

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT  
IN AND FOR BAY COUNTY, FLORIDA

IN RE:

EMPLOYMENT OF COURT PERSONNEL )  
ADOPTION OF PERSONNEL )  
REGULATIONS MANUAL )

ADMINISTRATIVE ORDER  
NO. 93-03

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration, and,

WHEREAS, Section 43.26, Florida Statutes (1991) and Rule 2.050 of the Florida Rules of Judicial Administration give the Chief Judge the power to do everything necessary to promote the prompt and efficient administration of justice in the Circuit and County Courts of the Fourteenth Judicial Circuit of Florida and to exercise administrative supervision over the officers and employees of the Courts; and

WHEREAS, Bay County is required by Section 43.28, Florida Statutes (1991), to provide the Court System with appropriate facilities and funding for the employment of personnel necessary to operate the Courts; and

WHEREAS, Bay County has, on an annual basis, appropriated funds for the Court to employ personnel to assist the Bay County Court System in the administration of the Courts and the operation of Court programs; and

WHEREAS, it is necessary that the Chief Judge exercise jurisdiction over the employees of the Court System in order to promote the efficient administration of the Courts, and it is desirable that personnel regulations be adopted to define and clarify the rights and obligations of the employees for the Court System and the procedures for the administration of their employment; and

WHEREAS, it is the desire of and to the benefit of Bay County that the Court exercise administrative supervision over those officers and employees of the Courts; and

WHEREAS, Section 110.205(2)(c), Florida Statutes (1991), exempts all officers and employees of the judicial branch of government from State career service; and

WHEREAS, all funds appropriated by Bay County for the use and benefit of the Court system shall be drawn or paid pursuant to warrants or checks authorized by the Chief Judge or designee; and

WHEREAS, the abilities, knowledge, skill, and experience of employees of the Court system are peculiar to the judicial branch of government; and

WHEREAS, employees of the Court System of this Circuit are employed by and serve at the sole discretion of the Chief Judge;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. All Court employees of the Fourteenth Judicial Circuit, including employees funded by Bay County, are and shall be under the jurisdiction, control, and supervision of the Chief Judge; they serve and shall serve at his/her sole discretion and pleasure and they do not attain tenure. Nothing contained herein shall prohibit each judicial officer from having individual control over the hiring and termination of his or her personal staff.

2. County Judicial Employees, as defined below, are subject to the Bay County Personnel Manual ("Manual") which is attached hereto and incorporated by reference. The terms and provisions of such Manual shall govern, regulate, and control all personnel and employment practices and requirements. The Manual shall be modified for the use of County Judicial Employees by the substitution of the Chief Administrative Judge for references to the Board of County Commissioners, and the substitution of the Court Administrator for references to the County Manager or Personnel Administrator.

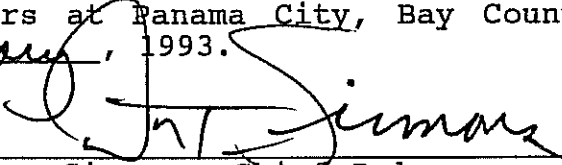
3. The following positions are occupied by County Judicial Employees currently subject to the terms and provisions of this Order. This list is subject to revision by further Order.

BAY COUNTY WORK PROGRAM DIRECTOR	(Douglas Warren)
BAY COUNTY PRETRIAL RELEASE PROGRAM DIRECTOR	(Jerry Riddle)
CASE WORKER II, PRETRIAL RELEASE PROGRAM	(Margaret Warren)
CASE WORKER I, PRETRIAL RELEASE PROGRAM	(Stephanie Reeder)
RECEPTIONIST, CIRCUIT COURT	(Susan Meadows)
RECEPTIONIST, COUNTY COURT	(Ann Edwards)
OFFICIAL COURT REPORTERS	(Rebecca Akins)
	(Susan Diltz)
	(Jerry Edwards)
	(Sherri Lessig)
DEPUTY COURT REPORTER	(Marie Bazzel)

5. A copy of the Manual and any future amendments thereto, shall be delivered to or made available to all County Judicial Employees.

6. The payment of salaries and benefits of employees of the Court System and all personnel actions with respect to or affecting employees of the Court System, including County Judicial Employees, shall be authorized and administered by the Court Administrator or designee according to the applicable provisions of the Manual or as otherwise authorized, directed, or approved by the Chief Judge or designee.

DONE AND ORDERED <sup>th</sup> in Chambers at Panama City, Bay County, Florida, this 25 day of January, 1993.

  
\_\_\_\_\_  
Don Sirmons, Chief Judge

**PERSONNEL POLICIES FOR**

**EMPLOYEES OF THE**

**BAY COUNTY**

**BOARD OF COUNTY COMMISSIONERS**

**NOVEMBER 3, 1987**

## TABLE OF CONTENTS

<p><u>SECTION I — POLICY STATEMENTS</u></p> <p>OBJECTIVES ..... 1</p> <p>EQUAL OPPORTUNITY ..... 1</p> <p>SEXUAL HARASSMENT ..... 2-3</p> <p>ALCOHOL/DRUG ABUSE ..... 3</p> <p>SMOKING ..... 4</p> <p>POLITICAL ACTIVITY ..... 6</p> <p>OPEN DOOR ..... 6</p> <p><u>SECTION II — AUTHORITY AND ADMINISTRATION</u></p> <p>DEFINITIONS ..... 6-7</p> <p>SCOPE ..... 8</p> <p>ESTABLISHMENT OF POSITIONS ..... 8</p> <p>REQUEST FOR PERSONNEL ..... 8</p> <p>REQUEST FOR NEW POSITIONS ..... 8</p> <p>PROCESSING OF NEW EMPLOYEES ..... 8-9</p> <p>ADMINISTRATIVE AND APPOINTIVE AUTHORITY .. 9</p> <p>VARIANCE FROM POLICY ..... 9</p> <p>CHANGES/AMENDMENTS ..... 9-10</p> <p>ACCOUNTING RESPONSIBILITIES ..... 10</p> <p>PERSONNEL RECORDS ..... 10</p> <p><u>SECTION III — EMPLOYMENT INFORMATION</u></p> <p>BASIS OF EMPLOYMENT ..... 10-11</p> <p>STANDARDS OF CONDUCT ..... 11</p> <p>EMPLOYEE ORIENTATION ..... 11</p> <p>WORK SHIFT ASSIGNMENTS ..... 11</p> <p>AUTHORITY FOR ABSENCE ..... 12</p> <p>EMPLOYEE INVESTIGATION ..... 12</p> <p><u>SECTION IV — COMPENSATION</u></p> <p>WAGE SCHEDULE ..... 12</p> <p>ENTRANCE PAY RATE ..... 12-13</p> <p>PAY RATES AFTER LEAVE OF ABSENCE ..... 13</p> <p>STARTING RATE AFTER TRANSFER ..... 13</p> <p>RATE OF PAY ON PROMOTION ..... 13</p> <p>RATE OF PAY ON DEMOTION ..... 13</p>	<p>LONGEVITY ALLOWANCE ..... 13-14</p> <p>OTHER INCREASES ..... 14</p> <p>OTHER COMPENSATION PROGRAMS ..... 14</p> <p>OVERTIME WORK AND PAY ..... 14-15</p> <p><u>SECTION V — EMPLOYEE BENEFITS</u></p> <p>TUITION AID ..... 15-16</p> <p>SICK LEAVE ..... 16-17</p> <p>ANNUAL LEAVE ..... 17-18</p> <p>HOLIDAYS ..... 18-19</p> <p>RETIREMENT ..... 19</p> <p>GROUP HEALTH AND LIFE INSURANCE ..... 19</p> <p>AWARD PROGRAMS ..... 19-20</p> <p>INCENTIVE PROGRAMS ..... 20</p> <p>COURT DUTY ..... 20</p> <p>OCCUPATIONAL DISABILITY ..... 21</p> <p><u>SECTION VI — POSITION CLASSIFICATION PLAN</u></p> <p>PROMOTIONS ..... 21</p> <p>DEMOTIONS ..... 22</p> <p>TRANSFERS ..... 22</p> <p>CLASSIFICATION OR RECLASSIFICATION ..... 23</p> <p>LEAVE WITHOUT PAY ..... 23-24</p> <p>TYPES OF LEAVE WITHOUT PAY ..... 24-25</p> <p>LAYOFF ..... 25</p> <p><u>SECTION VII — DISCIPLINARY PROCEDURES</u></p> <p>STATEMENT ..... 25</p> <p>SUSPENSIONS ..... 25</p> <p>COMPULSORY RESIGNATION ..... 26</p> <p>DISMISSAL DURING PROBATIONARY PERIOD ..... 26</p> <p><u>SECTION VIII — EMPLOYEE COMPLAINTS AND GRIEVANCES PROCEDURES</u></p> <p>PROCEDURES ..... 26-27</p>
---	--

## SECTION I POLICY STATEMENTS

The Objectives of Bay County shall be:

- A. To provide efficient and friendly service at all times to all the citizens.
- B. To attract and retain employees of the highest caliber.
- C. To select employees based on ability, training, experience, and physical fitness.
- D. To provide training for supervisory personnel which will assure their ability to lead and motivate their employees in an effective manner.
- E. To provide a pay plan and employee benefits which are fair and competitive.
- F. To provide clean, safe, and pleasant working conditions.
- G. To promote a grievance procedure which will provide prompt and appropriate settlement of employee grievances.
- H. To provide opportunities for employees to better themselves through training and tuition aid.
- I. To promote from within based upon ability and performance.
- J. To encourage the development of individual acceptance of responsibility for the attainment of outstanding public service.

### \*\*\* EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY

~~\*\*\*~~ Amended 8/4/92 - See attached sheet

There shall be no discrimination exercised on account of race, national origin, color, religion, creed, age, physical handicap, marital status, sex (except where age, sex or physical condition is a bona fide occupational qualification necessary to proper and efficient administration), or political affiliation with respect to the recruitment, examination or appointment of applicants, or in any personnel actions affecting employees, including training, promotion, and disciplinary transactions. All personnel actions shall be based solely on merit and fitness of the individual. If you feel that you or any of your fellow employees have been discriminated against, please contact the Personnel Department.

### SEXUAL HARASSMENT

#### POLICY

BAY COUNTY is absolutely opposed to and will not tolerate illegal sexual harassment. BAY COUNTY is also equally opposed to bad faith claims of sexual harassment by which we mean claims of sexual harassment which have no rational basis in fact or justifiable employee perception and are deliberately designed to affect adversely the employment or personal relationships of persons against whom the complaint is made. BAY COUNTY takes this strong stand because such claims often affect the future employment and important family relationships of not only the claimant but also the person against whom the claim is made.

#### PROCEDURE

The Equal Employment Opportunity commission recently issued final guidelines with regard to sexual harassment in the work place. The guidelines define very generally what type of conduct that will be considered "sexual harassment," and thus be violative of Title VII of the Civil Rights Act of 1964. The guidelines set out three (3) basic circumstances in which "unwelcome sexual advances, request for sexual favors and other verbal or physical harassment conduct of a sexual nature" will be considered illegal sexual harassment and those three (3) circumstances are:

- A. Where submission to the conduct is an explicit or implicit term or condition of employment;
- B. Where employment decisions concerning an individual are based on whether he/she submitted to or rejected sexually harassing actions;
- C. Where such conduct has the purpose or effect or "unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

BAY COUNTY encourages any employee who feels that he/she is being subjected to illegal sexual harassment to notify the Personnel Director. A formalized method of investigating and resolving such complaints has been established to:

- A. Assure thorough and prompt investigation;
- B. Eliminate illegal sexual harassment and bad faith claims of sexual harassment in the work place;
- C. Assure confidentiality and minimal effect on personal, work and family relations;
- D. Assure against illegal retaliation; and

EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY

Amended by BCC action August 4, 1992

There shall be no discrimination exercised on account of race, national origin, color, religion, creed, age, physical handicap, marital status, sex, or political affiliation with respect to the recruitment, examination or appointment of applicants, or in any personnel actions affecting employees, including training, promotion, and disciplinary transactions. All personnel actions shall be based solely on merit of the individual. If you feel that you or any of your fellow employees have been discriminated against, please contact the Personnel Office.

E. Insure an ultimate resolution of each claim that is fair to all, effectuates the policies of Title VII, makes for sound business operations and adequately protects BAY COUNTY.

Employee claims under this policy are to be made directly with the Personnel Director either in writing or by telephone (Area Code 904-784-~~3666~~ 4014).

## ALCOHOL/DRUG ABUSE POLICY

### PURPOSE

The purpose of this policy is to define Bay County's position regarding employees whose job performance is adversely affected by alcohol/drug abuse, or who violate the County's rules or engage in illegal drug activity.

### POLICY

Illegal drug use, whether on or off the job, may adversely affect an employee's job performance, jeopardize the safety of other employees, the public and the reliability of the County's operations and/or equipment.

Possession, being under the influence of alcoholic beverages or possession of illegal drugs on County property or any work site at any time is a serious violation of the County's Rules and Regulations, and will subject the employee to be immediately discharged.

An employee will be required by his or her supervisor to submit to a blood/urine test if **reasonable suspicion** exists to believe the employee is under the influence of alcohol, drugs or other hallucinogenics. Employees who are directed to submit to blood/urine tests under these circumstances and refuse or fail to do so when and as directed will be subject to immediate termination.

Employees who are convicted or sentenced for on or off the job illegal drug activity will be considered in violation of this policy and subject to termination of employment.

Employees must notify their supervisor when under medically prescribed treatment with a controlled substance that may limit their ability to perform their job. Verification of required medication under these circumstances will be submitted by providing a prescription copy or physician's statement showing medication required and dates of use. Failure to do so will result in appropriate disciplinary action.

## SMOKING

In the workplace where there are smokers and nonsmokers, Department Heads shall designate one smoking area within their respective building. This policy takes into consideration the proportion of smokers and nonsmokers. Unless the designated smoking area is posted stating smoking is permitted, all areas within County buildings will be considered nonsmoking areas.



**CONSENT AGREEMENT**

I hereby voluntarily consent to have Bay County or its authorized testing agent perform a blood/urine test for the purpose of determining the presence of illegal drugs as part of my required pre-employment physical examination. Further, I acknowledge that should I refuse to submit to the blood/urine test, the County reserves the right to reject my application for employment.

I agree that if, at the time of the examination, I am under medication, it is my responsibility to provide the examining physician or the Personnel Office of the County a physician's statement regarding any prescribed medication or a copy of the prescription and its dates of use. I have been assured that the results of the examination will be held in strict confidence unless the County or its testing agent is required by law or court order to divulge said information.

\_\_\_\_\_  
(Witness)                      DATE                      (Signature)                      DATE

## **EMPLOYEES POLITICAL ACTIVITY**

Political action by Bay County employees shall be governed by Chapter 104.31 of Florida Statutes. Nothing herein shall be construed to limit or restrict the right or ability of an employee to be involved in political campaigns or other community or political issues during the time an employee is not at work.

## **STATEMENT ON OPEN DOOR POLICY**

We feel that the working environment at Bay County is good, and our County philosophy includes the goal of maintaining a climate of excellent employee relations showing respect for the rights and dignity of employees as well as striving for the employee satisfaction through merit compensation, comprehensive benefits, and job security. We try to treat all employees fairly and as individuals. You as individuals are important to Bay County, and we will always treat you fairly.

# **SECTION II AUTHORITY AND ADMINISTRATION**

## **DEFINITIONS**

### **Work Week**

Work Week refers to the number of hours regularly scheduled to be worked during any seven (7) consecutive days.

### **Work Day/Shift**

Work Day/Shift refers to the number of hours regularly scheduled to be worked in one 24-hour period.

### **Hours of Work**

Hours of Work refers to the number of hours an employee is scheduled to work in any 24-hour period.

### **Working Days**

The term "Working Days" generally refers to the 5-day period, Monday through Friday, except where 7-day or around-the-clock coverage is required.

### **Overtime Pay**

Overtime Pay means the compensation paid for the work performed in excess of 40 hours/week. Overtime pay shall be at one and one-half times regular pay. Pay for working holidays will be at one and one-half times regular pay.

### **Permanent Employee**

A permanent employee is one who is assigned to a budgeted position and has satisfactorily completed his/her period of probation.

### **Probationary Employee**

A probationary employee is one who does not have permanent status — has less than six months' service with the County.

### **Temporary Employee**

A temporary employee is one employed for a specific period of time, normally not to exceed six months.

### **Part-Time Employee**

A part-time employee is one who works less than a normal work week.

### **Immediate Family**

Immediate family means husband, wife, son, daughter, father, mother, father-in-law, mother-in-law, brother, sister, daughter-in-law, son-in-law, grandfather, grandmother, grandchildren, step-mother, step-father, step-brothers, step-sisters and step-children of both the employee and the spouse.

### **May**

The word "may" shall be interpreted as permissive.

### **Shall**

The word "shall" shall be interpreted as mandatory.

### **Continuous Service**

The service credit which determines eligibility for employee benefits such as vacations, leaves of absence, etc. If a permanent employee works for Bay County, then resigns in good standing and returns within 30 days, a continuous service will be reflected upon the recommendation of the Department Head and approval of the County Manager.

### **Termination or Leave of Absence Dates**

When completing the Personnel Requisition or Change in Status form, the effective date of a termination (voluntary, involuntary, compulsory, or failure to return from an approved leave of absence) shall be the last day worked or the last day for which pay was received (e.g., time off with pay for personal illness). The start date of a leave of absence shall be the date following the last day worked or the last day for which pay was received, as in the preceding example. The leave ending date shall be the last day of the work week (Sunday) coinciding with the authorized leave period. Refer to Section VI, Article B5, for types of leaves of absence.

These policies shall apply to and govern all employees of Bay County.

**AUTHORITY FOR ESTABLISHMENT OF POSITIONS**

All positions or offices in the County organization, together with rates of pay, are established by the County Manager and require final approval by the Board of County Commissioners.

**REQUEST FOR PERSONNEL**

Requesting department shall submit a personnel requisition to the Personnel Director when a vacancy exists. Requests for personnel shall be made as far in advance of actual need as circumstances permit.

**REQUEST FOR NEW POSITIONS**

Department shall provide the following recommendations and supporting data to the Personnel Director:

**A. RECOMMENDATIONS**

- 1. Position title
- 2. Position description
- 3. Pay grade
- 4. Salary
- 5. Reporting relationship

**B. SUPPORTING DATA**

- 1. Physical location
- 2. Support furniture/equipment requested or available
- 3. Justification statement to reflect increased efficiency, productivity, cost savings, or more effective and responsive service.
- 4. Source of funds

**\*\*\* PROCESSING OF NEW EMPLOYEES**

\*\*\*Policy being amended to comply with ADA (7/92)  
After a job offer has been made and accepted, the Personnel Director may make an appointment with the designated County physician for the prospective employee to undergo a pre-employment physical ex-

amination. After completion of this examination, the Candidate shall report to the Personnel Office for processing. Any employee who is reinstated, rehired, or recalled within three months of his termination date will not be required to undergo another physical examination, except in unusual circumstances as determined by the Personnel Director. The purpose of the examination is to certify physical fitness and ability to perform duties of the position to which appointment is being considered. A physical examination may be required for any employee at any time.

**ADMINISTRATIVE AND APPOINTIVE AUTHORITY**

With the exception of appointments reserved to the Board of County Commissioners, general authority and responsibility for the personnel administration of County affairs is vested in the County Manager. Final authority in personnel matters is reserved for the County Manager with regard to all matters and subjects covered by these policies. However, if a conflict arises in opposition of authority contained in the County Manager Ordinance, the Ordinance shall take precedence. The County Manager may delegate his authority to the Personnel Director or to Department Heads.

**ADMINISTRATION OF PERSONNEL POLICIES**

Administration of these rules and policies shall be the staff responsibility of the Personnel Director. Department Heads shall be responsible for the effective administration of these rules and policies within their respective operations.

**AUTHORITY FOR VARIANCE FROM POLICY**

A Department Head shall have the right to request, in writing, a variance from these policies when individual circumstances so justify. This request shall be submitted to the County Manager through the Personnel Director. All variances require the approval of the Board of County Commissioners.

**CHANGES/AMENDMENTS TO PERSONNEL POLICIES**

Specific paragraphs or portions of Personnel Policies are changed by the Board of County Commissioners as amendments/additions are needed. These changes are distributed to all Department Heads and others who have need for copies of the policies.

The Personnel Policy booklet shall be up-dated periodically to incorporate all changes which have been made in the interim, normally every three to five years.

### ACCOUNTING RESPONSIBILITIES

Department Heads are responsible for maintaining complete and accurate attendance records for their employees. Such records constitute the basis for preparation of departmental payrolls, and will be preserved for future auditing purposes as needed or required.

The Personnel Director is responsible for monitoring the compliance of departments with the requirements and policies established by the official job classification and pay plan, as well as departmental conformity with the established policies and rules governing wages, hours of work, and working conditions.

### PERSONNEL RECORDS

The Personnel Department maintains a permanent record of your employment with the County. An optional file may be held in your department. Your personnel file contains your complete employment history, such as salary, advancements, promotions, commendations and reprimands. Employees should be aware of keeping their personnel file current. The Office of Personnel should be notified promptly of any changes of address, phone numbers or the person(s) to notify in case of emergency. This is the employee's responsibility and failure to do so may result in loss of benefits. The Personnel Office should also be advised of any special education classes or training courses completed. Copies of diplomas or certificates should be forwarded to become part of the permanent file. Such information is valuable when seeking a promotion in the County service.

## SECTION III

### EMPLOYMENT INFORMATION AND REQUIREMENTS

#### \*\*\*BASIS OF EMPLOYMENT

\*\*\*Policy being amended to comply with ADA (7/92)  
All employment with the County shall be based on merit, ability, and physical, psychological, and moral fitness as evidenced by:

- A. Training, experience, certification, registration, etc., based on job requirements.
- B. Skill and aptitude tests, based on job requirements.
- C. Pre-employment examinations, including physiological, psychological and polygraph, based on job requirements.
- D. Background investigations, including police records and previous employer(s), based on job requirements.

### STANDARDS OF CONDUCT

Employees of Bay County are good-will ambassadors, and such status involves a degree of duty and obligation regarding public and private conduct which is not common to many other classes of employment. The attitude and deportment of a County employee should at all times be such as to promote goodwill and a favorable attitude of the public toward the County administration and its programs and policies. Each employee shall conduct himself/herself in a manner which could not be construed to be in conflict of interest. Improper conduct is sufficient grounds for dismissal.

### EMPLOYEE ORIENTATION

Each new employee shall review the manual with the Personnel Director for use as a general guide to the County's policies, procedures, benefits, and organizational structure. Upon employment, the new employee will be furnished a copy of the manual and, after reviewing, will sign a statement that he/she understands the rules, regulations, and benefits.

### WORK SHIFT ASSIGNMENTS

When employed, each employee is assigned a work shift in accordance with the particular operational requirements of his department. Any changes to those shifts, except where specially noted otherwise, shall be at the sole discretion of management. A 24-hour notice is suggested in order to allow the employee to make the necessary personal arrangements.

## **AUTHORITY FOR ABSENCE**

No employee shall be absent from his regularly scheduled duties except by authority of his Department Head or other responsible supervisor. Employees absent due to reasons beyond their control will be responsible for explaining their absence to their Department Head or other responsible authority prior to the beginning of their shift, if at all possible; but no later than one hour into their shift. In cases where an extended absence or illness is expected, the immediate supervisor shall have the authority to modify the above daily reporting requirements. Except in cases of leave incident to vacation, occupational disability, illness, jury duty, or military training, all absences in excess of one week must be approved by the County Manager.

## **EMPLOYMENT INVESTIGATION**

Each prospective employee must sign a statement authorizing a routine check of his background, prior to or within the first thirty days of employment.

## **SECTION IV COMPENSATION PLAN**

### **WAGE SCHEDULE**

The wages of County employees shall be on the basis of grade schedules prescribed in the Job Classification and Pay Plan adopted by the Board of County Commissioners. Wage adjustments shall be made upon recommendation of the Department Head with concurrence of the Personnel Director and County Manager and within the limitations of the budget of each department.

### **ENTRANCE PAY RATE**

The pay rate at time of appointment to any position shall be the minimum for the position grade. Compensation at higher rates may be considered when experience, skill, training or conditions of the labor market justify such action. The Personnel Director, upon recommendation of the Department Head, is authorized to make salary offers up to the midpoint of the position grade. Salary offers above the midpoint of the position grade shall be made by the Personnel Director

only with prior approval of the County Manager. Except as otherwise provided herein, advancement from the entrance rate to the maximum rate within a grade shall be by merit only.

### **PAY RATES AFTER LEAVE OF ABSENCE, RECALL OR REINSTATEMENT**

When an employee returns to duty in the same or comparable position after a leave of absence or recall, he/she shall receive the rate in the grade schedule corresponding to the rate received at the time of departure, or a higher rate if the range for the position has been upgraded due to a cost-of-living increase, general increase or re-evaluation. Pay rates for reinstated employees shall be treated in the same manner as a new hire. Consideration for a higher grade or rate shall be given if the qualifications of the employee have been increased. He/she shall be paid that rate for at least the length of time normally required for consideration of a merit increase. The time served at the rate immediately preceding his/her departure shall be taken in consideration when determining his/her next merit review date.

### **STARTING RATE AFTER TRANSFER OR RECLASSIFICATION**

When an employee is permanently assigned to duty in a position of a different classification, and the change is not in the nature of a promotion, he/she shall receive compensation at the discretion of management.

### **RATE OF PAY ON PROMOTION**

When an employee is promoted to a position with a higher grade schedule, the employee's new rate shall be at least one (1) pay step increase (6%).

### **RATE OF PAY ON DEMOTION**

When an employee is demoted to a position with a lower pay grade schedule, the employee's new rate shall be adjusted to the top rate of the new job but at least 6% less than his or her prior pay.

### **LONGEVITY ALLOWANCE**

Employees shall be given a one time longevity bonus for years of service as follows:

- 10 years — \$500;
- 5 years — \$1,000;
- 20 years — \$1,500.

For the year 1987 only, those employees with more than twenty (20) years service shall receive a one time longevity bonus of \$1,750.00.

#### OTHER INCREASES

Cost-of-living/general increases may be recommended by the County Manager for the Board of County Commissioners approval when appropriate. Such increases may result in the pay grade ranges (minimum/maximum) being adjusted. The employees' merit cycles shall not be affected by these adjustments.

#### OTHER COMPENSATION PROGRAMS

The County Manager, with Board of County Commissioners approval, when appropriate, shall arrange for the following types of compensation benefits for employees: Medical/health insurance, life insurance, pension program, workmen's compensation, tuition aid, uniform/clothing assistance; and, provision for payroll deductions where applicable.

#### OVERTIME WORK AND PAY

Overtime work will be performed only with prior approval of the Department Head to the extent necessary to meet essential operation requirements or for an emergency operation.

It shall be the responsibility of the Department Head to maintain accurate records of all overtime worked and justification for same. Each Department Head shall submit a statement to the Budget Officer reflecting all overtime bi-weekly, along with a copy of the payroll. The Budget Officer shall have the responsibility to monitor the overtime reported and to investigate any unusually large amounts.

Overtime is that time worked in addition to the normal or scheduled work week by eligible employees who are scheduled or called in to work overtime by their supervisors with the Department Head's authorization.

- A. For purposes of computing overtime of less than one hour, increments in tenths of an hour will be used. Ten minutes is established as the minimal amount of work performed to be eligible for overtime.

- B. Paid time, such as vacations, sick leave, holidays, etc., will be counted in determining the normal work week for the purposes of computing overtime.
- C. All employees on standby or on call are not eligible for overtime unless work is performed on the job.
- D. All employees in Pay Grade 16 and below are eligible for overtime.

## SECTION V

### EMPLOYEE BENEFITS

#### TUITION AID

Each full-time, permanent employee is eligible for benefits under this policy. The Personnel Director is responsible for administration of the tuition aid program and budget. Reimbursement of admission, examination, and/or tuition fees is provided for degree and non-degree curricula; however, if an employee is not working toward a degree, the County will pay only the "audit" fee rather than the fee charged for "credit" courses. Other costs, such as late fees, refundable deposits, books, and material or programs paid for from other sources, are NOT reimbursable.

The employee must submit the "Request/Approval for Tuition Aid/Reimbursement" form to his supervisor for approval of the course NO LATER than ten days prior to the course commencement. If the employee is eligible for veterans' (VA) benefits, grants, or scholarships, these must be utilized instead of the County's tuition aid program. The course must be job related and must enhance the employee's worth to the County. The request will be forwarded to the Personnel Director for approval.

This policy does not apply to situations where the employee is required by the County to attend courses, in which case the County will pay 100% of the cost.

A grade of "C" or above must be maintained in order to receive tuition aid. Tuition fee will be reimbursed by Bay County as follows upon submitting proof of grades to the Personnel Director:

- A — 100%
- B — 75%
- C — 50%

The Internal Revenue Service has ruled that such payments constitute income to the recipient. It will, therefore, be necessary to withhold Federal Withholding Tax (FWT) and Social Security Tax (FICA) from the reimbursement check.

All reimbursements reflected above are contingent upon compliance with all requirements and the current fiscal funds budgeted. There may be instances where the tuition aid cannot be provided due to budgetary constraints.

#### SICK LEAVE

One work day of sick leave allowance shall be granted for each month of service completed. Part-time permanent employees shall accumulate at the rate for a full-time permanent employee for hours actually worked. Sick leave does not accumulate while on leave without pay (over 30 calendar days). Temporary employees are not eligible for this benefit.

Sick leave is to be used for employee's illness or illness of spouse or children (limited to 3 consecutive work days for spouse or children. not to exceed 6 working days on a calendar year). SUBMISSION OF PROOF MAY BE REQUIRED.

- A. Sick leave will accumulate and be maintained on the bi-weekly departmental employee status report.
- B. Employees who are absent more than four consecutive scheduled working days due to employee's illness may be required by the Department Head to submit a physician's statement.
- C. Department Heads are authorized to make any investigation of benefits claimed under this rule which they deem necessary and to disapprove any claims not properly substantiated.
- D. An employee who terminates from County employment shall forfeit all unused sick leave. An employee shall not be paid for unused sick leave, except for those retiring under the County's retirement plan. All employees retiring shall be paid for the amount of sick leave accumulated as of November 3, 1987, but not to exceed 480 hours.
- E. For purposes of reporting sick leave, increments in tenths of an hour will be used. Ten minutes is established as a minimal amount of sick leave to be reported.
- F. Frequent claiming of benefits under this rule constitutes grounds by the Department Head that the physical condition of the employee is below the necessary standards for the proper performance of his/her duties. Likewise, if reasonable suspicion exists

of malingering or the abuse of this benefit, the Department Head may require a statement as to the physical condition of the employee. Such abuse of this benefit may result in disciplinary action up to and including discharge.

- G. Bereavement — Bereavement pay, up to 3 consecutive working days, for any death in the immediate family may be authorized by the Personnel Director at the request of a Department Head. This time will not be charged against the employee's sick leave or vacation leave. Probationary employees are eligible for this benefit, however, part-time and temporary employees are not eligible.
- H. Employees must exhaust all sick leave prior to requesting leave without pay, except while out on Worker's Compensation.

#### ANNUAL LEAVE

Each employee shall accumulate annual leave with pay at the rates shown in the schedule below. Part-time employees shall accumulate annual leave at the scheduled rate for hours actually worked. Annual leave may not be taken until six months service is completed. In extenuating circumstances, this may be waived at the request of the Department Head, with approval of the Personnel Director. Annual leave does not accumulate while on leave without pay (over 30 calendar days). Temporary employees are not eligible for this benefit.

Less than 5 years service	— 12 work days per year.
5-10 years service	— 15 work days per year.
11-14 years service	— 18 work days per year.
15-19 years service	— 21 work days per year.
20 years or more service	— 24 work days per year.

(Examples of accumulation: When an employee completes 5 years of service and starts his/her sixth year, he/she accumulates at the rate of 15 work days per year.)

Annual leave credit may be accumulated to a maximum of 30 working days in a calendar year. Amounts in excess of that authorized shall be lost unless an approved deferral is received in advance. Leave shall normally be granted in periods of not less than 5 work days. Annual leave periods of less than 5 work days may be granted in instances where it is determined by the Department Head that such less period is not detrimental to the County Operation.

- A. Upon completion of probation, employees in permanent positions will be eligible for payment of accumulated annual leave not to exceed 240 hours in cases of separation from County employment in good standing. An employee with less than six months service

NOT eligible for annual leave pay upon separation.

- B. Annual leave pay may be used to supplement absence on account of sickness or injury.
- C. In the event of an employee's death, his/her beneficiary shall be paid for accumulated annual leave not to exceed 240 hours.
- D. Employees must exhaust all annual leave prior to requesting leave without pay.
- E. Holidays which occur during the period selected by the employee for his/her annual leave shall not be charged against such annual leave. However, the holiday will be charged against holiday leave regularly due the employee.
- F. The period selected by the employee for his/her annual leave must have the prior approval of the Department Head.
- G. All Department Heads shall make every effort to provide their respective employees with the opportunity to take their accumulated annual leave at least once a year to remove themselves from the work atmosphere for relaxation and rest in order to return to their jobs refreshed and ready to perform at their maximum efficiency.

**HOLIDAYS**

ten (10)

The following ~~selected~~ days are the holidays for all employees of the County:

- 1. The first of January — New Year's Day
- 2. The last Monday of May — Memorial Day
- 3. The Fourth of July — Independence Day
- 4. The first Monday of September — Labor Day
- 5. \*Veterans Day — November 11th or Martin Luther King Jr.'s Birthday — 3rd Monday of January
- 6. The fourth Thursday of November — Thanksgiving
- 7. The Friday after Thanksgiving — Thanksgiving Friday
- 8. The twenty-fourth of December — Christmas Eve
- 9. The twenty-fifth of December — Christmas Day

\*By October 1st each year, employees must advise their Department Heads as to which one of the above two holidays he/she elects to celebrate.

\*\*4/7/92 BCC authorized M.L. King Day as holiday  
Holidays must be taken as they occur. Accumulation of holidays will not be allowed. If, in the opinion of the Department Head, it becomes

necessary for an employee to work on a scheduled holiday, he shall authorize holiday pay for the employee. If the holiday falls on the normal day off of a shift employee, he/she shall be paid holiday pay at his/her straight time rate. Holidays which fall on a Saturday will normally be observed on the preceding Friday; and, holidays which fall on a Sunday will normally be observed on the following Monday except as specifically noted above. In order for an employee to receive holiday pay, he/she must have worked the scheduled workday preceding the holiday and the scheduled workday following the holiday, unless the employee has received prior written approval to be off one or both of these days.

Regular part-time employees will be paid for four (4) hours holiday pay at their regular rate of pay.

**RETIREMENT**

The County is a member of the Florida Retirement System and is governed by its regulations.

**GROUP HEALTH AND LIFE INSURANCE**

Group Health and Life Coverage for Active Employees

Employees are eligible for the County's group life, medical and health insurance plan immediately upon being hired. The plan provides medical and health coverage for the employee and dependents at 75% County expense and 25% employee contributions. Both group health and life insurance coverages may be continued while an employee is on approved non-pay leave of absence. The employee pays 100% expense for life insurance at all times, and 100% health insurance premium while on approved non-pay leave of absence. The County's group life, medical and health insurance plan is terminated on the day of the month in which the employee terminates. However, coverage may be converted to individual policies upon termination. A retired employee may elect to stay under the group coverage by paying 100% of the insurance premium.

**AWARD PROGRAMS**

Longevity Award

Certificates shall be awarded annually to employees in recognition of long service with the County and the achievement of academic degrees at accredited colleges or universities. Service awards shall be made



to the employees completing five (5) years continuous service and every five (5) years thereafter.

#### **EMPLOYEE SUGGESTION PROGRAM**

The purpose of the Employee Suggestion Program is to encourage and recognize employees who propose innovative ideas or procedures that will increase productivity and efficiency. Suggestions must be submitted by using the official Employee Suggestion Form and must follow guidelines of the Employee Suggestion Program. These can be obtained from the Personnel Department or within your department. Awards to employees may be monetary or non-monetary.

#### **EMPLOYEE OF THE MONTH**

Nominations for this award are submitted by the Department Head and reviewed monthly by the County Manager and Personnel Director of which one employee is selected. That employee is formally presented with a "Certificate of Recognition" by the Board of County Commissioners and given an extra Fifty Dollars in their paycheck.

#### **INCENTIVE PROGRAMS**

##### **A. Incentive Leave**

Any employee having taken no sick leave during the preceding fiscal year (October 1 through September 30) will receive an additional two (2) days vacation leave. Any employee using three (3) or less sick days in a year will receive an additional one (1) day of vacation leave. Time taken off for this "bonus" will be at the employee's discretion with Department Head approval, and will not be charged against sick leave. The incentive leave must be taken during the following fiscal year.

Other Incentive Programs may be provided as deemed beneficial by the County Manager and approved by the Board.

#### **COURT DUTY**

An employee who is legally summoned to serve on a jury during a court trial or subpoenaed may be permitted absence with pay for the time required for such duty. When excused or relieved from such service, the employee shall report for his regular employment, provided, however, that at least three hours remain during his regular work day. All monies earned while on jury duty are in addition to his regular earnings from the County.

#### **OCCUPATIONAL DISABILITY**

All cases of injury occurring on the job shall be filed for action under the provisions of Worker's Compensation, however, employee disability as a result of job related injury shall be terminated after a period of one year unless the employee makes application requesting an extension of time, which may or may not be granted.

Both sick leave and annual leave will continue to accumulate during the period of disability.

An employee on Workmen's Compensation will receive Workmen's Compensation benefits and be allowed to use 1/3 day of accrued sick leave for each day the employee is being paid Worker's Compensation wage benefits.

### **SECTION VI**

## **POSITION CLASSIFICATION PLANS**

#### **PROMOTIONS**

- A. It is the policy of the County to provide employees the opportunity for advancement by promoting from within whenever possible. Promotions to more responsible positions shall be based on demonstrated performance, ability, a cooperative attitude, education, experience, and special qualifications.
- B. Pay increases shall be approved in accordance with "Rate of Pay on Promotion, Section IV, COMPENSATION PLAN.
- C. Announcements of position vacancies shall be made as they occur. Employees desiring advancement to higher level positions are encouraged to prepare a request for consideration, stating their reasons and qualifications. All job openings above the entry level must be posted in all departments for five work-days prior to filling vacancies in order to allow employees the opportunity to make application for advancement. All such requests shall be reviewed by the Department Head and the Personnel Director. Applicants shall be notified when selections are made.
- D. During the budget preparation cycle, from initial submission until approval, all promotions shall be frozen unless approved by the Personnel Director in concurrence with the County Manager.

- A. Employees may be demoted to positions in lower classifications with approval of the County Manager on the following grounds:
  1. Employees who are promoted will serve a six (6) months probationary period. If the employee is unsuccessful, he/she may be returned to their previous position.
  2. Due to lack of work, or abolishment of a position. Such action is to be without prejudice and the employee involved is eligible to receive preferential consideration relative to transfer to his/her former position or another for which he/she is qualified.
  3. If an employee is not satisfactorily performing the duties assigned to their position.

**TRANSFERS**

An employee on permanent status may, with the approval of the Department Head concerned and the Personnel Director, be transferred as follows:

- A. To another department in the same position classification;
- B. During the budget preparation cycle, from initial submission until approval, all transfers may be frozen;
- C. Lateral Transfers — Employees transferred to another position in the same job classification with the same pay grade shall NOT be eligible for a pay increase. Lateral transfers shall not affect the employee's performance review date or his probationary or permanent status. No more than one lateral transfer per year per employee is allowed.

Notices of position vacancies are posted to afford employees the opportunity to request transfers to another department. The County reserves the right to consider only those transfers which are of mutual benefit. In such cases, the written requests, including reasons for the transfer, must be reviewed by the Department Head(s) concerned and the Personnel Director. The position vacancies will be conspicuously posted by all County departments to assure all employees an opportunity to consider the vacancy. All pertinent information relative to the position will be stated in the posting.

**CLASSIFICATIONS OR RECLASSIFICATIONS**

- A. All positions are subject to reclassification. All requests shall be submitted to the Personnel Director for review, recommendation for approval/disapproval to the County Manager, and processing. Such requests shall be submitted in the same manner as the "Request for New Positions", Section II, "AUTHORITY AND ADMINISTRATION."
- B. Positions may be reclassified with or without a change in pay grade; conversely, a pay grade may be changed with or without a change in classification.
- C. When a position is reclassified to a job classification with a higher pay grade (significant increase in job requirements/job difficulty), such change shall be processed in accordance with "Rate of Pay on Promotion," Section IV, COMPENSATION PLAN."
- D. When a position is downgraded, it will result from a determination by the Department Head that the position has been improperly graded. A change in compensation due to downgrading of a position will be at the discretion of management.

**LEAVE WITHOUT PAY**

- A "leave without pay" is time off without pay for a period of time appropriate to the circumstances as hereinafter defined, unless otherwise specified. Any renewal must be by mutual written agreement.

Health and life insurance benefits may be continued on the employee for the term of the authorized leave if the employee so desires. One hundred percent of the cost of the coverage shall be in advance by the employee, except in cases of extended illness.

An employee will not accumulate sick leave nor annual leave while on leave without pay.

A leave without pay of less than 30 days will not constitute a break in service.

- A. Eligibility for Leave Without Pay

Full-time, permanent employees who have completed six months of satisfactory service are eligible for consideration of leave without pay unless otherwise specified.

B. Application for Leave Without Pay

No application for leave without pay will be considered unless it is applied for in writing on forms provided for that purpose. In all cases, the forms will be completed at least one week prior to leave; will specify the type of leave; and, will be signed by the employee to signify his/her understanding and acceptance. No leave request is considered granted unless approved by the Department Head with the County Manager's concurrence.

C. Employees returning from a leave without pay must:

1. No later than two weeks prior to their scheduled date of return, confirm to their Department Head their date of intended return to active employment. Any request to change their scheduled date of return or intention to resign should be reported as soon as known.
2. Those employees returning from a medical leave of absence shall furnish a signed letter from their personal or "treating" physician, attesting to their physical fitness for resumption of employment. Arrangements may be made with the Personnel Director, through their Department Head, to have them examined by a designated County physician before returning to work.

D. Employees on leave without pay will be terminated if they have:

1. Failed to furnish a true statement of the reason for leave or required official documentation.
2. Accepted other employment while on leave, unless a specific request has been applied for and approved in writing.
3. Failed to return to work at the expiration of leave.

### TYPES OF LEAVE WITHOUT PAY

- A. Academic — Time off without pay, for a period not to exceed two years, recommended by the Department Head and authorized by the County Manager. Two years of continuous service are required before an employee is eligible. The employee may be eligible for full tuition reimbursement if he agrees to return to work for the County on the basis of twice the period of time for which the employee was on leave. If the employee resigns before he has fulfilled his obligation to the County, he shall be responsible for full repayment of the tuition reimbursement. Reinstatement in a comparable position shall be a condition of the agreement and will be considered regardless of budgeted vacancies. Such education must be of definite value to the employee in connection with his/her job assignments and must be contracted and approved by the Commission.

- B. Military Leave — Time off for military duty will comply with all Federal and State Statutes.

- C. Maternity Leave — Maternity leave will comply with all Federal and State Statutes.

### LAYOFF

In the unlikely event that it becomes necessary to have a layoff, employees will be selected for layoff taking into account the following factors:

- A. Skill and ability of the employee.
- B. Overall performance record, including attendance.
- C. Seniority.

## SECTION VII

### DISCIPLINARY PROCEDURE

There are certain standards of common honesty, decent behavior, and job performance which we will take for granted that you observe as a good citizen and as a good employee. If an employee should, however, engage in misconduct which violates county rules, and/or is detrimental to the County and/or to the working atmosphere which we wish to provide for our employees and our citizens, then disciplinary action may be imposed. Such action may include disciplinary warning, suspension and/or discharge.

No employee, however, will ever be discharged from the employment of Bay County until the facts of his case have been presented to and reviewed by the County Manager.

- A. **Suspensions** — A Department Head may, for disciplinary purposes, suspend without pay any employee under the Department Head's supervision for a period of up to three (3) days. A Department Head may, for disciplinary purposes, recommend to the County Manager to suspend without pay any employee under the Department Head's supervision for a longer period of time, such length of time as the County Manager considers appropriate, but not to exceed thirty (30) days in any twelve (12) month period. A written statement specifically setting forth reasons for and the length of time of such suspension shall be filed in his or her personnel folder in the Personnel Office.

B. **Culsory Resignation** — An employee who, without valid reason, fails to report to work for three days without authorized leave, shall be separated from the payroll and reported as a compulsory resignation. Such an employee may not be eligible to be placed on a re-employment list.

C. **Dismissal During Probationary Period** — Any time during the probationary period, a Department Head, with approval of the County Manager, may remove an employee if, in their opinion, the working test period indicates that such an employee is unable or unwilling to perform the duties of the position satisfactorily or that his or her habits or lack of dependability do not merit continuance with the service. Probationary employees shall not have benefit of the grievance procedures.

D. **Demotions** — If at any time during the course of employment, it is determined by the Department Head that an employee is not satisfactorily performing the duties of their assigned position, but not considered merit for termination, the Department Head may recommend demotion to a position of a different classification and wage schedule for a determined period of time.

## SECTION VIII

### EMPLOYEE COMPLAINTS AND GRIEVANCES

#### GRIEVANCE PROCEDURES

At Bay County we are seriously interested in hearing and settling any work-related problems you may have as it arises. We encourage you to file a grievance whenever you believe that any policy has been incorrectly applied to you. Any grievance you have will receive prompt consideration.

A Grievance Committee, consisting of two employees from management and two employees from labor will be appointed by the County Manager. Members will elect a Chairman from among themselves and determine the length of chairmanship. Term of appointment will be for six (6) months.

The following steps are to be followed in submitting a grievance:

#### Step 1. Your Supervisor

If you have a problem you should discuss the matter first with your supervisor. It is the supervisor's responsibility to consider and attempt

to settle any problems as quickly as possible. Because solutions to problems are most effectively achieved if the matter is discussed promptly, you must discuss the matter with your supervisor within seven working days of when the event you are concerned about occurred.

#### Step 2. Your Department Head

If your supervisor cannot settle the problem, you may fill out a grievance form and submit it to your Department Head for his/her consideration. You must give the Department Head the completed form no later than five working days after your supervisor's answer.

#### Step 3. The County Manager

If your Department cannot settle the matter to your satisfaction, you may submit the grievance to the County Manager. You must submit the written grievance to the County Manager no later than five working days after the decision of your Department Head.

Upon receipt of the grievance, the County Manager will request a meeting of the Grievance Committee. The employee will have the opportunity to present his/her grievance personally to the Grievance Committee in the presence of his/her Department Head, and the Department Head, in turn, will have the opportunity to present his/her comments relative to the grievance. The ruling of the Grievance Committee will be final. In the event of a tie vote, the County Manager will determine the final ruling. Further, grievances may not be filed by Department Heads or other management employees.

Bay County now has a Personnel Department. It is the primary function of our Personnel Department to advise and assist employees. Therefore, you should feel free to seek the help of the Personnel Director in explaining any policy or in filling out a grievance form or in processing a grievance.

We hope that if the need ever arises, you will use our grievance policy since we want to be sure that all policies of Bay County are correctly applied to each and every employee. Nothing in this policy manual is intended to create any state, federal or local right of due process, or any right to litigate a grievance beyond the final step.

We urge you to speak up for yourself directly to us. You are urged to raise any problem, personal or otherwise, with your immediate supervisor, and you are also free at any time to discuss any matter with the Director of Personnel.

\_\_\_\_\_  
(Print Full Name)

\_\_\_\_\_  
(Social Security Number)

The above is an acknowledgment that I have received my copy of the Bay County Employees Information Manual and have reviewed its contents. I will read and abide by all rules and regulations stated in this policy manual.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)