officials, s/he may be terminated at any time. In that sense, the manager's or administrator's responsiveness is tested daily.
- Professional managers or administrators bring technical knowledge, experience, academic training, management expertise, and dedication to public service.

### Duties of an Appointed Manager or Administrator

- Carries out policies adopted by the elected officials.
- Manages city or town services, which may include public works, public safety, planning and economic development, parks and recreation, libraries, youth services, resource recovery and recycling, and utilities.
- Prepares a comprehensive annual budget and capital improvement program.
- Ensures fiscal responsibility and modern accounting practices.
- Develops performance measurement systems for city or town services.
- Applies for and administers federal, state, and private foundation grant funding.
- Recruits, hires, and supervises the workforce of the city or town, including key department heads.
- Prepares council or board meeting agenda materials.
- Develops long-range plans with guidance from elected officials and assists in the achievement of common goals and objectives.

- Facilitates the flow of ideas and information between and among elected officials, employees, and citizens.

## Ethical Conduct: Honoring the Public Trust

ICMA members are committed to standards of honesty and integrity that go beyond those required by law. City and town managers or administrators who are members of the ICMA agree to abide by its Code of Ethics, which specifies 12 principles of personal and professional conduct, including dedication to the cause of good government. ICMA members believe in the effectiveness of representative democracy and the value of government services provided equitably to all residents of their communities. The Code is enforceable by a confidential peer-review process.

## How to Hire a Professional Manager or Administrator

### FIRST STEPS

- Before a professional manager or administrator can be hired, a municipality's structure of government must be modified to provide for the position. The process of creating a position of city or town manager or administrator can vary from state to state.
- Some municipalities have the authority to act on their own initiative to adopt local ordinances, laws, or resolutions to create the position of city manager or administrator appointed by the elected governing body.
  - In states where municipalities may write their own charter under home-rule provisions, a number of them have taken advantage of that opportunity to create a professional administrator position.
  - Some states have enacted statutes providing for alternative forms or optional charters for local governments to adopt.
  - In some states, structural change can take place by obtaining charters through special legislation adopted by the state legislative body.

### CONSIDER YOUR MUNICIPALITY'S UNIQUE DEMANDS AND NEEDS

Many managers and administrators have studied local government management at the graduate level and have held positions of increasing authority.

- Beyond the basic education and experience the position requires, you should develop a job description that outlines your expectations and the measurable objectives you want to accomplish.
- You should also develop a profile of the administrator who will best serve your community's needs.

ICMA can help your municipality facilitate this process. ICMA's *Recruitment Guidelines for Selecting a Local Government Administrator* (download below) contains tips on recruiting applicants, determining finalists, and interviewing techniques.

### BEGIN YOUR SEARCH

- Determine whether you want to conduct your own search or work with an executive recruitment firm.
- Prepare and place advertisements in publications that will attract the most qualified local government candidates, such as the *ICMA Newsletter*, ICMA JobCenter, and/or state association publications.

## MAKE THE SELECTION

- Review resumes and identify potential candidates based on their experience and your criteria.
- Select the top candidates and schedule interviews with your evaluation panel.
- Upon reaching a decision, negotiate the terms and conditions of employment with your new manager or administrator and formalize a written agreement.
- At this time, it is important to develop mutually agreed-upon goals and establish an annual review process through which the elected body and the manager or administrator can discuss performance.

## DOWNLOADS

[Recruitment Guidelines for Selecting a Local Government Administrator \(pdf, 209 KB\)](#)

### International City/County Management Association

777 North Capitol Street NE, Suite 500  
Washington, DC 20002-4201

202.289.ICMA | fax 202.962.3500





# The 2010 Florida Statutes(including Special Session A)

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**[Title XI](#)**  
COUNTY ORGANIZATION AND  
INTERGOVERNMENTAL RELATIONS

**[Chapter 125](#)**  
COUNTY  
GOVERNMENT

**[View Entire Chapter](#)**

125.74 County administrator; powers and duties.—

(1) The administrator may be responsible for the administration of all departments responsible to the board of county commissioners and for the proper administration of all affairs under the jurisdiction of the board. To that end, the administrator may, by way of enumeration and not by way of limitation, have the following specific powers and duties to:

- (a) Administer and carry out the directives and policies of the board of county commissioners and enforce all orders, resolutions, ordinances, and regulations of the board to assure that they are faithfully executed.
- (b) Report to the board on action taken pursuant to any directive or policy within the time set by the board and provide an annual report to the board on the state of the county, the work of the previous year, and any recommendations as to actions or programs the administrator deems necessary for the improvement of the county and the welfare of its residents.
- (c) Provide the board, or individual members thereof, upon request, with data or information concerning county government and to provide advice and recommendations on county government operations to the board.
- (d) Prepare and submit to the board of county commissioners for its consideration and adoption an annual operating budget, a capital budget, and a capital program.
- (e) Establish the schedules and procedures to be followed by all county departments, offices, and agencies in connection with the budget and supervise and administer all phases of the budgetary process.
- (f) Prepare and submit to the board after the end of each fiscal year a complete report on the finances and administrative activities of the county for the preceding year and submit his or her recommendations.
- (g) Supervise the care and custody of all county property.
- (h) Recommend to the board a current position classification and pay plan for all positions in county service.
- (i) Develop, install, and maintain centralized budgeting, personnel, legal, and purchasing procedures.
- (j) Organize the work of county departments, subject to an administrative code developed by the administrator and adopted by the board, and review the departments, administration, and operation of the county and make recommendations pertaining thereto for reorganization by the board.
- (k) Select, employ, and supervise all personnel and fill all vacancies, positions, or employment under the jurisdiction of the board. However, the employment of all department heads shall require confirmation by the board of county commissioners.
- (l) Suspend, discharge, or remove any employee under the jurisdiction of the board pursuant to procedures adopted by the board.
- (m) Negotiate leases, contracts, and other agreements, including consultant services, for the county, subject to approval of the board, and make recommendations concerning the nature and location of county improvements.
- (n) See that all terms and conditions in all leases, contracts, and agreements are performed and notify the board of any noted violation thereof.

(o) Order, upon advising the board, any agency under the administrator's jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he or she deems it necessary for the proper and efficient administration of the county government to do so.

(p) Attend all meetings of the board with authority to participate in the discussion of any matter.

(q) Perform such other duties as may be required by the board of county commissioners.

(2) It is the intent of the Legislature to grant to the county administrator only those powers and duties which are administrative or ministerial in nature and not to delegate any governmental power imbued in the board of county commissioners as the governing body of the county pursuant to s. 1(e), Art. VIII of the State Constitution. To that end, the above specifically enumerated powers are to be construed as administrative in nature, and in any exercise of governmental power the administrator shall only be performing the duty of advising the board of county commissioners in its role as the policy-setting governing body of the county.

History.—s. 1, ch. 74-193; s. 822, ch. 95-147.

Memo

To: Commissioners Steven Fulford, Hines Boyd, Danny Monroe, John Nelson  
From: Betsy Barfield  
Date: Friday, July 1, 2011  
Re: Non-Interference Policy

Commissioners - Here is language to consider for a 'non-interference' policy for our Board. I suggest we make this an ordinance.

Thank you,

B

#### Non-Interference Policy

Except for the purpose of inquiry and information, members of the Board of County Commissioners are expressly prohibited from interfering with the performance of the duties of any employee of the county government who is under the direct or indirect supervision of the County Coordinator/Administrator or County Attorney by giving said employees instructions or directives. Such action shall constitute malfeasance within the meaning of Article IV, Section 7(a) of the Florida Constitution. However, nothing contained herein shall prevent a County Commissioner from discussing any county policy or program with a citizen or referring a citizen complaint or request for information to the County Administrator/coordinator or County Attorney.

c: Roy Schleiker, County Coordinator  
Buck Bird, County Attorney  
Kirk Reams, Clerk of Court  
John McHugh – Assistant County Coordinator

## **1.06 Non-Interference**

County Commissioners shall refrain from giving instructions or directives to employees under the direct or indirect control of the County Coordinator. This policy does not prohibit a County Commissioner from discussing any county policy or program with a citizen or referring a citizen complaint or request for information to the County Coordinator or County Attorney.

RESOLUTION NO. 11-040711-01

RESOLUTION OF THE JEFFERSON COUNTY  
BOARD OF COUNTY COMMISSIONERS

WHEREAS the Board of County Commissioners wishes to establish a policy regarding the use and prioritization of county funds and resources,

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA:

No Commissioner shall direct or demand that a department head or any county employee perform a specific action that will require the substantive use of county resources or funds except by majority consent of the Board. The Board may vote to censure any Commissioner who violates this policy.

When appropriate, the Board shall establish a procedure for prioritizing the application of funds to capital and other projects, such as road improvements. In determining the application of county resources or expenditure of county funds, in no case shall that application be determined solely by equal distribution between Commission Districts.

RESOLVED this 7<sup>TH</sup> day of April 2011.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF JEFFERSON COUNTY, FLORIDA

BY: \_\_\_\_\_  
Kirk Reams, Clerk

BY: \_\_\_\_\_  
Stephen Fulford, Chairman  
(As approved by the Board on April 7, 2011)

# SECTION 1

---

## GENERAL PROVISIONS

### 1.01 *Purpose*

- A. The purpose of these Personnel Policies is to provide a general guide for the personnel administration of Jefferson County.
- B. It is the intent of these policies to assure fair treatment for all the County employees in all aspects of personnel administration. These policies shall be carried out without regard to an employee's political affiliation, race, color, religion, national origin, religion, marital status, handicap, age or sex, or any other characteristic or conduct protected by law.
- C. All employees serve at the pleasure of the Board of County Commissioners and no employee shall have any vested rights in his or her employment or in the practices and procedures set forth in these Personnel Policies or any expectation of continued employment except only by a specific written contract. It is the intent of the County to have a mutually beneficial relationship with each employee. Each employee should endeavor to improve his/her performance and skills to enable the County to offer quality service to the public and provide opportunities for advancement of employees. These Personnel Policies are not intended to address all the possible applications of, or exceptions to, the general policies and procedures described. As a result, the County may have to revise, rescind, or supplement these policies from time to time with or without written notice. Nothing in these Personnel Policies creates any constitutional, contractual or vested rights of any kind.
- D. If any section, subsection or provision of these policies is found to be invalid by any court or agency of competent jurisdiction, the ruling shall not affect the validity of any other section.

### 1.02 *Positions Covered*

- A. These Personnel Policies cover most employees under the jurisdiction of the Board of County Commissioners of Jefferson County. Some positions are not covered due to their nature. Those positions are: Board of County Commissioners; County Attorney; Members of Board and Commissions; Seasonal and temporary positions.
- B. Some positions are Exempt under the Fair Labor Standards Act and are covered by all provisions except the overtime policies set forth below.
- C. The Board of County Commissioners may authorize the extending of benefits to other

positions when it is determined to be in the best interests of the County and when economically feasible to do so.

### **1.03 Administration**

- A. The County Coordinator shall be ultimately responsible for the administration and direction of the County's personnel program.
- B. The County Coordinator, with the advice of the Board of County Commissioners when appropriate, shall have responsibility over the selection of new personnel; reassignment, promotion, demotion, reinstatement and retention of employees. The Board of Commissioners will provide input when appropriate and whenever sought by the County Coordinator.
- C. Department Heads will be responsible for the proper and effective administration of these Personnel Policies within their respective departments. Routine matters pertaining to enforcement may be delegated within the operating department.
- D. The County Coordinator shall report to the Board of County Commissioners and shall from time-to-time, and when requested, report to the Board on personnel related matters and the administration of the County's personnel program.
- E. The County Coordinator is an appointed official whose responsibilities are generally to manage the affairs of the County on a day-to-day basis. While it is impossible to define all of the roles and responsibilities of the County Coordinator, this position has the following primary responsibilities:
- Carry out the orders and policies of the Board of County Commissioners in the operation of Jefferson County Government; see that all orders, resolutions, and regulations of the Board are faithfully executed.
  - Submit to the Board recommendations concerning affairs of the County, its future financial needs, and its offices, departments and agencies.
  - Actively participate in the annual budget and levy setting process.
  - Act as County personnel administrator; develop general work rules and personnel policies; interpret personnel actions; interview prospective County Department Head employees; support Departments in hiring procedures as requested and as explained in more detail below; review all Unemployment Compensation and Worker's Compensation cases and related personnel duties.
  - Coordinate and monitor activities between the Board and the various operating Departments and between and within these Departments, providing follow up as needed.
  - Organize and direct the preparation of agenda for regular and special meetings of the Board .
  - Prepare necessary correspondence.
  - Make recommendations for the selection of attorneys, accountants, auditors and consultants whenever deemed necessary.

- Attend Board meetings participating in discussion.
- Conduct special studies and research as requested to help inform the Board on various topics.
- Act as liaison between the County and local, regional, State and Federal agencies on intergovernmental problems and activities.
- Communicate activities of the Board to the press and public.
- Work with Human Resources, the County Attorney and outside resources as needed in the fulfillment of his/her duties and to carry out these policies.

**1.04 Amendments**

- A. The Board of County Commissioners shall adopt policies, rules, regulations and changes as necessary for the administration of the personnel system.
- B. Amendment, changes or revisions of the Personnel Policies as approved by the Board of County Commissioners shall be posted on County bulletin boards and distributed to all County departments.

**1.05 Department Policies**

- A. Department operating policies and procedures serve as supplements to these policies. In the event of conflict in any section, the County Personnel Policies shall prevail.
- B. Department policies and procedures will be in writing and approved by the Board of County Commissioners for the conformance to the Personnel Policies.
- C. Department operating procedures shall not address any of the subjects contained in these Personnel Policies. In the unlikely event there is a conflict between these Personnel Policies and Department policies and procedures, the provisions of these Personnel Policies shall control.



# SECTION 2

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## DEFINITION OF TERMS

**Active Pay Status-** This is defined as the status of an employee when working, on authorized paid leave, holidays or other time when pay is being credited to the employee.

**Anniversary Date-** The date on which an employee begins employment and the same date in following years. This also is the date from which longevity, vacations and sick leave are computed. This not the same as the data utilized for salary increase or pay status change.

**Applicant-** Individual who has completed and submitted an application for employment with the County.

**Appeal-** An application for review of a disciplinary action submitted or instituted by an employee.

**Appointment-** Offer and acceptance by a person of a position either on a regular or temporary basis.

**County-** The governmental body chartered under the State of Florida.

**Class-** Group of positions which are sufficiently alike in essential duties and responsibilities to warrant the use of the same title, class descriptions and pay range.

**Class Description-** Written description of a class consisting of a class title, a general statement of the essential job functions and the qualifications for the class.

**Class Title-** Title in the classification plan which describes the general nature of work of the position.

**Classification-** Grouping positions in classes.

**Classification Date-** Date an employee entered, transferred, or was promoted to the current position. This is the date from which length of service in classification is computed for determination of probationary periods, order of layoff and eligibility for performance increases.

**Classification Plan-** Official system of grouping positions into classes.

**Compensation-** The standard rates of pay which ~~have~~ has been established for the respective classes of work, as set forth in the compensation plan.

**Compensation Plan-** The official schedule of pay assigning rates of pay to each class title.

**Continuous Service-** Employment which is uninterrupted except for authorized leaves of absence. Employees on unpaid leave shall not accrue any County benefits.

**Demotion-** Assignment of an employee from one class to another which has a lower maximum rate of pay.

**Dismissal-** Separation from County employment for cause

**Exempt Status-** Employees who are in an Exempt status category under the Fair Labor Standards Act and are not eligible for overtime pay.

**Family Leave-** Leave as defined by the Family and Medical Leave Act of 1993.

**Full Time-** Position that requires an employee to work the full amount of hours scheduled for employees of the unit.

**Immediate Family-** Includes spouse, children, parent, grandmother, grandfather, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, legal guardian or a “step” family relationship. (This definition is for purposes of Sick Leave and Funeral Leave only).

**Insubordination-** The willingness on the part of an employee to submit to the authority vested in supervisors, department heads, and the Board of County Commissioners as outlined in the Personnel Policies.

**Layoff-** Reduction of the number of employees due to the lack of; work, funds, or other causes.

**Leave-** Approved type of absence from work as provided by these policies.

**May-** The word “May” shall be interpreted as permissive.

**Overtime-** Time worked excess of 40 hours in any work period for those persons in an Non-exempt classification.

**Part Time-** Position that requires the employee to work fewer hours than normally designated for the others in the same classification. Employees serve in an Exempt status and must meet the education and experience requirements as established by the job description for the particular position. Part time employees do not receive benefits. Regular part time employees are eligible for, and may accumulate, leave as set forth.

**Pay Range-** Salary which is assigned to a classification title, expressed as a pay range number.

**Performance Evaluation-** A report relative to the job performance of employees made by the supervisor.

**Performance Pay Increase-** Increase established in the pay plan which may be granted to an employee based on job performance.

**Position-** Groups of duties and responsibilities assigned and budgeted requiring the full time or part time employment of one (1) person.

**Probationary Period-** Period of time provided to allow a supervisor an opportunity to evaluate an employees' performance and to decide whether or not the employee is to be retained.

**Promotion-** Assignment of an employee, from one class to another, which has a higher maximum rate of pay.

**Regular Appointment-** Appointment to a regular position authorized to be filled.

**Relative-** Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister. This definition is based upon Florida's Anti-Nepotism Statute, Section 112.3135, Florida Statutes; as such, any amendment to this Statute by the Florida Legislature shall constitute a change to this definition.

**Resignation-** Act of voluntarily withdrawing from County employment.

**Retirement-** Whenever an employee meets the conditions set forth in the Retirement Plan regulations, the employee may elect to retire and receive all benefits earned under the Plan.

**Sexual Harassment-** Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that is sufficiently frequent or severe as to cause the reasonable person to find their workplace offensive, hostile or intimidating and which interferes with the employee's ability to perform their work.

**Shall/Will-** These terms are interpreted as being mandatory.

**Suspension-** Relief from work without pay under the Personnel Policies by their department head or other supervisor authorized to enforce disciplinary action.

**Temporary Employee-** An employee appointed for a special project or other work of a temporary or transitory nature. All will serve in a non-covered status and meet the education and experience requirements as established by the job description for the particular position. These individuals do not receive benefits and are not eligible for any personal leave, nor may they accumulate personal leave, given the transitory and

sometimes sporadic nature of their employment.

**Trainee-** Employee undergoing a training period to learn the job, duties, or to attain education or certification.

**Transfer-** Action in which the employee moves from one budgeted position to another with no resulting title change, or if a title change does take place, there is no change in the pay range.

**Work Day-** Scheduled number of hours an employee is required to work per day.

**Work Period-** Number of hours regularly scheduled to be worked during any seven (7) consecutive days.

# SECTION 3

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## STANDARDS OF CONDUCT

### **3.01 General Policy**

- A. Jefferson County has established a system of personnel management to assist in providing superior service to the community.
- B. The County advocates the concept that the quality of public service can reach maximum efficiency through a Personnel Management System based on merit principles.
- C. Employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.
- D. It is the policy of the County to expect compliance from employees with all Personnel Policies, state statutes and federal regulations in the performance of duties. An employee who violates any of the Personnel Policies shall be subject to disciplinary action.
- E. The County retains all management rights including, but not limited to, the following:
  - 1. To determine the organization of the County Government;
  - 2. To determine the purpose of each of its units;
  - 3. To exercise control and discretion over the organization and efficiency of operations;
  - 4. To set standards for services to be offered to the public;
  - 5. To manage and direct the employees of the County and to determine the number of personnel to be employed;
  - 6. To hire, examine, classify, promote, train, transfer, assign, schedule and retain employees;
  - 7. To suspend, demote, discharge or take other disciplinary action against employees
  - 8. To increase, reduce, change, modify or alter the composition and size of the work force, including the right to relieve employees from duties because of lack of work, lack of funds or other reasons;

9. To determine the location, methods, means and personnel by which operations are to be conducted including the right to contract and sub-tract existing and future work;
10. To establish, change or modify the number, types and grades of positions or employees assigned to an organization, unit, department, division or project;
11. To establish, change or modify duties, tasks, responsibilities or requirements within job descriptions in the interest of efficiency, economy, technological change or operating requirements.
12. ' ,

### **3.02 Equal Employment Opportunity**

- A. The Equal Employment Opportunity (EEO) policy of Jefferson County provides for the equal opportunity before and during employment with the County for all applicants and employees regardless of race, color, religion, sex, age, national origin, political affiliation, physical or mental disability, marital status, or other characteristics or conduct protected by law.
- B. The County's policy of equality of opportunity applies to all levels of employment in the County to all job classifications under the jurisdiction of the Board of County Commissioners. In addition, it is the responsibility of each department head and supervisor to give the County's non-discrimination policy full support through leadership and by personal example. It is the duty of each employee to help maintain a work environment which is conducive to and which reflects the County's commitment to equal employment opportunity.
- C. Any complaint of violation of the equal opportunity policy shall be reported in accordance with the approved complaint procedure adopted by the County, as set forth below. All such complaints will be promptly investigated and, if deemed valid, corrective action will be taken.
- D. Qualified individuals with disabilities will be given full consideration for employment in all departments.
- E. Any employee requiring an accommodation for a closely held religious belief shall contact the County Coordinator regarding the issue as soon as the need for accommodation arises or is known.

### **3.03 Prohibition of Harassment**

- A. POLICY

The County is committed to maintaining a work environment free of harassment whether such harassment is based on gender, race, national origin, color, disability, religion, age, marital status or any characteristic protected by law. The County will not tolerate the harassment of any of its employees, supervisors, co-workers, vendors, customers or anyone else. All personnel are responsible for maintaining a workplace that is free of harassment and intimidation. The County is committed to promptly and thoroughly investigating all complaints of harassment. If after a thorough investigation it is determined that harassment has occurred, immediate and appropriate disciplinary action, up to and including discharge, will be taken to end the harassment. Appropriate follow-up steps will be taken to ensure that the harassment has stopped.

**B. DEFINITION AND EXAMPLE OF SEXUAL HARASSMENT**

Unwelcome sexual advances, requests for sexual favors and any other physical, verbal or visual conduct of a sexual nature constitute sexual harassment when:

1. Submission to the conduct is an explicit or implicit term or condition of employment or continued employment; or,
2. Submission to or rejection of the conduct is used as a basis for employment decisions affecting an employee, such as promotion, demotion or evaluation; or,
3. The conduct has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment; and,
4. Sexual harassment may include, but not limited to:
  - A) unwelcome sexual propositions;
  - B) sexual innuendoes;
  - C) sexually suggestive remarks;
  - D) vulgar or sexually explicit comments, gestures or conduct;
  - E) sexually oriented kidding, teasing, or practical jokes;
  - F) physical contact such as intentionally brushing against another's body, pinching or patting;
  - G) the publication, to anyone, or documents (including pictures and text) in the workplace that contain any material that is of a sexual nature;
  - H) using the computer to access any web site, news group, CD, floppy disk, or any other resource, that contains material that is of a sexual nature.

Sexual harassment may occur when the intended target of the conduct is not offended, but others reasonably find the conduct to be intimidating, hostile, or abusive.

**C. DEFINITIONS AND EXAMPLES OF OTHER FORMS OF HARASSMENT**

Unlawful harassment is verbal or physical conduct that shows hostility or aversion toward an individual because of their race, color, religion, gender, national origin, age, marital status, disability, or other protected characteristic when it:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working

- environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or creating an intimidating, hostile, or offensive environment;
  3. Otherwise adversely affects an individual's employment opportunities;
  4. Other behaviors that may constitute unlawful harassment based upon a protected characteristic include, but are not limited to:
    - A. epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that are made or taken because of a person's race, color, religion, gender, national origin, age, marital status, disability, or other protected characteristic; and, written or graphic material that shows hostility toward an individual or group because of race, color, religion, gender, national origin, age, marital status, disability or other protected characteristic, and that is placed in a visible area on the County's premises, or circulated in the workplace. This also includes acts that purports to, or are meant to be, "jokes" or "pranks", but that are hostile or demeaning, such as hate mail, threats, defaced photographs, or other such conduct.
  5. With respect to sexual harassment specifically, the types of behaviors that may constitute illegal harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual or sex-based nature where:
    - i) submission to the advances is made a term or condition of employment, or
    - ii) submission to, or rejection of, the advances is used as the basis for making business decisions, or
    - iii) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Sexual harassment may also include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. These behaviors may include, but are not limited to unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature, commentary about an individual's body, sexual prowess or sexual deficiencies; touching and other physical, verbal or other conduct of a sexual nature.

D. PREVENTION OF HARASSMENT AND DISCRIMINATION IN THE WORKPLACE - EMPLOYEES' RESPONSIBILITIES

All personnel are responsible for maintaining a workplace that is free of harassment, intimidation and discrimination. If any person experiences or witnesses harassment in the workplace, they have an affirmative obligation to report such conduct in accordance with the procedures set forth in Section 3.03(F) below. If, after an investigation is conducted, it is determined that the



harassment has occurred, and it is determined that any employee(s) failed to fulfill their affirmative obligation to report such conduct, such a failure may be grounds for discipline.

E. SUPERVISORS' RESPONSIBILITY

In addition to the aforementioned responsibilities, supervisors are also responsible for immediately reporting any complaints, observations or concerns of harassment to one of the individuals designated below. Failure to take the foregoing action may be grounds for discipline. When receiving a complaint of harassment, supervisors should instruct the complaining employee that anything they say may be reported to the investigating officials. There is no such thing as an "off the record" conversation when it comes to a supervisor's discussion with other employees regarding harassment, intimidation or discrimination.

F. COMPLIANT AND INVESTIGATION PROCEDURES

1. Initial Complaint

Any employee who believes he/she has been the subject of sexual or other harassment, or discrimination of any kind, or retaliation must report the alleged act immediately to the County Coordinator. Employees are not expected to report harassment to the person they believe is harassing them. Accordingly, in the event the County Coordinator is the person responsible for the offending behavior, then the report must be made to the then acting Chair of the Board of County Commissioners.

2. Confidentiality and Timeliness

All complaints will be handled in a timely and confidential manner to the extent permitted by law. Anyone involved in a complaint will be instructed not to discuss the subject outside the investigation unless required to do so. Personnel violating confidentiality are subject to immediate discipline. Communications will be made to others only on a "need to know" basis. The purpose of this provision is to protect the confidentiality of the employee who files the complaint, to encourage the reporting of any incidents of harassment, and to protect the reputation of any employee wrongfully charged with harassment.

3. Nature of Investigation

To provide for a prompt resolution of harassment or discrimination complaints, the County Coordinator shall identify one person, a team, or an outside consultant to conduct an investigation into the complaint. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. All persons who make a complaint under this policy and/or who participate in such an investigation shall be protected from coercion, intimidation, retaliation, interference or discrimination. The investigation may include taking sworn statements from all parties and reviewing any documentary evidence. A

written synopsis of the inquiry will be provided to the County Coordinator for review.

4. Conclusion of Investigation

Employees shall be given an impartial and fair determination. If, after a thorough investigation, it is determined that harassment or discrimination has occurred, immediate and appropriate disciplinary action up to and including discharge will be taken to end the harassment. If, after a thorough investigation, it is determined that an intentional false charge was filed by an employee about another, immediate and appropriate disciplinary action, up to and including discharge, will be taken. The County Coordinator will inform the complainant of the resolution of the inquiry upon its completion. Appropriate follow-up steps will be taken to ensure that the harassment has stopped.

5. Employee's Right to Object

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

6. Use of Complaint Procedure to Report Other Illegal Conduct/Whistleblowing

Any employee who believes or suspects that illegal conduct is occurring within County government is entitled to use the complaint procedure set forth in this section. An employee who uses the complaint procedure for this purpose will be protected from coercion, intimidation, retaliation, interference or discrimination.

7. Use of Complaint Procedure to Report Retaliation

Employees who believe or suspect that they have been retaliated against or subjected to a retaliatory hostile work environment are required to use the complaint procedure.

8. Notice to Employees:

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action.

**Comment [rjs1]:** We can try to make it mandatory for employees who wish to "blow the whistle" to use the complaint procedure instead of permissive as I have drafted it. the primary advantage is that it allows the County to rectify conduct before it escalates into a whistleblower lawsuit and/or has the potential (there is no settled case law on the subject as far as I am aware) to provide the County with a Faragher type defense in whistleblower cases (i.e., an employee who fails to report cannot maintain a claim).

G. INITIAL AND ANNUAL TRAINING

New employees will receive a copy of the County's Harassment Policy and be asked to sign a confirmation form indicating they have received and reviewed the policy. During this orientation, the County will emphasize the policy and provide program training. In addition, all employees will receive a training session on harassment on an annual basis. To evidence the employee's attendance, a log of those attending the class will be maintained and a certificate of completion will be placed in their file to evidence the completion of the training.

H. GENERAL COMPLAINTS OF HARRASSMENT NOT RELATED TO A PROTECTED CLASS

Employees who believe that they are experiencing harassment that is not based on one or more of the protected characteristics set forth in Section 3.03(A) above shall nonetheless utilize the Complaint Procedure set forth in Section 3.03(F) above.

**3.04 Conflict of Interest**

- A. All County employees are expected to comply with the Florida Code of Ethics, §§112.311-112.317, Florida Statutes.
- B. Employees who may be in a position to influence actions and decisions regarding the County's administration shall refrain from relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers.
- C. An outside personal economic relationship which affords present or future financial benefits to an employee, his/her family, or individuals with whom he/she has business or financial ties may be a conflict of interest requiring evaluation by the County Coordinator.
- D. An employee having an outside personal economic relationship under the conditions specified above shall file a sworn statement to this effect with the Board of County Commissioners.
- E. If the employee is in doubt as to whether a conflict of interest exists, it is that employee's responsibility to seek clarification from the County Attorney.
- F. The County Coordinator shall determine whether a relationship could cause a potential conflict of interest in accordance with, but not limited to, the Florida Code of Ethics.
- G. Employee acceptance of loans, advances, gifts, gratuities, favors or entertainment from a supplier, bidder or other party doing business with the County is improper.
- H. It is improper for any employee to use his/her position with the County to obtain or attempt to obtain any special preferences, privileges or exemptions for himself/herself or for others.

- I. No employee shall disclose confidential information gained by reason of his/her official position, nor shall the employee use such information for personal gain or benefit.

**3.05 Political Activity (section 104.31, Florida Statutes (as amended))**

- A. County employees shall not use their official authority or influence for the purpose of interfering with an election or a nomination for office, for influencing another person's vote, or affecting the result thereof.
- B. No employee, official, or other person shall solicit orally, by letter or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party from any employee during their hours of duty, service or work with the Board of County Commissioners.
- C. Wear or display political badges, buttons, or stickers while on duty.
- D. Interfere in any other way with the personal rights of any officer or employee.
- E. Nothing herein contained shall be construed to restrict the right of the employee to hold in and support a political party, to vote as they choose, to express opinions on all political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours,, or to campaign actively during off-duty hours in all areas of political activity.
- F. Any employee who qualifies as a candidate or accepts appointment to the Board of County Commissioners must resign from County employment immediately upon qualifying or accepting such appointment or as otherwise provided by State Statutes dealing with elections.

**3.06 Employment of Relatives**

The County will not permit, in accordance with Florida Statute 112.3135, the employment of a relative in positions in which either family member would be supervised by or supervising, influenced by or influencing the activities or employment conditions of the other. This criterion will also apply when assigning, transferring or promoting an employee. Any employee currently employed by the County in a position which would be in violation of this provision is hereby exempted. (Refer to the definition of "Relative" in Section 2).

**3.07 Outside Employment**

- A. Employees are discouraged but not restricted from engaging in other employment during their off-duty hours. However, County employment shall be considered the primary employment. No employee may engage in outside employment which would interfere

with the interest of the County as defined under Section 3.04.

- B. Employees of the County shall not engage in any employment activity or enterprise which has been or may be determined to be inconsistent, incompatible, or in conflict with their duties, functions or responsibilities of their department.
- C. No employee(s) shall hold any other position in governmental or private employment or as an independent contractor when such other positions may have the effect of reducing the efficiency of such employment in the County service. Employees holding other positions cannot solicit or advertise or take calls concerning their other employment during employment hours at the County.
- D. Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under the County's Workers' Compensation as a result of disability resulting from the outside employment.
- E. Equipment, facilities, vehicles or property of the County shall not be used by employees for outside employment.
- F. An employee wishing to engage in any outside employment or business association shall first obtain written approval from his/her department head on an official form. Failure to comply with this policy may result in disciplinary action.
- G. Any employee who engages in secondary/outside employment shall not perform any work or duties, or transact any business whatsoever, relating to the secondary/outside employment during his/her shift working for the County.
- H. Final approval of outside employment is subject to review and recommendation by the County Coordinator and approval by the Board of County Commissioners. It is further understood that approval may be canceled at any time by the Board or the Board's authorized designee upon ten (10) days written notice to the employee. Approval of one application cancels any other application previously approved by the Board or the Board's authorized designee.

### **3.08 Solicitation and Distribution**

- A. Employee contributions to charitable organizations are voluntary. Coercion of an employee to make contributions will not be permitted.
- B. Employees are prohibited from conducting or promoting private business for gain during duty hours or within any County building.
- C. Employees are prohibited from soliciting any other County employee on behalf of any

organization, including labor unions, labor organization or employee organizations during the working hours of any employee who is involved in the solicitation.

- D. Distribution of literature for County sanctioned programs such as charitable organizations or recreational activities is not restricted by this policy.

### **3.09 Bulletin Boards/Public Postings**

Bulletin boards and/or public area postings are located throughout the common areas. Work related notices and announcements applicable to all staff are posted on these boards. It is the responsibility of each employee to check the bulletin boards for important announcements and notices. Any posting which is not work related requires the approval of the County Coordinator. Postings shall not be allowed for any outside group or activity.

### **3.10 Required Legal Postings**

Federal and state law requires employers to post in conspicuous places notices concerning anti-discrimination, unemployment, workers compensation and safety hazards in the workplace. These and other work related notices are posted in various locations of the County. If employees have any questions concerning these required postings, or are unable to locate such notices, they should contact the County Coordinator at once.

### **3.12 Public Requests for Information**

All employees receiving press requests and/or inquiries regarding the activities or operations of the County are to direct such requests to the County Coordinator.

### **3.13 Use of County Property**

Employees shall not use County property, equipment or vehicles except in the performance of official duty, nor permit their use by an unauthorized person, either on or off duty. Employees will be allowed to use vehicles to and from work by permission of the Board of County Commissioners.

### **3.10 Dress and Appearance**

No attempt is made by the County to set specific dress standards. The important factor is the overall public impression created. Employees assigned duties dealing with the public should be properly groomed and dressed in a business like matter.

Determination of the appropriate dress and appearance is the Department Head's discretion and will be treated as such.

When uniforms are furnished by the County, the employees shall wear them as prescribed and maintain them in a clean, suitable manner. If an employee terminates, the employee shall return

all issued uniforms and equipment. The employee will be charged for all missing uniforms and equipment. It shall be the responsibility of the Department Head to notify Payroll of any outstanding uniform or equipment obligation(s).

### **3.11 Personal Business**

Employees are prohibited from conducting or promoting private business for gain during working time or within any County facility.

### **3.12 Disability Policy Statement**

The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of the County to comply with all Federal, state, and local laws/ordinances concerning the employment of persons with disabilities. The County prohibits any and all discrimination against a qualified individual with a disability with respect to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment. A disability is defined as a physical or mental impairment that substantially limits one or more of the major life activities of an individual. A disabled individual is one who has such impairment, has a record of such impairment, or is regarded as having such impairment. A qualified person with a disability means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the position that the individual holds or for which he/she has applied.

The County also prohibits the exclusion or denial of equal jobs or benefits to, or other disparate treatment against, an employee because the employee has a family member with a disability.

As noted elsewhere in these Personnel Policies, the County will reasonably accommodate qualified individuals with a disability so they can perform the essential functions of the job. This provision does not require the County to extend reasonable accommodation to a non-disabled employee who has a family member with a disability. An individual who can be reasonably accommodated for a job, without undue hardship, will be given the same consideration for that position as any other applicant.

All medical information about an employee will be kept confidential, shared on a need-to-know basis only, and will be maintained in a separate location from an employee's personnel file.

# SECTION 4

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## EMPLOYMENT POLICIES

### **4.01     *Appointing Authority***

The County Coordinator has the authority of appointment and removal of personnel . Such authority may be delegated to a Department Head or other designated employee of the County, but only in writing and if approved by the County Coordinator.

### **4.02     *Position Control***

All positions in the County are established and maintained through a personnel budget each fiscal year. The establishment of new or additional positions can be authorized by the Board of County Commissioners subject to adequate justification on need and availability of funds. The number of positions to be funded may also be decreased at the discretion of the Board of County Commissioners.

### **4.03     *Types of Appointments***

- A.     Regular – Employees who work full time.
- B.     Seasonal – Employees appointed in the same manner and subject to the same procedure as regular employees, except that their employment shall cease at the close of the season for which they were appointed.
- C.     Part Time – Employees who work less than the normal scheduled hours per week.
- D.     Temporary – Positions (whether part-time, full-time, or hourly) that are anticipated to be of comparatively short or definitely limited duration, for special projects, grants, or programs.
- E.     Trainee – Employees who do not meet the minimum qualification of the position. The length of training is at the discretion of the County.
- F.     Interim Appointments – Individual(s) hired by the Board of County Commissioners for a limited period of time for a given assignment. This type of assignment is of a temporary nature and can be unilaterally by the Board of County Commissioners at any time. Compensation is given for the period of time of the assignment as determined by the Board of County Commissioners.
- G.     Seasonal, part-time and temporary employees, trainees and interim appointments shall



not be entitled to accumulate annual or sick leave. The only leave benefits to which such employees are entitled, if at all, are those mandated by law.

#### **4.04 Application Procedures**

- A. When a Department Head submits a notification for persons to fill vacancies, the notification shall be made to the County Coordinator on the approved “Personnel Notification” form, including the title of the position and other pertinent information as may be needed to locate qualified applicants. Requests for personnel should be made reasonably far in advance of actual need when circumstances permit.
- B. Upon being notified of a vacancy, the County Coordinator or designee shall prepare a notice and advertisement where appropriate, outlining the qualification for the position.
- C. The Department Head concerned will make his or her recommendation to the County Coordinator as to which candidate should be selected. The County Coordinator has the authority for making the decision as to which applicant should be hired after considering all job related factors in the hiring process and the recommendation of the Department Head. The person to be hired by the County Coordinator shall be the individual who, given the needs and resources of the County at the time, is best suited for the position.
- D. All job offers will be formally communicated by the Department Head as the designated representative of the Board of County Commissioners. Any offer may be conditioned on the successful completion of a medical examination that is job related, so long as such examinations are done for all entering employees in that job category.
- E. When a vacancy has been filled, the remaining Employment Applications become inactive after one year.
- F. Employment with the County shall be based on merit, which includes considerations of qualifications such as ability, skill, experience, training, and other merit factors.
- G. As part of the pre-employment procedure, references provided by applicants or reference sources may be checked.
- H. All job vacancies will be advertised. The Department Head has the authority to make a temporary emergency appointment to fill a vacancy. The temporary appointment is to be no more than thirty (30) days, but may be extended for an additional thirty (30) days upon approval of the County Coordinator.
- I. With respect to the hiring and selection of Department Heads, the County Coordinator shall accept applications for any vacancy which may exist and interview the prospective candidate(s). Thereafter, the County Coordinator shall make his/her recommendation to the Board regarding the best suited candidate or candidates for the position. The Board

may, consistent with Chapter 286, Florida Statutes, interview the candidate or candidates forwarded by the County Coordinator. The Board shall have final authority to make the hiring decision.

#### **4.05 Processing of Applications**

- A. The Department Head will review and consider all applications for employment filed on the approved Employment Application form. The County may approve or disapprove applicants for employment, taking into consideration the requirements of the position to be filled, the applicant and his/her qualifications and the resources and interests of the County.
- B. Applications for employment will be maintained in a centralized location to be designated by the Board of County Commissioners.
- C. The Department Head may reject an application which indicates that the applicant does not possess one or more of the requirements as specified in the announcement and job description.
- D. Applications may also be rejected for any lawful reason including, but not limited to, the following reasons:
  - 1. The applicant has been convicted of a felony, or of a first degree misdemeanor which directly relates to the position sought.
  - 2. The applicant has made false statements of any fact in the Employment Application Form.
  - 3. Whether or not an applicant will be rejected under items 1 and 2 above will depend on the specific facts, including the nature of the offense, relevance to employment, and the passage of time since the incident occurred, evidence of rehabilitation, or other mitigating factors.
  - 4. Any other lawful reason.
- E. After a job offer and before final processing, an applicant must:
  - 1. Pass a medical examination performed and evaluated by the County's designated physician so long as the medical examination is job related and if such examinations are done for all entering employees in that job category.
  - 2. Take a drug screening test as part of their physical examination.
  - 3. Present a valid Social Security card.

4. Present proof of:
  - a. Education, if required by the position
  - b. Date of birth
  - c. Citizenship or resident alien status
  - d. Separation from the Armed Forces, if appropriate
5. Be subject to a background investigation.
6. Present a valid Florida Drivers License or Commercial Drivers License, where required by the position.

- F. Any exception to this procedure must be approved by the Board or authorized designee.
- G. While current employees who make formal application for a vacant position will be given consideration by the Department Head, and County Coordinator, nothing shall prevent the County from hiring outside applicants.

**4.06 Physical Examination**

- A. After a conditional job offer has been made to the qualified applicant, a medical examination and, where appropriate a Workers' Compensation scan shall be required for applicants for regular, full, and part time positions if such examination is job related and if such examinations are done for all entering employees in that job category.
- B. Physical examinations may also be conducted for applicants for positions as required by federal law, state statute, or other regulations.
- C. Appointment actions for the identified positions shall be contingent upon successful completion of the pre-employment medical examination physical.
- D. The prospective appointee shall not be considered a County employee until completion of the medical examination process.
- E. Upon notification of a selection action, the Department Head shall initiate action to schedule the prospective appointee for a medical examination.
- F. The prospective appointee shall be required to complete and present to the County-authorized physician a consent/authority to release medical information form, and other information required by the physician.

\*Failure by the applicant to present the completed forms shall be cause for disqualification from employment

- G. The Department Head shall enclose a job description showing the essential job functions

to be performed by the prospective appointee.

- H. The County-authorized physician shall conduct the physical examination and identify all, if any, medical conditions which may have an effect on the prospective employee's ability to perform the essential job functions of the identified position.
- I. If medical restrictions/limitations are identified, the Department Head shall review the medical report and determine:
  - 1. If reasonable accommodations can be made available to the selected candidate.
  - 2. If the prospective appointee shall be required to submit additional medical information from his/her personal physician.
  - 3. If the selection action will be withdrawn.
- J. The Department Head shall notify the prospective appointee of the results of the medical examination and affirm or withdraw the job offer.
- K. An applicant who fails to successfully pass the physical examination may request reconsideration by submitting additional medical information.
  - 1. Request for reconsideration must be made to the County in writing.
  - 2. Upon receipt of a request for reconsideration, the Department Head shall review it with the County-authorized physician who made the initial assessment. If necessary, the Department Head may authorize any additional medical examinations at County's expense.

#### **4.07 Transfers**

An employee may be transferred from a classification in one department to the same or equivalent classification in another department. Transfers will be made after consultation with the employee and the two Department Heads involved and shall be submitted for approval or rejection by the County Coordinator. Two weeks notice shall be given prior to the transfer, unless otherwise agreed upon by both Department Heads.

#### **4.08 Promotions**

In filling vacancies above the lowest rank in any category, current employees within the service of the County who apply for a vacant position will be given consideration by the Department Head, and County Coordinator; however, nothing shall prevent the County from hiring outside applicants.

#### **4.09 Demotions**

- A. A demotion is the assignment of an employee from one class to another which has a lower maximum rate of pay. The County may demote an employee from one class to another which has a lower maximum rate of pay in the following instances:
  - 1. In lieu of lay-off when a position is to be abolished or an employee with prior rights return to the position.
  - 2. In lieu of dismissal when an employee is not performing satisfactorily or when a health examination conducted by the County's physician discloses that the employee is not physically qualified to perform the duties of the position.
  - 3. When an employee fails to perform satisfactorily during the probationary period following a promotion.
  - 4. When an employee receives demotion as a disciplinary measure.
- B. The County shall furnish the employee a written statement containing the reasons for the demotion.

#### **4.10 Reinstatements**

- A. An employee who has resigned in good standing or whose position has been abolished may be rehired, if a vacancy exists, to the same or similar position by the same department from which the employee left.
- B. An employee may be reinstated at the same pay rate as previously received, or may revert to a lower rate within the range at the discretion of the Department Head, and the final decision of the County Coordinator.
- C. Reinstated employees are considered new employees for purposes of vacation, leave, retirement and salary increases and must once again serve a probationary period regardless of whether probationary or regular status was held prior to separation.

#### **4.11 Probationary Period**

- A. The probationary or "working test" period is utilized to observe the new employee's work, to secure the most effective adjustment of a new employee to the position, and to reject any employee whose performance does not meet the required work standards.
- B. The probationary period shall be in effect for a period of one (1) year. An employee

within the probationary period may be discharged by the Department Head with or without cause, upon recommendation of the Department Head to the County Coordinator, who shall make the final decision.

- C. Where the completion of minimal educational requirement or other qualification are required upon the initial employment of an employee, the probationary period may be extended until all of the educational requirements or other qualifications for the position have been met. The probationary period may also be reinstated at any time if, in the judgment of the Department Head and subsequent approval of the County Coordinator, the employee's performance is not satisfactory but, with additional time, is capable of improving. Nothing in these Policies shall require reinstatement of probation for any employee.
- D. If an employee is promoted to a higher position, his/her promotion shall not be deemed regular until he/she has completed and served in such capacity for a probationary six (6) months following the date of the promotion.
- E. During the probationary period the employee's supervisor will notify the employee if performance is not satisfactory and probationary period requirements are not being met.
- F. If a newly hired probationary employee has been found to be unqualified to perform or will not properly perform the duties of the position, the department head will institute steps for dismissal of the probationary employee. The employee will be furnished written notice that the employee does not have the right of administrative appeal.
- G. If an employee who is serving a probationary period incurred as a result of a promotion and is found to be unqualified to perform the duties of the higher position, every effort will be made to return the employee to the position and status held immediately prior to the promotion. If the employee's former position is filled, the employee may be transferred to a vacant position with the same job classification, subject to the approval of the department head, if a vacancy exists.
- H. Employees will earn leave benefits during the probationary period.
- I. The probationary period shall also apply to Department Heads.

#### **4.12 Hours of Work**

- A. The County Coordinator shall establish hours of work in accordance with the needs of the County and the public.
- B. Employees working on a shift basis will work the hours as determined by departmental policy.
- C. Lunch period will be scheduled at the discretion of the Department Head.

- D. Work breaks will be scheduled by departments to coincide with the work schedule and departmental procedures.
- E. Employees who are unable to work out of doors because of weather conditions are expected to report back to their office or yard to receive other work assignments. Employees who leave the work site or go home prior to the completion of the full work day without permission, will not be paid for the time missed, and may be subject to disciplinary action.

**4.13 Overtime and Compensatory Time**

- A. Overtime can be authorized only by the department head and only when it is the most practical and economical way of meeting workloads or deadlines.
- B. Employees will be required to work overtime when requested unless excused by supervisors.
- C. Employees in designated Non-exempt classifications will be paid overtime in accordance with provisions of the Fair Labor Standards Act.
- D. Positions designated as Exempt are not subject to overtime provisions of the FLSA.
- E. Sick leave, funeral leave, jury duty, holidays, vacation, annual military leave, and any other absence from work while on pay status will not be counted as time worked for overtime computations.
- F. Employees who are on a scheduled forty-eight (48) hour work week which includes Saturday, will receive time and one-half for the hours worked on Saturday. Any non-worked paid time will be counted as time worked for overtime purposes.
- G. Non-exempt employees who are requested to work “off-the-clock”, (e.g. and not reflect same on the timesheet) are required to immediately report such request to the attention of the County Coordinator. It is a serious violation for any employee to instruct another employee to work “off-the-clock” and violations of this policy must be reported immediately. “Off-the-clock” hours, that is, hours worked that are not recorded on the timesheet are prohibited. It is the responsibility of each employee to work his or her normal schedule, and to request approval when working overtime is required. Written approval must be received in all cases. It is the responsibility of Department Heads to monitor employee work activities to ensure that this policy is followed.
- H. Any employee that has been classified as exempt who believes they should be classified as non-exempt from the overtime requirements of the FLSA must file a written notice with the County Coordinator.

#### **4.14 Attendance**

- A. Employees are expected to report for duty at the scheduled time and each Department Head shall be responsible for the punctual attendance of all persons in the department.
- B. If an employee is unable to work for any reason, he/she must notify the Department Head or designee prior to the beginning of the scheduled work day. Violation of this policy and repeated or unjustified absenteeism or lateness is cause for disciplinary action.
- C. Unreported absence of three consecutive work days may be considered as an abandonment of the position and termination of employment.

#### **4.15 Performance Evaluations**

The County may utilize a program for rating the work performance of employees. Rules and procedures for the performance evaluation system will be contained in the appropriate manual.

#### **4.16 Employee Training**

The County may establish and develop educational and training programs for employees. The purpose of such programs is to increase operational efficiency and to assist employees in preparing themselves for positions of increasing difficulty and responsibility.

#### **4.17 Veterans Preference**

Preference on entrance examinations will be granted to qualified persons who have been members of the Armed Forces of the United States and who seek to enter the County service.

#### **4.18 Drug and/or Alcohol Use/Consumption**

- A. The sale, use, acceptance, possession or being under the influence of alcohol or controlled substance (per Florida Law; e.g. heroin, LSD, barbiturates, amphetamines, marijuana, cocaine, etc.) on County compensated work time, on County property, or in/on any County building, facility, or equipment may result in disciplinary action, up to and including termination.
- B. If it is determined, or there is reasonable belief or less than probable cause, but more than mere suspicion that, as a result of drug and/or alcohol use/consumption, the employee's work performance, work habits, etc. begin to decline, or there is a concern for the safety of the employee, other employees, or the public at large; or, the employee, upon reporting to work or while at work appears to be under the influence of alcohol or a controlled substance (as previously defined), supervision will do one or more of the following:



1. The affected employee will immediately be relieved of duty.
  2. The affected employee shall be sent to the County physician for a medical examination and/or appropriate drug screening.
  3. The affected employee may be placed on paid leave or leave without pay until such time as other action is determined to be in the best interest of the County or;
  4. The affected employee may be subject to disciplinary action, up to and including termination
- C. The affected employee may receive supervisory counseling and may be encouraged / required to participate in treatment program as a condition of continued employment.

#### **4.19 Residency**

- A. County employees are encouraged to live within the County.
- B. Fire Rescue employees who are on Call-Back status are required to reside within a reasonable distance from the station to which assigned to allow reasonable response time.

#### **4.20 Call-Back** (This is for forty hour non-emergency personnel)

- A. Call-Back is defined as time required of an employee to return to the job after having left the job site upon completing his/her scheduled work day.
- B. When called back, the employee will be paid a minimum of one (1) hours per incident.
- C. Time for computing Call-Back time will begin when the employee leaves his/her residence and ends upon the time the employee returns to his/her residence.
- D. Employees working for a Department that uses the Call Back Procedure are not engaged to wait to be called for duty. Such employees are free to engage in non-work activities and shall not be disciplined or adversely affected for not being available for call back work. Instead, supervisors will call employees for call back work until one or more are found to be available to work.

#### **4.21 Employee Assistance Program/Conflict Resolution**

- A. The County may, at its sole discretion, offer participation in an Employee Assistance Program to employees who, in addition to the reasons set forth in Section 17 of these Policies, may benefit from the types of services offered through such programs.

- B. The County may, at its sole discretion, also require employees to participate in conflict resolution programs in order to resolve workplace disputes or where participation in such a program may be beneficial to the orderly operation of the County's business.

# SECTION 5

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## HOLIDAYS

### 5.01 Days Observed

- A. The following and any other days which the Board of County Commissioners may declare are County holidays. They shall be granted with pay to all eligible employees:

1.	New Year's Day	January 1
2.	Martin Luther King, Jr.'s Birthday	January 17 (Observed)
3.	Good Friday	Friday preceding Easter Sunday
4.	Memorial Day	Last Monday in May
5.	Independence Day	July 4
6.	Labor Day	First Monday in September
7.	Veteran's Day	November 11
8.	Thanksgiving Day	Fourth Thursday in November
9.	Friday after Thanksgiving	Fourth Friday in November
10.	Christmas Day	December 25
11.	Day Before or After Christmas	TBA

- B. For employees working a forty (40) hour work week, when a holiday falls on a Saturday, the preceding Friday shall be observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be observed as the official holiday.

Employees working pursuant to a 4/10 schedule (10 hrs per day, 4 days per week) shall revert to an eight (8) hour work day schedule during weeks in which County approved holidays are observed.

- C. Employees who are working on a twenty-four (24) hour shift basis will receive credit for the above eleven (11) holidays in the form of extra annual leave time off.
- D. Employees assigned a twenty-four (24) hour shift are credited with the holiday in the form of annual leave whether the holiday is worked or if it falls on the employee's day off.
- E. The Board of County Commissioners will determine when any department or operation will be closed in observance of a holiday.
- F. For employees assigned to a forty (40) hour work week, holidays will not be counted as time worked for overtime computations.

**5.02 Eligibility for Holiday Pay**

- A. All full time regular employees assigned to a forty (40) hour work week will receive 8 hours of time off with pay for each of the holidays earned (see 5.03 for work on holiday).
- B. All regular part time employees working at least twenty (20) hours per week shall be provided fringe benefits in proportion to hours worked as submitted by the department head.
- C. Seasonal and temporary employees are not eligible for holiday pay.
- D. An employee must be on "active pay status" (see definition) on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday in order to qualify for the holiday time.

**5.03 Holiday on Work Day**

- A. Employees assigned to a forty (40) hour work week who work on the observed holiday will be paid the overtime rate of time and one-half.
- B. An employee assigned to a forty (40) hour work week who is scheduled to work on the day observed as a holiday and calls in sick will still be charged with holiday time for that day and not sick leave.
- C. Employees assigned to a twenty-four (24) hour shift who work the holiday will receive no additional pay since the holiday has been included in the employee's annual leave account.

**5.04 Holiday on Leave Day**

- A. For employees on a forty (40) hour work week, holidays which occur during annual leave shall be charged to holiday leave and not to annual leave.
- B. When a holiday falls within a period of leave of absence without pay, the employee shall not be paid for the holiday.
- C. For employees on a forty (40) hour work week, if a holiday falls on the employee's normal day off, the employee will receive regular pay for the holiday.
- D. Employees assigned to a twenty-four (24) hour shift schedule have received credit for the

holiday in the form of annual leave and will not receive additional credit if the holiday falls on their leave day.

# SECTION 6

## PERSONAL LEAVE

### 6.01 Eligibility and Rate of Accrual

#### A. 40 HOUR EMPLOYEES

Each regular full-time employee who is scheduled to work a forty (40) hour work week will accrue personal leave with pay on the following basis:

CONTINUOUS EMPLOYMENT	PERSONAL LEAVE
One (1) Year	136 Hours Per Year
Five (5) Years	152 Hours Per Year
Ten (10) Years	176 Hours Per Year

#### B. 24 HOUR EMPLOYEES

1. Employees assigned to a twenty-four (24) hour shift receive credit for holidays worked in the form of personal leave. Employees will also accrue hours each year to be taken when away from the job for illness, conduction personal business, or attending to other authorized matters which take the employee away from the work site.
2. In accordance with approved department policy and the Fair Labor Standards Act, twenty-four (24) hours will be considered the normal shift hours for pay purposes. (Refer to department manual regarding scheduled work hours and overtime).
3. Each regular full-time employee who is scheduled to work a twenty-four (24) hour shift will accrue personal leave with pay on the following basis:

CONTINUOUS EMPLOYMENT	PERSONAL LEAVE
One (1) Year	<u>224 Hours Per Year</u>
Five (5) Years	<u>240 Hours Per Year</u>
Ten (10) Years	<u>264 Hours Per Year</u>

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C. Personal leave is computed on the County employment anniversary date for each employee. Personal leave will accrue during the year on a prorated basis.

D. Personal leave will accrue only when an employee is on an active pay status.

- E. Personal leave will not be granted in advance of accrual
- F. Personal leave will not be considered as time worked for overtime computation.
- G. Personal leave may be used in ½ hour increments.
- H. Upon separation of employment, a full-time employee in good standing may be paid for a portion of unused personal leave, as outlined below:

<u>After Years of Service</u>	<u>Total Payout Percentage</u>	<u>Maximum Payout</u>
<del>1-4</del> <u>5-10</u>	<u>100%</u>	<u>272</u> hours ( <del>—</del> days)
<del>5-9</del> <u>11-13</u>	<u>100%</u>	<u>304</u> hours ( <del>—</del> days)
<del>10 and above</del> <u>14-16</u>	<u>100%</u>	<u>352</u> hours ( <del>—</del> days)
<del>17</del> above	<del>—</del> %	<del>—</del> hours ( <del>—</del> days)

- I. Upon separation of employment, a part-time employee in good standing may be paid for a portion of unused personal leave, as outlined below:

<u>After Years of Service</u>	<u>Total Payout Percentage</u>	<u>Maximum Payout</u>
<del>1-4</del> <u>5-10</u>	<u>100%</u>	<u>136</u> hours ( <del>—</del> days)
<del>5-9</del> <u>11-13</u>	<u>100%</u>	<u>152</u> hours ( <del>—</del> days)
<del>10 and above</del> <u>14-16</u>	<u>100%</u>	<u>176</u> hours ( <del>—</del> days)
<del>17</del> above	<del>—</del> %	<del>—</del> hours ( <del>—</del> days)

- J. Temporary employees, whether they work on a full-time or part-time basis do not earn or accumulate leave.

**6.02 Charging Leave**

- A. Personal leave will be charged in ~~½ hourly~~ increments of no less than one hour for forty (40) hour and twenty-four (24) hour shift employees.
- B. For the purposes of charging personal leave, twenty-~~four~~ (~~24~~) hours will be considered a normal shift for Fire/Rescue personnel assigned to a shift schedule.
- C. For forty (40) hour employees, holidays which occur during the period selected for personal leave, or which occur on a day on which the employee is on approved personal leave, shall be considered a paid holiday and not charged to personal leave.
- D. Holidays are included in the personal leave accrual for employees on a twenty-four (24) hour shift schedule; annual leave which occurs on a holiday will simply be paid as a paid holiday.

- E. Leave may be taken as it is earned on a monthly basis, except that new employees may not take personal leave until after their first twelve months.
- F. For the purposes of determining overtime payments, vacation hours shall not be counted as time worked.

**LEAVE MAY NOT BE TRANSFERRED BETWEEN EMPLOYEES.**

**6.03 Request for Leave**

- A. Personal leave may be taken only after approval by the Department Head. Supervisors will arrange vacation schedules and re-allocate duties on such a basis as to cause minimum interference with normal functions and operations of the Department. If the desire or need to take leave is foreseeable, the employee shall make arrangements sufficiently in advance with his/her Department Head to ensure the orderly operation of the Department.
- B. Personal leave may be used only as earned. In emergency or hardship situations, the Department Head may approve an employee's taking leave in advance of having earned such leave.
- C. Personal leave requests will be made in writing by the employee and submitted to the Department Head with the first and second annual leave preferences. All personal leave requests are subject to approval of the Department Head.
- D. If the personal leave time is being used because of an illness, the employee shall notify his/her immediate supervisor or department head prior to the scheduled reporting time, giving the reason for the absence in accordance with Department regulations. An employee in a unit operating on a twenty-four (24) hour basis must notify the Department within the time limit established by the Department. The provision may be waived by the department head if the employee submits evidence that it was impossible to give such notification.
- E. Any personal leave in excess of the two (2) year's earnings will be forfeited and the employee will not otherwise be compensated for such time. The fiscal year is defined as October 1 to September 30.
- F. Where exceptional circumstances exists or where the employee was denied personal leave, the Department Head may recommend to the Board that additional unused annual leave be permitted to be carried forward. The Board may grant the request, but in no event shall excess annual leave over and above the one (1) year accrual be carried over for more than one (1) year for any one employee.
- G. If an employee is called back to work during his/her personal leave, the employee shall



be allowed to carry over those days of personal leave not used even though they might be in excess of the maximum accumulation allowed. The employee should be scheduled to reduce the accumulated leave as soon as possible to bring the balance to the policy level.

- H. Employees may be disciplined up to and including discharge for excessive or abusive leave or taking leave without approval, in accordance with the County's disciplinary procedures. Employees are reminded that leave is a privilege, not a right, and that employees may not use their leave whenever they wish in any manner they choose.

#### **6.04 Use**

Personal leave may be granted for the following purposes:

- A. Vacation.
- B. Absences for transacting personal business which cannot be conducted during off-duty hours.
- C. Religious holidays other than those designated by the County as official holidays.
- D. For uncovered portions of absences due to death of a person other than a member of the employee's immediate family.
- E. Any scheduled absence from work not covered by other types of leave provisions established by these policies.
- F. Personal Leave may NOT be transferred between employees.

#### **6.05 Unused Personal Leave**

- A. **NEED LANGUAGE FROM TYLER**
- B. Employees having less than twelve (12) months of service will not be paid for any accumulated personal leave time, except for personal leave provided as overtime compensation.
- C. Employees shall not be paid for personal leave earned in lieu of taking a vacation unless specifically approved by the County Coordinator.
- D. The employee's official separation date shall be the last day of active employment and shall not be extended due to payment for unused personal leave.

Personal leave shall accumulate from one year to the next; provided, however, that as previously noted, no more than two (2) years of accumulated leave may be banked up by an employee (i.e. no more than 34 days for employees receiving 17 work days per year). Any employee with the

maximum amount of banked accumulated leave shall not accrue additional leave unless the employee goes below the maximum amount, in which case leave may be earned and accumulated back up to the maximum amount. However, personal leave that is provided as overtime compensation may be carried over from year to year throughout employment and cannot be forfeited. Any such personal leave will be paid in full at the time of separation of employment at the applicable hourly rate in force at the time such leave was earned.

# SECTION 7

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## MISCELLANEOUS LEAVES

### 7.01 *Funeral Leave*

- A. All regular full time employees shall be granted funeral leave upon approval of the department head in the event of death in the immediate family. (See definition of immediate family, Section 2).

SCHEDULED WORK WEEK	MAXIMUM FUNERAL LEAVE PER INCIDENT
40 hour work week	3 consecutive work days
24 on/48 off shift	20 hours (1 shift)

- B. Regular part-time employees are eligible for funeral leave in proportion to the number of hours in their scheduled work week.
- C. The employee may be required to provide the supervisor with proof of death in the immediate family before compensation is approved.
- D. If additional time off is necessary to attend a funeral of a member of the immediate family, annual leave or sick leave can be used.
- E. If the employee wishes to attend the funeral of someone outside his/her immediate family, annual leave or leave without pay may be granted by the department head.

### 7.02 *Court Leave*

- A. Regular full-time employees attending court as a witness on behalf of the County or another governmental agency or for jury duty during their normal working hours shall receive pay at their regular rate for the hours they attend court. This time shall be charged as leave with pay.
- B. All regular full time employees subpoenaed to attend court on behalf of the County are eligible for leave with pay.
- C. Employees who become plaintiffs or defendants in personal litigation are not eligible for Court Leave with pay. Annual leave or leave without pay may be granted by the Department Head.
- D. Employees who attend court for only a portion of a regularly scheduled work day are expected to report to their supervisor when excused or released by the court.

- E. Employees required to attend court as a witness on behalf of the County or other governmental jurisdiction and who are on a scheduled vacation may be allowed to take additional leave with pay for that court time.
- F. Employees required to attend court as a witness on behalf of the County or other governmental jurisdiction during his/her off-duty hours or day off shall receive up to eight (8) hours of straight time pay for the hours served.
- G. Employees scheduled on a forty (40) hour work week required to attend court as a witness for the County or other governmental jurisdiction during his/her authorized holiday will receive pay for the holiday in addition to the pay received for the time spent in court.
- H. Time spent in court is the actual time required to report, as scheduled in writing on the subpoena, until released by the judge or other officer of the court.
- I. All court attendance must be verified before an employee is compensated.

County

### **7.03 Military Leave**

- A. A regular full-time employee who is a member of the United States Armed Forces Reserve or Florida National Guard shall, upon presentation of a copy of the employee's official orders or appropriate military certification, be entitled to leave without loss of pay, time or efficiency rating during periods in which the employee is engaged in annual field training or other active duty.
- B. Such leave with pay shall not exceed thirty (30) calendar days in any calendar year for annual training.
- C. An employee who is a member of the Military Reserve who has been called to active military service (as defined in F.S. 115.08) shall receive the first thirty (30) days of leave with full pay.
- D. A copy of the official orders or appropriate military certification shall be filed in the employee's personnel file.
- E. The employee's request must be given to the Board or designee at least ten (10) days in advance of the scheduled date of departure for leave.
- F. Any regular full-time employee who is a member of an Armed Forces Reserve Unit or the National Guard shall be excused from work with pay, not to exceed two-hundred and forty (240) working hours in any one annual period to attend evening or week-end military training if the scheduled training conflicts with the employee's work schedule.

Evidence of membership in the applicable organization shall be provided to the Department Head

- G. Any regular full-time employee who is a member of an Armed Forces Reserve Unit or the National Guard and who is ordered to active duty to fulfill his/her primary or emergency military obligation, will be granted a military leave of absence with full pay for the first thirty (30) days of any such leave
- H. Any regular full-time employee who enlists or is inducted into the armed services for active duty, shall be granted a military leave of absence with pay for the first thirty (30) days of any such leave for the initial period of enlistment. All moneys due the employee shall be paid at the time of his/her leaving the Board's employment to enter active military service.
- I. Upon termination from active military service, an employee who wishes to return to the Board's employment shall contact the Board or the Board's designee in writing within ninety (90) days from the date of military discharge.
- J. An employee shall not be considered for reinstatement by the Board if he/she received a dishonorable discharge or voluntarily re-enlisted in the military service beyond his/her initial military obligation. An employee requesting re-instatement with the Board shall submit to a medical examination similar to the one utilized for applicants for employment.
- K. An employee returning to the Board's employment will start a salary that he/she would have received, including all adjustments, had the employee remained continuously in the service of the Board instead of entering the armed services.
- L. If the position vacated by an employee who entered the military service was reclassified or re-titled during his/her period of military service, the employee will be entitled to be reinstated in the new or revised position, unless the employee is not capable of satisfactorily performing the essential functions of the position. If the former position has been abolished or if he/she is incapable of satisfactorily performing the duties, the employee shall be entitled to reinstatement in a position as nearly comparable as possible in salary and duties to the position he/she vacated, providing that a vacancy exists.
- M. All eligible personnel shall also be entitled to the rights and privileges, and shall also be required to adhere to the responsibilities, set forth in the Uniformed Services Employment and Reemployment Rights Act.

#### **7.04 Domestic and Sexual Violence Leave**

Employees who have been employed for three (3) months or more may request and receive up to three (3) working days of leave in any 12-month period if the employee, or a family or household member, is a victim of domestic and/or sexual violence.

The employee may use leave under this policy for the following:

- 1) To seek an injunction for protection against domestic or sexual violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- 2) To obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic or sexual violence;
- 3) To obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic or sexual violence;
- 4) To make the employee's home secure from the perpetrator of the domestic or sexual violence or to seek new housing to escape the perpetrator;
- 5) To seek legal assistance in addressing issues arising from the act of domestic violence or to attend and prepare for court-related proceedings arising from the act of domestic or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic or sexual violence.

Field Code Changed

"Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. "Sexual violence" has the same definition as found in Section 784.046, Fla. Stat., the sexual violence injunction statute, or any crime the factual basis of which a court has found included an act of sexual violence.

"Family or household member" means spouses, former spouses, registered domestic partner, former registered partner, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family or household member, an employee seeking leave under this policy must provide to his or her employer reasonable and appropriate advance notice of the leave along with sufficient documentation of the act of domestic violence.

An employee requesting leave under this policy must, before receiving the leave, exhaust all annual or vacation leave, personal leave, and sick leave, if applicable, which is available to the employee.

An employee will not be discharged, demoted, suspended, retaliated against, or in any other manner discriminated against for exercising his or her rights under Florida's

Domestic and Sexual Violence Act. All information relating to the employee's leave under this section will be kept confidential. Employees should contact the County Coordinator's Office.

### **7.05 Leave Without Pay**

- A. The decision to grant a leave without pay (leave of absence) for up to ninety (90) days will be at the discretion of the County Coordinator.
- B. The following provisions apply to leave without pay:
  - 1. An employee granted a leave of absence must keep the department informed of his/her current activity and current address.
  - 2. An employee who obtains either part time or full time employment elsewhere while on an authorized leave of absence is required to notify the department in writing within three (3) days of accepting such employment.
  - 3. Failure to comply with all of the policy requirements will result in the employee being dropped from leave of absence status, in which case he/she must return to duty or be discharged.
  - 4. Any employee granted a leave of absence shall contact the department head at least two (2) weeks prior to the expiration of the leave in order to facilitate the reinstatement process.
  - 5. Failure to return to work at the expiration of the leave shall be considered as a resignation.
  - 6. Sick leave, annual leave or holiday leave will **not** be earned by an employee for the time that the employee is on leave without pay.
- C. An authorized leave without pay shall not constitute a break in service, but the time will not be credited toward retirement.
- D. Employees wishing to continue their insurance coverage must pay both individual and family coverage, if applicable, while on leave without pay.
- E. While there is no guarantee that the employee will be returned to the same position that he or she held before the unpaid leave of absence, the County will attempt to return the employee to their former position or similar position.

- F. When the employee has exhausted his personal leave, sick leave, leave of absence without pay may be granted in daily increments by the department head.
- G. Leave without pay will not be granted where doing so would result in an undue burden on the County.
- H. Leave without pay shall run concurrent with Family and Medical Leave, as noted below above (if applicable).

## **7.6 Family and Medical Leave**

A. Eligibility and Reasons - Employees who have worked for the County for at least twelve (12) months, and for at least 1,250 hours during the preceding twelve (12) months, may:

- (a) Take up to twelve (12) weeks of unpaid leave in a twelve (12) month period for the following reasons:
  - 1. The birth of the employee's child and to care for the newborn child;
  - 2. The placement of a child with the employee for adoption or foster care;
  - 3. In order to care for the employee's spouse, registered domestic partner, child or parent who has a serious health condition
  - 4. Because of a serious health condition which renders the employee unable to perform the essential functions of the employee's position
  - 5. Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in a foreign country. Employees with a family member who is either in a regular component of the Armed Forces or a reserve component of the Armed Forces will be entitled to leave.

Coverage is extended for exigency leave to the family of all active-duty service members who are deployed in a foreign country. Previously coverage for this exigency leave applied only to employees with a covered family member in the National Guard or reserves.

- (b) Take up to twenty-six (26) weeks of unpaid leave in a single twelve (12) month period in order to care for the employee's spouse, child (of any age), parent or next of kin who is a military service member who is undergoing medical treatment, recuperation, or therapy, or who is in outpatient status, or who is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces.



Coverage is extended to include caring for a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. The caregiver would be able to take up to 26 weeks of leave to care for a veteran for up to five years after he or she leaves military service if the veteran suffered a qualifying injury or illness in the line of active duty (or had an existing injury or illness aggravated in the line of active duty). Under the legislation, the injury or illness could manifest itself before or after the member became a veteran.

B. Definitions - The following definitions apply for purposes of this policy.

- (a) Serious Health Condition -- A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either: (1) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., the inability to work, attend school or perform other regular daily activities), or any subsequent treatment in connection with the inpatient care; or (2) continuing treatment by health care provider, as defined by the FMLA and the pertinent regulations.
- (b) Serious injury or illness – A “serious injury or illness” means an injury or illness incurred by a military service member in the line of duty on active duty that may render the military service member medically unfit to perform the duties of his or her office, grade, rank or rating.
- (c) Child – Except as otherwise noted in this policy, “child” means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis (in the place of a parent) and who is either under the age of eighteen (18) or, if older than the age of eighteen (18), is incapable of self care because of a mental or physical disability.

- (d) Parent – Parent means a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis (in the place of a parent) to the employee when the employee was a child. Parent does not include parents “in law.”
- (e) Next of Kin – The “next of kin” of a military service member means the nearest blood relative other than the military service member’s spouse, parent or child, in the following order of priority (unless the military service member has specifically designated in writing another blood relative as his nearest blood relative for purposes of military caregiver): (1) blood relatives who have been granted legal custody of the military service member, (2) brothers and sisters, (3) grandparents, (4) aunts and uncles and (5) first cousins.
- (f) Qualifying exigency –A “qualifying exigency” includes leave taken for any of the following reasons: (1) to address any issue resulting from an impending call to active duty deployment on less than seven days’ notice, (2) to attend military events and related activities (such as a military ceremony, briefing, family support program, etc.), (3) to make arrangements relating to childcare and school activities, (4) to make financial and legal arrangements, (5) to attend counseling, (6) to spend time with a covered military member who is on a short-term, temporary rest and recuperation leave during the period of deployment, (7) to attend post-deployment activities (such as a military ceremony, event, reintegration briefing, etc.), and (8) any other exigency agreed upon by the County and employee.

C. Measuring the Twelve Month Period and Counting FMLA Leave

- (a) For leave taken for any of the reasons listed above the twelve (12) month period in which eligible employees may take twelve (12) weeks of leave will be calculated using a “rolling” twelve month period measured backward from the date an employee uses any FMLA leave. At any time when a need for FMLA leave arises, the amount of FMLA that an employee would be entitled to use is measured by counting how much FMLA leave the employee has used during the prior twelve months. If during that prior twelve month period the employee has already used 12 weeks of FMLA leave, the leave is exhausted. If the employee has not used twelve weeks of FMLA leave during the prior twelve month period, he or she is entitled to the balance of the twelve weeks that has not been used. For example, if an employee used four weeks of FMLA leave beginning 2/1/2011, four weeks beginning 6/1/2011, and four weeks beginning 12/1/2011, the employee would not be entitled to any additional leave until 2/1/2012. However, beginning on 2/1/2012, the employee would be entitled to four weeks of leave; on 6/1/2012 the employee would be entitled to an additional four weeks of leave, etc.
- (b) For leave taken for the reason listed above the single twelve (12) month period for calculating leave needed to care for a military service member begins when the employee first starts taking leave for that reason and ends twelve (12)

months after that date. Leave under the military FMLA leave section above may not exceed twenty-six (26) weeks in any single twelve (12) month period when combined with other FMLA-qualifying leave under any section of this policy.

- (c) For leave taken for the birth of a child or placement of a child for adoption or foster care, the entitlement to leave under this policy expires twelve (12) months from the date of the child's birth or placement.
- (d) If both spouses work for the County, the combined leave shall not exceed twelve (12) weeks in a twelve (12) month period if the leave is taken for the birth of the employee's child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, or to care for the employee's parent with a serious health condition.
- (e) If both spouses work for the County, the combined leave shall not exceed twenty-six (26) weeks of leave during the single twelve (12) month period described in the military FMLA leave section above if the leave is taken to care for a military service member with a serious injury or illness.
- (f) To the extent allowed by law, in the event an absence is for a reason covered by this policy, the County reserves the right to count it as FMLA leave whether the employee has requested FMLA leave or not. Leaves covered by workers' compensation and/or a disability plan will also be counted as FMLA leave to the extent the leave qualifies under this policy.

D. Intermittent Leave. Employees may take intermittent leave or leave on a reduced schedule basis (in ¼ hour increments) because of their own or a relative's serious health condition, if this is medically necessary. Where employees have some control over the timing of their leave, they are expected to consult with their supervisors to try to arrange a mutually acceptable time.

- (a) In the case of leave based upon a serious health condition or a military service member's serious injury or illness, leave may be taken intermittently or on a reduced schedule basis, but only if such leave is medically necessary and the medical need can be best accommodated by intermittent leave or a reduced schedule. If intermittent leave or leave on a reduced hour's basis is required for planned medical treatment, the employee is required to make reasonable efforts to schedule the treatment so as not to unduly disrupt the County's operations.
- (b) In the case of leave for the birth or placement of a child in adoption or foster care, intermittent leave or working a reduced schedule is not permitted unless the County, in its sole discretion, elects to allow it.
- (c) In the case of leave based upon a qualifying exigency, leave may be taken intermittently or on a reduced schedule basis.

- (d) If intermittent leave or leave on a reduced hours leave is required or provided, the County may, in its sole discretion, temporarily transfer the employee to another position for which the employee is qualified with equivalent pay and benefits that better accommodates that type of leave.

E. Employee Notice and Certification Requirements

- (a) For leave that is foreseeable, the employee must provide the County with at least thirty (30) days' notice. If the need for leave is not foreseeable, the employee is required to provide the County with as much notice as is practicable once the need for leave becomes known. Requests for leave should be on approved forms which are available from the County Coordinator's office. All employees requesting FMLA leave shall be supported by US Department of Labor Form WH-380-E *or* WH-380-F, Certification of Physician or Practitioner. The form shall be provided to the employee by the County Coordinator's office and returned with the appropriate certification thereon, within fifteen (15) calendar days, unless it is not practicable to do so, despite the employee's good faith efforts.
- (b) The County will require that leave based upon a serious health condition, or a military service member's serious injury or illness, be supported by a medical certification from a health care provider. In accordance with applicable regulations, for leave based upon a serious health condition the County may request, at the County's expense, a second opinion from a health care provider of the County's choice (as well as a third opinion if the second opinion conflicts with the first opinion). The second or third opinion provision does not apply to an ill or injured military service member. The County will require that medical certification be submitted showing that a request for intermittent leave or leave on a reduced schedule basis is medically necessary.
- (c) The County may require subsequent medical recertification of an ongoing condition from the employee's health care provider every six (6) months in conjunction with an absence, or more often to the extent permitted by applicable law.
- (d) The County will require that leave based upon a qualifying exigency also be supported by a certification and supporting documentation, including a copy of the military member's active duty orders or other similar documentation.
- (e) Certification forms to be completed under this section are available from the County Coordinator's office. If an employee's certification or recertification is deemed by the County to be incomplete, the County will notify the employee of the deficiency and the employee will be provided seven (7) days to cure the deficiency. A failure to complete the certification may result in the denial of leave for the period of time until the completed certification is submitted.

- (f) During leaves under this policy, the employee 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.
- (g) For leave taken because of the employee's own serious health condition, the employee is required to furnish a medical certification from his or her health care provider advising that the employee is able to safely resume performing the essential functions of his or her position before the employee will be allowed to return to work.

F. Health Insurance Premiums

- (a) During leaves of absence under this policy, the County 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.
- (b) Should the employee fail to continue to pay his or her share of the premium, notices of proposed insurance cancellation and the opportunity to pay the premium as required by the FMLA will be provided before the cancellation.
- (c) The employee will be advised in advance of any changes in premiums so that he or she will have ample opportunity to make arrangements to continue to pay his or her share of the premiums during the FMLA leave.
- (d) If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the County for the County's portion of health insurance premiums during the family leave as permitted by law, unless the employee does not return due to a serious health condition which prevents the employee from performing his job or circumstances beyond the control of the employee. 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.

G. Effect on Accrued Leave

Taking FMLA leave will not result in the loss of any employee benefit accrued prior to the date on which the leave began. An employee will not accrue any right, benefit or position of employment other than one which she/he would have been entitled to had a leave not been taken. Therefore, when an employee uses accrued leave to cover unpaid FMLA leave, he/she will accrue normal leave benefits.

H. Substitution of Accrued Paid Leave

- (a) For unpaid leaves under this policy, the County will require employees to substitute any accrued paid leave (including vacation, sick, personal leave, etc.) that he or she may have. This means that the employee’s FMLA leave under this policy will run concurrently with the use of any accrued paid leave (personal leave). The employee will be notified of the designation when the leave begins.
- (b) Where the leave is not unpaid but the employee is not receiving his or her full pay (such as when on workers’ compensation leave or leave under a disability plan), accrued paid leave will be used to supplement the employee’s pay to bring him or her up to their full salary, to the extent that both the County and the employee agree.

I. Job Restoration Upon Return from FMLA Leave

With the exception of certain key employees, employees who return to work from FMLA leave of absence within or on the business day following the expiration of the leave are entitled to return to their job or an equivalent 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 requests leave, or at the commencement of leave, whichever is earlier, or as soon as practicable thereafter if such determination cannot be made at that time.

J. Failure to Cooperate

Employees who fail to provide information to, or otherwise cooperate with, the County in administering this policy, may have their leave delayed and/or be subject to discipline up to and including discharge as permitted by law.

7.7 Sick Leave

Any unused sick leave (earned under the old policy) will remain available for use by the employee. Upon separation, the unused sick leave will be paid at the rate of 25%.

7.8 Disaster Assistance Leave

Employees who volunteer to assist Jefferson County residents following a natural disaster may take up to five (5) days of paid leave.

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# SECTION 8

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## SEPARATIONS

### **8.01**     *Types of Separations*

Separations and/or termination from positions in the County service are designated as one of the following types:

- A.     Resignation
- B.     Retirement
- C.     Inability to perform duties based upon health condition
- D.     Death
- E.     Reduction in force (lay-off)
- F.     Dismissal or discharge
- G.     End of temporary assignment

### **8.02**     *Resignation*

- A.     An employee voluntarily leaves the employment of the Board.
- B.     An employee wishing to resign in good standing shall file with the County a written resignation, stating the date and reason for leaving. The notice must be given two (2) weeks prior to the date of separation. Failure to comply with this provision may be cause of denying the employee re-employment. In the County's sole discretion, two weeks' pay in lieu of notice may be provided to an employee who announces his or her intent to resign. Once the resignation is tendered in writing, it shall be deemed irrevocable.
- C.     Unauthorized absence from work for a period of three (3) consecutive days may be considered a voluntary resignation by the employee.
- D.     Employees who resign from the employment of the Board will not be eligible for consideration for re-employment with the Board for six (6) months following their date of resignation, unless approved by the Board for re-employment in a shorter period of time.

### **8.03**     *Retirement*

- A.     A procedure whereby an employee is separated from the County service.
- B.     Retirement regulations and benefits will conform with the provisions of the retirement plan in effect.

**8.04 Inability to Perform Duties Based Upon Health Condition**

The County may request that an employee be examined by the County's designated physician to determine whether and to what extent the employee is able to perform the essential functions of his or her position with or without reasonable accommodation. In accordance with provisions of the Americans with Disabilities Act employees will be provided reasonable accommodation for a known disability provided the accommodation does not cause an undue hardship on the County. If, after engaging in an interactive process it is determined that the employee cannot perform the essential functions of his or her job, and a reasonable accommodation cannot be provided, or if the employee is unwilling to engage in an interactive process with the County in an attempt to ascertain whether a reasonable accommodation can be provided to the employee, the employee will be separated from employment. This Section shall also apply in the event an employee becomes totally disabled and unable to perform any kind of work.

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**8.05 Death**

For record keeping purposes separation shall be effective as of the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse, or the estate of the employee as determined by law.

**8.06 Reduction in Force (lay-off)**

A. When it becomes necessary to reduce the number of employees because of lack of funds, shortage of work, the abolition of a position, or other causes, the County may institute a reduction-in-force

B. The County Coordinator or designee shall make every effort to give the employee to be laid-off written notice of the action two (2) weeks before the effective date of the lay-off or two (2) weeks pay in lieu thereof and, in certain circumstances, may offer a severance package to some or all of the affected employees based upon certain conditions being met.

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C. When a department head believes that an employee is essential to the efficient operations of the department because of special skills or abilities, and wishes to retain this individual, the department head must submit a written request to the Board. The decision of the Board of County Commissioners regarding retention or lay-off is final.

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**8.07 Dismissal or Discharge**

- A. A discharge is the involuntary separation of an employee from the employment of the Board of County Commissioners. Employees discharged for disciplinary reasons will not be eligible for rehire and shall lose all seniority and reinstatement privileges.
- B. Reasons for dismissal or discharge may include, **but shall not be limited to**, the following:
  - 1. Failure to meet established standards of work, morality or ethics to an extent that the employee is unsuitable for employment with the County in the position in which the employee was serving.
  - 2. Theft, destruction, or gross neglect in the use of County property.
  - 3. Incompetency, inefficiency, or negligence in the performance of duty.
  - 4. Insubordination.
  - 5. Conviction of a felony criminal offense directly related to the job.
  - 6. Being under the influence of intoxicating liquor, drugs, or barbiturates (not prescribed by a doctor) while on duty.
  - 7. Unauthorized absence, abuse of leave privileges or habitual tardiness.
  - 8. Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of duties.
  - 9. Falsification of records or use of official position for personal advantage, including application, time sheets, purchase orders, etc.
  - 10. Commission of any offense described in these Personnel Policies or departmental rules and regulations relating to disciplinary measures for which discharge is the penalty.
  - 11. Violation of Florida Statute 447.018 prohibiting public employee organizations from participating in a strike against a public employer.
  - 12. Conduct unbecoming a County employee and/or any other lawful reason
- C. Charges which form the basis for a dismissal of an employee shall be, to the extent practicable, specific, and shall be documented by the supervisor or department head, to include dates and places of incidents.

D. The procedure for dismissal shall be as follows:

1. During the probationary period, and at any time thereafter, an employee can be terminated upon recommendation of the Department Head and approval of the County Coordinator.
2. Directly by the County Coordinator.

3. With respect to Department Heads specifically, the County Coordinator shall make a recommendation to the Board whether a Department Head should be terminated, which shall be accepted or rejected by the Board by majority vote. With respect to employees who are below the level of County Coordinator, the County Coordinator shall make the final decision as to whether the employee should be terminated.

E. The Department Head may, upon approval by the County Coordinator, suspend an employee with or without pay for disciplinary reasons or pending court proceedings concerning actions that may result in dismissal.

1. An employee may be suspended with or without pay for acts involving unsatisfactory performance, conduct unbecoming an employee of the County, violation of these Policies, conduct prejudicial to the public interest or for any other lawful reason. Any employee may also be suspended with or without pay pending the outcome of an internal or external investigation.
2. An employee may be suspended without pay indefinitely if the employee has been arrested for a felony or for a misdemeanor involving moral turpitude. If the employee is restored to the employment of the Board, accrual of leave credits shall not have been interrupted by the suspension.
3. The employee shall receive written notice, stating the nature and reason for the action, the duration and rights of appeal, if any.

### **8.08 Exit Interview**

It is the desire of the Board to determine why employees leave the County Service. An exit interview program may be established and administered to determine the causes of and possible solutions for turnover within the work force.

# SECTION 9

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## **SAFETY**

### **9.01 Accident Prevention**

Department heads and supervisors are responsible for a successful safety program, and will participate in the development, implementation and improvement of this program. Supervisors must have a continuing concern with all possible safety and operational economies. Inadequate safety training, improper equipment handling and neglect can increase costs, cause accidents and reduce productivity. Safety performance and adherence to safety rules will be considered in the employee's performance evaluation.

### **9.02 Accident Reporting**

- A. Employees will be advised by their supervisor of their responsibility to immediately report to their supervisor all injuries or damage to property that occur on the job. Delay in reporting injury can cause complication of the injury and delayed recovery. Failure to report an injury or accident within the specified period of time to the department head will be cause for disciplinary action.
- B. Accident reports must be submitted by the injured employee's supervisor within twenty-four (24) hours after the date of the accident or the report of the injury or damage to property. If the accident occurs over a holiday or weekend, the accident report should then be submitted within twenty-four (24) hours from the time the work period starts after the weekend or holiday. This applies to industrial accidents and first aid injuries, as well as to injuries resulting from vehicular accidents involving County vehicles. A vehicular accident report will be submitted. If an employee is injured, a report of injury to employee will also be required.
- C. In the case of vehicular accidents, the appropriate law enforcement agency shall be notified immediately.

### **9.03 Workers' Compensation**

Payment of Workers' Compensation to employees who are unable to work because of an injury arising out of and in the course of performing their duties in accordance with the Florida Workers' Compensation Law, Chapter 440, Florida Statutes and applicable County procedures.

### **9.04 Employee Safety Awards**

The County Coordinator may institute an Employee Safety Award Program. Safety awards may

be made either to groups or to individuals and will normally be made in recognition of praiseworthy and outstanding safety performance.

### **9.05 Workplace Violence Policy**

#### **A. General Administration**

Jefferson County does not permit, tolerate or condone any acts of violence in the workplace against its employees or visitors. All employees are responsible for maintaining a safe and secure work environment that is free from the presence of violence by reporting threats or acts of violence in the workplace, refraining from exhibiting behavior or actions that could be interpreted as violent and by fully cooperating in the investigation of threats or acts of violence.

#### **B. Definitions**

1. Weapons include all firearms, ammunition, knives and cutting utensils, clubs, brass knuckles, explosives or destructive devices, chemical weapons and devices, stun guns, or other objects that may be considered weapons as defined in section 790.001 of the Florida Statutes.

2. Workplace violence is any physical or non-physical act that results in threatened or actual harm to a person or threatened or actual damage to property. It includes any threatening words or actions whether verbal or non-verbal, which creates in the mind of any reasonable person the belief that immediate or future harm to any person or property is imminent.

3. Examples of workplace violence includes, but is not limited to the following:

- a. Verbal or physical threats of violence, regardless if there is any intent to carry out the threat.
- b. The possession of a weapon (whether real or fake), as defined in Florida Statutes, on County property unless specifically protected by FS 790.251.
- c. The display or use of any weapon, tool or other implement.
- d. Any visual or physical actions or gestures that would have an intimidating effect.
- e. Any verbally abusive language, with or without the use of profanity.
- f. Any physical assault and/or battery.
- g. Obscene and/or harassing phone calls.
- h. Stalking.
- i. Bomb threats.
- j. Threatening comments regarding, or reference to, violent events and/or behavior.
- k. Vandalism, arson, or sabotage.
- l. Throwing objects regardless of whether or not a person is the target.
- m. Intentional damage or destruction or sabotage of County property or equipment, another's property or equipment, or any substantial threat to destroy property and/or equipment.
- n. Any other act or behavior that could be perceived as violent in the workplace.

### C. Responsibility

1. Department Heads are responsible for informing employees of this procedure and for its enforcement.

2. All employees, including Department Heads, supervisors and managers, must report behaviors that could be perceived as violent.

### D. Preventative Measures

Department Heads, supervisors, managers, and employees can reduce the risk of workplace violence by taking preventative measures. Examples of preventative measures are as follows:

1. Workplace violence is not tolerated, and any violation of the policy will result in corrective action up to and including termination.

2. Department Heads, managers and supervisors should encourage employees to report incidents.

3. Communicate the importance of work safety on a regular basis.

4. Establish a professional and safety conscious work environment.

5. Be familiar with emergency procedures.

6. Be familiar with work location and any crime problems in or around the area.

7. Lock doors, even for brief periods, where practical.

8. Be especially careful when coming and going to and from one's personal vehicle.

9. Be cautious of suspicious persons entering and exiting work areas.

10. Never get into an elevator if uncomfortable with a person already in or getting into the elevator.

### C. Response Procedures

Workplace violence generally falls into three categories. The specific response depends upon the applicable category. The suggested actions by category are:

#### 1. *Violence Has Occurred*

a. Call 911 for law enforcement, fire and ambulance services.

- b. Employees should report the incident to their Department Head or, if the Department Head cannot be found, to the County Coordinator's office.
- c. Evaluate the threat for additional incidences of violence, warn other potential victims, inform victims of available medical services and cooperate with law enforcement.
- d. Refer media representatives to the County Coordinator.
- e. Contact the Department Head and/or the County Coordinator's office at the earliest possible time
- f. Once the immediate threat has been addressed and the work environment has been secured, the County Coordinator will initiate an investigation of the incident.

### *2. Immediate Threat Exists*

- a. Employees should not put themselves or anyone else at risk during a threat or dangerous situation that is about to happen.
- b. Employees should report the incident to their Department Head or, if the Department Head cannot be found, to the County Coordinator's office..
- c. If the situation does not defuse and come under control by eliminating all threats of danger and violence, employees should warn potential targets, and take reasonable actions to immediately exit the area.
- d. Call 911.
- e. Once the immediate threat has been addressed and the work environment has been secured, the County Coordinator's office will initiate an investigation of the incident.

### *3. Threat Made, No Immediate Danger Apparent*

- a. Employees should immediately report incident to their Department Head, or, if the Department Head cannot be found, to the County Coordinator's office.
- b. Call 911.
- c. Once the immediate threat has been addressed and the work environment has been secured, the County Coordinator's office will initiate an investigation of the incident.
- d. Department Heads shall develop a plan of action in collaboration with the County Coordinator, to include appropriate corrective action based upon assessment of the incident.

## D. Weapons

The County prohibits the possession of weapons on County premises or properties, including housing/carrying a weapon in a private vehicle parked on County owned or leased property.

- 1. Possession of a weapon shall be interpreted to include, but not limited to, an employee:
  - a. Having a weapon on or about one's person concealed or unconcealed.
  - b. Unlawfully or recklessly displaying a weapon.

c. Presenting a weapon for sale, loan or trade.

2. The only exceptions to the preceding prohibition on the possession of a weapon shall be where the use of a weapon is a necessary requirement of the employee's job or where the individual is specifically authorized to maintain a firearm in a locked personal motor vehicle by Florida Statute 790.251.

#### E. Reporting an Incident

Employees who become aware of a display of violent, abusive, or threatening behavior or a threat or tendency to engage in the same by another employee or visitor, must report such behavior to their Department Head, or, if the Department Head cannot be found, to the County Coordinator's office. To the extent possible, such reports will be handled confidentially, on a need-to-know basis. Employees will not be penalized in any way for making a report in good faith. Do not assume the County is aware of any possible violent situations. Immediately report all complaints and concerns. Any employee who intentionally makes a false allegation or report will be subject to corrective action up to and including termination. The County Coordinator shall be notified of all reports under this section.

#### F. Duty to Warn

Employees have a "duty to warn" their Department Head and/or County Coordinator's office, or other supervisory personnel of any suspicious workplace activity, situations or incidents that they observe or of which they are aware that involve other employees, former employees, customers or visitors. This includes but is not limited to, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, possession of weapons on County property, or other examples provided in this procedure.

#### G. Retaliation

Retaliation against employees that report acts of violence as defined by this procedure will not be tolerated. Employees must report retaliatory actions in writing directly to the County Coordinator or, if the County Coordinator is alleged to be the individual engaging in the alleged retaliation, to the then Chair of the Board of County Commissioners. Retaliation may result in corrective action up to and including termination.

#### H. Corrective Action

Employees who commit threatening or violent acts may be removed from the workplace, and may be subject to corrective action up to and including termination, criminal prosecution, or both.

#### I. Searches

Everyone is concerned about personal security and the security of the workplace. Workplace security is a responsibility shared by the County and all employees. The County may request the

cooperation of an employee in agreeing to a search of personal property such as packages, briefcases, purses and similar containers as well as private vehicles parked on County property unless specifically prohibited by Florida Statute 790.251. County supervisory and managerial employees have the right to enter or search County property with or without notice, including desks, lockers, computers, phones and e-mail. Consistent with other relevant provisions of these Policies, generally, there shall be no expectation of privacy while on any County property or of any property brought onto County premises. This delicate balance between privacy and security is something important to everyone and cooperation is needed from all employees.

#### **IV. RESERVATION OF AUTHORITY**

The authority to issue or revise this Procedure is reserved to the County Coordinator. The County Coordinator may authorize exceptions to this procedure when deemed appropriate.



# SECTION 10

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## DISCIPLINARY ACTION

### 10.01 *Intent*

- A. It is the intent of the Board of County Commissioners that effective supervision and employee relations will avoid most matters which necessitate disciplinary action.
- B. Each instance differs in many respects from other situations and the Board retains the right to treat each occurrence on an individual basis, without creating a precedent for other cases which may arise in the future. The County Coordinator retains the right to suspend any disciplinary action which may be taken, as a result of good behavior for a specified term.
- C. The following guidelines are not to be construed as limitations upon the retained rights of the Board. The policies provide recommended penalties to apply for specific offenses.
- D. Disciplinary action is intended to correct improper conduct or deficiencies, not to punish an offending employee.
- E. Progressive discipline may or may not be used to correct employee behavior; however, there is no right to be disciplined in accordance with progressive discipline methods. The County expressly retains the right to proceed with discharge of an employee if warranted.

Depending upon the circumstances, acceptable disciplinary actions may include, but are not limited to:

- 1. Verbal warning/counseling
  - 2. Written reprimand
  - 3. Return to probationary status
  - 4. Suspension
  - 5. Demotion
  - 6. Discharge
- E. Offenses requiring disciplinary action are divided into three (3) types to reflect degrees of severity. In each group and for each guideline, consideration will be given to the severity of the offense, the cost involved, the time interval between violations, the length and quality of the employee's service, and the abilities of the employee. In each case where the penalty is modified from the recommended guideline, the reason for such modification will be noted in writing.
  - F. In all cases, the Department Head shall notify the County Coordinator and the employee of the issue or circumstances warranting an action to be taken, and a copy of such notice will be included in the employee's personnel file.

- G. In addition to the general types of offenses listed, infractions of departmental rules and regulations will subject the employee to disciplinary action.
- H. The employee's file will be considered cleared for purposes of disciplinary action if a similar offense does not occur within one (1) year from the date of the last offense.
- I. Final decisions will be made by the County Coordinator.

**10.02 Authority and Procedure**

- A. Reprimands, suspensions, return to probationary status, demotions and dismissals for cause are effected by the Department Head with the permission of the County Coordinator.
- B. Whenever the Department Head determines that there are reasons for the suspension, demotion or discharge of a regular employee under their supervision, the Department Head shall notify the County Coordinator or his/her designee. The County Coordinator will make the final decision regarding all suspensions.
- C. In all cases of disciplinary action, the person initiating the action is required to complete an Employee Notice Form informing the employee of the action taken. A copy of the Notice must be given the Board or designee and a copy placed in the employee's file.

**10.03 Types of Offenses**

The three (3) groups of offenses and guides for recommended penalties are as follows:

**GROUP I OFFENSES**

FIRST OFFENSE: VERBAL WARNING

SECOND OFFENSE: WRITTEN REPRIMAND AND/OR RETURN TO PROBATIONARY STATUS AND/OR UP TO FIVE (5) DAYS SUSPENSION

THIRD OFFENSE: UP TO DEMOTION AND/OR DISCHARGE

- 1. Operating, using, possessing tools, equipment or machines which the employee has not been assigned or performing other than assigned work.
- 2. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
- 3. Washing up or changing clothes during working hours without specific

permission.

4. Taking more than the specified time for meals or break period.
5. Demonstrating productivity or work quality which is not up to required standards of performance.
6. Disregarding job duties by loafing or neglecting work during working hours.
7. Reporting to work or working while unfit for duty, either medically, mentally or physically.
8. Posting or removing any material on official bulletin boards or County property without authorization.
9. Distributing written or printed material of any description on County premises unless authorized.
10. Showing discourtesy to persons with whom the employee comes in contact with while in the performance of duties.
11. Failing to report an accident or personal injury in which the employee was involved while on the job within the specified time period.
12. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, cat-calls, demonstrations on the job or similar types of conduct.
13. Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.
14. Failing to keep the department notified of proper address and telephone number (if any).
15. Receiving or making an excessive amount of personal phone calls while on working time.
16. Excessive leave or taking leave without approval or in a manner that does not adhere to the County's policies on personal leave.
17. Conduct unbecoming a County employee.

## **GROUP II OFFENSES**

FIRST OFFENSE: WRITTEN REPRIMAND AND/OR UP TO RETURN TO PROBATIONARY STATUS AND/OR UP TO FIVE (5) DAYS SUSPENSION

SECOND OFFENSE: UP TO DISCHARGE

1. Threatening, intimidating, coercing or interfering with fellow employees or supervisors at any time, including using abusive language.
2. Failing to work overtime, special hours or special shifts after being scheduled according to overtime and standby duty policies.
3. Leaving assigned post at the end of the scheduled shift without being relieved by the supervisor or the relieving employee on the incoming shift, for those units operating on a twenty-four (24) hour basis.
4. Neglecting to comply with requirements set forth in departmental rules and standards of conduct.
5. Engaging in gambling, lottery or any other game of chance at County work stations at any time.
6. Making or publishing false, vicious or malicious statements concerning any employee, supervisor, the County or its operations.
7. Being absent without permission or leave.
8. Violating safety rules or practices which involve equipment, tools or property.
9. Failing to report a request for information or receipt of a subpoena from an attorney for a matter relating to County business.
10. Vending, soliciting or collecting contributions for any purpose whatsoever at any time on County premises, unless authorized.
11. Violating any or all of the steps outlined in the grievance procedure.
12. Knowingly harboring a serious communicable disease which may endanger other employees.
13. Violating personnel policies.
14. Habitually failing to punch one's own time card, where applicable. "Habitually" is considered occurring three (3) times in any ninety (90) day period.
15. Habitually reporting late to work. "Habitually" is considered occurring 3 times within a ninety (90) day period for employees working on a forty (40) hour work week basis. For employees in Fire/Rescue the guideline is three (3) times in a one hundred and twenty (120) day period.

16. Other conduct unbecoming a County employee.

### **GROUP III OFFENSES**

#### **FIRST OFFENSE: UP TO DEMOTION AND/OR DISCHARGE**

1. Wanton or willful neglect in performing assigned duties.
2. Deliberately misusing, destroying or damaging any County property or property of a County employee without proper authorization.
3. Receiving from any person, or participating in any fee, gift or other valuable thing in the course of work, when such fee, gift or other valuable thing is given in the hope or expectation of receiving a favor of better treatment than that accorded other persons.
4. Knowingly punching the time card of another employee, having one's own time card punched by another employee, or unauthorized altering of a time card or time sheet, where applicable.
5. Falsifying or altering personal or County records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record or application.
6. Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits or worker's compensation.
7. Insubordination by refusing to perform work assigned, or to comply with written or verbal instructions of a supervisor as long as the written or verbal instruction is not in violation of any Federal, State or local law.
8. Unauthorized use or display of firearms, explosives or weapons on County property, unless specifically authorized.
9. Theft or removal from County locations without proper authorization of any County property, materials or supplies, or property of any employee.
10. Sleeping during duty hours, unless authorized.
11. Being absent from duty for a period of one (1) day without notifying the department head or authorized designee.
12. Failing to return from an authorized leave of absence or repeated unauthorized absences.

13. Permitting another person to use an employee's identification card, using another person's card, or altering an identification card.
14. Incompetence or inefficiency in the performance of assigned duties.
15. Using alcohol and/or controlled substance or being under the influence of same on the County's premises and/or on working time. Possession or sale of alcohol or controlled substance on the County's vehicles or buildings and/or during working time.
16. Being found guilty or pleading guilty or nolo contendere (even where adjudication is withheld) to a felony or misdemeanor involving moral turpitude. A "crime of moral turpitude" includes a criminal conviction or plea of nolo contendere, where the criminal act or conduct is contrary to justice, honesty, modesty, community morality, or good morals, generally. A crime of moral turpitude thus includes, but is not limited to, any crime, the commission of which, reflects adversely on a person's reputation, integrity or reliability to which otherwise brings, tends to bring, or may reasonably be expected to bring, discredit or disrepute upon that person or that person's employer.
17. Failure to notify the County that charges have been filed against the employee by a prosecuting official, except for minor traffic infractions.
18. Using or attempting to use political influence or bribery to secure an advantage of any manner.
19. Concerted curtailment, 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, strike, sit-down, stand-in, slow-down or refusal to return to work at the scheduled time for the scheduled shift.
20. Beginning or maintaining an outside personal or business economic relationship which affords present or future financial benefits to the employee and may be considered a conflict of interest securing advantage of goods, services or influence due to the position of the employee with the County.
21. Provoking or instigating a fight or fighting on County property.
22. Any other conduct unbecoming a County employee.

#### **10.04 Verbal Warning, Counseling and Reprimand**

- A. Whenever employee performance, attitude, work habits, or conduct at any time fall below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period

of time for improvement may be allowed before initiating disciplinary measures.

- B. In situations where a verbal warning has not resulted in the expected improvement, a written reprimand may be issued defining the nature of the infraction under the rules. The written reprimand will be issued on the Employee Notice form issued to the employee. A copy shall be placed in the employee's personnel file. The employee's immediate supervisor usually initiates a written reprimand, but the County Coordinator or his/her designee is authorized to do so as well.

#### **10.05 Suspensions**

- A. An employee may be suspended for an indefinite period or for a specified period of time without pay for an offence as defined in the Personnel Policies or for violation of department rules and regulations by the immediate supervisor or other designated supervisor subject to the approval of the department head. In the case of Fire Rescue personnel, the immediate supervisor may suspend an employee and later obtain the necessary approval of the department head.
- B. In all cases of suspension, the Employee Notice Form must be completed and submitted to the employee along with a copy to the County Coordinator or designee.
- C. Except in cases of suspensions in contemplation of dismissal, and except where the employee's presence poses a continuing danger to persons or to the orderly operation of County government, the employee shall be notified orally or in writing of the accusations/charges against the employee and the factual basis therefore prior to the effective date of the suspension.
- D. Concurrently with or after said notice, but prior to suspension, the supervisor, superior, or department head must give the accused employee a reasonable opportunity to explain the employee's version of the facts surrounding the accusations. Immediately thereafter, the supervisor, superior, or department head may take such action as deemed appropriate.
- E. In cases where the employee's presence poses a continuing danger to persons or to the orderly operation of the County government, the employee may be suspended immediately but shall be notified in writing of the charges against the employee and shall be given an opportunity to rebut the charges within ten (10) days after suspension.
- F. The County Coordinator shall make the final decision regarding whether a suspension is warranted.

#### **10.06 Demotion and Decrease in Pay**

- A. A Department Head may recommend to the County Coordinator that an employee be demoted with a decrease in pay and job responsibilities for such times as necessary to

correct deficiencies in job performance or job qualifications.

- B. The duration of the demotion and reduction in pay and responsibilities may be temporary or permanent as appropriate, based on the circumstances involved.
- C. A permanently demoted employee is entitled to advance in pay within the pay plan similar to any other employee, after the demotion, based on future job performance.
- D. Prior to the proposed demotion, the employee shall be given written notice of the reasons for the proposed demotion and shall be given the opportunity to rebut the reasons for the demotion, before the department head. If the department head determines that the demotion is proper, the appropriate personnel form shall be completed and shall include the specific reasons for the demotion.
- E. The County Coordinator shall make the final decision as to whether a demotion and decrease in pay is warranted.

#### **10.07 Discharge**

- A. A probationary employee may be discharged with or without cause at the discretion of the department head.
- B. A regular employee may be discharged with or without cause as set forth in these Personnel Policies and other Board policies and procedures as may be written, by the Department Head with the approval of the County Coordinator and/or directly by the County Coordinator.

County

~~A. — department heads or employees appointed directly by the Board.~~

#### **10.08 Employee Appeals**

- A. If an employee disagrees with any disciplinary action taken against him/her or any other action or application of these Personnel Policies, except for discharge, the employee may pursue the grievance procedure set forth in these Personnel Policies.



# SECTION 11

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## EMPLOYEE GRIEVANCE PROCEDURE

### 11.01 Purpose

This grievance procedure is established to provide full opportunity to Board employees to bring to the attention of management complaints, grievances or situations that the employee feels need either adjustment or information. It is the intent and desire of the Board to adjust complaints or grievances informally and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after discussion and review. The submission of a grievance by an employee shall in no way adversely affect the employee or his/her employment with the Board.

### 11.02 Definition of a Grievance

- A. A grievance is a complaint, view or opinion pertaining to employment conditions, to relationships between employees and supervisors or to relationships with other employees. A grievance is also any disagreement an employee has with any disciplinary action taken against him/her, except discharge, or any other action or application of these Personnel Policies.
- B. Only regular full time and regular part-time employees are eligible to file grievances under this procedure.
- C. Grievances are unacceptable if filed by one employee for another or for groups of employees.

### 11.03 Procedure

#### STEP 1

Employees covered by this procedure shall submit their grievance within ten (10) working days of the action leading to the grievance by submitting the issue in writing to the Department Head. The Department Head will schedule a meeting with the employee within five (5) working days after receipt of the grievance. If the matter is not resolved at this meeting the department head shall give an answer within five (5) working days after the scheduled meeting, or as soon as practicable thereafter.

#### STEP 2

If the grievance is not resolved to the employee's satisfaction by the decision of the Department Head, the employee may appeal to the County Coordinator within five (5) working days after receiving the response of the Department Head. Such appeal shall be submitted to the County Coordinator in writing using forms promulgated by the County.

The County Coordinator shall schedule a meeting with the concerned employee and the Department Head and others at its discretion, within ten (10) working days and render a decision within five (5) working days of the meeting.

### STEP 3

If the grievance is not resolved to the employee's satisfaction by the decision of the County Coordinator, the employee may submit a written appeal on forms promulgated by the County to a Grievance Board comprised of three (3) County employees within three (3) working days after receiving the findings of the County Coordinator. The Grievance Board shall schedule a meeting with the concerned employee within a reasonable period of time and render a written decision thereafter.

The members of the Grievance Board shall be employees of the County and shall be appointed as follows: one appointee of the Chair of the Board of County Commissioners; one appointee of the Vice-Chair of the Board of County Commissioners; one appointee of the County Coordinator. Alternates shall be selected for each appointee to the Grievance Board, to be selected by the Chair, Vice-Chair and Coordinator, respectively. The members of the Grievance Panel shall serve one (1) year terms beginning January 1 and ending December 31 of each year, shall be at least 18 years of age, and shall receive paid administrative leave and, where applicable overtime pay, for time spent hearing grievances submitted under this Section and rendering a determination.

In the event any member of the Grievance Board has a conflict of interest in any matter presented, he/she shall recuse himself/herself. The County Coordinator shall make the final decision as to whether a conflict of interest exists and whether the member should recuse himself/herself. Any member of the Grievance Board may be removed for cause. Cause shall include, but is not limited to, failure or refusal to substantially perform his/her duties as a member of the Grievance Board; failure to declare a conflict of interest; failure to recuse himself/herself in the event of a conflict of interest; conviction for any criminal act; gross misconduct in the performance of his/her duties as a member of the Grievance Board; failure to maintain County employment; and/or other similar activity which bears directly upon the Member's ability to perform faithfully his/her duties as a member of the Grievance Board.

Members of the Board of County Commissioners, the County Coordinator and the Assistant County Coordinator, or any relative(s) thereof, shall not be eligible to serve as members of the Grievance Board.

The Grievance Board shall make recommendations in writing as to whether the grievance should be sustained or denied, and, in addition, may make recommendations regarding how the dispute leading to the grievance may be resolved. All recommendations of the Grievance Board shall be

made to the County Coordinator, who shall make a final determination regarding the grievance.

**11.04 General Provisions**

- A. The time limits of this grievance procedure may be extended by the County Coordinator due to illness, vacations, business trips, emergencies, or other reasons. If an extension is required, the employee will be notified.
- B. Any grievance shall be considered settled at the completion of any step, unless it is appealed within the time limits set forth.
- C. It is the intent of these Rules that the majority of grievances will be settled in the first or second step.
- D. All grievances at their conclusion shall be forwarded to the County Coordinator or designee on the same day they are filed.
- E. In some cases, steps in the grievance procedure may be waived at the discretion of the department head to allow more severe matters to progress more rapidly.
- F. Employees may grieve without fear of retribution.
- G. The time limits as set forth in this grievance procedure for the department head or County Coordinator's response shall remain the same for all employees regardless of the work week or scheduled hours per week.
- H. If the response time limits fall on the employee's day off, the reply by the department head or the Board shall be given to the employee on his/her next scheduled workday.

# SECTION 12

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## MISCELLANEOUS RULES AND BENEFITS

### **12.01 Vehicles**

Some employees, because of the nature of their work, may be issued and are responsible for a vehicle which may be driven to and from work and lunch, and to conduct official business. Such vehicle shall not be used for personal pleasure, or to transport non-County employees; provided, however that County-owned vehicles may be used by volunteers and honored guests at the discretion of the County Coordinator or his/her designee. The purpose of this policy is to enable the employee in question to respond to emergency conditions promptly. Abuse of this policy may result in a withdrawal of the vehicle and appropriate disciplinary action.

### **12.02 Retirement Plan**

The County participates in the Florida Retirement System (“FRS”). Details regarding the FRS are maintained in the Board's office or other designated office, HR, or from the FRS itself.

### **12.03 Unemployment Compensation**

The County is registered with the State of Florida Bureau of Unemployment Compensation. Terminated employees who file a claim and are determined qualified under the Florida Unemployment Compensation Law may be eligible to receive unemployment compensation benefits. Further information may be obtained in the Board's office or another designated office.

### **12.04 Insurance Benefits**

Hospitalization and medical insurance are available for all eligible employees. Details are available upon request from the Board's office or another designated office.

### **12.05 Deductions**

Federal Withholding and Social Security are deducted from pay checks in accordance with law. Any other deductions, including group insurance, United Way and recognized charities are made only by written request of the employee

# SECTION 13

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## POSITION CLASSIFICATION PLAN

### **13.01 Purpose**

The Position Classification Plan provides a systematic arrangement and inventory of County positions. The plan groups the various positions into classes indicative of the range of duties, responsibilities and level of work performed. The class titles standardize the meaning, allocation and usage of the plan based upon similarity of work and duties performed.

### **13.02 Uses**

The Classification Plan will be used to:

- A. Standardize salary ranges to be paid for the various classes of work.
- B. Establish lines of promotion and career ladders.
- C. Assist in developing employee training programs.
- D. Provide uniform job terminology.

### **13.03 Content**

The Classification Plan consists of:

- A. A grouping of positions into classes on the basis of approximately equal difficulty and responsibility, which require the same general qualifications and which can be equitably compensated within the same pay grade.
- B. A class title, indicative of the work of the class, which shall be used on all personnel, accounting, budget and related official records.
- C. Written job descriptions for each approved classification containing the general description of the work and essential job functions found in the class. Included are requirements of the class, setting forth the knowledge, abilities and skills required for performance of the work and the training and experience needed for the job.

#### **13.04 Administration and Maintenance**

- A. The County Coordinator or designee is charged with the maintenance of the Classification Plan so that it will reflect the duties performed by each employee and the class to which each position is allocated.
- B. It should be the responsibility of the County Coordinator or designee to have the nature of the positions examined as they are created, to have them allocated to an existing class or to create new classes.
- C. The County Coordinator would institute changes in the Classification Plan as are made necessary by changes in the duties and responsibilities of existing positions or by a change or reorganization of the County departments.
- D. The County Coordinator or designee will maintain the plan and recommend appropriate changes in position allocations or in the Classification Plan.

#### **13.05 Allocation of Positions**

- A. Whenever a **new** position is established or duties of an old position changed, the department head shall prepare and submit a comprehensive position description describing the proposed duties of the position.
- B. The County Coordinator or designee shall study or have a study conducted to analyze the duties of a position, assign the position to an existing class or establish a new class. A Fair Labor Standards Act classification will also be established.

#### **13.06 Position Reviews**

- A. The Board or designee is charged with the responsibility of having position reviews made of positions where needed.
- B. Position information will be gained through completion of a Job Description Questionnaire by the incumbent or by the supervisor of the position (if the position is vacant) and **may** include an on-site study of the position. A personal interview **may** be conducted to clarify areas of work and to gain additional information.

#### **13.07 Reclassification**

- A. When a position is officially assigned more difficult and significant additional responsibilities and duties so that it appears that the position warrants reallocation to a higher pay grade, a study may be made of the duties and responsibilities of the position.

- B. If it is determined that the position should be reallocated to a higher level classification, the Board may require that the incumbent undergo a job related test depending on the conditions of the reclassification and the nature of the position to be reclassified. Tests, where appropriate, may include written or oral examination, interview or performance tests.
- C. Should the employee fail the job related test or for some other valid reason is not selected to fill the vacancy, the employee shall remain in his/her current position.
- D. Should the position be downgraded to a classification with a lower pay grade than that of the original classification, the incumbent employee shall be offered a transfer to a vacancy, if one exists, in the original classification in the same or other department/division. If the transfer is not accepted or no other vacancy exists the employee will remain in the existing position at the downgraded title and pay grade.

# SECTION 14

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## RECLASSIFICATION/ANNIVERSARY DATES

### **14.01 Purpose**

The Salary Schedules are directly related to the Classification Plan and provide the basis of compensation for Board employees. CountyCountyCounty

#### **14.02 Reclassifications**

##### 1. Reclassification (upgrade)

A reclassification or upgrade is the reclassifying and advancement of an employee from one classification to another in a higher pay grade. A reclassified employee may, at the discretion of the County Coordinator, receive an increase in pay.

##### 2. Adjustments to Salary Schedules

In instances where the overall Salary Schedules are adjusted or where the pay ranges of total classes are adjusted, the method of implementation will be established by the Board.

##### 3. Reduction in Grade

A reduction in grade is the assignment of an employee to a position in a job classification with a lower pay grade than his/her current position. An employee who is reduced in grade will have his/her salary determined on an individual basis by the Board-County Coordinator or designee.

### **14.03 Anniversary Dates**

There are two types of Anniversary Dates considered by the Board to establish employment longevity and, where increases are available, salary increases.

#### A. Employment Anniversary Date

The date on which the employee begins employment with the Board and the same date in the following years. This is also the date from which longevity, vacations and sick leave are computed. (This date is not the same as the one utilized for salary increases or pay status change).

#### B. Classification Date

The date an employee entered, transferred or was promoted to the current position. This is the date from which length of service with the Board in a classification is computed for determination of probationary periods, order of layoff and eligibility for performance increases.

### **14.04 Background Check on Employment Anniversary Date**



Employees of Jefferson County will be subject to a criminal background check on their respective employment anniversary dates.

# SECTION 15

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## RECORDS AND REPORTS

### **15.01 Responsibility**

The Jefferson County Clerk of Court County or his/her designee is responsible for establishing and maintaining personnel records for all Board employees.

### **15.02 Records**

- A. All personnel records and all other records and materials relating to the administration of the Personnel Management System shall be considered the property of the Board. The decision of the Board relating to the use, maintenance and disposition of such records and material, and as to whether or not any information contained therein may be disclosed, in accordance with prevailing laws.
- B. Employees should be aware of the importance of keeping their personnel records current. This means notifying the department head of any change of telephone number, change of beneficiary, number of dependents, marriage or any change not previously reported. This is the responsibility of the employee and failure to comply may result of loss of employee benefits.
- C. The Department head should be informed of any special training courses completed by an employee. Copies of diplomas or certificates should be forwarded to the Board or designee to become a permanent addition to the employee's personnel file.

### **15.03 Records Retention and Disposition**

The Jefferson County Clerk of Court County will determine the time limit that any personnel records shall be kept on file and the final disposition of such records, in accordance with applicable State statutes and mandatory records retention laws, rules and regulations

# SECTION 16

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## COUNTY COMPUTING RESOURCES POLICY

### ACCEPTABLE USE OF COUNTY COMPUTING RESOURCES POLICY

#### **16.01 Introduction**

As part of its mission, the County maintains computers, computer systems and networks. These computing resources are intended for County-related purposes. This policy applies to all users of County computing resources including, but not limited to, the use of Electronic Mail, use of the Internet, use of Intranet Electronic Communication Systems, web pages, computer software, and computer hardware. If you have any questions regarding this policy, you should contact the County Coordinator for further information.

The County increasingly uses electronic forms of communication and information exchange. Employees have access to one or more forms of electronic media and services. The County encourages the use of this media and associated services because they make communication more efficient and effective, and because they are valuable sources of information. However, all computer systems provided by the County for employee use are the property of the County and their purpose is to facilitate County business. Accordingly, employees who use County computing resources shall not have any expectation of privacy with respect to the information transmitted from or to, stored on, or interfacing with County computing resources, or which may otherwise fall within the scope of this policy.

This policy cannot lay down rules to cover every possible situation. Instead, it expresses the County's philosophy and sets forth general principles to be applied in the use of County computing resources. The County expects its employees to be mature professionals who understand that they are to use good judgment when it comes to using computing resources. This policy is designed to simply lay out basic principles and premises of the use of computing resources for the transaction of County business and otherwise. All employees are expected to comply with all provisions of this policy.

#### **16.02 Scope of Policy**

The following procedures apply to all computing resources which are:

1. Accessed on or from County premises;

**Comment [rjs3]:** I went back and forth on whether to simply overhaul the whole policy, or pick and choose portions that I found appropriate. I decided to go with the former. Thus, as discussed, the guts of this entire Section is new.

2. Accessed using County computer equipment;
3. Accessed using County -paid access methods;
4. Accessed using County computing resources from a remote location;
5. Used in a manner which identifies the individual with the County;
6. In any way used or accessed using County computing resources; and/or
7. Used for the transaction of County business, including computing resources which are owned by the County, as well as those which are owned by the User and/or any other person or entity.

### **16.03 Florida's Public Records Law**

It is the policy of the County that all employees will comply with Florida's Public Records Law and state retention schedules for public records including electronic mail.

Florida's Public Records Law listed in Chapter 119 of Florida Statutes, defines public records as:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of physical form or characteristics or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by the Agency.

This definition has been interpreted to encompass all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge. All of these materials, regardless of form, are open for public inspection unless the Legislature has specifically exempted them from disclosure.

Electronic mail created or received by the County employees in connection with official business, which perpetuates, communicates or formalizes knowledge, is subject to the public records law and open for inspection. If your electronic mail falls within the definition of a public record, you may not delete it except as provided in the County's record retention schedule. Unless it falls within one of the specific exemptions described in the public records statute, you must produce that electronic mail message to any person upon request. A person need not have a "legitimate" need for public records to be entitled to inspect them. However, all public records requests for electronic mail communications or other documents stored on County computer resources should be channeled through the Public Information Office for a formal response.

The foregoing is provided to make all County employees aware of the sensitive nature of communications in light of the public records law. County employees must be cognizant of the fact that public records, as defined by statute, may be viewed by individuals outside of the County at any time.

#### **16.04 Computer Password Security/Log Out Procedures**

Your password should not be revealed to anyone, except your supervisor or as otherwise requested by County management personnel. Do not write the password down in any location where it is readily accessible by others, nor should the password be posted on or near a computer work station. Computer passwords are provided to employees to ensure unauthorized access to a computer.

In order to prevent someone else from using your computer in your absence, all employees should log out of the computer when leaving the work area.

#### **16.05 General Procedures**

County computing resources may not be used for knowingly transmitting, retrieving, or storage of any communications of a discriminatory or harassing nature, or which are derogatory to any individual or group, or which are obscene, pornographic or x-rated communications, or are of a defamatory or threatening or offensive nature, or for "chain letters" or for any other purpose which is illegal or against County policy or contrary to the interests of the County.

County computing resources are primarily for County business use. Limited, occasional or incidental use of County computing resources (sending, storing or receiving) for personal, non-business purposes is understandable, as is the case with personal phone calls. Such limited, occasional, or incidental use of County computing resources is permitted when it does not consume a significant amount of those resources, does not interfere with the performance of the user's job or other County responsibilities, and is otherwise in compliance with this policy. However, subject to the policies set forth herein, the County Employee Handbook and as otherwise required by law, employees need to demonstrate a sense of responsibility and may not abuse the privilege.

Electronic information created and/or communicated by an employee using electronic mail, word processing, utility programs, spread sheets, Internet/BBS access, or any other County computing resource, will not generally be monitored by the County. However, the following conditions should be noted:

1. The County reserves the right to monitor usage patterns for all County computing resources.
2. The County also reserves the right, in its discretion, to review, monitor, audit, intercept, access and/or disclose any employee's electronic files and messages and usage and/or the hard drive, software or any other computing resource of any County employee for any lawful purpose including, but not limited to, ensuring that County computing resources are being used in compliance with the law and with this and other County policies, to ensure that County employees are using computing resources for productive and proper purposes, and to ensure that County employees are following all policies, procedures and directives of the organization. This may include random access of computing resources used by County employees.

3. Employees should not assume that electronic communication or data stored on County computing resources are totally private and confidential and should transmit highly sensitive or personal information in other ways. Nor should employees assume that County computing resources are their personal property.
4. Employees must respect the confidentiality of other people's electronic communications and may not attempt to "hack" into other systems or other people's logins, or "crack" passwords, or breach computer or network security measures. Employees may not monitor electronic files or communications of other employees or third parties except by explicit direction of the County management.
5. The County reserves the right to remove County computing resources privileges from any employee.
6. County computing resources are not to be used for personal commercial purposes or for personal, financial or other gain.
7. No employee will knowingly create access to County computing resources in such a way to bypass County security systems. In addition, employees will make reasonable efforts to make sure that no software or hardware under their control allows unauthorized access to County data.
8. No employee will use County data, computing resources or the network for illegal activities.
9. All employees will do their best to ensure all software or data is virus free before it is installed or loaded on County computing resources. Any detection of a software or hardware virus or suspicion that a file may contain a software or hardware virus will be reported immediately to IT Department.
10. Violation of this policy and/or violations of relevant laws, statutes and ordinances may result in disciplinary action up to and including termination from employment.

#### **16.06 Electronic Mail**

For purposes of this policy, electronic mail includes point-to-point messages, postings to newsgroups and list serves and any electronic messaging involving computers, computer networks or County computing resources.

While not an exhaustive list, the following are appropriate uses of electronic mail by individuals covered by this policy:

1. Electronic mail that is related to County business.
2. Use related to administrative and other support activities of the County.

While not an exhaustive list, the following uses of electronic mail by individuals covered by this policy are considered inappropriate and unacceptable. In general, electronic mail should not be used for the initiation or retransmission of:

1. Chain mail that misuses or disrupts resources (e.g., electronic mail sent repeatedly from user to user, with requests to send to others);
2. Harassing or hate mail (e.g., any threatening or abusive electronic mail sent to individuals or organizations that violates County rules and regulations and this policy);
3. Virus hoaxes;
4. Spamming or electronic mail bombing attacks (e.g., intentional electronic mail transmissions that disrupt electronic mail service);
5. Sending or forwarding junk mail (e.g., unsolicited electronic mail that is not related to County business and which is sent without a reasonable expectation that the recipient would welcome receiving it);
6. Any actions that defraud another or misrepresent or fail to accurately identify the sender;
7. Sending copies of documents in violation of copyright laws;
8. Inclusion of the work of others into electronic mail communications in violation of copyright laws;
9. Capture and “opening” electronic mail except as required in order for authorized employees to diagnose and correct delivery problems or as otherwise allowed by this policy;
10. Use of electronic mail to harass, intimidate or defame others or to interfere with the ability of others to conduct County business;
11. Use of electronic mail systems for any purpose restricted or prohibited by law, statute, ordinance or regulations;
12. “Spoofing,” (e.g., constructing an electronic mail communication so that it appears to be from someone else);
13. “Snooping,” (e.g., obtaining access to the files or electronic mail of others for the purpose of satisfying idle curiosity);
14. Attempting unauthorized access to electronic mail or attempting to breach any security measures on any electronic mail system, or attempting to intercept any electronic mail transmission without proper authorization;
15. Electronic mail or communications that attempt to hide the identity of the sender, or represent the sender as someone else from another entity; and
16. Any other electronic communication that violates this policy, the County Employee Handbook, or any other law, statute, regulation or ordinance.

Notwithstanding the allowance for limited personal use, County employees may not access private electronic mail accounts through County computing resources. Thus, private “hotmail” accounts or other electronic mail accounts unrelated to a County assigned electronic mail account are expressly prohibited.

#### **16.07 Games/Purchasing Private Goods and Services**

Employees may not use County computing resources to access, play or use games, contests, audio or video archived materials or other forms of entertainment; provided, however, that

County employees may play computer games after hours when County offices are not open to the public.

Similarly, employees may not use County computing resources to purchase personal goods and services over the Internet.

#### **16.08 Use of Internet/Worldwide Web/BBC**

The Internet/Worldwide Web/BBC (collectively the “Internet”), can be a valuable research tool and resource for the County and its employees. However, as with all electronic communications and services, the use of the Internet is subject to abuse.

Subject to all policies and prohibitions contained herein, those contained in the County Employee Handbook, and as otherwise set forth under relevant laws, statutes, regulations and ordinances, employees may utilize the Internet to conduct County business and for limited personal use. However, in utilizing the Internet, County employees must remain cognizant that:

1. Any messages or information sent by an employee to one or more individuals via an electronic network (e.g., bulletin board, on-line service, or Internet) are statements identifiable and potentially attributable to the County. While some users include personal “disclaimers” in electronic messages, it should be noted that there would still be a connection with the County, and the statement might still be legally imputed to the County. All communications sent by employees via a network must comply with this and other County policies, and may not disclose any confidential or proprietary information.
2. Network services and Internet sites can and do monitor access and usage and can identify at least which company/entity (and often which specific individual) is accessing their services. Thus, accessing a particular bulletin board or website leaves County-identifiable electronic “tracks” even if the employee merely reviews or downloads the material and does not post any message.
3. As previously noted, County will allow limited use of electronic mail for personal reasons. Subject to the restrictions noted in this policy, employees may also access the Internet for personal reasons on a limited basis.
4. Employees may not access personal Internet pages through County computing resources.

#### **16.09 Screensavers**

Employees may retain screensavers on the hard drives of their computer, subject to the provisions and restrictions of this policy.

#### **16.10 Sensitive Information**

County employees must be cognizant that certain information about providers and individuals



affected by our programs is confidential by law or is otherwise sensitive information. Information such as Social Security numbers, financial information or private information concerning children, must be guarded and protected by all employees.

#### **16.11 Accidental Violation of Policy**

Any County employee who believes that he/she has inadvertently or accidentally violated the provisions of this policy must disclose the same in writing to their supervisor within one (1) business day of such violation.

#### **16.12 Requirements of Managers and Supervisors**

Managers and supervisors are responsible for ensuring policy compliance and for taking appropriate action when violations are identified.

#### **16.13 Reporting Violations**

Employees must report any violations of this policy to Human Resources. The County may also refer suspected violations of applicable law to appropriate law enforcement agencies.

#### **16.14 No Duty to Defend**

The County reserves the right not to defend any employee for an action brought by any person or entity for violation of any law, statute, regulation or ordinance committed by such employee using County computing resources. In addition, the County reserves the right to seek indemnification or subrogation from any employee in any action to which the County is made a party based upon the employee's violation of any law, statute, regulation or ordinance.

#### **16.15 Virus Protection**

The County shall ensure virus protection is installed on all employees' PCs who have Internet access. Employees shall at all times maintain active virus detection software in their PCS.

#### **16.16 Questions**

If you feel unsure about whether your use of a County computing resource violates this policy or any law, statute, regulation or ordinance, or if you have any other questions regarding the use of County computing resources, please ask the County Coordinator's office before a problem arises rather than after.



# SECTION 17

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## DRUG-FREE WORKPLACE

### 17.01 GENERAL

As a part of its commitment to safeguard the health of the general public and its employees, to provide a safe place for its employees to work, and to promote a drug-free community, the County has established this Guideline on the use or abuse of alcohol and drugs by its employees. This policy is established pursuant to the drug-free workplace program under Florida's Workers' Compensation Law. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of services provided. It is the County's intent to:

- A. Forbid possession, use, distribution or sale of unauthorized alcohol or drugs by employees while on County business, on its property, or during working hours including lunch, breaks, or standby assignments.
- B. Forbid being in an impaired physical condition due to alcohol or drugs while on County business or on its property, or during working hours including lunch, breaks, or standby assignments.
- C. Require employees taking over-the-counter drugs or prescription medications, which may affect their ability to work in a safe and productive manner, to inform their Supervisor/Department Head before starting work.

The County reserves the right to conduct searches and inspections of employees and their personal effects to determine if employees are in possession of unauthorized alcohol and illegal drugs while on County business or on its premises. By accepting employment and/or continued employment with the County all employees acknowledge that the County has a legitimate interest in searching desks, lockers, County owned vehicles and other areas in order to ensure that illegal or unauthorized activities are not occurring, have not occurred, or will not occur in the future.

As stated above, the County is implementing this Guideline pursuant to the drug-free workplace program under the Florida Worker's Compensation Act. This Act stipulates that an employee, who caused or contributed to an accident in the course and scope of his/her employment and tests positive on a drug or alcohol test, forfeits his/her eligibility for medical and indemnity benefits under Florida Workers' Compensation. (Refusal to take a drug or alcohol test will result in the employee forfeiting his/her eligibility for medical and indemnity benefits under Florida Workers' Compensation and possible termination of employment.)

## **17.02 SCOPE**

All employees employed by the County and applicants considered to be final candidates for an available employment position whether regular, temporary, part time, or student help are covered by this guideline and as a condition of employment, are required to abide by the terms of this guideline.

Because of State regulations and/or Federal laws, certain employees may be subject to additional drug testing requirements.

The drug test is not designed to infringe on the privacy of or cause unnecessary inconvenience to applicants or employees. The County has an obligation to maintain public trust, to protect its customers from the adverse effects of work performed by impaired employees, to protect co-workers from similar dangers and work-related injuries, and to maintain company-wide safety and efficiency.

## **17.03 NOTIFICATION AND DISSEMINATION**

- A. Prior to testing, all employees or job applicants for employment will be given:
1. A summary of the drug-free workplace guideline (see **Appendix A**).
  2. A summary of the drugs that may alter or affect a drug test (see **Appendix B**).
  3. A list of local employee assistance programs and local alcohol and drug rehabilitation programs (see **Appendix C**).
- B. A notice of drug testing will be included with all vacancy announcements. A notice of this Drug-free Workplace Guideline will also be posted in appropriate and conspicuous locations on the County's premises and copies of the Guideline will be made available for inspection during regular business hours by the general public in the County Coordinator's Office.

## **17.04 DEFINITIONS**

The definitions of words and terms as set forth in the Florida Workers' Compensation Drug Testing Rules and the Florida Department of Health and Rehabilitative Services, Drug-free Workplace Standards (Florida Administrative Code, Chapters 10E-18 and 38F-9) will apply to the terms used in this guideline.

#### **17.05 ALCOHOL AND DRUG USE PROHIITIONS**

- A. The consumption of alcohol or drugs on County property or while on duty, including standby, overtime, lunch, and break periods, is prohibited and may result in disciplinary action, up to and including discharge.
- B. Off-duty abuse of alcohol or drugs that adversely affects an employee's job performance, adversely affects, or threatens to adversely affect other interests of the County is prohibited and may result in disciplinary action up to and including discharge.
- C. The sale, purchase, possession, manufacture, distribution, or dispensation of drugs on County property or during work time, lunch periods, breaks, or standby is against Counties and may be because for immediate discharge.
- D. The personal possession (i.e., on the person, in a desk, locker, or County owned truck) of alcohol on County property or on duty will result in disciplinary action, up to and including discharge.
- E. The possession of alcohol in a personal vehicle on County property is not prohibited provided such possession complies with Federal, State, and local laws.
- F. It is against the County policy to report to work or to work, including lunch periods, breaks, or standby under the influence of alcohol or drugs.
- G. An employee is presumed to be under the influence of alcohol if a blood test or other scientifically acceptable testing procedure shows a forensically acceptable positive quantum or proof of alcohol usage.
- H. An employee is presumed to be under the influence of drugs if a urine test or other accepted testing procedure shows a forensically acceptable positive quantum of proof of drug usage.
- I. An employee who is reasonably suspected to be under the influence of alcohol or drugs will be removed immediately from the workplace and will be tested by medical personnel.
- J. Prescription drugs may also affect the safety of the employee, fellow employees, or members of the public. Therefore, any employee who is taking any prescription drug that might impair safety, performance, or any motor functions must advise his/her supervisor before reporting to work under such medication. A failure to do so may result in disciplinary action. If the County determines that such use does not pose a safety risk, the employee will be permitted to work. If such use impairs the employee's ability to safely or effectively perform his or her job, the County may temporarily reassign the employee or grant Sick Leave, Vacation Leave, or Leave Without Pay during the period of treatment. Prescription medication must be kept in its original container if such medication is taken during working hours or on County property.

- K. Refusal to submit to an alcohol or drug test, refusal to sign a consent form, failure to appear, efforts to tamper with, or failure to pass an alcohol or drug test may result in disciplinary action, up to and including discharge.
- L. Employees arrested for an alcohol or drug-related incident must immediately notify their Supervisor and/or Department Head if:
1. During scheduled working hours.
  2. While operating a County vehicle on County or personal business, including lunch periods, breaks, or standby.
  3. While operating a personal vehicle on County business.

Failure to notify the appropriate County supervisor and/or Department Head may result in disciplinary action, up to and including discharge.

#### **17.06 SCOPE OF DRUG/ALCOHOL TEST**

The County may test for all of the following drugs:

- Alcohol (booze, wine, liquor, drink)
- Amphetamines (Biphetamine, Desoxyn, Dexedrine)
- Cannabinoids (marijuana, hashish, hash, hash oil, pot, joint, roach, spleaf, grass, weed, reefer)
- Cocaine (coke, blow, nose candy, snow, flake, crack)
- Phencyclidine (PCP, angel dust, hog)
- Methaqualone Opiates (opium, clover's powder, paregoric, Parepectolin)
- Barbiturates (Phenobarbital, Tuinal, Amytal)
- Bensodiazophines (Ativan, Azene, Klonopin, Dalmane, Diazepam, Halcion, Librium, Paxipam, Restoil, Serax, Tranxene, Valium, Vertron, Xanax)
- Methadone (Dolophine, Methadose)
- Propoxphene (Darvocet, Darvon N, Dolene)

#### **17.07 TYPES OF TESTING**

##### **A. PRE-EMPLOYMENT**

All applicants that are offered employment will be tested for the presence of illegal drugs.

**B. REASONABLE SUSPICION TESTING**

(Managers and Supervisors should review **Appendix E** for procedures to follow for employees who are believed to be under the influence of drugs or alcohol, or who have consumed drugs or alcohol on County premises or while on duty, including lunch periods, breaks, or standby.)

Employees must submit to a drug test if reasonable suspicion exists to indicate that their ability to perform work safely or effectively may be impaired. “Reasonable suspicion testing” means drug testing based on a belief that an employee is using or has used drugs in violation of the County’s policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts and inferences may be based upon:

1. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
2. Abnormal conduct or erratic behavior at work, or a significant deterioration of work performance. Managers/Supervisors should review **Appendix F-Problem Indicators**.
3. A report of drug use, provided by a reliable and credible source, which has been independently corroborated.
4. Evidence that an individual has tampered with a drug test during his/her employment with the County. The collection site person will forward this information to the County Coordinator at the time the employee is tested.
5. Information that an employee has caused or contributed to an accident while at work. “Accident”, as defined by the Florida Workers; Compensation Law and amended in 1991, Section 440.02, means an unexpected or unusual event or result, happening suddenly. An accident may occur with or without medical or first aid treatment being rendered. Damage to a County vehicle, customer property, or another employee’s property regardless of extent may be considered an accident. Supervisors, Crew Leaders, Foremen, etc. will be required to use judgment in the field to determine when and if an accident has occurred. If an accident occurs, the Foreman, Crew Leader, or Supervisor will contact the Department Head and/or Officer to verify and investigate the accident and decide if the involved employee(s) may have caused or contributed to a reasonably foreseeable accident. If it cannot be totally discounted by two (2) levels of management that the employee(s) did not cause or contribute to the accident, then the employee(s) involved in the accident will be tested.
6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working (including lunch periods, breaks, or standby) or while on County premises or while operating the County’s vehicle, machinery, or equipment.

**C. REHABILITATION FOLLOW-UP TESTING**

If the employee in the course of employment voluntarily or involuntarily enters an Employee Assistance Program (EAP) for drug related problems, or an alcohol and drug rehabilitation program, the County will require the employee to submit to a drug test as a follow-up to such program for up to two (2) years thereafter. The time and date of the follow-up test will be determined by the County Coordinator, i.e.: consultation with the Rehabilitation counselors and the Medical Review Officer.

D. ADDITIONAL TESTING

Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations for employees who perform operating, maintenance, construction, and emergency response functions on a natural gas pipeline per Code of Federal Regulations, Title 49, Part 199, and the Florida Public Services Commission Regulations 25-12.005.

**17.08 TESTING PROCEDURES**

- A. Job applicants and employees required to submit to drug and alcohol testing will be asked to sign a consent to employee testing form (see **Appendix H**).
- B. Because of the potential adverse consequences of positive test results on employees, the County will employ a very accurate testing program. A highly qualified independent laboratory that has been selected by the County and approved by the Department of Health and Rehabilitation Services will analyze urine and blood samples.
- C. Applicants and employees will be given an opportunity before and after testing to provide any information they consider relevant to the test including listing all drugs they have taken recently including prescribed drugs and to explain the circumstances of the use of those drugs in writing or other relevant medical information (see **Appendix I**). Applicants and employees will also be provided with a notice of the most common medication by brand name or common name, as well as the chemical name that may alter or affect a drug test (see **Appendix B**).
- D. An employee injured at the workplace and required to be tested will be taken to a medical Facility for immediate treatment of the injury. If the injured employee is not at a designated collection site, the employee will be transported to one as soon as it is medically feasible and specimens will be obtained. If it is not feasible to move the injured employee, specimens will be obtained at the treating facility under the procedures set forth in this Guideline and transported to an approved testing laboratory.
- E. No specimens will be taken before the administration of emergency medical care. Once this condition has been satisfied, an injured employee must release to the employer the result of any tests conducted for the purpose of showing the presence of alcohol or drugs.



F. BODY SPECIMENS

Urine will be used for the initial test for all drugs except alcohol and for the confirmation of all drugs except alcohol. Blood will be used as the initial and confirmation test for alcohol. The physician will have the discretion to determine whether drawing a blood sample will threaten the health of the injured employee or if the employee has a medical condition unrelated to the accident which may preclude the drawing of the necessary quantity of blood for a testing specimen. Under these circumstances, no interference or presumption of intoxication or impairment will be made.

G. COST OF TESTING

The County will pay the cost of initial and confirmation drug and/or alcohol tests, which it requires of employees and job applicants. An employee or job applicant will pay the cost of any additional drug and/or alcohol tests not required by the County.

H. COLLECTION SITE

1. The County will utilize a collection site designated by an approved laboratory which has all necessary personnel, materials, equipment, facilities, and supervision to provide for the collections, security, chain of custody procedures, temporary storage, and shipping or transportation of urine and blood specimens to an approved drug testing laboratory. The County may also utilize a medical facility as a collection site that meets the applicable requirements.
2. 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 will meet state rules and guidelines. Florida Department of Health and Rehabilitative Services CHAIN OF CUSTODY form will be used for each employee or job applicant tested.

I. COLLECTION SITE PERSONNEL

A specimen for a drug test will be taken or collected by:

1. A physician, a physician's assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner, or a certified paramedic who is present at the scene of the accident for the purpose of rendering emergency service or treatment;
2. A qualified person employed by a licensed laboratory who has the necessary training and skills for the assigned tasks.

J. TESTING LABORATORY

1. The laboratory used to analyze initial or confirmation drug/alcohol specimens will be licensed by the Florida Department of Health and Rehabilitative Services to

perform such tests. The Florida Department of Health and Rehabilitative Services has published Drug-free Workplace Standards (Florida Administrative Code, Chapter 1 OE-18) that must be followed by laboratories and employers.

2. All laboratory security, chain of custody, transporting and receiving of specimens, specimen processing, re-testing, storage of specimens, instrument calibration, and reporting of results will be in accordance with state laws and rules established by the Department of Health and Rehabilitative Services.
3. The laboratory will provide assistance to the employee or job applicant for the purpose of interpreting any positive confirmed test results.

K. INITIAL TESTS

Initial tests will use an immunoassay except that the test for alcohol will be an enzyme oxidation methodology. The following cutoff levels will be used when screen specimens to determine whether they are positive or negative for these drugs or metabolites. All levels equal to or exceed the following will be reported as positive:

- Alcohol .05 g/dl%
- Amphetamines 1000 ng/ml
- Cannabinoids 100 ng/ml
- Cocaine 300 ng/ml
- Phencyclidine 25ng/ml
- MethaQualone 300 ng/ml
- Opiates 300 ng/ml
- Barbiturates 300 ng/ml
- Benzodiazepines 300 ng/ml
- Synthetic Narcotics: Methadone 300 ng/ml, Propoxyphene 300 ng/ml

L. CONFIRMATION TESTS

All specimens identified as positive o the initial test will be confirmed using GC/MS except that alcohol will be confirmed using gas chromatography. The following confirmation cutoff levels will be used when analyzing specimens to determine whether they are positive or negative for these drugs or metabolites. All levels equal to or exceeding the following will be reported as positive:

- Alcohol .05 g/dl%
- Amphetamines 500 ng/ml
- Cannabinoids 15 ng/ml
- Cocaine 160 ng/ml
- Phencyclidine 25ng/ml
- MethaQualone 150mg/ml
- Opiates 300 ng/ml
- Barbiturates 150 ng/ml
- Benzodiazepines 150 ng/ml
- Synthetic Narcotics: Methadone 150 ng/ml

Propoxyphene 150 ng/ml

\*Laboratories will report all Quantitative alcohol results above a .0596 level to the Medical Review Officer (MRO) who will be responsible for reporting results to the County Coordinator. The MRO will be a designated management employee by the County Coordinator.

## **17.09 TEST RESULTS**

### **A. REPORTING RESULTS**

1. The laboratory will report all test results (both positive and negative) to the Medical Review Officer (MRO) within seven (7) working days after receipt of the specimen at the laboratory.
2. The laboratory will report to the MRO as negative all specimens that are negative on the initial test or negative on the confirmation test. Only specimens confirmed positive on the confirmation test will be reported to the MRO positive for a specific drug.
3. The laboratory will transmit results in a manner designed to ensure confidentiality of the information. The laboratory and MRO will ensure the security of the data transmission and restrict access to any data transmission, storage, and retrieval system.
4. The MRO will verify that positive and negative test results were properly analyzed and handled according to HRS rules. The MRO will have knowledge of substance abuse disorders and shall be knowledgeable in the medical use of prescription drugs and in the pharmacology and toxicology of illicit drugs. The MRO shall evaluate the drug test result(s) which is reported to the laboratory, verify by checking the chain of custody form that the specimen was collected, transported, and analyzed under proper procedures and determine if any alternative medical explanations caused a positive test result. This determination by the MRO can include conducting a medical interview with the individual, review the individual's medical history, or the review of any other relevant bio-medical factors. The MRO shall also review all medical records made available by the tested individual. The MRO may request the laboratory to provide quantification of test results.
5. The MRO will notify the employee or job applicant of a confirmed positive test result within three (3) days of receipt of the test result from the laboratory and inquire as to whether prescriptive or over-the-counter medications could have caused the positive test result. The MRO will notify the County Coordinator if the employee or job applicant has tested positive immediately after consultation with the employee. Within five (5) days of notification to the individual of the positive test results, the MRO will provide an opportunity for the employee or job applicant to discuss the positive test result and to submit documentation of any prescriptions relevant to the positive test result.

6. Unless otherwise instructed by the County Coordinator in writing, all written records pertaining to a given specimen will be retained by the drug-testing laboratory for a minimum of five (5) years. The drug-testing laboratory shall retain (in properly secured refrigerated or frozen storage) for a minimum period of one (1) year, all confirmed positive specimens. Within this one (1) year period an employer, employee, job applicant, MRO, or the Department of Health and Rehabilitative Services may request in writing that the laboratory retain the specimen for an additional period of time. If no such request is received, the laboratory may discard the specimen after one (1) year of storage.
7. Within five (5) working days after receipt of a positive confirmed test result, the County will inform the employee or job applicant in writing of such positive test results, the consequences of such results, and the options available to the employee or job applicant, including the right to file an administrative or legal challenge (see **Appendix D** and **Appendix K**). The County will provide to the employee or job applicant upon request a copy of the test results.
8. Within three (3) days for all tests based on reasonable suspicion, the employee's Department Head and/or immediate supervisor will detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing (see **Appendix G**). A copy of the report will be given to the Department Head, County Coordinator, and the employee upon request. The original report will be kept confidential within the limits of the law and retained by the County for at least one (1) year.

**B. CHALLENGES TO TEST RESULTS**

1. Within five (5) working days after receiving notice of a positive confirmed test result, the employee or job applicant may submit information to the County explaining or contesting the test results. The employee or job applicant will be notified in writing if the explanation or challenge is unsatisfactory to the County. The written notice will be given to the employee or job applicant within fifteen (15) working days of the receipt of the explanation or challenge, and will include why the employee's or job applicant's explanation is unsatisfactory, along with the report of positive test results. All such documentation will be kept confidential, within the limits of the law, and will be retained for at least one (1) year.
2. When an employee or job applicant undertakes an administrative or legal challenge to the test results, it shall be the employee's or job applicant's responsibility to notify the County Coordinator and laboratory in writing of such challenge and such notice shall include reference to the chain of Custody Specification Identification Number. After such notification, the laboratory shall retain the sample until the case or administrative appeal is settled (Florida Administrative Code, Section 1 OE-1 8.006 (4)(h) 1).

3. The Department of Health and Rehabilitative Services, County, or MRO detecting a false positive error shall immediately notify the laboratory and the Department of any such error.

C. OTHER EMPLOYEE PROTECTION

1. During the 180-day period after written notification of a positive test result, the employee will be permitted by the County to have a portion of the original specimen re-tested, at the employee's expense. The re-testing must be done at another HRS licensed, NIDA approved laboratory. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory that performed the test for the County will be responsible for the transfer of the portion of the specimen to be re-tested, and for the integrity of the chain of custody for such transfer.
2. The drug-testing laboratory will not disclose any information concerning the health or mental condition of the tested employee.
3. The County will not request or receive any information from the testing facility concerning the personal health, habit, or condition of the injured employee including, but not limited to, the presence or absence of HIV antibodies in the injured worker's body fluids.
4. The County will not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or job applicant on the sole basis of a positive result that has not been verified by a confirmation test.
5. If the employee has not previously tested positive for drug use, or entered an alcohol and drug rehabilitation program, the County will not discharge, discipline, or discriminate against an employee solely upon the employee's voluntarily seeking treatment, while under the employee of the County, for a drug-related problem.

**17.10 DISCIPLINARY ACTION**

- A. In the case of a first-time violation of this Guideline, including a positive drug or alcohol test result (without evidence of sale, distribution, dispensation, or purchase of drugs or alcohol on County property or while on duty), the employee will be subject to discipline up to and including discharge
- B. The County will suspend employees with pay pending the results of a drug test or investigation.
- C. Any employee selling, purchasing, distributing, or dispensing drugs or alcohol on duty (including lunch periods, breaks, or standby) or on County property may be discharged).

### **17.11 EMPLOYEE ASSISTANCE PROGRAM**

- A. The County regards its employees as its most important asset. Accordingly, the County maintains an Employee Assistance Program (EAP) that provides help to employees who suffer from alcohol or drug abuse and other personal or emotional problems. Employees with such problems should seek confidential assistance from the EAP or other community resources before drug or alcohol problems lead to disciplinary action.
- B. Information about a self-referred employee's contact with the EAP is confidential, within the limits of the law, and will not be disseminated without the employee's permission. Further, an employee is not subject to discipline solely as a result of a self-referral for treatment.
- C. However, use of the EAP or other community resources will not shield the employee from appropriate disciplinary action for violation of the County substance abuse policy if such violation comes to the County's attention through other means such as reports from employees or customers, direct observation, testing, etc.
- D. Employees referred to the EAP as a result of violation of the Counties substance abuse policy may continue their employment with the County provided:
  - 1. They contact the EAP and complete the evaluation and assessment period as prescribed by the EAP.
  - 2. Immediately cease any and all use of alcohol and/or drugs.
  - 3. Consent in writing to periodic, unannounced testing for a period of up to two (2) years returning to work or completion of any rehabilitation program, whichever is later.
- E. Participation in an evaluation, treatment, or counseling program will be at the employee's expense unless the employee is entitled to such benefits under the terms of the County's group health plan or other available benefits. Time lost from work for such a program will be charged against the employee's Sick Leave balance, the Vacation Leave balance, and then Leave Without Pay in that order.

### **17.12 INVESTIGATION**

- A. To ensure that illegal drugs and alcohol do not enter or affect the workplace, the County Reserves the right to search all County vehicles, containers, lockers, or other items on County property in furtherance of this policy. Individuals may be requested to display personal property for visual inspection upon County request.
- B. Searches will be conducted only where the County has reason to believe the employee has violated the County's substance abuse policy, or as otherwise required to determine

whether illegal or unauthorized activities are occurring, have occurred, or will occur in the future. In the event illegal drugs or alcohol or paraphernalia related thereto are found, the County Coordinator shall be contacted immediately.

- C. Failure to consent to a search or display personal property for visual inspection will be grounds for discharge or denial of access to County premises.
- D. Searches of an employee's personal property will take place only in the employee's presence. All searches under this policy will occur with the utmost discretion and consideration for the employee involved.
- E. Individuals may be required to empty their pockets, but under no circumstances will an employee be required to remove articles of clothing or be physically searched.
- F. Because the primary concern is the safety of its employees and their working environment, the County will not normally prosecute in matters involving illegal substances. However, the County will turn over all confiscated drugs to the proper law enforcement authorities. Furthermore, the County reserves the right to cooperate with or enlist the services of proper law enforcement authorities in the course of any investigation.

### **17.13 ARREST OR CONVICTION FOR A DRUG-RELATED CRIME**

- A. If an employee is arrested for or convicted of a drug-related crime, the County will investigate all of the circumstances. In most cases, an arrest for a drug-related crime constitutes reasonable suspicion of drug use under this policy. The following procedures will apply:
  - 1. During investigation, an employee may be placed on Vacation Leave or Leave Without Pay. After the investigation is completed, the leave may be converted to a suspension or the employee may be reinstated depending on the facts and circumstances.  
  
If convicted of a drug-related crime, an employee may be terminated.
  - 2. If an employee has been suspended and the case has been dismissed or otherwise disposed of, the County will make a determination as to whether to authorize the employee's return to work based on its investigation. If the employee is authorized to return to work, the employee must agree in writing to unannounced, periodic testing for a period of up to two (2) years.
  - 3. Because of the seriousness of such situations, the County reserves the right to alter or change its policy or decisions on a given situation depending on its investigation and the totality of the circumstances.

- B. As a condition of employment, and employee will notify the County Coordinator, through his/her respective Department Head, of any criminal drug statute conviction.

#### **17.14 CONFIDENTIALITY**

All information, interviews, reports, statement memoranda, and drug test results, written or otherwise, received by the County as part of this drug-testing program are confidential communications. Release of such information shall be solely pursuant to a written consent form signed voluntarily by the person tested, unless such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under this section or unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form will contain, at a minimum:

- A. The name of the person who is authorized to obtain the information
- B. The purpose of the disclosure
- C. The precise information to be disclosed
- D. The duration of the consent
- E. The signature of the person authorizing release of the information

Information on drug test results shall not be released or used in any criminal proceeding against the employee or job applicant. Information released contrary to this Guideline shall be inadmissible as evidence in any such criminal proceeding. Nothing herein shall be construed to prohibit the County agent of the County, or laboratory conducting a drug test from having access to employee drug test information when consulting with legal counsel in connection with actions brought under or related to this section or when the information is relevant to its defense in a civil or administrative matter.

#### **17.15 RECORDS AND TRAINING**

- A. The County will maintain a current resource file for providers of employee assistance including alcohol and drug abuse programs, mental health providers, and various other persons, entities, or organizations designed to assist employees with personal or behavioral problems. The County will inform employees and new hires about various employee assistance programs that the County may have available. The information shall be made available at a reasonable time convenient to the County and shall be discreetly reviewed by the employees.
- B. The County will provide an annual education course to assist the employees in



identifying Personal and emotional problems which may result in the misuse of alcohol or drugs. This course will also include a presentation on the legal, social, physical, and emotional consequences of the misuse of alcohol or drugs.

## APPENDIX A

### DRUG-FREE WORKPLACE GUIDELINE

#### SUMMARY

In a commitment to safeguard the health of our employees and to provide a safe working environment for everyone, the County has established a Drug-free Workplace Guideline. This Guideline has implemented pursuant to the drug-free workplace program requirements under F. S. § 440.102 and the proposed rules of the Department of Labor and Employment Security, Division of Workers' Compensation.

#### The essential parts of this Guideline are:

1. The County prohibits the illegal use, possession, sale, manufacture, or distribution of drugs, alcohol, or other controlled substances on its property. It is also against County policy to report to work or to work under the influence of drugs or alcohol.
2. Drug Testing of Applicants:
  - a) All applicants offered employment will be tested for the presence of illegal drugs.
  - b) Applicants will be asked to sign the Consent to Pre-employment Form. If an applicant refuses, he or she will not be considered for employment and the employment application process will be terminated.
  - c) If an applicant's test is confirmed positive, the applicant will not be considered for employment at that time and will be informed that he or she has failed to meet the employment standards.
3. Testing of Employees:
  - a) Reasonable Suspicion Testing: employees will be tested when there is a reasonable suspicion that an employee is using or has used drugs.
  - b) Follow-up Testing: all employees who have been determined to have used drugs or alcohol will be subject to periodic, unannounced follow-up drug tests.
  - c) Additional Testing: additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations.
4. Disciplinary Action:
  - a) In a case of a first-time violation of this Guideline, including a positive drug or alcohol test result (without evidence of sale, manufacturing, distribution, dispensation, or purchase of drugs or alcohol on County property or while on duty, including lunch period, breaks, or standby), the employee will be subject to discipline up to and including discharge.
  - b) The County will suspend employees with pay under this Guideline pending the results of a drug test or investigation.
  - c) Any employee using, selling, purchasing, possessing, distributing, or dispensing drugs or alcohol while on duty or on County property may be discharged.

**Comment [rjs4]:** I have not made any changes to the Appendix documents, even though it appears that redlined changes have been made. Again, this is due to an oversight that occurred when trying to use the "find and replace" functions while the document was in "track changes" mode. I hope this does not cause much angst to the reader(s) of this revised draft. Also, I did not make changes to th Appendix documents because we do not yet know the extent to which the proposed changes will be found acceptable. Further, I do not understand revisions to these documents to be within the scope of our review. If I am incorrect in making this assumption and you do wish for us to make suggested revisions to these documents, please let me know and we will be happy to do so.

5. All information, interviews, reports, statements, memorandums, and drug results written or otherwise, received by the County as part of this Guideline are confidential communications within the limits of the law. Unless authorized by state laws, rules, or regulations, the County will not release such information without a written consent form signed voluntarily by the person tested.
6. The job applicant(s) and the employee(s) must fill out a Drug Use Information form complying with Federal law both before and after being drug tested. This form permits individuals to list all prescription and non-prescription drugs they are currently using or have used in the last month, as well as any other information they consider relevant to the test.
7. Prior to testing, the job applicant and employee will be given a list of the most common medications by brand name or common name and chemical name which may alter or affect a drug test.
8. Any applicant who refuses to submit to the pre-employment drug test will be ineligible for hire.
9. **Any employee who refuses to submit to a drug test may be terminated from employment.** An injured employee who refuses to submit to a drug test, or has a positive confirmation test, in addition to the above, **forfeits his/her eligibility for all Workers' Compensation, Medical, and Indemnity Benefits.**
10. A list of names, addresses, and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs available to employees will be provided upon request.
11. The MRO will notify the employee or job applicant of a confirmed positive test result within three (3) days of receipt of the test result from the laboratory and inquire as to whether prescription or over-the-counter medications could have caused the positive test result. The MRO will notify the County Coordinator if the employee or job applicant has tested positive immediately after consultation with the employee.

After receiving notice from the MRO, the County Coordinator will notify the employee or job applicant promptly that the County has received from the MRO a positive confirmed drug test result. Within five (5) working days after receiving notice from the County, an employee or applicant may submit information to the County explaining or contesting the test results. If an employee's explanation or challenge of the positive test results is unsatisfactory to the County, within fifteen (15) days of the receipt of the explanation or challenge, a written explanation as to why the employee's explanation is unsatisfactory, along with the report of the positive results, will be provided by the County to the employee.

**An employee or job applicant may undertake an administrative challenge by filing a claim for benefits with the judge of compensation pursuant to Chapter 440, Florida Statutes, or if no workplace injury has occurred, the person may challenge the test result in a court of competent jurisdiction.**

12. A job applicant or employee has the responsibility of notifying the drug-testing laboratory of any administrative or civil action brought pursuant to Chapter 440, Florida Statutes. The laboratory will maintain the sample until the case or administrative appeal is settled.
13. The following is a list of all drugs (described by brand name, common name, and/or chemical name) for which the County may test:

**Alcohol** (booze, wine, liquor, drink); **Amphetamines** (Binhetamine, Desoxyn, Dexedrine); **Cannabinoids** (marijuana, hashish, hash, hash oil, pot, roach, joint, spleaf, grass, weed, reefer); **Cocaine** (coke, blow, nose candy, snow, flake, crack); **Phencyclidine** (PCP, angel dust, hog); **MethaQualone**; **Opiates** (opium, clover's powder, paregoric, paregoric, parepectolin); **Barbiturates** (Phenobarbital, Tuinal, Amytal); **Benzodiazophines** (Ativan, Azene, Clonopin, Dalmane, Diazepam, Halcion, Librium, Poxipam, Restoril, Serax, Tranxene, Valium, Vertron, Xanax); **Methadone** (Dolophine, Methadose; **Propoxyphene** (Darvocet, Darvon N, Dolene).

14. Job applicants and employees have the right to consult the testing laboratory or the County MRO for

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[Appendix A]

technical information regarding prescription and non-prescription medication.

15. To ensure that drugs and alcohol do not enter or affect the workplace, the County reserves the right to search all County vehicles, containers, lockers, or other items on County property in furtherance of this policy upon reasonable belief that this policy has been violated. Individuals may be requested to display personal property for visual inspection upon County request.
16. Failure to consent to search or display for visual inspection will be grounds for termination or reason for denial of access to County premises by any others.
17. Searches of employee's personal property will take place only in the employee's presence. All searches under this guideline will occur with the utmost discretion and consideration for the employees involved.
18. Details of this policy may be obtained from the County Coordinator's Office or your Department Head.
19. The contents of these drug and alcohol Guidelines are presented as statement of the County's current policy and may be changed and updated by the County. These Guidelines are not intended to create a contract between the County and any employee. Nothing in these Guidelines binds the County to a specific or definite period of employment or to any specific policies, procedures, actions, rules, or terms and conditions of employment.
20. Employees, as a condition of employment, are required to abide by these Guidelines.

**My signature indicates I have been given a copy of the above Summary of the County's Drug-free Workplace Guideline and have had an opportunity to ask questions of any or all parts of this Guideline that may be unclear to me.**

**Name (Print):**

---

**Signature:**

**Date:**

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**Witness:**

**Date:**

## APPENDIX B

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### *DRUGS WHICH MAY ALTER OR AFFECT A DRUG TEST*

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The following is the most common medications, by brand name or common name, and chemical name that may alter or affect a drug test. The Department of Health and Rehabilitative Services list of common medications are:

1.     **ALCOHOL**  
All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's NyQuil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contac Severe Cold Formula Night Strength is 25% (50 proof), and Listerine is 26.9% (54 proof).
2.     **AMPHETAMINES**  
Obetrol, Binhetamine, Desoxyn, Dexedrine, Didrex.
3.     **CANNABINOIDS**  
Marinol (Dronabinol, THC).
4.     **COCAINE**  
Cocaine HCl topical solution (Roxanne).
5.     **PHENCYCLIDINE**  
Not legal by prescription.
6.     **METHAQUALONE**  
Not legal by prescription.
7.     **OPIATES**  
Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, etc.
8.     **BARBITURATES**  
Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Florinal, Floricet, Esgic, Butisol, Mebaral, Butabartital, Butabital, Phrenilin, Triad, etc.
9.     **BENSODIAZOPHINES**  
Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Halcion, Paxipam, Restoril, Serax, Tranxene, Valium, Verstran, Xanax.
10.    **METHADONE**  
Dolophine, Methadose.
11.    **PROPOXYPHENE**  
Darvocet, Darvon N, Dolene, etc.

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[Appendix B]

**APPENDIX C**

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*AREA DRUG AND ALCOHOL TREATMENT PROGRAMS AND EMPLOYEE ASSISTANCE PROGRAMS*

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Name	Address	Telephone Number

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[Appendix C]

## APPENDIX D

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*FOR JOB APPLICANTS WHO TEST POSITIVE ON DRUG TEST*

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(Date)

(Applicant's Name)  
(Applicant's Address)

Dear (Applicant's Name),

This letter is to confirm our discussion in my office on *(Date)*. The results of your drug test to qualify for the position of *(Job Title)* in the *(Name of Department)* Department was unsatisfactory. Specifically, you tested positive for *(Name of drugs on the drug test)*.

You have five (5) working days after receiving this notice to submit information to the County explaining or contesting the test results. If your explanation or challenge of the positive test results is unsatisfactory to the County, a written explanation as to why your explanation is unsatisfactory along with the report of the positive test results will be provided to you within fifteen (15) workdays.

If you request a retest, the County will arrange for a retesting of your original sample at your expense. If the results of the retest contradict the first test, then the County will reimburse you the cost of the retest. Unless the results of the drug test are successfully contradicted, you will be disqualified for employment for one (1) calendar year or until you can provide proof of effective treatment or other corrective action. You have one hundred eighty (180) calendar days in which to inform me, in writing, your wish to have your original sample retested.

You also have the right to file an administrative or legal challenge to this test. You may undertake an administrative challenge by filing a claim for benefits with the judge of compensation claims pursuant to Chapter 440, Florida Statutes, or if no workplace injury has occurred, you may challenge the test result in a court of competent jurisdiction.

Sincerely,

County Coordinator

cc: Department Head

## APPENDIX E

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### *PROCEDURE FOR SUPERVISORS TO FOLLOW FOR EMPLOYEES WHO ARE BELIEVED TO BE UNDER THE INFLUENCE OF DRUGS, ALCOHOL, OR TO HAVE CONSUMED DRUGS OR ALCOHOL ON COUNTY PREMISES*

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There may be instances when Supervisors have reasonable suspicion to believe that an employee has consumed drugs and/or alcohol on County premises or reported to work under the influence of one or both and request a blood and/or urine screen even though the employee is not believed to be impaired. The drug/alcohol screen is not intended to prove impairment, but to confirm the presence of the drug or alcohol. The County policy does not require impairment in order to prove a violation: drugs and alcohol are controlled substances and their use on or off County property can violate this Guideline, whether or not impairment is suspected. If Supervisors have reason to consider requiring a drug or alcohol screen, use the following process to validate your reasons for considering testing.

#### **1. SUPERVISOR HAS REASONABLE SUSPICION**

Examples that may lead to reasonable suspicion include “tips” from other workers and/or customers, direct observations of the employee, deteriorating job performance and/or reports from other employees observing use of alcohol or drugs during working hours including lunch, standby, and other work breaks. What constitutes reasonable suspicion depends on the facts of any particular case, and is generally considered some articulable basis for suspecting that the employee may be using drugs.(Also, see **Appendix F**, Problem Indicators for Supervisors.)

#### **2. CONFIRMATION BY SECOND HIGHER LEVEL OR MANAGEMENT**

Supervisors must confer with the Head of their department before confronting the employee. If the Department Head is not available, confer with the County Coordinator. In all situations, confidentiality to the employee is to be maintained. If reasonable suspicion is confirmed by two levels of management, the employee is to be confronted privately with both levels of management present. The Supervisor and Department Head are to document all observations concerning the employees work performance, appearance, behavior, statements, etc.

#### **3. REASONABLE SUSPICION-POSSESSION OF ALCOHOL OR DRUGS ON COUNTY PROPERTY**

Where the Supervisor has reasonable suspicion that an employee is in possession of a controlled substance and/or alcohol, searches should be carried out only with the employee’s consent and with due regard for privacy and confidentiality concerns. Personal searches should be limited to having employees empty and turn out pockets and removal of out garments, such as jackets or sweaters, etc., and should be conducted in the presence of a witness. A warrant for search is not needed.

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[Appendix E]



#### **4. CONFRONTATION OF EMPLOYEE**

In private, the Supervisor and Department Head will confront the employee with their collective documented reasons for suspicion of drug or alcohol impairment and request that the employee be tested at the local medical facility. The employee will be given a verbal explanation of why he/she is being required to undergo a test. The employee will be given an opportunity to respond to the charges. If the employee refuses to be tested, he/she will be counseled and given a reasonable period of time to reconsider. The employee will sign a consent form before being tested at the local clinic. If the employee still refuses to sign the consent form, he/she will be terminated from the County.

#### **5. EXAMINATION AT THE LOCAL CLINIC**

The County Coordinator's Office will make an appointment for the employee to be tested at the local clinic. The Supervisor will drive the employee to the clinic and remain with the employee until the test is completed. When completed, the Supervisor will drive the employee to his/her home. The employee should be encouraged to make personal arrangements to have his/her automobile returned to his/her home from his/her place of work. The Department Head will write a letter of suspension to the employee for an indefinite time period until the results of the test are known. The employee will be allowed to use Sick Leave and/or Vacation Leave until all such leave is used up then use Leave Without Pay during the suspension period.

#### **6. EXAMINATION RESULTS**

The test results will be sent in confidence to the County Coordinator's Office. If the result is positive, a meeting with the Department Head and employee will be held. If the test results are negative, the employee will return to work with all Sick/Vacation time used during the suspension period reinstated. The County Coordinator's Office Department will write a letter to the employee informing him/her of the test results. If the test results are positive, the employee will be advised to seek rehabilitation at one of the several, local rehabilitation centers. If the employee decides to seek rehabilitation, he/she will sign a consent form to abide by the Rules and Regulations of the rehabilitation center. The employee will be given up to thirty-five (35) calendar days to complete rehabilitation after the consent form has been signed. The County Coordinator's Office will monitor the progress of the employee as he/she goes through rehabilitation.

#### **7. "RETURN-TO-WORK DRUG TEST"**

When the employee completes rehabilitation, he/she will report to the County Coordinator's Office where arrangements will be made with the local medical clinic to take the "return to work drug test". The employee will continue to be on leave until the examination results are received. The employee must use Sick Leave and/or Vacation Leave until all such leave is used and then use Leave Without Pay during the remainder of the suspension period. When the results are known, and if negative, the Department Head will arrange a meeting with the employee and the Supervisor, to discuss "return to work" arrangements. If the results are positive, the Department Head will prepare a termination letter referencing Management Guidelines for termination of employee. The regular status classified employee, will have the right to a hearing before the County Coordinator.

## APPENDIX F

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### *PROBLEM INDICATORS FOR SUPERVISORS*

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1. **PATTERN OF DECLINING OVERALL PERFORMANCE/PRODUCTIVITY**
  - Decreased work efficiency (rate and accuracy) as compared to past satisfactory performance
  - Inconsistent work patterns
  - Avoidance of assignments or responsibilities, etc.
  
2. **PATTERN OF POOR OR DECLINING ATTITUDE TOWARD JOB**
  - Isolation from co-workers and/or supervisors
  - Increasingly negative comments about supervisors, employees, management, the organization
  - Blaming others for changes in personal work performance
  - Increased need for disciplinary action decreased interest in the job
  - Persistent requests for job transfer
  - Overreaction to real or imagined criticism, etc.
  
3. **LAPSES IN CONCENTRATION**
  - Difficulty recalling instructions
  - “Forgetting” usual routine
  - Drowsiness or sleeping on the job
  - Declining accuracy of decision
  - Pattern of poor or slowing reactions, etc.
  
4. **REDUCED WORK HOURS**
  - Increased absenteeism, especially on Mondays, after holidays, and after paydays
  - Increased tardiness, or unexplained absences from the workstation
  - Increased or frequent use of sick leave
  - Increasingly longer lunch hours, and increased length and/or number of work breaks, early departures, etc.
  
5. **REDUCED PRODUCTIVITY**
  - Increased incidents of equipment damage
  - Decreased quality of work produced, missed deadlines
  - Decreased quality control standards as the work shift progresses
  - Increased time necessary to produce same amount of work, etc.
  
6. **HEALTH PROBLEMS**
  - Increased or frequent complaints about health
  - Increased use of medical benefits
  - Increased use of sick days
  - Noticeable change in physical/personal appearance (e.g. weight gain/loss, poor grooming) etc.
  
7. **SAFETY/ACCIDENT RECORD**
  - Increased accidents
  - Increased injuries

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[Appendix F]

- Increased risk-taking behavior
- Failure to use safety equipment, etc.

8. **BEHAVIOR CHANGES**

- Increased aggressiveness or defensiveness
- Decreased ability to receive constructive criticism
- Encounters with police
- Letters of indebtedness
- Frequent mood changes or mood swings
- Increased isolation from other employees, etc.

## APPENDIX G

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### *DRUG AND/OR ALCOHOL ABUSE INVESTIGATION REPORT*

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**Instructions:** This form should be completed by the employee's immediate supervisor or Department Head on the same day that the employee is asked to take a test but no later than three (3) working days from the date the employee was tested.

I have observed the following condition(s) affecting the work of which give(s) rise suspicion of possible drug and/or alcohol abuse and request an investigation of the same:

**CONDITION(S) OBSERVED:**

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**Supervisor's Signature**

---

**Date**

---

**Department Head's Signature**

---

**Date**

---

**Chairman of B.C.C.'s Signature**

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**Date**

---

[Appendix G]



**APPENDIX I**

---

*DRUG USE INFORMATION*

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This form must be present to the individual both *before and after* testing.

Are you taking, or have you taken in the last month, drug(s), prescription, or non-prescription, i.e.: aspirin, Roloids, cough medicine, etc.?

- NO  **YES** (Complete Remainder of this form)

To insure the safety of all personnel and equipment, the following information is required for the drug(s) you are taking at this time. Please provide the information for each drug used.

<b>Name of Drug and Prescription Number</b>	<b>Name/Address/phone of Prescribing Physician</b>	<b>Date Prescribed and/or Taken</b>	<b>Effects/Side Effects That May Affect Safety and/or Work Performance</b>

Additional Information: \_\_\_\_\_  
\_\_\_\_\_

I hereby give my consent for any above-named prescribing physician to answer any job or safety-related questions about my use of the above drugs or any question concerning the prescribe drugs and their effects upon my compliance with the County's Substance Abuse Policy.

Name (Print): \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_\_

**AFTER TESTING**

I have reviewed the above information after being tested and I have added any information that may have affected my test.

Name (Print): \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_\_

**NOTE:** Return to County Coordinator's Office with **Appendix H** immediately after the employee has returned from the drug test.

## APPENDIX J

---

### FOR EMPLOYEES WHO REFUSE TO SIGN THE DRUG/ALCOHOL CONSENT FORM

---

#### SAMPLE LETTER

(To be sent to the employee, by registered mail, within five (5) work days.)

*(Date)*

*(Name)*

*(Address)*

*(City, State and Zip)*

Dear *(Applicant's Name)*

In accordance with County policy, specifically Management Guideline #- and the Department of Transportation Anti-Drug Program, code of Federal Regulations, Title 49 (49 CFR), Part 199, you were requested to sign an employee consent form for a drug test and to give a urine/blood sample at the County *(Place of Testing)* at *(Time of Testing)* on *(Date of Testing)*.

As you are aware, you refused to sign the employee consent form stating *(Reason for refusal)*. You were counseled by *(Name)* on *(Date)* at *(Time)* as to the consequences of you not consenting to this test.

You were informed by me that if you decided not to sign the employee consent form for a drug test by *(Time)* on *(Date)*, I would recommend to the County Coordinator that your employment with the County be terminated and that decision is now before the Director. You may meet with him/her on *(Date)* at *(Time)* and you may provide information as to why you should not be terminated from the employment of the County.

Sincerely,

County Coordinator

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[Appendix J]

## APPENDIX K

---

FOR EMPLOYEED WHO REFUSE TO SIGN THE DRUG/ALCOHOL CONSENT FORM

---

### SAMPLE LETTER

(To be mailed, registered, or given to the employee within five (5) days of notification from the Medical Review Officer of positive confirmation.)

*(Date)*

*(Name)*

*(Address)*

*(City, State, and Zip)*

Dear *(Applicant's Name)*,

In accordance with County policy, specifically management Guideline #22 and the Department of Transportation Anti-Drug Program, code of Federal Regulations, Title 49 (49 CFR), Part 199, you were requested to sign an employee consent form for a drug test and to give a urine/blood sample at the County *(Place of Testing)*. The results of this drug test were received by the Medical Review Officer, Dr. *(Name of Doctor)*. He/She has reviewed and the physician's report indicates the screening test you recently completed was positive for *(Name of Drug)* verified the results of the test.

You may present a written explanation that includes a statement from your private physician, or you may request a retest on your original urine sample. Please note that the retest will be at your expense. Such explanation or information must be sent to the above address within one hundred eighty (180) calendar days of the date of this notice.

The County policy concerning drugs and alcohol requires that an employee who tests positive for *(Name of Drugs)* no matter when the actual consumption occurs, be referred to a rehabilitation center.

This letter serves as our official recommendation that you are being referred to the *(Name of Rehabilitation Center)* and are requested to follow the Action Plan as outlined by the counselor.

If you accept this offer of assistance and fail to comply with the conditions outlined in the Rehabilitation Center agreement, your employment with the County will terminate. You will be considered as having voluntarily forfeited your employment.

Effective immediately, you will be placed on medical leave of absence for up to thirty-five (35) calendar days. Please realize that you will be given only one opportunity during your employment with the County to rehabilitate yourself. If additional time beyond thirty-five (35) calendar days is required for rehabilitation, an extension will be considered by the County

---

[Appendix K]



Coordinator or his/her designee, provided a medical doctor or rehabilitation clinic has so advised. During the rehabilitation period, you must use earned Sick Leave and/or Vacation Leave until all such leave is used up, then you may use Leave Without Pay, for the remaining treatment period.

Please understand the cost of rehabilitation due to alcohol dependence is covered under the County's group insurance benefit program, but that the cost of rehabilitation due to drug dependence will be your personal responsibility.

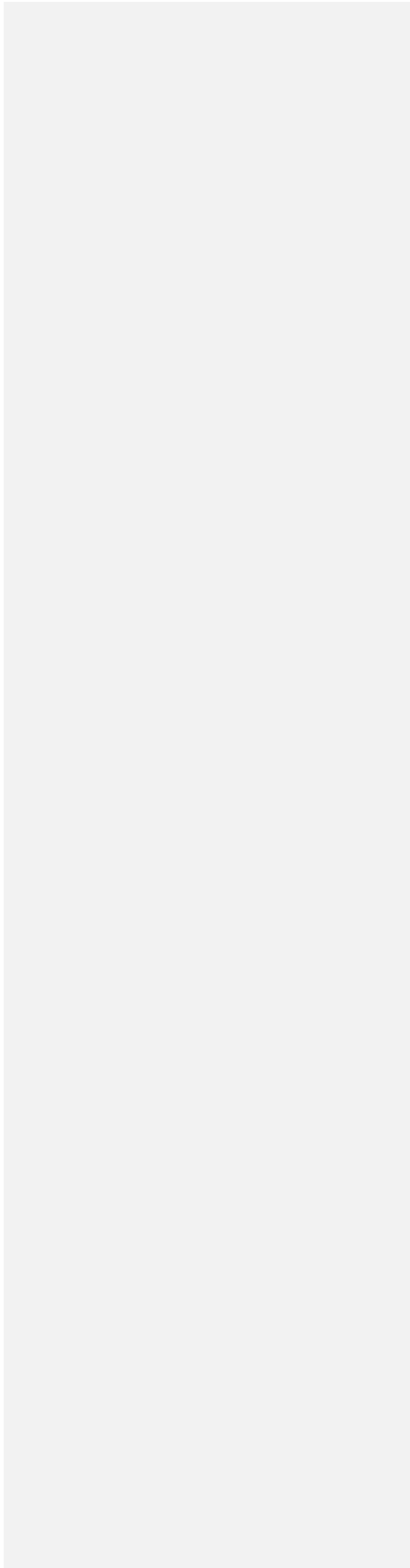
Before being allowed to return to work, you will be given a drug test. The County will determine the time, date, location, and administering physician for this test. The test will be at your expense. If you fail this test, your employment will be terminated. If you are released to return to work by the MRO you will be subject to random, unannounced tests for a period of two (2) years from the date you return to work. If you fail any random drug test within the two (2) years from your return to work, you will be terminated immediately.

I hope you decide to take advantage of the professional counseling and treatment services available through the Rehabilitation Center.

Sincerely,

County Coordinator

Acknowledged: \_\_\_\_\_  
Employee's Name: \_\_\_\_\_



**RECOMMENDED CLASSIFICATION and PAY PLAN**

(Internal Relationship)

CLASSIFICATION	PROPOSED RANGE	MINIMUM	MID-POINT	MAXIMUM
County Coordinator	ungraded	60,000	71,000	82,000
County Extension Director				
Clerk Typist Receptionist	12	12,480	15,621	18,741
Gate Attendant	12	12,480	15,621	18,741
Custodian	17	15,951	19,939	23,927
Gate Attendant/Maintenance Worker	18	14,352	18,034	21,694
Maintenance Worker	18	14,352	18,034	21,694
Circulation Assistant	19	17,586	21,983	26,379
Learning Center Assistant	19	17,586	21,983	26,379
Office Assistant	19	17,586	21,983	26,379
Deputy Clerk I	20	18,470	23,088	27,706

CLASSIFICATION	PROPOSED RANGE	MINIMUM	MID-POINT	MAXIMUM
Equipment Operator	20	18,470	23,088	27,706
4-H Program Assistant	21	19,388	24,235	29,082
Circulation/Reference Manager	21	19,388	24,235	29,082
Library Technical Assistant	21	19,388	24,235	29,082
Maintenance Specialist	21	19,388	24,235	29,082
Staff Assistant	21	19,388	24,235	29,082
Staff Assistant	21	19,388	24,235	29,082
Staff Assistant	21	19,388	24,235	29,082
Deputy Clerk II	22	20,358	25,448	30,537
EMT	22	9,79	12,24	14,68
Equipment Service Worker	22	20,358	25,448	30,537
Heavy Equipment Operator I	22	20,358	25,448	30,537
Section 8 Coordinator	22	20,358	25,448	30,537
Ship Coordinator	22	20,358	25,448	30,537
Mechanic	23	20,280	26,187	32,074
Administrative Assistant/Bookkeeper	24	21,944	27,810	33,675

CLASSIFICATION	PROPOSED RANGE	MINIMUM	MID-POINT	MAXIMUM
Crew Leader	24	21,944	27,810	33,675
Deputy Clerk III	24	21,944	27,810	33,675
Firefighter/EMT	24	10.55	13.37	16.19
Heavy Equipment Operator II	24	21,944	27,810	33,675
Landfill Equipment Operator	24	21,944	27,810	33,675
Senior Staff Assistant	24	21,944	27,810	33,675
Senior Staff Assistant	24	21,944	27,810	33,675
Senior Staff Assistant	24	21,944	27,810	33,675
Senior Staff Assistant	24	21,944	27,810	33,675
Senior Staff Assistant	24	10.55	13.37	16.19
Bookkeeper	25	18,096	26,728	35,351
Cataloger (part-time)	25	18,096	26,728	35,351
Housing Inspector	25	18,096	26,728	35,351
Veteran's Affairs Officer/Emergency Management Assistance	25	18,096	26,728	35,351
Cataloger/Learning Center Manager	26	24,502	30,826	37,128
CDBG Program Specialist	26	24,502	30,826	37,128

CLASSIFICATION	PROPOSED RANGE	MINIMUM	MID-POINT	MAXIMUM
Deputy Clerk IV	26	24,502	30,826	37,128
Equipment Mechanic	26	24,502	30,826	37,128
Equipment Operator/Maintenance Technician	26	24,502	30,826	37,128
Firefighter/Paramedic	26	11,78	14,82	17,85
Foreman	26	24,502	30,826	37,128
Inmate Supervisor	26	24,502	30,826	37,128
Children's Specialist	27	23,026	31,013	38,979
Inmate Supervisor	27	23,026	31,013	38,979
Lieutenant/Firefighter/EMT	27	11,07	14,91	18,74
Equipment Mechanic/Shop Foreman	28	27,281	34,102	40,922
Lieutenant/Firefighter/Paramedic	28	13,12	16,40	19,67
Suspense Accounting/Payroll Specialist	28	27,281	34,102	40,922
Road Supervisor	29	26,499	34,736	42,973
Recreation Director	30	29,973	37,544	45,115
Assistant Road Superintendent	31	30,992	39,187	47,373
Fire/Rescue Captain	31	14,90	18,84	22,78

CLASSIFICATION	PROPOSED RANGE	MINIMUM	MID-POINT	MAXIMUM
Multiple Building Inspector	31	30,992	39,187	47,373
Planner	31	30,992	39,187	47,373
Director of Emergency Management	28	27,290	34,112	40,970
GIS Technician	32	32,510	41,122	49,742
Grants Director	32	32,510	41,122	49,742
Fire/Rescue Chief	33	34,819	43,524	52,229
Road Superintendent	33	34,819	43,524	52,229
Building Official	34	36,005	45,427	54,849
Library Director	35	36,005	46,800	57,574
Senior Planner (Planning Official)	35	36,005	46,800	57,574
Solid Waste Director	35	36,005	46,800	57,574

Jefferson County Board of County Commissioners

# Personnel Policies

June 16, 2011 ~~May 1, 2008~~

(Revised ~~June 16, 2011~~)

Coordinator's Office



201108



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**MEMORANDUM**

TO: Jefferson County Board of County Commissioners

THROUGH: Roy Schleicher, County Coordinator

FROM: Scott Shirley, Esq., County Land Use Attorney

SUBJ: Memorandum on Statutory Presumed Dedication of  
County Maintained Roads

DATE: July 1, 2011

---

**QUESTION PRESENTED**

What is the legal status of County maintained roads, and how does the County determine the extent of any statutory presumed dedication?

**BRIEF ANSWER**

If the County has maintained the dirt road for a period of seven years, pursuant to Section 95.361(2), Florida Statutes, the dirt road is deemed to have been dedicated. Additionally, the dedication extends to the extent of the width that has actually been maintained or repaired by the County.

[Type text]

## ANALYSIS

In Jefferson County deeds to privately owned parcels fronting County roads often extend to the center of the road. This has from time-to-time led to confusion on the part of property owners concerning the legal status of the County maintained roadway area. To resolve such disputes, Section 95.361, Florida Statutes, provides that roads constructed by a governmental entity are presumed to be dedicated to that governmental entity after 4 years of continuous maintenance. Additionally, Section 95.361(2), Florida Statutes, provides that when a road is either constructed by a non-governmental entity, or where it cannot be determined who constructed the road, the road is deemed to be dedicated to the governmental entity that has regularly maintained or repaired the road for the immediate past 7 years.

The test for determining whether a governmental entity has “*regularly maintained or repaired*”, see §96.361(2), Fla. Stat. (2010) (emphasis added), a road “is not whether the maintenance is proper, or frequent, or thorough, or open and obvious. The test is whether the maintenance was appropriate to the circumstances and, if so, the statutory test is met.” See *Div. of Admin., State Dep’t of Transp. V. Ideal Hold Co.*, 427 So. 2d 392, 292 (Fla. 4<sup>th</sup> DCA 1983); see also *Chackal, et al. v. Staples, and the County of Palm Beach, et al.*, 991 So. 2d 949, 955 (Fla. 4<sup>th</sup> DCA 2008). The County, therefore, is not required to show it continuously graded a right-of-way all day, every day for the statutory dedication to take effect; rather, the statute only requires the County to show that it has maintained and repaired the right-of-way in a way that is appropriate under the circumstances. *Id.* The County may satisfy this test for a particular road through such means as County records of its maintenance work or through the testimony of the County’s employee who actually performed the work or who supervised performance of the work.

If the County can show that it has regularly maintained the road, “such road shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period, whether or not the road has been formally established as a public right-of-way.” See § 95.361(2), Fla. Stat. 2010. Moreover, Section 95.361(2), Florida Statutes, goes on to state, “The dedication shall vest all rights, title, easement, and appurtenances in and to the road in the county, if it is a county road... whether or not there is a record of the conveyance, dedication, or appropriation to the public use.” See § 95.361(2), Fla. Stat. 2010. The area dedicated to the County includes any appurtenant areas that are necessary for the continued maintenance of the road.

Additionally, Section 95.361(3), Florida Statutes, provides in pertinent part:

The filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on it that the road has vested in the state, a county, or a municipality in accordance with subsection (1) or subsection (2) or by any other means of acquisition, duly certified by:

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(b) The chair and clerk of the board of county commissioners of the county, if the road is a county road;

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shall be prima facie evidence of ownership of the land by the state, county, or municipality, as the case may be.

The County, therefore, may engage a surveyor to systematically survey County maintained roads for the creation of maps showing the location of the roads. The survey can be approved and certified by resolution of the Board of County Commissioners and then filed with the Clerk of the Circuit Court. This is the same method as is typically used by local governmental entities across the state to clarify the legal status of public roadways. Attached hereto is a sample resolution utilized for this same purpose in Wakulla County. A systematic project to file certified surveys of County maintained roads could occur on a roadway-by-roadway basis extending out over a number of years. Once the County files the certified surveys, any property owner will have one year to file an action to challenge the survey and the dedication.

cc: T. Buckingham Bird, Esq., County Attorney



RESOLUTION NO. 2010-\_\_\_\_\_

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, APPROVING AND CERTIFYING A SURVEY OF A PORTION OF MT. BEASOR ROAD SHOWING ROAD AND RIGHT-OF-WAY DEDICATED PURSUANT TO SECTION 95.361, FLORIDA STATUTES.**

**RECITALS**

**WHEREAS**, Mt. Beasor Road, which is located within Wakulla County, was either constructed by a non-governmental entity or it cannot be determined who actually constructed the road; and

**WHEREAS**, the public has used Mt. Beasor Road and Wakulla County has repaired and maintained it as a public road and right-of-way for a period in excess of the immediate past seven years;

**WHEREAS**, the area of public road and right-of-way along Mt. Beasor Road that has been repaired and maintained by Wakulla County for a period in excess of the immediately past seven years is depicted on the Survey attached hereto as Exhibit "A", which is incorporated by reference and made a part hereof; and

**WHEREAS**, it is in the best interest of the County to approve and certify the Survey attached hereto as Exhibit "A" depicting the extent of road and right-of-way along a certain portion of Mt. Beasor Road that has been dedicated to public use and ownership through continuous use and maintenance for a period in excess of the immediate past seven years to provide for and promote the health, safety, and welfare of the citizens of Wakulla County.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Wakulla County, Florida, as follows:

**Section 1.** The above Recitals are incorporated into the body of this Resolution and such Recitals are adopted as findings of fact.

**Section 2.** The Board of County Commissioner hereby approves and the Chairman and the Clerk of the Board of County Commissioners are hereby authorized to certify the Survey, attached hereto as Exhibit "A", as depicting the dedicated Road and Right-of-Way to the public for use and ownership by Wakulla County pursuant to section 95.361, Florida Statutes.

**Section 3.** Exhibit "A" shall be certified by the Chairman and Clerk with the following recital:

Pursuant to the action of the Board of County Commissioners of Wakulla County, Florida, I do certify that

the road depicted herein is a County road which is vested in Wakulla County, Florida pursuant to sec. 95.361(2), Florida Statutes.

**Section 4.** Following the certification, the Clerk is instructed to record the Survey, attached hereto as Exhibit "A", in the Public Records of Wakulla County, Florida, pursuant to section 95.361(3), Florida Statutes.

**PASSED AND ADOPTED** by the Board of County Commissioners of Wakulla County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2010.

**BOARD OF COUNTY COMMISSIONERS  
WAKULLA COUNTY, FLORIDA**

By: \_\_\_\_\_  
Howard Kessler, Chairman

**ATTEST:**

By: \_\_\_\_\_  
Brent X. Thurmond, Clerk

**APPROVED AS TO FORM AND CONTENT:**

By: \_\_\_\_\_  
Heather J. Encinosa, County Attorney