



Orange County Policy Manual & Operational Regulations

Providing better community service through well informed employees



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Introduction

It is the intention of Orange County that this Manual fosters and promotes a positive employment environment of mutual benefit and protection for employees and the County.

The provisions of these policies are applicable to all Orange County departments, divisions and offices and the employees therein under the Orange County Mayor, and the Board of County Commissioners (BCC). These policies also include employees covered by collective bargaining agreements, unless stated otherwise in the applicable contract. The following employees are excluded from the provisions contained in this policy manual unless stated otherwise in policy:

- The County Mayor, elected members of the BCC, and the staff they appoint to support their respective offices,
- Persons appointed by the BCC to serve on advisory committees or special boards and commissions,
- Persons retained on a contractual fee-for-service basis or retainer,
- Employees under the jurisdiction of other Constitutional Officers,
- Volunteers not receiving salary or other monetary compensation,
- Individuals employed by entities other than the BCC, but whose compensation is processed through the County's payroll system.

Executive Employees are exempt from the probationary period, layoff or recall, and grievance procedure, but are covered by all other standards of employment within this Manual.

These policies apply to temporary employees unless stated otherwise within the specific policy.

These policies (BCC approved) are an extension of the Administrative Regulations (BCC approved). Executive Orders (issued by the Mayor) may enhance or address areas not covered in these policies. The Operational Regulations (County Administrator approved) are intended to outline the rules to be followed in order to carry out the intent of these policies. Departmental Operating Procedures and Divisional Guidelines (both County Administrator approved) are extensions of the Operational Regulations to be used for daily operations and must comply with the intent of these policies and regulations.

In the event any portion of these policies is held to be invalid or unconstitutional by any Court, legislation, authorized board or public official, the ruling shall not affect the validity, intent and effect of sections not in question.

This Policy Manual contains previously published policy exceptions. Any policy items which predate this document and which are not contained herein are rescinded.

This manual is not intended to create a contract of employment between Orange County and any of its employees.

Guiding Principles

Orange County Government places the highest importance on providing valuable service to its citizens through the ethical performance of job duties.

Code of Ethics for all Orange County Employees

- We will adhere to the highest ethical standards
- We will be caretakers of the public trust in all actions related to employment
- We will provide the highest level of service to all citizens and customers
- We will adhere to all laws and regulations
- We will be fair to and respectful of fellow employees
- We will support Orange County's Charter and Mission
- We will be accountable and responsible for all personal actions
- We will value diversity in the community and workplace
- We will support Orange County as a drug-free, alcohol-free and violence-free workplace

Scope of Authority and Responsibility

The **County Mayor** has the authority to and shall be responsible for:

- managing the operations and daily activities of the County,
- appointing the County Administrator, Deputy County Administrators, Directors, Deputy Directors and Managers subject to Board confirmation and
- approving and issuing Executive Orders to supplement or complement these Orange County Policies as further described in the Administrative Regulations.

The **Board of County Commissioners** has the authority to and shall be responsible for:

- approving and issuing Administrative Regulations
- adopting and amending these Orange County Policies, and
- confirming the appointment of the County Administrator, Deputy County Administrators, Directors, Deputy Directors and Managers.

The **County Administrator** has the authority to and shall be responsible for:

- assisting the County Mayor in the daily management of the County,
- supervising the implementation and enforcement of these Orange County Policies,
- approving and amending all Operational Regulations associated with these Policies,
- approving Departmental Operating Procedures, Divisional Guidelines, Administrative Orders and any other documents associated with these Policies,
- delegating authority as necessary to an appropriate designee.

Scope of Authority and Responsibility (*Continued*)

The **Human Resources Division Director** has the authority to and shall be responsible for:

- implementing, interpreting and enforcing Orange County Policy and or Operational Regulations,
- developing Operational Regulations which accompany these Policies,
- maintaining these Policies and Operational Regulations and any subsequent revisions,
- providing departments, divisions and employees with access to current Policies and Operational Regulations,
- providing advice and guidance to departments and divisions on appropriate application of these Policies and Operational Regulations,
- reviewing and recommending approval of Operational Regulations, Departmental Operating Procedures, Divisional Guidelines, Administrative Orders and any other documents associated with these policies and
- delegating authority as necessary to an appropriate designee.

Department Directors and the Executive Director shall have the authority to and shall be responsible for:

- establishing and maintaining management practices consistent with these Policies and Operational Regulations,
- designing and issuing Departmental Operating Procedures and Divisional Guidelines to complement these policies. These procedures and guidelines may not be inconsistent with or less stringent than the Orange County Policies which they support,
- determining and changing work hours,
- transferring employees and/or positions within the department/divisions,
- determining and changing the size and qualifications of the work force within authorized budgets,
- determining and changing methods by which operations are carried out,
- determining and changing the nature, locations, services rendered and operations,
- assigning duties to employees according to the needs and requirements of the department/division,
- administering pay for employees for specific duties and assignments,
- carrying out all other administrative and management functions, and
- delegating authority as necessary to an appropriate designee.

Employees shall be responsible for:

- being familiar with and adhering to the County's Mission, Policies, Operational Regulations, Departmental Operating Procedures and Divisional Guidelines,
- following the Code of Ethics and
- providing updated and accurate personal information for their personnel file.

101 Employment Types

POLICY:

The County achieves its mission and provides its services through the employment and/or appointment of qualified individuals. An employee may be appointed to fill an administrative position, hired to fill a regular (full or part-time) position, or employed in a temporary capacity. Additional terms and conditions of employment may be detailed in an employment agreement that is consistent with these policies.

101.1 Administrative Employment (Appointed)

Several positions are appointed and are filled by individuals employed directly by an elected official of the County. These employees serve at the pleasure of the appointing official and are exempt from these policies unless otherwise specified by a particular policy and/or Executive Order. Approved administrative positions are paid from regular salary accounts. Executive employees are covered by these policies, but are exempt from Probationary Period, Layoff and Recall and the Discipline/Grievance Process (other than EEO/discrimination claims) policies of this Manual. Appointed employees fall within one of the following categories:

Executive Employees

Executive employees include the County Administrator, Deputy County Administrators, Department Directors, Deputy Department Directors, Division Managers, the County Attorney, Deputy County Attorney and the Executive Director and General Manager of the Convention Center. Employees in these positions are appointed and reappointed annually and are expected to communicate the organization's philosophy to employees in other classifications.

At the Mayor's discretion, executive employees who are not reappointed or whose reappointment is not approved by the Board as required by the County Charter may be given severance pay up to an amount equal to that which the employee would have earned in a six week period, but only if that severance pay represents settlement of an employment dispute. The severance amount may be paid over the course of the severance period (up to six weeks), or may be paid in a lump sum. The severance period would begin upon written notification to the employee of the severance. Executive employees may continue to receive County subsidized health insurance coverage during the severance period (up to six weeks from notification) or until a lump-sum payment is made.

Executive employees are subject to termination at any time, with or without cause, at the discretion of the County Mayor. When terminated by the County Mayor without cause, executive employees may receive the same severance pay and health insurance benefit as set forth above for non-reappointment. Executive employees are expected to give the County Mayor no less than forty-five (45) days written notice before resignation.

Mayor/Commission Staff

Mayor/Commission Staff are those employees appointed to serve at the pleasure of the County Mayor or an individual County Commissioner. All Mayor and Commission Staff employees are entitled to membership in the Florida Retirement System, accrual of Personal and Term Leaves and other County sponsored benefits in accordance with established regulations and Executive Order Number 06.003, but are exempt from all other Orange County policies.

101.2 Regular Employment

Regular employees may include full-time and part-time employees, those hired to share a position budgeted for six months or more, and those employees hired under an employment agreement. Regular employees receive full benefits. Continuous County service of a regular employee is established from the most recent date of hire. The service date may be adjusted as provided under other policies. Approved regular positions are paid from regular salary accounts.

Full-Time Regular Employees

Full time employees are those employees scheduled to work thirty-five (35) or more hours per work week unless otherwise defined for a specific job classification, i.e. Head Start Teacher.

Part-Time Regular Employees

Part time regular employees are those employees scheduled to work less than thirty-five (35) hours per week but not less than twenty (20) hours per week. Part time employees receive benefits with the exception of stand-by pay.

101.3 Temporary Employment

Temporary employment provides the ability to staff a position that is not continuously budgeted and will not be authorized for more than six (6) months, and/or requires work to be performed intermittently or on an as-needed basis. The general terms and conditions of the specific Temporary Employment assignment are detailed in an employment agreement established and mutually endorsed by the hiring authority and the Temporary Employee. (Employees filling temporary positions do not receive benefits such as holiday pay, medical coverage, personal leave, term leave and other paid benefits.)

There are four (4) categories of Temporary Employment:

A. Casual Employment

Casual Employment is established by departments/divisions to meet work demands that exist for no more than six (6) consecutive months. Casual employment positions are paid from an account other than regular salary accounts and work a regular schedule for a specific number of hours for a specific length of employment. Casual employment may be used to temporarily replace a regular employee. Examples of positions typically staffed by casual employees are Lifeguards and Summer Recreation Leaders.

B. Casual Employment-FRS Eligible

Casual Employment-FRS Eligible is established by department/divisions to meet ongoing work demands that necessitate working fewer hours per week than what is required of a regular budgeted part-time position. Work demands must not exceed nineteen (19) hours per week. There is no limitation on the length of employment. FRS

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contributions are paid from the first day of employment. Casual Employment-FRS Eligible positions are paid from an account other than regular salary accounts.

101.3 Temporary Employment (*Continued*)

C. On-Call Employment

On-Call employment is established by departments/divisions to meet fluctuating workload demands. On-call positions are paid from an account other than regular salary accounts and employment is intermittent and ceases when the workload diminishes. Under normal circumstances, the on call employee will not be called and scheduled to work more than one-thousand and two-hundred (1,200) hours in a fiscal year. Examples of positions typically staffed by on-call employees are Event Set-up Worker, Event Utilities Technician (Prime Timers at Convention Center) and Substitute Teacher.

D. Student Internships

Student internships are a form of temporary employment established by departments/divisions for students enrolled in accredited academic college, high school or vocational programs. Student interns are paid from an account other than regular salaries. There is no limitation on the number of hours eligible interns may work.

OPERATIONAL REGULATIONS

Employment Types

101 General

Employment Agreements may be used to establish the terms and conditions of employment. This agreement must be completed and signed by the hiring authority and by the employee at the start of each employment relationship.

101.2 Regular Employment

Job share positions are limited to a total of forty (40) hours per week allocated between no more than two (2) employees.

101.3 Temporary Employment

A. Casual Employment

Casual Employment will be established to meet the work demands of a department that exist for no more than six (6) consecutive months.

- The position should normally be assigned to a regular weekly work schedule.
- A casual employee may not work for more than six (6) consecutive months. Upon completing six (6) consecutive months of employment, the employee may not have earnings for a minimum of one (1) full calendar month before returning to work as a temporary employee within the same department.

B. Casual Employment-FRS Eligible

In order for a position to be established under this classification the following criteria must be met:

- The Casual Employment - FRS Eligible Position Request form must be submitted to and approved by County Administration and the Human Resources Division Director prior to hiring.
- The employee should be assigned a regular work schedule of nineteen (19) or less hours per week.
- Employees may not exceed four-hundred and ninety-four (494) hours during a consecutive six (6) month period. Upon reaching four-hundred and ninety-four (494) hours within a six (6) consecutive month period, the employee may not have earnings for a minimum of one (1) full calendar month before returning to work as a temporary employee within the same department.
- FRS contributions must be made from the first day of employment.
- There is no limitation on the duration of time an employee may work in this classification provided that the employee does not exceed four-hundred and ninety-four (494) hours.

OPERATIONAL REGULATIONS

Employment Types

101.3 Temporary Employment (*Continued*)

C. On-Call Employment

In order for a position to qualify as "on call" all of the following criteria must be met:

- The employee must be called to work unexpectedly and the work contemplated must be for a brief or limited period of time
- The employee must have no guarantee that he/she will be called and has no obligation to work if called
- The employee shall be free to seek employment elsewhere during those periods of time when services are not required by the County
- The employee can avoid a commitment to work upon twenty-four (24) hours notice to management
- The employee must not work beyond the one-thousand and two-hundred (1,200) hour limitation in a fiscal year
- Upon reaching the one-thousand and two-hundred (1,200) hour limitation, the employee may not have earnings in any temporary classification within the same department for the months remaining in the fiscal year
- The number of hours an employee works will be closely monitored. Violations will be reported to County Administration

D. Student Internships

- The employee must be enrolled in a college, high school, or vocational program to be recognized as a student intern
- There is no maximum number of hours that a student internship position is restricted and there is no limitation on the duration of time the employee in a student internship position may be employed
- Upon the employee's graduation from or withdrawal from the college, high school, or vocational program, the employee must be removed from the Student Internship Employment Type

102 Separations from Employment

POLICY:

County employment can end for voluntary or involuntary reasons.

102.1 Voluntary Separation

A. Resignation/Retirement

Employees who voluntarily resign or retire should submit a written resignation letter to management at least two (2) weeks prior to the effective date of the resignation except where otherwise stated under the Employment Types Policy (Section 101).

B. Resigned Without Notice

Employees who are absent from work for three (3) consecutive working days without giving either verbal or written notice, will be considered as having voluntarily resigned without notice.

102.2 Involuntary Separation

A. Medical Separation

In the event an employee is unable to perform his/her assigned duties due to an injury or illness, the County may medically separate the employee from County service. Medical separations must comply with the Family and Medical Leave Act (FMLA) Americans with Disabilities Act (ADA) guidelines and any other policies/laws governing separation. Medical Separations may be appealed utilizing the grievance process.

B. Termination

Employees may be terminated due to a violation of County rules, policies, unsatisfactory performance or unacceptable conduct.

C. Layoff

An employee may be subject to layoff when the County Administrator or designee determines that it is necessary to reduce the number of positions due to reorganization, reduction in funding, lack of work, loss of funding, abolishment of the position or other reasons.

The County Administrator may limit layoffs to specific programs affected by funding reductions from non-County sources such as state, federal and private grants and contracts. If this option is used, the layoff shall be limited to the positions within the affected programs only. Eligible employees may claim Veterans preference.

The sequence of layoffs is as follows:

- Temporary employees;
- Probationary employees (new hires);
- Regular employees.

102.2 Involuntary Separation (Continued)

1. Layoff Provisions

Regular employees will be laid off from a classification within a division or program (as defined above in 102.2C) in the inverse order of their length of continuous service with the County as a regular employee. Exceptions to this procedure may be approved by the County Administrator based on bona fide occupational qualifications, contract or licensure requirements, or other appropriate job-related criteria. Regular employees shall receive advance written notice of the layoff. At management's discretion, vacant positions within the affected department, division or work unit may be posted with recruitment restricted to those employees affected by the layoff.

2. Recall Rights

Employees with recall rights who are on layoff status will have preference over any other applicants, internal and external, with equal qualifications for openings in the classification from which they were originally laid off for the twelve (12) month period from the date of layoff.

3. Recall Period

Laid off employees will retain their recall rights for twelve (12) months in the job classification from which they were originally laid off. Recall rights are forfeited if an employee accepts or declines another County position during the recall period. Employees recalled within twelve (12) months will have their service date adjusted for layoff periods exceeding thirty calendar days. If re-employed after the expiration of the twelve (12) month recall period, the employee will be treated as a new hire.

4. Recall Notification

Notification by the County to recall previously laid off employees will be provided by certified mail to the last known address as indicated in the employee's records. Employees who fail to acknowledge receipt of properly addressed, certified mail, mailed to the last known address, within ten (10) calendar days of initial attempted delivery will forfeit their seniority and recall rights.

5. Reinstatement Provisions

Recall will be offered to laid off employees provided they are in all respects, mentally and physically, qualified to perform the duties of the job. A laid off employee who is temporarily unable to accept the recall offer for medical reasons, as certified by a licensed physician, will remain on the recall register for the remainder of the twelve (12) month recall period. Upon recall and reinstatement to the classification from which the employee was laid off, the employee will receive any wage adjustment that may be applicable to the employee's job classification in addition to the hourly rate of pay earned at the time of layoff.

OPERATIONAL REGULATIONS

Separations from Employment

102.1(B) Voluntary Separation/Resigned Without Notice

When separation is due to resignation without notice, a letter notifying the employee of the separation must be sent by Certified overnight U.S. mail. If a reason sufficient to justify the absence is not received by management within five (5) calendar days of the date the certified letter was sent, the employee will be removed from the payroll without recourse through the grievance process.

102.2(C) Involuntary Separation/Layoff

- Hiring and termination of Head Start Program employees involves the Head Start Policy Council. For information on the Council's involvement refer to the Head Start Policy Council By-Laws available through the Head Start Division office.
- Regular employees who have been laid off or are about to be laid off are eligible for consideration with other active employees for position vacancies provided they apply for and meet minimum qualifications of the position.
- Requests for veterans' preference must be made in writing and submitted to the Departmental Human Resources Representative.
- If an employee is in a layoff status for more than thirty (30) calendar days, the employee's service date shall be adjusted by the number of layoff days from day one of the layoff in the event the employee is reinstated within twelve (12) months.
- A physical examination and drug test will be required for anyone recalled or reinstated from a layoff status after more than thirty (30) calendar days.
- If the employee has ten or more continuous years of County employment at the time of layoff, the employee will receive a twenty-five percent (25%) payout of their Term Leave balance. If the employee with ten (10) or more continuous years of County employment returns within the twelve (12) month recall period, the full Term Leave balance will be reinstated upon the employee's repayment of the value of the previously paid out twenty-five percent (25%) Term Leave. No partial reinstatement of term leave hours will occur.
- If the employee has ten or more continuous years of County employment at the time of layoff, the employee will receive a 25% payout of their Old Sick Leave balance, if any. If the employee with ten (10) or more continuous years of County employment returns within the twelve (12) month recall period, the Old Sick Leave balance will not be reinstated.

103 Equal Employment Opportunity

POLICY:

Orange County provides equal opportunity in employment to all employees and applicants for employment. Consistent with the rights and obligations under applicable federal and state law, no person will be discriminated against in employment because of race, religion, color, sex, age, national origin, disability, veteran or marital status.

This policy applies to all terms, conditions and privileges of employment including, but not limited to, hiring, probationary period, training, placement and employee development, promotion transfer, compensation, benefits, educational assistance, layoff and recall, social and recreational programs, employee facilities, termination and retirement.

104 Hiring

POLICY:

Orange County Government strives to attract, recruit and select the best-qualified candidates for employment. Employment decisions are based on job-related factors and comply with the County's commitment to quality, diversity and excellent customer service. Through the selection and recruitment process, Orange County Government maintains a competent and diverse workforce. Hiring and appointing authorities may give first consideration to qualified individuals currently employed by the Board of County Commissioners and the Comptroller's Office.

Due to the requirements of some positions, it may be necessary to recruit employees from outside the local area. When this is necessary, reasonable reimbursement of travel or moving expenses may be authorized as specified in the County's Administrative Regulations.

Orange County Government is a Drug-Free Workplace. All new employees are subject to the successful completion of a background screening.

Employees must comply with U. S. Selective Service requirements within six (6) months of initial hire. Failure to comply will result in separation from County employment.

Newly hired employees must sign up for direct deposit of County issued payroll checks prior to their first day of work.

104.1 Probationary Employees

Newly hired employees serve a six (6) month probationary period or longer if specified by the position description. This period may be extended for not more than ninety (90) calendar days if recommended by the Department Director and approved by the Human Resources Division Director. Probationary employees have no rights to a predetermination hearing and no access to the Grievance Process for disciplinary actions.

104.2 Employment Background Screening

The type of screening conducted will be determined by the nature and potential risk level of the position being filled based on the following criteria:

Level one (1) - Those positions identified by individual departments as not being considered high risk or potentially high liability positions.

Level two (2)- Those positions identified by individual departments as handling money, drugs, chemicals or other controlled substances as well as working with or near children.

104.2 Employment Background Screening (*Continued*)

In addition, positions that involve Public Safety (Firefighters and Corrections Officers), those involved in inventory control and access to Information/Technology Systems or other positions determined to be of a sensitive nature capable of causing higher than average liability to the County. Level two (2) positions may require a polygraph and/or

psychological examination prior to hiring.

Additionally, those employees already employed by Orange County who seek a promotion or lateral transfer into a position determined to be of a higher risk level than the one they are currently occupying must undergo and successfully complete a background screening appropriate to the position they seek. If unsuccessful in the completion of the background screening, employees cannot be promoted or laterally transferred for the current hiring process. Employees may not be selected for promotion or lateral opportunities until able to successfully complete the background screening for either Level I or II.

Depending upon the background screening results an employee may be subject to disciplinary action up to and including termination. Additionally, unsuccessful background screening results involving drugs requires an employee to submit to a drug test and possible periodic follow-up testing for 12-months from the date of the background screening completion.

OPERATIONAL REGULATIONS

Hiring

104 General

- Internal applicants must complete an online employment application and submit it to the Human Resources Division by the position closing date.
- Newly hired employees are required to attend New Employee Orientation.
- Eligibility listings may be maintained for some positions. The listings are established through competitive examinations developed, administered and approved by the Human Resources Division.
- Reference checks are required for candidates seeking employment with Orange County. Hiring authorities must contact at least two (2) previous employers of external employment candidates and contact the previous division for all internal promotional candidates to verify employment qualifications.
- Administrative and regular employees absent from the workplace for over thirty (30) calendar days may be required to submit to a fitness for duty physical upon return to the workplace.
- Candidates for employment who test positive for drugs or alcohol shall not be considered for any County employment for a period of twelve (12) months from the date of the positive results.
- If the outcome of a background screening is determined to not be satisfactory in the opinion of the Human Resources, Department Director or designee, the applicant's offer of employment shall be revoked.
- Hiring and termination of Head Start Program employees involves the Head Start Policy Council. For information on the Council's involvement refer to the Head Start Policy Council By-Laws available through the Head Start Division office.

104.1 Probationary Period

Requests for extension of probation and supporting documentation should normally be submitted at least thirty (30) calendar days prior to the end of the existing probation period. The Department submits a written request for an extension to the Human Resources Director or designee. The request consists of a memo and any oral or documented corrective actions discussed with the employee during the probationary period.

105 Benefits

POLICY:

All Regular, Executive, and Mayor/Commission staff employees working twenty (20) or more hours per week are entitled to a variety of benefits including medical, dental, vision, disability, life, retirement, holidays and paid leave.

The County offers additional benefits and programs including but not limited to:

- Direct Deposit
- Educational Assistance
- Deferred Compensation
- Credit Union
- Military Leave
- Jury Duty Leave
- Bereavement Leave
- Leave Bank
- Discount Cards
- Employee Assistance Program
- Medical Flexible Spending Account

Regular part-time employees are entitled to the same County benefits as regular full-time employees unless otherwise stated in policy.

Leave accrual is earned based on the number of regular paid hours worked and paid leave hours for the pay period based on the established leave accrual plan. Holiday benefits are paid in accordance to the number of hours normally scheduled to work on the day of the holiday.

Employees in a leave without pay status are not covered by County benefits unless otherwise stated in these policies. Group insurance may be continued under Consolidated Omnibus Budget Reconciliation Act (COBRA). There may be exceptions as required by the Family and Medical Leave Act (FMLA) and Workers Compensation laws. (See Section 300 for Leave Policies)

105.1 Survivor Benefits

Upon death of the employee, regardless of length of service, Personal, Term Leave, and Sick Leave (Old) balances are paid at one-hundred percent (100%) and will be disbursed in accordance with Florida law.

105.2 In-the-Line of Duty Death

The deceased employee's spouse and children are eligible for continued coverage in the County's medical, dental and vision plans. The County will pay the medical premiums as long as conditions of eligibility are met. The County will pay dental and vision premiums for one (1) year.

105.3 Non-In-the-Line of Duty Death

The deceased employee's spouse and dependents are eligible for continued coverage in the County's group insurance plan under the guidelines of COBRA.

105.4 Leave Stretching During School Breaks

Employees of Head Start who are unemployed during the school break periods will be allowed to use a part of their accrued personal leave to fund the employee portion of health insurance premiums during this period. The County will continue to pay the County's portion of the health insurance premiums during this period. If an employee has no personal leave balance, the employee may make personal payment for their portion of the premium to the Payroll Department by each respective pay date. This policy only applies to the Head Start Division.

105.5 Educational Assistance

Employees are encouraged to continue their formal academic education in areas that shall enhance their contribution to County service. When funding is available the Educational Assistance Program reimburses full-time regular, executive, and Mayor/Commission staff employees for tuition expenses which have been paid by employees upon the successful completion of pre-approved coursework and training. This growth opportunity is intended to mutually benefit the County and the employee through enhancement of job performance and future potential. The Board of County Commissioners determines funding for the Educational Assistance Program annually. Employees receiving tuition reimbursement must remain employed by the Orange County Board of County Commissioners for twelve (12) months following the date of the most recent date of completion or the employee must repay the amount of reimbursement. No reimbursement is required if separation is due to layoff, involuntary termination or non-reappointment. Some departments (i.e. Corrections) may have more stringent guidelines based on Florida State Statutes regarding repayment.

105.6 Florida Retirement System/DROP

Eligible employees are covered by the Florida Retirement System (FRS). The County and eligible employee are required, by the State, to contribute specified amounts to the retirement fund. Regular eligible employees can review plan descriptions regarding information on contribution, creditable and continuous service, designation of beneficiary, normal retirement requirements, Deferred Retirement Option Program (DROP), and disability and death benefits at the Florida Retirement System Website or the Human Resources Division.

OPERATIONAL REGULATIONS

Benefits

105 General

Any changes to medical, dental or vision insurance coverage must be made through the Human Resources Division within sixty (60) calendar days of a qualifying event, or during the designated annual open enrollment period (in accordance with Internal Revenue Code, Section 125 guidelines).

- Employees desiring to participate in the Deferred Compensation Plan may contact a Human Resources Representative for the name and telephone number of the Deferred Compensation Plan provider.
- The Employee Assistance Program (EAP) is a confidential, County-paid benefit, which may provide emotional, vocational, financial and other counseling services. It is available to all employees and family members living within the employee's household. Employees may contact the provider directly or be referred by a supervisor.
- Participation in the employee assistance program cannot be mandated. If a supervisory referral is initiated, EAP will notify the supervisor of the employee's attendance at the scheduled meeting. The provider cannot give any further information without the employee's written consent. Employees cannot be disciplined for refusing to participate in a supervisory referral to EAP.

105.2,3 In-the-line and Non-in-the-line of Duty Death

Upon the reported death of an employee, the Human Resources Division, along with Parks and Recreation, will facilitate the planting of a memorial tree and plaque in a County park or Green Place.

105.5 Educational Assistance

Courses from institutions of higher education which are taken and which directly enhance the employee's current job title will be reimbursed.

Degree-seeking coursework contributing to the completion of a degree of higher education (associates, bachelors, masters, etc.) must be accredited by an agency recognized by the United States Department of Education (USDE) or the Council for Higher Education Accreditation (CHEA).

Certifications or licensure programs will be administered through the department and will not be reimbursed with Education Assistance funds.

Upon successful completion of the coursework, the employee must submit a Request for Educational Assistance and a receipt for tuition paid to their departmental Human Resources representative no later than sixty (60) calendar days after successful completion of the course.

OPERATIONAL REGULATIONS

Benefits

105.5 Educational Assistance (*Continued*)

Successful completion of coursework is defined as having earned a grade of "C" or better on an alphabetic scale, the equivalent on a numerical scale or a grade of "passing" on a pass/fail rating system.

Educational Assistance reimburses for tuition costs (books are not included) and costs incurred in the registration process for the course(s) meeting the completion definition outlined above. No employee may receive more than one thousand two hundred and fifty dollars (\$1,250.00) per fiscal year in reimbursements. Part-time employees who normally work less than thirty-five (35) hours per week may receive a maximum of six hundred and twenty-five dollars (\$625.00) per fiscal year in reimbursements.

Reimbursement is made only to employees, after completion of the six (6) month initial hire probationary period who are on active payroll upon successful completion of coursework and submission of reimbursement paperwork.

When Veterans Administration, educational grants, or other sources cover tuition, only the portion not covered by such funding may be reimbursed through this program. This does not include loans.

If the employee separates from County employment prior to twelve (12) months of service from the date of course completion, the amount paid to the employee for reimbursement may be withheld from the employee's final payment.

Employees may utilize personal leave to attend classes during regular work hours when approved by the division manager/designee if the course is not available during non-work hours and the employee's absence from the work place does not create undue hardship and loss of productivity.

Reimbursement requests should be pre-approved by an HR Representative to ensure coursework qualifies.

105.6 Florida Retirement System/Deferred Retirement Option Program

Upon election of the Florida Retirement System's (FRS) Deferred Retirement Option Program (DROP), an eligible employee may be paid for personal leave hours, at the employee's current base hourly rate of pay, up to the number of hours allowable in accordance with Florida Retirement Service and County guidelines. The employee shall continue to accrue and use personal leave as outlined in Policy 301 of this Manual. Upon separation from County service the employee's payout for unused Personal Leave will be limited to the maximum number of hours determined by the length of service, at the onset of DROP, minus the number of hours paid out at the time of DROP election.

The number of personal hours selected for payout will be paid the pay period prior to the start of DROP participation.

106 Training and Development

POLICY:

Orange County provides training and development opportunities to all employees for the mutual benefit of the County and the employee. Employee attendance at training, conferences, seminars, workshops and other work-related developmental programs are considered hours worked when attended during the employee's regular work hours and when approved by the division manager/designee.

106.1 Training Reimbursement

To maintain and improve its level of service Orange County encourages career development activities through attendance at in-house and external training. Employees who have attended/received training who then voluntarily separate from employment prior to twelve (12) months from the completion date of training may be required to reimburse the County for costs incurred for training attendance on a pro-rated basis.

Each division shall be responsible for determining the incurred cost of training. In-house programs, sponsored by the Human Resources Division, shall have costs pre-determined.

107 Medical Matters and Fitness for Duty

POLICY:

To ensure safety within the workplace employees may be required to undergo fitness for duty medical examinations or psychological evaluations.

For information on Family and Medical Leave refer to Section 304 of this manual.

107.1 Workers' Compensation

Workers' Compensation benefits will be provided to all employees for work-related injuries or illnesses. Any employee injured on the job must make an immediate report to the supervisor regardless of the extent of the injury. Refer to Orange County's Safety and Health Manual for detailed claim reporting procedures (available through the Risk Management Division).

An employee with a work-related injury/illness as defined by Florida Statutes who is unable to work as determined by the County's authorized medical provider will be paid the normal salary, up to a maximum of seven (7) calendar days, including holidays and weekends, following the date of injury. This time is not chargeable to the employee's accrued Personal, Term or Sick Leave balances.

If an employee continues to miss work due to the work-related accident, as verified by the County's occupational medical provider, beginning on the eighth day following the date of injury, Workers' Compensation shall pay the employee as defined by Florida Statute. The employee's accrued leave balances, starting with Old Sick, Sick, Term and then Personal, may be used to supplement the Workers' Compensation payment. Family Medical Leave will be applied concurrently with Workers' Compensation, if applicable.

Upon returning to work after an on-the-job injury or illness, follow-up treatment prescribed by a County authorized occupational medical provider may be allowed during work hours, provided the treatment is not available during non-working hours. Absences for follow-up treatment may not exceed three (3) hours per day. Any hours over three (3) hours per day will be charged to an applicable leave balance.

All employees seeking medical treatment as a result of a work-related injury or illness will submit to a drug test as outlined in the Drug and Alcohol Use Policy (Section 409) in this Manual.

Following an on-the-job injury/illness, an employee may be released for modified temporary duty by the County authorized medical provider. The employee must contact the department immediately upon release for a modified temporary assignment. After ninety (90) calendar days of modified temporary duty, the employee's Department/Division will review the employee's case. If maximum medical improvement has not been reached the modified temporary assignment may be extended for no more than ninety (90) additional calendar days, and will be reviewed every thirty (30) calendar days during the 90-day period.

107.1 Workers' Compensation (Continued)

If after one-hundred and eighty (180) calendar days or sooner an employee is not medically able to perform the essential functions of the position, the employee may be medically separated from County employment at the discretion of the division as in other cases of medical separation.

107.2 Fitness for Duty

When an employee's physical and/or psychological ability to perform essential job functions is in question, the division manager may require the employee to submit to a physical and/or psychological assessment from a County authorized medical provider at County expense.

107.3 The American with Disabilities Act (ADA)

Orange County Government is committed to providing equal employment opportunities for individuals with disabilities in compliance with the ADA and all other applicable federal, state and local laws. Reasonable accommodation will be provided to all qualified candidates.

All employment decisions will be based on the qualifications of the individual in accordance with defined job criteria.

Upon request, employment procedures may be modified as appropriate to reasonably accommodate qualified individuals with disabilities in accordance with the ADA.

All employment decisions are based on the employee's ability to perform essential job functions in accordance with the defined criteria, not the disability of the individual. An employee may be medically separated if the County is unable to provide a reasonable accommodation or if the employee refuses to accept an offered position.

107.4 Medical Records Information

The medical information obtained in the course of verifying the health condition of employees is confidential. A Medical Release Authorization form signed by the employee will accompany any medical documentation received or utilized in any proceeding by management. Any disciplinary or grievance hearing conducted will require all participants to complete the Confidentiality Statement form prior to the hearing proceedings.

OPERATIONAL REGULATIONS

Medical Matters and Fitness for Duty

107 General

Divisions may require employees to participate in mandatory fitness programs, which may be required of employees in specified job classifications.

107.2 Fitness for Duty

Fitness for duty examinations may be required at any time during County employment when the supervisor has a reasonable belief that the employee may be unable to perform the duties of the job. An employee may be placed on relief of duty with 'pay until the initial appointment date. Rescheduling or cancellation of the appointment by the employee may result in the employee being placed on relief of duty without pay. The employee may be able to utilize personal or term leave during this period. Administrative and regular employees absent from the workplace for over thirty (30) calendar days may be required to submit to a fitness for duty upon return to the workplace. Refusal to submit to such examinations is grounds for separation from County employment. This examination may include physical, mental or any other examination deemed necessary to determine the employee's fitness for duty.

Management is responsible for ensuring that the treating physician is provided a description of the position's job duties and physical requirements.

Annual fitness for duty physicals may be administered as a condition of employment to all employees and will include a medical examination and a drug test. Job requirements may require an EKG (electrocardiogram), back and chest X-rays, hepatitis and/or other diagnostic, medical examinations or psychological evaluations.

107.3 Americans with Disabilities Act (ADA)

Determinations of eligibility for ADA accommodation will be made by the ADA Representative (or designee).

Employees are responsible for submitting a written or verbal request for ADA consideration to the departmental HR Representative.

108 Personnel Record

POLICY:

Individual employee personnel files are maintained by the Human Resources Division and shall be considered the primary personnel records. It is the responsibility of each employee to keep all information in his/her primary personnel record current and accurate by notifying the Human Resources Division of any information changes including name, address and telephone number.

Personnel records are available for public review in accordance with Florida Statutes.

Medical information will be maintained in a separate file apart from the Personnel file.

109 Hours of Work

POLICY:

The County's standard work week is forty (40) hours. Management is authorized to establish the time and duration of work as required by the operational needs of the County.

109.1 Non-Exempt Employees

Employees in non-exempt job classifications are paid on an hourly basis.

Non-exempt employees shall receive overtime pay in compliance with the Fair Labor Standards Act (FLSA).

Management will determine the scheduled work hours, meal periods and break periods.

Breaks may be given at management's discretion.

Overtime

Overtime may be necessary when non-exempt employees are required to work additional hours to complete work assignments or to meet deadlines. Management shall determine the need for overtime.

Overtime is paid at a rate of one and one-half (1 1/2) times the regular rate of pay for all hours worked in excess of forty (40) in a work week. When an employee does not work on a holiday but receives holiday pay, the hours are not considered as time worked to determine if an employee has satisfied the minimum hours per week required to be eligible for overtime pay.

109.2 Exempt Employees

Employees in job classifications exempt from overtime payment are compensated by a regular salary on the basis that extended work hours may be required to accomplish work assignments. Such employees are expected to work a minimum of their regularly scheduled work hours per pay period. Any additional hours worked will not be compensated.

OPERATIONAL REGULATIONS

Hours of Work

109 General

The County's pay period consists of fourteen (14) calendar days. Each pay period starts at 12:01 a.m. on Sunday and ends at 12:00 p.m. midnight on Saturday.

109.1 Non-Exempt Employees

Non-exempt employees are required to be present at their assigned work location for the total designated hours, unless their absence is authorized. All absences shall be properly recorded and charged to the employee's appropriate leave balance.

109.2 Exempt Employees

There may be occasions when an exempt employee is absent for part of the workday. Management may establish guidelines as to when such occasions require the exempt employee to have the appropriate leave charged.

201 SALARY ADMINISTRATION — REGULAR EMPLOYEE PAY PLAN

POLICY:

The Board of County Commissioners shall approve the Regular Employee Pay Plan and shall be authorized to approve adjustments to the minimum, midpoint and/or maximum rates of the salary grades.

The Board of County Commissioners assigns the County Administrator the responsibility of fairly and equitably administering the Regular Employee Pay Plan.

201.1 JOB CLASSIFICATION PLACEMENT IN SALARY RANGE

All job classification assignments and reassignments must be within the existing pay plan approved by the Board of County Commissioners.

The Human Resources Division shall be responsible for making recommendations to the Board of County Commissioners for market adjustments to the minimum, midpoint and maximum rates of the salary grades.

The salary grade assignment for new job classifications reassignment of existing job classifications and job classification deletions shall be an administrative function under the authority of the Human Resources Division.

201.2 MOVEMENT THROUGH THE SALARY RANGE

Changes to employees' salary may occur through promotion, transfer, reassignment, reclassification, special pay adjustment or annual salary increase.

The County Administrator or their designee shall have the authority to approve salary rates up to the maximum rate of the job classification's assigned salary range for existing employees and new hires.

201.3 PAY ABOVE ASSIGNED SALARY GRADE MAXIMUM RATE

The County Administrator only shall have the authority to approve pay rates above the assigned pay range maximum

201.4 ANNUAL SALARY INCREASES

The Board of County Commissioners may approve salary increases within budgetary constraints established each fiscal year. The granting of salary increases are always subject to the availability of adequate funds.

201.5 ANNUAL LUMP-SUM PAYMENTS

Employees who have reached the maximum rate of their salary grade range (no longer eligible to receive annual increases to their base pay) may be eligible to receive an annual lump-sum payment equal to the amount of base pay increase awarded that year calculated as a percentage of the employee's annualized base pay.

Upon approval by the Board, employees whose base pay rates are nearing the maximum rate of their salary range will receive an annual adjustment in base salary up to the range maximum. If the amount of the percentage increase to base rate is higher than the base maximum base pay for the year, the employee will receive an increase up to the maximum base pay plus an additional annual lump sum payment that together with the increase in base pay equals the approved total base pay increase (base pay adjustment plus lump sum payment) approved by the Board.

201.6 SPECIAL SALARY PAY ADJUSTMENT

The County Administrator may approve base salary increases when a legitimate need arises (significant job change, market driven, internal equity, significant project assignments, degree or training completion).

201.7 PROMOTIONAL INCREASE/ACTING PAY

For promotions and acting pay, employees' rates of pay may be adjusted by 7 ½% or to the minimum of the new pay grade, whichever is greater.

A promotion is defined as the advancement of an employee from one job classification to another classification with a higher maximum salary rate. The promoted employee's pay rate shall be equal to or greater than the minimum of the new pay grade but may not exceed the maximum of the amount of the pay grade established for the new job classification.

An employee may be awarded acting pay when it is anticipated that the position will be vacant for a period of more than fourteen (14) calendar days. Acting Pay is approved by the County Administrator or their designee.

Non-exempt employees working in an acting capacity in an exempt position will be treated as non-exempt and will be paid for all hours worked to include overtime premium, calculated based upon the higher acting pay rate.

Paid time off to include holidays, personal leave and term leave taken while an employee is receiving acting pay will be paid at the higher acting pay rate.

201.8 CALL BACK PAY

Call back pay compensates regular, non-exempt employees who are called to report to work on an unscheduled basis. An employee (excluding employees on stand-by) who is off duty and is called to report to work on an unscheduled basis is eligible for call back pay, if the reporting time is more than four (4) hours before the start of the employee's next regular shift. When an employee is on duty and directed or assigned to continue or remain at work, the extra work time is considered as scheduled work, and the employee is not eligible for minimum call back pay.

An employee eligible for call back pay is paid for the actual hours worked or a minimum of three (3) hours straight time pay, whichever is greater.

201.9 SHIFT DIFFERENTIAL

All exempt and non-exempt regular employees and temporary employees may be eligible to receive shift differential, for hours worked within designated time zones and meeting eligibility criteria.

Non-Exempt Employees: Regularly scheduled shifts of less than 12-hours

Second Shift Differential:

To qualify for second shift differential pay, the following criteria must be met:

- Four or more hours of the shift must be worked between the hours of 3:00pm and 11:00pm

Those employees meeting the above criteria will receive thirty-five cents (\$0.35) per hour or any portion thereof in increments of 1/10th of an hour in addition to their regular rate of pay for only those hours worked in the second shift zone.

Third Shift Differential:

To qualify for third shift differential pay, the following criteria must be met:

- Four or more hours of the shift must be worked between the hours of 11:00 pm and 7:00 am.

Those employees meeting the above criteria will receive fifty cents (\$0.50) per hour or any portion thereof in increments of 1/10th of an hour in addition to their regular rate of pay for only those hours worked in the third shift zone.

Non-Exempt Employees: Regularly scheduled shifts of 12-hours or more

To qualify for 12-hour evening shift differential pay, the following criteria must be met:

- Four or more hours of the shift must be worked between the hours of 6:00 pm and 6:00 am

Those employees meeting the above criteria will receive fifty cents (\$0.50) per hour or any portion thereof in increments of 1/10th of an hour in addition to their regular rate of pay for only those hours worked in the 12-hour or more shift zone.

Exempt Employees

To qualify for shift differential pay, exempt employees scheduled to work and have worked a minimum of forty (40) hours per pay period between the hours of 6:00 pm and 6:00 am will be eligible for shift differential in the amount of forty dollars (\$40.00) for each qualifying pay period.

201.10 STAND-BY PAY

A stand-by duty assignment requires the non-exempt employee to be immediately available for work due to the likelihood of an urgent situation arising during off-duty time. Stand-by assignments may include nights, weekends and holidays.

Non-exempt employees assigned to stand-by duty are eligible to receive two (2) hours of straight-time pay for regular workdays (24-hour period) and for regularly scheduled days off.

Stand-by pay is not considered as time worked for the purpose of calculating overtime pay. Employees receiving stand-by pay will be paid for actual hours worked when called to report to work, but are not eligible for minimum call back pay.

OPERATIONAL REGULATIONS

Regular Employee Pay Plan

201.2 Movement through the Salary Range

Hiring Salary

The starting pay of newly hired employees will be reviewed, and recommendations made, by the Human Resources Division. Approval will be in accordance with the following guidelines:

- Division Managers have the approval authority to set a salary rate up to the top of the first quad of the assigned pay grade for all newly hired employees as long as the salary does not exceed the salary rate of existing Orange County employees within the job classification or internally related job classifications.
- Department Directors or their designees have the approval authority to set the salary rate up to the midpoint of assigned pay grade for all newly hired employees as long as the salary does not exceed the salary rate of existing Orange County employees within the job classification or internally related job classifications.
- The County Administrator or designee has the approval to set a salary rate above the assigned pay grade midpoint for all newly hired employees.
- Proposed starting pay rates that exceed the salary rate of existing Orange County employees within the job classification or internally related job classifications must be reviewed by the Human Resources, Compensation & Employment section before a salary offer can be made.

Promotion

A promotion is defined as the advancement of an employee from one job classification to another classification with a higher maximum salary rate. The promoted employee's pay rate shall be equal to or greater than the minimum of the new pay grade.

Lateral Transfer

A lateral transfer occurs when an employee is assigned to a position in the same or a different job classification within the same pay grade. A lateral transfer may be initiated by the employee or County management.

Department Directors and Division Managers may transfer an employee with no increase in pay.

The County Administrator or designee must approve all lateral transfer increases in pay, with the recommendation of the Human Resources Division.

OPERATIONAL REGULATIONS

Regular Employee Pay Plan

201.2 Movement through the Salary Range (*Continued*)

Reassignment

A reassignment occurs when an employee is assigned to a job classification having a lower maximum salary rate than the position from which the assignment is made. A reassignment may be initiated by the employee or County management. Reassignments may occur as a result of a voluntary employee request, poor work performance, disciplinary action for work habits, operational requirements, reorganization or reduction in force.

An employee reassigned to job classifications in lower pay grades will receive no salary increase.

Upon an employee's request for voluntary reassignment or an involuntary reassignment for work performance or disciplinary reasons, an employee's pay rate will be adjusted as follows:

- a. Previously held position – The employee's pay will be reduced to the amount the employee was making prior to the promotion, plus any annual increases that were awarded.
- b. Not previously held position – The employee's pay rate will be calculated by dividing the current rate of pay by the maximum of the current range, which will result in a percentage. Multiply that percentage by the maximum of the new pay grade. The resulting figure is the employee's new pay rate. Salary rates less than the minimum of the range will be brought to the minimum. Salary rates over the maximum of the range will be placed at the maximum rate.
- c. Employees involuntarily reassigned to a lower pay grade due to an ADA placement, operational requirements, reorganization or reduction in force (reassignment in lieu of a layoff) may have their new rate determined by the process outlined in "a" or "b" or may maintain their current rate of pay at the discretion of the receiving Department Director as long as that rate does not exceed the maximum of the new pay grade.

Reclassification

Requests for reclassification consideration are made to the Human Resources Director or designee by the Division Manager, through the Department Director and Deputy County Administrator.

The Human Resources Division will recommend to the County Administrator any changes in classifications and/or pay grades. The HR Director or designee is responsible for final approval of reclassifications to existing and new job classifications.

OPERATIONAL REGULATIONS

Regular Employee Pay Plan

201.2 Movement through the Salary Range (*Continued*)

Employee pay adjustment resulting from a reclassification shall be determined in accordance with the Promotion, Lateral, or Reassignment Operational Regulations for determining employee pay adjustments.

Trainee

In exceptional circumstances, the Division Manager may exercise discretion to select the individual to the job in the capacity of a trainee. Trainees are paid five (5) percent below the minimum rate for the pay grade.

Trainee status should last no longer than six (6) months. At the end of the six (6) month period, the employee must be able to meet the minimum qualifications of the position, as reviewed and documented by the hiring manager. This period may be extended for not more than ninety (90) calendar days if recommended by the Department Director and approved by the Human Resources Division Director or designee.

Upon the employee's ability to meet the minimum qualifications for the position, the responsible Division will submit the Employee Change Notice (ECN) and Performance Evaluation form reflecting the end of trainee status.

Employees moving from trainee status will be placed at the minimum of the pay grade.

Employees in a Trainee status unable to meet the minimum qualifications of the position upon conclusion of the trainee status period may be terminated and will have no right to a Predetermination Hearing or to the Grievance process.

201.3 Movement Above Salary Grade Maximum

Approval of an employee's salary above the assigned salary grade maximum does not change the employee's salary grade assignment or salary grade maximum. Any future increase above the assigned salary grade maximum rate must be approved by the County Administrator or designee.

201.4 Annual Salary Increases

The Board of County Commissioners may approve salary increases within budgetary constraints established each fiscal year. The granting of salary increases are always subject to the availability of adequate funding. Salary increases will be effective the first full pay period in October of the next fiscal year for eligible employees. In order to qualify for the annual salary increase, employees must be meeting performance standards.

201.5 Section Left Intentionally Blank

OPERATIONAL REGULATIONS

Regular Employee Pay Plan

201.6 Special Pay Adjustment

Department Directors may request an individual employee base salary when a legitimate need arises (significant job change in scope of responsibility, market driven, internal equity, or significant project assignments). The County Administrator or designee has final approval for special pay adjustments.

201.7 Acting Pay

Department Directors may request acting pay when it is anticipated that the position will be vacant or an operational need exists for a period of more than fourteen (14) calendar days.

Acting pay of seven and a half (7½) percent above the employee's current salary, or the minimum of the assigned salary grade range for the position to which the employee is assigned whichever is greater is approved by the County Administrator or designee.

Non-exempt employees working in an acting capacity in an exempt position will be treated as non-exempt and will be paid for all hours worked to include overtime premium, calculated based upon the higher acting pay rate.

Paid time off to include holidays, personal leave and term leave taken while an employee is receiving acting pay will be paid at the higher acting pay rate.

The position number, job code and associated job title, the employee is acting in must be identified in the comments section on the Employee Change Notice (ECN).

Employees in acting pay status that exceeds six (6) months will be reviewed by the Human Resources Division and recommendations will be provided to the County Administrator.

201.8 Call Back Pay

An employee (excluding employees on stand-by) who is off duty and is called to report to work on an unscheduled basis is eligible for call back pay if the reporting time is more than four (4) hours before the start of the employee's next regular shift. When an employee is on duty and directed or assigned to continue or remain at work, the extra work time is considered as scheduled work, and the employee is not eligible for minimum call back pay.

An employee eligible for call back pay is compensated at their current rate of pay for the actual hours worked or a minimum of three (3) hours straight time pay, whichever is greater.

OPERATIONAL REGULATIONS

Regular Employee Pay Plan

201.9 Shift Differential

Each Division is responsible for accurately recording and reporting time worked for shift differential payment. Time and attendance records will be maintained for audit.

The minimum amount of time a non-exempt employee may be paid shift differential is one-tenth (1/10th) of one (1) hour, or six (6) minutes.

An employee is not required to be permanently assigned to a shift to receive shift differential payment. The shift (eight (8), ten (10), or twelve (12) hours) normally assigned to work determines eligibility for payment. Example: An employee assigned to a 10-hour shift who works 12 hours on a particular day is not eligible for 12-hour shift differential, but may be eligible for shift differential for less than 12-hour shifts if the eligibility criteria is met.

Time not actually worked during a work period (when an employee is not on duty such as holiday hours, paid or unpaid leave hours or other) is not counted as hours worked to determine shift differential eligibility. Meal breaks and/or automatic meal deductions, as well as any other hours that are paid or unpaid but not actual work hours such as workers' compensation medical appointments, will be deducted when determining shift differential payment.

A break in a shift of over three (3) hours will constitute the start of a new shift for purposes of shift differential eligibility.

Shift differential shall be recorded through the department/division time keeping methods and on the Payroll transmittal and signed by the Division Manager or designee.

Shift differential shall not apply to call back or stand-by hours.

Employees may not receive more than one shift differential payment for both 8-hour employee shift differential and 12-hour employee shift differential for the same shift hours worked.

If the worked hours are split between shift zones, with no less than four (4) hours in each zone, the shift differential rate applies to the number of hours worked in each eligible shift zone.

Regularly scheduled shift: a work schedule the department and employee normally anticipate the employee to work.

Shift Differential Zones: The time periods designated in this policy which is made up of the hours that will be calculated for the determination of shift differential payment.

Twenty-four (24) hour shifts are not eligible for shift differential.

OPERATIONAL REGULATIONS

Regular Employee Pay Plan

201.10 Stand-By-Pay

Regular, non-exempt employees are paid their current rate of pay and stand-by-pay hours as recorded on the appropriate time keeping tool.

Non-exempt employees assigned to stand-by duty are eligible to receive two (2) hours of straight-time pay for regular workdays (24-hour period) and for regularly scheduled days off.

Stand-by pay is not considered as time worked for the purpose of calculating overtime pay. Employees receiving stand-by pay will be paid for actual hours worked when called to report to work, but are not eligible for minimum call back pay.

202 Salary Administration – Administrative Pay Plan

POLICY:

The Board of County Commissioners shall approve the Administrative Pay Plan, and shall be authorized to approve adjustments to the minimum, midpoint and/or maximum rates of the salary grades within the plan.

The Board of County Commissioners assigns the County Administrator the responsibility of fairly and equitably administering the Administrative Pay Plan for Executive employees.

The Administrative Pay Plan does not cover Mayor/Commission staff.

202.1 Job Classification Placement in Salary Range

The Human Resources Division, at the County Administrator's request, shall be responsible for making recommendations to the Board of County Commissioners for market adjustments to the Administrative Pay Plan salary ranges.

202.2 Movement through the Salary Range

The County Administrator shall recommend to the Board of County Commissioners salary rates for newly hired or promoted Executive employees up to the maximum of the assigned salary pay grade.

The Board of County Commissioners shall approve salary rates for all newly hired or promoted Executive employees, during the appointment process.

202.3 Annual Salary Increases

The Board of County Commissioners may approve salary increases within the budgetary constraints established each fiscal year. The granting of salary increases are always subject to the availability of adequate funds and implementation guidelines.

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202.5 Special Salary Pay Adjustment

The County Administrator has the authority to approve base salary increases Executive employees should a legitimate need arise. The Board of County Commissioners must approve a special salary pay adjustment for the County Administrator or County Attorney.

202.6 Acting Pay

The County Mayor may award acting pay to a qualified County executive or regular employee to exercise the powers and perform the duties of the County Administrator during the County Administrator's absence or vacancy of the position.

The County Administrator shall have the authority to award acting pay to an employee designated to perform the duties of a Deputy County Administrator, Department Director, or Division Manager during such executive's absence or vacancy of the position.

203 Disaster/Emergency Work Assignment and Compensation

POLICY:

This policy establishes the framework under which employees may be assigned and may be compensated for work in preparation for, response to, and/or recovery from, the impacts of a wide variety of disasters or emergency situations that could adversely affect the health, safety and/or general welfare of the community.

This policy becomes effective in whole, or in part, as determined by the Orange County Mayor (or designee) when any natural, technological, or other emergency or disaster requires employees to be assigned duties, either for direct support to Orange County, or to provide resources to support other jurisdictions under mutual aid agreements, unless otherwise stated in this policy. The County Mayor (or designee) may call Emergency Essential Employees or Certified Emergency Response Employees to report to duty prior to the actual emergency declaration.

Emergency Essential Employees and Certified Emergency Response Employees who fail to report to their work assignment may be subject to disciplinary action up to and including termination.

Upon determination that there no longer exists a threat to the health, safety, or general welfare of the community, or there is no longer a need to provide resources to support other jurisdictions under mutual aid agreements, the Orange County Mayor (or designee) may deactivate this policy in whole or part. Upon deactivation of this policy in whole or in part, employees affected by the deactivation will be required to return to their normal duties and responsibilities, and eligibility for additional emergency or disaster compensation will cease.

The need to provide emergency services may supersede other County operations. During an emergency or disaster, employees may be temporarily assigned to duties other than the essential functions of their position and/or assigned to work at different job sites. If necessary, Emergency Essential Employees and Certified Emergency Response Employees may be recalled from previously approved leave.

To receive compensation during an emergency or disaster an employee must be working in their regular work assignment, in a designated County emergency assignment, or be on paid leave.

It is the shared responsibility of the County Administrator, Department Directors, and Division Managers to communicate this policy to County employees.

203.1 Adverse Work Conditions

Department Directors and Division Managers have the authority to reassign or dismiss employees from work when circumstances may affect or compromise the safety and health of the employees. Circumstances may include, but are not limited to equipment malfunction, building damages or threatening situations.

OPERATIONAL REGULATIONS

Disaster/Emergency Work Assignment and Compensation

203 General

This policy may be initiated by the County Mayor (or designee) either in whole or in part, based on the circumstances of the event. County Administration may suspend time frames for promotions, grievances, disciplinary actions, etc., until the disaster or emergency recovery period is no longer in effect.

Work Assignments

The need to provide emergency services during a disaster or emergency situation may supersede other County operations. Each division, department, and ESF-15 shall maintain a list of employees who are participating in duties related to the emergency and/or emergency recovery. This listing shall consist of the employees' names, hours worked and duties performed. Division Managers, or designated supervisor, will be responsible to verify and approve hours worked for all employees. For the purposes of this policy, employees will be classified as follows:

1. Emergency Essential - Employees designated as Emergency Essential are required to perform their regular work functions during the pre-disaster, disaster, and post-disaster phases of a declared emergency. Division Managers are responsible for identifying Emergency Essential positions and shall ensure that employees are aware of their individual responsibilities by communicating and notifying them of their emergency work assignment prior to the declaration of an emergency. Employees designated as emergency essential must maintain accessibility with their Division Manager or supervisor. Emergency Essential employees who fail to report to their work assignment may be subject to disciplinary action up to and including termination. Employees who are unable to report to work should contact their supervisor by telephone. If telephone lines are down or conditions exist where contact by telephone cannot be accomplished, employees should make contact as soon as possible with their work unit.

2. Emergency Response Employees - Employees who have been specifically trained and certified through the Orange County Office of Emergency Management to perform in one or more Emergency Support Functions outside of their regular work duties. Employees designated in an emergency response capacity are required to work in emergency functions for which they are certified during the pre-disaster, disaster, and post-disaster phases of a declared emergency. Emergency Response Employees must maintain accessibility with Division Manager or supervisor. Emergency Response Employees who fail to report to their work assignment may be subject to disciplinary action up to and including termination. Employees who are unable to report to work should contact their supervisor by telephone. If telephone lines are down or conditions exist where contact by telephone cannot be accomplished, employees should make contact as soon as possible with their work unit.

OPERATIONAL REGULATIONS

Disaster/Emergency Work Assignment and Compensation

203 General (Continued)

3. Emergency Non-Essential - Employees classified as Emergency Non-Essential may be directed not to report to their regular job assignment during the pre-disaster, disaster, and post-disaster phases of a declared emergency. Instead, they may be reassigned to work in other emergency work activities as situations necessitate. Reassignments may include, but are not limited to: Community Action Response Team (CART), delivery of ice, water, food, staffing feeding stations, filling sand bags, etc. In the event that the impending or declared emergency results in the disruption of normal County business, the County Mayor (or designee) may direct Emergency Non-Essential Employees not to report to work, and may grant them up to five (5) days of Emergency Administrative Pay (EAL). During this period, employees should monitor local radio and television stations for information and instructions on when to report back to their regular job assignments. Should the disruption extend beyond five (5) days, employees will be required to use accrued personal leave or be placed in a leave without pay status.

Personnel not required for the direct support of their respective work sites should be identified and encouraged to achieve Emergency Response Employee certification. Emergency Support Function 15 (ESF-15) will coordinate the Orange County responder effort for employees identified as emergency non-essential. The ESF-15 and the Office of Emergency Management will regularly publish and distribute a training schedule with the required courses to achieve emergency certification.

Compensation during the Disruption of County Business

To receive compensation during a declared emergency or disaster as defined by this policy, an employee must be working in their regular work assignment, in a designated emergency assignment, or be on paid leave. It is the responsibility of the Division Manager to ensure that all grant-funded employees are utilized in accordance with grant requirements.

Department Directors and Division Managers have the authority to reassign employees to alternate worksites, or release employees from work when circumstances may affect or compromise the safety and health of the employees. Circumstances may include, but are not limited to equipment malfunction, building damages or threatening situations.

OPERATIONAL REGULATIONS

Disaster/Emergency Work Assignment and Compensation

203 General (Continued)

Emergency Administrative Pay (EAL) - In the event that the impending or declared emergency results in the disruption of normal County business, the County Mayor (or designee) may suspend normal County operations and direct employees not to report to work. In that situation, employees may be eligible for Emergency Administrative Pay (EAL) for the hours they would normally be scheduled to work. All eligible employees may receive up to five (5) days of EAL. Employees on approved leave during the activation of this policy shall not receive EAL. Hours reported as EAL are not considered hours worked for overtime purposes. Emergency Non-Essential Employees returning from approved leave and who were scheduled to report to work during the period of disruption shall be compensated for their normally scheduled work hours using EAL. Temporary employees are eligible for EAL for their previously scheduled shift for the base hourly wage up to a maximum of eight (8) hours within the first 24 hours of the disruption of normal County business.

Category 1: Emergency Essential and Non-Essential Employees

Emergency Essential and Emergency Non-Essential Employees who are assigned to work during the period when normal operations are suspended will be paid regular wages in accordance with applicable law, County policy, and union contracts. In addition to regular wages, eligible employees may receive additional emergency compensation for time worked during this period. The additional emergency compensation may be paid to all regular and temporary employees, except for the following:

- Executive Employees (and those employees "Acting" in Executive Employee classifications at the time of the disaster/emergency situation), employees who are members of the Florida Retirement System (FRS) Senior Management Service Class, and employees in grades fifty-one (51) and above of the Regular Employee Pay Plan.

Emergency Non-Exempt Pay (ENP) - Applies to all eligible non-exempt employees who respond during the time period that the County Mayor (or designee) suspends normal business. These employees will be paid Emergency Non-Exempt Pay (ENP), which is their base hourly wage plus one-half (1/2) of the base hourly rate for each hour worked. Employees may be entitled to overtime pay in accordance with the Fair Labor Standards Act (FLSA).

Emergency Exempt Pay (EE1/EE2) - Applies to all eligible exempt employees who respond during the time period that the County Mayor (or designee) suspends normal business. These employees will be paid Emergency Exempt 1 (EE1) Pay, which is the base hourly wage plus ten dollars (\$10.00) per hour for all regularly scheduled number of hours worked per workday. All additional hours will be paid Emergency Exempt 2 (EE2) Pay at fifteen dollars (\$15.00) per hour worked.

OPERATIONAL REGULATIONS

Disaster/Emergency Work Assignment and Compensation

203 General (Continued)

Category 2: Emergency Response Employees

Employees certified as Emergency Response Employees will be paid regular wages in accordance with applicable law, County policy, and union contracts. In addition to regular wages, eligible Emergency Response Employees may receive additional emergency compensation for time worked during this period based on specific certification or job assignment. In order to receive the additional Emergency Compensation, eligible employees must have achieved certification prior to the declaration of the emergency. To maintain eligibility for the additional compensation, Emergency Response Employees must be in compliance with federal, state, and local training and certification requirements. The additional emergency compensation may be paid to all regular and temporary employees, except for the following:

- Executive Employees (and those employees "Acting" in Executive Employee classifications at the time of the disaster/emergency situation), employees who are members of the Florida Retirement System (FRS) Senior Management Service Class, and employees in grades fifty-one (51) and above of the Regular Employee Pay Plan.

A. Emergency Center Call Takers Non-Exempt Pay (EC1) - Applies to certified non-exempt employees performing emergency operations work assignments as Emergency Center Call Takers. Eligible employees will be paid the base hourly wage plus the EC1 certification pay of ten dollars (\$10) for each hour worked. Employees may be entitled to overtime pay in accordance with the Fair Labor Standards Act (FLSA).

B. Emergency Response Employee Non-Exempt Pay (EC2) - Applies to certified non-exempt employees performing emergency operations work assignments as Emergency Operations Center Coordinators, Department Operations Center Coordinators, Disaster Mental Health Counselors, Points of Distribution (POD) Managers, Staging Area Managers, Shelter Managers, Emergency Center Call Routers, or Emergency Center supervisors. Eligible employees will be paid the base hourly wage plus EC2 certification pay of fifteen dollars (\$15) per hour for each hour worked. Employees may be entitled to overtime pay in accordance with the Fair Labor Standards Act (FLSA).

C. Emergency Center Call Takers Exempt Pay (EC3/EC4) - Applies to certified exempt employees performing emergency operations work assignments as Emergency Center Call Takers. Eligible employees will be paid the base hourly wage plus Emergency Certification 3 (EC3) pay of ten dollars (\$10) for the regularly scheduled number of hours worked for each workday. Thereafter, only the EC4 Certification pay of fifteen dollars (\$15) per hour will be paid for each hour worked.

OPERATIONAL REGULATIONS

Disaster/Emergency Work Assignment and Compensation

203 General (Continued)

D. Emergency Response Employee Exempt Pay (EC5/EC6) - Applies to certified exempt employees performing emergency operations work assignments as Emergency Operations Center Coordinators, Department Operations Center Coordinators, Disaster Mental Health Counselors, Points of Distribution (POD) Managers, Staging Area Managers, Shelter Managers, Emergency Center Call Routers, or Emergency Center Supervisors. Eligible employees will be paid the base hourly wage plus Emergency Certification 5 (EC5) pay of fifteen dollars (\$15) for the regularly scheduled number of hours worked for each workday. Thereafter, only the EC6 Certification pay of twenty dollars (\$20) per hour will be paid for each hour worked.

Disaster/Emergency Labor Tracking

To ensure the accurate tracking of emergency work assignments and pay, each employee will be responsible for documenting the specific job functions and hours worked to the department/division payroll representative within established payroll processing timelines. Payroll transmittals must be completed using the appropriate emergency compensation codes. Overtime hours worked by non-exempt employees in support of the disaster/emergency preparedness, response, or recovery efforts shall be tracked using the appropriate Emergency Overtime (EOT) code.

203.1 Adverse Work Conditions (AWC)

Adverse Work Conditions Pay (AWC) may be granted to regular employees for their regularly scheduled hours at their regular hourly wage of pay when released from the work place due to adverse working conditions. Temporary employees may be granted AWC for their previously scheduled shift for base hourly wages up to a maximum of eight (8) hours within the first twenty-four (24) hours of the adverse condition. Employees on approved leave during the adverse working conditions shall not receive AWC Pay. Hours reported as AWC Pay are not considered hours worked for overtime purposes.

301 Personal Leave

POLICY:

Eligible employees accrue Personal Leave based on length of service and accrual guidelines.

Employees may use Personal Leave for any reason including vacation, illness, medical appointments, personal, business, etc. Employees are required, when possible, to arrange and obtain prior approval of Personal Leave.

Employees accrue Personal Leave while in an active, paid status. Upon separation from employment, payment at the employee's current rate of pay is made for all unused accrued Personal Leave. The Board of County Commissioners may enter into reciprocal agreements with other Orange County agencies to define guidelines for continuous service, employee transfer and pay out of accrued Personal Leave balances.

Employees will accrue Personal Leave for each regularly scheduled hour worked or each hour of paid leave utilized. This leave will be credited to employees at the end of each pay period and will accrue in accordance with the following schedule:

Length of continuous service	Hours accrued per pay period	Maximum days accrued per year	Maximum accrual hours
Under 5 years	5.54	18	432
Over 5 years	6.16	20	480
Over 6 years	6.46	21	504
Over 7 years	6.78	22	528
Over 8 years	7.08	23	552
Over 9 years	7.39	24	576
Over 10 years	7.696	25	600
Over 15 years	8.31	27	648

Part time employees, who work less than thirty-five (35) hours per week, but work at least twenty (20) or more hours per week, are eligible for Personal Leave on a pro-rata basis.

OPERATIONAL REGULATIONS

Personal Leave

301 General

Accrued Personal Leave balances are paid in full at the employee's current rate of pay upon separation from County employment.

The minimum amount of Personal Leave, which may be used, is one-tenth (1/10th) of one (1) hour, six (6) minutes).

Personal Leave shall not be used prior to the time it is earned and credited to the employee.

Management may require an employee to use any part of the Personal Leave balance if it is determined by a physician that the employee is physically or mentally unfit to continue working, or if management deems it in the best interest of the organization. If additional time off is needed after accrued leave is exhausted, the employee may be required to take such leave without pay until the employee is deemed fit to return to normal duty.

Personal Leave must be charged when there is an applicable leave balance available with the exception of employees called to active duty for training with the Military.

Holidays occurring when an employee is receiving Personal Leave are paid as holiday pay and are not charged against the employee's accrued Personal Leave balance, unless the employee was scheduled to work the holiday.

302 Term Leave

POLICY:

Term Leave is paid time off for an employee's inability to work the equivalent or more of their normally scheduled workweek (normally forty (40) hours) due to illness or injury after exhausting any applicable Sick Leave (Old) balances.

Eligible employees accrue Term Leave at the rate of two and thirty-one tenth (.0231) hours per paid-regular hour or paid leave hour. The use of Term Leave may be subject to submission of a doctor's verification of illness or injury at the discretion of management.

Upon separation from County employment, employees with ten (10) or more years of continuous service are paid for twenty-five percent (25%) of the unused accrued Term Leave balance unless separation is due to the death of the employee, then Term Leave will be paid out at one-hundred percent (100%) regardless of length of service.

Upon exhaustion of Term Leave balance, accrued personal leave balances may be accessed.

The Board of County Commissioners may enter into reciprocal agreements with other Orange County agencies to define guidelines for continuous service, employee transfer and pay out of accrued Term Leave balances.

OPERATIONAL REGULATIONS

Term Leave

302 General

Term Leave is accrued by eligible employees each pay period based on the number of regular hours worked and paid leave hours.

Term Leave shall not be used prior to the time it is earned and credited to the employee.

Eligibility for Term Leave is determined by the number of consecutive work hours the employee is unable to work due to illness or injury. For purposes of Policy 302, any paid hours exceeding the employee's normal weekly scheduled standard work hours will be deducted from the employee's Term Leave usage. The amount of reduced Term Leave shall automatically credit back to the employee's Term Leave balance.

Term Leave may be used to supplement Workers' Compensation payments up to, but not exceeding the employee's current rate of pay.

In accordance with the Family and Medical Leave policy, Term Leave may be used immediately and intermittently after exhausting all Sick Leave (Old) balances. Qualifying Military Exigency leave under the Military Family Leave policy may not access Sick (Old), Sick or Term leaves.

Holidays do not count towards eligibility for accessing Term Leave unless the employee was scheduled to work.

Holidays occurring when an employee is receiving Term Leave are paid as holiday pay and are not charged against the employee's accrued Term Leave balance, unless the employee was scheduled to work the holiday.

For twelve (12) hour shift employees, Term Leave may be utilized when the employee is absent thirty-six (36) consecutive hours.

303 SICK LEAVE (OLD)

POLICY:

Sick Leave (Old) is a benefit that was previously accrued for use in the event of personal illness or injury. Employees with an existing balance of Sick Leave (Old) must use the Leave until the balance is exhausted prior to the use of Term or Personal Leave hours for an employee's personal illness or injury. County employees no longer accrue Sick Leave (Old).

Upon separation from County employment, employees with ten (10) continuous years of service are paid twenty-five percent (25%) of the unused Sick Leave (Old) Balance unless separation is due to the death of the employee, then Sick Leave (Old) will be paid out at one-hundred percent (100%) regardless of length of service.

OPERATIONAL REGULATIONS

Sick Leave (Old)

303 General

In accordance with the Family and Medical Leave Policy, Sick Leave (Old) hours must be used by employees prior to the use of Term Leave or Personal Leave.

Holidays occurring when an employee is using Sick Leave (Old) are not charged to the employee's Sick Leave balance.

Sick Leave (Old) may be used to supplement Worker's Compensation payments up to, but not exceeding the employee's current rate of pay. Sick Leave (Old) hours must be used prior to using Personal, Annual or Term Leave hours to supplement Worker's compensation payments.

304 Family and Medical Leave & Military Family Leave

POLICY:

In accordance with the Family and Medical Leave Act, as amended, employees are eligible for Family and Medical Leave after twelve (12) months of employment and after working at least one-thousand, two-hundred and fifty (1,250) hours within the twelve (12) month period immediately preceding the Family and Medical Leave request.

Eligible employees may use up to twelve (12) weeks of Family and Medical Leave within a twelve (12) month period following the first day the employee uses leave. In the case of certain Military Family Leave, discussed below, the amount of leave may be up to twenty-six (26) weeks.

Unless otherwise noted in this policy, Family and Medical Leave and Military Family Leave may be consecutive, intermittent or involve a reduced work schedule.

Approved Family and Medical Leave shall run concurrently with an absence associated with workers' compensation if the injury also qualifies as a Serious Health Condition under Family and Medical Leave.

Employees on approved FML must utilize all applicable leave balances in accordance with County Policy. Leave must be exhausted in the following order: sick (old), sick, term, floating holiday, and personal/vacation leave,

304.1 Military Family Leave

The Family and Medical Leave Act, as amended, provides for Military Family Leave which may be designated as either: 1) leave due to a Qualifying Exigency, or 2) Military Caregiver Leave.

Qualifying Exigency leave may be taken by an employee for up to twelve (12) weeks during a twelve (12) month period due to a Qualifying Exigency relating to the fact that the employee's spouse, son or daughter, or parent, who is a Covered Military Member, is on active duty or has been notified of an impending call or order to active duty.

Military Caregiver Leave may be taken by an employee for up to twenty-six (26) weeks during a single twelve (12) month period to care for his/her spouse, son or daughter, parent or Next of Kin who is a Covered Service Member with a Serious Injury or Illness. Military Caregiver Leave may not be used intermittently or in a reduced work schedule unless the leave is medically necessary. Military Caregiver Leave may also be utilized by family members for the care of a veteran receiving treatment, recuperation, or therapy for an injury or illness obtained in the line of duty provided the injury or illness was within 5 years of the treatment, recuperation or therapy.

OPERATIONAL REGULATIONS

Family and Medical Leave and Military Family Leave

304 General

Eligibility for Family and Medical Leave and Military Family Leave requires twelve (12) cumulative County months of employment. The twelve (12) Months do not have to be consecutive.

Requests for Family and Medical Leave and Military Family Leave must be submitted on County approved Family and Medical Leave and Military Family Leave Request forms. The employee must submit the appropriate completed certification form (except for on-the-job injuries) within fifteen (15) days of such request for certification.

An official letter from the treating health care provider, as applicable, may be used as a substitute for the medical certification form if the letter contains all the required information.

Failure to furnish medical certification of a serious health condition within fifteen (15) days of a request for such certification may result in disciplinary action in accordance with County policies.

Family and Medical Leave shall be granted to an eligible employee for any of the following conditions:

- To care for the employee's son or daughter after birth or placement with the employee for adoption or foster care; or
- To care for the employee's spouse, son or daughter or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform his/her job; or
- For incapacity due to pregnancy, prenatal medical care or child birth.

Requests for Family and Medical Leave should be submitted thirty (30) days prior to the requested date of leave whenever possible. A letter confirming Family and Medical Leave approval or denial shall be forwarded to the employee and Payroll by the employee's management.

Family and Medical Leave and Military Family Leave may not be used in less than one-tenth (1/10th) of one (1) hour, (6) six minutes increments.

When Family and Medical Leave is requested due to the Serious Health Condition of the employee, a fitness for duty physical may be required prior to the employee's return to work. Family and Medical Leave re-certification may be required every thirty (30) days for leave taken for the employee's own illness.

Employees may be granted consecutive Family and Medical Leave or a reduced work schedule within twelve (12) months of the birth, placement, or adoption of a child. The reduced work schedule must be for a minimum of twenty (20) hours per week, and must be consistent until the employee returns to his/her normal work schedule.

A reduced work schedule is subject to prior management approval.

OPERATIONAL REGULATIONS

Family and Medical Leave and Military Family Leave

304 General (Continued)

Spouses who are both employed by Orange County are entitled to a total of twelve (12) shared weeks of Family and Medical Leave within twelve (12) months of the birth, adoption or placement of a child. Spouses have sole discretion on how leave time shall be allocated between them to meet the family's needs.

When an employee is on Family and Medical Leave or Military Family Leave, health insurance coverage and other elected benefits (exceptions exist with the Florida Retirement System, also referred to as FRS) shall continue under the same conditions as if the employee were working. Employees must coordinate payment of their portion of health benefit premiums with the Payroll Department while on Family and Medical Leave or Military Family Leave in an unpaid status.

The County's obligation to maintain health benefits under Family and Medical Leave and Military Family Leave stops if and when an employee informs the County of the intent not to return to work at the end of the leave period, or if the employee fails to return to work when the Family and Medical Leave/Military Family Leave entitlement is exhausted. The County's obligation also stops if the employee's premium payment is more than thirty (30) days late and the County has given the employee written notice at least fifteen (15) days in advance advising that coverage shall cease if payment is not received. An employee on Family and Medical Leave or Military Family Leave without pay shall not earn FRS retirement credit for any month(s) during which no salary is paid. The employee may purchase retirement credit for the Family and Medical Leave/Military Family Leave subject to the existing provisions of the FRS regulations regarding leaves of absences.

Employees returning from approved Family and Medical Leave/Military Family Leave are entitled to employment in the same or equivalent classification held before the leave began.

Employees shall not be disciplined for approved Family and Medical Leave/Military Family Leave absences. However, employees must continue to follow all normal departmental/divisional call-in procedures.

When utilizing Family and Medical Leave after the birth of a child, a birth mother may use her available term leave balance for a period not to exceed twelve (12) weeks, or until, her Family and Medical Leave has expired, whichever occurs first. Upon exhaustion of term leave, other paid leave would be accessible prior to being placed in an unpaid leave status.

When utilizing Qualifying Military Exigency leave, employees must exhaust leave balances in the following order: Floating Holiday, Personal/Vacation. Sick, Sick (Old) and Term leaves may not be utilized.

Employees must make reasonable efforts to schedule leave for the planned medical treatment so as not to unduly disrupt the employer's operations.

Orange County may not interfere with, restrain, or deny the exercise of any right provided under FMLA; discharge or discriminate against any person for opposing any practice made unlawful by FMLA; discharge or discriminate against any person for involvement in any proceeding under or relating to FMLA. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for violation of the FMLA/MFL.

OPERATIONAL REGULATIONS

Family and Medical Leave and Military Family Leave

304 General (Continued)

For the purposes of Family and Medical Leave Act/Military Family Leave the following definitions apply:

1. **Son or Daughter/Child** shall be defined to include a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis, who is either under age eighteen, or age eighteen or older and "incapable of self care because of a mental or physical disability," except that, for Qualifying Exigency Leave, a child may be of any age, irrespective of disability.
2. **Loco parentis** shall be defined as a person assuming the responsibility of a parent by providing day to day care or financial support for a child regardless of whether there is a legal or biological relationship between the individual and child.
3. **Covered Military Member** shall be defined as a member of the Regular Armed Forces, National Guard, Reserves, or a retired member of the Regular Armed Forces, who is called or ordered to active duty.
4. **Covered Service Member** shall be defined as:
 - a member of the Regular Armed Forces, National Guard or Reserves who has a Serious Injury or Illness, for which the member is undergoing medical treatment, recuperation or therapy, or who is otherwise in outpatient status or on the temporary disability retired list; or
 - a veteran of the Regular Armed Forces, National Guard or Reserves who has a Serious Injury or Illness for which he/she is undergoing medical treatment, recuperation or therapy, and who was a member of the Regular Armed Forces, National Guard or Reserves at any time during the 5 year period preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.
5. **Disability** shall be defined in accordance with the Americans with Disabilities Act of 1990.
6. **Next of Kin** shall be defined as set forth in 29 C.F.R. §825.127, and may include the employee's nearest blood relative other than a spouse, son or daughter, or parent.
7. **Parent** shall be defined to include biological parent as well as a person that acted in the capacity of a parent to the employee.
8. **Serious Health Condition** shall be defined as an illness, injury, impairment or physical or mental condition that involves either:
 - Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
 - Continuing treatment by a health care provider

OPERATIONAL REGULATIONS

Family and Medical Leave and Military Family Leave

304 General (Continued)

9. **Serious Injury or Illness** shall be defined as:
 1. in the case of a member of the Regular Armed Forces, National Guard or Reserves - an injury or illness incurred in line of duty while on active duty, or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty while on active duty, that may render the Covered Service Member medically unfit to perform the duties of the member's office, grade, rank or rating; and
 2. in the case of a veteran who was a member of the Regular Armed Forces, National Guard or Reserves at any time during the five (5) year period described in paragraph 4.b. - an injury or illness that was incurred by the member in the line of duty while on active duty, or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty while on active duty, and that manifested itself before or after the member became a veteran.
10. **Qualifying Exigency** shall be defined as set forth in 29 C.F.R §825.126, and pertains to a circumstance arising from the call, or notice of an impending call, to active duty of an employee's spouse, child or parent, who is a Covered Military Member.

305 Military Leave

POLICY:

Orange County commends employees who protect our country through service in the United States Armed Forces.

The term "uniformed services" means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

Intermittent employees of the National Disaster Medical System (NDMS) are also considered to be performing "service in the uniformed services" and protected by USERRA when activated to provide assistance in a public health emergency, to be present when there is a risk of a public health emergency, or when participating in authorized training.

The County's intention is to comply with the Uniformed Services Employment and Reemployment Rights Act (20 CFR Part 1002) as it may be amended from time to time.

305.1 Training

All regular employees of the County who are members of the Uniformed Services of the United States military are entitled to leaves of absence from their respective duties, for the period during which they are engaged in training ordered under the provisions of the United States military regulations for such personnel when assigned to active or inactive duty. The period of paid leave shall, under this provision, not exceed two-hundred and forty (240) hours in any one calendar year.

305.2 Active Service

All regular employees of the County who are members of the Uniformed Services of the United States military are entitled to leave of absence from their respective duties to perform active military service (as defined in Section 115.08, Florida Statutes). The normally scheduled work days within the first thirty (30) day period of any such leave of absence may be with full pay, and thereafter, the County may supplement the difference between an employee's military compensation (e.g. Pay and Allowances, Basic Allowance for Quarters, Family Separation Allowance, Subsistence Allowance, Specialty Pays, etc.) and their regular rate of County pay, to include all incentives as outlined in the Operational Regulations (provided the amount of military compensation does not exceed their regular County pay).

305.3 Active Duty in Florida National Guard

All regular employees who serve in the Florida National Guard are eligible for paid military leave not to exceed thirty (30) calendar days at any one time for periods of active State or Federal duty pursuant to Section 250.28 or 252.36, Florida Statutes. An employee, who serves in the Florida National Guard at any one time for a period of active state duty in excess of thirty (30) days, shall be permitted, upon request of that employee, to elect either personal or vacation leave or leave without pay for such extended absence.

OPERATIONAL REGULATIONS

Military Leave

305.2 Active Duty

Upon presentation and confirmation of official orders either verbally or in writing, the County shall grant an extended leave of absence to any regular employee called to perform duties in the uniformed services during a Federal, State or other officially declared emergency or disaster. Leave of absence of more than thirty (30) days with full pay may be granted when an employee is called for purposes of mobilization or deployment in support of an operation that may last for more than thirty (30) days and that is not for training purposes. An employee is not entitled to the above compensation for back-to-back orders occurring within one-hundred and eighty (180) days of the ending date of the previous orders/activity.

If payment of supplemental pay (difference between the employee's military compensation and regular rate of pay from the County if military pay is less than regular county base salary) is granted, the employee must submit his or her Monthly Leave and Earnings Statement (LES) and upon presentation and confirmation of this official monthly military compensation, County supplemental pay/benefits shall be processed.

An employee who is ordered to appear for a physical examination for involuntary/voluntary induction into the military service shall be granted leave with pay to undergo the examination. Employees enlisting full-time for Active Military Duty (non-reserve) will be separated from active county service until reinstated as outlined in this policy.

If elected by an employee, County sponsored health insurance shall be continued, and the employee shall be responsible for paying his or her share of the normal bi-weekly premium. The County shall continue to pay the employer portion of the premium. Due to Life and Short/Long Term Disability insurance provider guidelines, Life and Short/Long Term Disability shall not continue for the employee. Dependent Life coverage shall continue as elected by the employee.

Employees on active military service shall have their military leave, for up to five (5) years, counted toward the time period required to be vested with the Florida Retirement System (FRS), provided the employee is reinstated to County Service.

An employee may elect either personal, vacation leave or leave without pay for active military service. An employee in a leave without pay status shall not accrue term, sick, vacation or personal leave. If the employee elects a leave without pay status, the employee shall retain all unused leave balances. If the employee does not return to County service, unused leave balances shall be paid to the employee according to County Policy.

Employees shall be granted all wage increases while on Military Leave.

Employees ordered to active military duty for reserve activities which extend beyond the two-hundred and forty (240) hours granted for military training purposes may request payment of all or a portion of their Personal Leave balance. The request must be made in writing to management prior to departing for active duty. If paid leave is requested it will be paid continuously in full pay period increments based on the employee's regularly scheduled hours.

OPERATIONAL REGULATIONS

Military Leave

305.2 Active Duty (Continued)

Employees who receive supplemental pay/benefits during active service shall not accrue personal, vacation, sick and term leave for the supplemental pay. Supplemental pay/benefits shall continue until the employee is separated from military service, requests and receives a voluntary extension of military duty or for no more than one (1) year from the date of activation, whichever comes first.

Uniformed Service time is considered qualifying time for FMLA eligibility.

An employee who is ordered to appear for a physical examination for involuntary/voluntary induction into the military service shall be granted leave with pay to undergo the examination.

Employees enlisting full-time for Active Military Duty (non-reserve) will be separated from active County service until reinstated.

Upon completion of the period of active duty, the employee shall be responsible for requesting reinstatement with Orange County. The employee must contact their departmental/divisional Human Resources representative to coordinate their placement into the position or equivalent position occupied prior to military leave. The reinstated employee is entitled to the seniority and other rights and benefits that the person had on the date of commencement of service in the Reserve forces plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed. A Request for Reinstatement Form shall be completed by the employee and received by the representative within the time limits prescribed below:

Service from one through thirty (1-30) days: Employee is required to report to work by the beginning of the first full regularly scheduled workday or eight (8) hours after the end of the military duty, plus reasonable commuting time from military duty station to home.

Service from thirty-one through one-hundred and eighty (31-180) days: The Request for Reinstatement Form must be submitted not later than fourteen (14) days after completion of military duty.

Service for one-hundred and eighty one (181) or more days: The Request for Reinstatement Form must be submitted not later than ninety (90) days after completion of military duty.

Employees returning from Military Leave of absence shall not be required to re-qualify for County sponsored insurance. If the employee is hospitalized because of an active duty related injury at the time of release or discharge from active military service, the employee shall have ninety (90) calendar days following release from hospitalization to submit a Request for Reinstatement Form. Employees injured or disabled, during military service, may have the time period to request reinstatement extended for up to two (2) years after release or discharge from active military service.

Upon return from military leave of absence, the County may require a medical examination to determine fitness to perform the duties of the position to which the employee is returning. An employee injured or unable to perform previous duties due to an active duty related injury may be reasonably accommodated.

306 Employee Leave Bank

POLICY:

The Leave Bank is a voluntary program funded by employees. Through the Leave Bank, temporary income may be provided to Regular, Executive, and Mayor/Commission staff employees with six (6) months employment, who are experiencing a personal catastrophic illness or injury requiring an extended absence from work. Catastrophic is defined as a serious illness/injury which could be potentially life threatening and/or life altering, which causes the employee to seek treatment through a hospital, or other recognized medical treatment facility, on an inpatient or outpatient basis.

Leave Bank shall not be used for:

- Employees receiving Workers' Compensation, Long-Term Disability, or Short-Term Disability
- Cosmetic surgery, unless surgery is necessary due to an illness, accident or injury
- Illness, accident or injury received as a result of involvement in an illegal activity
- Illness, accident or injury of anyone other than the employee
- Self inflicted injury/illness

The Leave Bank Committee shall review all requests for use of Leave Bank time. The Committee's vote is final and binding and is not subject to any appeals process.

OPERATIONAL REGULATIONS

Employee Leave Bank

306 General

Regular, employees with six (6) months of employment may donate an unlimited number of Sick (Old), Sick, Personal, Vacation and/or Term Leave hours to the Leave Bank with a minimum donation of eight (8) hours during donation drives. Donations must be in whole hour increments.

The Leave Bank Committee shall be composed of seven (7) employee representatives from various County departments and occupations. A Leave Bank Committee meeting can only be held when a minimum of four (4) Committee members are in attendance. The majority of the Committee members in attendance must vote to approve the request for an employee to be granted time from the Leave Bank.

An employee must exhaust all available accrued leave balances and their Floating Holiday before being paid from the Leave Bank. During the waiting period for Long and Short Term Disability employees are eligible to apply for the Leave Bank.

A Leave Bank Request for Withdrawal Form may be obtained from the employee's division, the Intranet, or from the Human Resources Division. The employee must submit the request to Human Resources along with the appropriate medical documentation in order to be considered.

If approved, the Leave Bank will pay up to sixty percent (60%) of the employee's normal hours worked in the pay period at the employee's regular hourly rate of pay. An employee may be granted a maximum of two-hundred (200) Leave Bank hours per fiscal year. These hours are approved each pay period and are dependent on the number of hours the employee normally is scheduled to work in a pay period.

Leave Bank hours will be paid in the first paycheck following Leave Bank Committee approval.

The Leave Bank Committee will present a written response to the employee within five (5) working days from the date of review. Should a Leave Bank Request be denied, employees may resubmit a Request for Withdrawal Form with additional documentation regarding the employee's condition for review at the next scheduled Leave Bank Meeting. Leave Bank hours will not be paid retroactively.

The Human Resources Division will act in an administrative/consultant role to the Committee.

Confidentiality Statement Forms must be signed and adhered to by all members of the Committee and support staff.

307 Holidays

POLICY:

The Board of County Commissioners designates and observes certain days each year as holidays. Eligible employees on the active payroll are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve Day
- Christmas Day
- Floating Holiday

With management approval, the Floating Holiday may be used at the employee's discretion. An employee must satisfactorily complete the initial six (6) months of employment to be eligible for the Floating Holiday.

A holiday that occurs on a Saturday or Sunday will be observed the preceding Friday or following Monday.

Holiday pay is paid at the employee's regular rate of pay for the number of hours normally scheduled on the workday. Regular, non-exempt employees working on a designated holiday will also receive pay for hours actually worked at a rate of one and one-half (1 1/2) times the regular hourly rate of pay.

If a holiday is observed on a day that is a regularly scheduled workday the employee may receive an alternate day off within the same workweek as a substitute holiday at management's discretion.

Temporary, non-exempt employees authorized to work on an observed County holiday will receive pay for hours worked at a rate of one and one-half (1 1/2) times their regular hourly rate of pay.

Employees on Sick (Old), Personal, or Term Leave when officially designated holidays occur do not have the day of the holiday charged against accrued leave.

Holiday pay will not be included as hours worked in calculating the hours needed for overtime.

OPERATIONAL REGULATIONS

Holidays

307 General

Floating holidays must be used within the calendar year earned and may not be carried over from year to year.

Employees must be on the active payroll for the pay period in which the holiday falls in order to receive holiday pay.

Regular, part-time employees are paid for the official holiday when the holiday falls on a day on which the employee would be scheduled to work.

Holiday pay is paid at the employee's regular rate of pay and for the number of hours normally scheduled on the workday. The holiday is observed from 12:00 am until 11:59:59 pm of the Board approved day.

Employees receiving Worker's Compensation are eligible for the amount of holiday pay which will supplement the Worker's Compensation benefit equal to the amount that would be payable if the employee were present for a normal workweek.

308 Other Leave Types

POLICY:

Orange County provides employees with additional leave types not charged to an accrued leave balance. These leave types are described below.

308.1 Bereavement

Employees are granted up to the equivalent of a normal workweek not to exceed forty (40) hours paid bereavement leave to arrange for and/or attend funeral services or related matters for the death of the employee's spouse, mother, father, son, daughter, grandchild, sister, brother, legal guardian, mother-in-law, father-in-law, son-in-law daughter-in-law, stepparents, stepchildren and grandparents, employee's domestic partner, domestic partner's children and domestic partner's parents.

The request must be arranged through the Division Manager. At the discretion of management, verification for use of Bereavement Leave may be required.

Domestic partner is defined as a person of the same sex as the employee who has resided with the employee for a continuous period of at least six months and continues to do so in a committed relationship wherein the two are jointly responsible for each other's financial welfare and basic living expenses. The domestic partner and employee must both be at least eighteen years old, must not be married to or legally separated from anyone else, are each other's sole domestic partner, are not blood relatives and have both completed and filed an "Affidavit of Domestic Partnership" form (including required documentation) with the County's Employee Benefits Section prior to the request for Bereavement Leave.

308.2 Jury Duty

When an employee is required to serve on jury duty, the County shall pay the employee the amount that would have been received had the employee worked his/her regularly scheduled work hours. Every effort should be made to alter the working schedule of employees who work outside the normal working day if operationally possible; otherwise the employee is paid for all jury duty hours served. Employees must submit any payments received from the court for their jury duty appearance to the County. Hours spent serving jury duty does not count toward hours worked for premium overtime eligibility.

308.3 Witness Duty

When an employee is required to attend any legal proceedings on behalf of Orange County BCC, the County shall pay the employee as if he/she were working. When an employee involuntarily participates (i.e., is compelled by subpoena) in a legal proceeding against the County filed in state or federal court pursuant to an anti-discrimination law, the County shall pay the employee as if he/she were working. Employees must submit any payments received for the court appearance to the County.

308.4 Time Off To Vote

With management approval, employees may be granted a maximum of two (2) hours paid time off to vote in all official elections if the employee's voting location cannot be reached during off-duty hours.

308 Other Leave Types (*Continued*)

308.5 Time Off For Training, Examinations, Seminars, Conferences

An employee may be granted paid time to attend County approved training, seminars, conferences or take examinations before a government agency or professional organization, provided attendance is required for continued County employment or employment enhancement and cannot be attended during the employee's normal working hours. Prior approval must be given. An employee who is ordered to appear for a physical examination for induction into the military service shall be granted paid time for this purpose.

308.6 Intentionally Left Blank

308.7 Relief of Duty

Relief of duty with or without pay may be required by management with the concurrence of the Departmental HR Representative for investigations, illness, safety concerns or when removal of an employee from a work location is necessary following notice of separations and/or a temporary assignment is unavailable. Written notice to the Human Resources Division Director is required when placing an employee on relief of duty. This relief may not exceed twenty (20) working days without the Human Resources Division Director's written approval. Employees may access applicable leave balances during this leave time if relief of duty is without pay.

308.8 Leave without Pay

Employees may require leave without pay for unforeseeable absences when all available leave balances have been exhausted. Employees in a leave without pay status may be subject to disciplinary action up to and including termination if the absences are considered excessive or habitual. Leave without Pay should normally not exceed thirty (30) consecutive calendar days with the exception of Family & Medical Leave or Workers' Compensation related absences. A Leave of Absence request must be submitted in accordance with Policy 309 - Leave of Absence if the absence will exceed thirty (30) consecutive calendar days. Approval for Leave Bank pay does not hinder management's ability to discipline under this policy.

OPERATIONAL REGULATIONS

Other Leave Types

308.1 Bereavement

Bereavement Leave should normally be taken within thirty (30) calendar days of the immediate family member's date of death. This thirty (30) calendar day period may be extended for extenuating circumstances if recommended by the Department Director and approved by the Orange County Human Resources Division Director. The employee will be required to submit a written request along with supporting documentation justifying the need for the extension.

308.2 Jury Duty

Management may reschedule the working hours and/or days of work of an employee, who is summoned to jury duty or subpoenaed to appear in court as a witness on behalf of Orange County.

Employees must submit any payments received from the court for jury duty appearance to the County with the exception of reimbursements by the courts for mileage and other transportation related charges incurred for which the employee may retain the monies.

All employees who are required to serve on jury duty shall notify their supervisor or division manager within twenty-four (24) hours of receiving such notice, when possible, but no later than the beginning of the next work shift. Upon release from jury duty, the employee shall report for work or contact their supervisor immediately if release occurs prior to the end of their work shift. If release occurs after the work shift has ended, the employee shall report for the next scheduled work shift.

308.8 Leave Without Pay

Employees must follow departmental notification/request procedures no later than the beginning of the next shift upon use of Leave Without Pay. Depending upon the situation, prior approval of Leave Without Pay may not be possible. Leave Without pay is not intended to be an entitlement.

309 Leave of Absence

POLICY:

A Leave of Absence with or without pay for personal reasons such as continuing education, extended illnesses, etc. must be requested in writing and may be granted to employees with at least one (1) year of continuous service with the Division Manager's (or designee's) prior written approval. This leave may not exceed twelve (12) calendar months. Upon return to active employment, the employee may be placed in an alternate position for which the employee meets all job requirements.

Leave of Absence shall not be granted for the purpose of taking other employment or for the purpose of entering self-employment. Any employee engaging in such employment during Leave of Absence may be terminated.

Employees on a Leave of Absence who have exhausted all applicable leave balances do not accrue leave or receive holiday pay except as outlined in the Military Leave Policies. Leave of Absence exceeding thirty (30) calendar days will result in an adjustment of the employee's service date, except as provided for in the Military Leave policy.

OPERATIONAL REGULATIONS

Leave of Absence

309 General

When an employee is on a leave of absence that exceeds thirty (30) calendar days, the service date will be adjusted by the total number of days taken.

If the employee fails to return to work at the end of the approved leave period or fails to request and receive written approval of an extension of the leave period prior to its expiration, the employee will be considered as having voluntarily resigned, and is not eligible for a predetermination hearing or grievance rights.

310 Domestic Violence

POLICY:

The County is committed to reducing the incidence and severity of domestic violence, to protect and support employees experiencing domestic violence, and to provide guidance to supervisors on addressing the occurrences of domestic violence and its effects on the workplace.

Domestic violence will not be tolerated in the workplace and any threatening behaviors or violent actions occurring in the workplace by a non-employee shall be promptly reported to the appropriate authorities.

In accordance with Section 741.313, Florida Statutes, an employee who has been employed by the County for three (3) months or longer is eligible for Domestic Violence Leave if that employee, or a family or household member of that employee, is the victim of domestic violence.

Upon exhaustion of all applicable leave balances, eligible regular full and part-time employees may use up to three (3) days of unpaid leave in any twelve (12) month period when a domestic violence-related issue impacts the employee's life.

Domestic violence-related incidents include:

- Seeking an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- Obtaining medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence;
- Obtaining services, as a result of any act of domestic violence, from victim-services organizations including, but not limited to, a domestic violence shelter or program or a rape crisis center;
- Making the employee's home secure from the perpetrator of the domestic violence or seeking new housing to escape the perpetrator;
- Seeking legal assistance in addressing issues arising from any act of domestic violence or attending and preparing for court-related proceedings arising from an act of domestic violence.

OPERATIONAL REGULATIONS

Domestic Violence

310 General

Family or household member is defined as spouses, 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.

Supervisors with credible information that an employee may be a victim of domestic violence shall immediately take the following actions:

- Treat the employee with sensitivity
- Keep confidential all information communicating the facts to others, only on a need to know basis
- Refer the employee to the Employee Assistance Program (EAP) or other community agencies to assist the employee in managing their situation
- On a case-by-case basis explore the need for any specific security measures that may be necessary within the workplace which may include reassignment of the subject employee's work location and/or restricting him/her from entering a predetermined facility/building.

A pre-determination hearing shall occur for employees who are arrested or cited for alleged Domestic Violence to determine violations of County or Departmental policy or regulations.

Pursuant to Section 741.28, Florida Statutes, 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 a family or household member by another family or household member.

In accordance with Section 741.313, Florida Statutes, the following applies to any request for and utilization of Domestic Violence Leave:

- In order to be eligible for Domestic Violence Leave an employee must have been employed full-time by the County for at least three (3) months.
- Except in the case of imminent danger to the health or safety of the employee or a family or household member of the employee, an employee must notify the immediate supervisor at least three (3) working days prior to the first day of requested leave.
- Either prior to or within five (5) working days of taking Domestic Violence Leave, an employee must submit a copy of a police report, a restraining order, an injunction for protection against domestic violence a medical report, or other pertinent documentation acceptable to the County that adequately documents the act of domestic violence and substantiates the purpose of the leave. Failure to do so may result in the requested

leave being denied.

- Domestic Violence Leave must be taken in full day increments. Work assignments that require twenty-four (24) hour shifts will be counted as two (2) workdays for the usage of Domestic Violence Leave.
- In the case of an employee who takes Domestic Violence Leave for medical attention, verification of the employee's ability to return to work without restrictions may be requested.
- A written request for Domestic Violence Leave that is submitted pursuant to the requirements of this policy, and any time sheet or payroll record reflecting that request, shall be confidential under Section 119.07(1), Florida Statutes for one (1) year from the date the leave was taken. All personal identifying information that is contained in records documenting an act of domestic violence submitted pursuant to the requirements of this policy is otherwise confidential and exempt from disclosure in the manner set forth in 119.07(1), Florida Statutes. To ensure confidentiality, Domestic Violence Leave will be tracked at the department level with quarterly usage reports submitted to the Human Resources Division.
- All applicable leave balances must be exhausted prior to the utilization of Domestic Violence Leave.

401 Productive Work Environment and Standards of Behavior

POLICY:

Employees are expected to direct and coordinate their efforts to establish and maintain the highest level of efficiency and morale. Employees shall in no way act in any manner which may discredit the County government, public officials, fellow employee(s), or themselves.

Employees shall avoid the appearance or perception of inappropriate or unethical actions as they perform their duties.

Employees shall avoid any conduct or speech in the workplace or during work hours that is detrimental to the County. Employees shall treat each other and the public with courtesy and respect and at all times refrain from making any derogatory or demeaning remarks concerning one another.

Code of Conduct violations may result in disciplinary action, up to and including termination.

402 Harassment and Discrimination

POLICY:

Orange County is committed to fostering positive business practices designed to ensure that all employees are treated with respect and dignity. An important objective of this policy is to prevent a working environment from developing which because of prohibited conduct interferes with an employee's work or is intimidating, hostile or offensive. Orange County prohibits harassment and discrimination based on an individual's race, religion, creed, color, national origin, ancestry, medical condition, mental and/or physical disability, marital status, gender, age, or veteran status which includes the following prohibited acts:

Age/Disability Discrimination - Any conduct, behavior or practice which under the law would constitute discrimination based on age or disability, including concerns of reasonable accommodation.

General Harassment - Threatening and/or humiliating conduct that is sufficiently frequent and severe to unreasonably interfere with an employee's work performance and/or create an abusive working environment.

Hostile Environment Harassment - Repeated comments, gestures, physical contact or other conduct of a sexual nature that is severe and pervasive enough to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working environment.

Quid Pro Quo Harassment - Situations in which an employment decision regarding tangible employment benefits (e.g. promotion, job retention and/or compensation) is based on submission to or rejection of implicit or explicit demands for sexual favors.

Race/Color/National Origin/Ethnicity Discrimination - Any conduct, behavior or practice which serves to limit and/or adversely affect employee(s) status or employment opportunities or which otherwise creates an intimidating, hostile or offensive working environment based on race, color, national origin or ethnicity.

Religious Discrimination - Any conduct, behavior or practice, which under the law would constitute discrimination, based on religion, including concerns of association, participation/non-participation in certain activities and reasonable accommodation.

Retaliation - Any conduct or behavior which adversely affects an individual's employment status or conditions in an attempt to prevent said individual from, or penalize said individual for, participating in an official investigation.

Sexual Harassment - Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors and/or other conduct of a sexual nature which has the effect of implicitly or explicitly threatening one's conditions of employment and/or unreasonably interfering with job performance by creating a hostile, intimidating or offensive work environment. The harasser as well as the target can be either male or female. Sexual harassment can occur between members of the same sex.

402 Harassment and Discrimination (*Continued*)

Sex/Gender Discrimination - Any conduct, behavior or practice which would constitute discrimination based on sex/gender including issues such as pregnancy or sexual orientation.

No employee has the authority to condition any employment term, condition or benefit on the granting of sexual favors or on tolerating unwelcome sexual conduct or on any other conduct prohibited by this policy. All employees are also prohibited from taking retaliatory action of any kind against an employee because the employee made a good faith complaint about harassment or discrimination prohibited by this policy. However, if an investigation of a complaint shows that the complaint or information was false, the individual who provided the false complaint or information may be subject to disciplinary action.

All employees, whether supervisors or non-supervisors, and non-employees during business contacts with Orange County employees or while visiting County property, are required to comply with this policy.

Employees are required to immediately report conduct which is believed to be in violation of this policy and are encouraged to follow their chain of command. If they are not comfortable doing so, they may contact:

- The Departmental Human Resources Representative
- The Office of Professional Standards Manager (or designee)
- The Human Resources Division Director (or designee)

Complaints of harassment will be handled and investigated promptly and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation.

Any violations of this policy will result in appropriate disciplinary action, up to and including termination.

OPERATIONAL REGULATIONS

Harassment and Discrimination

402 General

Complaints of Harassment/Discrimination made to management will immediately be forwarded to the Office of Professional Standards to determine if the Department may follow up or if a Professional Standards investigation is warranted.

If disciplinary action is taken as a result of the findings of an official investigation, the entire investigation must be included in the disciplinary package that is forwarded to the Human Resources Division.

The Office of Professional Standards will be responsible for the coordination and disposition of all charges of discrimination received from the Equal Employment Opportunity Commission (EEOC) or the Florida Commission on Human Relations (FCHR) against Divisions or Departments under the Board of County Commissioners. In the event managers and/or department directors receive an EEOC/FCHR charge of discrimination they must immediately forward the charge to the Office of Professional Standards for proper handling.

403 Conflict of Interest

POLICY:

A conflict of interest may exist when an employee's actions or activities have the potential to involve a gain or advantage to the employee, their family or to individuals with whom the employee has business or financial ties. An employee's actions or activities should not pose an adverse effect on the County's interests, or prevent the employee from exercising care, skill and good judgment on behalf of the County in the performance of assigned duties.

403.1 Outside Employment

County employment must be considered an employee's primary employment. An employee choosing to maintain outside employment must immediately submit written notification of such employment to management. This may include working for an employer other than the County, engaging in private business or self-employment, or rendering services for another private or government interest.

Employees are prohibited from promoting private business within any County facility. Divisions may designate a non-public area for the posting of private business solicitation.

Outside employment shall not:

- Interfere with the performance of County duties or conflict with County interests.
- Occur during a period in which the employee is receiving sick leave, term leave or Workers' Compensation benefits from the County. Exceptions to this may apply if the County cannot accommodate an employee's medical restrictions. Management may approve exceptions.
- Be covered by the County's Workers' Compensation benefits.
- Utilize County equipment, facilities, supplies, materials, vehicles or other County property.
- Involve other County employees during County work time.

403.2 Acceptance of Gifts, Gratuities, Benefits or Items of Value

No employee shall solicit or accept, directly or indirectly, anything which exceeds twenty-five (\$25) dollars in value, including a gift, loan, reward, promise of future employment, favor or service, based upon any understanding when such employee knows, or with the exercise of reasonable care should know that some official action, decision, recommendation, analysis, vote, or judgment of the employee, in his or her capacity as a County employee or a member of a County Board or Committee would be influenced thereby. Employees that regulate enforce code provisions or review project proposals, procurement or bids under evaluation shall not accept anything of material value, including meals, from a person who currently has a project, proposal, procurement or bid before the employee or a committee on which he/she serves. It is understood that once a selection is made the project representative or consultant may schedule working lunches or social functions. All employees attending such functions should exercise discretion and good judgment.

403.2 Acceptance of Gifts, Gratuities, Benefits or Items of Value (*Continued*)

The County Mayor is authorized to issue executive orders or other directives to County employees under whom prohibitions, restrictions, requirements, and other limitations may be imposed on County employees in connection with the solicitation and acceptance of gifts from parties regulated by or doing business with the County.

OPERATIONAL REGULATIONS

Conflict of Interest

403 General

Employees are responsible for reporting a possible conflict of interest to management in writing describing the nature and scope of the relationship and the financial benefits. If a conflict of interest exists, management will forward the matter to the County Administrator's office for disposition.

404 Political Activity

POLICY:

A. It is the Orange County Board of County Commissioners' intent to promote more efficient public service by relieving public employees of political pressure and to protect against a clear, substantial, and direct threat to the efficiency, integrity, or morale of County employees, by regulating the political activities of its employees. Toward this end, the following provisions apply to all County employees subject to the Orange County policies:

1. No County officer or employee shall use his official authority or influence for the purpose of interfering with an election of a nomination of office or coercing or influencing another person's vote or affecting the result thereof.
2. No County officer or employee shall directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute any part of his salary, or any money or anything else of value to any party, committee, organization, agency or person for political purposes. Contributions, which are strictly voluntary in nature for political purposes, are permitted.
3. No County officer or employee shall directly or indirectly coerce or attempt to coerce, command or advise any such officer or employee as to where he might purchase commodities or to interfere in any other way with the personal right of said officer or employee.
4. All employees retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.
5. Employees may express opinions on candidates or issues and participate in political campaigns only during off-duty hours. Employees desiring to become a candidate for elective office see paragraph B. No employee can take part in any political campaign while on duty, in uniform, or while wearing Orange County insignia, or within any period of time during which the employee is expected to perform services for which the employee receives compensation from the County. This section does not prohibit an employee from engaging in non-partisan political activity.
6. The use of Orange County employee work time or equipment, supplies or funds to assist political parties or candidates for public offices is prohibited.

404 Political Activity (*Continued*)

B. County employees desiring to become candidates for elective office while still employed by the County shall abide by the guidelines set forth in this paragraph (Paragraph B).

The following County employees will be required to take an unpaid leave of absence from County service upon the opening of a checking account for campaign funding purposes:

- An employee in the County Mayor's Office
- An employee in the office of the Board of County Commissioners
- An employee in the County Administrator's Office
- An employee in the County Attorney's Office
- A Department Director
- A Division Manager
- A County employee with considerable public visibility and proximity to policy making

Other employees may be included if there is the possibility of a conflict arising due to the campaign and the conflict would be materially disruptive to County operations creating a legitimate, compelling interest by the County to ensure that such disruption did not occur. In such situations the County employee would be required to take an unpaid leave of absence if such leave of absence proved to be the least restrictive method to avoid the above referenced disruption.

405 Use of County Property and Information

POLICY:

Employees are provided with equipment, such as tools, computers, vehicles, materials and uniforms to enable safe and efficient performance of assigned duties. Appropriate inventory control measures are to be maintained by each division. Negligence, abuse, misuse, unauthorized personal use or the willful or negligent loss or destruction of County property will result in disciplinary action. Employees may be held financially responsible and required to reimburse the County for equipment damaged, destroyed, lost, or stolen due to neglect, abuse, misuse or personal use.

Information that is obtained in the course of official duties shall not be released by an employee unless the employee is charged with this responsibility as part of his/her official duties. Employees may not either directly or indirectly, use their official positions with the County or information obtained in connection with their employment for private gain or personal benefit. This applies to employee access to and/or use, on and off duty, to the County's network and data applications at the assigned work site, other County work sites or off site, including access to and/or use of the County's systems which may occur at home.

Upon separation, employees are required to return all County property. Failure to do so will result in the withholding of the employee's final leave paycheck until all property is returned.

405.1 Personal Calls/Mail, Visitors and E-Mail; Use of Computer Network and Internet; Use of Cell Phones and other Mobile Devices

The receiving and making of personal telephone calls and e-mails, accessing the County's computer network and internet for personal use, and utilizing cellular phones or other mobile devices for personal use, while on County time, is discouraged; these activities shall be done sparingly so as not to cause disruption to the workplace or interfere with work productivity.

The receiving of personal visitors on County time is also discouraged. Additionally, the County will not handle and distribute personal mail or packages of its employees. All employees shall advise correspondents, businesses, etc., that personal mail must be delivered to their designated personal mailing address and not their place of employment.

Use of the County's computer network and systems is a privilege. Employees may only access areas of the network that they are authorized to use, and are expected to comply with all provisions of Orange County Administrative Regulation 7.06, General, Electronic Mail and Network Security Policy. Employees seeking to gain a higher level of privilege to the network than that for which they are currently authorized must obtain permission from the County's Chief Information Officer (CIO) or designee.

Employees shall keep their network IDs, passwords, County cell phones and other mobile devices secure, and are responsible for any effects on the County network resulting from failing to do so. Introducing or sharing unauthorized, downloaded content is prohibited; engaging in actions that could or do circumvent, disrupt or damage the network and its security is prohibited.

405 Use of County Property and Information (*Continued*)

POLICY:

The County utilizes software and programs in its electronic information systems that allow monitoring by authorized personnel and that create and store copies of any messages, files, or other information that is entered into, received by, sent, or viewed on the systems. There is no expectation of privacy with regard to any information or activity conducted, sent, performed, or viewed on or with County equipment or Internet access. Accordingly, employees should assume that whatever they do, type, enter, send, receive and view on County electronic information systems is electronically stored and subject to inspection, monitoring, evaluation, and County use at any time.

Using personal devices to access, store or transmit County information and materials, including emails, is discouraged. If personal devices are used, employees must ensure security for those personal devices by utilizing security access codes for those devices. Employees shall advise management as soon as reasonably possible of the loss or theft of any of their personal devices that contain County information and materials, including emails.

Violation of any portion of this policy, or failing to permit inspection of any device used to access the County computer network and/or electronic information systems (for the purpose of accessing records on that device that relate to County business), may result in disciplinary action up to and including termination of employment.

406 Dress Code and Appearance

POLICY:

It is the policy of the County that each employee's dress, grooming and personal hygiene should be appropriate to the work situation. Employees are expected at all times to present a professional, businesslike image. Radical departures from conventional business dress or personal grooming and hygiene standards are not permitted.

Employees shall not consume alcohol while in County issued uniforms nor shall employees consume alcohol during working hours, inclusive of breaks.

No visible forms of jewelry may be worn in the facial area to include but not be limited to the nose, tongue, cheek, lip and eyebrow. A maximum of three (3) earrings in the ear lobe of each ear is allowed.

Employees are required to conceal any tattoos and prohibited from wearing any apparel which express in either picture or words:

- Content of a sexual nature
- Sexually, racially, religiously or ethnically offensive sentiments,
- Sentiments advocating violence or subversion
- Expressing gang affiliations, or otherwise tending to incite violence or disruption in the workplace or
- Other content, which if expressed by other means would violate Orange County policies

The determination of specific, appropriate employee dress and personal appearance standards are the responsibility of management.

Any employee not meeting the standards of this policy or the departmental operating procedures may be subject to disciplinary action, which may include requiring the employee to leave the premises. Employees will be required to use available Personal Leave or Leave without Pay for time missed because of failure to comply with this policy.

406.1 County Issued Uniforms and Clothing

Uniforms and work clothing purchased for employees by the County may be subject to tax as a personal fringe benefit according to IRS regulations.

Employees are prohibited from wearing any County-purchased uniform or work clothing item other than in the workplace and during the commute to and from the workplace. Employees not complying with this policy are subject to disciplinary actions up to and including termination.

OPERATIONAL REGULATIONS

County Issued Uniforms and Clothing

406.1 General

County purchased uniforms and work clothing issued to employees must meet County guidelines in order to be purchased. Departments shall identify uniforms or work clothing items as being specifically required for a position, program participation, or event.

- Only items required for specific position, program participation, or events may be purchased, unless otherwise approved by the County Administrator.
- Department identified uniforms must bear the Orange County Government logo in a conspicuous place. Specific departments may be granted approval for logos other than the standard Orange County Government logo by the County Administrator.
- Uniforms or work clothing items may not be worn or adaptable to general use as ordinary clothing.
- Items that are not adaptable to general use are excluded from the requirement to bear the County logo. These items include safety equipment, items that are exposed to hazardous waste, items that would not be adaptable to use outside the workplace, work clothing for uniformed and/or certified public safety employees, and items that do not leave County premises.

407 Job-Related Investigations

POLICY:

As a condition of employment, employees may be required to participate in job-related hearings, inquiries, or investigations.

Failure to cooperate in a job-related hearing, inquiry, or investigation may result in disciplinary action up to and including termination. Violations of this policy may include but are not limited to:

- Willfully refusing to appear
- Appearing, but refusing to answer questions
- Willfully and knowingly giving false answers to any questions
- Any interference with an investigation or hearing

408 Arrests and Indictments

POLICY:

Employees are responsible for notifying management in accordance with the Department's notification procedures of an arrest, notice to appear, indictment, or the filing of an information against the employee by a prosecuting official for an offense or violation of law (including moving traffic violations if employee is required to drive County vehicle/equipment) by the beginning of their next scheduled work shift.

Employees who are arrested or indicted are not subject to discipline solely on the basis of the arrest. However, discipline may be imposed based on the employee's conduct surrounding the arrest and or work-relatedness.

Appropriate disciplinary action, up to and including termination, may be taken independently of any judicial hearings or court proceedings.

OPERATIONAL REGULATIONS

Arrests and Indictments

408 General

The Office of Professional Standards is responsible for providing departments the arrest data and tracking employee arrests and incarcerations.

For regular employees, a predetermination hearing will occur for all arrests to afford the employee the opportunity to explain the circumstances. The employee may be relieved of duty with or without pay for a maximum of ten (10) working days until a predetermination hearing is held and a decision made or until instructed to return to duty by management with the Human Resources Division Director's concurrence.

If disciplinary action is taken the Human Resources Division Director must be provided with a complete copy of all documentation.

Employees arrested on drug and or alcohol related charges will be subject to drug/alcohol testing prior to returning to work.

409 Drug and Alcohol Use

POLICY:

Orange County is committed to a Drug/Alcohol-Free work environment. The safety of the employee, fellow employees, the public, public property and equipment is placed in jeopardy when an employee is under the influence of drugs or alcohol. It is the policy of the County that the unlawful manufacture, sale, distribution, dispensation, possession or use of drugs or alcohol, or being under the influence of drugs or alcohol in the workplace, on County property or as part of any County activities is expressly prohibited and constitutes grounds for termination of employment with Orange County. Drug testing of Orange County employees is compliant with the Drug-Free Workplace program outlined in the Florida Statutes.

Employees are encouraged to obtain help from the Employee Assistance Program (EAP) before drug and/or alcohol problems surface in the workplace. Information will be made available to employees regarding accessing EAP services.

The County will not terminate an employee based solely on the employee's voluntarily seeking treatment for a drug or alcohol problem provided that the employee has self-identified to management and sought treatment prior to being required to test.

Orange County has designated two categories of employees for drug and/or alcohol testing: Commercial Drivers' License (CDL) Safety-Sensitive employees and all other County employees.

The County will take disciplinary action, up to and including termination, against any employee who violates this drug and alcohol policy.

409.1 Types of Testing

To allay public concerns regarding drug and alcohol abuse by public employees and to mitigate the danger to the public and other employees in the workplace, employees or candidates for employment will be subject to the following types of drug and alcohol testing:

Post Offer/Pre-employment

All candidates for employment will be required to submit to a pre-employment drug screening at the time of the contingent job offer. If the testing results are positive, the candidate will be denied the ability to seek employment with Orange County for twelve (12) months. After twelve (12) months, the candidate may reapply for employment. All advertising and job postings will state that Orange County is a Drug-Free Workplace and will conduct drug and/or alcohol testing.

A person who transfers or is promoted from a non-CDL Safety-Sensitive function to a CDL Safety-Sensitive function will be required to submit to a drug screening. If the results are positive, the employee will be terminated.

409.1 Types of Testing (*Continued*)

Post Accident

Employees involved in any work-related accident, whether vehicular or non-vehicular, will be required to submit to a post-accident drug and or alcohol test if they have caused, contributed to, or been involved in an on-the-job accident while engaged in County business in which:

- Property damage has occurred, and/or
- A life is lost, and/or
- The employee was cited for a moving traffic violation as a result of the occurrence, and/or
- The employee's vehicle has been towed from the scene, and/or
- There has been bodily injury to any person, and as a result of this accident, medical attention is required

Post-accident drug testing is to be completed no later than twenty-four (24) hours following the injury/accident. Failure to complete this test within twenty-four (24) hours must be documented by management. Any positive result or refusal to test, which is the same as a positive result, will lead to termination and could lead to Workers' Compensation benefits being suspended.

If Post Accident alcohol testing is to be administered, it cannot be any later than eight (8) hours following the accident. Employees who are suspected of being under the influence of alcohol are to refrain from using alcohol for up to eight (8) hours following the injury/accident, or until testing has been completed. Failure to complete this test within eight (8) hours must be documented by management. Any positive result or refusal to test, which is the same as a positive result, will lead to termination and could lead to Workers' Compensation benefits being suspended.

Employees who are involved in a vehicular accident, who are not a CDL Safety Sensitive employee or a CDL Safety Sensitive employee not performing a safety sensitive function, while on duty who is suspected of being under influence of alcohol will have blood drawn to determine their blood alcohol content.

409.2 Workers' Compensation Notice of Injury

When a notice of injury report is submitted, and the employee receives medical attention, the employee will be tested for the presence of drugs and/or alcohol.

If an employee is injured in the course of employment and the employee tests positive for drugs and/or alcohol, he or she may forfeit eligibility for medical and indemnity benefits provided under the Workers' Compensation Act, pursuant to Florida Statutes and the employee will be terminated.

409.3 Reasonable Suspicion

Any employee may be required to submit to a reasonable suspicion alcohol and/or drug test as deemed appropriate by management. On the job accidents may be considered reasonable suspicion of drug/alcohol use.

Management will make a determination that a test is required based on specific observations concerning two or more of the following:

Performance, Appearance, Behavior, Speech, and/or Body odors

If an employee is observed using drugs and/or alcohol just before, or during the performance of their job function, he or she will be required to submit to a drug or alcohol screening.

Employees arrested for drug and or alcohol related charges will be subject to a reasonable suspicion testing.

409.4 Commercial Drivers License (CDL Safety-Sensitive)

Employees who perform safety sensitive functions requiring a Commercial Driver's License (CDL) under the United States Department of Transportation (DOT) regulations are mandated by law to submit to random drug and alcohol screenings.

409.5 Routine Fitness for Duty

For those employees who are required to have an annual Fitness for Duty Physical, a drug screen may be included.

409.6 Return-To-Duty Drug and/or Alcohol Testing

Return-to-duty testing may be required for an employee who has:

- Returned to work after being absent from the work site for more than thirty (30) days.
- For CDL positions only - Employee has been suspended, with or without pay, following an alcohol test with a concentration of two-tenths (.02), but less than four-tenths (.04). Upon returning to work, the employee is required to have another alcohol screening and should the results of the retest be greater than two-tenths (.02), the employee will be terminated.

409.7 Rehabilitation Follow Up

If an employee, in the course of employment, enters an employee assistance program for drug or alcohol-related problems, or enters a drug or alcohol rehabilitation program, the employee will be required to:

- Pass drug or alcohol tests administered under the program.
- Agree to participate and successfully complete any drug or alcohol evaluation, or rehabilitation program, and provide evidence of successful completion.
- Submit to periodic, unannounced drug or alcohol tests for a period of two (2) years.

409.7 Rehabilitation Follow Up (Continued)

CDL Safety-Sensitive employees are required to submit to a minimum of six (6) unannounced drug or alcohol tests within the first six (6) months after returning to work.

An employee, who tests positive at any time after entering a drug or alcohol rehabilitation program, whether during the follow-up testing period or later, will be terminated.

The County is not required to provide rehabilitation, pay for treatment, or reinstate the terminated employee when a drug or alcohol test result is positive.

409.8 Testing Process and Results

Employees, who have a confirmed positive test, refuse to be tested, submit false samples or tampers with test samples during the drug testing process for drugs and/or alcohol will be terminated.

CDL Safety-Sensitive employees found to have an alcohol Breathalyzer concentration of two-tenths (0.02), but less than fourth-tenths (0.04), will be removed from the CDL Safety-Sensitive function without pay for a period of twenty-four (24) hours. Prior to returning to duty, Orange County requires that another alcohol test be administered, and that the results must show an alcohol concentration of less than two-tenths (0.02). A retest of two-tenths (0.02) or greater or an initial alcohol test with an alcohol concentration of four-tenths (0.04) or greater will result in termination.

409.9 Collective Bargaining Agreements (CBA) and Appeal Rights

Employees who are covered by a collective bargaining agreement will be subject to the drug testing policy as stated in that agreement.

Employees have the right to appeal decisions to the Public Employees Relation Commission (PERC) or an applicable court.

OPERATIONAL REGULATIONS

Drug and Alcohol Use

409 General

It is the responsibility of the employee or candidate for employment to notify the laboratory of any Administrative or Civil Action brought pursuant to Florida Statutes.

Orange County offers an Employee Assistance Program (EAP) to all employees. For further information, please contact Human Resources.

Management who has a reasonable suspicion that an employee might be under the influence of drugs or alcohol must document the observations and the performance behavior on the confidential Reasonable Suspicion form. If possible, the supervisor should have another supervisor observe and document the employee's behavior to corroborate the reasonable suspicion. Departmental HR Representatives or the Human Resources Division will provide this form. This form is also available on the Intranet.

A notice of drug testing will be included with all job vacancy announcements for which drug testing is required. A notice of the County's drug testing program will be posted in appropriate and conspicuous locations on the County's premises and on the Orange County intranet site.

Employees are required to inform their immediate supervisor of any medications that may impair their ability to perform the functions of their job prior to reporting for duty. The County reserves the right to remove employees from duty without pay until a physician clears the employee via written confirmation that they may safely return to the position.

Test refusals include, but may not be limited to the following:

- Failure to appear for a test in the timeframe specified without supervisory justification
- Failure to remain at the test site until the testing process is complete
- Failure to provide a urine or breath specimen, as applicable for a required CDL Safety-Sensitive test or for any other drug or alcohol test
- Failure to provide a sufficient volume of urine, or breath without a valid medical explanation for the failure
- Failure to undergo a medical examination to verify insufficient volume
- Failure to cooperate with any part of the testing process
- Failure to permit the observation or monitoring of specimen donation when so required
- Failure to take a second test required by the employer or collector
- A drug test that is verified by the Medical Review Officer (MRO) as adulterated or substituted

OPERATIONAL REGULATIONS

Drug and Alcohol Use

409 General (Continued)

In addition to alcohol, employees will be tested for the following substances:

- Amphetamines
- Cocaine Metabolites
- Marijuana Metabolites
- Opiate Metabolites
- Phencyclidine

Corrections employees will also be tested for the following substances:

- Methaqualone
- Barbiturates
- Benzodiazepines
- Methadone
- Propoxyphene

Over the Counter and Prescription Drugs which could alter or affect Drug Test results:

Alcohol - All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vicks Nyquil is twenty-five percent Contact Severe Cold Formula Night Strength is twenty-five percent (25%) fifty (50) proof and Listerine is twenty-six and one ninths percent (26.9%) fifty-four (54) proof.

Amphetamines - Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin.

Cannabinoids - Marinol (Dronabinol, THC)

Cocaine - Cocaine HCl topical solution (Roxanne)

Phencyclidine - Not legal by prescription

Methaqualone - Not legal by prescription

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

Barbiturates - Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebral, Butabarbital, Butalbital, Phenrinin, Triad, etc.

Benzodiazepines - Activan, Azene, Clonopin, Dalmine, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

Methadone - Dolophine, Metadose

Propoxyphene - Darvocet, Darvon N, Dolene, etc.

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Revised: 09/01/2014; 06/21/2013; 04/05/2012; 05/17/2007

OPERATIONAL REGULATIONS

Drug and Alcohol Use

409 General (Continued)

This list is not to be considered all-inclusive due to the large number of brand names and the constant marketing of new products.

409.7 Rehabilitation

Depending upon the circumstances of the rehabilitation process, the employee may return to the regular work assignment or be placed on a temporary work assignment. If no such assignment exists or is feasible, the employee may use appropriate leave balances.

409.8 Testing

Test results shall be considered confidential by the County and may be disclosed to management on a need-to-know basis only, or to any person upon the written consent of the employee or candidate for employment.

Laboratories, employee assistance programs, drug and alcohol rehabilitation programs, and their agents who receive or have access to drug and alcohol test results shall keep all information confidential.

Drug specimens will be sent to the following testing laboratory:

Quest Diagnostics
3175 Presidential Drive
Atlanta, GA 30340

The Medical Review Officers (MRO) representing Orange County Government are:

Dr. Barry Portnoy, MD
Dr. Seth Portnoy, MD
Florida Hospital
8701 Maitland Summit Blvd
Maitland, FL 32810
407-916-4540

An employee or candidate for employment that is notified by the MRO of a confirmed positive drug test result may contest the result to the MRO. If the explanation or challenge is unsatisfactory to the MRO, the MRO may report a positive test to the employer.

When an employee or candidate for employment receives a written confirmed positive drug test result; they have the right to legally or administratively contest the result of the test.

Employees must submit a written request for a retest of the split sample within seventy-two (72) hours of notification by the MRO. A retest is at the expense of the employee unless the retest is deemed negative.

Employees are prohibited from using alcohol, or being under the influence of alcohol during the performance of their duties.

OPERATIONAL REGULATIONS

Drug and Alcohol Use

409.8 Testing (*Continued*)

All employees suspected of being under the influence of alcohol will have blood drawn to determine their blood alcohol content. CDL Safety-Sensitive employees suspected of being under the influence of alcohol while performing safety sensitive functions will be required to submit to a Breathalyzer test.

A CDL Safety-Sensitive employee may not report for duty or remain on duty (a) with an alcohol concentration of two-tenths (0.02) or greater, (b) while in possession of alcohol (unless it is being transported), (c) if using alcohol; or, (d) within four (4) hours of using alcohol.

All other employees may not report for duty or remain on duty (a) with an alcohol concentration of four-tenths (0.04) or greater, (b) while in possession of alcohol, (c) if using alcohol; or, (d) within four (4) hours of using alcohol.

410 Licensure/Certification

POLICY:

Any employee who is required to possess and maintain a license or certification shall inform management if the license or certification is denied, expired, restricted, suspended, or revoked.

Failure to properly inform management by the next scheduled work shift may result in corrective disciplinary action, up to and including termination.

Employees may be reimbursed for the cost of acquiring and maintaining required licenses and/or certifications.

411 General Safety

POLICY:

Orange County promotes a safe work environment. Employees are expected to observe all safety rules and regulations and report all unsafe conditions or practices to management. All injuries, regardless of severity, must be reported to management.

Orange County Safety and Health Manual provided by the Risk Management Division outlines matters concerning safety.

Refusal of an employee to wear or utilize the appropriate safety devices provided may result in disciplinary action, up to and including termination.

412 Firearms, Weapons and Destructive Devices

POLICY:

Orange County forbids the possession of weapons, knives, firearms or destructive devices on County property except as otherwise permitted under Section 790.251, Florida Statutes. Unless exempted by law, employees are required to notify departmental management and to obtain written prior approval for any item listed above which they intend to possess on County property for work-related reasons.

Other forbidden items include but are not limited to: clubs, bombs, grenades, mines, rockets, missiles, pipe bombs, fireworks or any devices containing any explosive, incendiary, explosive gas or fragmentation.

Unlawful possession of any of the above items is grounds for disciplinary action up to and including termination.

OPERATIONAL REGULATIONS

Firearms, Weapons and Destructive Devices

412 General

With regard to firearms, Orange County's Firearms, Weapons and Destructive Devices Policy shall be enforced to the extent it is consistent with Florida law.

The County reserves the right, in accordance with applicable law, to search any employee, as well as any bag, purse, cubicle, desk, office, locker, or vehicle located on County property, to assure compliance with this policy.

413 Disciplinary Action

POLICY:

Orange County is committed to its work philosophies and expectations, which serve as guidelines for employee behavior and performance. If performance or behavior is inconsistent with these philosophies and expectations, management is expected to address these issues through a progressive disciplinary action process.

Management is expected to use its best judgment for the appropriate application of disciplinary action. The County's performance standards, policies and operational regulations serve as the foundation for disciplinary action decision-making.

A nine-hundred (900) Series Manager (or Manager equivalent) or an Assistant Manager (or Assistant Manager equivalent) within the employee's Department shall conduct a Predetermination Hearing (PDH) to review the facts surrounding an alleged violation of County Policy, Operational Regulations, Departmental Operating Procedures or Divisional Guidelines and to determine the appropriate disciplinary action if the discipline might affect the employee's pay. The PDH serves as due process and is extended to all non-probationary regular employees except as outlined elsewhere in these policies. Prior to administering discipline as a result of a PDH, written concurrence must be received from the HR Representative or the Human Resources Division as to adherence to due process. Circumstances may require the employee be relieved of duty with pay prior to the outcome of the PDH with the Human Resources Division Director's concurrence.

Newly hired probationary employees have no rights to a PDH for terminations.

413.1 Types of Disciplinary Actions

Disciplinary action may include, but is not limited to the following:

Verbal/Oral warning

Verbal/oral warnings must be documented by the immediate supervisor on the appropriate County approved form in a timely manner. The employee will acknowledge receipt of the warning by signing the form.

Written reprimand

Written reprimands will be documented by the immediate supervisor when less severe action has been unsuccessful or for situations of a more serious nature.

Suspensions

Suspensions are periods of time during which an employee may be relieved of duty as a form of disciplinary action for a founded policy violation. Suspensions shall be without pay and leave balances may not be used.

Suspensions shall be for a period of no less than the balance of the employee's shift on the day the action is taken and shall normally not exceed ten (10) consecutive working days or shifts. Multiple day suspensions must be taken consecutively. A Predetermination Hearing (PDH) is required prior to suspension.

413.1 Types of Disciplinary Actions (*Continued*)

Involuntary Reassignment

An employee may be involuntarily reassigned to a lower classification with a lower pay range when the employee's performance is less than acceptable and or less severe disciplinary action has not solved the problem. The employee's pay must be adjusted according to the guidelines in the pay plan. A PDH is required prior to the reassignment.

Termination

Employment may be terminated if there is a serious violation of policies or there are repeated offenses and other disciplinary actions have been unsuccessful. A PDH is required prior to termination unless otherwise stipulated elsewhere in policy.

A predetermination hearing (PDH) must be held before a suspension, involuntary reassignment or termination may be imposed as a form of disciplinary action unless an employee has allegedly been involved in serious violations of policy or law and any of the following apply:

- The nature of the alleged violation in relationship to the employee's regular and/or reassigned work duties warrant immediate removal of the employee from the workplace
- The employee poses a threat to himself or other employees
- Public perception and employee morale would be adversely affected
- The employee tests positive for drug/alcohol use.

The County retains the right to administer appropriate disciplinary action on a case-by-case basis. There may be behaviors that are considered so serious that termination may be the first course of action, regardless of an employee's length of service, prior conduct, or performance record.

It is the employee's responsibility to address and improve performance and behavior problems on which a disciplinary action is based.

413.2 Types of Offenses

Examples of offenses may include but are not limited to:

- Insubordination
- Physical harm/assault or threat of same
- Theft or pilfering
- Malicious or willful destruction or abuse of County property
- Fraud or dishonesty
- Drug or Alcohol use or possession
- Misuse of County time
- Violation of the law
- Pleading guilty or no contest or being found guilty of a felony, job- related misdemeanor

413.2 Types of Offenses (*Continued*)

- Violation of the County's code of conduct
- Failure to notify supervisor of an arrest or that an Information has been filed against the employee by a prosecuting official
- Conflict of interest
- Possessing a weapon on County property (unless considered a bona fide occupational requirement)
- Misconduct
- Sleeping on County compensated time
- Rudeness or acts of disrespect
- Excessive or habitual absenteeism, unauthorized absences, or tardiness
- Loss of minimum job qualifications or failure to report loss
- Leaving assigned work area without authorization
- Safety violations
- Abuse of County property
- Promotion of private business during County work time
- Harassment

OPERATIONAL REGULATIONS

Disciplinary Action

413 General

Disciplinary actions must cite the specific policy and how it was violated.

Disciplinary actions should outline the consequences of continued inappropriate behavior, performance and/or work habit.

Follow-up discussions after the initial disciplinary action are recommended.

Unless otherwise stated in policy, due process rights require an employee to be granted a Predetermination Hearing prior to administering disciplinary action that may impact pay.

A supervisor is required to submit a request for a PDH to the Manager/Director and provide appropriate documentation.

Department Directors or Deputy Directors shall serve as the hearing officer in instances where the employee reports directly to the Division Manager.

Notice of disciplinary action or pending action should normally be made within ten (10) working days of management's knowledge of the reported incident unless a Department Director/designee authorized investigation is ongoing. In the case of incidents subject to authorized investigations, notice of disciplinary action or pending action should normally be made within ten (10) working days of the completion of the investigation

A Predetermination Hearing (PDH) notification package should normally include:

- The date, time and location of hearing
- The specific alleged violation(s) and facts supporting the allegations along with any witness statements
- A statement of the employee's right and opportunity to respond to the hearing authority in writing and/or verbally
- A statement of the employee's right to be formally represented at the hearing
- A statement that advance notice of an attorney's intended presence is required
- A statement that the employee will receive a written notice of the disciplinary action decision after all verbal testimony, written documentation and any other evidence has been carefully considered
- A notice of the employee's right to appeal the disciplinary action decision in accordance with the Grievance Process contained in County Policy or collective bargaining agreement
- A statement that the Hearing will be tape-recorded and the employee may request a copy at cost

413 General (Continued)

The employee must also be provided with copies of all written documentation upon which the proposed disciplinary action is based. These may include, but are not limited to previous discussions, counseling, progressive disciplinary action documents, and complete copies of any investigative reports, written statements, rules, records, policies, or Departmental Operating Procedures.

Written notice of the Predetermination Hearing and all related documentation should be provided to the employee at least three (3) full working days prior to the scheduled hearing date.

The employee must be notified in writing, by certified mail and hand delivery or regular mail, of the outcome of a Predetermination Hearing or the need for an extension within ten (10) full working days of the hearing.

If the PDH is conducted by an Assistant Manager (or Assistant Manager Equivalent) the decision letter must come from the Division Manager (or equivalent) or have the Manager's concurrence.

Employees involuntarily separated from any County employment are not eligible for rehire for any county position for at least twelve (12) months from the date of separation (with the exception of medical separation).

Verbal/Oral warnings should be documented through a discussion planner or a Disciplinary Action Form.

414 Grievances

POLICY:

The County's grievance process provides a method for regular employees to address alleged job-related violations or misapplications of County Policy. Newly hired probationary employees do not have access to the grievance process for disciplinary actions.

The following are examples of non-grievable issues/actions:

- Selection or Non-Selection for a position
- Performance Appraisal
- Work assignments which are within established job descriptions and qualifications
- Remedies requested as part of a grievance that are outside the County's scope of authority, ability or control
- Established or revised wages, salaries, position classifications or benefits
- Layoff or proposed layoff
- Requests for discipline of another employee
- Any issues as determined by the Human Resources Division Director

The Human Resources Division Director has the authority to deem an issue not grievable at any step of the process.

OPERATIONAL REGULATIONS

Grievances

414 General

The employee must use the County's grievance form to provide a concise, detailed written statement of the grievance. The grievance must specifically cite the Policy section alleged to have been violated or misapplied and how said policy was violated. Grievance forms will be obtained from departmental Human Resources Representatives.

A grievance must be submitted within ten (10) working days from the date the employee had knowledge of or should have had knowledge of the action that is being grieved.

There are three (3) hearing steps in the internal grievance process. Step one (1) of the process is a formal hearing conducted by a nine-hundred (900) Series Manager or Assistant Manager (or equivalent) from the employee's department. A Director or Deputy Director (or equivalent) conducts the step two (2) hearing. Step three (3) of the process involves a hearing by a three (3) member board referred to as the Grievance Adjustment Board (GAB). The chairperson is either a Director/Deputy Director (or equivalent) or a Deputy County Administrator.

At Step one (1) and two (2), the decision should normally be to uphold the grievance by granting the suggested remedy or denying the validity of the grievance. Modification of a suggested remedy should normally only occur with written mutual agreement between the grievant and the hearing officer. The GAB can modify a suggested remedy without agreement from the grievant. The GAB decision is the final action of the internal process.

Only the information presented at the initial hearing will be allowed at subsequent hearings unless the information is determined by the hearing officer as being unavailable prior to the hearing.

Oral warnings and written reprimands may not be advanced past Step two (2).

Each step of the grievance process has a ten (10) full working day response time. Time limit extensions must be requested in writing and mutually agreed upon except at Step three (3). The Human Resources Division will approve/disapprove extensions requested by management or the grievant at Step three (3). Only one (1) time limit extension will normally be granted for management or the grievant for any step.

Management must respond to the grievant in writing within the prescribed time period unless an extension has been requested and mutually agreed upon in writing.

Notification of hearing dates and decisions will be by hand delivery or regular mail and certified mail. Time limits for mail notification begin five (5) full calendar days after the regular mail has been sent or the day the certified mail was signed for, whichever is sooner.

415 Violence in the Workplace

POLICY:

Orange County is committed to providing a safe and secure workplace for all employees, and will not tolerate any acts or threats of violence in the workplace, associated with the workplace, or affecting work conducted at the workplace. Violations of this policy may result in a recommendation for immediate removal from the workplace, disciplinary action up to and including termination of employment and/or criminal prosecution.

For purposes of this policy, workplace violence is defined as the use of force, threatening behavior, or acts of aggression, harassment or intimidation, against an individual or individuals, that occurs in or that is associated with or that affects work being conducted at the workplace, irrespective of whether that use is exhibited or communicated in a physical, verbal, non-verbal, written or electronic manner. Workplace violence may involve other forms of violence including, but not limited to, domestic violence, sexual violence, repeat violence, dating violence and stalking.

For purposes of this policy, the workplace includes, but is not limited to, the buildings, parking lots, and surrounding perimeters of those buildings and parking lots (whether open to the public, gated or secured), that are on County property, and/or that may be occupied or utilized by County employees for work-related duties and/or where County business is conducted. The workplace also includes the County's electronic and computer based networks.

OPERATIONAL REGULATIONS

Violence in the Workplace

415 General

Employees shall not commit acts or threats of violence of any kind in the workplace or associated with the workplace or affecting work conducted at the workplace. Prohibited conduct includes, but is not limited to:

- verbal or physical threats of violence, regardless of the intent to carry out such threat;
- any assault and/or physical battery;
- stalking of any sort;
- sexual assault and/or rape;
- displays of visual or physical actions or gestures that may reasonably have an intimidating effect;
- verbally abusive language, with or without the use of profanity;
- obscene and/or harassing/excessive phone calls;
- the use of internet-based technologies to accomplish any of the aforementioned prohibited behaviors.

Employees are expected to immediately report acts or threats of violence that occur in the workplace, or that are associated with the workplace, to their supervisor. If that is not possible, employees shall report any such incident to another supervisor within the same division / department.

Acts of retaliation committed against employees who report acts or threats of violence as defined by this policy are prohibited.

501 Employee Performance

POLICY:

The Performance Evaluation process supports periodic communication between supervisors and employees, holds employees accountable for meeting defined performance and work habit objectives, and provides employees opportunities to receive feedback for developmental purposes.

Management is responsible for the timely and equitable assessment of the performance and contribution of staff members. Management is directed to provide employees with written evaluation and feedback on their performance on an annual basis.

Employees are expected to meet performance requirements for their assigned responsibilities in order to be eligible for authorized salary adjustments.

Employees failing to meet performance standards may be subject to disciplinary action up to and including termination.

OPERATIONAL REGULATIONS

Performance Evaluation Process

501 General:

Performance Evaluations for all regular full-time and part-time employees should be submitted to Human Resources no later than September 15 of each fiscal year.

Newly hired regular employees should receive a 1-month and 5-month performance evaluation during the six (6) month probationary period.

Prior to withholding authorized salary adjustments, management is encouraged to document and discuss any performance deficiencies with the employee. As part of this process, it is recommended that management establish a written action plan with the employee to redirect performance.

Performance appraisals influence salaries, promotions and transfers.

Human Resources will review all performance evaluations to ensure compliance with policy and guidelines.

Definitions

Accident - Work-related injury/illness requiring medical attention.

Accrual Rate - The rate at which an employee earns paid leave.

Acting Pay - Additional pay granted to an employee for assignment to and assumption of the full responsibilities of a classification in a higher pay grade for an extended period of time.

Active Payroll - An employee is on the active payroll if a paycheck is issued for any hours worked or paid leave hours taken during the pay period. Terminated employees receiving a final paycheck for lump-sum leave payouts are not considered to be on the active payroll.

Adjusted Service Date - Adjustment made to the employee's service date to give credit for prior service. Adjustments are also made to deduct service time due to periods of leave of absence without pay or layoff exceeding 30 calendar days.

Adverse Working Conditions (AWC) - Circumstances which may affect or compromise the safety and health of employees. Includes but not limited to equipment malfunction, building damages or threatening situations.

Americans with Disabilities Act (ADA) - Federal Act which prohibits discrimination against qualified individuals with disabilities in employment, public accommodation, and activities of local government.

Bereavement Leave - Paid Leave granted for the death of an employee's spouse, mother, father, son, daughter, grandchild, sister, brother, legal guardian, mother- and father-in-law, son- and daughter-in-law, stepparents, stepchildren, grandparents, employee's domestic partner, domestic partner's children and domestic partner's parents.

Business Day - Monday thru Friday from 8 a.m. until 5 p.m. except county designated holidays.

Calendar Day - Twenty-four (24) hour period from 12:00:00 A.M. until 11:59:59 P.M.

Call Back Pay - Additional compensation provided to eligible employees who are called to work on an unscheduled basis.

Casual Employment - Temporary employment established by departments/divisions to meet work demands.

Commission Staff - Employees appointed to serve at the pleasure of an individual County Commissioner and are exempt from Orange County policies unless otherwise specified within policy or by Executive Order of the County Mayor.

Collective Bargaining Agreements - A written document mutually agreed upon by the Union and Orange County for representation of employees in covered job classifications.

Community Action Response Team - (CART) — comprised of employees and/or volunteers that respond to the needs of the community immediately following an emergency situation.

Definitions

Conflict of Interest - *Exists when an employee's judgment is affected by a relationship between the private interests of the employee and the employee's public or work-related obligations.*

Continuous Service - *The length of time an employee has worked for the Orange County Board of County Commissioners and/or other elected offices with which the County has reciprocal agreements. Continuous service is calculated based on the most recent date of hire.*

Department Operations Center (DOC) - *A site from which respective ESF agencies direct, control, and coordinate activities to assist in managing their mission.*

Disciplinary Action - *Action taken by management to communicate with an employee to redirect inappropriate work habits, behaviors, or violations of County policy, Operational Regulations or Departmental Operating Procedures.*

Disability - *A physical or mental impairment which substantially limits one (1) or more major life activities, a record of having such an impairment, or being perceived as having such impairment as defined in the Americans With Disabilities Act of 1990.*

Domestic Partner - *A person of the same sex as the employee who has resided with the employee for a continuous period of at least six months and continues to do so in a committed relationship wherein the two are jointly responsible for each other's financial welfare and basic living expenses. The domestic partner and employee must both be at least eighteen years old, must not be married to or legally separated from anyone else, are each other's sole domestic partner, are not blood relatives and have both completed and filed an "Affidavit of Domestic Partnership" form (including required documentation) with the County's Employee Benefits Section.*

Due Process - *The process that establishes progressive disciplinary action and provides employees with the opportunity to respond to allegations of misconduct or policy violations.*

Educational Assistance - *Reimbursement of tuition expenses paid upon satisfactory completion of career-related coursework.*

Emergency Administrative Pay (EAL) - *Wages paid to non-exempt and exempt employees who are not required to respond when County offices and functions are closed during an impending or actual emergency/disaster.*

Emergency Essential - *Employees who are required to perform their regular work functions in order to support pre-disaster, disaster, or post-disaster recovery efforts.*

Emergency Non-Essential - *Employees who may not be required to report to their regular job assignment during a pre-disaster, disaster, and post-disaster phase of a declared emergency but may be reassigned to work in other emergency work activities as situations necessitate.*

Emergency Operations Center (EOC) - *A site from which local governments exercise direction and control during an emergency or disaster.*

Definitions

Emergency Support Function 15 (ESF 15) - Support position within the Emergency Operations Center which manages external volunteers and donated goods, as well as County employees who respond in other than their normal responsibilities in an emergency or disaster situation.

Emergency Response Employees - Certified employees performing emergency operations work assignments as Emergency Operations Center Coordinators, Field Operations Center Coordinator, Disaster Mental Health Counselors, Points of Distribution (POD) Managers, Staging Area Managers, Shelter Managers, Emergency Center Call Routers or Emergency Center supervisors.

Employee Assistance Program (EAP) - Confidential counseling service to assist employees and eligible family members in dealing with personal or work-related issues.

Employment Agreement - A written document mutually agreed upon by the hiring authority and the employee which details the terms and conditions of employment.

Executive Employees - Employees who are appointed annually by the County Mayor, confirmed by the BCC, and compensated under the Administrative Salary Plan.

Exempt Employment - Positions which are not subject to the overtime provisions of the Fair Labor Standards Act (FLSA).

Fair Labor Standards Act (FLSA) - A federal law defining and governing the eligibility for and payment of minimum wage and overtime earnings.

Family and Medical Leave Act (FMLA) - Federal Act which allows eligible employees to take job-protected, unpaid leave for up to twelve (12) workweeks in a twelve (12) month period for the serious health condition of the employee, a spouse, parent or child; or for the birth, adoption, or foster placement of a child.

Fiscal Year - The budgetary period of time from October first (1st) of one year through September thirtieth (30th) of the following year.

Floating Holiday - One (1) paid day off per calendar year provided to eligible employees.

Grievance - Formal hearing process for regular employees to address alleged job-related violations or misapplications of County Policy.

Hiring Authority - Individual responsible for making the decision to hire or appoint a new employee.

Layoff - A reduction in force resulting in the loss of employment.

Lateral Transfer - The transfer of an employee from one position to another position in the same pay grade. The job classification may or may not change.

Leave of Absence - A requested extended absence from work for personal reasons, such as continuing education, for a period not to exceed twelve (12) calendar months during which the employee/employer relationship still exists.

Management - Individuals with the authority to assign direct and review the work of others.

Definitions

Mayor Staff - Employees appointed to serve at the pleasure of the County Mayor and are exempt from Orange County policies unless otherwise specified within policy or by Executive Order of the County Mayor.

Mental Health Disaster Counselor- Certified Mental Health Crisis Counselors who assist in mental health recovery processes.

Military Leave - Leave taken when an employee is called for active duty or training in the U.S. armed forces.

Minimum Qualifications - The work experience and/or education required to be considered as a qualified candidate for a particular position.

Non-exempt Employment - Positions classified as eligible for payment of overtime under the Fair Labor Standards Act (FLSA).

Occupational Injury or Illness - An injury or illness resulting from an accident or exposure that occurs during an employee's course of employment.

On-Call Employment - Temporary employment established by departments/divisions to meet fluctuating workload demands. Employment is intermittent and ceases when the workload diminishes.

Operational Regulations - Formal procedures written for the application of County Policy.

Overtime - Payment to non-exempt employees of one and one-half (1 1/2) times the regular rate of pay (as defined by FLSA) for hours worked in excess of forty (40) in a work week or other work period authorized under the Fair Labor Standards Act (FLSA).

Pay Plan - The official listing of approved job classifications and the corresponding assigned pay grades.

Part-time - Regular employees scheduled to work less than thirty-five (35) hours per week but not less than twenty (20) hours per week.

Performance Standards - Level of performance required to satisfactorily carry out job responsibilities.

Personal Leave - Paid time off accrued by eligible employees and used for vacation, illness, or other personal reasons. Accrual rates vary based on length of service.

Predetermination Hearing (PDH) - A formal hearing designed to review the facts surrounding an alleged violation of County Policy or Operational Regulations.

Probationary Period - The six (6) month period immediately following initial employment or promotion during which regular employees are provided the information and training needed to satisfactorily perform their job and permit management's observation of performance behaviors. The probationary period may be longer for some positions.

Definitions

Promotion - Advancement of an employee to a job classification in a higher pay grade or to a pay grade with a higher maximum pay rate.

Reassignment - Voluntary or involuntary demotion of an employee to a job classification in a lower pay grade or a pay grade with a lower maximum pay rate.

Regular Employees - Employees hired to fill both full and part-time regularly, budgeted positions.

Safety-Sensitive (CDL) Positions - Positions that require a commercial driver's license (CDL) and require the employee to drive, inspect, service, unload or load a vehicle under the U.S. Department of Transportation (DOT) regulations.

Service Date - The most recent date of hire with Orange County Government.

Shelter Manager - Certified American Red Cross shelter personnel assigned to any County shelter in an emergency.

Shift Differential - Additional compensation provided to eligible employees who work a specified number of hours on the second or third shift.

Sick Leave (Old) - A benefit previously accrued for use in the event of personal illness or injury.

Stand-by Duty Assignment - Assigned duty requiring a non-exempt employee to be immediately available for work due to the likelihood of an urgent situation arising during off-duty time requiring the employee to report to work.

Student Internship - Temporary employment established by departments/divisions strictly for student interns. An intern is a student enrolled in an accredited educational or vocational program.

Term Leave - Paid time off accrued by eligible employees which may be used for an employee's extended illness or injury.

Termination - Voluntary or involuntary separation from employment.

Trainee - An employment class established for an employee who does not possess the minimum qualifications (education, training and/or experience) of a particular job and is expected to attain the full qualifications within six (6) months.

Tuition - Fees required by an educational institution on a per credit hour basis.

Workday (for Emergency Management) - Defined as the normal number of scheduled work hours between 12:01 a.m. and 11:59 p.m. each day.

Employee Benefit Eligibility Summary

Benefit	Regular		Temporary	Administrative
	Full-Time	Part-Time		
Personal Leave	Yes	Yes	No	Yes
Term Leave	Yes	Yes	No	Yes
Holidays	Yes	Yes	No	Yes
Bereavement Leave	Yes	Yes	No	Yes
Retirement	Yes	Yes	Yes*/No	Yes
Medical/Life Insurance	Yes	Yes	No	Yes
Workers Compensation	Yes	Yes	Yes	Yes
Promotional Opportunity	Yes	Yes	Yes	Yes
Physical Exam	Yes	Yes	Yes	Yes
Leave of Absence	Yes	Yes	No	Yes
Service Certificate	Yes	Yes	No	Yes
Deferred Compensation	Yes	Yes	No	Yes
Credit Union	Yes	Yes	No	Yes
Educational Assistance	Yes	Partial	No	Yes
Emergency/Disaster	Yes	Yes	Yes	Yes

*See policy 101.3, Temporary Employment, B. Casual Employment – FRS Eligible.

Disaster/Emergency Work Assignment and Compensation Pay

PAY CATEGORIES								
	AWC Adverse Work Conditions	EAL Emergency Administrative Pay	ENP Emergency Non-Exempt Pay	EE1/EE2 Emergency Exempt Pay	EC1 Emergency Response Employees Non-Exempt Pay	EC2 Emergency Response Employees Non- Exempt Pay	EC3/EC4 Emergency Center Call Takers Exempt Pay	EC5/EC6 Emergency Response Employees Exempt Pay
Executive Employees, Employees in FRS Sr. Mgmt. Service Class, Regular Pay Plan employees in grades 51 and above	YES	YES	NO	NO	NO	NO	NO	NO
Non-Exempt Employees	YES	YES	YES Employees responding when County suspends normal business receive Base hourly wage, plus one-half (½) time for each one (1) hour worked (if applicable, overtime applies)	N/A	Emergency Center Call Takers (Base hourly wage, plus ten dollars (\$10) per hour worked)	Disaster Mental Health, POD, Managers, Shelter Managers, Message Center Call Routers, Message Center Supervisors, Emergency Operations Center or Department Operations Center Coordinators. (Base hourly wage, plus fifteen dollars (\$15) per hour worked)	N/A	N/A
Exempt Employees	YES	YES	N/A	Employees responding when County suspends normal business. (Base hourly wage, plus ten dollars (\$10) (EE1) for all regularly scheduled number of hours worked per workday, thereafter fifteen dollars (\$15) (EE2) per hour worked)	N/A	N/A	Emergency Center Call Takers (Base hourly wage, plus ten dollars (\$10) (EC3) for all regularly scheduled number of hours worked per workday, thereafter fifteen dollars (\$15) (EC4) per hour worked)	Disaster Mental Health Counselors, POD Managers, Staging Area Managers, Shelter Managers, Message Center Call Routers, Message Center Supervisors, Emergency Operations Center or Department Operations Center Coordinators. (Base hourly wage, plus fifteen dollars (\$15) (EC5) for regularly scheduled number of hours worked per workday, thereafter twenty dollars (\$20) (EC6) per hour worked)