

CHAPTER TWO

PERSONNEL CODE

2.0 PURPOSE

The Osceola County Board of County Commissioners (Board) intends to succeed in its endeavors through the teamwork of its diverse, effective, and highly motivated workforce. Cooperative and constructive relationships among managers, supervisors, and employees are essential to this team approach toward accomplishing objectives. The Personnel Policies shall establish fair, uniform guidelines to encourage teamwork by promoting employee rights and efficiency while upholding standards of proper conduct. Definitions for terms referenced throughout the Chapter are located in Appendix A.

2.1 GENERAL PROVISIONS

- A. The Board adopts this Personnel Policy as part of the County's Charter Government Administrative Code. The Board does not relinquish any authority vested in it. Instead, the Board delegates its authority to the extent detailed herein and consistent with Florida Statutes. This Code sets forth the principles that will ensure Osceola County and its citizens enjoy all the benefits that derive from a county government staffed by diverse, qualified, and highly motivated individuals.
- B. Nothing contained in this Code, or in any other materials or information distributed by the Board, creates a contract of employment, guarantee of continued employment, nor benefits between any employee and Osceola County Government.
 - 1. Employment with Osceola County is on an At-Will Employment basis. This means that employees are free to terminate their employment at any time, for any reason, and Osceola County retains that same right. No statements to the contrary, written or oral, made either before or during an individual's employment can change this.
 - 2. The Board reserves the right to revise, change, or terminate any of this Code at any time.
 - 3. The Personnel Code applies to all employees of Osceola County except the following:
 - a. Members of the Board;
 - b. Persons who are not County employees, but appointed by the Board to serve on advisory committees, special boards, councils, and commissions.

- C. The Board has absolute discretion to change its Personnel Policy without regard to, or limitation by, any matter covered herein. Changes may or may not be reflected in this Chapter at any time it is reviewed by an employee. Policies adopted by the Board shall supersede any written information previously distributed to employees. Changes adopted by the Board will be made available to all employees in a timely manner.
- D. All of the rights, privileges, and terms granted and set forth in this Chapter are expressly conditioned upon all of the rights granted to and reserved by the County as described in this Chapter, including the right to change and/or eliminate any and all rights and privileges not required to be provided by law.
- E. The County Manager/Designee is responsible for implementing the provisions of the Personnel Policy. A County Commissioner or the County Manager may recommend to the Board any changes to the Code. Such changes shall become effective upon adoption by the Board. New Policies adopted shall supersede old Policies and shall have the force and effect of law insofar as they apply to the positions covered hereunder.
 - 1. If any section or part of a section of this Policy is held by any Court of competent jurisdiction to be invalid or unconstitutional, or conflicts with any County, state, or federal legislation, the same shall not invalidate or impair the validity, force, and effect of any other section or part of a section of these policies, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon a section or part of a section so held invalid or unconstitutional.
 - 2. All current County employment positions, including ones created in the future, except for those positions exempted in this Section, will be subject to this Chapter of the Administrative Code unless the Board exercises its discretion to exempt from coverage.
 - 3. The County Manager has the final authority to interpret and administer these policies in light of changing circumstances and events. The County Manager may institute Procedures at any time to ensure County compliance. All individuals covered by this Policy shall at all times comply with federal, state, and local laws, rules, and regulations.
 - 4. No Department shall establish a separate Policy in conflict with the Administrative Code.
 - 5. Any reference herein to the County Manager shall be considered as referring to the County Attorney when interpreted by the employees of the County Attorney.
 - 6. Any reference to employees shall be considered as referring to the employees of

the County Manager and/or County Attorney unless identified as specifically applying to Charter or Constitutional Officers.

2.1-1 POLICIES AND PROCEDURES TEMPLATE

When creating Policies and Procedures that affect Board employees, a standard Policies and Procedures Template shall be used by all County Departments.

2.1-2 EQUAL EMPLOYMENT OPPORTUNITY (EEO)

- A. The Board values the diverse backgrounds, experiences, knowledge, and skills of its employees and applicants for employment. Osceola County is committed to fostering a work environment that offers Equal Employment Opportunities and fair treatment to all applicants and employees without regard to age, race, color, religion, national origin, disability, sex, sexual orientation, gender identity and expression, or any other protected category under federal, state or local law.
- B. Consistent with the requirements of Title I of the Americans with Disabilities Act (ADA), as amended, Osceola County will provide Reasonable Accommodations to qualified applicants and employees with disabilities, absent undue hardship, in order to:
 - 1. Ensure equal opportunity in the application process;
 - 2. Enable qualified employees with disabilities to perform the essential functions of their jobs; and
 - 3. Make it possible for employees with disabilities to enjoy equal benefits and privileges of employment.
- C. This Policy applies to all positions under the Board, County Manager and County Attorney. The Policy covers all terms, conditions, and privileges of employment including, but not limited to, recruitment, selection, compensation, Benefits, training, disciplinary actions, and application of this Policy and any County Manager Procedures.
- D. The County may, consistent with applicable law, choose to establish programs to enhance the employment of minorities, women, persons with disabilities, and Veterans at all levels and in all segments of the workforce. The County Manager/Designee will review and modify, as necessary, the results of the program(s) in order to achieve their stated objectives.

2.1-4 ANTI-HARASSMENT

- A. The Board recognizes that to achieve its mission, it must operate in a climate of mutual respect and in an environment that enables all individuals to perform to their best

potential. To this end, it is the Board's Policy to strictly prohibit Harassment, as well as inappropriate or unwelcomed behavior that, if left unchecked, could become severe or pervasive as to constitute unlawful Harassment.

- B. Workplace Harassment, which includes bullying, offensive comments/conduct, or discrimination based on race, color, religion, sex (including sexual Harassment and pregnancy discrimination), sexual orientation, gender identity and expression, national origin, age (40 years of age and over), or disability (physical or mental) or retaliation for protected EEO activity will not be tolerated.
- C. Harassing conduct, where unwelcome verbal or physical conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, will not be tolerated.
- D. An unpleasant or harsh work environment *is not* a "hostile work environment" without a discriminatory basis for the behavior. Osceola County does not condone unprofessional work environments, however, and will take steps to resolve such problems whether or not they are considered a "hostile work environment."
- E. Retaliation against those who report Harassment, misconduct, serve as a witness to or participate in the Equal Employment Opportunity (EEO) process, or otherwise oppose discrimination and Harassment is also strictly prohibited.
- F. Every County employee has a responsibility to foster a Harassment-free workplace. Employees who observe or believe they are the subject of workplace Harassment are strongly encouraged to report such incidents as soon as possible through various channels, including, but not limited to, their immediate supervisor, Department Head, or the Human Resources & Risk Management Department. Where allegations of prohibited Harassment or harassing conduct are substantiated, prompt and appropriate action will be taken.
- G. The County recognizes that false accusations of Harassment have a serious impact on morale in the workplace. If, after investigating a Harassment complaint, the County learns that an employee has made a complaint in bad faith or knowingly provided false information regarding a complaint, disciplinary action will be taken against the individual who provided such false information.
- H. The County Manager shall cause a comprehensive training program to be developed, including, but not limited to, Anti-Harassment, Equal Opportunity Policies and Harassment Prevention Training.

2.1-5 PERSONNEL RECORDS

It is the policy of the Board to maintain personnel records according to federal and state record keeping requirements. The personnel records maintained by the Human Resources & Risk Management Department shall be the official personnel records.

2.1-6 COLLECTION AND USE OF SOCIAL SECURITY NUMBERS

- A. It is the policy of the Board to notify individuals of the circumstances that require or authorize the collection and use of social security numbers. Florida Statute 119.071(5) specifically authorizes the County to collect social security numbers when required by law or where the social security number is imperative in the performance of its duties. The general scenarios under which the County will collect and use social security numbers are as follows:
1. For processing payroll and other human resources functions, including Benefits registration and processing, tax reporting, unemployment reporting, workers compensation, direct deposit, and payroll deductions.
 2. For use in processing accounts payable and other purchasing functions, including travel reimbursements.
 3. For use in the proper identification and background screening of employees, vendors, and volunteers.
 4. For use in processing employee health-related Benefits including medical claims.
 5. For access to certain critical Information Technology Systems in order to certify and authenticate identity.
 6. To authenticate identity when no other means are available.
- B. Social security numbers are used as unique numeric identifiers and may be used for search purposes, i.e., various software programs/websites utilized by Osceola County Government.
- C. Social security numbers will not be used for any other purpose than stated above.
- D. This Policy (or written notice stating the same) must be provided to any individual when the County collects that person's social security number.
- E. This Policy will be reviewed and updated for compliance if/when social security number collection, dissemination, and utilization by the County changes.

2.2 CLASSIFICATION PLAN

2.2-1 CLASSIFICATION PLAN

The Board authorizes the County Manager to institute and maintain a classification plan that provides a systematic arrangement and inventory of all County positions. This plan will group various positions into jobs that reflect the range of duties, responsibilities, and level of work performed.

2.3 COMPENSATION

2.3-1 COMPENSATION PLAN

The Board directs the County Manager to establish a compensation system that would allow the County to effectively attract and retain qualified personnel and ensure that salaries are equitable and commensurate with the duties performed by each employee. A compensation plan shall apply to all employees, excluding the County Manager, County Attorney or any employee covered by a Collective Bargaining Agreement with its own compensation system. As individual positions are studied through a job evaluation process, they will be allocated to classifications within the classification structure and placed into the compensation plan.

2.3-2 WORKDAYS, WORKWEEK, AND PAY DAYS

The County Manager is authorized to establish the workday, workweek, and pay days for all divisions, departments, and offices under the Board in order to provide the best service to the citizens of Osceola County.

2.3-3 OVERTIME - FAIR LABOR STANDARDS ACT (FLSA)

Employees shall be properly compensated for all time worked, including payment of Overtime and accrual of compensatory time, as mandated by the Federal Fair Labor Standards Act and Florida State Statutes.

2.3-4 CALL-OUT PAY

Regular, non-exempt employees who are required to return to work after the completion of, or prior to, their shift, shall be eligible for Call-Out Pay in accordance with this Policy's implementing procedures.

2.3-5 ON-CALL PAY

Additional compensation shall be provided to regular non-exempt designated employees who serve in an "ON-CALL" status, and thus are required to be available and ready to work beyond their regularly scheduled work hours, as needed, to handle unexpected and unplanned situations. While the County recognizes that this time *does not* require consideration as compensable working time under the provisions of the Fair Labor Standards Act, the County does

so in recognition of the slight inconvenience this may create for employees.

2.3-6 FURLOUGH POLICY

- A. In the event of a budget shortfall, the Board may approve a Furlough for its employees. The Board shall approve the specific dates of the Furlough.
- B. The County Manager shall have the authority to request that a Furlough be approved by the Board. The County Manager shall submit a budget plan to the Board to include the proposed dates and the estimated cost savings.
- C. The County Manager shall have the authority to implement and administer a Furlough approved by the Board. The County Manager shall have the discretion to include all Board employees in the Furlough or to exempt, in whole or in part, specific positions, job classifications, or Departments. The County Manager shall have the authority to resolve any Furlough issue not clearly addressed by this policy.
- D. In cases where the County Manager deems that the imposition of a Furlough on a particular position, job classification, or Department is not in the best interest of the County, the County Manager shall have the authority to implement a temporary salary reduction, equal to the amount of the Furlough reduction, in lieu of the Furlough during the same fiscal year.
- E. This policy does not alter or supersede the provisions of any Collective Bargaining Agreement for Board employees covered by a Bargaining Unit, except for where specifically negotiated and agreed upon by Management and the Bargaining Unit.

2.4 RECRUITMENT, SELECTION, CHANGES IN STATUS, AND SEPARATION FROM EMPLOYMENT

2.4-1 RECRUITMENT

- A. The County shall recruit and hire the best-qualified and well-suited candidates. All recruitment and selection decisions shall be based upon job-related factors and shall comply with the County's commitment to quality, diversity, and applicable equal employment opportunity regulations and practices.
- B. Generally, positions shall not be filled unless a vacancy notice has been posted in accordance with recruitment and selection procedures. The County Manager may authorize the direct hire of a candidate under special circumstances, including, but not limited to, special recruitment efforts for hard to fill and/or highly specialized positions. The County Manager may not delegate this authority.
- C. Veterans' Preference shall be given to eligible veterans at all stages of the recruitment and selection process, in accordance with Florida Statutes.

2.4-2 EMPLOYMENT ELIGIBILITY VERIFICATION

The Board is committed to complying with all provisions of the Immigration Reform and Control Act, Pub. L. 99-603, 100, Statute 3359, and will not knowingly hire individuals who are not authorized to work in the United States. Consistent with this commitment, the Board requires the completion of the federal Form I-9, Employment Eligibility Verification, to verify the identity and work authorization of all Board employees hired after November 6, 1986. Osceola County also participates in E-Verify.

2.4-3 NEPOTISM

In accordance with Chapter 112 of the Florida Statute, an employee may not appoint, employ, evaluate, promote, advance or advocate for the employment, promotion or advancement of a relative to a position over which the employee normally and routinely exercises jurisdiction or control.

2.4-4 CATEGORIES OF EMPLOYMENT

The County Manager/Designee shall ensure that all employees are placed into appropriate categories including appointments, employment, and status as defined at the creation of the positions.

2.4-5 PROBATIONARY PERIOD

A probationary period shall be used upon the initial hire of an employee, or upon a change of status, to determine whether the employee has the ability to carry out assigned tasks, work efficiently, demonstrate dependability, and to demonstrate possession of other characteristics relative to the requirements of the position and quality performance.

2.4-6 PERFORMANCE FEEDBACK

The performance management program shall be based on constructive feedback and open communication between managers and team members. Effective and timely feedback is a critical component of a successful performance management program and should be used in conjunction with setting performance goals. Performance feedback shall be conducted in accordance with the established County procedures.

2.4-7 CONTINUOUS SERVICE DATE

Many of the benefits of employment are determined at least in part by an employee's length of service. Therefore, the computation of "continuous service" must be accomplished in a fair, consistent, and impartial manner. To this end, the County Manager/Designee shall provide a framework for determining employment dates including date of hire and continuous service

date.

2.4-8 CHANGES IN STATUS

Any employee who receives a Change in Status will retain all previously earned Benefits when reassigned to a new position if due to promotion, lateral transfer, demotion, or position reclassification.

2.4-9 EMPLOYEES OF CONSTITUTIONAL OFFICERS

The County shall assist employees of Constitutional Officers who have applied for and are selected for a County position by directing the County Manager to establish guidelines for probationary periods and for the transfer of creditable leave balances.

2.4-10 INTERNSHIP PROGRAM

It is the policy of Board to support internship programs that provide students in high school, college, and vocational schools the opportunity to obtain practical work experience in a public sector environment. The intent of this program is to expose high school, vocational, undergraduate, and graduate students to the inner workings of Osceola County government and spark their interest in future career opportunities with the County.

2.4-11 VOLUNTEER PROGRAM

The Board welcomes and encourages the use of volunteers at all levels and within all appropriate programs and activities as a means to supplement and support the capabilities of regular staff. The County recognizes that volunteers make significant contributions to these programs and activities. It is further recognized that the success of a volunteer program is dependent on the commitment and support of all Board employees. To this end, all County employees are encouraged to assist in the creation of meaningful and productive volunteer roles and assist in the recruitment, coordination, and recognition of volunteers.

2.4-12 SEPARATION FROM EMPLOYMENT

Employee separations, whether voluntary or involuntary, shall be handled in a professional manner with minimal disruption to ongoing work functions.

2.5 EMPLOYEE BENEFITS AND LEAVES

2.5-1 VACATION LEAVE

Vacation Leave is part of the integrated program of Benefits for County employees. Such leave is intended as a necessary break from normal work duties to allow employees to engage in recreational activities as a means of achieving and sustaining high levels of productivity during

regularly scheduled duty. Regular Full-Time and Part-Time Employees are eligible to accrue Vacation Leave and be paid for Vacation Leave according to procedures.

2.5-2 SICK LEAVE

Sick Leave is a Benefit designed to ensure employees receive salary continuation when they are off the job due to illness. Sick Leave is a privilege and not a right or entitlement. This policy applies to regular Full-Time, Part-Time and non-temporary employees. The County extends the benefit of Sick Leave to eligible employees according to procedures.

2.5-3 HOLIDAYS

The Board shall annually designate eleven (11) paid holidays during the calendar year. The Board may alter the designated days by adding, deleting, or changing the recognized dates. In addition, the Board may grant employees one (1) floating holiday to be used within the corresponding fiscal year. Floating Holiday will not carry over from year to year.

2.5-4 BEREAVEMENT LEAVE

Bereavement time for the death of an employee's Immediate Family member is of great importance. In the event of a death in an employee's Immediate Family, the employee may be granted paid time off to handle matters related to death and grieving. The County Manager is authorized to determine the appropriate number of Bereavement Leave hours for inclusion in the implementing procedures.

2.5-5 ADMINISTRATIVE LEAVE FOR OVERTIME EXEMPT EMPLOYEES

Regular Full-Time FLSA designated Overtime-exempt employees may be eligible to receive Administrative Leave per the County Manager's Procedures. This policy shall in no way establish any right to any type of Overtime compensation for Overtime-exempt employees, regardless of whatever records are kept by the Department or employee.

2.5-6 JURY DUTY LEAVE

Participating in Court proceedings as a juror is a civic responsibility. As such, all employees are bound to the call of jury duty when such service is directed. A regular Full-Time employee who is summoned to jury duty shall be granted time off with pay. Such pay shall not be chargeable to accrued Vacation Leave.

2.5-7 MILITARY LEAVE

County employees make invaluable contributions to national defense in their service in the Uniformed Services. To this end, the County's Personnel Policy is in compliance with U.S.C. § 4301 et seq. and Florida Statute Chapters 115 and 250.

2.5-8 DOMESTIC VIOLENCE LEAVE

The County shall comply with the provisions of Chapter 741, Florida Statute, which provides Domestic Violence Leave in support of victims, for reasons identified in the State Statutes and implementing Procedure, related to the employee's domestic violence situation.

2.5-9 FAMILY AND MEDICAL LEAVE (FMLA)

The County shall comply with the provisions of the Family and Medical Leave Act ("FMLA") of 1993, (29 U.S.C. § 2601 et. seq.), as amended periodically, and relevant regulations. In accordance with the FMLA, eligible employees shall be entitled to up to twelve (12) weeks of leave within a 12-month period for qualifying family and medical reasons or up to twenty-six (26) weeks of leave within a 12-month period for military caregiving. Employees on FMLA shall be required to use all paid leaves identified in this Policy before going into a leave without pay status.

2.5-10 LEAVE WITHOUT PAY

It is the policy of the Board to permit employees to take unpaid absences from work for personal or other reasons while maintaining continuity of their employment, in accordance with established Procedures.

2.5-11 GROUP HEALTH INSURANCE

The Board is committed to advancing the health and well-being of County employees. To this end, the County offers a comprehensive group health insurance program for employees and eligible dependents. County regular Full-Time Employees may be eligible for group insurance Benefits as established by the County Manager/Designee.

2.5-12 FLORIDA RETIREMENT SYSTEM (FRS)

Retirement Benefits shall be provided for eligible employees through the Florida Retirement System. Enrollment is automatic for all eligible employees.

2.5-13 EDUCATIONAL ASSISTANCE

Eligible employees are encouraged to continue formal academic education in areas which shall enhance their contribution to County service. To this end, the County Manager is authorized to establish a reimbursement-based educational assistance program for Regular Full-Time Employees' in the successful completion of approved course work or training. The program is subject to the Board approving available funding.

2.5-14 CONFERENCE AND SEMINAR ATTENDANCE

Eligible employees are encouraged to attend conferences and seminars that shall enhance their contribution to County service.

2.5-15 SICK LEAVE BANK

The Sick Leave Bank shall be a Benefit available to all eligible Full-Time Employees who meet established guidelines, and who are experiencing, or are a primary caregiver for an Immediate Family member experiencing, a serious catastrophic illness or injury requiring an extended leave of absence and when all other paid leave has been exhausted in accordance with approved Procedures.

2.6 STANDARDS OF CONDUCT AND CONDITIONS OF EMPLOYMENT

2.6-1 STANDARDS OF CONDUCT

- A. The privilege of service as a County employee carries with it the responsibility of performing services according to higher standards of conduct and accountability than those that work in the private sector. Employees who fail to do this impair trustworthy and efficient governmental operations and deprive Osceola County citizens of their right to effective government. The County's business shall be conducted by employees whose duty performance is beyond reproach, both ethically and legally.
- B. General Code of Conduct: Employees shall not, in performing their duties, take any action or fail to act for reasons of: (1) personal advantage or gain for themselves or another; and/or (2) financial advantage or gain of themselves or another; and/or (3) personal animosity or retaliatory intent against another.
- C. Conflict of Interest:
 - 1. County employees shall not use their office for personal or financial gain, no matter how slight or indirect the benefit is to the employee or another, nor shall staff engage in conduct creating the appearance of using their office for such an improper purpose.
 - 2. Employees must conduct their County business in accordance with the Code of Ethics for Public Officers and Employees, Florida Statute, Chapter 112 and knowledge of these statutes is presumed by operation of law.
 - 3. County employees shall not serve on a community agency's board if the agency receives public funding from the County, unless appointed by the Board or approved by the County Manager/Designee.
 - 4. Any violation of this policy or its implementing procedures subjects the County employee to disciplinary action, up to and including termination.

2.6-2 POLITICAL ACTIVITY

Under federal and state law, all County employees accept that their employment imposes certain limitations regarding the political activities in which they may engage while on duty. All employees shall conduct their political activities in accordance with Florida Statute, Chapter 104, and its implementing regulations in the Florida Administrative Code, or as they may be amended from time to time.

2.6-3 OUTSIDE EMPLOYMENT

Due to the unique demands, privileges, and accountability standards applicable to service as a public employee, outside employment is prohibited when it interferes with the employee's County duties, involves a potential Conflict of Interest, the appearance of a Conflict of Interest, or in any way compromises the integrity or credibility of the Osceola County government in the community. The County adheres to the restrictions on outside employment of public employees that are codified in Florida Statute, Chapter 112.

2.6-4 USE OF COUNTY PROPERTY

County property shall be used with reasonable care in the safekeeping, use, and preservation of said property. Negligence in the use and care of County property, including Abuse, misuse, willful, or negligent loss or destruction may result in disciplinary action and/or restitution. More serious cases may result in civil or criminal action in the courts.

2.6-5 USE OF COUNTY VEHICLES

County vehicles shall be used within the scope of the job duties and responsibilities of the County employee operating the vehicle. When there is a demonstrated advantage to the County, an employee may be assigned a County take-home vehicle, authorized by the County Manager. Employees shall only use County vehicles for official County business. The County Manager shall establish the procedures for the use of County vehicles.

2.6-6 INFORMATION SECURITY AND ACCEPTABLE USE

The public places considerable confidence in Osceola County to ensure the integrity, accuracy, and security of information stored, managed, and shared by the County. The intent of an Information Security Acceptable Use Policy is to balance the protection of the County's electronic information, systems, and data with the County's established culture of openness, trust, integrity, and effective and efficient operations. Osceola County is committed to protecting itself, its citizens, employees, and partners from illegal or damaging actions by individuals, either knowingly or unknowingly. Appropriate measures must be taken to ensure the protection of public information along with confidentiality, integrity, and availability of information and that access to information is restricted to authorized users.

2.6-7 USE OF COUNTY CELL PHONES/MOBILE DEVICES

Cellular phones/mobile devices are a valuable and necessary tool for County officials and employees to enhance their productivity. Cellular phones/mobile devices can provide an efficient and effective method of coordinating work activities, sharing information, and delivering public services with minimal delay. Therefore, the County will make provisions so that employees who require such devices in the performance of their job duties have access to one. In addition, appropriate efforts will be taken to ensure employees utilizing cellular phones/mobile devices in conjunction with the provision of County services will do so in accordance with all relevant Policies and Procedures.

2.6-8 SOLICITATION/DISTRIBUTION OF LITERATURE

The manual and/or electronic dissemination or distribution of materials or messages which advocate, criticize, denounce, or publicize any sort of economic, legal, political, religious, social, or personal agenda or viewpoint, is prohibited in all County work areas. The County limits solicitation and distribution on its premises because, when left unrestricted, such activities can interfere with the normal operations of the County, can be detrimental to employee efficiency, and can pose a threat to security.

2.6-9 INFORMATION MANAGEMENT

All records, with the exception of exempted or confidential records identified by Florida Statute, shall be open for inspection by any person. Employees with access to public records as part of their job responsibilities, shall not use their access to such records to make copies or retrieve them for personal use. All public records must be obtained through the Public Records Request process established by the County Manager.

Additionally, employees responsible for, or having access to, confidential or exempt information, including health information, shall maintain and transact such information in compliance with the applicable laws. Violation of this Policy will result in disciplinary actions up to and including termination.

2.6-10 PRODUCTIVE WORK ENVIRONMENT

Time spent on duty for the County is to be devoted, to the greatest extent practicable, to transacting the County's business. Consequently, employees are to structure their personal affairs so that these matters intrude as seldom as possible in the transaction of County business, regardless of whether that intrusion takes the form of personal telephone calls, e-mail, texts, faxes, personal mail, or visits conducted while an employee is on duty.

2.6-11 PERSONAL APPEARANCE

The County Manager and County Attorney shall ensure employees work attire, grooming and personal hygiene are appropriate for their assigned duties. Employees are expected to present a professional, business-like image including when telecommuting. Radical departures from conventional business dress or personal grooming and hygiene standards are not permitted.

2.6-12 GIFTS AND GRATUITIES

Employees are paid by the County for their duties and are not allowed to solicit or receive any gratuity or gift of value from any outside source. All employees shall comply with the Code of Ethics for Public Officers and Employees, Florida Statute, Chapter 112, and its implementing regulations as may be amended from time to time, and any corresponding ordinance which the Board may adopt.

2.6-13 EMERGENCY/DISASTER DEPLOYMENT

It is the Policy of the Board to efficiently support the citizens of Osceola County during an emergency or a disaster. The County Manager shall initiate employee emergency deployment procedures when deemed necessary upon the declaration of a State of Local Emergency.

2.6-14 EMPLOYEE COOPERATION

All County employees shall cooperate and appropriately respond to job-related investigations, hearings, depositions, meetings, inquiries or proceedings conducted by any person authorized by law or employees authorized by the County.

2.6-15 LEGAL ISSUES

A County employee is responsible for notifying their immediate supervisor or other authorized official when arrested, when subpoenaed and the subpoena is related to their job, when information has been filed by a prosecuting official against the employee for an offense or violation of the law, and/or when indicted by a grand jury. The County Manager/Designee will confer with the County Attorney to determine the appropriate course of action to be taken by the County.

2.6-16 ATTENDANCE

Employees are required to report to work as scheduled, on time and prepared to work, in accordance with their standard work schedule. Timely and regular attendance is a condition of employment and is an expectation of performance for all employees

2.6-17 TELECOMMUTING

The County Manager is directed to develop a telecommuting Procedure as a viable work arrangement alternative when it is reasonable, practical, and/or necessary to do so. The

Procedure will ensure that administrative efficiencies are created, operational needs will not be adversely affected and increased productivity, job satisfaction, and retention of a highly qualified workforce are encouraged.

2.6-18 TIMEKEEPING

The County Manager shall ensure accurate reporting/recording of employee's time worked through a comprehensive Procedure. All employees, managers and supervisors shall be responsible to review and approve time records in order to calculate employee pay and Benefits correctly.

2.6-19 FRAUD, WASTE, AND ABUSE PREVENTION AND DETECTION

In order to establish a work environment that supports the prevention and detection of Fraud, Waste, and Abuse, employees must, at all times, comply with all applicable laws and regulations. The County will not condone the activities of employees who achieve results through violation of the law or unethical business dealings. The County does not permit any activity that fails to withstand the closest possible public scrutiny. As such, the Fraud, Waste, and Abuse Prevention and Detection Policy implementing procedures shall provide guidance to all employees regarding the circumstances, or "red flags" which may potentially lead to Fraud and the initiation of Fraud prevention controls.

2.7 WORKPLACE HEALTH AND SAFETY

2.7-1 WORKPLACE SAFETY & LOSS PREVENTION

- A. The Board is committed to providing a healthy and safe workplace in which to deliver governmental services. The County shall provide for the protection against the financial consequences of accidental losses, reduce the total "long-term" cost of all activities related to loss prevention, and to establish, to the fullest extent possible, an "exposure-free" work environment in which employees, as well as members of the public, can enjoy safety and security in the course of their daily pursuits.
- B. It is the Policy of the Board to integrate safety and health consideration into business planning, decision-making, and daily operations in order to promote continuous performance improvement. To this end, the County Manager shall cause to be developed and maintained a Safety and Loss Prevention Program conforming to, or exceeding all federal, state, and local regulations and one that is in line with the best practices of organizations of this type. The County Manager will designate the parties responsible for administering the program.
- C. Non-Smoking: It is the Policy of the Board to promote a healthy environment for employees and the public, and to reduce insurance and other costs related to health problems and illnesses which may be caused or exacerbated by exposure to tobacco

smoke. In compliance with the Florida Clean Indoor Air Act, smoking and the use of electronic cigarettes in all public places, at all public meetings, and in all enclosed areas within any of the buildings owned by or leased to Osceola County, is prohibited. Smoking is also prohibited in all County vehicles.

1. The County Manager shall ensure “No-Smoking” signs are posted and maintained in appropriate locations for purposes of public awareness provided. However, failure to post said signs shall not be a defense in any action, whether administrative or judicial, arising from a violation of the Florida Clean Indoor Air Act and this policy.
 2. The County Manager/Designee shall strictly enforce this prohibition administratively on behalf of the Board. Complaints regarding violations of this policy should be directed to the appropriate Department Director or to the Human Resources & Risk Management Department.
 3. All violations shall also be considered a violation of the Florida Clean Indoor Air Act, Florida Statutes and will be subject to the penalties provided therein.
- D. Weapons and Firearms: No employee shall possess or use any weapon or firearm on Osceola County Property or in Osceola County vehicles. The exception is law enforcement or security personnel engaged in official duties, training or activities. Employees, however, may keep a legal firearm locked inside a private motor vehicle in the County’s parking lot, so long as the firearm itself is kept for lawful purposes, as provided by Florida Statute.
- E. The County’s Safety and Loss Prevention Program’s implementing Procedures shall define the requirements of this Policy. In addition, the Safety and Loss Prevention Program shall provide provisions and methods that direct the development of effective programs to manage occupational health, safety, and injury prevention.

2.7-2 WORKERS’ COMPENSATION

In accordance with the Florida Workers Compensation Act, Chapter 440, Florida Statute, as may be amended, the County provides medical care and indemnity Benefits to employees who are injured or disabled because of an injury, accident or occupational illness arising out of and in the course and scope of their job duties.

2.7-3 DRUG & ALCOHOL-FREE WORKPLACE

- A. County employees are prohibited from using, selling, dispensing, distributing, possessing, or manufacturing illegal drugs and alcoholic beverages on County premises, work sites, or in County vehicles. Employees are prohibited from off-premise possession, use, or sale of illegal drugs. In addition, employees are prohibited from off-premise use

of alcohol and drugs when such activity adversely affects job performance, job safety, or interferes with the County's ability to carry out its mission.

- B. While the Florida Constitution has been amended to authorize medical marijuana use, it did not limit the ability of the County to establish, continue, or enforce a drug-free workplace program or Policy. The Constitutional Amendment did not require the County to accommodate the medical use of marijuana in the workplace or any employee working while under the influence of marijuana.
- C. Moreover, inasmuch as marijuana remains a Schedule I substance under the Federal Controlled Substance Act (CSA), even though medical marijuana is available in Florida, marijuana remains illegal under federal law. Additionally, the United States Department of Transportation's Drug and Alcohol Testing Regulation (Title 49, *Code of Federal Regulations*, Part 40, at Section 40.151(e)) does not authorize "medical marijuana" under a state law to be a valid medical explanation for a positive test result of an employee required to hold a Commercial Driver's License (CDL).
- D. The Human Resources & Risk Management Department shall be responsible for implementing this Policy through a Drug-Free Workplace Program, established and administered in accordance with Florida Statutes Section 440.102, Drug-Free Workplace Program Requirements and any applicable provisions of the Code of Federal Regulations (CFR).

2.7-4 VIOLENCE-FREE WORKPLACE

- A. The County shall promote a safe work environment for its employees. In support of this commitment, the County will work with its employees to maintain a work environment free from violence, threats of violence, verbal or physical abuse, Harassment, intimidation, stalking, and other disruptive behavior.
- B. The Board has a zero tolerance for workplace violence and directs the County Manager to develop a Procedure for reporting and dealing with violence and/or threats of violence. Such actions will be taken seriously and will be dealt with appropriately including oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.
- C. Safety and security are both personal and shared responsibilities. While all members of our management staff are to report inappropriate behavior immediately, the collective involvement of every employee is both important and required. Cooperation from each employee is needed to implement this policy effectively and maintain a safe work environment.

2.7-5 FITNESS FOR DUTY EVALUATION

- A. The Board is committed to maintaining a safe environment for all employees and citizens. Such an environment is possible only when each employee is able to perform his or her job duties in a safe, secure, and effective manner, and remains able to do so throughout the entire time they are working.
- B. In support of this Policy, the County Manager shall develop a Fitness for Duty Evaluation Procedure. The Procedure will address when the County has a reasonable belief, and based on objective evidence, that the employee's ability to perform essential job functions will be impaired by a medical condition or will pose a direct threat due to a medical condition.
- C. The County may use the results of the Fitness for Duty Evaluation to make decisions regarding the employee's employment status, including, without limitation, and as applicable, provision of Reasonable Accommodation or whether medical separation or termination is appropriate.
- D. A Fitness for Duty Evaluation shall be conducted by an independent and licensed healthcare provider of the County's choosing.
- E. To the extent allowed by law, Osceola County shall protect the confidentiality of the evaluation and the results.
- F. This policy does not limit Osceola County's right to take employment action under its normal disciplinary policies and procedures. Employees who fail to perform their job functions and/or engage in misconduct may face disciplinary action up to and including termination notwithstanding a referral for a Fitness for Duty Evaluation.

2.7-6 DRIVING PRIVILEGES

- A. It is the Policy of the Board to promote the safety of our drivers and protect County resources, employees, and the public from vehicular harm or incident. Driving for the County is a privilege. As such, employees who drive for County business are expected to represent the County in a professional, courteous, and law-abiding manner.
- B. The following points represent key expectations:
 - 1. Adherence to the State of Florida traffic laws;
 - 2. Maintenance of a Florida driver's license, and a Commercial driver's license, if applicable, in valid and good standing;
 - 3. Awareness of high public visibility when driving County vehicles;

4. Prompt reporting of accidents, violations, and tickets issued while conducting County business to supervisors and managers; and
 5. Awareness and abidance of this Policy and Department-specific policies and procedures related to driving.
- C. All employees' motor vehicle records shall be reviewed on regular basis to ensure that Board employees continue to meet the driving standards set by the County's vehicle insurance carrier.

2.8 DISCIPLINARY ACTIONS AND GRIEVANCES

2.8-1 OFFENSES AND DISCIPLINARY ACTIONS

Employment as a public servant is a privilege that demands the best efforts of anyone who is honored with the opportunity. The commission of misconduct or unsatisfactory duty performance will make an employee subject to corrective action or termination, depending on the evaluation of all the circumstances surrounding the situation. Neither this Policy nor its implementing Procedures alter the At-Will Employment relationship that exists between the County and its employees. This means that employees are free to terminate their employment at any time, for any reason, and the County retains that same right. To this end, the County reserves the right to administer discipline in any manner it sees fit. This Policy and its implementing procedures are not to be considered as a promise of specific treatment.

2.8-2 GRIEVANCES

- A. The County maintains a fair and equitable grievance process that provides employees with a formal, structured method through which they may voice complaints concerning work-related issues, and seek administrative redress for alleged violations, misinterpretations or inequitable applications of County Policies, departmental rules, and/or standards of conduct.
- B. Employees should pursue, if possible, an informal resolution of their complaints, utilizing all available avenues within their Department before filing a formal, written grievance. An employee has the right to use the grievance process without fear of reprisal or retaliation. The filing of a grievance by an employee will not reflect adversely on the employee's standing or performance.
- C. This Policy and its implementing Procedures do not create or grant covered employees with a property interest in their employment or tenure rights of any kind and do not constitute a contract of employment, express or implied. The grievance procedure may be modified or eliminated by the County at any time, with or without prior notice.
- D. This Policy is not intended to deal with either of the following:

1. Disputes of a collective nature which are dealt with under the procedures outlined in the collective bargaining agreements; or
2. Complaints arising from alleged discrimination or Harassment incidents covered under the Equal Employment Opportunity and Anti-Harassment policies.

APPENDIX A. – DEFINITIONS

Unless the context otherwise requires, the following terms shall have the meanings set forth below whenever they appear in Chapter 2 of the Administrative Code and/or correlating County Manager Procedures.

“Abuse” means the intentional destruction, diversion, manipulation, misapplication, mistreatment, or misuse of County resources; the wasteful or improper use of county property; or the extravagant or improper use of a person’s position or authority. Abuse can occur in a financial or non-financial environment.

“Administrative Code/Code” means the compilation of the Board’s Policy/rules for its operations.

“At-Will Employment” describes a working environment in which employers are free to terminate employees at any time, without cause, explanation or prior warning, provided it does not violate state and federal anti-discrimination laws. Similarly, employees can quit a job at any time without reason or notice.

“Benefits” means employee benefits, excluding salaries and wages, but including employer contributions to a retirement system, social security, insurance and similar direct benefits as well as other costs such as Other Post-Employment Benefits (OPEB) expense accrual, Worker’s Compensation and Unemployment Compensation Insurance.

“Board” means the Osceola County Board of County Commissioners that is the duly elected legislative branch responsible for setting policies, adopting ordinances, appropriating funds, etc.

“Change in Status” means any change or modification in terms and conditions of employment including, but not limited to, salary, paygrade, hours, cost center, reporting relationship, Department, job classification etc.

“Catastrophic Illness and or Injury” means an acute or prolonged illness or injury that is considered life-threatening or with the threat of serious residual disability which result in the employee's inability to work. A “Catastrophic Illness and or Injury” does not include: (1) short term ailments such as flu, colds, or routine medical or dental appointments; (2) elective, cosmetic or reconstructive surgery unrelated to another major illness, accident or injury; (3) job-related illnesses or injuries which may be covered by workers’ compensation; or (4) intentional self-inflicted injuries.

“Conflict of Interest” means a situation in which an employee is in a position to derive personal benefit from actions or decisions made in their official capacity.

“Constitutional Officers” means the five Officers who are independently elected

countywide on a partisan ballot with no term limits including: the Clerk of the Circuit Court, Property Appraiser, Tax Collector, Supervisor of Elections, and Sheriff.

“County” means Osceola County, Florida, a charter county and political subdivision of the State.

“County Administration” means the County Manager, Chief Operating Officer, Deputy County Manager(s) and/or Assistant County Manager(s) when acting in the capacity of the County Manager in accordance with approved, written delegation of authority, and determined necessary by the County Manager to assist with overseeing the day-to-day operations of the County.

“County Manager” means the chief executive officer of the County appointed pursuant to Section 2:3 A. of the Osceola County Home Rule Charter, or such person's designee, who oversees county operations.

“County Manager’s Procedure/Procedure” means an established process in alignment with the Administrative Code (Board’s Policies) developed by the relevant staff, reviewed by the County Attorney’s Office and approved by the County Manager, in order to provide direction to staff in carrying out the day-to-day administration of the County.

“Department(s)” means an administrative Department, Division, or Office of the County Manager’s Organizational Chart with a particular area of responsibility.

“Departments’ Administrators/Directors/Department Head” means executive-level managers assigned to oversee a specific division/area of responsibility in accordance with the County Manager’s Organizational Chart.

“Equal Employment Opportunity” means a principle that asserts that all people should have the right to work and advance on the bases of merit and ability, regardless of their race, sex, color, religion, disability, national origin, or age.

“E-Verify” means an internet-based system that compares information entered by an employer from an employee’s Form I-9, Employment Eligibility Verification, to records available to the U.S. Department of Homeland Security and the Social Security Administration to confirm employment eligibility.

“Fair Labor Standards Act (FLSA)” means the federal law intended to protect workers against certain unfair pay practices. As such, the FLSA sets out various labor regulations regarding interstate commerce employment, including minimum wages, requirements for Overtime pay, and limitations on child labor.

“Family and Medical Leave Act (FMLA)” means the labor law requiring employers of a certain size to provide employees with unpaid time off for serious family health issues or

situations. Qualified reasons may include adoption, pregnancy, foster care placement, family or personal illness, or military leave. It also provides for the continuation of insurance coverage and job protection while the employee is on leave.

“Fiscal Year” means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the County.

“Federal Controlled Substance Act (CSA)” places all substances which were in some manner regulated under existing federal law into one of five schedules. This placement is based upon the substance’s medical use, potential for Abuse, and safety or dependence liability.

“Fitness for Duty Evaluation” means a medical or psychological examination in which a licensed professional seeks specific information about an employee’s physical or mental health condition as is related to, or within the scope of the work of job duties.

“Fraud” means the intentional misrepresentation of material fact made to another person with knowledge of its falsity for the purpose of inducing the other person to act, and upon which the other person relies and consequently suffers injury or damage. Examples include the following:

- Embezzling or other financial irregularities.
- Forging, improperly altering, or falsifying documents.
- Falsely reporting hours or days worked.
- Buying overpriced office equipment from a favored vendor.
- Buying unnecessary equipment for personal use or gain.
- Receiving or offering bribes or kickbacks.

“Furlough” means a period of time when an employee is told not to come to work and is not paid.

“Harassment” means a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA). Harassment is unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or genetic information (including family medical history). Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit Harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

“Immediate Family” means the employee’s spouse, domestic partner, parents (including stepparents, foster parents, parents-in-law, and domestic partner’s parents), grandparents, siblings, children, children of a domestic partner, stepchildren, adopted children, grandchildren, a child for whom the employee has parenting responsibilities, and a relative or friend who resides with the employee.

“Immigration Reform and Control Act” amends the Immigration and Nationality Act to make it unlawful for a person or entity to (1) hire (including through subcontractors), recruit, or refer for a fee for U.S. employment any alien knowing that such person is unauthorized to work, or any person without verifying his or her work status; or (2) continue to employ an alien knowing of such person’s unauthorized work status.

The Act also established an employment verification system that requires: (1) the employer to attest, on the I-9 Employment Eligibility Verification Form, that the employee’s work status has been verified by examination of a passport, birth certificate, social security card, alien documentation papers, or other proof; (2) the worker to similarly attest that he or she is a U.S. citizen or national, or authorized alien; and (3) the employer to keep such records for three years in the case of referral or recruitment, or the later of three years or one year after employment termination in the case of hiring.

“Nepotism” means a form of favoritism shown to acquaintances and family members. Nepotism is the act of abusing one’s power or official position to offer a job or a favor to a family member or acquaintance while disregarding their merit and qualification.

“Overtime” refers to any hours worked by an employee that exceed their normally scheduled working hours. While a generalized Overtime definition refers simply to those hours worked outside of the standards working schedule, Overtime commonly refers concurrently to the employee’s remunerations of such work.

“Reasonable Accommodation” means a change that accommodates employees with disabilities so they can do the job without causing the employer “undue hardship” (too much difficulty or expense).

“Regular Full-Time Employee” means an employee occupying a permanent, budgeted position that requires thirty (30) hours or more of work per week. Such employees are eligible for all County Benefits as set forth in the Personnel Policies and Procedures.

“Regular Part-time Employee” means an employee occupying a permanent, budgeted position that requires less than thirty (30) hours of work per week. Such employees are not eligible for health insurance Benefits, but are eligible certain Benefits as set forth in the Personnel Policies and Procedures.

“Relative” means an individual who is connected by blood or marriage, such as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife,

domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

“Schedule I Substances” means drugs with no currently accepted medical use and a high potential for abuse.

“Title I of the Americans with Disabilities Act (ADA)” means the federal civil rights law that prohibits discrimination of qualified persons with disabilities. The law:

- Helps people with disabilities access the same employment opportunities and benefits available to people without disabilities.
- Applies to employers with 15 or more employees.
- Requires employers to provide Reasonable Accommodations to qualified applicants or employees.
- Defines disability, establishes guidelines for the Reasonable Accommodation process, and addresses medical examinations and inquiries.

“Waste” means the unnecessary spending or squandering of County resources, whether intentional or unintentional. Inefficient or ineffective practices may result in Waste.

History: amended and restated in its entirety by Res #22-087R on 05/02/2022, agenda item #11; History – 05/24/93, adopted at special meeting; 07/12/93; 08/30/93; 09/20/93; 12/19/94; 08/28/95; 10/02/95; 12/04/95, agenda item #2S; 01/29/96, agenda item #5DD; 05/06/02, Res #00/01-213; 09/30/02, Res #01/02-266; 05/17/04, Res #04-030R; 01/28/08, agenda item #12; 05/12/08, agenda item #6; 10/19/09, agenda item #12; 09/20/10, agenda item #18; 12/12/11, agenda item #22.1; 06/10/13, agenda item #11; previous Chapter 5, Safety and Chapter 7, Smoking, moved and included in this Chapter with the amended and restated in its entirety on 05/02/22, Res #22-087R, agenda item #11; 12/04/2023 Res #23-146R, agenda item #7;