

***TAYLOR COUNTY***  
***BOARD OF COUNTY COMMISSIONERS***

4.01

***EMPLOYEE HANDBOOK***

**Adopted by the Board of County Commissioners: January 7, 2008**  
This handbook supersedes all previous employee manuals and memos that have been issued from time to time on subjects covered in this manual.

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## INTRODUCTION

This Handbook has been prepared to inform you as an employee of the Taylor County Board of County Commissioners (hereinafter referred to as the “Board” or “Taylor County” or “County”) about your responsibilities to Taylor County and Taylor County’s employment-related policies and benefits. Please retain this Handbook for future reference.

The policies in this Handbook are subject to revision and the Board reserves the right to unilaterally modify, revoke, suspend, terminate or change any or all plans, policies and procedures, in whole or in part, herein described, with or without notice. This employee Handbook, and the language contained herein, does not create, and is not intended to create, nor is it to be construed to constitute a contract, express or implied, between the Board and any one or all of its employees. The Board reserves the right to interpret the policies contained in this Handbook and make necessary decisions based upon those interpretations.

For regularly appointed employees who are represented under a bargaining unit, these rules prevail except where it conflicts with the collective bargaining agreement or any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement.

Further, this Handbook constitutes only a summary of the employee benefits, personnel policies, and employment regulations in effect at the time of publication. In the case of insurance and similar benefits, current plan documents will prevail.

Only the County Administrator, on behalf of the Board of County Commissioners has the authority to enter into an agreement with you for employment or to make any promises or commitment contrary to this Handbook. Any employment agreement entered into by the County Administrator shall be in writing.

The statements contained in this Handbook are intended to offer guidance but do not modify the terms of employment. All applicable current memos and addenda issued by the County Administrator concerning policies and procedures shall be considered to be incorporated into this Handbook. All employees of Taylor County are at-will employees and the employee or the County Administrator may terminate this relationship at any time, with or without cause or notice.

Should any portion of this Handbook be found unenforceable and deemed invalid, such finding shall not invalidate the entire Handbook, but only the subject provision. Other helpful resources for resolving questions regarding your employment status include your supervisor and Human Resources.

## **1. GENERAL EMPLOYMENT INFORMATION**

### **A. At-Will Statement 4.01.01**

All employees of Taylor County are at-will employees, and the employee or the County Administrator, on behalf of the Board of County Commissioners may terminate this relationship at any time, with or without cause or notice. An employee is completely free to leave his or her employment with the County at any time.

### **B. EEO Policy 4.01.02**

Taylor County is an equal opportunity employer. It is the policy of Taylor County, to provide equal employment opportunity at all times without regard to age, race, color, religion, gender, sexual preference, national origin, disability, marital status, veteran status, political opinions or affiliations or union activity or any other prohibited basis. It is the intent and goal of Taylor County to provide equal opportunities in employment, placement, training programs, job assignments, transfers, promotions, compensation, benefits and any other status change. Any employee with questions about discrimination in the workplace is encouraged to bring these issues to the attention of their department head, human resources or County Administrator. Moreover, any employees who feel that they have experienced discrimination or harassment must immediately report the incident pursuant to the Board's Discrimination and Harassment Policy as outlined on page 13 of this Handbook. Employees who raise concerns and make reports in good faith can do so without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

### **C. Employee Responsibilities 4.01.03**

Employees of Taylor County are responsible to:

- Read and understand the provisions of this Handbook and their respective departmental policies and procedures;
- Conduct themselves in a manner to effectively and efficiently carry out their responsibility to their department, Taylor County and the general public; and
- Provide the Human Resources Office all current and accurate information, including leave, service, retirement and insurance.

### **D. Introductory Period 4.01.04**

#### **i. New Hires, Transfers and Promotions**

All employees, regardless of whether they are newly hired, transferred or promoted will be required to serve an introductory period of one hundred and eighty (180) calendar days of continuous, uninterrupted service. The introductory period will be used to evaluate an employee's performance, adaptability and suitability for the position.

Your supervisor will be continually reviewing your performance during the introductory period. Successful completion of the introductory period does not affect the at-will nature of the employment or create any expectation of continued employment. The Board reserves the right at any time to terminate employment with or without cause.

ii. Regular Part-Time/Regular Full-Time Status

Regular employees, who have completed the introductory period, are generally not required to serve an additional introductory period if they change their status from part-time to full-time or vice versa in the same position.

iii. Extensions of the Introductory Period

The department head may extend the length of the introductory period up to ninety (90) calendar days at his or her discretion.

E. Types of Appointments 4.01.05

Each employee will belong to one of the following types of appointments for benefit eligibility purposes. The personnel classification does not affect the at-will nature of employment. Either party shall be free to terminate the employment relationship at any time for any reason.

i. Introductory

All employees appointed to established positions within the County will serve an introductory period of at least one hundred and eighty (180) calendar days.

ii. Regular Full Time

Employees who successfully complete their introductory period, who are not in a temporary status, and who are regularly scheduled to work at least 40 hours per week are considered regular full-time employees. Generally, such employees are eligible for Taylor County's benefit package, subject to the terms, conditions, and limitations of each benefit program.

iii. Regular Part Time

Employees who successfully complete their introductory period, who are not assigned to a temporary status, and who are regularly scheduled to work less than 40 hours per week are considered regular part-time employees. Regular part-time employees, who work at least twenty (30) hours per week and who meet other applicable requirements, can participate in certain employee benefits such as insurance. Any part time employees who are presently receiving other benefits shall continue to do so under a “grandfather clause.”

iv. Temporary

Employees may be hired full time or part time on a temporary basis for a period not to exceed six (6) calendar months of continued employment. A temporary appointment does not qualify towards County service status. Temporary employees are not eligible to participate in the employment bid process for County vacancies. Temporary employees may participate in the external application and hiring process. Temporary employees are not eligible for any benefits unless required by law.

v. Seasonal

Employees appointed on a seasonal basis are placed on active status during that seasonal activity and then are placed in inactive status until the next seasonal period. Seasonal employees are not eligible to participate in the employment bid process for County vacancies. Seasonal employees may participate in the external application and hiring process. Seasonal employees are not eligible for any benefits unless required by law.

F. Work Schedule 4.01.06

i. Hours of Work

The County Administrator will determine the hours of work for employees. A normal work day will generally consist of eight (8) hours. A forty hour work week is generally in effect for most full time employees. However, the work day and work week may vary by department and position.

ii. Attendance and Punctuality

Good attendance and punctuality is extremely important to the County. Business needs necessitate that employees report to work promptly on a regular basis. Please refer to Chapter 4: Leave and Benefit Programs for additional information on the County’s leave policies.

iii. Work Breaks

(1) Meals

An unpaid meal break of at least thirty (30) minutes will be provided during the workday. Meal periods will be scheduled in manner to best serve the public and the department. Meal periods for twenty-four hour shift positions will be included as actual work time.

(2) Daily Breaks

A department head may grant daily breaks at his or her discretion. Breaks may not be combined to shorten the workday or extend the meal period.

## 2. EMPLOYEE CONDUCT

### A. Conflict of Interest

#### i. Political Activities

All employees are entitled to exercise their rights as citizens, including but not limited to, the right to vote, membership in a political party, expression of their political opinions, etc. However, employees may not solicit contributions, participate in the management of political campaigns or participate in the affairs of political legislation during work hours, while in County uniform, or within any period of time during which the employee is performing services for the County, unless necessary and appropriate for their position. Employees may not use their official authority, position, or influence for the purpose of interfering with or affecting the nomination for office, result of an election or other legislative action except as necessary and appropriate to their position and authorized by the Board of County Commissioners.

#### ii. Outside Employment

Employees may engage in outside employment during their off-duty hours provided it does not interfere with their proper and effective job performance, result in a conflict of interest or subject the County to public criticism or embarrassment. Employees may not engage in outside business activities such as selling to or soliciting from co-workers or members of the public during work hours.

An employee who chooses to engage in an additional job, contractual commitment or self employment, must obtain prior written approval from his or her department head. A new request for approval must be submitted if the conditions of the outside employment change. Any employee engaged in outside employment which conflicts with the requirements of this policy may be required to resign from such outside employment or be terminated.

#### iii. Financial Interests

##### (1) Gifts, Gratuities and Other Items of Value

Employees are not permitted to solicit or accept any gifts, gratuities, favors, forms of entertainment, loans or any other items of value from any organization, business, firm, individual, association or group:

- Who has or is seeking business and/or approval from Taylor County; or
- Whose interests may be affected by the employee's performance or non-performance of his or her official duties; or
- Which would cause a reasonably prudent person to be influenced in the discharge of official duties; or

- Which is based on any understanding that the judgment of the employee in carrying out his or her employment responsibilities would be influenced.

Employees are bound by all laws relating to conflict of interest. Employees must disclose any direct or indirect financial interests.

## (2) Nominal Gifts

Employees may accept nominal gifts for special occasions, such as marriage, retirement, illness, etc; food and refreshments in the ordinary course of business meetings; unsolicited advertising or promotional materials (pens, notebooks, calendars, etc.); or special courtesies in the interest of good public relations. Employees may contribute to flower funds or special gifts for co-workers or supervisors if voluntary and of minimal value.

### iv. Supervisor Responsibility

Supervisors must avoid placing themselves in a position that could interfere or create the impression of interfering with the objective evaluation and direction of their subordinates. Supervisors may not borrow money or accept favors or gifts of value from subordinates.

### v. Privileged Information

In the course of their duties, employees may deal with plans, programs, and information of significant public and private interest. Employees may not use this privileged information for their own personal advantage, financial or otherwise or provide any other person with such an advantage. If an employee determines that he or she has an outside interest, especially financial, which could be affected by County plans, he or she must immediately report this to their supervisor. Each employee is charged with responsibility of insuring that he or she releases only information that he or she has the authority and responsibility to release and that should be made available to the general public. Employees should consult their supervisor if they have any questions regarding the disclosure of information. Employees may be terminated for improper disclosure of information or use for personal gain.

This section in no way shall be neither construed nor interpreted to be in conflict with the Florida Public Records Act or the Florida Open Meetings Law.

### vi. Employment of Relatives

No member of the immediate family of any employee may be employed, promoted, demoted or transferred to a position where that relative would be supervised or would supervise that employee. For purposes of this policy, "immediate family" is defined as father, stepfather, mother, stepmother, brother, stepbrother, half-brother, sister, stepsister, half-sister, grandfather, grandmother, spouse, son, stepson, daughter, stepdaughter and ward of the employee or spouse living in the same household.

## B. Employee Organizations

4.01.08

All employees have the right to organize, join and participate in, or refuse to do the same, in any employee organization without fear of reprisal or penalty.

C. County Property

4.01.09

i. Use of County Property

All employees who are provided County equipment such as vehicles, tools, materials, uniforms and any other items must exercise extreme care in the use and preservation of such items. County property may only be used for official activities. Employees must also observe all safety precautions while carrying out their duties and responsibilities. Negligence, abuse, misuse, unauthorized personal use, willful or negligent loss or destruction of County property will result in disciplinary action and/or prosecution. Employees will be required to reimburse the County for equipment damaged, destroyed lost or stolen due to neglect, abuse, misuse or unauthorized personal use.

(1) Vehicles and Related Equipment

All employees who operate County vehicles and/or other equipment requiring a license must hold a valid and appropriate Florida driver's license. Employees operating County vehicles and/or equipment must inform their supervisors of any change of status to their license. Suspension or revocation of an employee's license may result in demotion, transfer, reassignment or termination.

Employees operating County vehicles are required to drive safely and courteously at all times and obey all traffic laws. Employees must wear a seat belt at all times. Employees are required to pay all traffic related tickets and fines.

(2) Communications Equipment

(A) Purpose

Communications equipment, including but not limited to, telephones, cellular or mobile phones, facsimile devices, computers, two way radio systems or any other devices are paid for by County funds may only be used to conduct County business. County equipment is subject to inspection at any time.

(B) Use While Driving

Employees are prohibited from using a County cellular phone while driving any vehicle unless a hands-free device is in use. Employees may not use personal cellular phones while driving a County vehicle unless a hand-free device is in use. Hands-free devices will be provided to employees with County issued cellular communication devices.

(C) Personal Use

Limited, infrequent personal use may be authorized within specified parameters. Personal communications should only be made during before or after work hours, during lunch or other authorized breaks. Personal communications should be rare and

brief. Employees may not make any personal communications that will result in a charge to the County or that will interfere with the employee's normal duties and responsibilities.

Personal communications, including but not limited to, soliciting business, advertising, or engaging in other selling activities in support of private business enterprises; fundraising activities other than those done in support of County government; or any other use that would reflect adversely on the County or which is non-compatible with public service (e.g., chain letters; harassing e-mail; sexually-oriented e-mail; accessing sexually-oriented sites or downloading sexually-oriented material; etc.) are strictly prohibited.

Employees may not use County stationary or postage for personal use.

#### (D) Internet Policy

The County considers access to electronic information resources to be a privilege granted on the condition that each employee use the resources responsibly and in accord with professional standards. The resources available to the County employees for Internet services and e-mail may only be used to further the goals and objectives of the County. The County Administrator or designee will have the responsibility and authority to approve the posting of information on behalf of the County on the Internet to meet the following goals and objectives:

##### (i) Policy Development and Decision Making

The use of the Internet, e-mail and other news services will provide employees with electronic access to research material, technical and professional information. This immediate access to information allows more informed decision-making.

##### (ii) Conservation Efforts

The use of the Internet for data gathering and research can reduce the consumption of paper and fossil fuels and reduce traffic congestion, by allowing employees to gather information electronically and remotely.

##### (iii) Service Delivery

The County's infrastructure and Internet access will be used to provide high quality, efficient and cost effective communications and information to the public.

##### (iv) Authorized Use

Employees may only use the Internet and e-mail for authorized County business. Use of the Internet constitutes acceptance and acknowledgment of this Policy. Employees may not use the Internet and e-mail for inappropriate activities, including but not limited to, illegal activities, threats, harassment, slander, defamation, obscene or graphic images, political endorsements, commercial activities, games or entertainment, personal gain or profit, jokes, comments, slurs, disparagement, chain e-mails and other

related activities. Employees are prohibited from transmitting any information that would violate any federal, state or local laws.

(v) Professional Development

The Internet may be used to pursue professional and career development goals. Examples of appropriate use include: communicating with members of work-related professional organizations, collaborating on articles and other writings, and reviewing information on professional or career development topics.

(vi) Privacy and Confidential Information

Employees must keep their passwords confidential and must change their passwords when necessary to ensure confidentiality. Employees will have no expectation of privacy in their Internet or e-mail use. The County has the right to monitor any and all aspects its electronic resources, including but not limited to, monitoring employee's use of the Internet, reviewing material downloaded or uploaded by employees and reviewing e-mail sent and received by employees.

Employees must respect the privacy of other users and are not permitted to seek information on, obtain copies of, or modify files, other data or passwords belonging to other users, or represent themselves as another user. Internet e-mail is not necessarily a secure communication network, and privileged information sent via the Internet could potentially be read by others. Employees must follow the County's policies and procedures regarding the distribution of confidential County information.

(vii) Copyright Laws

Employees must comply with copyright and licensing laws for materials, software, and other media. In addition, employees should obtain appropriate approval prior to making information available via Internet services or e-mail.

(viii) Virus Protection

Employees must maintain active virus detection software on their computers. All downloaded files regardless of the source shall be virus scanned and any suspicious e-mail shall be deleted from the computer without opening the file(s). Employees are not permitted to download programs to their computer without prior approval from the MIS department.

(ix) Violations

Violations of this policy will result in loss of access to the Internet and e-mail, as well as disciplinary action and/or prosecution.

D. Prohibited Acts

4.01.10

Any officer, employee or representative of Taylor County who engages in the following

activities will be terminated from the County:

- No person shall make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment made under any provisions of this policy or in any manner commit or attempt to commit any fraud preventing the impartial execution of these rules.
- No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in a position in Taylor County government.
- No employee shall deceive, obstruct, or limit any person in their right to examination, eligibility, certification, appointment, hearing, or voice under this policy or furnish to any person any special or confidential information for the purpose of affecting the rights, prospects or influence of any person with respect to employment in the County service.
- Any County employee participating in a strike, as defined in the Public Employees Relations Act, can and shall be subject to termination from County employment.

E. Loyalty Oath

4.01.11

All employees who currently or are hereafter employed by the County shall take the State loyalty oath. Penalty for refusing shall be as prescribed by Section 876.069, Florida Statutes.

F. Dress and Hygiene

4.01.12

Employees must maintain high standards of dress and hygiene. Employees are not permitted to wear halter tops, revealing shorts, low-cut tops, or see-through apparel. Casual attire such as spandex, jogging suits, unserviceable dungarees (having holes, etc.), and shorts that are not of appropriate fabric and length (more than one inch above knee) similarly do not present a professional appearance and are not to be worn. "T-shirts" that are not part of a County approved uniform are not permissible. Any jewelry that is worn should be reasonable and must not create a safety hazard.

Good appearance, function, and safety are the main considerations for acceptable dress. Individual departments may have detailed clothing and equipment codes to which employees of that department are expected to adhere. Employees are expected to keep in mind they are public employees and are to conduct themselves accordingly in a manner which will in no way discredit the County government, public officials or fellow employees.

G. Uniforms

4.01.13

Depending on the position, some employees may receive uniforms. Employees who are separated from the County, transferred to a position requiring different uniforms, or transferred to a department not designated to issue uniforms must return all uniforms issued to them before their final wage payment will be made or released. Employees are personally responsible for loss or willful damage to County uniforms.

H. Residency

4.01.14

Upon employment, regular full time employees will have ninety (90) days to establish residency in Taylor County. The County Administrator has discretion to approve exceptions to this policy. Waivers for department heads must be approved by the Board.

I. Drug-Free Workplace Policy

4.01.15

i. General

The County recognizes that drug abuse is a significant public health problem and that drug abuse in the workplace negatively affects individual job performance and undermines the public's confidence in employees and the services we provide. The County acknowledges the importance of establishing and maintaining a drug-free workplace and complying with all federal, state, and local regulations related to drug use.

Employees are prohibited from:

- Manufacturing, selling or providing any drug, including alcohol or prescription drugs, whether on or off-duty, unless the employee is legally entitled to sell or provide the substance in question under the circumstances.
- Possessing any alcoholic beverage or unlawful drug while on duty or on County property at any time.
- Using any substance (including illegal drugs; prescription drugs not prescribed for the employee by a physician; alcohol; or any other controlled substance) which may adversely affect job performance. This may include both use while on-duty and use while off-duty which can adversely affect job performance. This shall also include the use of any substance which creates an unnecessary risk of an adverse effect on job performance, such as absenteeism, tardiness, or safety.

Employees and applicants shall submit to tests designed to detect the presence of any controlled substance, drug or alcohol when requested. Employees will not be provided with workers' compensation benefits if an injury was the result of drug or alcohol use.

Employees are not to report to work if they are under the influence of illegal drugs or alcohol. Employees who violate this policy will be disciplined up to and including

termination and/or prosecution. Additionally, a violation may be reason for evaluation and treatment for a drug and/or alcohol use disorder.

ii. Convictions

Any employee convicted of a drug related offense occurring in the workplace must notify his or her department head within five (5) days of such conviction. The County will take appropriate personnel action, which may also include the employee's satisfactory participation in a drug abuse assistance or rehabilitation program.

iii. Additional Information

See Appendix A for further information on the Drug-Free Workplace Policy. Employees may also obtain a copy of this policy from the Human Resources office.

J. Harassment and Discrimination Policy 4.01.16

The County is committed to maintaining a work environment free of discrimination and harassment in which employees at all levels can devote their full attention and best efforts to the job. The County will not tolerate harassment based on race, national origin, disability, religion, gender, creed, age, marital status or veteran status. . The County will not tolerate the harassment of any of its employees, supervisors, co-workers, vendors, customers or anyone else. The County will not tolerate harassing conduct that affects tangible job benefits; that interferes with an individual's work performance; or that creates intimidating, hostile, or offensive working environment.

i. Harassment Based on Protected Status

Harassment based on race, national origin, disability, religion, gender, creed, age, marital status, veteran status or any other characteristic protected by law will not be tolerated. This policy applies to all employees. Examples of harassment covered by this policy may include, for example, jokes about a person's protected status, kidding, teasing, or practical jokes directed at a person based on a protected status. The prohibited conduct also includes the following:

- Epithets, slurs, negative stereotyping or threatening, intimidating, or hostile acts that relate to race, national origin, gender, age, disability, religion, marital status, veteran status or other factor protected by law; or
- Written or graphic material that shows hostility toward an individual or group because of gender, race, national origin, disability, religion, gender, creed, age, marital status, veteran status or other factor protected by law and that is placed on walls, bulletin boards, or elsewhere on the County's premises or circulated in the workplace.

ii. Sexual Harassment

Sexual harassment is conduct based on gender, whether directed towards a person of the opposite or same sex, and includes unwelcome sexual advances, requests for sexual favors and any other physical, verbal or visual conduct of a sexual nature constitute sexual harassment when:

- Submission to the conduct is an explicit or implicit term or condition of employment or continued employment; or
- Submission to or rejection of the conduct is used as a basis for employment decisions affecting an employee, such as promotion, demotion, or evaluation; or
- The conduct has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include, but is not limited to unwelcome sexual propositions; sexual innuendos, sexually suggestive remarks, vulgar or sexually explicit comments, gestures or conduct, sexually oriented kidding, teasing or practical jokes, physical contact such as brushing against another's body, pinching, or patting, the publication to anyone, of documents (including pictures and text) in the workplace that contain any material that is of a sexual nature and using the computer to access any website, newsgroup, CD, floppy disk, or any other resource that contains material that is of a sexual nature.

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

#### iii. Reporting Discrimination or Harassment

All employees are responsible for maintaining a workplace that is free of harassment and intimidation. If any employee experiences or witnesses harassment in the workplace, they have an affirmative obligation to report such conduct to his/her supervisor, department head, or the County Administrator. This is true whether the alleged offending party is an employee, supervisor or non-employee with whom the County does business. If, after an investigation is conducted, it is determined that the harassment has occurred, and it is determined that any employee(s) failed to fulfill their affirmative obligation to report such conduct, such a failure may be grounds for discipline. Employees are not required to report harassment to the person they believe is harassing them. No employee will be punished for bringing a report of harassment or discrimination to the County's attention or for cooperating in an investigation.

#### iv. County's Responsibility

Once your report has been received, the County will:

- Conduct a prompt and thorough investigation,
- Discuss the results with the complaining employee and, where appropriate, the action to be taken,

- Keep the investigation and results as confidential as possible, and
- If the complaint is verified, take appropriate corrective action, up through and including termination.

### **3. HIRING AND EMPLOYMENT ACTIONS**

#### **A. General Policy 4.01.17**

The County will recruit, select and promote employees on the basis of their knowledge, abilities, skills and qualifications. It is the Board's intent to select the best suited applicant from among the most qualified to fill vacancies. The County will attempt to hire internally when possible, however, it does not waive the right to simultaneously conduct an external search. The minimum age for employment with Taylor County is eighteen (18) years old unless otherwise specified in the job description, vacancy announcement or position advertisement.

#### **ii. Vacant Positions**

The Board will select the best suited applicant to fill vacant positions. Employees who meet the minimum requirements and who submit applications may be considered by the interview committee.

Recruitment for candidates for County service will generally be announced publicly through job postings. Announcements or vacancies may also be furnished to community organizations. Applicants will be recruited on the basis of experience, education, suitability and potential pertinent to the position.

#### **C. Applications 4.01.18**

#### **i. Process**

All applications for employment with the County must be submitted to Employment Connections, during the time period specified in the vacancy announcement. All applications must be submitted on a standard application form and must include any other required documentation. Applications must be completely filled out and signed. Applications for specific positions will remain active for six (6) months.

Applications not meeting the above criteria may be rejected by the County. The County may also reject applicants who are not eligible for rehire, who have made false statements on the application and/or during the hiring process or for any other legitimate, non-discriminatory reason.

ii. Veterans Preference

Veterans will be given preference in accordance with Chapter 295, Florida Statutes.

iii. Qualifications and Examinations

The County may require evidence of a satisfactory degree of training, experience, certificates of competency or licenses as required by law or by the job description. Employees may be required to take skills tests or other examinations as part of the selection or promotion process.

iv. Reference Checks

The County will conduct reference checks on applicants and employees. Applicants and employees who fail to disclose criminal convictions or make false statements on the application or during the hiring process will be rejected or terminated.

D. Promotions, Demotions and Transfers 4.01.19

i. Promotions

A promotion occurs when an employee is moved from one position to another one with a higher salary. When possible, vacancies may be filled internally. All promoted employees will serve a promotional trial period of 180 calendar days. The promotional trial period may be extended at the discretion of the department head. If an employee's performance is unsatisfactory due the promotional trial period, he or she may be returned to his or her former position if it is available.

ii. Transfers

The County Administrator has the discretion to transfer employees from one department to another in the best interest of the County.

iii. Demotions

The County may demote employees as needed. Employees who request voluntary demotions may not bid on positions in that department for eighteen (18) months. Employees will serve an introductory period of at least 180 calendar days in their new position.

E. Separation from Employment 4.01.20

i. Types of Separations

The employee or the County may end the employment relationship at any time with or without cause. The following classification may be used to determine eligibility for benefits and rehire.

(1) Resignation

Resignation is a separation of an employee by his or her voluntary act. An employee must give at least ten (10) days written notice prior to his or her resignation. Department heads, supervisors, managers, chiefs and superintendents must give thirty (30) days written notice.

(2) Layoff or Reduction in Force

An employee may be laid off whenever it is necessary due to insufficient funds, elimination or reduction of the level of functioning, abolishment of the position or any other nondiscriminatory reason.

(3) Termination

Employees may be terminated by the County for any reason not prohibited by law. Examples of offenses warranting termination include but are not limited to, misconduct, insubordination, refusal to meet standards, violation of departmental policies, etc.

(4) Retirement

Employees separating in accordance with the provisions of the Florida Retirement System are deemed to have retired.

ii. Pay Upon Termination

Receipt of a final paycheck is subject to the following requirements. Employees must return all keys, cellular phones, computers, handbooks, credit cards and any other County property upon separation of employment. Employees must also satisfy all financial obligations upon termination. Accrued annual leave pay upon termination will not include any holiday pay. Employees will normally receive their final paycheck on the next regularly scheduled payday following their last day of employment.

#### **4. CLASSIFICATION AND PAY PLAN**

A. Classification Plan 4.01.21

i. Job Titles and Position Descriptions

The job titles of each class of positions are used for administrative purposes such as payroll, budget, personnel forms, etc. Positions may be reclassified as needed.

Position descriptions are intended to be representative of the positions in the class and provide illustrations of the work performed and do not necessarily include all of the duties performed. Particular phrases or examples of typical duties are not to be singled out and used solely for determining the position class. The use of absence of a particular illustration of duties shall not be held to exclude the supervisor from assigning other duties to employees in any class. Position descriptions are subject to change at any time.

ii. Qualification Statements

Qualification statements establish desirable minimum requirements. The County may consider alternative combinations of training, education, experience and other qualifications.

B. Pay Plan 4.01.22

i. Regular Pay

Compensation (wages) will be rounded-off to the nearest quarter-hour. For example, an employee scheduled to work for an hour beginning on the hour will be compensated for .75 of an hour if beginning or reporting for work eight minutes after the hour and working until the following hour.

ii. Overtime Pay

Employees will be required to work overtime as needed. Any overtime must be authorized by a department head, the County Administrator or authorized person acting in this capacity prior to an employee working beyond his or her normal hours. In determining whether an employee is eligible for overtime, only actual hours worked will be used in the calculation of hours.

(1) Non-Exempt Employees

Non-exempt employees may not take compensatory time in lieu of overtime without prior approval. Employees must complete a request form. All time worked in excess of forty (40) hours per week for those regularly scheduled to work forty (40) hours per week will be paid at the rate of one and one-half times the employee's regular hourly rate in accordance with the Fair Labor Standards Act (FLSA). Firefighters regular work week is 53 hours. Only hours actually worked shall be considered in determining when overtime rates shall apply.

(2) Exempt Employees

Exempt employees may be allowed discretionary time, when approved by the County Administrator, on an hour for hour basis for other than daily routine work. Exempt employees are not eligible for overtime pay, unless specifically authorized by the County Administrator or authorized representative. Such authorization will be granted only in cases of extreme emergency.

iii. Call-In Pay

"Call-in" is defined as when an employee is contacted after leaving work (contacted at other than duty hours) and given instructions to report to work prior to his or her next scheduled work time. A minimum of 4 hours pay will be given. Only one "call in" can be claimed within a 4 hour period. "Call in early" is defined as 4 hours or less prior to the normal scheduled start time. "Call in early" preceding a shift will be paid only on time worked.

iv. Scheduled-In Pay

"Scheduled-in" is when an employee is notified prior to leaving work that he or she is to report to work at a time other than his or her regularly scheduled work time. In such instances, pay will be for the time worked only.

v. Annual Leave Pay

Employees who resign after giving the County written notice of at least ten (10) working days, thirty (30) calendar days for department heads, managers and superintendents, prior to the effective date of his or her resignation or who are laid off by the County for lack of work, may be entitled to receive vacation pay pro rata to the portion of the year in which he or she was eligible for vacation, plus any accrued vacation time from the previous year. Vacation time accrued in excess of 480 hours must be used during the calendar year or be forfeited on December 31st of each year. Employees may sell up to 500 accumulated vacation hours at the time they join FRS DROP program pursuant to Section 121.091(13), Florida Statutes.

vi. Sick Leave Pay

Employees who resign after giving the County written notice of at least ten (10) working days, department heads, managers, and superintendents who give at least thirty days (30) calendar days written notice prior to requested effective date of their resignation, or employees who are laid off by the County for lack of work, will only be paid for sick leave accrued prior to January 1, 1999 (up to 720 hours) based on the following percentages at their 1999 rate of pay. (Excludes University of Florida funded positions):

0 - 2 years of service	25%
3 - 5 years of service	50%
6 - 10 years of service	75%
11+ years of service	100%

Sick leave hours accrued after January 1, 1999 will not be paid out for any employee.

vii. Holiday Pay

The Board observes the paid holidays, as defined on page 22, for its regular, full time employees provided that the employee has completed the introductory period and the employee works the scheduled work day immediately preceding the holiday and the scheduled work day immediately after the holiday, unless on excused absence such as sick or annual leave. The County Administrator will determine when any department or operation will be closed in observance of a holiday.

Employees who are scheduled to work on any holiday and do not perform said duty will not be paid for the holiday. Employees who are required to work on a paid holiday (exception: Fire/Rescue personnel and part time employees) will be paid at one and one half times their basic hourly rate, in addition to regular pay.

Fire/rescue personnel working the holidays listed in the IAFF Contract shall be entitled to the holiday pay. Fire Administrative personnel will be paid the same as other standard 40-hour per week employees.

viii. Discretionary Emergency Pay

An emergency is defined as a highly volatile, dangerous situation requiring immediate remedial action. Examples of an emergency situation include hurricanes, floods, tornadoes, etc. The Board will declare a local state of emergency when possible. If the Board cannot make the declaration, the County Administrator or designee will initiate the emergency preparedness functions as needed.

Some employees may be considered essential with respect to disaster preparedness or recovery. Nonessential personnel may be relieved of duty and may be required to delay their return until their normal work duties are needed. Essential personnel may be required to report to work as normally scheduled or required.

Exempt and nonexempt personnel who are instructed by their department head, his or her designee or the County Administrator to work during an impending or declared emergency or disaster, may be eligible for emergency pay.

At the discretion of the County Administrator, Employees that are scheduled to work on the day(s) of the event but are told not to come to work will be given that day(s) off with paid administrative leave. Employees that are scheduled to work on the day(s) of the event and are told to report to work will be given one (1) day of administrative leave for each day they are required to work. Employees that are scheduled to be off but are called in to work will be paid time and one half. Administrative leave granted under this policy must be taken prior to March 31st of the following year that it was earned.

ix. Military Pay

Employees eligible for military pay will be paid in accordance with Chapter 115, Florida Statutes.

x. Travel Pay and Expenses

(1) Wages

While engaged in travel for County business or duties, pay will be calculated on the basis of the employee's normal wages during a standard workday.

(2) Authorization

All employees must receive prior approval for their department head or authorized designee for travel. The County Administrator may approve or disapprove any travel. County employees will receive per diem reimbursements for travel-related meals and/or accommodations at the rate recognized by the State of Florida.

(3) Travel Considerations

The most efficient and/or economical method of travel shall be chosen. Considerations will include the nature of the business, number of persons making the trip, and the most efficient means of travel reasonably available. When two or more persons are traveling to the same general location, the least possible number of County vehicles, as practical, will be used. If an employee wants to utilize his or her privately owned vehicle for personal convenience/necessity, then such use requires authorization by the County Administrator. Use of privately owned vehicles may be authorized, on a case-by-case basis, at no additional expense to the County.

(4) Mileage

The County Administrator will decide if mileage is to be paid for personally owned vehicle use. Employees who must use their personal vehicles on County business will be reimbursed for work-related mileage at the State of Florida authorized rate in effect at the time of the trip. Reimbursement documentation, authorized expenditures and allowable amounts will be as provided in Section 112.061, Florida Statutes. Mileage payments will be based on the most direct route as published in the State of Florida Department of Transportation Official Highway Mileage Chart. Mileage or transportation expense reimbursement shall not be authorized to any employee if she or he is transported by another person.

(5) Vouchers

All vouchers for reimbursement must be submitted to the employee's department head within ten (10) days after the return date of the trip.

xi. Pay Day/Direct Deposit

Pay checks are distributed every other Friday. All employees are encouraged to sign up for direct deposit.

**5. LEAVE AND BENEFIT PROGRAMS**

A. Leave Programs 4.01.23

i. Holidays

The Board observes the following paid holidays for its regular, full time employees. Department heads may also receive paid holidays during the introductory period. The Board reserves the right to modify this list at any time. Generally, the following holidays will be recognized:

New Years Day	January 1
Martin Luther King Jr. Day	3rd Monday in January
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25
Personal Day	Employee's request & supervisor's approval (must be taken as an entire day, cannot be broken up)

Holidays falling on a Saturday will be observed on the preceding Friday. Holidays falling on Sunday will be observed on the following Monday. Occasionally, the Board will decide to observe a holiday on a different day. For those employees whose normal work schedule does not include standard weekend days off (Saturday & Sunday) or standard 8-hour days off (i.e. roll-off attendants), the employee will observe the holiday(s) on the day preceding and/or the day succeeding his/her normal day off and the holiday pay will be determined according to the hours the employee is scheduled for that particular day. Should scheduling problems occur, it will be at the discretion of the department head or supervisor to reschedule the days off.

ii. Annual Leave

The Board recognizes the importance of providing employees with the opportunity for rest, relaxation and personal activities. The Board grants annual leave to regular full time employees after they have been employed by the County for one (1) year. Part time, temporary, seasonal, contractual or similar non-regular employees shall not be entitled to annual leave benefits. Annual leave will be charged in half hour increments.

The amount annual leave an employee may be eligible for depends on the employee's position:

Annual Leave Accrual for 40 Hour per Week Employees

1 to 2 years	40 hours
3 to 7 years	80 hours
8 to 12 years	120 hours
13 to 19 years	160 hours
20+ years	200 hours

Annual Leave Accrual for 56 Hour per Week Employee

1 to 2 years	2.5	(24 hr. shifts)
3 to 7 years	5	(24 hr. shifts)
8 to 12 years	7	(24 hr. shifts)
13 to 19 years	9.5	(24 hr. shifts)
20+ years	12	(24 hr. shifts)

Annual Leave Accrual for Department Heads and Superintendents

1 to 2 years	80 hours
3 to 7 years	120 hours
8 to 12 years	160 hours
13+ years	200 hours

Annual leave may be taken as earned subject to the approval of the department head or supervisor. The employee's wishes as to a time of taking annual leave will be considered, but in the event of a conflict among employees that would result in interference with operations and/or services, the supervisor shall schedule the annual leave giving preference on the basis of department seniority. Annual leave time accrued in excess of 480 hours must be used during the calendar year or they shall be forfeited on December 31st of each year.

iii. Sick Leave

(1) Eligibility and Use

The Board grants sick leave to regular full time employee after they have completed the fourth month of their introductory period. Sick leave may be used for the employee or employee's immediate family member's personal illness, injury or exposure to a

contagious disease, which would endanger others and the employee's personal appointments with a doctor, dentist, or other recognized practitioner. Sick leave will be charged in one half hour increments. Employees must notify their supervisor prior to the commencement of the work day of their absence. Employees must complete a leave request upon their return to work. Employees may use annual leave for illness if they have exhausted their sick leave. For serious medical conditions requiring long term absences, please refer to the Family and Medical Leave Act Policy.

#### (2) Accrual

Forty (40) hour per week employees will, at the end of the fourth month of employment, have accumulated eight (8) hours of sick leave and will accrue eight (8) hours at the conclusion of each month thereafter. An employee not completing a month will not accrue sick leave for that month. A completed month is a month where all scheduled work days were either worked or paid leave. (i.e., approved annual leave, sick leave, or personal day) Any unpaid leave will result in forfeiture of that month's sick leave accrual. Fifty-six (56) hours per week employees will be granted 10.5.

Effective January 1, 1999, employees may carry forward only 480 hours into their next year of service. If sick leave time is accrued in excess of 480 hours during a year, this excess shall be forfeited on December 31st of each year. Employees employed prior to this date may carry forward their existing accrued sick leave (up to 720 hours) that was accrued prior to January 1, 1999, until it has been utilized under the old policy based upon their status as of December 31, 1998. Once these sick leave hours have been used, the new hours accumulated will not be paid out when an employee retires, resigns or is laid-off by the County for lack of work.

#### (3) Certification by Physician

Employees out on sick leave for three or more consecutive work days shall be required to present a physician's certificate of fitness for duty in order to return to work. Employees may be required to submit a medical certification signed by a licensed physician to substantiate usage of personal family sick leave benefits. Such certification may be required if absence from duty for illness purposes occurs frequently or habitually, or in such a manner as to suggest a pattern of misuse.

#### (4) Forfeiture of Sick Leave

Employees will forfeit all rights to sick leave benefits, regardless of length of service, if, prior to retirement, termination, or death, they are found guilty in a court of competent jurisdiction of committing, aiding or abetting any embezzlement, theft, or bribery in connection with County employment or have admitted to committing, aiding, or abetting any embezzlement, theft, or bribery in connection with County government.

#### iv. Administrative Leave

(1) Jury Duty

All regular full time employees will be placed on paid administrative leave for jury duty. All other employees will be placed on unpaid administrative leave and may keep any fees paid by the court. All employees must return to work upon release by the court.

(2) Personal Litigation/Expert Witness

The County will not grant paid administrative leave for a court appearance when an employee is engaged in personal litigation or service as a paid expert witness; however, an employee may be granted annual leave or unpaid leave if approved by the department head. The employee should retain any fees paid by the court.

(3) Litigation Involving the County

An employee subpoenaed in the line of duty to represent the County as a witness or party is not considered to be on administrative leave, but on working time and any witness fees received should be returned to the County. The employee will receive his or her regular rate of pay.

(4) Death and Funeral Leave

The Board may grant regular full time employees up to two days paid administrative leave for the death of an immediate family member.

v. Leave of Absence

A leave of absence without pay, for not more than thirty (30) days, may be granted by the County Administrator for extenuating and/or extraordinary personal reasons. Employees must exhaust all paid leave before requesting a leave of absence.

(A) Seniority and Benefits

An employee's seniority is not affected during a leave of absence. Seniority does not accrue during a leave of absence. An employee may return at the end of the leave period to the same position or to another position in the same class, with substantially the same working conditions in the same department in which he/she was employed when the leave of absence was granted. During an approved leave of absence, other than a medical leave of absence, the employee shall pay for the period covered for his/her group health insurance.

vi. Family and Medical Leave

Employees of the County, who have worked for the County for at least 12 months and have worked at least 1,250 hours during the 12-month period preceding the leave, may

be entitled to a total of 12 work weeks of unpaid leave during a twelve month period when leave is taken for one or more of the following circumstances:

1. The birth of a son or daughter of an employee and to care for the child;
2. The placement of a son or daughter with an employee for adoption or foster care;
3. To care for the spouse, son, daughter, or parent of an employee, if the family member has a serious health condition; or
4. The employee is unable to perform the functions of the position because of the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's job.

This unpaid leave is referred to as "FMLA" leave. The twelve month period is measured backward from the date an employee's first FMLA leave begins. This is the rolling method for determining the twelve (12) month period and will be applied consistently and uniformly to all employees.

In the case of the birth or placement of a child for adoption or foster care, the employee's entitlement to leave expires at the end of the 12-month period beginning on the date of the birth or placement.

When medically necessary, intermittent or reduced schedule leave can be taken in cases of a serious health condition, either an employee's own or that of a parent, child, or spouse. Intermittent or reduced leave schedule is not available for the birth or placement of a son or daughter.

Employees seeking intermittent or reduced schedule leave based on planned medical treatment are required to produce medical certification outlining the dates on which treatment is expected and the duration of the treatment. Employees are expected to make a reasonable effort, subject to the health care provider's approval, to schedule treatment so as to not unduly disrupt office operations. Employees are also required to give the County, through Human Resources, thirty (30) days notice or as much notice as is practicable of their intentions.

In the event an employee requests intermittent or reduced schedule leave due to a parent's, child's, spouse's or the employee's own serious health condition, the

employee may be transferred by the County to a temporary alternative job for which the employee is qualified and which better accommodates the County's needs and that of the employee.

A minimum of thirty (30) days advance notice of an employee's intent to take leave is required when it is foreseeable because of:

1. The expected birth of a baby;
2. The expected placement of a child for adoption or foster care;
3. Planned medical treatment for a son, daughter, spouse or parent with a serious health condition; or
4. Planned medical treatment in case of the employee's own serious health condition.

If leave has to begin in less than thirty (30) days as a result of one of the above-referenced circumstances, the employee still must provide the County, through its Human Resources, with advance notice as is practicable.

Notice must be in writing to Human Resources. When notice is not given in these circumstances, the employee will be considered to have taken "unauthorized leave" and subject to appropriate disciplinary action.

When leave is requested based on a parent's, child's, spouse's or employee's own serious health condition, the employee must provide, in writing, a medical certification of the condition and the need for leave from the employee's health care provider no later than fifteen calendar days after it is requested on a form provided by the corporation. This certification must contain:

1. The date the serious health condition began;
2. The probable duration of the condition;
3. The appropriate medical facts regarding the condition which are within the knowledge of the health care provider;
4. Where leave is based on care of a spouse, child or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that the need will continue;
5. Where leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his or her job; and

6. Where intermittent or reduced leave is sought for planned medical treatment, a declaration from the health care provider stating that this kind of leave is medically necessary, the dates that treatment is expected to be given and the duration of the treatment.

This certification will be treated as a confidential medical record and information will be disclosed only on a strictly need-to-know basis. Failure to provide this certification within the time specific may result in disciplinary action up to and including termination of employment.

Accrued paid sick, annual leave and personal day must be taken contemporaneously with FMLA leave.

Time off for short term and/or long term disability leaves and workers' compensation leaves if due to the employee's serious health condition will count towards the employee's 12-week family and medical leave entitlement.

An employee who has taken leave because of a serious health condition or that of a family member is required by the County to obtain subsequent written recertification of the medical condition every five (5) weeks during the duration of the condition. The County also requires employees on leave under this provision to report periodically, in writing, at least every two (2) weeks on his or her status and the intention of the employee to return to work. Failure of the employee on leave to report periodically on his or her status may subject the employee to discipline for unexcused absences.

Eligible employees who comply with all provisions of this Policy and who return from family and medical leave have the right to return to the job position that they held when they went on leave, or they may be placed, at the discretion of the County Administrator, in an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. While on leave, eligible employees will retain all accrued benefits. Restored employees, eligible employees returning from family and medical leave, are not entitled to accrue seniority or employment benefits during any period of unpaid leave. Restored employees are not entitled to any right, benefit or position of employment other than any to which they would have been entitled had they not taken the leave.

As a condition to restoring an employee whose leave was based on the employee's own serious health condition, each returning employee is required to provide, in writing, to Human Resources a certification from the employee's health provider stating that the employee is able to resume work.

The County will maintain group health plan coverage for employees on family and medical leave for the duration of the eligible employee's leave. Coverage will be provided on the same level and under the same conditions that coverage would have been provided if no leave had been taken.

In the event an employee fails to return to work after the period of leave expires, the County may recover any premiums the office paid for coverage during the leave period, provided the employee fails to return for reasons other than the continuation, recurrence or onset of a serious health condition, or due to other circumstances beyond the employee's control. Such recovery can be taken from any benefits or wages owed by the County to the employee.

In the event, however, that the employee fails to return to work due to the continuation, recurrence or onset of a serious health condition of a family member or that would otherwise entitle the employee to take leave, or due to other circumstances beyond the control of the employee, the County will not attempt to recover such premiums. In this circumstance, the employee is required to provide, in writing to Human Resources, a certification from the employee's health care provider to that effect.

vii. Military Leave

The County provides military leave as required by state and federal laws. It is the employee's responsibility to notify his or her supervisor as far in advance as possible so that arrangements can be made for the employee's absence.

viii. Domestic Violence Leave

Some employees may be eligible to take up to three (3) working days of unpaid leave for domestic violence under this policy.

"Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member, who is or was residing in the same single dwelling unit.

For purposes of this policy, "family or household member" means spouses, former 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 unit.

Employees seeking leave under this policy, must have been employed by the County for three or more months. Before receiving this leave, the employee must exhaust all annual leave, personal leave, and sick leave, if applicable, unless the County waives this requirement.

Employees may use this leave to:

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

Except in cases of imminent danger to the health or safety of the employee's family or household member, the employee must provide "appropriate advance notice" to the County of his or her intent to take domestic violence leave when the leave is foreseeable, and provide sufficient documentation of the act of domestic violence. This documentation may include copies of restraining orders, police reports, orders to appear in court, etc.

Information relating to an employee's leave under this section will be kept confidential by the County.

## B. Benefits Programs

4.01.24

The County is proud of the benefits we provide to our employees. Benefits are defined in plan documents, and should questions arise, the plan documents will govern and not the wording of this Handbook. Eligible Employees may participate in any benefit program at their discretion. All benefits are subject to change at any time. Employees

should ask their supervisor, department head or a human resources representative any questions they have about any of these programs.

(1) Health Insurance

Regular employees who work a minimum of 30 hours per week are eligible to participate in the County's group health insurance plan. The County will pay 100% of the group health insurance premium for regular full time employees only. Family coverage is available at varying rates.

(2) Dental Insurance

Regular employees who work a minimum of 30 hours per week are eligible to participate in the County's group dental insurance plan. The employee shall pay the entire cost of the dental insurance premium. Should the employee wish to enroll members of his or her family, coverage is available at varying rates depending on the option selected.

(3) Life Insurance

Life insurance benefits are available to regular full time employees.

(4) Retirement Benefits

The County participates in the Florida Retirement System.

(5) Social Security

County employees are covered under Federal Social Security. The County and the employee contribute equal shares.

(6) Workers' Compensation

County employees are covered under state and federal laws pertaining to workers' compensation benefits. In the event of job-related injury, illness, or death, the employee or survivors are compensated for necessary medical expenses and income loss as provided by law.

Employees who sustain work-related injuries and illnesses should inform their supervisor immediately. No matter how slight the on-the job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. Employees continue to accrue annual leave time or sick leave time for any period for which workers' compensation benefits were/are paid. An employee will not receive workers' compensation benefits if the injury was the result of the influence of drugs or alcohol. The County's representative for workers' compensation issues may be reached at Human Resources Department, telephone number (850)838-2097.

(7) Employee Liability Defense

The County will defend, save harmless, and indemnify the employee against any actions in tort, professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the employee's duties. This provision is subject to Section 768.28, Florida Statutes and the County shall pay no more than is authorized by said statute. The County shall not be liable in tort and save harmless or indemnify the employee for acts or omissions by the employee while acting outside the course and scope of his employment or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety or property. The County does not waive any of the provisions of Section 768.28, Florida Statutes.

(8) Position Related Education and Training

(A) Training Required or Endorsed By County

In the event that an employee is either required or endorsed by the County, as part of his or her position, to attend seminars, workshops, and/or other professional development courses, the County shall pay costs associated with the course(s) including books, fees, and special charges. All such courses **must** be approved *in advance* by the employee's department head and County Administrator.

(B) Obligation to County

Certain training courses will provide knowledge, skills, qualifications and benefits to the individual far beyond the limited scope of County employment. If the County pays the cost of an individual's training that is a requirement for a position, the employee must sign an agreement stipulating that the employee will remain in that position for a minimum of four years after completion of training.

(C) Reimbursement to County

Should the employment terminate for any reason, (other than being transferred by the County prior to the completion of four years), the County shall be reimbursed for funds paid for the costs of that particular training received by the employee on the following repayment formula:

Time of Termination After Training:	Required Repayment:
Less than 1 year	100%
Less than 2 years	75%
Less than 3 years	50%
Less than 4 years	25%

After 4 years

0%

Payment will be taken from any salary or leave money due the employee. Any amount due over and above said money must be paid within the first year after termination.

## **6. PERFORMANCE ENHANCEMENT PROGRAM AND EVALUATIONS**

### **A. Purpose 4.01.25**

The Performance Enhancement Program (PEP) is an integrated program consisting of performance objective planning, quarterly counseling and performance evaluation reports. All regular employees will participate in the Performance PEP. The PEP will generally be used to provide essential information for employee career development, considered in selecting employees for promotion, merit pay increases, layoff decisions and corrective actions.

### **B. Steps of the PEP Process 4.01.26**

#### **i. Step One**

The employee's direct supervisor (rater) meets with the employee (rated) and fills out a performance evaluation form after giving the employee time to complete it. The Rater and the employee will discuss the performance evaluation based on the job description and the performance objectives for the rating period. As part of the performance objective plan, both the supervisor and the employee will have the opportunity to express ideas, to deal with concerns and problems, and to reach a mutual understanding of goals, objectives, perceptions, and expectations. The supervisor shall assist the employee in developing skills and identifying career advancement opportunities. Raters will complete an evaluation form on each employee they supervise. Once the rater and the rated employee have completed the evaluation form, the rater will discuss the evaluation with the rater's direct supervisor (the endorser). The rater's direct supervisor will serve as the endorser for each employee's performance evaluation report that his or her subordinate supervisor is the rater for.

#### **ii. Step Two**

After the evaluation form is complete and signed by the rated employee, the rater, and the endorser, it will be furnished to the County Administrator and after his approval, a copy will be sent to Human Resources. It will be used to track, measure, and document employee performance and counseling. All supervisors are responsible to counsel each employee they rate. Supervisors who also serve as endorsers will counsel subordinate supervisors (raters) on how well they administer and comply with the requirements.

### **C. Performance Evaluations 4.01.27**

#### **i. Introductory Period**

Evaluations will be completed two weeks prior to the end of the sixth month of the introductory period to apprise the employee of his or her performance and determine whether the employee is suitable for the position.

ii. Annual Evaluations

Regular full time and part time employees will receive annual evaluations for their performance for the preceding twelve (12) months.

iii. Special Evaluations

A department head may request a special evaluation on an employee.

iv. Request for Review of Evaluation by Employee

An employee may request review by the County Administrator of an annual performance evaluation. The requesting employee's rater and endorser will discuss the matter with the employee at a mutually convenient time. The employee may contact the County Administrator if he or she would like to discuss the matter further.

## **7. GRIEVANCE PROCEDURE**

### **A. Informal Resolution 4.01.28**

The County wishes to provide a comfortable, productive, legal and ethical work environment. To meet this goal, employees are encouraged to discuss their complaints informally through the chain of command prior to beginning the official grievance process.

### **B. Grievance Procedure 4.01.29**

A grievance is an alleged breach of the policies and procedures established by the Board. Employees who have completed the introductory period may file a grievance. Grievances will be heard and considered seriously. Grievances may be presented during work hours upon mutual agreement between the department head and the employee. Employees must obtain permission from his or her supervisor before leaving their work area to discuss a grievance. A grievant may have an authorized union representative present for any meeting called for the resolution of a grievance.

### **C. Content of Grievance 4.01.30**

Each grievance must contain the following information:

- The provision of the policy or procedure or union contract alleged to have been violated;
- A full statement of the grievance with facts, times and dates;
- The signature of the grievant and/or union steward or representative and date; and
- Resolution or remedy requested.

### **D. Steps of Grievance 4.01.31**

#### **i. Step One**

The grievance shall be presented in writing to the grievant's immediate supervisor within ten (10) working days of the occurrence of the action giving rise to the grievance or from the date the grievant reasonably should have become aware of said action. The grievant or the supervisor may request that an authorized union representative be present. The immediate supervisor shall reach a decision and communicate, in writing, to the grievant within ten (10) working days from the date the grievance was presented to him or her.

#### **ii. Step Two**

If the grievance is not settled at the first step, the grievant and/or authorized union or other

representative shall notify and present the grievance to the department head or designee within ten (10) working days. The department head or designee shall investigate the alleged grievance and shall within ten (10) working days of receipt of the written grievance conduct a meeting with the employee and/or his or her union representative. The department head or designee shall notify in writing the grievant and any authorized representative of his or her decision no later than ten (10) working days following the meeting date.

iii. Step Three

If the grievance is not settled at the second step, the grievant and/or authorized representative shall present the written grievance to the County Administrator or his or her designee within ten (10) working days. The County Administrator or designee shall investigate the alleged grievance and shall conduct a hearing of the grievance. The grievant may be accompanied at any such hearing by an authorized representative. The County Administrator or designee shall notify the grievant and authorized representative, in writing, of his or her decision no later than ten (10) working days after the hearing. The decision of the County Administrator or its designee shall be final. The employee shall have no further right of administrative appeal. For grievances in violations of the union contract, arbitration may be pursued in accordance with Article 9 of the union contract.

## **8. SAFETY AND HEALTH**

The safety of the County's employees is a basic concern and prime area of consideration of the Board. It is the Board's policy to do all that is practical to prevent injury to personnel or damage to property. The Board is not only concerned with the high costs of accidents, it is genuinely concerned about the welfare of its employees. Performing all work in accordance with established safety rules and practices and maintaining a safe environment for employees is necessary. The departments will periodically conduct safety meetings for employees.

### **A. Employee Responsibilities 4.01.32**

County employees are required to comply with established safety standards, policies and regulations and to utilize the prescribed safety equipment. Extreme care is to be used at all times, especially when operating machinery or performing hazardous jobs. Employees who do not comply with safety rules and practices are subject to disciplinary action, up to and including discharge. All employees must immediately report hazardous working conditions and any injuries that occur on the job to their supervisor. Employees are to carry out all orders or instructions given by their supervisor unless so doing would represent a danger to the employee or others.

The appropriate local law enforcement agency is to be notified immediately in the case of all vehicular accidents involving County equipment. A vehicular accident report may be required. The Perry Police Department should be contacted if an accident occurs within the city limits or Perry. If an accident occurs outside of the city limits, the state highway patrol or sheriff's department should be contacted. In the case of fatal injury, the County Administrator (in his absence the Commission Chairman), shall be notified immediately. The Department Head or other County representative will have the primary responsibility to contact the family or next of kin.

### **B. Joint Health and Safety Committee 4.01.33**

The County maintains a Joint Health and Safety Committee. The purpose of the Committee is to attempt to resolve health and safety issues in dispute; to make recommendations with respect to additions or revisions in safety policies and procedures; to review occupational accidents or hazards, including hazardous materials; to make recommendations concerning safety practices that should be implemented or changed; to recommend the appropriate compliance methods relating to safety and health standards; and to promote safe working conditions and safety awareness among all employees.

The Safety Committee will consist of one union member from each union, the Department Heads of Environmental Services, Road, Human Resources, Library and Special Projects.

C. Workplace Violence Policy

4.01.34

i.. Prohibited Conduct

The County does not tolerate any type of workplace violence committed by or against employees, customers or members of the public. Employees are prohibited from making threats or engaging in violent activities. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

1. Causing physical injury to another person;
2. Making threatening remarks;
3. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
4. Intentionally damaging employer property or property of another employee;
5. Possession of a weapon while on County property or while on County business;
6. Committing acts motivated by, or related to, sexual harassment or domestic violence.

ii. Reporting Procedures

Any potentially dangerous situations must be reported immediately to a supervisor or the Human Resource Department. Reports can be made anonymously and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of investigations will be discussed with them. The County will actively intervene at any indication of a possibly hostile or violent situation.

iii. Risk Reduction Measures

Employees are expected to exercise good judgment and to inform the Human Resource Department if any employee, customer or other individual exhibits behavior that could be a sign of potentially dangerous situations. Such behavior includes:

1. Discussing weapons or bringing them to the workplace;
2. Displaying overt signs of extreme stress, resentment, hostility, or anger;
3. Making threatening remarks;
4. Sudden or significant deterioration of performance;
5. Displaying irrational or inappropriate behavior.

iv. Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on County premises will be reported to the proper authorities and fully prosecuted.

## **9. PERSONNEL AND PUBLIC RECORDS**

### **A. Employee's Personnel Information 4.01.35**

#### **i. Personnel File**

The County maintains a personnel file on each employee. The personnel file contains information such as an employee's job application, resume, records of training, documentation of performance appraisals, salary increases or decreases and other employment records.

Employees who wish to review their personnel file should contact the Human Resources Department. With reasonable advance notice, employees may review their personnel files in the County's office and in the presence of Human Resources.

#### **ii. Information Changes**

Employees are responsible for keeping their personnel file updated. Employees must notify Human Resources of any change in contact information, marital or dependent status, beneficiary status, etc. Failure to do so may result in loss of benefits to the employee or his or her dependents. Employees are also responsible for informing Human Resources of any changes in status, educational level, training, etc.

### **B. Public Records 4.01.36**

#### **i. Maintenance and Access of Public Records**

As a public entity, the County is responsible for maintaining public records. Employees should be familiar with the County's duties to maintain and provide access to public records. The County produces public records for the following reasons:

- (1) To support the decision making process;
- (2) To communicate information;
- (3) To ensure accountability through documentation;
- (4) To provide financial information; and
- (5) To protect the rights and privileges of the citizens of Taylor County.

Custodians of public records shall permit the inspection and examination of records at reasonable time, under reasonable conditions, and under supervision by the custodian or his or her designee. Some records may be exempt under the provisions of Section 119.071, Florida Statutes. The County may charge a fee for copies and research. Please see your department head for questions regarding the maintenance and access of public records.

ii. Destruction and Removal of Public Records

Employees may not destroy or remove public records from County offices except with the specific approval of the Public Records Custodian. Please see your department head for any questions regarding the destruction or removal of any public records.

## APPENDIX A

### DRUG-FREE WORKPLACE POLICY

A. Drug Testing Procedure for Employees and Applicants 4.01.37

This procedure establishes the Taylor County Board of County Commissioners method for authorizing, requiring and conducting drug testing of employees and job applicants under the provisions of the Drug-Free Workplace Act, Section 112.0455, Florida Statutes. Also, it implements the drug testing provisions of Department of Health and Rehabilitative Services (HRS) Chapter 59A-24, F.A.C.

B. Authority 4.01.38

Section 440.102, Florida Statutes, Section 112.0455, Florida Statutes Chapter 59A-24 F.A.C.

C. Definitions 4.01.39

1. **Board** means the Taylor County Board of County Commissioners.
2. **Chain-of-Custody** refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition and providing for accountability at each stage in handling, testing, storing and reporting of the test results. The HRS chain-of-custody form (HRS Form 1806) must be used to ensure that the external laboratory chain-of-custody is documented.
3. **Collection Site** means a place owned, operated, or contracted with by a licensed laboratory or a site prepared by a collector (as authorized under HRS Chapter 59A-24 F.A.C., and Section 112.0445, Florida Statutes.) where individuals present themselves for the purpose of providing a specimen or specimens to be analyzed for the presence of drugs or alcohol in the body.
4. **Collection Site Person** or **Collector** means a person specified in Chapter 59A-24, F.A.C. who instructs and assists individuals (donors) at a collection site and who receives and makes an initial observation of the specimen provided by those individuals. The laboratory is responsible to ensure that the collector(s) is trained to carry-out his or her responsibilities.
5. **Confirmation Test, Confirmed Test** , or **Confirmed** means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen.

The confirmation test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity and quantitative accuracy. Confirmation for alcohol will be gas chromatography and confirmation for all other drugs will be gas chromatography/mass spectrometry (GC/MS).

6. **Designated Agency Authority** means the County Administrator each Department Head, or designee whom is designated to authorize or require drug testing of employees or job applicants and is specifically named in the Board's testing contract or agreement with the laboratory. Refer to Procedure, Section (1) below for specific responsibilities of the Designated Agency Authority.

7. **Donor** means the individual employee or job applicant being drug tested.

8. **Drug** means alcohol (including distilled spirits, wine, beer, malt beverages and intoxicating liquors), amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxphene, synthetic narcotics, designer drugs, or a metabolite of any of the substances listed above.

9. **Drug Test** means an approved chemical, biological, physical, or instrumental analysis, administered for the purpose of determining the presence or absence of a drug or its metabolites.

10. **Employee** means any person who works for salary, wages, or other remuneration from the Board.

11. **Employee Assistance Program** means an established program for employee assessment, counseling, and possible referral to an alcohol and drug rehabilitation program.

12. **Initial Drug Test** means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens. All initial drug tests shall use an immunoassay procedure or an equivalent, or shall use a more accurate scientifically accepted method approved by the Agency for Health Care Administration as such more accurate technology becomes available in a cost effective form.

13. **Job Applicant** means a person who has applied for a position under the Board and has been offered employment conditioned upon successfully passing a drug test.

14. **Laboratory** means a place where examinations are performed on specimens taken from the human body to provide information regarding the presence or absence of drugs or their metabolites. This facility is contracted by the Board.

15. **Medical Review Officer or MRO** means a licensed physician contracted by the Board with knowledge of substance abuse disorders, laboratory testing procedures and the chain of custody collection procedures and having the appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history or any other biomedical information, and makes the final determination of the donor's test results.

16. **Prescription or nonprescription medication** means a drug or medication obtained pursuant to a prescription as defined by s. 893.02 or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

17. **Safety Sensitive Position** means any position, including a supervisor or management position, in which a drug impairment would constitute an immediate and direct threat to public health or safety.

18. **Special Risk** means employees who are required, as a condition of employment, to be certified under Chapter 633, Florida Statutes.

19. **Specimen** means a tissue, hair or product of the human body capable of revealing the presence of drugs or their metabolites. Urine will be the specimen collected for the testing of all drugs except alcohol. Blood will be the specimen collected for the testing of alcohol.

20. **Successful Completion of a Drug Test** means a negative drug test result or a confirmed positive drug test result which has been satisfactorily absolved by the Medical Review Officer.

21. **Appropriate Personnel Officer** means the Board's Human Resources Director or designee.

D. General Information 4.01.40

i. Restrictions and Requirements

Any drug test conducted or requested may occur before, during, or immediately after the regular work period of the employee, and shall be deemed to be performed during work-time for the purposes of determining compensation and benefits for the employee.

The Board shall pay the cost of drug tests required of employees or applicants. An employee or job applicant shall pay the cost of any drug test not required by the Board.

If an employee contests the results of a drug test, the employee incurs any costs of

retesting. On any retest, the *original specimen sample* will be retested. The contesting employee shall submit payment for retest prior to retesting. If a retest of the same specimen as originally tested indicates negative presence of drugs, the employee will not be liable for the cost of the retest; the County shall reimburse the employee.

Nothing in this procedure shall be construed to prevent the Board from establishing reasonable work rules related to employee possession, use, sale, or solicitation of drugs, including convictions for drug-related offenses, and taking action based upon a violation of these rules

ii. Confidentiality

All information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received by the Board through a drug testing program are confidential communications and are exempt from the provisions of Section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution. Such information documentation may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Section 112.0455, Florida Statutes, and the provisions listed immediately below.

The Board, laboratories, employee assistance programs, drug and alcohol rehabilitation programs and their agents who receive or have access to information concerning drug test results shall keep all information confidential. Release of such information under any other circumstances shall be solely pursuant to a written consent form signed voluntarily by the person tested, except where such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal or grievance as provided for by Taylor County Handbook, union or collective bargaining or organized labor contract, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain at a minimum:

- (1) The name of the person who is authorized to obtain the information.
- (2) The purpose of the disclosure.
- (3) The precise information to be disclosed.
- (4) The duration of the consent.
- (5) The signature of the person authorizing release of the information.

Information on drug test results shall not be released or used in any criminal proceeding against the employee or job applicant. Information released contrary to 112.0455 F.S. and as specified in this procedure shall be inadmissible as evidence in any such criminal proceeding.

Nothing herein shall be construed to prohibit the Board, agents of the Board, or the designated laboratory conducting a drug test from having access to employee drug test information when consulting with legal counsel in connection with actions brought as a

result of the Board's Drug Testing Program or where the information is relevant to the Board's defense in a civil or administrative matter.

No physician-patient relationship is created between an employee or job applicant and the Board or any person performing or evaluating a drug test, solely by the establishment implementation, or administration of the Board's drug testing program.

All Board employees required to review or in any way process drug test results or related administrative action are reminded such information cannot be divulged except as provided in this procedure or applicable State Statutes.

iii. Prior Medical History

The Board may not discharge, discipline, or discriminate against an employee, or refuse to hire a job applicant on the basis of any prior medical history revealed to the Board as a result of the employee or job applicant complying with the provisions of this procedure, the Board's Drug-Free Workplace Policy, or Section 112.0455, Florida Statutes. The County may withdraw an employment offer in cases of fraudulent applicant information.

iv. Procedure

(1) Designated Agency Authority

The Board hereby delegates to each Department Head within their respective areas of jurisdiction the following:

- The authority to authorize and require drug testing in accordance with this procedure.
- The responsibility to receive the drug test results within their respective areas of jurisdiction from the Human Resources Director or designee.
- The authority to determine and approve action in accordance with this procedure in cases of verified confirmed positive drug tests.

In addition, the County Administrator and each department head may, as deemed appropriate within their respective areas of jurisdiction, delegate the above authority to a designee, provided such designee is considered management.

The Board hereby delegates to the Human Resources Director or respective designee the following:

- The responsibility of coordinating with the immediate supervisor (or higher-level manager) of the employee to be tested or the successful job applicant, the following:

- (a) Preparing and transmitting the paperwork authorizing drug test.
  - (b) Informing individual (donor) of collection site location.
  - (c) Arranging transportation and escort as appropriate.
- The responsibility to serve as the Medical Review Officer's primary contact.
  - The responsibility to notify the appropriate Delegated Agency Authority of drug test results.
  - The responsibility for assisting the Medical Review Officer in contacting employees and job applicants who have positive confirmed drug test results.
  - The responsibility for providing job applicants and employees who have tested positive with information and assistance in locating employee assistance program providers.
  - Monitoring the treatment of employees with first-time positive confirmed drug test results who are referred to an employee assistance, alcohol or drug rehabilitation program.
  - The responsibility for ensuring all job opportunity (vacancy) announcements contain the required drug testing notice as follows: "Successful completion of a drug test is a condition of employment."
  - The responsibility for receiving and maintaining as confidential (may not be divulged except as provided in this procedure or applicable State Statutes) all communications in the drug testing program.

v. Reasonable Suspicion Drug Testing

(1) Basis for Reasonable Suspicion

"Reasonable Suspicion drug testing" means drug testing based on a belief that an employee may be using or has used drugs in violation of the Board's Drug-Free Workplace Policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

(1) Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug (slurred speech; bloodshot eyes; odor of alcohol; inability to walk a straight line/staggering gait; physical and verbal altercation).

(2) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance (dramatic mood swings; extreme lethargy or excitement).

(3) A report of drug use in violation of the Board's Drug-Free Workplace Policy, provided by a reliable and credible source, which has been independently corroborated.

(4) Evidence that an individual has tampered with a drug test during his or her employment with the Board.

(5) Information that an employee has caused, contributed or been involved in an accident while at work which has resulted in a workers' compensation claim being filed or in property damage over \$500.

(6) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the Board's premises or while operating county vehicles, machines, equipment or while representing the Board.

## (2) Pre-Test Requirements

The Board may require any employee to submit to "reasonable suspicion" drug testing upon the recommendation of two supervisors, one of whom is at least one level of supervision higher than the immediate supervisor of the employee in question.

A "reasonable suspicion" drug test will be required when an employee has caused or contributed to a workers' compensation injury which resulted in a claim being filed or property damage in excess of \$500. Such information constitutes reasonable suspicion and sufficient justification to require such employee to submit to a drug test. Any employee causing or contributing to an accident or injury to himself/herself or others in the course and scope of their employment shall be drug-tested under the "reasonable suspicion" criteria applicable to drug testing as provided below.

## (3) Documentation Requirements

Prior to requiring an employee to submit to an alcohol/drug test, two supervisors, one of whom is at least one level of supervision higher than the immediate supervisor of the employee, must observe the employee in question. Once a finding of "Reasonable Suspicion" is made by both, as outlined in 2 above, the employee under suspicion shall be required to submit to a drug test based upon the observation of the two individuals at that time. They shall document in writing the facts constituting reasonable suspicion. An Alcohol/Drug Test Reasonable Suspicion form may be used for this purpose.

A copy of the documentation required for testing, including any witness or corroborating statements or reports of drug use, shall be forwarded or hand-delivered to the Human Resources Director in a sealed envelope marked "CONFIDENTIAL: TO BE OPENED BY ADDRESSEE ONLY". If the Human Resources Director is unavailable, the properly prepared documentation may be forwarded or hand-delivered to the Human Resources Director's designee for storage and maintenance of confidentiality. A copy of the documentation specified above shall be given to the employee upon request.

### vi. Job Applicant/Pre-Employment Drug Testing

The job applicant who is offered employment by the Board must submit to a drug test and successfully complete such drug test prior to employment in such position. Failure to do so will disqualify the job applicant for consideration for County employment for one year.

## (1) Pre-Test Requirements

The Human Resources Director shall ensure that the job opportunity (vacancy) announcement contains the required notice. Upon selecting the successful applicant, the applicant must be offered the position in writing, stating that such offer is contingent upon his or her successful completion of a drug test conducted under the Board's Drug-Free Workplace Policy. The acceptance of the position by the successful job applicant, contingent upon successful completion of a drug test as provided herein, must be in writing. Once advised of the job acceptance, the Human Resources Director shall arrange for the drug test in accordance with the provisions of this policy.

### vii. Random Drug Testing

All employees working in a position covered by this policy are subject to unannounced testing based on random selection. This includes temporary employees. Employees occupying safety-sensitive or special-risk positions will be subject to random selection for drug testing at each random testing date. The County will test at least fifty percent (50%) of applicable employees every twelve (12) months. An employee may be randomly selected more than once or not picked at all during the annual period.

To assure that the selection process is random; all employees covered by this policy will be placed in a common pool. The selection procedure will select sufficient additional numbers (names) to reach the appropriate testing level during each test period. These alternate numbers/(names) will be tested in order of selection only if the persons originally selected are unavailable for testing due to vacations, medical leave, travel requirements, etc.

### viii. Scheduling and Arranging Tests (Other than tests relating to accidents)

Once the decision has been made to drug test an employee or successful job applicant, the supervisor originally requesting the test shall ensure the following:

(1) The drug testing authorization documentation has been signed; and has been/will be provided to the collection site at the time of the drug test.

(2) Upon completion of all necessary administrative measures, the immediate supervisor or appropriate higher-level employee will escort or arrange the escort of the individual to be tested to the collection site. The person escorting the individual must be able to positively identify the individual being drug tested.

(3) The employee has a copy of the Board's Drug-Free Workplace policy (if not previously provided at time of employment).

ix. Procedures/Conduct of Test

When the individual to be tested arrives at the collection site, the authorized collector shall request the individual to present photo identification. If the individual to be tested does not have photo identification, the collection site person shall contact the employer who can positively identify the individual. If the identity of the individual to be tested cannot be positively established, the collector will not proceed with the collection. The collection site person shall document the reason for not collecting the specimen and provide the donor with a copy of the documentation.

Before collecting a specimen, the collector shall ensure the individual to be tested has a chain-of-custody form with the appropriate section completed by the Designated Agency Authority. If the individual to be tested does not have the proper authorization as described above, the collector shall not proceed with the collection and shall notify the Board through the Human Resources Director to assist with completing any missing information prior to specimen collection.

If a collection time is assigned and the individual fails to report at the designated site and time, the collector shall notify the Human Resources Director of the missed appointment. Failure or refusal on the part of an employee or applicant to submit to a scheduled drug test shall be deemed a violation of the Board's Drug-Free Work place Policy. Such failure or refusal can result in the Board discharging or disciplining the employee, or, in the case of an applicant, barring from consideration for employment for a period of one year.

In coordination with the Human Resources Director, the immediate supervisor or appropriate higher-level manager shall ensure that the individual being tested (employee or job applicant) has received copies of the following prior to being tested:

(1) A copy of the Board's Drug-Free Workplace Policy (if not previously provided at time of employment);

(2) The employee's copy of the completed chain-of-custody form will be provided to the employee by collection site personnel.

x. Arranging Drug Tests Relating to Accidents

If an employee is taken to a medical facility for treatment after a job-related accident and the facility has/was not been previously contracted by the laboratory as a collection site, an authorized individual may collect a specimen provided that this collector utilizes and completes to the fullest extent possible the HRS chain-of-custody form. In addition, the collector shall maintain full control of the specimen until the specimen is sealed and appropriately packed for shipment to the Board's selected laboratory.

Authorized collectors are:

(1) A physician, physician's assistant, registered professional nurse, licensed practical nurse, or nurse practitioner.

(2) A certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment.

(3) A qualified person employed by a licensed laboratory who has the necessary training and skills for the assigned tasks.

The Designated Agency Authority or designee requesting the collector to obtain a specimen under this subsection shall be responsible for providing the collector with the required chain-of-custody form and specimen collection kit (obtained from the collection site).

xi. Specimens to be collected for the Drug and Alcohol Tests

*Urine* will be used for the initial test and confirmation test for all *drugs* except alcohol. *Blood* will be used as the initial and confirmation specimen for *alcohol*. Alcohol testing is recommended only for reasonable suspicion and follow-up treatment after positive-result testing.

xii. Shipment of Collected Specimens

The collection site person shall arrange the shipment of the collected specimens to the drug testing laboratory designated by the Board ensuring that Copies 1, 2, and 3 of the of chain-of-custody form are enclosed.

E. Reporting Drug Test Results 4.01.41

i. Laboratory Reports Results to Medical Review Officer

The laboratory shall report all test results to the Medical Review Officer (MRO) within a maximum of seven working days after receipt of the specimen at the laboratory. Before test results are reported from the laboratory (results of initial tests, confirmation tests, or quality control data), the results shall be reviewed by the individual responsible for the day-to-day operations of the laboratory and the test shall be certified as accurate. The report shall identify the drugs or metabolites tested for, whether the test results are positive or negative, the specimen number assigned on the chain-of-custody form, and the drug testing laboratory's specimen accession number.

The laboratory shall report as negative to the MRO all specimens which are negative on the initial test or negative on the confirmation test. Only specimens which are confirmed as positive on the confirmation test shall be reported as positive to the MRO for a specific drug.

The MRO may request from the laboratory detailed quantification of initial and

confirmation test results. If so requested by the MRO, the laboratory shall provide such data. The laboratory may transmit results to the MRO by various electronic means (teletype, facsimile, computer, etc.) in a manner designed to ensure confidentiality of the information. The laboratory and MRO must ensure the security of the data transmission. The laboratory and MRO will restrict access to any data transmission, storage, and retrieval system to only those individuals authorized under HRS Chapter 59A-24, F.A.C. to obtain such information.

The laboratory shall send to the MRO a certified copy of the original chain-of-custody form Copy 2 signed by the individual responsible for day-to-day management of the drug testing laboratory or the individual responsible for attesting to the validity of the test reports.

Unless otherwise instructed by the Board in writing, all written records pertaining to a given specimen shall be retained by the drug testing laboratory for a minimum of two (2) years.

ii. Verification By Medical Review Officer

Prior to the transmittal of test results (either positive or negative) to the Board through the Human Resources Director, the results shall be reviewed and verified by the Medical Review officer.

(1) Medical Review Officer (MRO)

(A) Qualifications of MRO

The Medical Review Officer shall be medical or osteopathic physicians duly licensed in the state they practice in with knowledge of substance abuse disorders and shall be knowledgeable in the medical use of prescription drugs and in the pharmacology and toxicology of illicit drugs. The MRO shall be employed by or contracted by the Board, and shall not be an employee of a drug testing laboratory. The Board, through the Human Resources Director, shall monitor contractual duties as assigned to the MRO.

(B) Responsibilities of MRO

The MRO shall evaluate the drug test result(s) reported by the laboratory to verify, by checking the chain-of-custody form, that the specimen was collected, transported, and analyzed under proper procedures, as specified in Chapter 59A-24, F.A.C.

The MRO will also determine if any alternative medical explanations caused a positive test result. This determination could include conducting a medical interview with the individual, review of the individual's medical history, or the review of any other relevant bio-medical factors. The MRO shall review all medical records made available by the tested individual (donor).

The MRO shall not consider the results of samples that are not obtained or processed in accordance with HRS Chapter 59A-24, F.A.C.

(i) Actions of MRO When Results Are Negative

To verify that a negative test result was properly analyzed and handled, the MRO shall:

- (1) Receive and review the test result(s) from the laboratory;
- (2) Verify the laboratory report by checking the chain-of-custody form for required signatures, procedures, and information;
- (3) Ensure that the donor's specimen identification number on the laboratory test report Copy and on the chain-of-custody form which was sent to the MRO by the collection site (Copy 4) accurately identifies the individual with the negative test result; and,
- (4) Notify the Board in writing, through the Human Resources Director, of the negative test result no more than seven (7) working days after the specimen is received by the laboratory, and appropriately file the chain-of-custody forms (Copy 2 & 4) under confidential procedures for a period of two (2) years; and
- (5) Within twenty-four (24) hours of notification of the employer of a negative result, notify the testing laboratory that the negative test result has been submitted to the employer.

(ii) Actions of MRO When Results Are Positive

1. Verification that positive test was properly handled

To verify that a positive test result was properly analyzed and handled, the MRO shall:

- (1) Receive and review the test result(s) from the laboratory;
- (2) Verify the laboratory report by checking the chain-of-custody form for required signatures, procedures, and information;
- (3) Ensure that the donor's specimen identification number on Copy 2 of the laboratory test report and on Copy 4 the chain-of-custody form which was sent to the MRO by the collection site accurately identifies the individual with the positive test result;
- (4) Notify the employee or job applicant of a confirmed positive test result within three days of receipt of the test result from the laboratory, and inquire as to whether prescriptive or over-the-counter medications could have caused the positive test result;
- (5) Within five days of notification to the donor of the positive test result, provide an opportunity for employee or job applicant to discuss the positive test result and to submit documentation of any prescriptions relevant to the positive test result;
- (6) Review any medical records provided or authorized by the employee or job applicant to be released by the individual's physician in order to determine if the positive test result was caused by legally prescribed medication. If the donor does not have prescribed medication, the MRO shall inquire about over-the-counter medications

which could have caused the positive test result. The donor shall be responsible for providing all prescriptions within the five-day period after notification of the positive test result;

(7) Notify the Board in writing, through the Human Resources Director, of the verified test result no more than seven (7) working days after specimen was received by the laboratory, and appropriately file the chain-of-custody forms (Copy 2 & 4) under confidential procedures for two (2) years;

(8) If the MRO determines that there is a legitimate medical explanation for the positive test result, based on the medical explanation for judgment of the MRO and accepted standards of practice, the MRO shall report a negative test result to the Designated Agency Authority. However, should the MRO feel that the legal use of the drug would endanger the individual or others, the MRO shall report that the test is negative due to a validated prescription and shall request that the individual be placed in a position which would not threaten the safety of the individual or others;

(9) Process any request for a retest of the original specimen must be made within 180 days of the of the positive test result at another licensed laboratory selected by the employee or job applicant. The donor requesting the additional test shall be required to pay for the costs of the retest including handling and shipping expenses. The MRO shall contact the original testing laboratory to initiate the retest.

(10) The MRO shall not declare a confirmed positive as verified until the MRO receives Copy 2 of the original chain-of-custody forms from the drug testing laboratory and Copy 4 from the collection site.

## 2. Contacting the Donor

If the test results are confirmed as positive, the Medical Review Officer must then contact the donor.

(1) If the Medical Review Officer is unable to contact, within three days of receipt of the test results from the laboratory, a donor who tested positive, the MRO shall contact the Human Resources Director and request that he or she direct the donor to contact the MRO as soon as possible. If the MRO has not been contacted by the donor within two days from the request to the County (five days from date of delivery of test results from the laboratory), the MRO shall verify the report as positive.

(2) As a safeguard to employees and job applicants, once an MRO verifies a positive test result, the MRO may change the verification of the result if

(a) the donor presents information to the MRO which documents that a serious illness, injury, or other circumstance unavoidably prevented the employee from contacting the MRO within the specified time frame, *and*

(b) If the donor presents information concerning a legitimate explanation for the positive test result.

(3) If the donor declines to talk with the MRO regarding a positive test result, the MRO shall validate the result as positive and annotate such decline in the remarks section.

Prior to providing an employee or job applicant with the opportunity to discuss a test result, the MRO must confirm the identity of the employee or job applicant. At a

minimum, the MRO shall ask the donor to respond with the following information to confirm the identity of the donor:

- (1) If the request is in person, the MRO shall request picture identification.
- (2) If the request is over the telephone, the MRO shall request:
  - (a) An employee identification number or social security number;
  - (b) Date of birth;
  - (c) Employer's name
  - (d) Work telephone number

Once the donor's identification has been positively established, the MRO must make the donor aware of specific information before any additional information is solicited from the donor:

- (1) The MRO shall inform the donor that the MRO is an agent of the Board whose responsibility is to make a determination on test results and report them to the Board;
- (2) Inform the donor that medical information revealed during the MRO's inquiry will be kept confidential, unless the MRO believes that such information is relevant to the safety of the donor or to others. Any additional release of information shall be solely pursuant to a written consent form signed voluntarily by the donor, except where such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.
- (3) Outline the rights and procedures for a retest of the original specimen by the donor.
- (4) If donor voluntarily admits to the use of the drug in question without a proper prescription, the MRO shall advise the donor that a positive test report will be sent to the Board.

After the MRO reviews the chain-of-custody forms (Copy 2 laboratory and Copy 4 from the collection site) and has contacted the positively tested donor, the MRO performs specific actions to report results to the Board.

- (1) On Copy 2 of the chain-of-custody form, check if the verified result is positive, negative, or unsatisfactory and, if indeed positive, indicate which drug(s) detected. If the test is unsatisfactory, the reason is to be explained in the remarks section.
- (2) On Copy 2 of the chain-of-custody form, sign and date for verification of the final test result.
- (3) Prepare and sign a verification letter to the Board through the Human Resources Director revealing the final verified test result. Copies of the laboratory report or chain-of-custody are not suitable for this purpose.

- F. Board Response to Drug Test Results 4.01.42
  - i. Negative Result

Upon receipt of a negative drug test result from the Medical Review Officer (MRO), the Human Resources Director shall advise the Designated Agency Authority. The Human Resources Director shall advise the donor (whether employee or job applicant) and appropriate Designated Agency Authority of the successful completion of the drug test and maintain all written communications regarding the drug test in a confidential file.

ii. Positive Result

Upon receipt of a positive confirmed drug test result, the Designated Agency Authority will confer with the County Administrator and/or legal counsel to decide appropriate action. In cases of a violation of the Drug-Free Workplace Policy, appropriate disciplinary action must be taken up to and including involuntary termination/dismissal. Injury to oneself resulting from being under the influence of alcohol or abuse of drugs may result in the loss of all workers' compensation benefits for such injury.

iii. Required Employee or Job Applicant Notification

Within five working days after receipt of a positive confirmed test result, the Designated Agency Authority shall inform the employee or applicant by certified mail, return receipt requested, of the following:

- (1) The positive confirmed test results;
- (2) The Board's intent to take disciplinary action, if appropriate;
- (3) The applicant's non-selection and his/her right to institute civil action for injunctive relief or damage, or both, in a court of competent jurisdiction within 180 days of the alleged violation or be forever barred from obtaining relief.

If the notice above constituted a notice of disciplinary action, the employee is to be notified of his/her grievance procedures according to the Employee Handbook. If the employee's position is covered by a collective bargaining agreement, the notice shall include the following statement:

*"Since your job class is covered by a collective bargaining contract, you may file a grievance in accordance with the grievance procedures established by the collective bargaining agreement."*

Within five (5) working days of after receiving notice of a positive confirmed test result the employee or applicant shall submit information to an employer explaining or contesting the test results, and why the results do not constitute a violation of the Board's Policy. If the employee or job applicant's explanation or challenge of the positive test results is unsatisfactory to the employer, a written explanation as to why the employee or job applicant's explanation is unsatisfactory, along with a report of positive results, shall be provided by the Board to the employee or job applicant. All such documentation shall be kept confidential and exempt from the provisions of Section 119.07(1) by the Board pursuant to Subsection (11) and shall be retained by the Board for at least one (1) year.

In addition, if the job applicant is not a Board employee, recommend they seek treatment through an alcohol or drug rehabilitation program.

G. Administrative or Legal Challenge 4.01.43

In the event an employee or applicant undertakes an administrative or legal challenge to the test result, it shall be the employee's or applicant's responsibility to notify the Board and laboratory, in writing, of such challenge. Such notice shall include reference to the chain-of-custody specimen identification number. After such notification, the sample shall be retained by the laboratory until the case or administrative appeal is settled.

During the 180 day period after written notification of a positive test result, the employee or job applicant who has provided the specimen shall be permitted by the Board to have a portion of the specimen re-tested, at the employee or applicant's expense. The laboratory which performed the original test for the Board shall be responsible for transferring a portion of the specimen to be re-tested to a second laboratory selected by the employee or applicant and licensed under Chapter 59A-24, F.A.C. The original testing laboratory shall be responsible for the integrity of the specimen and the chain-of-custody during such transfer.

H. Employee Voluntarily Requesting Treatment 4.01.44

The Board may not discharge, discipline, or discriminate against an employee solely upon voluntarily seeking treatment, while under County employment, for a drug-related problem if the employee has either not previously been tested and confirmed positive for drug use, entered an employee assistance program for drug related or alcohol problems, or entered an alcohol or drug rehabilitation program.

If the employee voluntarily admits to a drug or alcohol problem prior to being tested, they will receive a mandatory employee assistance program (EAP) referral and be required to participate and successfully complete an alcohol and/or drug rehabilitation program.

Employees seeking treatment in a rehabilitation program may use any accumulated leave and then are placed on leave of absence without pay. The required drug and alcohol treatment will be at the employee's own expense. The employee must sign a written consent form allowing the Board, through the Human Resources Director, to obtain information regarding the progress and successful completion of the treatment required above.

The employee must submit to a drug test as a follow up to such a rehabilitation program on a quarterly, semiannual, or annual basis as directed by the treatment center for up to two years thereafter.

# Board of County Commissioners

## Taylor County, Florida

Title: Drug and Alcohol Testing 4.01.45

Date Adopted:

Effective Date:

Reference: Florida Workers Compensation Law; Federal Omnibus Transportation Employee Testing Act of 1991

It shall be the policy of the Board of County Commissioners of Taylor County, Florida, that a work environment which is free from the influence of alcohol and controlled illegal substances shall be maintained.

### 1. PURPOSE

As a part of the County's commitment to safeguard the health of its employees, to provide a safe place for its employees to work, and to promote a drug-free community, the Board of County Commissioners has established this policy. This policy is set up pursuant to the **Federal Omnibus Transportation Employee Testing Act of 1991** and compliments the Drug Free Workplace Act.

Substance abuse, while at work or otherwise, seriously endangers the safety of employees as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and decline in quality of products and services provided.

### 2. APPLICABILITY

- a. All Board employees whose positions require a Commercial Driver's License shall be subject to Reasonable Suspicion, Return to Duty, Follow up and Post Accident alcohol and drug testing.
- b. All final candidates for jobs shall be subject to Pre-Employment Drug Testing.

### 3. ALCOHOL AND DRUG TESTING CATEGORIES. Alcohol and drug testing is required for the following:

- a. **Pre-employment.** The County requires that drug tests shall be conducted before applicants are hired, or after an offer to hire but before safety-sensitive functions are performed for the first time. Testing also is required when employees transfer to a safety-sensitive position.
- b. **Post-accident.** The County requires that alcohol and drug tests shall be conducted on employees when an accident requiring medical attention or resulting in property damage occurs.
- c. **Reasonable suspicion.** The County requires that alcohol and/or drug tests shall be conducted when a trained supervisor or County official has a reasonable suspicion that an employee has violated the County's drug and alcohol policy. For the purpose of this policy, a reasonable suspicion exists when a supervisor's suspicion is based upon

specific, objective facts derived from the surrounding circumstances from which it is reasonable to infer that further investigation is warranted, provided that no such test shall be required, whenever reasonably possible, unless two persons (the second person must be in supervisory capacity) corroborate the reasonable suspicion and document it in writing.

- d. **Random.** The County requires that alcohol and drug tests shall be conducted on a random unannounced basis.
- e. **Return-to-duty and follow-up.** The County requires that alcohol and/or drug tests shall be conducted when an individual who has violated alcohol and drug conduct standards returns to duty. Follow-up tests are unannounced, and are done pursuant to instructions of the Substance Abuse Professional.

#### 4. **ALCOHOL PROHIBITION.**

Because alcohol is a legal substance, the rules define specific prohibited alcohol-related conduct. The use or possession of alcohol while on duty is strictly prohibited for all County employees. This prohibition is consistent with Personnel Handbook Sections 2.I. Drug Free Workplace Policy. Performance of safety-sensitive functions is prohibited:

- a. while having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test.
- b. while using alcohol.
- c. within four hours after using alcohol.

In addition, refusing to submit to an alcohol test and using alcohol within eight hours after an accident or until tested, are prohibited.

#### 5. **APPLICATION OF RANDOM ALCOHOL TESTING:**

The employee is randomly selected for testing. The testing dates and times are unannounced and are with unpredictable frequency throughout the year. Each year, the number of random tests conducted by the employer must comply with the regulations of the **Federal Omnibus Transportation Employee Testing Act of 1991**.

#### 6. **PERFORMANCE AND CONFIRMATION OF ALCOHOL TESTING:**

The rules require breath testing using evidential breath testing (EBT) devices approved by the NHTSA. The NHTSA periodically publishes a list of approved devices in the *Federal Register*. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. The employee and the individual (called a breath alcohol technician [BAT]) conducting the breath test complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time to ensure reliability of the results. The confirmation test results determine any actions to be taken. Testing procedures that ensure accuracy, reliability and confidentiality of test results are outlined in the Part 40 rule (Procedures for Transportation Workplace Drug and Alcohol Testing Programs). The procedures include training and proficiency requirements for the breath alcohol technicians

(BAT), quality assurance plans for the breath testing devices (including calibration requirements for a suitable test location), and protection of employee test records.

**7. CONSEQUENCES OF A POSITIVE ALCOHOL MISUSE:**

Employees who engage in prohibited alcohol conduct must be immediately removed from safety-sensitive functions. Employees who have engaged in alcohol misuse cannot return to safety-sensitive duties until they have been evaluated by a substance abuse professional and have complied with any treatment recommendations to assist them with an alcohol problem. To further safeguard transportation safety, employees who have any alcohol concentration (defined as 0.02 or greater) when tested just before, during or just after performing safety-sensitive functions must also be removed from performing such duties for 24 hours. If an employee's behavior or appearance suggests alcohol misuse, a "reasonable suspicion" alcohol test must be conducted. If a breath test cannot be administered, the employee must be removed from performing safety-sensitive duties for at least 24 hours.

**8. REHABILITATION:**

Employees who violate the alcohol misuse rules will be referred to a substance abuse professional for evaluation. Any treatment or rehabilitation would be provided in accordance with the County's policy (Employee Assistance Program [EAP]). The County is not required under these rules to provide rehabilitation, pay for treatment, or reinstate the employee. If the County decides to allow an employee to return to safety-sensitive duties, the following must be completed:

- a. has been evaluated by a substance abuse professional;
- b. has complied with any recommended treatment;
- c. has taken a return-to-duty alcohol test (with a result less than 0.02); and
- d. is subject to unannounced follow-up alcohol tests.

The County's Employee Assistance Program (EAP) is available to assist employees with alcohol and drug problems. An employee seeking assistance may contact his supervisor, the Human Resources Department or the EAP provider directly. An employee may also seek assistance through his or her health benefit plan.

**9. CONFIDENTIAL RECORDS:**

Employee alcohol testing records are confidential. Test results and other confidential information may be released without the employee's consent to the County and the Employee Assistance Program, in legal proceedings as a lawsuit, grievance, or administrative proceeding brought by or on behalf of an employee and resulting from a positive DOT drug or alcohol test or a refusal to test. These proceedings also include a criminal or civil action resulting from an employee's performance of safety-sensitive duties and release is instructed by the court. Any other release of this information is only with the employee's consent.

**10. DRUG TESTING:**

The DOT drug and alcohol testing procedures rule (49 CFR Part 40) sets forth the procedures for drug testing in the FHWA industries. Drug testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). There are over 90 DHHS-certified

drug testing laboratories located throughout the United States. The list of DHHS approved laboratories is published in the *Federal Register*. The employee provides a urine specimen in a location that affords privacy and the "collector" seals and labels the specimen, completes a chain-of-custody document, and prepares the specimen and accompanying paperwork for shipment to a drug testing laboratory. The specimen collection procedures and chain of custody ensure that the specimen's security, proper identification and integrity are not compromised. The Omnibus Act requires that drug testing procedures for commercial motor vehicle drivers include split specimen procedures. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee has 72 hours to request a split specimen be sent to another DHHS certified laboratory for analysis. This split specimen procedure essentially provides the employee with an opportunity for a "second opinion."

#### **11. TYPES OF DRUGS PROHIBITED:**

The drug rules prohibit any unauthorized use of the controlled substances. Illicit use of drugs by safety-sensitive employees is prohibited on or off duty. The FHWA has some additional rules that prohibit the use of legally prescribed controlled substances (such as barbiturates, amphetamines, morphine, etc.) by safety-sensitive employees. If using an over-the-counter or prescription drug which is in any way influencing the employee's ability to perform his job (i.e., causing drowsiness, slowing reaction times, distorting perception, etc.), he must request temporary reassignment or leave as appropriate. Under no circumstances shall an employee work in a condition which increases risk to life, limb or property. All urine specimens are analyzed for the following drugs:

- a. Marijuana metabolites
- b. Cocaine metabolites
- c. Amphetamines
- d. Opiates metabolites
- e. Phencyclidine (PCP)

The testing is a two-stage process. First, a screening test is performed. If it is positive for one or more of the drugs, then a confirmation test is performed for each identified drug using state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis.

#### **12. INTERPRETATION OF THE LABORATORY RESULTS:**

All drug test results are reviewed and interpreted by a physician (Medical Review Officer [MRO]) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO contacts the driver (in person or by telephone) and conducts an interview to determine if there is an alternative medical explanation for the drugs found in the driver's urine specimen. For all the drugs except PCP, there are some limited, legitimate medical uses that may explain the positive test result. If the driver provides appropriate documentation and the MRO determines that it is legitimate medical use of the prohibited drug, the drug test result is reported as negative to the County.

#### **13. CONSEQUENCES OF A POSITIVE DRUG TEST:**

As with an alcohol misuse violation, an employee must be removed from safety-sensitive duty if he/she has a positive drug test result. The employee cannot be returned to safety-sensitive duties until he/she has been evaluated by a substance abuse professional or MRO, has

complied with recommended rehabilitation, and has a negative result on a return-to-duty drug test. Follow-up testing to monitor the employee's continued abstinence from drug use may be required.

**14. RANDOM DRUG TESTING:**

The County is responsible for conducting random, unannounced drug tests. Some employees may be tested more than once each year; some may not be tested at all depending on the random selection. Once notified of selection for testing, however, an employee must proceed to a collection site to accomplish the urine specimen collection. The random drug testing rate is determined annually based upon the DOT testing rates.

**15. REHABILITATION:**

Employees who violate the drug abuse rules will be referred to a substance abuse professional for evaluation. Any treatment or rehabilitation would be provided in accordance with the County's Employee Assistance Program (EAP) policy. The County is not required under these rules to provide rehabilitation, pay for treatment, or reinstate the employee in his/her safety-sensitive position. If the County decides to allow an employee to return to safety-sensitive duties, the Human Resources Department must ensure that the employee:

- a. has been evaluated by a substance abuse professional;
- b. has complied with any recommended treatment;
- c. has taken a return-to-duty alcohol test (with a result less than 0.02); and
- d. is subject to unannounced follow-up alcohol tests.

The County's Employee Assistance Program (EAP) is available to assist employees with alcohol and drug problems. An employee seeking assistance may contact his supervisor, the Human Resources Department, or the EAP provider directly. An employee may also seek assistance through his or her health benefit plan.

**16. CONFIDENTIAL RECORDS:**

Employee drug testing results and records are maintained under strict confidentiality by the employer, the drug testing laboratory, and the medical review officer. They cannot be released to others without the written consent of the employee. Exceptions to these confidentiality provisions are limited to a decision maker in arbitration, litigation or administrative proceedings arising from a positive drug test.

**17. COMMUNICATION OF POLICY TO APPLICANTS/EMPLOYEES:**

All County employees in safety sensitive positions and/or functions will receive a copy of this policy.

- a. The Human Resources Department shall be responsible for communicating this policy and providing copies of the policy to newly hired safety-sensitive employees.
- b. All County departments with safety-sensitive employees shall be required to have this policy and any related information/material available for review at the worksite.

**18. REFUSAL TO COOPERATE WITH ALCOHOL/DRUG TEST:**

- a. An applicant's tampering with the alcohol/drug test or failing to submit to the required pre-employment drug test shall be considered as a request for withdrawal from consideration for the position for which he/her has applied.
- b. An employee's tampering with the alcohol/drug test or failing to submit to an alcohol/drug test shall be considered insubordination and shall be grounds for dismissal.

**19. CONSEQUENCES OF VIOLATION OF POLICY:**

An employee found to be in violation of any provision of this policy shall be subject to disciplinary action up to and including dismissal. Conditions which may warrant the retention of said employee may include, but not be limited to, the nature of job, length of service, quality of job performance, and nature of offense.

**20. RIGHT TO APPEAL:**

An applicant or employee who feels he/she has not been treated fairly with regard to this policy may file a **grievance** pursuant to the Union Contract and the Personnel Handbook.