



## Office of the County Manager Leo E. Ochs, Jr.

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Dear Fellow Employee,

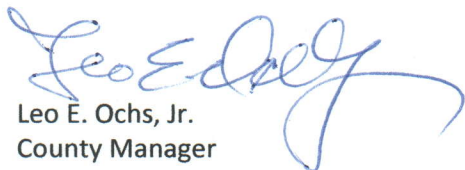
The pages that follow comprise the Collier County Human Resources Administrative Practices and Procedures manual. The table of contents has been electronically linked for ease of access to particular policies.

This is a very significant document. Its importance cannot be overstated. It presents a uniform approach to the practices and procedures that must be followed, and serves as a guide for supervisory personnel and staff in the day-to-day administration of County business. The manual provides detailed instructions, and in some cases, sample forms for routine administration and implementation. The practices are designed to assure consistent application of policies, provide adequate records and ensure compliance with applicable laws, ordinances and regulations.

The practices in this manual supersede any previous versions of practices. New practices which are issued are the directives of the County Manager's Agency and respective departments responsible for maintaining the CMAs. Updates will be posted on the HR Intranet website as well as the Employee link on the Colliergov.net site. I urge you to read the practices carefully and familiarize yourself on how to access the practices and any updates online. Print versions of the CMAs are available upon request to your immediate supervisor or the Human Resources Department. Adherence to these practices is expected in the execution of your daily duties. You will be asked to sign a document that indicates you are responsible to comply with all Collier County Practices and Procedures. That signed confirmation will be placed in your permanent personnel file in the Human Resources Department.

Please direct any questions you may have to your immediate supervisor or the Human Resources Department.

Thank you for your dedication to public service.

A handwritten signature in blue ink that reads "Leo E. Ochs, Jr." in a cursive style.

Leo E. Ochs, Jr.  
County Manager

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## **CMA # 1000**

### **ADMINISTRATIVE PROCEDURE; ESTABLISHMENT OF**

**§ 1000-1. Purpose.**

**§ 1000-5. Instructions.**

**§ 1000-2. Concept.**

**§ 1000-6. Coordination.**

**§ 1000-3. Progressive implementation.**

**§ 1000-7. Signature authority.**

**§ 1000-4. Board resolutions.**

**§ 1000-8. Currency.**

**[Effective Date: February 20, 1996 (Revised: June 10, 1999; Revised: October 1, 2001; Revised: October 1, 2003)]**

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#### **§ 1000-1. Purpose.**

The purpose of this Instruction is to provide for the progressive establishment of a uniform and consistent procedure for the administration of the County Manager Agency and to issue initial guidance and direction for such implementation.

#### **§ 1000-2. Concept.**

It is intended that the Administrative Procedure will ultimately provide a single body of direction for the administration of the Agency, will facilitate management by exception, will enhance uniformity throughout the Agency, will better reserve authorities properly those of the County Manager, will reduce paperwork and clerical searches for applicable directives, and will facilitate the orientation and training of administrators and supervisors joining the staff.

#### **§ 1000-3. Progressive implementation.**

The body of the Administrative Procedure will be developed progressively. Effective this date, all new directives applicable to more than one division will be submitted in this format as either an Instruction or a Notice issued by the Office of the County Manager. Existing directives will remain in effect; however, changes will occasion reissue as CMA Procedure. Ultimately, all intra-Agency and inter-Divisional direction will be encompassed.

#### **§ 1000-4. Board resolutions.**

While matters of policy, appropriation, and legislation will properly be reserved to the Board of County Commissioners, Executive Summaries and Resolutions will be framed to reserve, to the maximum extent possible, matters of policy implementation and administration to the County Manager.

**§ 1000-5. Instructions.**

Instructions are directives of continuing applicability and encompass no cancellation date. They are assigned four-number subject category identification; i.e.: 1000, 1001, 1002, etc. Changes will be identified by decimal: i.e., 1000.1, second change 1000.2, etc. A delineation of subject categories will be provided. The last section of all Instructions will identify the office responsible for submitting changes to maintain the Instruction's currency.

**§ 1000-6. Coordination.**

The Human Resources Director is responsible for management of the Administrative Procedures. Questions regarding applicability should be addressed to the Human Resources Director.

**§ 1000-7. Signature authority.**

All Instructions will be signed either by the County Manager or "By direction," as follows:

- A. County Manager: Instructions in implementation of Board policy or direction, and Instructions of major policy impact within the Agency.
- B. Deputy County Manager: Instructions of the above nature in the absence of the County Manager, and all substantial changes to existing Instructions.

**§ 1000-8. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**CMA # 1001**

**COUNTY MANAGER AGENCY ORGANIZATION CODE**

**[Effective Date: October 1, 1998 (Revised: June 10, 1999; Revised: October 1, 2001; Revised: October 1, 2003)]**

**§ 1001-1. Purpose.**

The purpose of this Instruction is to incorporate the County Manager Agency Organization Code.

**§ 1001-2. Directive.**

The Organization Code will consist of Agency, Division, and Department organization charts submitted by the Division Administrators and approved by the County Manager or his representative. Approval signatures must appear on all charts included in the Code. A copy of the most applicable organization chart will be posted on departmental bulletin boards.

**§ 1001-3. Index.**

The attached provides a current listing of Divisions and their reporting Departments.

**§ 1001-4. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.



## COUNTY MANAGER AGENCY

- 1 Board of County Commissioners
- 1A Support Staff
- 1B Office of the County Attorney
- 1C Airport Authority
  
- 2 Office of the County Manager
- 2A Office of Management and Budget
- 2B Communication & Customer Relations (formerly Public Information Office)
- 2C Emergency Management
- 2D Bureau of Emergency Services
- 2E Pelican Bay Services
- 2E Tourism
  
- 3 Administrative Services Division
- 3A Facilities Management
- 3B Human Resources
- 3C Information Technology
- 3D Purchasing/General Services
- 3E Risk Management
- 3F Fleet Management
  
- 4 Community Development and Environmental Services Division
- 4A Building Review & Permitting
- 4B Comprehensive Planning
- 4C CDES Operations
- 4D Engineering and Environmental Services
- 4E Code Enforcement
- 4F Zoning & Land Development Review
  
- 5 Public Services Division
- 5A University Extension Services
- 5B Domestic Animal Services
- 5C Library
- 5D Museum
- 5E Parks & Recreation
- 5F Housing & Human Services
- 5G Veteran's Services
- 5H Health Department
- 5I Coastal Zone Management
  
- 6 Public Utilities Division
- 6A Public Utilities Planning & Project Management
- 6B Solid Waste
- 6C Utility Finance Operations
- 6D Wastewater
- 6E Water
- 6F Pollution Control
  
- 7 Transportation Division
- 7A Transportation Planning
- 7B Transportation Operations
- 7C Transportation Engineering & Construction Management
- 7D Transportation Road Maintenance & Stormwater
- 7E Alternate Transportation Modes

## **CMA # 1002**

### **STAFF INTERFACE WITH INDIVIDUAL BOARD MEMBERS**

#### **§ 1002-1. Purpose.**

#### **§ 1002-3. Directive.**

#### **§ 1002-2. Background.**

#### **§ 1002-4. Currency.**

**[Effective Date: September 16, 1996 (Revised: October 1, 2001; Revised: October 1, 2003)]**

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#### **§ 1002-1. Purpose.**

The purpose of this Instruction is to provide guidance to members of the County Manager Agency staff in dealing with requests for information, recommendations, or directives from individual members of the Board of County Commissioners.

#### **§ 1002-2. Background.**

Florida Statutes Chapter 125 and Collier County Code Section 2-78 delineate the separate authorities and responsibilities of the Board of County Commissioners, the individual members, and the County Manager. The collective responsibility of the Board, as defined therein, is to legislate and set policy, and is derived from its collective authority when acting as a Board. Separately the County Manager is responsible for "the proper administration of all affairs under the jurisdiction of the Board" and for "bringing to fruition the policies established by the Board." Section 2-78, commonly known as the "County Manager Ordinance," also states "neither the Board nor any member thereof shall interfere in the performance of the duties of any subordinate of the County Manager - except for the purposes of inquiry and information."

#### **§ 1002-3. Directive.**

In cases where individual commissioners contact staff members directly for purposes of inquiry or information, staff shall comply with such requests as quickly and completely as is practically possible. Staff shall also inform the County Manager's office of the nature of such requests and subsequent information which is provided in response. In cases where individual commissioners attempt to direct the administrative functions of the County Manager Agency staff, it shall be the responsibility of the Division Administrator first to inform the commissioner that he or she will immediately make the commissioner's wishes known to the County Manager, and second to inform the County Manager of such request.

#### **§ 1002-4. Currency.**

The Office of the County Manager is responsible for maintaining the currency of this Instruction.

**MEDIA AND PUBLIC RELATIONS; COORDINATION OF**

**[Effective Date: June 25, 1996 (Revised: June 10, 1999; Revised: October 1, 2003; Revised: October 15, 2004; Revised January 1, 2005; Revised: May 13, 2009; Revised December 16, 2009)]**

**§ 1200-1. Purpose.**

The purpose of this policy is to establish formal guidelines to ensure professional, consistent and effective interactions with the general public and the media and to assign responsibility and accountability for oversight and coordination of media and public relations within the County Manager's Agency.

**§ 1200-2. Authority.**

The Office of the County Manager will exercise all authority in the subject area through the Department of Communication and Customer Relations. The Department has responsibility for Agency-wide communications management, media relations, community outreach, and public information programs and functions.

**§ 1200-3. Information policy.**

It is the policy of Collier County government to provide the general public and the media complete, consistent, accurate, relevant and timely information about County programs, services, projects, events and topical issues. In pursuit of these objectives, all members of the Agency are governed by the following procedures:

**§ 1200-4. Procedures.**

- A. Media Contacts and Inquiries: Collier County employees may speak with representatives of the news media at any time. In doing so, employees should be aware that they are representing Collier County and that they are responsible for what they say. Information provided to the media should reflect the policy, position and point of view of the County Commission and the County Manager. No employee will be required to speak with the media. Employees who are uncomfortable speaking with the media should refer the reporter to their supervisor or their Division Public Information Coordinator (PIC).
  - (1) Routine Media Inquiries/Interviews: For general information involving verified, non-controversial, non-policy matters, Division and Department Public Information Coordinators may conduct interviews or arrange to provide information directly to the news media or other persons. It is the responsibility of the Division PIC to keep the Division Administrator informed of all relevant media inquiries. In turn, Division PICs will regularly update the Communication and Customer Relations Director about media contacts. When contacted by a member of or initiating contact with the news media, all Collier County employees should notify their Division PIC before providing information, conducting an interview or answering a reporter's questions. If circumstances make it impractical to notify the Division PIC ahead of time, then the

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employee should notify the Division PIC of the contact/inquiry and response as soon as possible following the interview. If a Division PIC is unavailable, the employee should notify the Communication and Customer Relations Department.

- (2) Controversial or Emergency Media Inquiries/Interviews: Division PICs should immediately notify the Director of Communication and Customer Relations about information or inquiries of an emergency or controversial nature. This includes, but is not limited to, information relating to potential or actual lawsuits or other legal matters; accidents involving serious bodily injury or death; an employee grievance; wrongdoing by a County employee; a natural or man-made disaster; serious breaches of county policy; or controversial and highly-publicized county projects or policies.

### B. News Releases/Newsletters/Other Correspondence:

- (1) All news releases from Collier County government shall be forwarded to the Communication and Customer Relations Department for review before dissemination to the news media. It will be the responsibility of the Communication and Customer Relations Department to post all news releases to the county Web site and at appropriate locations. All news releases should be verified for accuracy with the appropriate Administrators or Directors. All news releases issued by the County will be considered of general importance and, as such, all news media will be treated equitably. Division PICs may distribute news releases through appropriate channels.
- (2) Department newsletters produced for external audiences shall be submitted to the Department of Communication and Customer Relations for review before publication.
- (3) Official County position papers, whether in the form of letters to the editor, guest editorials or otherwise, shall be issued only by the County Manager, Deputy County Manager, Division Administrators, Department Directors or Division PICs. All correspondence will be approved by the County Manager's Office through the Communication and Customer Relations Department before submission to the news media.

### C. Press Conferences: Divisions, departments, and offices will not conduct press conferences without prior approval by the Office of the County Manager.

### D. Social Media Services

- 1) Use of internet based social media services (SMS) (e.g. Facebook, Twitter, MySpace, YouTube) must be approved in advance by the County Manager's Office. Requests will be considered for uses that further the goals and objectives of the agency, promote public safety or provide public information.
  - a. All social media sites will be part of agency sites and will be coordinated through Communications and Customer Relations, but will be administered by the individual departments
  - b. All postings through social media sites must conform to all media and public relations practices

**CMA # 1200**

- c. When using social media sites, employees will always identify themselves and their site as representing Collier County Government.
  - d. Communications will be polite and respectful at all times.
  - e. All information shared or posted will reflect the policy, position, and point of view of the County Commission and the County Manager.
- 2) County Manager authorization will direct the IT Department to grant access to the designated SMS site(s). Staff access to properly authorized SMS sites will be at the discretion of the Director or Division Administrator of the authorized business unit.
- 3) Use of SMS must comply with the State of Florida's Public Records statutes. It is the responsibility of the department receiving authorization to establish and implement procedures that will ensure compliance with all records retention and public records requests as specified in the State of Florida's Public Records statutes in accordance with agency policies, practices, and standards.
- 4) Any public video posting must be coordinated through the Communications and Customer Relations Department.

**§ 1200-5. Currency.**

The Department of Communication and Customer Relations is responsible for maintaining the currency of this Instruction.

## **CMA # 5200**

### **POSTING OF NOTICES AND SIGNS; PROCEDURES FOR**

#### **§ 5200-1. Purpose.**

#### **§ 5200-4. Enforcement.**

#### **§ 5200-2. Background.**

#### **§ 5200-5. Currency.**

#### **§ 5200-3. Directive.**

**[Effective Date: February 26, 1996 (Revised: October 1, 2001; Revised: October 1, 2003)]**

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#### **§ 5200-1. Purpose.**

The purpose of this Instruction is to provide specific procedures for gaining authority to post notices, announcements, temporary signs, and permanent signs in buildings and spaces of the County Manager Agency.

#### **§ 5200-2. Background.**

The posting of signs and notices in corridors, in elevators, on office and building doors and on painted walls has both detracted from the professional appearance of spaces and caused damage to paint work. Such activity must be properly controlled.

#### **§ 5200-3. Directive.**

The nature and placement of permanent signs, both inside and outside buildings, is the responsibility of the Administrative Services Administrator and specifically Facilities Management. In addition, temporary signs announcing the relocation of offices and activities will be prepared and approved in the same manner as permanent signs. The posting of notices, event posters, and the like will be restricted to bulletin boards. They will be annotated with the initials of the supervisor having responsibility for the bulletin board.

#### **§ 5200-4. Enforcement.**

Enforcement of this directive rests with the senior administrator, director, or supervisor office in each building. In the case of the Administration Building, the Administrative Services Administrator is so assigned.

#### **§ 5200-5. Currency.**

The Administrative Services Administrator is responsible for maintaining the currency of this Instruction.

## Chapter 5201

### EMERGENCY BUILDING EVACUATION PLAN

§ 5201-1. Purpose.

§ 5201-4. Currency.

§ 5201-2. Concept.

§ 5201-5. Reference.

§ 5201-3. Procedures.

[Effective Date: September 20, 1996 (Revised: November 21, 2000; Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 1, 2005)]

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#### § 5201-1. Purpose.

The purpose of this Instruction is to provide procedures for the evacuation and general safety of customers, employees and the judiciary in the event of a fire, bomb, terrorist or other threat resulting in the need for an emergency evacuation. Also to communicate and implement an emergency evacuation plan that will be consistent for each facility within Collier County Government.

#### § 5201-2. Concept.

This plan sets specific guidelines that each facility will follow in the event of an emergency evacuation. Using this plan as a guide, each facility will be responsible for establishing a Department Specific Emergency Plan that will include a floor plan with evacuation routes and other important information described within this document. A listing of current department representatives and their alternate representatives should also be included. Any special needs and other site-specific information for a facility need to be described in the Emergency Plan. The Department Director will be responsible for keeping a current list of employees and establishing a system to assure all employees are accounted for, even if they are in the field.

#### § 5201-3. Procedures.

The following procedures are listed in outline form and chronological order. Each facility will utilize this plan to develop an Emergency Plan to be added to this plan.

- A. Management and Employee Responsibilities: It is the Department Director's responsibility to develop an Emergency Plan that follows the guidelines listed below to make this plan complete and site specific for his/her department. The Department Director must also assure that each employee is trained and aware of his or her site-specific emergency evacuation plan. A review of the evacuation plan with each new employee as part of the Department Orientation Checklist, annual reviews with all employees, and a review if any revisions are made is the Department Director's responsibility. It is the responsibility of all the occupants of each building to know and understand this emergency evacuation plan in its entirety. Each employee is also responsible for following this plan unless otherwise instructed by a member of management or local emergency responders.

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- B. Developing and Submitting an Emergency Plan for Each Facility: Each department will establish a Department Specific Emergency Plan that will serve as a current evacuation plan. The Emergency Plan will be kept current by the assigned department representative(s) with copies going to Facilities Management to be kept on file as Collier County's Current Emergency Evacuation Plan. Facilities Management will review each facility's Emergency Plan to assure that all items are addressed as described below. Using this plan as a guideline, each facility will submit an Emergency Plan to Facilities Management to complete Collier County's Current Emergency Evacuation Plan. Emergencies such as, but not limited to, fire, bomb and terrorist threat specifications are addressed in each Emergency Plan. The following components shall be placed in each department's Emergency Plan:
- (1) A copy of the facility floor plan with emergency evacuation routes must be submitted as a part of each department's Emergency Plan. It is the responsibility of the building management company of each location (if leased space) and Facilities Management to arrange for the floor plans to be completed and accurate. Upon request, Risk Management will provide recommendations for placement of each floor plan and technical support as needed. If a building has several departments and divisions, management will need to coordinate to complete their Emergency Plan.
  - (2) A list of each department's evacuation meeting places for emergency evacuations must be included. Facilities Management is responsible for establishing and communicating emergency evacuation meeting locations for all buildings. The safe distance from a facility during an emergency evacuation is 300 feet. In the event the evacuation is related to a biological, chemical or other airborne related hazard, Facilities Management will communicate the distance and direction necessary for evacuation should evacuation be initiated.
  - (3) A list of employees with special needs and any provisions that must be made to assist the person will be provided. Adequate training shall be provided covering "special assistance" equipment, such as, but not limited to stair chairs.
  - (4) A copy of each department's evacuation meeting place.
  - (5) A current listing of all department representatives and alternates. Each department should have ample employees assigned as department representatives to assure one is present during an evacuation. The Department Director is responsible to assure the job duties of the department representative are communicated to each assigned department representative as outlined in § 5201-3C of this Instruction. Risk Management will provide technical assistance with training department representatives upon request.
  - (6) A roll call sheet to be utilized during the evacuation process with confirmation of which department representatives and alternates will be responsible for assuring that the roll call roster will be initiated.
  - (7) Each Department Specific Emergency Plan shall include a "Statement of Commitment" to conduct a yearly drill for evacuations to be scheduled and coordinated by Facilities Management. On an annual basis, the Department



Director will communicate the bomb threat telephone procedures and evacuation plan to staff. Documentation of the annual evacuation drills and review of the emergency evacuation plan must be maintained by each department's management. Risk Management may audit documentation at any time.

- (8) Specific procedures to follow to activate its alarm system or shut down operations, this information should be included in its Emergency Plan.
- C. Department Representative's Protocol for Emergency Evacuations: Department representatives must be established within each facility to complete this plan. Department representatives must be aware of and accept the duties described in this section. Alternate members must be assigned to assure the following duties are carried out. The department representatives and their alternates are expected to carry duties listed below:
- (1) Management and department representatives are responsible for assuring that a current listing of their department representatives is maintained and submitted as an Emergency Plan to complete this program.
  - (2) Management and department representatives must ensure that all department representative and their alternates are physically capable of performing the duties prescribed in this protocol.
  - (3) Management and department representatives must review and document the review of the duties described below at least annually with all department representatives and their alternates.
  - (4) Department representatives must ensure that their respective area is totally evacuated to its assigned assembly area.
  - (5) Department representatives should establish a roll call clipboard to be taken to the evacuation area during a fire or bomb threat. Maintaining this roll call clipboard with current employees will also be the department representatives' responsibility. Department representatives shall also maintain an orange vest to wear during the evacuation so they are recognizable by local emergency providers and Facilities Management.
  - (6) Department representatives should complete a second check at the assembly area using the established roll call sheet to assure that everyone is accounted for after the primary evacuation.
  - (7) Department representatives should wait at the assembly area to report to Facilities Management or law enforcement any information obtained during the evacuation or roll call. Facilities Management and/or law enforcement will make their rounds to each group/department to collect information from the department representatives.
- D. Fire Emergencies and Bomb Threats: All bomb threats and fire alarms should be considered valid with immediate notification to local emergency providers and Facilities Management.

- (1) Bomb Threat: If the threat is in the form of a phone call or other similar notification, Call 911 and Facilities Management at 774-8380. Facilities Management may give instructions to follow a specific evacuation procedure during this initial phone call. After making the phone call to Facilities Management and 911, the supervisor should initiate an evacuation. If the threat is in the form of an unknown or suspicious object, notify Facilities Management at 774-8380. Facilities Management will investigate and notify management of their immediate actions and if an evacuation is necessary.
- (2) Fire: Dial 911 and Facilities Management at 774-8380. Notify those around you, pull the fire alarm if possible, and evacuate immediately.

E. Bomb Threat Checklist Card:

- (1) The International Association of Bomb Technicians and Investigators supplies this card. Cards can be obtained through Facilities Management.
- (2) Management must assure that each employee with a telephone who receives incoming calls has this card posted by his/her phone. Department management using a Collier County Safety Meeting Minutes form must complete a documented yearly review. This form lists the date, topics discussed and signatures of employees in attendance. It can be obtained on the County Wide Web Risk Management Web Page.
- (3) If a bomb threat call is received, the recipient should ask the caller, if possible, to repeat the message by saying, "What did you say?" as though not understanding or in disbelief. Hopefully the caller will repeat the message. The recipient should calmly ask as many questions as possible listed on the Bomb Threat Checklist Card.

F. Actions Taken After Receiving a Bomb Threat:

- (1) Call 911 and Facilities Management at 774-8380 unless the threat is an unknown object. See § 5201-3C(1) above.

Facilities Management will notify:

County Manager's Office	774-8383
Division Administrator(s):	
Public Services	774-8468
Public Utilities	732-2540
Transportation	213-5811
Administrative Services	774-2700
Community Development	403-2385
Emergency Services	732-2567
Sheriff's Office	774-4434
Fire Department	911

EMS	911
Emergency Management	774-8444
Risk Management	774-8461

- (2) Orders will be taken from Facilities Management, County security or local emergency providers describing the procedure to stop all customer and employee entrance into the facility. Department representatives should check and secure the perimeter of the facility and turn off all two-way radios. Do not activate new power sources such as light switches, computers, fax machines, etc. Do not touch light switches when entering a room. Flashlights will be utilized during the search.
- (3) Facilities Management and/or law enforcement will order the beginning of an evacuation.
- (4) Facilities Management or law enforcement will begin evacuations. Since bomb threat evacuations are unique in that no new power sources are to be activated, the evacuation notification will be relayed by the department representatives rather than by using the fire alarm. All department representatives must be notified to follow their established protocol to lead their department's evacuation.
- (5) Department representatives and all building occupants should ensure that their respective areas are totally evacuated.
- (6) All evacuees should take their personal possessions such as purses, briefcases, etc. Evacuees should also secure their immediate area and calmly but quickly exit the building to their assigned areas.
- (7) Evacuees should be alert to possible threats, paying close attention to employees with special needs, suspicious boxes or unclaimed briefcases. Any information gathered by the department representatives should be shared with the personnel at the Command Center. The location of the Command Center will be determined by the local emergency providers and is unique to the emergency.
- (8) Any employees dealing with customers or coming in contact with customer(s) during the evacuation should direct them to their facility's customer meeting area established within their specific plan.
- (9) Once evacuated, the department representatives will utilize their established roll call roster to assure that all employees who were present in the facility have evacuated.
- (10) After each department has completed its roll call, the department representative will report his/her findings and confirmation of evacuation to the Command Center. The local emergency responders will establish the Command Center.

G. Actions to Take During a Fire Emergency:

- (1) If a fire emergency is discovered, the alarm system should be immediately activated. If the facility does not have an alarm activation device, the facility's plan

to alert for an evacuation should be followed. Specific information should be described in the Emergency Plan from each facility.

- (2) Fire extinguishers may be used after an alarm for an evacuation has been activated. A fire extinguisher should only be used by trained personnel.
- (3) Upon the alarm or notice to evacuate, each department representative and all building occupants should ensure that their respective areas are totally evacuated. The use of elevators should be avoided. The stairwells provide a safer exit. Unless absolutely mandated, all office doors should be left unlocked. Any employees needing assistance using the stairs should be listed in the facility's specific Emergency Plan.
- (4) All evacuees should take their personal possessions such as purses, briefcases, etc. Evacuees should also secure their immediate area and calmly but quickly exit the building to their assigned areas.
- (5) Evacuees should be alert to the fire, remain calm, and walk with deliberate steps.
- (6) Employees dealing with customers or coming in contact with customers during the evacuation should direct them to their facility's customer meeting area. Each facility's plan should include an area established for customers.
- (7) Once evacuated, the department representatives will utilize their established roll call to assure that all employees who were present in the facility have evacuated.
- (8) After each department has completed its roll call, the department representative will report his/her findings and confirmation of evacuation to the Command Center.

#### H. Command Center:

- (1) Each facility must establish an area where the emergency response providers and designated Collier County personnel will meet. As instructed above, fire emergencies and bomb threats may differ in locations. The Primary Command Center should be listed on the map included in each facility's Emergency Plan. The Primary Command Center is essentially the same as the Command Center. The reason it is listed as the Primary Command Center on the evacuation routes posted is that it is subject to change due to the emergency.
- (2) The Primary Command Center will be the area where each department representative will report their roll call and any other pertinent information.
- (3) Command Center positions may vary according to threat location or other hazards.
- (4) Command Centers must be mobile and able to adjust to a variety of potentially unique situations.
- (5) A secondary communication area may be set up utilizing Emergency Management's mobile command vehicle from a remote location for telephone communication. Facilities Management will be responsible to initiate a secondary communication area.

**I. Bomb Threat Search Procedures:**

- (1) As described above, each department representative and all employees should be aware of making visual inspections while exiting the facility during a bomb threat evacuation.
- (2) Department representatives, Facilities Management and the local emergency providers will form a team, divide the building, and conduct a search of the building and all areas around the facility. Department representatives may accompany the search team and provide a map of their facility if needed.
- (3) The interior and exterior of the facility including any suspicious vehicles parked too close to the facility will be checked. Any vehicle found to be suspicious or possibly containing explosives should be immediately reported to Facilities Management and law enforcement. Once reported the area must be cleared and secured until checked by experts.
- (4) All obvious accessible public areas should be checked thoroughly along with all secured areas. Searchers should place a green colored sticker on the doors of office areas that have been checked and cleared. This will prevent confusion and promote safety. Facilities Management will be responsible for providing the green stickers.
- (5) Anything unusual, such as personnel out of place, should be reported to the department representative who will relay the information to the Command Center. The Command Center area is for designated personnel, Facilities Management and local emergency providers. Following the order from Facilities Management, unusual or out of place items may be checked out by the Fort Myers Airport Authority Police Bomb Squad from the International Airport in Lee County. Facilities Management will authorize the calling of the bomb squad.
- (6) Local two-way radio communication must be stopped since some devices can be detonated by radio waves. All emergency personnel must comply with this rule as well. This also includes the use of cellular phones in the immediate area. Cellular phones may be used at a distance of 300 feet or more from the threat area for emergency communication as needed.
- (7) Facilities Management will make the decision to evacuate and re-enter any facility with the assistance and professional advice of law enforcement and other experts.
- (8) All employees and customers will leave any facility during any evacuation for emergency reasons, leaving only the necessary emergency response personnel at the scene.
- (9) All responses to the media should come from the County Manager's Office, law enforcement or the assigned Public Information Officer at the scene.

**§ 5201-4. Currency.**

Each department is responsible for maintaining a current Emergency Plan, training new employees and providing annual training for all employees on its site-specific evacuation

procedures. Facilities Management, with technical assistance from the Bureau of Emergency Services and Risk Management, is responsible for maintaining the currency of this Instruction.

**§ 5201-5. Reference.**

It is the policy of the County to provide procedures for the evacuation and general safety of customers, employees and the judiciary in the event of an emergency evacuation.

## CMA # 5202

### ANNUAL COUNTY DRIVER AGREEMENT

**§ 5202-1. Purpose.**

**§ 5202-2. Background.**

**§ 5202-3. Concept.**

**§ 5202-4. Directive.**

**§ 5202-5. Enforcement.**

**§ 5202-6. Currency.**

**Annual County Driver  
Agreement**

**[Effective Date: February 25, 1997 (Revised: October 1, 2001; Revised: October 1, 2003; Revised May 1, 2004; Revised January 1, 2005; Revised: November 15, 2005; Revised: April 1, 2006)]**

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**§ 5202-1. Purpose.**

The purpose of this Instruction is to establish procedures by which employees formally acknowledge and accept responsibilities of operating County motor vehicles. Further, it establishes requirements for enforcement of County vehicle operating procedures and safe driving practices.

**§ 5202-2. Background.**

When employees operate County vehicles on public highways or off-road in an operational environment, they have inherent responsibilities to care for the vehicles in their charge, obey all State and local traffic laws, and abide by established County driver operating procedures. Drivers have certain operator requirements such as performing pre-operation inspections, security, reporting damages and shortcomings, and not operating vehicles if unsafe or if conditions exist that could result in vehicle damage.

**§ 5202-3. Concept.**

County drivers must comply with established traffic laws and operating procedures; and they must continuously observe safe and courteous driving practices. Drivers must be informed and acknowledge that these are conditions of employment to drive County vehicles. One way of ensuring that drivers understand these conditions is to have them sign an annual agreement.

**§ 5202-4. Directive.**

Directors will ensure that all County drivers within their departments have signed the attached Annual County Driver Agreement, and the Directors will acknowledge the agreement by signing in the space provided. New employees must sign the agreement before being permitted to drive County vehicles. Subsequently, each County driver shall sign a new Annual County Driver Agreement during the month of January for each successive year. Directors

OFFICE OF COUNTY MANAGER ADMINISTRATIVE  
PROCEDURE

§ 5202-4

§ 5202-6

shall forward the original signed agreement to the Human Resources Department and keep a copy, if desired, on file within their departments.

**§ 5202-5. Enforcement.**

Department Directors shall enforce the conditions as stated on the driver agreement and shall consider appropriate disciplinary action for intentional violations.

**§ 5202-6. Currency.**

The Fleet Management Director is responsible for maintaining the currency of this Instruction.



**ANNUAL COUNTY DRIVER AGREEMENT**

*CMA 5202 Attachment 1*

**COLLIER COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**ANNUAL COUNTY DRIVER AGREEMENT**

As a driver of a County-owned motor vehicle, I realize that I have inherent responsibilities for safe operation, care, and security of the vehicle that has been entrusted to me. I accept those responsibilities and agree to obey all State and local traffic laws and comply with County vehicle operating procedures as stated in the current Vehicle Operator's Handbook that I have read and understand. Further, I will operate my vehicle in a safe and courteous manner that reflects favorably on the image of Collier County Government. I understand that abiding by this agreement is a condition of my employment.

**Driver's Name** (Printed or Typed)

**Driver's Signature**

**Date**

**Department Director Acknowledgment:**

**Signature**

**Date**

**DRIVE  
SAFELY**

Forward original signed agreement to Human Resources

.....

**CMA 5204**

**FLEET MANAGEMENT SYSTEM**

**[Effective Date: October 1, 2001 (Revised: October 1, 2003; Revised: February 1, 2004; Revised: November 15, 2005; Revised: April 1, 2006); Revised January 1, 2009]**

**§ 5204-1. Purpose.**

This Instruction establishes policies and procedures for administration of Collier County's centralized fleet management system including vehicle and equipment assignment, utilization, operation, maintenance and repair, acquisition and disposition, and fueling operations to maximize the efficient and effective use of the County's fleet in support of organizational goals and program objectives.

**§ 5204-2. Background.**

In 1991, Collier County implemented a centralized fleet management system based on recommendations from a Fleet Review Task Team appointed by the County Manager. Under the current system, the Fleet Management Department provides fleet management services for all County vehicles and equipment to include maintenance and repair, technical support services, fuel operations, and vehicle and equipment procurement and disposal.

**§ 5204-3. Policy.**

Collier County shall maintain a centralized fleet management system administered by the Fleet Management Director. The system will offer a cost efficient approach to acquiring, supporting, maintaining, and utilizing the appropriate vehicles and equipment to sustain County administration and operations. To ensure our fleet system is effective, all departments and entities using vehicles, equipment, or maintenance services under the jurisdiction of the County Manager shall observe the following policies and procedures.

**§ 5204-4. Practices and procedures.**

**A. Vehicle Assignment:**

- (1) **Motor Vehicle Assignment:** Motor vehicles are assigned for daily administrative and operating requirements by the appropriate Division Administrators or Department Directors. Motor vehicles must be used according to the vehicle utilization section of this Instruction.
- (2) **Motor Pool Loaner Vehicles:** Loaner vehicles shall be assigned by Fleet Management to other departments for short term operating requirements, or as temporary replacements for vehicles in maintenance or for official out-of-county travel. Reservations are recommended due to the limited number of vehicles available.
- (3) **24-Hour Vehicle Assignment:** County vehicles may be assigned to certain

## CMA 5204

employees in key managerial and operational positions for work-to-home transportation. Employees assigned 24-Hour Vehicles are subject to the vehicle utilization rules in this Instruction. Assignments shall be designated as Class A or Class B as follows:

- (a) Class A: Assignments are made for public health and safety reasons where emergency response is required by specific employees on a continuing basis, for employees with designated long-term work-out-of-home assignments requiring a vehicle, and for senior managers with frequent County business travel requirements outside normal business hours. Class A assignments can also be made as part of a senior management employment contract with the County. Class A assignments must be approved in writing by the County Manager. Requests for Class A assignments are made on the Collier County Official Request for Class "A" 24-Hour Vehicle Assignment Form, located in the County Forms network file under Fleet Forms. After approval of the request, a copy of the signed form shall be forwarded to the Fleet Management Department. The Fleet Management Director shall maintain a current listing of approved Class A assignments for public record and for on-call review by the County Manager, Division Administrators and Department Directors. Division Administrators shall periodically review Class A assignments to ensure continuing requirements for dedicated vehicles exist. Class A assignments may be subject to Federal Income Tax Fringe Benefits Rules.
- (b) Class B: Assignments are given to employees on a rotational basis for the purpose of maintaining approved on-call operational response capability. Vehicles assigned in this category are normally specially designed or equipped to meet specific department operating requirements. Employees assigned 24-hour vehicles must be available and respond during the on-call period, not simply respond if available. Class B assignments are approved by the Division Administrator. Requests for Class B assignments are made on the Collier County Official Request for Class "B" On-Call Rotational 24-Hour Vehicle Assignment Form, located in the County Forms network file under Fleet Forms. After approval of the request, a copy of the signed form shall be forwarded to the Fleet Management Department. The Fleet Management Director shall maintain a current listing of approved Class B assignments for public record and for on-call review by the County Manager, Division Administrators, and Department Directors. Division Administrators shall periodically review Class B assignments to ensure continuing requirements for the on-call vehicle assignments. Class B assignments are tracked at the department level, normally through on-call duty rosters.

### B. Vehicle Utilization:

#### (1) Authorized Use:

- (a) General: County-owned vehicles shall be used only for official travel while conducting County business or services. Non-employees, including

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employee family members, shall not be transported in County vehicles unless required for government related business activities or as a prescribed transportation service, or with the County Manager's written approval. Infrequent limited personal use of County vehicles by employees may be permitted to satisfy on-call requirements or when such use is incidental to the conduct of official business. The following are considered incidental to official business:

- [1] Stopping at a restaurant or fast food establishment is allowed for the purpose of eating during the designated meal period. This is permissible only when the meal period coincides with official business travel requiring a County vehicle, when working in a remote area and a County vehicle is the only transportation available to reach a food establishment, and when attending County-approved meetings, conferences, presentations, or functions. The food establishment must be on the normal route to the work location or in close proximity of the work location. A County vehicle cannot be used for mealtime travel from or to the employee's primary work location when not in conjunction with official business travel. The exception to this policy is Class A vehicle assignments. At no time will a County vehicle be parked at an establishment principally recognized for serving alcoholic beverages, such as a bar, tavern, or saloon.
  - [2] Stopping at a convenience store, gas station, or fast-food establishment is permissible for the purpose of buying refreshments during an official work break period or for using rest room facilities. Again, this stop must be in concert with official duties requiring travel in a County vehicle, without significant deviation from the normal route of travel.
  - [3] In case of a medical emergency of a family member when an employee is traveling on official business in a County vehicle, the employee may use the vehicle to travel to the medical facility where a family member has been taken or to travel home to care for a family member. A County vehicle may be used for these purposes only when the family member's injury or illness is considered serious or life threatening. The employee will notify his/her supervisor as soon as practicable. In no case will County vehicles (other than ambulances) be used to transport family members to medical facilities.
- (b) Overnight Use: Other than Class A and Class B assignments, overnight use of County vehicles may be authorized by Division Administrators or Department Directors under the following criteria:
- [1] When required in conjunction with authorized County business travel.

## CMA 5204

- [2] For specific authorized functions or for activities requiring a County vehicle at nighttime to transport people and/or equipment to or from the activity, provided the domicile of the employee is such that it would be inefficient to pick up and return the vehicle to its normal storage location before and after the event.
- [3] For early morning business travel when picking up a vehicle at its normal garage location would be inefficient.
- [4] In emergencies, such as hurricane or civil disturbance, when radio equipment is necessary and/or the vehicle is equipped with emergency supplies, equipment, or some special feature fundamental to performing essential duties during the emergency conditions.

### (2) Utilization Management:

- (a) The established standard for determining efficient use of County vehicles is a minimum monthly average of 500 miles for each vehicle during a consecutive six-month period [except for those vehicles specified in § 5204-4B(3), Exceptions to Minimum Mileage Criteria]. Division Administrators and Department Directors are responsible for ensuring that vehicles under their purview are properly and efficiently utilized according to this standard.
  - (b) The Fleet Management Director shall prepare and forward a biannual vehicle utilization report to the appropriate Division Administrators and Department Directors. Division Administrators shall review the report and take necessary corrective actions for under-utilized vehicles. Actions might include reassignment within the division, rotation within the department or removal of vehicles from the active fleet. Vehicles can also be returned to Fleet Management for reassignment within the County. All actions shall be closely coordinated with the Fleet Management Director.
- (3) Exceptions to Minimum Mileage Criteria: The following categories and classes of vehicles and equipment are exempted from the minimum monthly mileage utilization standard:
- (a) Special purpose vehicles equipped to perform specific tasks.
  - (b) Emergency vehicles.
- (4) Private Vehicle Use: Each employee who is required to use his/her privately owned vehicle to conduct authorized County business shall be reimbursed for such usage at the prevailing mileage rate authorized by County policy. The owner shall be responsible for all insurance, maintenance, and fuel costs associated with operation of his/her vehicle. Specific reimbursement procedures are found in Human Resources Practices and Procedures, CMA 5310, Business Travel.

### C. Vehicle Operation:

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- (1) Operator Responsibilities: The following are considered operator responsibilities that shall be enforced by Division Administrators and Department Directors:
  - (a) Maintaining a current and valid Florida Driver's License or Commercial Driver's License as required.
  - (b) Obeying all state and local traffic laws.
  - (c) Abiding by established County driver operating responsibilities as stated in the current Vehicle Operator's Handbook.
  - (d) Following operating procedures in the manufacturer's operator manual.
  - (e) Operating vehicles in a safe and courteous manner that reflects favorably on Collier County Government.
  - (f) Wearing seat belts anytime the vehicle is in motion and requiring all passengers to wear seat belts (the only exception to this rule is when a rollover protective structure is not installed on open tractors or construction equipment and seat belts are not installed).
  - (g) Not allowing passengers to ride in the cargo beds of trucks or in any area not equipped with seat belts.
  - (h) Not operating any vehicle with safety deficiencies or with problems that could further damage the vehicle. These discrepancies will be reported immediately to Fleet Management for correction.
  - (i) Using a vehicle or piece of equipment only for its intended purposes within the operating limitations established by the manufacturer.
  - (j) Signing the Annual County Driver Agreement each January in accordance with CMA 5202.<sup>1</sup>
- (2) Smoking in County Vehicles: Smoking is prohibited in all County vehicles.

### D. Vehicle Maintenance and Repair:

- (1) Fleet Management: The Fleet Management Director shall maintain the appropriate personnel, facilities, equipment, tools, parts, supplies, fuel operations and outside contracts to effectively operate and maintain all County vehicles and equipment. ("Equipment" is defined for the purpose of this Instruction as off-road construction equipment, agricultural and grounds-keeping equipment, trailers, boats, portable pumps, portable generators and other portable small-engine equipment.) He/she shall manage all assets and the Fleet Management Internal Service Fund to provide competent and cost effective maintenance and total motor pool services.
- (2) Vehicle and Equipment Maintenance and Repair: All vehicle and equipment

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<sup>1</sup>. Editor's Note: See CMA 5202, Annual County Driver Agreement.

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maintenance and repair shall be administered through the Fleet Management Department. Fleet Management shall bill the owning/using departments for the costs of fuel and all maintenance and repair to include parts, sublets and labor. Labor costs shall be allocated annually based on previous year usage by each fund center. Division Administrators and Department Directors shall ensure that Fleet Management Intra-Governmental Charges (IGCs) are reviewed, approved and forwarded to Finance (or Fleet Management notified of discrepancies) within seven days of receipt.

- (3) Sublet or External Contractor Maintenance and Repair: The Fleet Management Department shall maintain agreements with outside dealers, vendors, and repair shops for parts, services and maintenance requirements. The Fleet Management Director will make the determination whether or not to use external resources for maintenance or repair based on internal capabilities and cost effectiveness. At no time shall parts be purchased or vehicles or equipment be taken to external shops for repair or capital improvements without Fleet Management approval.
- (4) Warranty Work: The Fleet Management Department shall ensure that all warranty work is properly assigned and credited. No warranty work shall be conducted by external sources without Fleet Management approval.
- (5) Scheduled Preventive Maintenance: A preventive maintenance program shall be administered by the Fleet Management Director with the intent of extending the economical service life of vehicles and equipment, improving vehicle and equipment availability, decreasing breakdowns during work operations and ensuring vehicles and equipment are in safe operating condition. Every four weeks Fleet Management will send each department and user organization a list of vehicles and equipment scheduled for preventive maintenance during the following four weeks. Division Administrators, Department Directors, supervisors and vehicle/equipment operators shall adhere to each vehicle's scheduled preventive maintenance appointment date and time, or contact Fleet Management at least two working days in advance for rescheduling when a vehicle/equipment is required for operations on the appointment date. All vehicles/equipment scheduled for preventive maintenance and delivered to Fleet Management at or before the scheduled appointment date and time, shall have priority over all other maintenance activities, with the exception of emergency vehicles and transit buses when no spares are available. Fleet Management will make all efforts for same day completion of preventive maintenance work.

### E. Vehicle and Equipment Acquisition and Replacement:

- (1) Vehicle and Equipment Replacement: The Fleet Management Director shall send each Division Administrator and Department Director, during each budget cycle, a list of vehicles and equipment recommended for replacement the following year. Replacement criteria will be based on vehicle/equipment age, mileage or hours, operational costs, and salvage value so that County ownership of vehicles and equipment is efficiently optimized. Division Administrators and

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Department Directors will budget accordingly for vehicle and equipment replacement in the year recommended, with the exception that Division Administrators may opt not to replace certain vehicles or equipment due to budgetary constraints. Division Administrators and Department Directors will notify the Fleet Management Director when exceptions are made.

- (2) Expanded Vehicle and Equipment Requirements: Expanded vehicle and equipment requirements will be justified by new or expanded departmental operating requirements. Departments with expanded vehicle/equipment requirements shall coordinate the specifications and cost data with Fleet Management and budget accordingly.
- (3) Vehicle and Equipment Approving Authorities: Division Administrators are the approving authorities for vehicle and equipment purchases within their Divisions with the exception of sport utility vehicles (SUV's). The County Manager is the approving authority for SUV's. Motor vehicle purchase approval may not be delegated below Division Administrator level.
- (4) Vehicle and Equipment Purchasing Procedures: All pertinent County purchasing policies and procedures shall be followed when purchasing vehicles and equipment.
  - (a) Small Vehicles: Purchase of expanded or replacement automobiles, vans, and light trucks (20,000 lbs. GVWR or under) shall be executed by the Fleet Management Director through the current County Fleet Bid, State Contract, other governmental bid, or formal bid/quotation process, to include developing the specifications, performing the bid process, and ordering and receiving the vehicles. The Fleet Management Director shall receive approval of specifications from the requesting department before ordering any vehicle. Departments requesting purchase orders for small vehicle purchases shall forward the requisition number to the Fleet Management Director. The Fleet Management Director shall forward any necessary backup information to the Purchasing Department. When the purchase order is released by Purchasing, the Fleet Management Director shall order the vehicle(s) from the designated dealer.
  - (b) Other Vehicles and Equipment: Purchase of other vehicles and equipment shall be through the formal bid process or through other governmental bids. Fleet Management shall assist departments with bid specifications, and with bid and procurement processes. Bid specifications for all vehicles and for equipment with a base price of \$25,000 or more shall be coordinated with the Fleet Management Director.
- (5) Vehicle and Equipment Receipt, Commissioning, and Decommissioning:
  - (a) New vehicles and heavy equipment shall be delivered to Fleet Management for commissioning. Upon delivery Fleet Management shall physically inspect the equipment to ensure no damages were incurred during shipment, verify compliance with bid specifications and check that



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the vehicle/equipment is in good operating condition. When the vehicle or equipment is accepted and all paperwork has been received from the vendor, it shall then be prepared for service.

- (b) Fleet Management shall make all necessary preparations to ready the vehicles or equipment for use including:
  - [1] Obtaining a title, registration and County license plate as necessary;
  - [2] Completing a Report of Acquisition, Disposition or Transfer of Collier County Property Form (found in County forms network file under Fleet Forms);
  - [3] Issuing a fuel key and fuel cards as necessary;
  - [4] Issuing a proof of insurance card;
  - [5] Entering the vehicle/equipment into the County automated Fleet Management data system;
  - [6] Affixing appropriate County decals and asset number markings; and
  - [7] Installing appropriate safety and auxiliary equipment required for County operations.
- (c) Replaced vehicles and equipment shall be surrendered to Fleet Management when the new vehicles/equipment items are put into service, unless the appropriate Division Administrator approves retention. Fleet Management shall maintain these vehicles/equipment items in surplus status until the next County auction, at which time they will be sold. The Fleet Management Director shall have the option to use surplus vehicles beyond the auction date if needed for County operating requirements. Fleet Management shall prepare the vehicles/equipment for auction by removing all County decals, tags, other identifying markings and auxiliary equipment; and shall coordinate and assist the Purchasing Department with identification and necessary relocation of auction vehicles and equipment.
- (6) Fixed Asset Transaction Form: This form is found in the County forms network file under Purchasing Forms. It must be completed and signed by the affected cost center manager(s) when a vehicle or piece of capital equipment (\$1,000 or more) is acquired, disposed of, or transferred to another cost center. A copy of the signed form shall be sent to Fleet Management for appropriate billing revisions and, in the case of a new vehicle/equipment item, assignment of a County fixed asset number. Fleet Management will send a completed copy of the form to the Clerk's Finance and Accounting Department for fixed asset inventory adjustment. When new vehicles and equipment are received directly by Fleet Management, Fleet Management will complete the form and forward it to the Finance and Accounting Department. A completed form for equipment costing less than \$1,000 should be sent to Fleet Management for assignment of an administrative asset number and addition to the Fleet data automation system

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for maintenance purposes.

### F. Fuel Operations:

- (1) **Responsibilities:** The Fleet Management Department shall be responsible for all County fuel operations, except fuel operations conducted by the Airport Authority. Fleet Management shall prepare and monitor the fuel bids, monitor and maintain appropriate levels of fuel to sustain routine and emergency operations, maintain a security system to prevent theft or unauthorized dispensing of fuel, and maintain all Fleet Management fuel tanks and refueling equipment in safe and proper operating condition and according to federal, state, and local environmental regulations and laws. Division Administrators and Department Directors shall ensure that all emergency generator fuel tank systems and other fuel tank systems owned by their organizations are maintained in safe and proper operating condition. All fixed emergency generator tanks will have properly operating fuel level gauges or indicators installed. All new County fixed emergency generator locations along with fuel consumption rates and fuel tank capacities shall be reported to the Fleet Management Department.
- (2) **Security:** Vehicle refueling site security and usage is controlled and monitored by an electronic fuel system with a two-key entry system. A black electronic fuel key is issued for each vehicle; red keys are issued to departments to dispense bulk fuel into secondary tanks or containers; and each employee required to use the fueling system is issued a white personal key. Both the white personal key and the black or red key are required to dispense fuel. Division Administrators and Department Directors shall ensure that each employee required to use the County refueling system has a white personal key issued by Fleet Management. Employees shall not share white personal fuel keys with other employees. Employees shall report lost keys to Fleet Management immediately. White personal fuel keys shall be returned to Fleet Management prior to an employee's last day of employment with the County.
- (3) **Commercial Fuel Cards:** The Fleet Management Department will maintain accounts and issue commercial fuel credit cards for emergency fuel requirements and for travel outside Collier County.
- (4) **Fuel Spills:** The Fleet Manager is responsible for clean-up and regulatory reporting of all fuel spills created by the County's fuel system or by County vehicles and equipment. Employees shall report spills to Fleet Management as soon as possible after occurrence or discovery. Departments causing fuel spills shall assist Fleet Management with clean-up operations.

### § 5204-5. Currency.

The Fleet Management Director is responsible for maintaining the currency of this Instruction.

## **CMA # 5205**

### **AMERICANS WITH DISABILITIES/SERVICE ANIMALS**

#### **§ 5205-1. Purpose.**

#### **§ 5205-3. Currency.**

#### **§ 5205-2. Background.**

**[Effective Date: March 20, 2001 (Revised: October 1, 2001; Revised: October 1, 2003)]**

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#### **§ 5205-1. Purpose.**

The purpose of this Instruction is to provide for the compliance with all laws relating to those people entering County buildings with service animals and to ensure that all employees, both existing and new are well informed on all matters relating to service animals.

#### **§ 5205-2. Background.**

The 1990 civil rights legislation known as the "Americans with Disabilities Act" was constructed to ensure that people with disabilities had full access to services in both the commercial and governmental fields. The Act provides guidelines that address issues relating to service animals that assist people with disabilities. These service animals are used to assist individuals with many types of disabilities including but not limited to people with: limited vision, limited hearing, multiple sclerosis, cerebral palsy, muscular dystrophy, seizure disorders, AIDS, neuroses and many more. In concert with this federal legislation, the Agency welcomes these service animals and instructs all Agency personnel to make all reasonable accommodations relating to this issue. All employees are to be familiar with the basic requirements of the Act. Training videos are available in Human Resources and Facilities Management. All departments are encouraged to review these training aids annually.

#### **§ 5205-3. Currency.**

The Facilities Management Department is responsible for maintaining the currency of this Instruction.

## CMA # 5206

### COUNTY VEHICLE COLORS, LOGOS AND GRAPHICS

§ 5206-1. Purpose.

§ 5206-3. Policies and procedures.

§ 5206-2. Concept.

§ 5206-4. Currency.

[Effective Date: October 1, 2003]

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#### § 5206-1. Purpose.

This Instruction establishes policies for paint colors, logos, and graphics on vehicles falling under the purview of the Board of County Commissioners.

#### § 5206-2. Concept.

The color, logo, and graphics on County vehicles shall be standard so that the vehicles can be readily recognized while conducting official business.

#### § 5206-3. Policies and procedures.

- A. Color: The standard color of County on-road vehicles shall be white. This policy has two exceptions:
- (1) When the County Manager has determined a different color would enhance a public program offered by the County;
  - (2) And when the color white does not provide adequate discernment or contrast for the safety of County work crews or the public, such as vehicles used frequently during the hours of darkness while slow moving or while parked on public roadways. When the affected Division Administrator makes this safety determination, selected County vehicles may be purchased with a more discernible paint color to reduce the likelihood of accidents. The County Fleet Management Director will select a standard safety color. Vehicles requiring the safety color will be phased-in during the normal replacement cycle.
- B. Standard Logo and Graphics: The County Manager has approved a standard County vehicle logo and decal, which is a modernistic depiction of the name "Collier County" surrounded by sun, water, and palm trees. The Fleet Management Department shall place this logo on the doors of all County vehicles with the following exceptions:
- (1) Emergency vehicles.
  - (2) Class A vehicle assignments when business inscriptions are not permitted by the assigned employee's homeowners' association. These vehicles must have magnetic Collier County logo door signs for use during official business.
  - (3) Motor pool loaner vehicles used for frequent out-of-county travel.

- (4) Other vehicles as designated by the County Manager.
- C. Other Graphics: Division Administrators may approve department names or section functional name lettering to be placed under the official logo. The lettering will be in modified block style in the same color blue as the "Collier County" inscription, not to exceed two inches in height. The Fleet Management Department will acquire and install the lettering approved by the Division Administrators. No other identifying graphics, markings, window decals, signs, or ornamental vehicle tags, other than required for safety, shall be placed on County Vehicles without approval of the County Manager.

**§ 5206-4. Currency.**

The Fleet Management Director is responsible for maintaining the currency of this Instruction.

## **CMA # 5207**

# **SANCTIONS FOR FAILURE TO COMPLY WITH HIPAA POLICIES**

**§ 5207-1. Purpose.**

**§ 5207-3. Currency.**

**§ 5207-2. Concept.**

**[Effective Date: January 1, 2005]**

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### **§ 5207-1. Purpose.**

The purpose of this Instruction is to define and provide for the implementation of progressive disciplinary procedures authorized by the County Manager to be followed when an employee breaches or violates the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy and Security Rules and/or the County's policies and practices related to the use and disclosure of protected health information (PHI) as mandated by HIPAA. The County is designated as a hybrid entity since only a limited number of its activities require compliance with HIPAA. Although compliance may not be required under HIPAA'S privacy regulations for employees other than those designated by the County, all employees should maintain the privacy and confidentiality of any individual's identifiable health information that may be subject to HIPAA or any other applicable federal and state privacy laws. This Instruction supports the County's HIPAA policy and may require further development of department specific practices and procedures.

### **§ 5207-2. Concept.**

The County is strongly committed to ensuring compliance with all applicable privacy laws, regulations, standards, policies and procedures, including HIPAA. Progressive discipline is an effective means of correcting inappropriate employee conduct and will be utilized when employees engage in conduct that violates an individual's privacy rights and the County's privacy and security policies. The progressive discipline process is intended to help employees in recognizing the seriousness of their conduct and encouraging their commitment to changing these behaviors. The failure of an employee to comply with this policy or any County HIPAA procedures in place will be grounds for discipline as set forth herein or as established in any collective bargaining agreement, subject to any available appeal rights established in CMA 5351.

- A. Philosophy: Supervisors are responsible for accurately and timely documenting alleged violations of HIPAA or the County's policy. Employees will be informed of their expectations regarding confidentiality and HIPAA requirements through HIPAA confidentiality training sponsored by the County. Depending on the nature of the violation, in many instances, informal counseling will be utilized by the supervisor after consultation with the Privacy Officer and the Human Resources Director prior to the formal corrective action process. Before commencing the formal corrective action process, the Privacy Officer should be consulted to determine whether a particular

behavior actually violated HIPAA or the County's policy. At that time, the Privacy Officer will also determine whether the alleged behavior must be reported as a HIPAA violation.

B. Definitions: As used in this CMA, the following terms shall have the meanings indicated:

**CLEAR CUT VIOLATION** — An incident where there is no question as to the severity, intent and pattern of the violation.

**HIPAA INVESTIGATIVE TEAM** — A group of two or more persons selected to respond to alleged privacy or confidentiality breaches or violations with the authority to investigate, evaluate and recommend sanctions.

**HIPAA SECURITY OFFICER** — The person responsible for managing the County's HIPAA security compliance program.

**LEVELS OF VIOLATION** — The three levels determined according to the severity, intent and pattern or practice of the violation.

**NEED TO KNOW** — Limiting access to PHI to only those persons with a legitimate business reason needed to perform their job.

**NON-CLEAR CUT VIOLATION** — Any violation not covered under the definition of "clear cut violation."

**PRIVACY OFFICER** — A person designated by the County to be responsible for the development and implementation of the privacy policies and procedures of the County and responding to complaints of violations of the County's privacy policies and procedures.

**PRIVACY OFFICER ASSISTANT** — A person designated by the County to assist the Privacy Officer in the development and implementation of the privacy policies and procedures of the County and to aid in the investigation of alleged breaches or violations of the County's privacy policies. Each of the County's departments subject to complying with HIPAA will have an assigned Privacy Officer Assistant.

**PRIVACY OR INDIVIDUAL CONFIDENTIALITY VIOLATIONS** — Incidents of noncompliance with County HIPAA privacy and confidentiality practices and procedures.

**PRIVACY TRAINING** — Mandatory privacy training required for HIPAA compliance. Additional training may be required as part of the disciplinary process.

**PROTECTED HEALTH INFORMATION (PHI)** — Individually identifiable health information in any form or media, whether electronic, paper or oral, including demographic information, that is created or received by a health care provider, benefit health plan, or health care clearinghouse that relates to an individual's past, present or future physical or mental health or condition, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to the individual and that identifies the individual; or with respect to which there is a reasonable basis to believe the information can be used to identify the individual.

**WHISTLE-BLOWER** — An individual who believes in good faith that the County has acted unlawfully or otherwise violated HIPAA and, in that belief, discloses PHI to a health oversight agency, appropriate public health authority, or some other legal governing authority.

**WORKFORCE** — Encompasses employees, volunteers, trainees, and other persons whose conduct, in the performance of work for a covered entity, is under the direct control of such entity, whether or not they are paid by the covered entity.

C. Levels of Violations: The level of the breach of confidentiality or privacy violation is determined according to the severity of the breach or violation, whether the breach or violation was intentional or unintentional, and whether the breach or violation indicates a pattern or practice of improper use or release of PHI or violation of an individual's privacy. The degree of discipline may range from a verbal warning to immediate termination. The three levels of breach or violation are as follows:

(1) Level 1: Carelessness or Inadvertent. This level of breach or violation occurs when a County employee unintentionally or carelessly accesses, reviews, or reveals PHI to himself/herself or others without a legitimate need to know. Examples include, but are not limited to:

- (a) When an employee discusses confidential PHI in a public area.
- (b) When an employee leaves a medical record or written document containing PHI unattended in an accessible area.
- (c) When an employee fails to log off a computer terminal or shares a password that allows access to PHI.
- (d) When an employee leaves a computer unattended in an accessible area with confidential PHI unsecured.

(2) Level 2: Intentional Without Malice.

(a) This level of breach or violation occurs when an employee intentionally accesses or discusses PHI for purposes other than the care of the subject individual or other authorized purposes but for reasons unrelated to personal gain. Examples include but are not limited to:

- [1] When an employee looks up birth dates or addresses of friends or relatives.
- [2] When an employee accesses and reviews a record of a individual's PHI out of concern or curiosity.
- [3] When an employee reviews a high-profile citizen's (politician, celebrity, etc.) records.

(b) Under this level of breach or violation, although intentional, the employee causing the violation is not seeking personal gain.



- (3) Level 3: Intentional With Malice (Personal Gain). This level of breach or violation occurs when an employee accesses, reviews, or discusses confidential PHI for personal gain or with malicious intent. Examples include but are not limited to:
    - (a) When an employee reviews an individual's records to use that information in a personal relationship.
    - (b) When an employee gathers PHI to be sold to a third party.
- D. Investigative Process: The following process is followed when an employee breaches or is suspected of breaching an individual's confidentiality or violates or is suspected of violating an individual's privacy.
- (1) Initial Reporting.
    - (a) All employees who become aware of a breach or violation must report it to their immediate Supervisor. The Supervisor is then required to report it to the HIPAA Privacy Officer. If the Supervisor is in breach of the rules or policies, then the employee shall report the breach directly to the Privacy Officer.
    - (b) The failure to report a Level 2 or Level 3 breach or violation of which one has knowledge will result in a disciplinary action up to the disciplinary action accorded the violator.
    - (c) There is no retaliation for a report made in good faith.
  - (2) All Level 1 and Clear Cut Level 2 Breach/Violations: For all Level 1 breaches or violation and Clear Cut Level 2 breaches or violations, the Supervisor or Department Director, in conjunction with the HIPAA Privacy Officer and the HIPAA Security Officer (if any security implications exist) will identify and implement a written plan to correct the improper behavior in a timely manner. A copy of the plan shall be maintained in the Privacy Officer's files and in the employee's Human Resources personnel file.
  - (3) Non-Clear Cut Level 2 and All Level 3 Breach/Violations: For Non-Clear Cut Level 2 breaches or violations and all Level 3 breaches or violations, the HIPAA Privacy Officer will establish an investigative team (the HIPAA Investigative Team) consisting of two persons to investigate the alleged breach or violation, which may contain representation as follows:
    - (a) The employee's immediate Supervisor.
    - (b) A HIPAA Privacy Officer Assistant from any of the County's Department subject to HIPAA.
    - (c) The HIPAA Privacy Officer.
    - (d) County employees with training and/or experience in investigating employment-related matters.
    - (e) The HIPAA Security Officer.

- (4) The HIPAA Investigative Team shall conduct the necessary and appropriate investigation commensurate with the level of the breach and include specific facts, which may include, but not be limited to, interviewing the employee accused of the breach, interviewing other individuals, and reviewing documentation.
  - (5) Upon conclusion of the investigation, the HIPAA Investigative Team shall prepare a written report, which shall include its findings, conclusions and recommendations with regard to the alleged breach. The report shall be submitted to the HIPAA Privacy Officer who shall review the report and forward it to the employee's Supervisor and Department Director who will, in conjunction with the Human Resources Department, determine the appropriate disciplinary action. The final disciplinary decision will then be communicated to the employee.
  - (6) Those who obstruct individuals from participating in investigations or inquiries will be subject to discipline as set forth in CMA 5311.1 and CMA 5351.
- E. Disciplinary Action: Disciplinary action shall be administered in a progressive manner consistent with current Human Resources Policies and Practices. The following examples are guidelines for disciplinary action for confidentiality breaches and privacy violations. More serious offenses may warrant deviation from these guidelines.
- (1) All Level 1 and Non-Clear Cut Level 2 Breaches/Violations.
    - (a) Depending on the facts, verbal warning, written warning, suspension, or termination documented in writing and maintained in the employee's Human Resources personnel file.
    - (b) Except in the case of termination, the employee shall be required to repeat privacy training in a timely fashion.
  - (2) Clear Cut Level 2 Breaches/Violations.
    - (a) Clear Cut Level 2 Breaches/Violations shall be as follows:
      - [1] First offense: Depending upon the facts, verbal or written warning documented and maintained in the employee's Human Resources personnel file.
      - [2] Second offense: Depending upon the facts, a final written warning documented and maintained in the employee's Human Resources personnel file and a suspension up to three days without pay, or termination.
      - [3] Third offense: Termination with a report to the appropriate agencies.
    - (b) Except in the case of termination, the employee shall be required to repeat privacy training in a timely fashion.
  - (3) All Level 3 Breaches/Violations: Termination with reports to the appropriate agencies.
- F. Disclosures Not Resulting in Sanctions.

- (1) Disclosures by Whistle-blowers: Any disclosure of PHI by an employee acting as a whistle-blower to a health oversight agency, public health authority or law enforcement agency will not subject the employee to sanctions for violation of the County's privacy policies and procedures, provided that the employee in good faith believes that the County has acted unlawfully.
  - (2) Other Disclosures: An employee will not be subject to sanctions for violation of the County's privacy policies and procedures if the employee:
    - (a) Files a complaint of violation of the HIPAA with the Secretary of the United States Department of Health and Human Services.
    - (b) Testifies, assists or participates in an investigation, compliance review, proceeding or hearing authorized under HIPAA.
    - (c) Opposes any act or practice as unlawful under the HIPAA, if the employee has a good faith belief that the practice opposed is unlawful, and the manner of opposition involved is reasonable and does not involve a disclosure of PHI in violation of HIPAA.
- G. Appeals Process: Any employee who wishes to appeal the imposition of disciplinary measures under this Instruction may file an appeal consistent with the Human Resources Practices and Procedures set forth in CMA 5351.
- H. Privacy Sanctions Log.
- (1) Each instance of employee disciplinary action taken in regard to a breach or violation of the County's HIPAA policy is to be recorded and reported to the HIPAA Privacy Officer. The HIPAA Privacy Officer shall notify the HIPAA Security Officer of any security implications.
  - (2) The HIPAA Privacy Officer shall maintain a Privacy Sanctions Log. Entries in the log shall include:
    - (a) The name of breaching/violating employee.
    - (b) The level of breach or violation and nature of the violation.
    - (c) The location of the breach or violation.
    - (d) The date and time of the breach or violation.
    - (e) The disciplinary action taken.
    - (f) The mitigation steps taken, if applicable.
- I. Review: The HIPAA Privacy Officer is responsible for the management and content of this policy. The HIPAA Privacy Officer shall review and evaluate this policy each year commencing on its effective date.
- J. Notice of Civil And Criminal Penalties: HIPAA provides for federal criminal penalties for violations for either the covered entity and/or the individual who commits the violation. The current violation types and the respective penalties are listed below:

## (1) Civil penalties.

- (a) \$100 per incident, not to exceed \$25,000 per person per year for all violations of an identical requirement.

## (2) Criminal penalties.

- (a) Up to \$50,000 for knowingly or improperly obtaining or disclosing individually identifiable health information.
- (b) Up to \$100,000 and five years in prison if the offense is committed under false pretenses.
- (c) Up to \$250,000 and 10 years for obtaining or disclosing individually identifiable health information with the intent to sell or use the information to cause malicious harm.

**§ 5207-3. Currency.**

The Risk Management Department is responsible for maintaining the currency of this Instruction.

## **CMA # 5300**

### **BUSINESS CASUAL DRESS, PROFESSIONAL APPEARANCE AND CASUAL DRESS DAY**

**§ 5300-1. Purpose.**

**§ 5300-3. Currency.**

**§ 5300-2. Concept.**

**§ 5300-4. Reference.**

**[Effective Date: February 21, 1996 (Revised: October 1, 2001; Revised: October 1, 2003; Revised May 1, 2004; Revised: April 1, 2006)]**

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**§ 5300-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a Year Round Business Casual Dress, Seasonal Business Casual Dress and General Professional Appearance Procedure authorized by the County Manager.

**§ 5300-2. Concept.**

- A. It is the intent of the County to provide days for casual dressing while still ensuring that County employees project a professional image. Therefore, the following are considered to be appropriate dress options for business casual days:
- (1) Collared golf shirts.
  - (2) Open collar short-sleeved shirts without ties.
  - (3) Casual pants/slacks.
  - (4) Skorts.
- B. The following restrictions will apply:
- (1) Safety considerations and protective dress will not be compromised.
  - (2) Clothing in poor repair, tank tops, printed T-shirts and the like will not be worn. Revealing clothing will be avoided.
  - (3) Reasonable restrictions must be provided in the case of employees dealing closely with the public.
  - (4) This privilege is not extended to the personal staff or management offices of the County Manager, to the immediate offices of the Division Administrators, or to uniformed paramedics, fire fighters, and security and enforcement personnel.
- C. Department Directors have the right to establish more stringent guidelines, as they deem appropriate to include but not limited to visible piercings and body jewelry and visible tattoos.

OFFICE OF COUNTY MANAGER ADMINISTRATIVE  
PROCEDURE

§ 5300-2

§ 5300-4

- D. Should an employee report to work, projecting an image deemed inappropriate to the work environment by the supervisor and Human Resources, the employee may be asked to leave, and not return until properly dressed.
- E. Year Round Business Casual Dress.
  - (1) Business Casual Dress is allowed on each payday.
- F. Seasonal Business Casual Dress.
  - (1) Business Casual Dress is allowed daily between Memorial Day and October 31.
  - (2) Blue jeans and/or denim are permitted on Fridays during the Seasonal Business Casual Dress period for those employees who contribute to the County-sponsored Dollars for Denim Program.

**§ 5300-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5300-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: It is the policy of the County to allow for the designation of Casual Dress Days. On these days it is objective that all employees will project a professional image while taking advantage of more casual and relaxed fashions. The policy will instill a welcome alternative to the formality of typical business attire.

## **CMA # 5301**

### **VACATION SELL BACK OPTION PROCEDURES**

**§ 5301-1. Purpose.**

**§ 5301-5. Currency.**

**§ 5301-2. Background.**

**§ 5301-6. Reference.**

**§ 5301-3. Concept.**

**Optional Vacation Sell Back**

**§ 5301-4. Procedures.**

**[Effective Date: May 23, 1996 (Revised: October 1, 2001; Revised: October 1, 2003; Revised May 1, 2004; Revised: January 1, 2005; Revised April 1, 2006)]**

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**§ 5301-1. Purpose.**

The purpose of this Instruction is to provide procedures for a vacation sell back option.

**§ 5301-2. Background.**

At its regular meeting Tuesday, February 20, 1996, the Board of County Commissioners made some changes to its Paid Leaves of Absence Policy. These changes were put into effect on March 1, 1996. Included in these changes was a vacation sell back option. The vacation sell back procedure was taken before the Board again at its regular meeting of March 28, 2006, to further revise the criteria for this program and allow for more flexible administration and benefit to employees.

**§ 5301-3. Concept.**

The sell back option will allow employees to "sell back" to the County up to 160 hours of vacation annually at 100% of the employee's current rate of pay. Through the fourth year of service, employees will be permitted to sell up to 80 hours of vacation annually. From the fourth through the tenth year of service, employees will be permitted to sell up to 120 hours of vacation annually. After the tenth year of service, employees will be permitted to sell up to 160 hours annually. Regardless of years of service, employees will need to retain a minimum of 60 hours of vacation time after the sell back is processed. It is the policy of the County Manager that utilizing this option in no way supersedes the importance of taking vacation hours to rest and relax and get away from the job. Restrictions on amount of hours that can be sold back are in effect to ensure that employees retain enough hours for a vacation.

**§ 5301-4. Procedures.**

A. The sell back option is available at any time to employees starting on or after April 1, 2006.

- B. Participating employees must request to sell back a minimum of 10 hours of vacation and must retain a balance of at least 60 hours remaining after the sell back hours are deducted.
- C. The procedures for the sell back are as follows:
- (1) An Optional Vacation "Sell Back" form is attached as Attachment I,<sup>1</sup> and the top portion should be completed by the participating employee. The form is also located in Microsoft Word format on the I: Drive under Forms/CountyForms/Emp Requests. Paper copies of the form can be obtained from the Human Resources Department.
  - (2) The form is then sent to the Human Resources Department. Employees will be notified via e-mail or telephone to confirm receipt of the document.
  - (3) Participating employees will receive their sell back funds in their regular payroll check as soon as it is possible to request and process payment of the hours.
  - (4) The employee's payroll check will reflect a listing of the gross amount earned for the sell back and the remaining vacation hour balance with the other leave accrual balances.
  - (5) A copy of the sell back form will be included in the employee's personnel file. The Payroll Department will retain a copy of the sell back form for inclusion in the pay period file.
  - (6) The County Manager may approve exceptions to this procedure.

#### **§ 5301-5. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

#### **§ 5301-6. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Vacation Sell Back Option Procedures: It is the policy of the County to provide a program in which employees have the opportunity to sell back designated amounts of unused vacation at specified time(s) during the year. The County feels that it is very important that employees take vacation throughout the year and this policy will also ensure that employees retain a designated amount of vacation for that purpose.

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1. Editor's Note: The Optional Vacation "Sell Back" form is included at the end of this CMA.



VACATION SELL BACK OPTION PROCEDURES

CMA 5301 Attachment 1

**OPTIONAL VACATION "SELL BACK"**  
**(Valid for request at any time after April 1, 2006)**

Name: \_\_\_\_\_  
(please print Legal name only)

Last 4 of Social Security #: \_\_\_\_\_ SAP ID #: \_\_\_\_\_

Department Name: \_\_\_\_\_ Telephone #: \_\_\_\_\_

e-mail address: \_\_\_\_\_  
*Confirmations of receipt of the form will be sent to this address*

I understand that participating in the vacation sell back is strictly optional and that my sell back rate will be at 100% of my current rate of pay. I also understand that in order to participate, I must request a minimum of 10 hours of vacation for my sell back and that I must have a balance of at least 60 hours remaining after my sell back hours are deducted. No more than 160 hours may be sold back annually, based on my years of service.

Number of hours requested for sell back \_\_\_\_\_

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

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

**SEND COMPLETED FORM TO THE HUMAN RESOURCES DEPARTMENT**

**TO BE COMPLETED BY HR DEPARTMENT ONLY**

Years of Service: \_\_\_\_\_ Current Vacation Balance: \_\_\_\_\_

Vacation hours remaining after sell back: \_\_\_\_\_

Processed by: \_\_\_\_\_ Date: \_\_\_\_\_

**A COPY OF THIS FORM WILL BE PLACED IN THE  
EMPLOYEE'S PERSONNEL FILE**

## CMA # 5305

### ADA (AMERICANS WITH DISABILITIES ACT)

§ 5305-1. Purpose.

§ 5305-3. Currency.

§ 5305-2. Concept.

§ 5305-4. Reference.

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003)]

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#### § 5305-1. Purpose.

The purpose of this Instruction is to provide for the implementation of an ADA procedure authorized by the County Manager.

#### § 5305-2. Concept.

The Americans with Disabilities Act (ADA) is a federal law enacted in 1990 prohibiting discrimination against disabled individuals in the areas of employment, public services, public accommodations and telecommunications. The Act prohibits employers from discriminating against individuals with disabilities in any aspect of employment and requires employers to provide reasonable accommodations to enable workers with disabilities to perform the essential functions of their jobs, unless doing so would impose an undue hardship on the organization.

A. Definitions: As used in this CMA, the following terms shall have the meanings indicated:

**ESSENTIAL JOB FUNCTIONS** — The basic job duties that an employee must be able to perform with or without reasonable accommodation.

**INDIVIDUAL WITH A DISABILITY** — A person who has a physical or mental impairment that substantially limits a major life activity or who has a record of a substantially limiting impairment, or a person who is regarded as having a substantially limiting impairment.

**QUALIFIED INDIVIDUAL WITH A DISABILITY** — A person with a disability who satisfies the skills, experience, educational and other job-related requirements of a position held or desired and who, with or without reasonable accommodation, can perform the essential functions of the job.

**REASONABLE ACCOMMODATION** — Any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of the job or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

**UNDUE HARDSHIP** — Reasonable accommodation is not necessary if doing so would cause undue hardship on the organization. Undue hardship means that an accommodation

would be unduly costly, extensive, substantial, disruptive or would fundamentally alter the nature or operation of the organization.

B. Key Provisions:

- (1) To be protected under ADA, an applicant or employee must satisfy the education, experience, license and other job-related qualification standards of the job to be considered qualified.
- (2) Qualification standards and/or selection criteria must be job-related and consistent with business necessity.
- (3) The County shall provide reasonable accommodation only to the known physical or mental limitations of a qualified applicant or employee unless it can show that the accommodation would impose an undue hardship on the organization. It is the responsibility of the applicant or employee with a disability to inform the employer that an accommodation is needed to participate in the application process, to perform essential job functions or to receive equal benefits and privileges of employment. The County is not required to provide reasonable accommodation if unaware of the need or if the individual is not qualified for the position.
- (4) If an applicant or employee requests an accommodation and the need is not obvious or if the County does not believe the accommodation is needed, the County may request documentation of the individual's functional limitations to support the request.
- (5) The County will engage in an interactive process with any employee or applicant who requests a reasonable accommodation. This is simply a formal way of saying that the County and employee will discuss the request for reasonable accommodation (including possible types of accommodations) in a way that allows the County to make an informed decision about the employee's or applicant's request.
- (6) The ADA is applicable to all aspects of employment, including performance evaluations and termination.
- (7) The County shall provide equal access to lunch rooms, break areas, training and other employer-sponsored services such as transportation, health programs and social events that are available to a non-disabled individual. The County shall comply with this unless this would cause an undue hardship.

C. ADA in the Hiring Process:

- (1) The essential functions of a position must be identified before taking an employment action such as posting/advertising a job, recruiting and hiring. A position profile shall be completed and submitted to Human Resources for each position posted to comply with this requirement.
- (2) Interviews shall be conducted in an accessible location for people with mobility impairments. Additional accommodations shall be made on a case-by-case basis. Departments should advise applicants in advance when a test will be given so that

an individual who needs an accommodation can make such a request. If a request is made, the department shall notify Human Resources.

- (3) There are specific pre-employment and interview questions that cannot be asked to comply with ADA. Departments should contact Human Resources for assistance.
- (4) Questions about the person's ability to perform specific job functions may be asked.
- (5) If an applicant has a known disability that would appear to interfere with or prevent performance of a job-related function, the applicant may be asked to demonstrate how this function would be performed, even if other applicants do not have to do so.
- (6) The County cannot refuse to hire someone because they cannot perform marginal job functions but they may be asked about their ability to perform all job functions, essential and marginal.
- (7) Supervisors shall consult with Human Resources Department who will assist in determining whether the individual is qualified to perform essential job functions, if the person is qualified, and determine whether an accommodation is available that would not cause undue hardship. If the individual with a disability does not meet the education, experience and other requirements of the position or an accommodation would cause an undue hardship, that individual is not qualified. However, if that individual meets the stated requirements and a reasonable accommodation can be made, that individual is qualified.

D. Administration/Enforcement:

- (1) The Human Resources Department will assist departments in determining essential job functions.
- (2) The Equal Employment Opportunity Commission (EEOC) enforces the employment provisions of the ADA.
- (3) The County encourages that all ADA-related disputes be resolved through informal negotiation and will make every effort to resolve complaints internally. The Commitment to Fair Treatment Policy shall be utilized to investigate and resolve EEO-related complaints. There shall be no retaliation against any applicant or employee who files a charge, participates in an EEO investigation or opposes an unlawful employment practice.

E. ADA in Other Areas: Disabled individuals are also protected under ADA in the areas of public facilities, communications and public services. The County will attempt to resolve these complaints internally. Complaints about facilities and communications shall be referred to the Facilities Management Director. Complaints concerning public services and programs shall be referred to the Public Services Administrator.

**§ 5305-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5305-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: It is the policy of the County to comply with the provisions of the Americans with Disabilities Act (ADA) of 1990.

## CMA # 5306

### ADMINISTRATIVE PROVISIONS

§ 5306-1. Purpose.

§ 5306-4. Administration.

§ 5306-2. Concept.

§ 5306-5. Currency.

§ 5306-3. Definitions.

§ 5306-6. Reference.

[Effective Date: April 9, 1999 (Revised: October 1, 2001; Revised: October 1, 2003)]

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#### § 5306-1. Purpose.

The purpose of this Instruction is to provide for the implementation of administrative provisions authorized by the County Manager.

#### § 5306-2. Concept.

It is the policy of the County to develop and utilize Personnel Rules and Regulations to ensure uniform understanding and application of County Human Resources Practices and Procedures, and to identify authority and responsibility for such practices while providing a working guide for new and existing supervisory and management personnel. These shall be referred to as the "Collier County Human Resources Administrative Practices and Procedures." These Administrative Practices and Procedures apply to all non-contractual employees of the Board of Collier County Commissioners, excluding the Constitutional Officers and their employees, and serve as a guide for supervisory and staff personnel in the day-to-day administration of the County. Unionized or contractual relationships shall be governed solely by agreement. Jurisdiction of these Administrative Practices and Procedures may be superseded by state and/or federal law, or by appropriate action by the County Manager.

#### § 5306-3. Definitions.

As used in this CMA, the following terms shall have the meanings indicated:

**POLICY** — A broad declaration of the County's commitment to certain worthwhile goals. It is based upon a determination of need within the County's daily function and is approved by the Board of County Commissioners.

**PRACTICE or DIRECTIVE** — A broad declaration of the County's commitment to certain worthwhile goals. It is based upon a determination of need within the County's daily function and is approved by the County Manager.

**PROCEDURE** — Provides detailed instructions and in some cases, sample forms for routine administration, implementation and/or documentation for the application of policies. Such procedures are designed to assure consistent application of policies, provide adequate records and ensure compliance with applicable laws and regulations. The Human Resources Director, with the assistance of the Department Directors and Division Administrators, shall prepare and recommend to the County Manager such additions or amendments to these Procedures as

may be necessary or advisable for the effective administration of the County Manager's Agency.

**§ 5306-4. Administration.**

The Human Resources Director shall be responsible for the administration and interpretation of the County's Human Resources Administrative Practices and Procedures. Throughout the Human Resources Administrative Practices and Procedures, there are references to the authority, responsibility and/or role of the County Manager. The County Manager may approve exceptions to these Practices and Procedures. The County Manager may change these Practices and Procedures at any time. The County Attorney and the Airport Authority have their own authority by County ordinance, but have chosen to generally abide by these Practices and Procedures.

**§ 5306-5. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5306-6. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Administrative: It is the policy of the County to develop and utilize Personnel Rules and Regulations to ensure uniform understanding and application of County Human Resources policies and procedures, identify authority and responsibility for such policies and practices while providing a working guide for new and existing supervisory and management personnel. These shall be referred to as the "Collier County Human Resources Practices and Procedures."

## **CMA # 5307**

### **AIDS/CATASTROPHIC ILLNESS IN THE WORKPLACE**

**§ 5307-1. Purpose.**

**§ 5307-3. Currency.**

**§ 5307-2. Concept.**

**§ 5307-4. Reference.**

**[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003)]**

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**§ 5307-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of an AIDS/Catastrophic Illness in the Workplace procedure authorized by the County Manager.

**§ 5307-2. Concept.**

It is the policy of the Collier County Government to maintain a safe and healthful work environment for its employees. It is recognized that many employees with life-threatening illnesses desire to lead normal lives, which includes working as long as his/her health permits. Collier County Government considers the following in making any personnel-related decisions pertaining to those employees who have, or who are carriers of Human Immuno Virus (HIV), Acquired Immune Deficiency Syndrome (AIDS) or Aids Related Complex (ARC).

- A. HIV is a sexually transmitted and blood-borne virus. The kind of non-sexual, person-to-person contact that occurs in the workplace does not pose a risk for transmission of HIV.
- B. Those employees with HIV, AIDS or ARC have a recognized disability and will be treated without discrimination in accordance with the National Labor Relations Act; Section 504 of the Vocational Rehabilitation Act of 1973; Sections 503, 505 and 793, the Occupational Safety and Health Act; Florida Human Relations Act, 1977; Florida Statutes Chapter 760; the Florida Infectious Disease Act, 1985, Section 381.606 (5), Florida Statutes and the Americans With Disabilities Act of 1990.
- C. HIV-infected employees with medical conditions which impair his/her ability to perform his/her work safely and effectively shall be treated in the same manner as employees who suffer from other serious or life-threatening illnesses. These HIV-infected employees shall be permitted to work as long as he/she is able to meet acceptable performance and attendance standards and as long as reasonable medical judgment indicates that his/her condition is not a threat to the health and safety of themselves or others in the workplace. Reasonable accommodation shall be made to enable the employee to continue working as long as health permits. Such accommodation may include job restructuring, flexible work schedules or reassignment and shall be coordinated through the Human Resources Director and in accordance with existing related personnel policies.
- D. In accordance with current County practice, Collier County Government may require an employee to undergo a medical examination whenever there is a question regarding that



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employee's fitness to work or when there is reason to suspect a worker's condition might pose safety or health hazards to other employees and/or the public.

- E. An employee's health condition is private and confidential and will be protected from unauthorized disclosure.
- F. County employees who are considered to be high risk of encountering exposure to body fluids in the course of performing his/her regular job function shall be provided protective equipment to cover exposed areas.
- G. There is no medical basis for employees refusing to work with fellow employees or customers who are HIV infected. Refusal to work with a person who has AIDS or is suspected to have been exposed to the AIDS virus is not a valid excuse for failure to fulfill assigned responsibilities. Such refusal may result in disciplinary action.
- H. Existing contracts with benefit providers shall address applicable provisions for insurance coverages during periods of medical leave with or without pay.
- I. The County's Employee Assistance Program offers counseling to employees with catastrophic illness or HIV-infected employees, their families and/or co-workers in an attempt to foster support and consideration for its therapeutic value and contribute to an individual's remission or recovery process.
- J. Specific information pertaining to HIV and other catastrophic illnesses shall be obtained through distribution of informational materials and/or training provided by appropriate medical agencies.

**§ 5307-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5307-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: AIDS/Catastrophic Illness in the Workplace: It is the policy of the Collier County Government to maintain a safe and healthful work environment for its employees. It is recognized that many employees with life-threatening illnesses desire to lead normal lives, which includes working as long as their health permits.

## CMA # 5309

### APPEARANCE AND PERSONAL HYGIENE

§ 5309-1. Purpose.

§ 5309-3. Currency.

§ 5309-2. Concept.

§ 5309-4. Reference.

[Effective Date: May 21, 1999 (Revised: October 1, 2001; Revised: October 1, 2003)]

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#### § 5309-1. Purpose.

The purpose of this Instruction is to provide for the implementation of an Appearance and Personal Hygiene procedure authorized by the County Manager.

#### § 5309-2. Concept.

It is the policy of the County to require employees to dress in clothing appropriate for their positions. Such clothing is to be clean and neat. Clothing should be appropriate for the job to be performed. In choosing appropriate work clothes, employees should consider their work environment standards and position. Judgment, safety, and good taste are the guidelines for determining appropriate dress for the job. The appearance and dress of employees are important in creating a favorable image supportive of public confidence. Further, employees shall engage in personal hygiene habits that ensure an atmosphere that is inoffensive to co-workers and customers. Violations may be subject to progressive discipline in accordance with County procedures.

#### A. Appearance:

- (1) Employees will wear articles of clothing appropriate for their positions that ensure safety and effective customer relations.
- (2) Should an employee report to work in attire deemed inappropriate to the work environment by the Supervisor and Human Resources, the employee may be asked to leave, and not return until properly dressed.
- (3) Employees required to wear uniforms shall do so in a manner directed by the department and shall be required to wear and maintain such uniforms in a clean, presentable fashion.

#### B. Personal Hygiene:

- (1) Employees will practice personal hygiene habits to ensure personal cleanliness and the absence of offensive odors whenever possible.
- (2) Should an employee report to work in a state that indicates proper personal hygiene habits have not been practiced, the Supervisor may ask the employee to leave, and not return until properly groomed.

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§ 5309-3

§ 5309-4

**§ 5309-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5309-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Appearance and Personal Hygiene: It is the policy of the County to require employees to dress in clothing appropriate for their positions. Such clothing is to be clean and neat. Further, employees shall engage in personal hygiene habits that ensure an atmosphere that is inoffensive to co-workers and customers.

## **CMA # 5309**

### **APPEARANCE AND PERSONAL HYGIENE**

**§ 5309-1. Purpose.**

**§ 5309-3. Currency.**

**§ 5309-2. Concept.**

**§ 5309-4. Reference.**

**[Effective Date: May 21, 1999 (Revised: October 1, 2001; Revised: October 1, 2003)]**

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OFFICE OF COUNTY MANAGER ADMINISTRATIVE  
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§ 5309-3

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CMA 5310

BUSINESS TRAVEL

[Effective Date: May 13, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 13, 2004; Revised: April 1, 2006)] Revised: May 1, 2009

§ 5310-1. Purpose.

The purpose of this Instruction is to provide for the implementation of a business travel procedure authorized by the County Manager.

§ 5310-2. Concept.

It is the policy of the County to encourage business travel by paying applicable expenses of employees and candidates for executive and professional positions when the travel is necessary or beneficial to the County and the expenses are incurred in the pursuit of County business. County employees are often required to travel when conducting County business. The benefits of this travel fall in the areas of training, maintaining currency on government regulations, exchanging ideas, accomplishing a certain task and/or solving a particular problem on behalf of the County. Due to the necessity for travel, the following regulations (in accordance with §112.061, *Fla. Stat.*) have been formulated to provide consistency in submitting and processing travel requests and to establish proper accounting procedures for travel. All such travel will be completed at the most economical and reasonable cost. An employee may request expenses (including meal and lodging costs) as business expenses if two conditions are satisfied: 1) travel is necessary or beneficial to the County, and 2) expenses are incurred in pursuit of County business. All travel must be pre-approved as outlined in § 5310-2C, Approval of Travel Expenses. All travel funded by a grant will be treated consistent with travel funded by non-grant revenues *unless otherwise specifically provided for in the grant documents.*

A. Definitions: As used in this CMA, the following terms shall have the meanings indicated:

DESIGNATED REPRESENTATIVES— Approval to incur payment of business related travel expenses may be granted by the following designated representatives:

- |  |                                     |
|--|-------------------------------------|
| County Manager                         | Deputy County Manager               |
| County Attorney                        | Division Administrators             |
| Deputy County Attorney                 | Department Directors and equivalent |
| Executive Director - Airport Authority |                                     |

OFFICIAL HEADQUARTERS— The city or town in which the office of an employee is located except that:

- (1) An employee located in the field will be designated an official headquarters in the city or town nearest to the area where a majority of his/her work is performed or to one designated by the Department Director; provided that in all cases the determination is in the best interest of the County.

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- (2) After being continuously stationed in any city or town for a period of over 30 continuous workdays, such a location will be designated as the official headquarters and no per diem will be allocated without express approval by the County Manager.
- (3) A traveler may leave his/her assigned post to return home, but any time lost from regular duties shall be taken as vacation and authorized in the usual manner. Reimbursement for such travel will not be permitted in excess of the rate for per diem allowance had he/she remained at their post. However, such an employee who has been temporarily assigned away from his/her official headquarters for over 30 days will be entitled to reimbursement at the established rate for one round trip per thirty-day period actually taken to his/her home in addition to pay and allowances otherwise provided.

TRAVEL CLASSIFICATIONS— Travel shall be classified as follows.

- (1) Class A Travel: Continuous travel of 24 hours or more away from the official headquarters.
- (2) Class B Travel: Continuous travel of less than 24 hours, which involves overnight absence from official headquarters.
- (3) Class C Travel: Travel for short or day trips where the traveler is not away from his/her official headquarters overnight.

TRAVEL DAY— A period of 24 hours consisting of four quarters of six hours each.

TRAVEL PERIOD— Shall begin at the time of departure from employee's normal base of operation or residence whichever is later. Per diem reimbursement will be based on the basis of 1/4 of the authorized per diem for each quarter.

- (1) More than 24 hours: For travel involving periods in excess of 24 hours, quarters shall start at midnight, 6:00 a.m., noon, or 6:00 p.m. whichever nearest precedes the actual time of departure. In the same manner, per diem will cease at whichever of the above times nearest follows the actual time of return.
- (2) Less than 24 hours: For travel of less than 24 hours but involving an overnight absence, the travel period begins at the actual time of departure and quarters shall be computed from that time.

B. Lodging and Meal Allowance:

- (1) Lodging: Actual cost of lodging at a single occupancy rate or full cost for lodging at the designated seminar or conference designation.
- (2) Meal Compensation Rate: The meal compensation rate (i.e., subsistence rate) shall be determined by finding the city or county on the prevailing Federal Travel Regulations listing which shall be provided to each department or at the internet address below and applying the Domestic Per Diem Rates — Meals and Incidental Expense Breakdown in accordance with the criteria

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below. Per diem is only allowed for meals; incidentals are not part of the allowable per diem. A copy of the appropriate schedule highlighting the city/county of destination and a copy of the Domestic Per Diem Rates — Meals and Incidental Expense Breakdown chart shall accompany all requests for reimbursement. To locate the amount of reimbursement on the internet for meals while you travel, go to [www.gsa.gov](http://www.gsa.gov).

- (a) Breakfast: when travel begins before 6:00 a.m. and extends beyond 8:00 a.m.: per prevailing federal rate for locale.
  - (b) Lunch: when travel begins before 12:00 noon and extends beyond 2:00 p.m.: per prevailing federal rate for locale.
  - (c) Dinner: when travel begins before 6:00 p.m. and extends beyond 8:00 p.m. or when travel occurs during nighttime hours due to special assignment: per prevailing federal rate for locale.
  - (d) If meals are included in registration fees, standard allowances must be reduced using the above breakdown amounts. Meal functions sponsored by organizations such as professional associations will be paid based on support (receipt) documentation.
  - (e) Actual meal costs will be reimbursed for any employee who must follow a medically prescribed diet.
- (3) Per Diem Expenses for Class A and B Travel:
- (a) Travelers may elect either \$50 per diem or, if expenses exceed \$50, the actual cost of lodging at single room occupancy rate plus meal allowance as outlined in § 5310-2B(2) of this policy.
  - (b) Travelers will not be reimbursed on a per diem basis for Class C travel, but will receive compensation as provided in § 5310-2B(2) of this policy.

C. Approval of Travel Expenses:

- (1) All travel that is expected to result in reimbursement of eligible expenses must be pre-approved by the designated representative and authorized in writing on the appropriate travel request and/or voucher for reimbursement form.

<b>Requests From</b>	<b>Designated Representative</b>
Division Administrator	County Manager
Department Director	Division Administrator
Supervisors and lower levels	Department Director

- (2) This shall apply to out of County travel for both regular business and professional development. *(Refer to CMA 5325 for additional requirements for travel related to professional development.)*



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- (3) All travel must be approved in advance. In emergency situations, the designated representative may give verbal approval.
  - (a) Any orally approved travel must be followed by proper authorization procedures upon return from that travel.
  - (b) The designated representative's signature on "Voucher for Reimbursement of Travel Expenses" Form C676 shall constitute certification that the travel was properly authorized and approved by the designated representative.
  - (c) Only original forms must be submitted to Finance.

### D. Cash Advance Policy:

- (1) Advances for anticipated travel expenses should be requested at least one week prior to the expected departure. To avoid unnecessary paperwork, it is suggested that advances not be obtained for less than \$50.
- (2) Cash advances for travel will be limited to advances for ground transportation, seminar registration (if not paid under a separate request for check), and allowances for food and lodging. Advances for airfare will be provided only in the case of an emergency trip when it is not possible to secure plane tickets in accordance with other sections of this policy.
- (3) Cash advances will not be granted unless sufficient funds are available in the appropriate cost center or the Department Director submits a budget amendment in accordance with the County's financial procedures.
- (4) Any unused advances must be repaid within 10 days and submitted with the final expense report. Direct payments to an organization, business or vendor for registration, meals, materials, travel, and the like will not be considered travel advances.

### E. Use of County Vehicles: A County-owned vehicle, if available, may be used for travel if usage time is not prohibitive.

### F. Use of Privately Owned Vehicles:

- (1) The prevailing rate shall be the amount per mile authorized by the federal government mileage rates in effect for use of privately owned vehicles at the time of travel. In order to determine the mileage amount for privately owned vehicles in any year, go to the [www.gsa.gov](http://www.gsa.gov) web address. A highlighted copy of the appropriate federal rate shall be attached to requests for reimbursement. Mileage between cities/counties will be allowed, based on the current Florida official road map and reasonable travel within cities/counties.
- (2) For out-of-state travel, the mileage amount plus parking and toll fees may not exceed the amount charged for air transportation at rates not to exceed coach rates available at the time a travel authorization is processed.

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- (3) Employees who receive a vehicle allowance will not be eligible to receive mileage reimbursement. Lodging and meal reimbursement will be allowed for the time that would have been required to make the trip by air carrier.
  - (4) Private vehicle owners will be responsible for all insurance on their vehicles.
  - (5) A reasonable effort to obtain an available County-owned vehicle must be made prior to authorization of private vehicle use for County business.
- G. Use of Commercial Airlines:
- (1) Travel by commercial airlines and associated reasonable airline surcharges may be authorized in cases where use of commercial airlines is of advantage to the County. Air travel will be scheduled at coach rates whenever possible. In the event of emergency travel, medical needs or other documented extenuating circumstances, other than coach accommodations will be permitted. Pre-planning should be used to take advantage of various airline discount special rates and other incentives that benefit the County. Only tickets for authorized County travel requirements are allowed to be charged to Collier County.
- H. Special Procedures:
- (1) When driving to an approved business meeting, conference or seminar outside the Naples area, but within the State of Florida, meal allowances will be allowed for normal meals enroute as provided by this policy.
  - (2) When reimbursement for lodging and meals is to be provided by other agencies (government or non-government), employees may be paid at the reimbursed rate if it exceeds the County's rate.
- I. Additional Authorized Expenses: In addition to meals and lodging, the following actual expenses incurred as a necessary part of approved travel may be claimed with submission of receipts or documentation:
- (1) Registration fees.
  - (2) Official telephone calls (indicate on hotel bill personal or business).
  - (3) Reasonable hotel internet access fees in order to perform County business such as reading and responding to emails. Non-exempt employees must get pre-approval to access emails or other County documents outside of normal business hours.
  - (4) Reasonable commercial transportation costs actually paid by the traveler to/from commercial transportation terminals and places of lodging and to/from places of business. Taxi/Limo tips will be reimbursed up to a maximum of 15% of the fare.
  - (5) Reasonable luggage charges of no more than \$1 per bag and no more than \$10 for the entire round trip. Reasonable airline seat reservation fees for coach

## CMA 5310

seats.

- (6) Parking fees.
- (7) Mileage for approved use of private vehicle.
- (8) Rental car cost, including tax if paid, and excluding upgraded features such as GPS and satellite radio.
- (9) Fuel and emergency repairs for County-owned vehicles.
- (10) Road toll charges.
- (11) Air fare, if reimbursement is requested with a receipt, and reasonable airline surcharges.

### J. Reporting Expenditure:

- (1) After returning from the trip, an expenditure report and required receipts must be completed by the employee and submitted within 10 days to the Finance Department.

### K. Administrative Hardship:

- (1) If any of these provisions create undue administrative hardship on any of the departments involved, the County Manager may grant exceptions within the limitations contained in § 112.061, *Florida Statutes*, based on written requests.

### L. Spouses:

- (1) When the spouse accompanies the employee, the spouse's expenses will not be reimbursed. The employee will pay the difference between single and double accommodations and all other expenses including transportation, meals, etc.

### M. Compensation:

- (1) Any time during the business trip in which employees actually perform work related to their current position is considered work time.
- (2) Exempt employees traveling on business will be paid for time spent traveling (except for meal periods) during their normal working hours. Exempt employees may be provided with compensatory time for time spent traveling on their non-working days, such as Saturday, Sunday, and holidays, as well as time spent traveling outside of their normal working hours on their regular working days.

Non – exempt employees traveling on business will be paid for all time spent traveling (except for meal periods) including time during their normal working hours and time outside of their normal working hours on any day of the week. Hours must be reviewed and approved by the employee's Supervisor.

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### N. Grant Funded Travel:

- (1) It is the intent of this policy to ensure all travel funded by a grant is treated the same as travel not funded by a grant.
- (2) Refer to the grant agreement and associated rules and regulations to determine if there are any specific travel requirements not covered in this policy.
- (3) Unless specifically pre-empted by a provision in the grant agreement, travel funded by a federal grant must follow all provisions of the policy contained herein, including lodging and meal compensation and reimbursement for use of private vehicles.
- (4) Travel funded by a state grant, including those state grants that originated as federal grants and are being passed through to Collier County by the state, must adhere to state law (Section 112.061) as outlined in the Reference Guide for State Expenditures: . This includes provisions related to lodging, per diem and mileage.
  - (a) If travel for a project paid for by a state grant costs more than the rates allowed by state policy, the difference must be paid for by non-state grant funds (County funds or other eligible grant funds).
- (5) Cost associated with travel partially grant funded and partially non grant funded must be allocated appropriately to ensure grant funds are not paying for the portion of the travel which is non-grant funded. ***Grant-funded travelers must check the grant agreement and associated state or federal policies to determine specific allowances before and after their travel.***

#### § 5310-3. Currency.

The Human Resources Department is responsible for maintaining the currency of this Instruction.

#### § 5310-4. Reference

Collier County Personnel Ordinance, Ordinance No. 2001-50: Business Travel: It is the policy of the County to encourage business travel by paying applicable expenses when the travel is necessary or beneficial to the County and the expenses are incurred in the pursuit of County business.

CODE OF ETHICS

[Effective Date: May 4, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: May 1, 2009; Revised: May 11, 2010)]

**§ 5311-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a Code of Ethics procedure authorized by the County Manager.

**§ 5311-2. Concept.**

Code of Ethics: It is the policy of the County to ensure that all employees conduct their employment duties in a manner which is free from any conflicts of interest. Additionally, the standards of conduct as outlined by the Florida Commission on Ethics, and the Collier County Ethics Ordinance as amended, and Florida Statutes, shall be guidelines, and in particular instances, requirements for County employees. Violation of the Code of Ethics may be subject to disciplinary action, up to and including discharge.

- A. No County employee shall disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.
- B. If an employee of the County is an officer, director, agent, or member of, or owns controlling interest in any corporation, firm, partnership, or other business entity which is subject to the regulation of, or which has substantial business commitments with the County or other political subdivision of the State of Florida, they must file a sworn statement to this effect with the Circuit Court of Collier County and give a copy of the statement to the Division Administrator and the County Manager.
- C. No County employee shall transact any business, during working hours for the County, in his/her official capacity with any business entity of which he/she is an officer, director, agent, or member, or in which he/she owns a controlling interest.
- D. No County employee shall have personal investments in any enterprise, which will create substantial conflict between his/her private interest and the public interest.
- E. No County employee shall purchase any County tax certificate or tax deed. The intent of this rule is to avoid any appearance of a conflict of interest on the part of either the County or the employee.
- F. No employee shall accept, or agree to accept, either directly or indirectly, any favor, gift, loan, fee, service or other item of value, in any form whatsoever, from any organization or individual, if the employee knows or reasonably should know that it is intended to reward or influence the employee in the performance or nonperformance of his or her appointed duties. Violation(s) of this standard shall be considered a very serious breach of the Code of Ethics/Standards of Conduct and it is presumed that the appropriate discipline for violation(s) of this standard shall be discharge, absent compelling mitigating circumstances.
- G. No County employee shall solicit a contribution for another person for a gift to a Supervisor,

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make a donation as a gift to a Supervisor, or accept a gift from an employee he or she supervises.

- H. Nothing in this section shall prohibit voluntary donations or the exchange of gifts of nominal commercial value between or amongst County employees or with public officials on special occasions or established holidays. A special occasion, as contemplated in this section, includes those times when it has been regarded as customary to give a gift, such as a birthday, a wedding, the birth of a child or a grandchild, adoption, a graduation, a promotion, permanent departure from the workplace or community, hospitalization, the loss of a loved one, retirement, or other similar occurrences.
- I. Nor does this section prohibit County employees from participating in fund-raising activities for charitable purposes or the receipt of unsolicited advertising or promotional materials, of nominal commercial value, from an individual or entity that is not currently in a contractual relationship nor likely to be in a contractual relationship with Collier County.
- J. No County employee shall participate in the selection of a vendor or the approval of a contract if that employee has received a gift, directly or indirectly, from someone representing the vendor or a contracting party, including relatives.
- K. Nominal commercial value means anything with a value of less than \$50 in the marketplace.
- L. No County employee shall serve on Board of County Commissioners' Advisory Boards or Committees, to reduce any potential perceptions of conflict of interest by the public.
- M. Employees may not serve in a decision-making capacity for any entity that receives funding (either directly or indirectly) from the Board of County Commissioners, including grant funding. Prior to an entity making a request for funding from the Board of County Commissioners, any employee serving the agency in a decision-making capacity must resign from that position. The Board may, with good cause shown, waive this restriction upon a super majority vote.

**§ 5311-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5311-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2000-05, as amended: Code of Ethics: It is the policy of the County to ensure that all employees conduct their employment duties in a manner which is free from any conflicts of interest. Additionally, the standards of conduct as outlined by the Florida Commission on Ethics, Chapter 112, *Fla. Stat.*, Part III, and, as may be applicable, County Ordinance No. 04-05, as amended, shall be guidelines for County employees.

## CMA # 5311.1

### STANDARDS OF CONDUCT

[Effective Date: May 4, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: May 1, 2004; Revised May 13, 2009)]

#### § 5311.1-1. Purpose.

The purpose of this Instruction is to provide for the implementation of a Standards of Conduct procedure authorized by the County Manager.

#### § 5311.1-2. Concept.

Standards of Conduct: The following performance standards are considered essential in providing professional service to the community and maintaining public trust. Employees are expected to direct any questions regarding application or interpretation of the Standards of Conduct through the chain of command, which includes the immediate supervisor, manager, Department Director and Division Administrator. Failure to adhere to these standards may warrant disciplinary action. The following are illustrative, but are not all-inclusive, of specific behavior expected of all County employees. The County may administer discipline that is considered appropriate for violations of these standards and for other actions not specifically listed below. Severe misconduct may justify discharge without prior warning.

- A. Performance of assigned duties will be satisfactory and efficient. Employees are expected to follow the established chain of command, except as otherwise provided in the CMA's.
- B. Proper authorization is required for removal of County property or others' personal property, or property belonging to a member of the public.
- C. County property, including but not limited to equipment, supplies, materials, intellectual property, proprietary information, logos, graphics, etc., will be utilized only for that which it was intended and will not be destroyed, damaged or used for personal purposes.
- D. Personnel and other County records including employment applications, accident records, work records, purchase orders, timesheets, or any other report, record applications or any other documents must be truthful and contain accurate information.
- E. Accident benefits, worker's compensation or unemployment compensation payments for self or others will only be obtained for proper reasons consistent with County policy.
- F. Employees while on County property will not use, possess or be under the influence of alcohol or illegal drugs.
- G. Except as otherwise authorized by §790.251, *Fla. Stat.*, possession of weapons is not permitted on County property except in the case of law enforcement and security personnel appropriately authorized to carry a particular weapon or weapons.
- H. County employees will not engage in sexual harassment or false accusations of sexual harassment.
- I. Conviction of, or pleading guilty to, or pleading "no contest" to a felony or a misdemeanor

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of first or second degree as defined by Florida Statutes may be cause for disciplinary action up to and including discharge. Employees charged with a felony may be suspended or discharged depending upon the nature of the charge.

- J. Employee's conduct toward co-workers, Supervisors, other staff and the public will remain courteous, positive and appropriate for the work situation.
- K. County vehicles will only be operated by County eligible drivers, as defined in the County practices and procedures and only utilized when authorized.
- L. Driving a motor vehicle while on duty requires the appropriate State of Florida Driver's license or commercial driver's license (CDL) and any loss or suspension of such license shall be reported to the County. It is the responsibility of the employee to report any loss, suspension or revocation of such license to their Supervisor.
- M. Section, department or division work rules will be followed.
- N. Loss of required license or certifications required for the job will be reported to the County.
- O. Employees will not engage in fights or malicious mischief while on County property.
- P. Employees will remain awake on duty and perform all responsibilities effectively while maintaining good use of time.
- Q. Injuries on the job will immediately be reported to a Supervisor.
- R. Safety rules will be followed.
- S. Gambling or other games of chance for money or other valuables will not occur while on County property.
- T. County employees are expected to engage in lawful and proper conduct, both on and off the job, in order to not affect their relationship to County Service, other employees, and the County's reputation in the community.
- U. Department attendance standards, including reporting to work on time and providing proper notification of an absence, will be met to ensure adequate personnel for department operations.
- V. An employee abandoning his/her position for three or more consecutive workdays during which time the employee fails to contact the immediate supervisor and advise the supervisor of the absence, shall be considered to have voluntarily resigned.
- W. An employee who intentionally lies during an internal investigation or otherwise impedes the County's ability to properly conduct an internal investigation may be subject to disciplinary action up to and including discharge.
- X. A failure or refusal to abide by the administrative procedures or business operations procedures set forth in the Human Resources Practices and Procedures may be cause for disciplinary action up to and including discharge.



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- Y. Insubordination, which includes but is not limited to any refusal to follow requests or instructions pertaining to work that have been properly issued by a supervisor, is cause for disciplinary action up to and including discharge.
- Z. Failure to disclose the use of any type of recording device and receive approval for its use from the affected parties may be cause for disciplinary action up to and including discharge. This includes, but is not limited to photographic, video and audio recordings.

### **§ 5311.1-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

### **§ 5311.1-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Standards of Conduct: It is the policy of the County to provide certain Standards of Conduct in order to establish guidelines for successful employment and uniform guidelines for discipline. These standards have been established in the interest of providing the highest levels of professional service to the public.

§790.251, *Fla. Stat.* - Protection of the right to keep and bear arms in motor vehicles for self-defense and other lawful purposes; prohibited acts; duty of public and private employers; immunity from liability; enforcement.--

**DRUG FREE WORKPLACE**

[Effective Date: August 1, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised December 6, 2005; Revised June 2, 2006); Revised September 10, 2010]

**§ 5312-1. Purpose.**

The purpose of this Instruction is to provide for procedures and implementation of the Drug-Free Workplace policy as authorized by the County Manager.

**§ 5312-2. Concept.**

The Board of County Commissioners has a vital interest in maintaining a safe, healthy, and efficient working environment. Being under the influence of a drug or alcohol on the job or the use, sale, purchase, transfer, or possession of an illegal drug or alcohol in the workplace poses unacceptable risks for safe, healthy, and efficient operations to the user and to all those who work with the user. Collier County is obligated to the public and its employees to provide services that are free of the influence of illegal drugs and alcohol and will endeavor through this policy to provide drug-and alcohol-free services.

- A. Employees will be informed of the dangers of alcohol and/or drug use in the workplace during New Hire Orientation within the first month of employment.
- B. The County intends, through this policy, to comply with federal and state rules, regulations or laws that relate to the maintenance of a workplace free from illegal drugs and alcohol.
- C. It is also County policy to comply with the Omnibus Transportation Employee Testing Act of 1991 and § 440.102 and 112.0455, *Fla Stat*; Drug-Free Workplace Act.

**§ 5312-3. Definitions.**

**Confirmation Test, Confirmed Test or Confirmed Drug Test** is a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which 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.

**Controlled Substance** is a controlled substance as defined in Schedules I through V of § 893.03, *Fla Stat*.

**Conviction** is a finding of guilt (including a plea of no contest) or imposition of sentence or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

**Criminal Drug Statute** is a criminal statute involving the illegal manufacture, distribution, dispensation, use or possession of any controlled substance

**Drug** includes alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this subsection. An employer may test an individual for any or all of such drugs.

**Drug Test or Test** includes any chemical, biological, or physical instrumental analysis administered by a laboratory certified by the United States Department of Health and Human Services or licensed by the

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Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites.

**Employee** is any person who works for salary, wages, or other remuneration for the County.

**Employee Assistance Program (EAP)** is an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work. If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services, these services shall in all cases be provided by service providers pursuant to § 397.311(28), *Fla Stat.*

**Employer** is a person or entity that employs a person and that is covered by the Workers' Compensation Law.

**Initial Drug Test** is a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available to be more cost-effective.

**Job Applicant** is an external applicant who has applied for a position with the County and has been offered employment conditioned upon successfully passing a drug test.

**Medical Review Officer (MRO)** is a licensed physician, employed by or contracted with an employer, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's or job applicant's positive test result in relation to the employee's or job applicant's medical history or any other relevant biomedical information.

**Prescription or Non-Prescription Medication** is a drug or medication obtained pursuant to a prescription as defined by Section 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.

**Public Employer** is any agency within state, County, or municipal government that employs individuals for a salary, wages, or other remuneration.

**Reasonable-Suspicion Drug Testing.** § 440.102(n), *Fla. Stat.* defines reasonable suspicion drug testing based on a belief that an employee is using or has used drugs in violation of the employer's 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:

- (a) 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.
- (b) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- (c) A report of drug use, provided by a reliable and credible source.
- (d) Evidence that an individual has tampered with a drug test during his or her employment with the current employer.

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- (e) Information that an employee has caused, contributed to, or been involved in an accident while at work.
- (f) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

**Safety-Sensitive Position.** With respect to a public employer, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to § 110.1127, *Fla. Stat.*; or a position in which a momentary lapse in attention could result in injury or death to another person.

**Specimen** is tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

**Test Identification Form** is the required form used to ensure that all documentation is accurate, the proper type of test is provided and to ensure chain of custody accuracy, a test identification form has been provided and is required to be used for all test types.

**§ 5312-4. Policy.**

The County and its employees must make every effort to maintain the highest standards of safety, quality, and reliability. In order to achieve these desired standards, the County prohibits possession of alcohol and/or illegal drugs in County vehicles, illegal drugs from being brought on the County premises, the use of alcohol and/or illegal drugs during the workday, the unlawful manufacture, distribution, dispensation or use of alcohol or controlled substances in the workplace, and further prohibits Collier County employees from working while impaired or under the influence of legal or illegal drugs, alcohol, and other substances.

- A. As a condition of employment, all employees are required to abide by the terms of this policy and to notify County management of any criminal drug statute or any conviction for a violation occurring in the workplace no later than five days after such conviction.
- B. To maintain a safe and healthy work environment and to ensure compliance with state and federal laws, County authorizes, at its expense, drug testing under the circumstances and conditions defined within this Instruction.
- C. Employees found to be under the influence of alcohol or controlled substances or refusing to be tested when an accident or injury occurs may forfeit their eligibility for medical and indemnity benefits through the County's Workers' Compensation Benefits and may be subject to disciplinary action up to and including termination.
- D. Employees who violate any of the alcohol or controlled substance use prohibitions shall be removed immediately from performing the duties of their positions.
- E. When the use of alcohol or controlled substances by an employee is confirmed through an authorized test, disciplinary action shall be in accordance with the Human Resources Administrative Procedures. Under no circumstance will the employee be allowed to return to any

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safety sensitive position and/or task until a return to work test has been conducted and test results obtained.

**§ 5312-5. Testing.**

The conditions and circumstances for conducting drug testing are defined below. Refusal to submit to an alcohol or drug test/analysis when requested by the County, or law enforcement personnel, in accordance with state and federal law or County policy, may constitute insubordination, be grounds for disciplinary action up to and including dismissal, or (in the case of an external applicant) is cause to retract a conditional offer of employment. Failure to provide adequate breath or urine (within a reasonable time) for testing without a valid medical explanation by a medical doctor, failure to sign the alcohol breath testing certification form and/or initial the logbook entry for the screening and/or confirmation test or refusal to take the test constitute a refusal to submit.

Risk Management is responsible for developing and implementing procedures for communication of this policy, off-site testing, chain of custody, types of drugs to be tested for, confirmation and medical and administrative review of positive test results, confidentiality and other activities associated with administering the applicant testing program in accordance with § 440.102, *Fla. Stat.*

The Environmental Health and Safety (EHS) Manager will receive the test results and will coordinate with the Human Resources Generalist assigned to the division in which the employee works to provide a status report on the employee being able to return to work. The HR Generalist will serve as the point of contact to coordinate communication with the employee and on the status of the employee to the department supervisor/manager/director. All drug test results are considered confidential and are exempt from the provisions of § 119.07(1), *Fla. Stat.* and § 24(a), Art. 1, of the State Constitution.

- A. **Post Offer Drug Testing (pre-employment):** The Risk Management Department through its Occupational Health Nurse will perform and/or coordinate all post offer applicant drug screening and/or testing and communicate the results of such testing to Human Resources personnel. Applicants will be notified of the County's Drug Free Workplace procedure including the types of testing to which an applicant may be required to submit and the actions the County may take against a job applicant on the basis of a positive confirmed drug test result. All external job applicants will be tested for controlled substance use prior to final consideration for hire.
  - 1) External job applicants for vacant County positions will be tested for illegal drugs prior to an offer of employment being finalized. Drug testing will only be administered to those applicants who have been made a conditional job offer pending the successful completion of the medical examination and/or other background investigations (references, criminal, and driver's license).
  - 2) For positions requiring the applicant or employee to hold a Commercial Driver's License (CDL), the Department of Transportation (DOT) requires the County to obtain drug and alcohol testing history from any employer for whom an external job applicant or current employee has worked for the previous three year period. Candidates or employees will complete the DOT release form authorizing the County to obtain these records.
  
- B. **Post Accident Testing:** The Risk Management Department will coordinate and schedule all post accident drug testing through its EHS Manager or designee.
  - 1) Any employee who has caused or contributed to an accident while at work, if there is

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reasonable suspicion in accordance with § 440.102, *Fla. Stat.*, may be required to submit to a post accident drug test as a condition of continued employment. Employees involved in work related accidents that fall under the definition of immediately dangerous to life or health (IDLH), as defined within CMA 5902, may be required to take a drug test. The following specific job tasks where the occurrence of an injury may require drug and alcohol testing following an accident include, but are not limited to:

- i. Confined space.
  - ii. Lockout/tagout or any electrical (Hazardous Energy) related incident.
  - iii. Respiratory (failure to wear) (inadequate).
  - iv. Maintenance of traffic.
  - v. Welding and hot work.
  - vi. Chemical process or use of hazardous chemicals.
  - vii. Machine safe guarding.
  - viii. Failure to wear personal protective equipment (including seatbelt).
  - ix. Heavy equipment, to include but not limited to forklifts, front end loaders, track hoes, rollers, backhoes, graders or any other equipment not covered under CDL testing requirements.
  - x. Excavation/trenching.
  - xi. Fall protection.
- 2) Vehicular accident (non-CDL): An employee who is operating a County vehicle involved in an accident that results in the loss of life or where Risk Management, department safety coordinators and/or supervisory staff have determined the cause of the accident to be classified as an immediately dangerous or IDLH incident shall submit to an alcohol and controlled substance test within two hours following the accident.
  - 3) Vehicular Accident (CDL): A CDL employee who is operating a CDL required vehicle and is involved in a vehicular accident will be tested for alcohol and controlled substances following the Omnibus Transportation employee Testing Act of 1991 and in compliance with § 440.102, *Fla. Stat.* When reporting the accident, the employee is required to report whether the accident resulted in the loss of life or a moving violation. It is then the responsibility of the immediate supervisor and/or appropriate department representative in conjunction with the Risk Management Department to arrange testing.
  - 4) Employees who are subject to post-accident testing will remain readily available for the test or may be deemed to have refused the tests. Employees are not prohibited from leaving the scene of the accident for the period of time necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.
  - 5) Employees required to submit to a post-accident alcohol or controlled substance test will not use alcohol or a controlled substance for eight hours following the accident or until the test is successfully completed, whichever occurs first.
  - 6) Supervisors of employees involved in work related accidents will contact Risk Management for assistance in determining if the incident is immediately dangerous or IDLH classified.
  - 7) The Test Identification Form will be used to ensure that all documentation is accurate, the proper type of test is provided, and to ensure chain of custody accuracy.

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- 8) If an employee who caused or contributed to an accident cannot submit to a post accident drug/alcohol test less than two hours following the accident due to hospitalization, Risk Management and/or Human Resources shall contact the medical establishment (hospital, emergency room, etc) and ask that an appropriate test be conducted as soon as practical after emergency treatment has been provided.
- 9) If the post accident testing is not administered within two hours following the accident, the County shall document the reasons the tests were not administered within that time and attempt to have the tests conducted. If the alcohol test is not administered within eight hours following the accident or the controlled substance test is not administered within 32 hours following the accident, no such tests shall be conducted. The County shall document the reasons the tests were not conducted within the required time frame.

- C. **Reasonable Suspicion Testing:** The Risk Management Department administers the Reasonable Suspicion Testing Program. Testing may be required where there is reasonable suspicion that an employee possesses or uses alcohol, controlled substances or illegal drugs or is under the influence of alcohol, controlled substances or illegal drugs while on duty. Supervisors will monitor employees for alcohol, controlled substance or illegal drug use. When a supervisor, Department Safety Coordinator, EHS Specialist, or EHS Manager has reasonable suspicion, drawn from specific objective and describable facts, that an employee is under the influence of alcohol, a controlled substance or illegal drugs, the Supervisor, Department Safety Coordinator, EHS Specialist or EHS Manager will notify the Risk Management Department.

Any such reasonable suspicion testing shall be conducted in accordance with § 440.102, *Fla. Stat.*, and any further action by the County based upon the results of such testing shall be in accordance with that statute. When a supervisor, Department Safety Coordinator, EHS Specialist and/or EHS Manager observes or receives a complaint regarding another employee's activity that may constitute reasonable suspicion, the following procedures apply:

- 1) Unless initiated by the EHS Specialist or EHS Manager, the Supervisor or Department Safety Coordinator of the suspected employee must contact the Risk Management Department and the assigned HR Generalist. If outside of normal working hours, the Supervisor will immediately transport the employee to the approved testing facility and notify the Risk Management Department upon return to normal working hours. The Supervisor of the department, Department Safety Coordinator, EHS Specialist and/or EHS Manager shall make the determination of whether an alcohol and drug test should be administered for a reasonable suspicion case based on the investigation and initial observations. The employee will be required to submit to both breath alcohol testing and urine drug testing.
- 2) The Reasonable Suspicion Testing Report must be completed by the Supervisor, Department Safety Coordinator, EHS Specialist and/or EHS Manager who made the determination of reasonable suspicion during the observation. If possible, another Supervisor, Department Safety Coordinator, EHS Specialist and/or EHS Manager should be present and complete their own Reasonable Suspicion Testing Report without discussing the indicators, if any, with the employee's immediate supervisor or the initial observer. This report shall detail the circumstances that form the basis of the determination that reasonable suspicion existed to warrant testing. Such report shall be

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forwarded to the Department Director, EHS Manager and Human Resources Director and shall be kept confidential.

- 3) The Supervisor of the suspected employee will inform the employee of the suspicion of influence of alcohol, a controlled substance and/or illegal drugs. Another Supervisor, Department Safety Coordinator, EHS Specialist and/or EHS Manager or member of management should be present whenever possible.
- 4) Upon notification from the Supervisor, Department Safety Coordinator, EHS Specialist and/or EHS Manager suspected employees will immediately cease the performance of their duties and will not be allowed to leave the work site in their county or personal vehicle. A County supervisor will transport the employee to the testing facility and, after the appropriate testing has been completed, to the employee's place of residence. The employee will be placed on administrative leave pending the alcohol and/or drug test results.
- 5) The Test Identification Form (along with the Reasonable Suspicion Testing Form) shall be used to ensure that all documentation is accurate, the proper type of test is provided and to ensure chain of custody accuracy.

**D. Random Testing for CDL Operators:** The Risk Management Department through its EHS Manager or designee will administer the CDL Random Testing Process as described in this policy.

- 1) On an annual basis, a minimum of 25% of the average number of employees in CDL required positions in the County will be administered random alcohol tests. Likewise, a minimum of 50% of the average number of employees in CDL required positions in the County shall be administered random controlled substances testing. The selection of drivers for the random testing shall be made using a computer-based program that will randomly select CDL drivers from the County's CDL required employee list. Under this selection process each employee will have an equal chance of being tested each time a random selection is made.
- 2) The random alcohol and controlled substances tests are unannounced and the dates and times of the testing will be spread reasonably throughout the year, occurring at least once per quarter. There shall be a sufficient number of these tests to meet the minimum number of tests required under the law.
- 3) The EHS Manager will provide a list of current CDL operators to the County's outside testing agency for random selection in accordance with this policy.
- 4) The EHS Manager serves as the contact person to be notified that a specific CDL operator has been chosen for a random CDL alcohol and drug test. Each affected department will also have an internal contact person to assist Risk Management in ensuring selected employees are properly tested. The contact person is responsible for seeing that the employee is immediately relieved of any job tasks and immediately transports the employee to the test site to complete their testing.
- 5) To ensure that adequate business continuity is maintained, Risk Management will make every attempt to provide the list of randomly selected employees to the departments



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within 3-5 day of the test date. This will allow department management to adequately arrange work schedules accordingly. Under no circumstances shall any department notify the employees who are to be tested prior to their transport to the testing facility on the day of the test.

- 6) The Test identification form shall be used to ensure that all documentation is accurate, the proper type of test is provided and to ensure chain of custody accuracy.
- E. **Fitness-For-Duty Testing:** Employees may be required to undergo an employee fitness-for-duty medical examination, which may include drug testing. An employee's refusal to undergo a fitness-for-duty medical examination or submit to a drug test is considered cause for disciplinary action up to and including dismissal. Any action by the County based upon results of drug tests conducted as part of an employee fitness-for-duty medical examination shall be in accordance with § 440.102, *Fla. Stat.*
- F. **Follow-Up Testing:** Follow-up testing will be conducted prior to employees return to work following a positive test result.

**§ 5312-6. Safety Sensitive Positions.**

Since all safety sensitive job tasks cannot be listed within this document, it is the responsibility of the immediate supervisor and/or other department management along with the department safety coordinator and EHS Manager's to determine if the tasks to be performed are safety sensitive by nature. Any position requiring an employee to obtain and maintain a CDL License is considered safety sensitive.

- A. No employee in a position identified as safety sensitive shall report for duty or remain on duty while using any controlled substances unless such substances are used in accordance with the prescription of a medical doctor who has advised, based on a review of the employee's job description, that the substance will not adversely affect the employee's ability to safely perform his/her job. Employees shall be required to provide written documentation to his/her Supervisor before reporting for duty. The failure of an employee in a position identified as safety sensitive to notify his/her Supervisor prior to beginning work may result in disciplinary action up to and including termination.
- B. Some Divisions/Departments may wish to implement random testing for employees who could be classified within a safety sensitive position. This type of testing is not required by state or federal law but may be authorized by Risk Management. Those divisions/departments wishing to participate in this program will follow the guidelines set forth for random testing for CDL operators.

**§ 5312-7. Medical Review Officer.**

Collier County contracts with a Medical Review Officer (MRO), who is responsible for interpreting and evaluating an employee's test result.

- A. If the initial test is positive, the MRO will contact the employee or applicant directly by telephone to discuss the possible use of prescription or non-prescription medications. An employee or applicant who receives a positive confirmed test result may contest or explain the result to the MRO within five working days after receiving written notification of the test result. If the employee's or applicant's explanation or challenge is unsatisfactory or where the employee fails to speak to the MRO, does not return MRO messages, or if the MRO is unsuccessful in contacting

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the employee or applicant at the number provided, the MRO shall report a positive test result back to the County.

- B. If the MRO informs the County that a positive drug test was diluted, Collier County Government will treat the test as a verified positive test. The County will not direct the employee to take another test based on the fact that the specimen was diluted.

**§ 5312-8. Positive Results.**

Upon determination of a positive test for alcohol and/or a controlled substance, regardless of the levels:

- A. The employee must be removed from any and all work tasks for a minimum of 24 hours. The employee may not perform any safety sensitive duties, including, but not limited to:
  - 1) Driving any vehicle or equipment where he/she could potentially injure him/herself or others.
  - 2) Operating any dangerous equipment such as chain saws, riding mowers, etc.
  - 3) Performing any flagging or other work zone activities where he/she could create a greater hazard to him/herself, other employees, the public and/or cause property damage.
  - 4) Conducting any operations such as lockout/tagout, confined space or respiratory protection required activities.
- B. The employee must participate in a substance abuse program and in accordance with the Substance Abuse Professional's (SAP) direction.
- C. The employee must submit to required follow-up tests prior to returning to work in any safety-sensitive position.
- D. Employees may be subject to disciplinary action, up to and including termination of employment.
- E. CDL employees must comply with all State and Federal Laws applicable to maintaining a CDL. Where there is a conflict between laws, the most restrictive law shall apply.
- F. The employee or applicant may contest the drug test result pursuant to law.

**§ 5312-9. Return to Work.**

Employees will be subject to follow-up testing after a positive test result prior to returning to their regular duties. Follow-up testing will be scheduled during the employee's regularly scheduled work hours and results must be obtained prior to the employee being allowed to return to any safety-sensitive position or prior to being allowed to perform any safety-sensitive job tasks. The EHS Manager will coordinate with the HR Generalist assigned to the division in which the employee works to schedule testing and any follow-up required of the employee by the Substance Abuse Professional (SAP). Personnel may be required to participate in a substance abuse program upon determination of a positive test.

- A. Employees in need of assistance in resolving problems associated with alcohol and/or controlled substances use/abuse shall be subject to unannounced follow-up testing as directed by the County's SAP, the Human Resource Department and/or Risk Management Department and in accordance with Section 440.102, Florida Statutes.
- B. Upon confirmation of a "negative" test result, following the return to work (follow-up) test, the

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employee may return to any safety-sensitive duties as long as there are no conflicts with the substance abuse program and/or the SAPs recommendations. As an exception, CDL Operators shall complete all requirements as specified via the SAP prior to returning to any CDL required duties.

- C. The County is committed to providing reasonable accommodation (including rehabilitation) to those employees whose alcohol or drug problem classifies them as disabled under Federal law, and providing they are not under the influence of drugs or alcohol while on the job. Accordingly, an Employee Assistance Program is available for those employees who voluntarily seek help for alcohol and/or drug problems. Employees may contact their Supervisor or the Human Resources Department for additional information. Depending upon the circumstances, the County may require participation in the Employee Assistance Program as a condition of continued employment.
- 1) The SAP shall develop the county's follow-up testing plan for the employee in conjunction with County personnel. This plan shall outline the number and frequency of follow up tests. Additionally, there may be a minimum of 6 follow-up tests conducted within the first 12 months after the employee returns to safety-sensitive duties. The SAP may require additional testing for 48 months after the first 12 months of return to a safety-sensitive position
  - 2) Outpatient Rehabilitation programs shall be attended on the employee's time and scheduled outside of work hours; where this is not possible time will be charged against an employee's accrued leave time. In instances where Inpatient Services are required, an employee may request time under FMLA or other applicable leave of absence.

**§ 5312-10. Currency.**

The Human Resources and Risk Management Departments are responsible for maintaining the currency of this Instruction.

**§ 5312-11. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Drug Free Workplace: It is the Board of Collier County Commissioners' policy to prohibit the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the work place. This policy is consistent with § 112.0455, *Fla. Stat.* Additionally, it is the Board of Collier County Commissioners' policy to comply with the Omnibus Transportation Employee Testing Act of 1991.

## CMA # 5313

### PUBLIC RECORDS REQUEST MANAGEMENT PROCEDURE

§ 5313-1. Purpose.

§ 5313-2. Concept.

§ 5313-3. Responsibility.

§ 5313-4. Definitions.

§ 5313-5. Procedure for handling requests.

§ 5313-6. Currency.

§ 5313-7. Reference.

[Effective Date: October 1, 2003 (Revised: January 1, 2005, effective December 1, 2005; Revised: September 1, 2006, effective November 1, 2006; Revised: December 1, 2006, effective March 1, 2007)]

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#### § 5313-1. Purpose.

The purpose of this document is to provide direction for processing official public records requests.

#### § 5313-2. Concept.

Collier County is legally obligated and committed to responding to citizens who request public records. It is important that staff comply appropriately and completely with all such requests.

#### § 5313-3. Responsibility.

All substantial public records requests must be logged in with the Communication and Customer Relations Department, except for requests for employee personnel files, which are handled by the Human Resources Department. Upon completing a substantial public records request, provide the following information to the Communication and Customer Relations Department:

- A. Requestor's name (if provided).
- B. Request.
- C. Date received/date completed.
- D. Action taken.

#### § 5313-4. Definitions.

As used in this CMA, the following terms shall have the meanings indicated:

**PUBLIC RECORDS** — All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical

form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by the County, which are used to perpetuate, communicate or formalize knowledge. Note that this definition of public records is very broad and includes such items as handwritten notes taken by staff or materials received from members of the public, provided the notes or materials are made or received in connection with official business and intended to perpetuate, communicate or formalize knowledge.

**MINIMAL REQUESTS** — Minimal verbal requests involve small volumes of routine documents accessible enough to be produced at the time of the request, or shortly thereafter if made by telephone, e-mail or mail. A minimal request is also one that can be answered in less than one hour.

**SUBSTANTIAL REQUESTS** — Requests which are complex and may include requests for multiple documents, e-mails, correspondence, maps or other hard copies. Usually these requests take considerable staff time to complete.

**§ 5313-5. Procedure for handling requests.**

- A. Public records requests are processed according to the Collier County Records Management Manual. A copy can be obtained by contacting the Records Manager at 530-6832.
- B. Requests for employee personnel files shall be processed by the Human Resources Department. Human Resources shall notify employees that such requests have been filled unless an exception is justified.
- C. Requests for employee e-mails and other work-related documents shall be processed by the Communication and Customer Relations Department. This includes e-mails provided that resulted from key word searches (e.g., all e-mails containing "Vanderbilt Beach Road Extension"). Communication and Customer Relations shall notify employees that such requests have been filled unless an exception is justified. The County is not obligated to provide "personal" e-mails to fulfill a public records request.

**§ 5313-6. Currency.**

The Records Manager is responsible for maintaining the currency of this Instruction.

**§ 5313-7. Reference.**

Legal Authority: Article I, Section 24, of the Florida Constitution; Chapter 119, Florida Statutes; Collier County Resolution No. 98-498.

**EMPLOYEE ASSISTANCE PROGRAM**

**[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised May 1, 2009)]**

**§ 5314-1. Purpose.**

The purpose of this Instruction is to provide for the continuance of an Employee Assistance Program procedure authorized by the County Manager.

**§ 5314-2. Concept.**

It is the practice of the County to consider the relationship between employees' personal concerns and work productivity.

- A. An Employee Assistance Program (EAP) is a confidential off-site program available to assist employees and their families in overcoming personal problems that may affect job performance or otherwise interfere with their work or personal life. Examples of such problems include, but are not limited to stress, family strife, alcohol/drug abuse, job pressures, financial problems, eldercare, parenting issues and emotional, health or behavioral problems of oneself or family members.
- B. The initial needs assessment interview is free. Thereafter, based on the person's need, the cost of the recommended follow-up visits are covered by Collier County. Additional treatment may be provided under the County's health insurance, subject to the deductible and other established limits. Employees are encouraged to take advantage of this benefit as needed.
- C. Employees may utilize the EAP through self referral or referral by their Supervisor. In some cases, the referral may be mandatory and attendance may be a condition for continued employment.
- D. Supervisors are encouraged to utilize the services of the EAP.
  - (1) Supervisors may refer employees to the EAP in order to prevent personal problems from affecting work performance.
  - (2) Referrals that result from enforcement of County policies related to alcohol, drug and disciplinary matters must be coordinated through the Human Resources Department in accordance with the standard disciplinary practices.
  - (3) Supervisors are also encouraged to use the EAP for advice in improving relationships with employees.
- E. Compensation for time spent at EAP appointments will be made in accordance with the standard County pay/leave practices. Mandatory referrals may require use of accrued leave.

**§ 5314-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5314-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Employee Assistance Program: It is the policy of the County to consider the relationship between employees' personal concerns and work productivity.

**INSPECTION OF PERSONNEL RECORDS**

[Effective Date: March 17, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised May 1, 2009)]

**§ 5315-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of an Inspection of Personnel Records procedure authorized by the County Manager.

**§ 5315-2. Concept.**

**Records Requests for files of Employees**

- A. Requests for personal inspection of a County personnel file, job application or other related documents for current or former employees must be made to the Human Resources Department.
- B. It is reasonable for Human Resources staff to inform the requestor that the file(s) requested must be reviewed for exemptions prior to release. The time to comply will depend on the workload of the employee(s) assigned to complete the request, and the review should be completed as soon as practicable.
- C. Human Resources staff will take appropriate steps to redact information exempted from disclosure under Chapter 119, *Fla. Stat.* prior to the records being released for review.
- D. After complying with the request for personal inspection of a County personnel file by anyone other than management, Human Resources staff shall notify employees that such requests have been filled unless an exception is justified.
- E. The Human Resources Director, or designee, will require that all examinations will be made in the Human Resources Department under the supervision of the Human Resources Director or designee in order to protect the records. Inspections will be handled in such a manner to meet the needs of the individual(s) making the request and the Human Resources Department.
- F. The Human Resources Director, or designee, shall furnish a copy or copies of any nonexempt item(s) requested from the records. Fees for copies will be in accordance with those authorized in Chapter 119, *Fla. Stat.* The Human Resources Department will, to the extent reasonably possible, notify current employees that their personnel file has been viewed, following compliance with the request.
- G. A service charge for labor costs may also be assessed in accordance with Collier County Resolution 07-327.
- H. An employee may inspect his/her individual personnel file at any time during Human Resources Department operating hours and may request a copy of any item(s) contained in his/her file. Employees may be charged any applicable fee(s).



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- I. In addition to the personnel file located in the Human Resources Department, a County department may also maintain an employee personnel file. This file may also contain disciplinary documentation involving verbal counselings and/or warnings, written counselings and/or warnings and other personnel information. This file is subject to the same provisions for inspection and photocopying as the Human Resources Department personnel file. In the event that a request is made for personnel records, the Human Resources Director, or his/her designee, will contact the department where the employee works to secure the file for review.

**§ 5315-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5315-4. Reference.**

It is the practice of the County that personnel records of Collier County employees shall be open to inspection, pursuant to the requirements set forth in Florida Statutes. Inspection of personnel records shall be subject to the following.

- A. Collier County Personnel Ordinance, Ordinance No. 2001-50: Inspection of Personnel Records: It is the policy of the County that personnel records of Collier County employees shall be open to inspections, pursuant to the requirements set forth in Florida Statutes.

**JURY DUTY/COURT REQUIRED APPEARANCES**

**[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: May 1, 2009)]**

**§ 5316-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a Jury Duty/Court Required Appearances procedure authorized by the County Manager.

**§ 5316-2. Concept.**

It is the practice of the County to provide paid time off for jury duty (up to a maximum of three work weeks) and court appearances to facilitate our employees' availability to meet civic responsibilities.

- A. An employee who is called for jury duty on a regularly scheduled workday shall be granted jury duty pay, upon presentation of a summons or subpoena. Any fees normally payable for jury service should be waived, except those received for meals, travel and lodging. The employee may keep any fees received for federal jury duty.
- B. An employee who is subpoenaed as a witness and/or is required to appear in court as a result of County business on a regularly scheduled workday, not involving the employee's personal litigation, shall be granted time off with pay, and any witness fees awarded shall be returned to the County, except those received for meals, travel and lodging.
- C. An employee who is required to appear in Court as a witness, plaintiff, or defendant due to personal litigation or criminal charges shall be required to use vacation, personal leave time or compensatory time (if applicable) for any such absence from work. If these leave types are not available, the employee will be required to take leave without pay. The employee would not be eligible for reimbursement of any meals, lodging, or related travel expenses.
- D. An employee who is called for jury duty on their day off shall not receive jury duty pay from the County. Any fees received for jury duty shall be retained by the employee.
- E. Employees required to attend Court on their day off as a result of County business shall be paid for their time, and any witness fees awarded, except for meals, travel and lodging, shall be returned to the County.
- F. Employees who attend Court for only a portion of a regularly scheduled workday are required to report to their Supervisor and return to work after being excused or released by the Court in order to be eligible for jury duty pay.
- G. In the event a County holiday occurs during the period of the jury duty, the employee shall receive pay for the holiday and not jury duty pay.
- H. Jury duty shall not be counted as time worked in calculating overtime pay.

**§ 5316-3. Currency.**

**CMA # 5316**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5316-4. Reference.**

It is the policy of the County to provide an atmosphere that encourages employees to fulfill their civic responsibilities by serving jury duty when required.

## **CMA # 5317**

### **LABOR AGREEMENT**

**§ 5317-1. Purpose.**

**§ 5317-3. Currency.**

**§ 5317-2. Concept.**

**§ 5317-4. Reference.**

**[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003)]**

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**§ 5317-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a Labor Agreement procedure authorized by the County Manager.

**§ 5317-2. Concept.**

It is the practice of the County that, unless otherwise provided by contract, these Human Resources Practices and Procedures shall not apply to employees covered by union contracts or represented for collective bargaining by a certified bargaining representative. In the event they are made applicable to such union employees by contract, then they shall apply only to the extent outlined in the appropriate contractual agreement. The labor agreement shall be the governing factor in all cases even though the rights or benefits may be greater or lesser than provided for in the Human Resources Practices and Procedures Manual.

**§ 5317-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5317-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Labor Agreements: It is the policy of the County that, unless otherwise provided by contract, the Human Resources Practices and Procedures shall not apply to employees covered by union contracts or represented for collective bargaining by a certified bargaining representative. In the event they are made applicable to such union employees by contract, then they shall apply only to the extent outlined in the appropriate contractual agreement. The labor agreement shall be the governing factor in all cases even though the rights or benefits may be greater or lesser than provided for in the Human Resources Practices and Procedures Manual.

**NON-SMOKING WORKPLACE**

**[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised May 1, 2009)]**

**§ 5318-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a Non-Smoking Workplace procedure authorized by the County Manager. It is the practice of the County to comply with all federal, state and local ordinances regarding smoking of tobacco products in the workplace. This practice is made pursuant to the mandates of the Florida Clean Indoor Air Act.

**§ 5318-2. Concept.**

- A. It is the desire of the Board of County Commissioners to promote a healthy environment for workers 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.
- B. Smoking is prohibited at all times in all public places, at all public meetings and in all enclosed areas within any County building. This is in compliance with Collier County Resolution No. 92-329 and the Florida Clean Indoor Air Act, §386.205, *Fla. Stat.* [Refer to § 5204-4C(2), Smoking in County Vehicles.]
- C. Smoking is prohibited in all County vehicles.
- D. The County Manager shall be designated as the coordinator for implementation of the standards and procedures set forth in this practice.
- E. The County Manager or his/her designee may take immediate action with respect to any reported violations occurring within County buildings and to take any actions and follow any procedures that are necessary and proper to cause any violations to cease, including disciplinary, legal and/or administrative remedies.

- (1) Definitions: As used in this CMA, the following terms shall have the meanings indicated:

**COUNTY BUILDING**— Any building or any portion of any building owned by or leased to the Collier County Board of County Commissioners and used for governmental purposes.

**PUBLIC PLACE**— The term shall mean all enclosed, indoor areas used by the general public in any County building, all external dining areas, and all areas located within 30 feet of the entrance of any County building. The term "public place" does not include areas which are not used by the general public.

**SMOKING**— Possession of a lighted tobacco product.

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- F. The Facilities Management Director shall post signs in all County buildings indicating that smoking is prohibited pursuant to Resolution No. 92-329 and the Florida Clean Indoor Air Act.
- G. The County Manager or his/her designee shall strictly enforce this prohibition administratively on behalf of the Collier County Board of County Commissioners. 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.

### **§ 5318-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

### **§ 5318-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: It is the policy of the County to provide a safe and healthful work environment. Per Florida Statutes, smoking is prohibited throughout the workplace. This policy will apply equally to employees, citizens and visitors.

**PERFORMANCE EVALUATION**

**[Effective Date: March 17, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: May 1, 2009)]**

**§ 5319-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a performance evaluation procedure authorized by the County Manager.

**§ 5319-2. Concept.**

It is the policy of the County to provide a system for regular assessment and communication with employees regarding their job performances. The County's performance evaluation system consists of four ongoing activities: action planning, performance evaluation procedures, monitoring performance, and assessing performance.

**A. Action Planning:**

- (1) The action planning phase begins one to three weeks after the following personnel actions: new hire, promotion, demotion, or transfer.
- (2) The immediate Supervisor conducts the action planning with the employee. This criteria shall be mutually established by the supervisor and employee and be consistent with the mission and work plan of the section, department, and/or division as well as the essential functions of the Classification Specification.
  - (a) Determine key result areas and measures with which to assess future performance of that employee.
  - (b) The action planning session is recorded on an action planning form signed by the supervisor and employee and maintained in the department.

**B. Performance Evaluation Procedures:** An employee's performance is measured against the pre-established action plan as well as other County and department guidelines, policies, procedures and the job description and the position profile.

**C. Monitoring Performance:** Supervisors should establish methods and practices to regularly monitor employee performance. Such methods may include: employee performance logs, check lists, regular meetings, observation, transmittals, samples of work products or other appropriate monitoring tools.

**D. Assessing Performance:**

- (1) Performance should be assessed on an ongoing basis. To facilitate this process, the performance evaluation system includes regular intervals for formal performance assessment.
  - (a) An employee's review date(s) are based on his/her original date of hire or when he/she transfers from temporary to regular status, or the effective date of the most recent promotion, transfer, reclassification (only when duties change), or

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demotion, then annually thereafter.

- (b) Three-month evaluations are conducted after the following personnel actions: new hires, promotions, demotions, transfers or an overall or individual key result area with a below standard rating.
  - (c) Six-month evaluations are conducted for new hires. The Human Resources Department will provide the appropriate notification.
  - (d) Twelve-month evaluations are conducted after 12 months from a review date as defined in § 5319-2A of this section. When applicable, the twelve-month evaluation is the primary basis for the merit increase for the employee.
  - (e) The Human Resources Department will initiate the notification process for all annual evaluations.
  - (f) Each evaluation will include review and/or assessment of the action plan's key result areas and measures, performance factors and an overall rating.
- (2) The Supervisor is responsible for the following activities in the order specified:
- (a) Providing the self-evaluation form to an exempt employee for his/her completion. (The self-evaluation form is optional for non-exempt employees).
  - (b) Assessing (rating) the employee's overall performance and providing appropriate comments and examples to support the ratings. Documenting actions for improvement and areas for concern.
  - (c) At the discretion of management, routing the above materials and information to the next level of supervision prior to meeting with the employee.
  - (d) Conducting an effective performance evaluation interview and discussing all of the above with the employee.
  - (e) Having the employee sign the performance evaluation form to acknowledge the employee has reviewed the performance evaluation. If the employee refuses to sign the performance evaluation, it should be so indicated in the space provided for the signature.
  - (f) Routing the completed performance evaluation through the chain of command to the Division Administrator and finally, to Human Resources, for signatures.
- (3) The Division Administrator's office is responsible for forwarding the completed performance evaluations to the Human Resources Department.
- (4) Supervisors should complete a performance evaluation at any time deemed necessary, in consultation with the assigned Human Resources representative.
- (5) Transfers will require a new or adjusted action plan when the duties and/or Supervisor change.
- (6) At the time of a promotion, transfer or demotion of an employee, the current



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supervisor will conduct an evaluation and forward it to the new Supervisor.

- (7) The content/score of performance evaluations are not subject to the provisions of the grievance process.

### E. Failure to Meet Required Work Standards:

- (1) Failure to meet required work standards means obtaining a rating of less than 3 on an individual performance factor or KRA. The follow-up review shall only cover those areas previously identified as failure to meet required work standards, unless other areas of performance have decreased below required standards. Performance shall be monitored closely and specific actions to correct performance shall be documented in the performance evaluation.
- (2) If an employee fails to meet required work standards during a probationary period, he/she may have the probationary period extended or be returned to the previous position (if promoted). An employee who has completed an initial probationary period may be terminated if that individual receives two consecutive evaluations indicating failure to meet required work standards. Should an individual fail to meet the required work standards, he/she will be re-evaluated within a three-month period. Should performance not improve to an acceptable level during this time, the employee may be terminated at any time during the three-month period or at the conclusion of such period. Supervisors should consult with the Human Resources Director, or designee, and make appropriate recommendations to their Department Director and Division Administrator prior to meeting with the employee. Discharge procedures and termination hearings under the Disciplinary Policy will apply for employees not in the initial probationary period.

- F. Processing Instructions: Specific instructions pertaining to administration and processing procedures will be prepared and distributed as needed, to all supervisory personnel by the Human Resources Department.

### **§ 5319-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

### **§ 5319-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Performance Appraisal: It is the policy of Collier County Government to provide a system for regular assessment and communication with employees regarding their job performances.

## **CMA # 5320**

### **POLITICAL ACTIVITY**

**§ 5320-1. Purpose.**

**§ 5320-3. Currency.**

**§ 5320-2. Concept.**

**§ 5320-4. Reference.**

**[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003)]**

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**§ 5320-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a political activity procedure authorized by the County Manager.

**§ 5320-2. Concept.**

It is the practice of the County to permit County employees to seek elective office where there is no conflict of interest without resigning from their current position. Florida Statutes govern political activity of all County employees. All employees are encouraged to be politically aware and active. Active political campaigning or solicitation for political contributions during working hours is prohibited.

**§ 5320-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5320-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Political Activity: It is the policy of the County to permit County employees to seek elective office without resigning from their current position. Any County employee who wishes to accept appointment or seek election to any elective office in County Government should understand that his/her candidacy will not affect their employment. No County employee shall take part in political campaigns or other political activities during working hours.

**PROBATIONARY PERIOD**

**[Effective Date: April 9, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006; Revised: May 1, 2009)]**

**§ 5321-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a Probationary Period procedure authorized by the County Manager.

**§ 5321-2. Concept.**

It is the policy of the County to provide a probationary period to be utilized to observe the employees' work, to ensure the most effective adjustment of new, promoted, transferred, or demoted employees to their positions and to determine whether the employee meets the required work standards. Individuals who complete their probationary period shall receive all privileges as provided by the County. Employees who have their probationary periods extended will receive privileges upon completion of the extended period.

**A. Length of the Probationary Period:**

- (1) The probationary period for all new employees will be considered the initial probationary period. [Refer to § 5385-2B(3)(b).]
- (2) The Human Resources Department is responsible for computing probationary periods.
- (3) The probationary period shall be six months for new hires.
- (4) The probationary period shall be three months for promotions, demotions or transfers.
- (5) The probationary period may be extended up to an additional three months at management's discretion. Employees will be advised by their Supervisor of any extension of the probationary period prior to completion of their initial probationary period.

**B. Benefits/Privileges:** Employees are unable to utilize any appeals under the Commitment to Fair Treatment or Discipline Procedures during the initial probationary period. Privileges will be available for use by regular full-time and part-time employees as specified within the paid leaves of absence practice and other benefit related practices.

**C. Discharge of Employee During the Initial Probationary Period:** The County Manager, appointing authority or respective designees may discharge newly hired employees during the initial probationary period. The department or division must coordinate this action with the Human Resources Director or designee.

**D. Promotional or Transfer Probationary Periods:** Employees serving a three-month probationary period as a result of a promotion, demotion, reclassification or transfer who are found to be unqualified to perform the duties of the new position, may be returned to

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the position and status held immediately prior to promotion or transfer if that position is vacant. If the prior position is not available, the employee may be placed in a vacant position with the same job classification subject to approval of the Department Director or Division Administrator, or may apply for other positions currently eligible for recruitment within the County Manager's agency. If a vacant position does not exist, the employee may be discharged. An employee may appeal either a demotion or layoff that results from an initial promotion or transfer under the Commitment to Fair Treatment Procedure. The Department Director, Division Administrator or designee must provide written notice specifying the reasons for demotion (or layoff if no position for which the employee is qualified is available) and coordinate this action with the Human Resources Director or designee.

- E. Demotion Probationary Period: Employees serving a three-month probationary period incurred as a result of a demotion who are found to be unqualified to perform the duties of the new position may be placed in a vacant position of equal or lower classification for which they qualify subject to approval of the Department Director, Division Administrator, and Human Resources Director. If there are no vacancies, the employee may be discharged. An employee may appeal either a demotion or discharge that results from action taken under this subsection under the Commitment to Fair Treatment Procedure.

### **§ 5321-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

### **§ 5321-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Probationary Periods: It is the policy of the County to provide a probationary period to be utilized to observe the employee's work, to ensure the most effective adjustment of new, promoted, transferred, or demoted employees to their positions and to determine whether the employee meets the required work standards. Individuals who complete their probationary period shall receive all benefits as provided by the County. Employees who have their probationary periods extended will receive benefits upon completion of the extended period.

**SEPARATION**

**[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006; Revised August 23, 2007; Revised: May 1, 2009)]**

**§ 5322-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a separation procedure authorized by the County Manager.

**§ 5322-2. Concept.**

It is the policy of the County to ensure fair and uniform treatment in all separations whether voluntary or involuntary without regard to race, creed, sex, color, religion, national origin, age, marital or disabled status. The Human Resources Department must be notified in advance of all separations.

A. Types of Separations: Separations of employment from positions in the County service shall be designated as one of the following types:

- (1) Resignation: Any employee wishing to leave County service shall provide their immediate Supervisor with at least two working weeks' notice in writing. If the notice period is greater than two weeks, the two-week period prior to the last working day should not include paid vacation or personal leave; however, the Supervisor may elect to approve sick, vacation or personal leave taken during this two-week period. Failure to provide this notice may be cause for denying re-employment by the County. Once a resignation letter is submitted by an employee, it may only be withdrawn with the approval of the Department Director and the Human Resources Director.
- (2) Retirement: Retirement benefits are available through the State of Florida Retirement System (FRS). A member of the regular class must have at least six years of service and a member of the special risk class must also have at least six years of service. An employee must be at least normal retirement age (age 62 for regular class employees and age 55 for special risk class employees) or have a minimum number of years of service (30 years for regular class employees and 25 years for special risk class employees) to receive full benefits. A vested regular class employee may retire prior to reaching age 62 or 30 years of service with reduced benefits. A vested special risk class employee may retire prior to reaching age 55 or 25 years of service with reduced benefits. If the employee elects to retire prior to the date they are eligible for full benefits as outlined above, there is a 5% reduction in benefits for each year they do not meet the eligibility criteria. A member may elect to participate in the Florida Retirement System Investment Plan Option and be vested after one year of employment. The Investment Plan Option does not provide monthly benefit at retirement. Additional information may be obtained on the FRS Plans from the Human Resources Department. Employees considering retirement should contact the Human Resources Department at least three to six months prior to retirement.
- (3) Disability: Any employee wishing to leave County employment as a result of a

disability may do so only under the following circumstances:

- (a) Disability Retirement. An employee is eligible for regular disability if they have completed eight (8) years of creditable service. The disability must be total and permanent. An employee may apply for long-term disability at the Risk Management Office, and disability insurance benefits will be coordinated with the Risk Management staff.
  - (b) The Florida Retirement System (FRS) makes the final determination on the employee's request for disability retirement and establishes the retirement date.
- (4) Death.
- (5) Layoff (and Recall): Should it become necessary to reduce the number of employees within a given classification through a shortage of funds, lack of work, or other causes, by authority of the County Manager, employees shall be laid off within a given section, department or division in the following order:
- (a) Temporary employees.
  - (b) Part-time probationary employees.
  - (c) Regular part-time employees.
  - (d) Full-time probationary employees.
  - (e) Regular full-time employees.
  - (f) The decision of who will be laid off among full-time employees will be made by the County Manager.
  - (g) Employees on layoff status shall not accrue benefits during the layoff period.
  - (h) An employee in layoff status will be placed on an unpaid leave of absence for up to six months, and, should they not be recalled during that six month period, will then separate from employment with the County.
  - (i) Employees laid off under the provisions set forth above will be recalled in the reverse order in which they were laid off for the same classification in their section, department or division.
  - (j) Employees on layoff status will be given employee preference for vacant posted positions for which he/she is qualified.
- (6) Reductions in Force: Should it become necessary to reduce the number of employees within a given classification through a shortage of funds, lack of work, or other causes, by authority of the County Manager, and through the prescribed approval process, reductions in force may be approved. Unlike a Layoff with Recall situation, Reductions in Force (RIF) are considered permanent separations. Employees who are separated solely due to a Reduction in Force are considered to have left the agency in good standing and will be given preference for rehire should they apply for the same

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or different positions with the County within twelve months. Employees rehired within the twelve month period will retain their original date of hire for purposes of vacation accruals.

Department Directors and Division Administrators should review service levels, functional areas and programs, organizational structure and staffing levels to identify ways in which targeted budget reductions can be realized.

Once service levels, programs and/or staffing reductions sufficient to meet targeted budget decreases are identified, the individual employees to be impacted must be identified. The recommended order in which to release employees, within classifications/ within Departments/within Divisions is as follows, per CMA 5343- Job Status:

- (a.) temporary employees
- (b.) part-time probationary employees
- (c.) regular part-time employees
- (d.) full-time probationary employees
- (e.) regular full time employees.

Circumstances may alter this order if justified and approved. Factors including, but not limited to seniority (both with the County and within their position), performance, certification, education and training, prior experience, and disciplinary record may be considered. The department or division may also evaluate other factors. Reduction in Force (RIF) Reorganization plans will be reviewed for consistency by HR and forwarded to the County Attorney's Office for a review of legal sufficiency. Plans deemed legally sufficient will be forwarded by HR to the County Manager's Office for final approval.

- (7) Discharge: Employees may be discharged for misconduct, unsatisfactory work performance, inability to perform required duties, job abandonment and/or violations of the Standards of Conduct, Code of Ethics or Practices and Procedures.
  - (a) Recommendations to discharge regular full-time and regular part-time employees may be made by the employee's Department Director in accordance with the County's disciplinary policy.
  - (b) Employees who have not completed their initial probationary period, including any extension of their initial probationary period, are not covered by the termination provisions of the disciplinary policy.
- (8) Failure/inability to return from an authorized leave of absence: Employees who have been granted approval for a leave of absence from the County, as outlined under CMA 5360, and exhaust all time under an approved leave of absence will be separated from service with the County if they do not receive approval to return to work at the end of the approved leave period.

- B. Administration: The following procedures apply to all classifications of separation and must be followed except where specifically noted otherwise.
- (1) Notification: Immediately upon written notification that a voluntary separation (resignation) is to occur, the Department Director is required to submit a Personnel Action Report along with the resignation letter to the Human Resources Department. All pertinent portions of the form should be accurately completed and must be signed by the Department Director, Division Administrator and the Human Resources Director. The Department Director, upon approval of the Human Resources Director, may waive the required two weeks' termination notice in order to ensure appropriate departmental operations. Regular work wages will not be paid during this period. The Human Resources Department and the Information Technology Department must be verbally notified as soon as the employee provides a notice of separation.
  - (2) Exit Interviews: Employees separating from County service may be asked to schedule an exit interview in the Human Resources Department. The purpose of this meeting is to provide Collier County with information that will reveal reasons for separation. The Human Resources Director may waive the exit interview for employees separating as a result of work rule violations, unsatisfactory performance or related reasons. Issues that are discussed during the exit interview remain confidential whenever possible, but are often used to learn about areas that require attention and will benefit current employees with the County.
  - (3) Pay Upon Separation:
    - (a) Employees separating from County service will normally receive their final paycheck on the next regularly scheduled payday following the date of termination of employment. Any monies owed the County may be deducted from final payments in accordance with the Fair Labor Standards Act (FLSA). Whenever possible, final paychecks shall include pay for hours worked and any unused leave that may be due the employee as provided for elsewhere in these policies and procedures.
  - (4) Return of County Property:
    - (a) All County property issued to the employee must be returned or accounted for to the satisfaction of the Human Resources Director and/or Department Director. Failure to return County property may require repayment equal to the cost of the property, with deductions of any monies owed from final payments as listed in section (3)(a).

**§ 5322-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.



**§ 5322-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Separations: It is the policy of the County to ensure fair and uniform treatment in all separations whether voluntary or involuntary without regard to race, creed, sex, color, religion, national origin, age or marital or disabled status. The Human Resources Department must be notified in advance of all separations

**PROHIBITION OF SEXUAL HARASSMENT**

**[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: May 1, 2009)]**

**§ 5323-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of an anti-sexual harassment procedure authorized by the County Manager.

**§ 5323-2. Concept.**

The County is committed to maintaining a work environment free of sexual harassment. The County will not tolerate the sexual harassment of any employees by any supervisors, co-workers, vendors, clients, or anyone else. All personnel are responsible for maintaining a workplace that is free of sexual harassment and intimidation. The County is committed to promptly and thoroughly investigating all complaints of sexual harassment within 30 days. If, after a thorough investigation, it is determined that a violation of the County's policy prohibiting sexual harassment has occurred, immediate and appropriate disciplinary action up to and including discharge may be taken.

- A. Definitions and Examples: Unwelcome sexual advances, requests for sexual favors and any other physical, verbal or visual conduct of a sexual nature constitute sexual harassment when:
  - (1) Submission to the conduct is an explicit or implicit term or condition of employment or continued employment;
  - (2) Submission to or rejection of the conduct is used as a basis for employment decisions affecting an employee, such as promotion, demotion or evaluation; or
  - (3) The conduct has the purpose or effect of creating a hostile or offensive work environment.
- B. Violations of the County's policy prohibiting sexual harassment may include, but are not necessarily limited to:
  - (1) Unwelcome sexual propositions.
  - (2) Sexual innuendo.
  - (3) Sexually suggestive remarks.
  - (4) Vulgar or sexually explicit comments, gestures or conduct.
  - (5) Sexually oriented kidding, teasing or practical jokes.
  - (6) Physical contact such as brushing against another's body, pinching or patting.
  - (7) The publication, to any one, of documents (including pictures and text) in the workplace that contain any material that is of a sexual nature.

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- (8) Using the computer or any other electronic device to access any Web site, newsgroup, CD, floppy disk, or any other resource that contains material that is of a sexual nature.
  - (9) Abusive or intimidating conduct or remarks directed at a person or persons based upon their gender.
- C. Violations of the County's policy prohibiting sexual harassment may also occur when the intended target of the conduct is not offended, but others reasonably find the conduct to be intimidating, hostile or abusive.
- D. Responsibility:
- (1) Since knowledge by management is legally construed as knowledge by the County, all Managers and Supervisors shall be responsible for immediately notifying the assigned Human Resources Generalist or the Human Resources Labor and Employee Relations Manager or the Human Resources Director of any complaints of sexual harassment. If the complaint involves any of these designated individuals, notice must immediately be given to the Manager's or Supervisor's Division Administrator.
  - (2) It is the responsibility of all employees to attend Sexual Harassment training as periodically offered by the County.
  - (3) It is the responsibility of all Managers and Supervisors to prevent and eliminate sexual harassment in their respective work areas.
  - (4) It is the responsibility of any employee, who believes that he or she is being sexually harassed, or that another employee is being sexually harassed, to report such conduct as indicated in this policy.
  - (5) Managers/Supervisors shall assure that all subordinates and new hires have received a copy of the County policy prohibiting sexual harassment and have signed an appropriate acknowledgement that they have received and read the policy.
- E. Failure to follow or implement any of the foregoing may be grounds for discipline up to and including discharge.
- F. Sexual Harassment Complaint Procedure:
- (1) An employee who believes he or she is being sexually harassed should confront whoever is doing the harassing, state how he/she feel about such activities or remarks and request that the person cease such activities or remarks immediately. If the employee does not feel comfortable approaching the person he/she feels is harassing him/her or if that person does not respect and follow the employee's request, the employee should immediately report the complaint to any one of the following persons:
    - (a) The Human Resources Generalist assigned to the employee's department;
    - (b) The Human Resources Labor and Employee Relations Manager; or
    - (c) The Human Resources Director.

## CMA # 5323

- (2) If the complaint involves one of these designated individuals, the employee should immediately report the complaint to either his/her Department Director or the Division Administrator.
- (3) The Human Resources Department will investigate or coordinate the investigation of any complaint of sexual harassment, except in any instance where a member of the Human Resources Department is either a complainant or is accused of sexual harassment. In such a case, the employee's Division Administrator or the Division Administrator's designee shall conduct the investigation or coordination of the investigation.
- (4) The investigation of the complaint will normally include conferring with the parties involved and any named or apparent witness.
- (5) Because of their sensitive nature, complaints of sexual harassment will be investigated with care and will remain confidential to the extent possible. Information concerning an allegation of sexual harassment will not be released to third parties except as required for the legitimate business purposes of the investigation or as required or allowed by law.
- (6) Any employee found to be in violation of the County's policy prohibiting sexual harassment will be subject to disciplinary action up to and including dismissal.
- (7) There shall be no retaliation against any applicant or employee who files a sexual harassment charge or participates in an investigation of a sexual harassment charge.
- (8) Collier County also recognizes that false accusations of sexual harassment can have a serious effect on innocent individuals. Therefore, false accusations may result in disciplinary action to an employee found guilty of falsely claiming sexual harassment, including dismissal.
- (9) Any non-employee found to be sexually harassing a County employee will have their employer so notified.

### **§ 5323-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

### **§ 5323-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Sexual Harassment: It is the policy of the County to prohibit sexual harassment in the work place. Activities of this nature are unlawful, distract employees from legitimate job functions and serve no useful purpose within the work place. Therefore, sexual advances, requests for sexual favors or verbal or physical conduct that has sexual connotations will not be tolerated.

## CMA # 5323.1

### PROHIBITION OF UNLAWFUL HARASSMENT

§ 5323.1-1. Purpose.

§ 5323.1-3. Currency.

§ 5323.1-2. Concept.

§ 5323.1-4. Reference.

[Effective Date: October 1, 2003]

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#### § 5323.1-1. Purpose.

The purpose of this Instruction is to provide for implementation of an anti-unlawful harassment procedure authorized by the County Manager.

#### § 5323.1-2. Concept.

The County is committed to maintaining a work environment free of harassment on the basis of race, color, religion, gender, national origin, age, marital status, or disability. The County will not tolerate unlawful harassment of any employee by any Supervisor, co-worker, vendor, client, or anyone else. Workplace harassment may violate one or more of the following: Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act or the Florida Civil Rights Act. All personnel are responsible for maintaining a workplace that is free of unlawful harassment and intimidation. The County is committed to promptly and thoroughly investigating all complaints of unlawful harassment within 30 days. If, after a thorough investigation, it is determined that the County's policy against unlawful harassment has been violated, immediate and appropriate disciplinary action up to and including discharge may be taken.

- A. Definitions and Examples: Unlawful harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of the individual's race, color, religion, gender, national origin, age, marital status, or disability.
- (1) Violations of the County's policy prohibiting unlawful harassment may include, but are not limited to, the following:
    - (a) Conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
    - (b) Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive environment;
    - (c) Conduct that otherwise adversely affects an individual's employment opportunities;
    - (d) Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, marital status, or disability; and

- (e) Written or graphic material, including e-mails and computer screen displays, that denigrates or shows hostility toward an individual or group because of race, color, religion, gender, national origin, age, marital status, or disability and that is placed on walls, bulletin boards, or elsewhere on the County's premises, or circulated in the workplace. This also includes acts that purport to, or are meant to be, jokes or pranks, but that are hostile or demeaning, such as hate mail, threats, defaced photographs, or other such conduct.
- (2) Violations of the County's policy prohibiting unlawful harassment may also occur when the intended target of the conduct is not offended, but others reasonably find the conduct to be intimidating, hostile or abusive.

B. Responsibility:

- (1) Since knowledge by management is legally construed as knowledge by the County, all Managers and Supervisors shall be responsible for immediately notifying the assigned Human Resources Generalist, or the Human Resources Labor and Employee Relations Manager or the Human Resources Director of any complaints of unlawful harassment. If the complaint involves any of these designated individuals, notice must immediately be given to the Manager's or Supervisor's Division Administrator.
- (2) It is the responsibility of all Managers and Supervisors to prevent and eliminate unlawful harassment in their respective work areas.
- (3) It is the responsibility of any employee, who believes that he or she is being unlawfully harassed or that another employee is being unlawfully harassed, to report such conduct as indicated in this policy.
- (4) Managers/Supervisors shall assure that all subordinates and new hires have received a copy of the County policy prohibiting unlawful harassment and have signed an appropriate acknowledgement that they have received and read the policy.
  - (a) Failure to follow or implement any of the foregoing may be grounds for discipline up to and including discharge.
- (5) Unlawful Harassment Complaint Procedure:
  - (a) An employee who believes he or she is being unlawfully harassed should confront whoever is doing the harassing, state how they feel about such activities or remarks and request that the person cease such activities or remarks immediately. If the employee does not feel comfortable approaching the person they feel is harassing them or if that person does not respect and follow the employee's request, the employee should immediately report the complaint to any one of the following persons:
    - [1] The Human Resources Generalist assigned to the employee's department;
    - [2] The Human Resources Labor and Employee Relations Manager; or

[3] The Human Resources Director.

- (b) If the complaint involves one of these designated individuals, the employee should immediately report the complaint either to his/her Department Director or Division Administrator.
- (c) The Human Resources Department will investigate or coordinate the investigation of any complaint of unlawful harassment, except in any instance where a member of the Human Resources Department is either a complainant or is accused of unlawful harassment. In such a case, the investigation or coordination of the investigation shall be conducted by the employee's Division Administrator or the Division Administrator's designee.
- (d) The investigation of the complaint will normally include conferring with the parties involved and any named or apparent witness.
- (e) Because of their sensitive nature, complaints of unlawful harassment will be investigated with care and will remain confidential to the extent possible. Information concerning an allegation of unlawful harassment will not be released to third parties except as required for the legitimate business purposes of the investigation or as required or allowed by law.
- (f) Any employee found to be in violation of the County's policy prohibiting unlawful harassment will be subject to disciplinary action up to and including dismissal.
- (g) There shall be no retaliation against any applicant or employee who files an unlawful harassment charge or participates in an investigation of an unlawful harassment charge.
- (h) Collier County also recognizes that false accusations of unlawful harassment can have a serious effect on innocent individuals. Therefore, false accusations may result in disciplinary action to an employee being found guilty of falsely claiming unlawful harassment, including dismissal.
- (i) Any non-employee found to be unlawfully harassing a County employee will have their employer so notified.

**§ 5323.1-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5323.1-4. Reference.**

Collier County Personnel Ordinance No. 2001-50: No Harassment: It is the policy of the County to prohibit harassment based upon race, religion, national origin, age or disability in the workplace. Like sexual harassment, such harassment is unlawful, distracts employees from legitimate job functions and serves no useful purpose in the workplace.

**CMA # 5324**  
**SOLICITATION**

**§ 5324-1. Purpose.**

**§ 5324-3. Currency.**

**§ 5324-2. Concept.**

**§ 5324-4. Reference.**

**[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003)]**

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**§ 5324-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a solicitation procedure authorized by the County Manager.

**§ 5324-2. Concept.**

It is the practice of the County to discourage solicitation in any form during normal working hours.

- A. Solicitation and/or distribution during working time of and/or by any employee are prohibited. Working time shall not be construed as to apply to break periods and meal times, or other specified periods during the workday when employees are properly not engaged in performing their work tasks.
- B. Distribution or display by employees of literature and/or products during working time in areas where the actual work of employees is performed is prohibited. This section shall not be construed to prohibit the distribution of literature in such areas not specifically devoted to the performance of employees' official duties.
- C. Employees cannot use County facilities to solicit, distribute or sell in order to gain a profit.

**§ 5324-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5324-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Solicitation: It is the policy of the County to discourage solicitation in any form during normal working hours.



**TRAINING, DEVELOPMENT AND EDUCATION**

**[Effective Date: October 1, 1998 (Revised: October 1, 2003; Revised: April 1, 2006; Revised: May 1, 2009)]**

**§ 5325-1. Purpose.**

The purpose of this Instruction is to provide for the continuation of a training, development and education procedure authorized by the County Manager.

**§ 5325-2. Concept.**

It is the practice of the County to encourage employees to pursue training, development and educational opportunities, which will improve the competency level of employees and benefit the County.

**A. Training, Development and Education:**

- (1) Training, development and education programs should provide appropriate resources for employees and supervisors. The intent of this type of training, development and education is to improve the competency level of employees, not to enable employees to reach the minimum requirements of their current job. All such programs must be job related.
- (2) "Training, development and education" refers to both internal and external training programs such as, but not limited to, non-credit college courses, seminars, conferences, and workshops, trade association and user groups with a formal training component, and various on-the-job training/development strategies. Every attempt should be made to meet our employee's training/development needs in-house through internal means.
- (3) If approved training, development and/or education workshops cannot be conducted in-house, Collier County may pay, through the employee's departmental budget, 100% of all incurred costs for pre-approved training, development and/or education programs.
- (4) The Department Director and/or Division Administrator have the authority to approve training based on departmental budget considerations and required levels of staff expertise.

**B. Orientation:**

- (1) Opportunities for employee orientation are provided to ensure employees are knowledgeable about County practices, procedures, and operations. The Human Resources Department will provide new-hire processing to include pertinent Human Resources practices and procedures.
- (2) Supervisory personnel will conduct department orientation to discuss department operations and rules.

C. In-House Training:

- (1) Training is provided in-house to meet specific organizational needs. Such training may include, but is not limited to, supervisory training, customer service skills and policy/procedure training.
- (2). To register for in-house training, employees should register using **Go Sign Me Up**, <http://bccsql0101.bcc.colliergov.net/gosignmeup/>

D. External Training:

- (1) When the combined costs for program fees and any related travel cost are less than \$1,000.00 and overnight travel is not required, the request must be made in writing via e-mail or memo to the employee's supervisor and pre-approval must be obtained from the Department Director or the Division Administrator, as appropriate, prior to commitment of payment and program attendance.
- (2) When the combined costs for program fees and any related travel costs are equal to or exceed \$1,000.00 or if overnight travel is involved, pre-approval must be obtained via the PRE-APPROVAL FOR EXTERNAL TRAINING form.<sup>1</sup> Pre-approval must be obtained from the Department Director or the Division Administrator, as appropriate, prior to commitment of payment and program attendance. Additionally, upon return from the training, employees must complete the POST TRAINING REPORT portion of the pre-approval form (or prepare a memo or report containing all the required information from the POST TRAINING REPORT) and submit this form to their immediate supervisor no later than 2 weeks after returning from the training unless an extension is approved by the Division Administrator.
- (3) When the request for training involves out-of-county travel, all provisions of the Business Travel CMA 5310 must also be met.
- (4) If the Division Administrator *requires* the employee to reimburse the County for the cost of the training and related expenses, if the employee should voluntarily separate from County service within 12 months following receipt of training, the employee must sign a Training Costs Reimbursement Agreement indicating acceptance of this provision prior to attending the training. (Refer to CMA 5322, Separation.)

E. Work Hours:

- (1) If an employee performs work related to their current position, while in training status, determination of what constitutes working hours will be governed by the Fair Labor Standards Act.

**§ 5325-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5325-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Training and Education: It is the policy of the County to encourage employees to pursue training and educational opportunities which will improve the competency level of employees and benefit the County.

TRAINING, DEVELOPMENT AND EDUCATION

CMA 5325 Attachment 1

**PRE-APPROVAL FOR EXTERNAL TRAINING**

**PARTICIPANT INFORMATION**

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Title: \_\_\_\_\_ Department: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Supervisor's Name: \_\_\_\_\_  
Budget Code: \_\_\_\_\_  
FUND COST CENTER OBJECT CODE

**PROGRAM INFORMATION**

Course Name/ Program Title:  
(Attach copy of program brochure, course description, etc.)  
Offered By: \_\_\_\_\_  
Date: \_\_\_\_\_ Location: \_\_\_\_\_  
Time: \_\_\_\_\_ Registration / Tuition Fees: \$ \_\_\_\_\_  
Estimated Travel Costs: \$ \_\_\_\_\_

**PROGRAM OBJECTIVES**

Competencies/skills expected to be obtained:  
Value/benefit expected to be returned to the Department/Organization:

**APPROVALS**

Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_  
Department Director: \_\_\_\_\_ Date: \_\_\_\_\_  
Division Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

OFFICE OF COUNTY MANAGER ADMINISTRATIVE PROCEDURE

***POST TRAINING REPORT\****

PARTICIPANT INFORMATION

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Title: \_\_\_\_\_ Department: \_\_\_\_\_  
Supervisor: \_\_\_\_\_

PROGRAM INFORMATION

Course Name/ Program Title:

PROGRAM OBJECTIVES

Explain if and how expectations were met ?:

What value/benefit will be returned to the Department/Organization as a result of your participation in this training ?:

Please provide details of how the value/benefit will be applied back on the job:  
(discuss methods, audience, etc. to redeliver content.)

*\* Due no later than 2 weeks after returning from training.*

TRAINING, DEVELOPMENT AND EDUCATION

**Training Costs Reimbursement Agreement**

Name:

Department:

Course/Training:

Certification or License to be obtained:

Date of Course:

Pursuant to County Manager's Agency (CMA) Instruction 5325, I agree to reimburse the County for the cost of this training, and related expenses, should I separate from County service within 12 months, on a prorated basis following receipt of this training.

Employee Signature:

Date:

Department Director:

Date:

Division Administrator:

Date:

cc: Human Resources Personnel File

UNIFORMS

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised May 13, 2009)]

**§ 5326-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a uniform procedure authorized by the County Manager.

**§ 5326-2. Concept.**

It is the practice of the County to provide uniforms for those departmental employees required to wear a designated uniform, which meets the safety guidelines of the County.

A. Department Responsibilities

1. Departments may expend County funds as are necessary and budgeted to purchase, rent or lease work uniforms for employees. Some required uniform items may not be paid for by the County.
2. Departments are required to comply with the Collier County Logo and Seal Identity Standards and Guidelines. Departments shall work through the Purchasing Department, utilizing the County's fixed term contract for uniforms.
3. Departments are responsible for the tracking all uniform as a minor tangible item as describe in CMA 5809 Managing Personal Property and Consumable Supplies. As such, the property officer is responsible for obtaining the uniform from an employee once the employee separates from the department.

B. Employee Responsibilities

1. Employees who work in a department that has an established uniform protocol is required to wear the designated uniform.
2. Employees should maintain the uniform and their personal appearance in a clean, presentable fashion. Should an employee lose or willfully damage, abuse, misuse or neglect their uniform, he/she will be held financially responsible.
3. Employees are required to inform the department about the condition of their uniform if it is not presentable (i.e. torn, stained, missing buttons, etc.).
4. In some cases, employees may be required to clean their own uniforms.
5. Employees must immediately return uniform(s) in the event they separate service from the department and/or County. Should an employee not return the uniform assigned by the department, the employee may be assessed the pro-rated value of the uniform which

**CMA # 5326**

may be deducted from their final paycheck.

**§ 5326-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5326-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Uniforms: It is the policy of the County to provide uniforms for those departmental employees required to wear a designated uniform, which meets the safety guidelines of the County.



## CMA # 5330

### GRANT COORDINATION

§ 5330-1. Purpose.

§ 5330-3. Procedure.

§ 5330-2. Concept.

§ 5330-4. Currency.

[Effective Date: February 18, 2004 (Revised: April 1, 2006)]

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#### § 5330-1. Purpose.

The purpose of this procedure is to ensure that County Departments coordinate grant application efforts; to provide a mechanism for assisting Departments in grant preparation and submission; to review all<sup>1</sup> applications for compliance, consistency and appropriateness prior to submittal to the grantor; to track and monitor grants for financial auditing and budget purposes; and to ensure that more than one department does not submit for the same grant program at the same time if the grantor permits only one application per applicant.

#### § 5330-2. Concept.

Collier County continually strives to increase and enhance the quality and quantity of public services, facilities and infrastructure by maximizing the use of federal, state and local grants. The role of the Grants Coordinator is to coordinate and assist departments in these grant efforts, and to monitor and track existing and future grants. Recommendations provided by the Grants Coordinator are advisory in nature and shall not be construed to restrict any Administrator. All recommendations are provided solely to improve the chances of successful grant applications and proper management of awarded grant funds. A separate Grant Manual is being prepared to guide all County Departments through the grant process. Check the grants Web site regularly for updates. These procedures are not subject to nor to be amended by any current or future contradictory resolutions with the exception of specific resolutions delegating specific authority at the request or requirement of the grantor.

#### § 5330-3. Procedure.

A. Preparation of Grant Applications: The Grants Coordinator is available to help with every stage of grant preparation, including locating, researching, writing, assembling, arranging

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1. The portions of this procedure related to preparation, review, submittal and approval and agreement processes do not apply to Constitutional Officers, or to those departments that manage entitlement funds or formula funds (including grants that support the administration of), such as Community Development Block Grant Entitlement funds, or funds programmed by an outside agency, such as the Florida Department of Transportation and employ staff specifically for the purpose of managing these funds. However, these entities must supply the Grants Coordinator with information about each grant, such as project title, grantor, CFDA/CSFA number, contract/agreement number, project manager, beginning and ending dates, grant amount, match amount, etc., for inclusion in the Grants Database, along with copies of documentation related to this information for the Central Grants File. These departments should continue to follow their own established procedures, but may consider adopting the enclosed procedures if efficiency and effectiveness will be improved by doing so. These departments are still invited to avail themselves of assistance from the Grants Coordinator for any issues related to these grants or project funds.

for desktop publishing and printing, and submittal. Each department submitting an application must assign a project manager to work closely with the Grants Coordinator and provide appropriate data and project information throughout the grant application, approval and management process.

- B. Grant Review Process: The Grants Coordinator, or designee, will review all grant applications prior to submission to the grantor. A copy of the application, with required review sheet and all grant guidelines, must be forwarded to the Grants Coordinator prior to the grant being added to the automated agenda system for approval by the Board of County Commissioners.
- (1) If a grantor limits the number of applications that can be submitted at one time or requires that multiple applications be prioritized, it is the responsibility of the Administrators of the respective divisions, with assistance from the County Manager and Grants Coordinator if necessary, to select the proposal to be submitted or to prioritize the proposals. If, however, the grantor specifically requires such decision to be made by the elected body, the Board of County Commissioners will make that decision.
- C. Approval and Submittal:
- (1) The Board of County Commissioners must approve all grant applications, including applications that do not require a signature, are submitted online or allow an individual other than the Chairman of the Board to sign.
  - (2) The Grants Coordinator, or designee, will approve each Executive Summary in the automated agenda system. Guidelines for preparation of the executive summary and example executive summaries are available on the grants Web site.
  - (3) All grant applications that require signature of the Chairman of the Board of County Commissioners also require review by the County Attorney's office. A special Request for Legal Services form is available on the grants Web site for this purpose.
  - (4) In the event that the grant deadline is prior to the deadline for items to be submitted for a scheduled Board of County Commissioners meeting or the deadline is prior to the next Board of County Commissioners meeting, the project manager must contact the Grants Coordinator to discuss options for emergency submittals or after-the-fact approval. If emergency submittal is not possible, these policies, to the greatest extent then allowed by law, rule or regulation, delegate to the County Manager, or designee, authority to sign the grant application; however, the project manager must submit an executive summary for the next Board of County Commissioners for the required after-the-fact approval.
  - (5) Only the following reasons constitute justification for the after-the-fact process:
    - (a) The grant is announced and the application is due within one month or less and the deadline has been missed for the next available Board of County Commissioners meeting;

- (b) Department commitments to emergency situations or events beyond normal operations prohibit staff from having time to develop application in coordination with Grant Coordinator; or
    - (c) The Board of County Commissioners is not in session for a few weeks at a time (e.g. summer break).
  - (6) Over usage or unjustifiable reliance on the after-the-fact process is not acceptable and the County Manager has the right at any point to disapprove the submittal of an application.
  - (7) The only exception to the requirement that the Board of County Commissioners sign a grant application is when a grantor provides specific authority and requires that the Board of County Commissioners delegate the authority to another individual or if the application is to be submitted online. In these instances, however, the Board of County Commissioners must by executive summary and, if appropriate, resolution or other form of approval, delegate authority to that individual for that specific grant application and such approval must be granted for each and every application submitted.
- D. Notice of Grant Awards: Notice of a grant award may come in a variety of forms, including an award letter, an agreement, an e-mail or even a phone call. Regardless of the form of notice, the Grants Coordinator must be notified and a "good news" memorandum prepared by the project manager. The "good news" memo should be sent to the Board of County Commissioners and copied to the County Manager, the Grants Coordinator, the Finance Department, the Communication and Customer Relations Department, the appropriate Division Administrator and Department Director, and any other individuals directly involved in the administration of the project or requiring notice of the award. The timing of the "good news" memo is left to the discretion of the project manager, but must be completed as soon as possible after execution of the grant agreement.
- E. Grant Award Documents.
- (1) Most grants require execution of an agreement, contract or other document for formal acceptance.
  - (2) The Grants Coordinator, or designee, will approve each executive summary in the automated agenda system. Guidelines for preparation of the executive summary and example Executive summaries are available on the grants Web site.
  - (3) The Board of County Commissioners must approve acceptance of the grant, unless the Board delegated this specific authority to the Division Administrator during any stage of the application approval process (if allowed by the grantor). Acceptance of each grant may require signature on an acceptance letter, grant agreement/contract or other acceptance document.
  - (4) As is the case with the application process, in the event that the grant agreement deadline is prior to the deadline for items to be submitted for a scheduled Board of County Commissioners meeting or the deadline is prior to the next Board of

County Commissioners meeting, the project manager must contact the Grants Coordinator to discuss options for emergency submittals or after-the-fact approval. If emergency submittal is not possible, these policies, to the greatest extent then allowed by law, rule or regulation, delegate to the County Manager, or designee, authority to sign the grant award document; however, the project manager must submit an executive summary at the next available Board of County Commissioners for the required after-the-fact approval. This process is only permitted if the grantor agrees that it is acceptable in order to meet their deadline; however, most grantors will allow additional time for the regular Board of County Commissioners approval. Always forward a copy of the executive summary verifying after-the-fact approval to the grantor.

- (5) Only the following reasons constitute justification for the after-the-fact process:
  - (a) The grantor requires execution of the agreement or contract within one month or less and the deadline has been missed for the next available Board of County Commissioners meeting; or
  - (b) The Board of County Commissioners is not in session for a few weeks at a time (e.g. summer break).
- (6) Over usage or unjustifiable reliance on the after-the-fact process is not acceptable and the County Manager has the right at any point to require that approval be postponed until the next available Board of County Commissioners meeting for approval of an agreement.

F. Amendments:

- (1) Minor Amendments: Amendments to grant agreements, such as time extensions, movement of grant funds from line item to line item within the approved grant agreement budget, and other changes that do not increase the County's obligations, require additional staffing, resources or negatively impact another planned or programmed project may be signed by the respective Division Administrator unless prohibited by the grantor, grant agreement or any applicable federal, state, or local laws, rule or regulation. All such amendments must be reported to the Grants Coordinator and a copy of the amendment forwarded for the Central Grants File.
- (2) Major/Significant Amendments: Amendments that increase or decrease grant funds, change the scope of the program or otherwise obligate the County to expend additional funds or resources are not considered minor. All major amendments must be reviewed by the Grants Coordinator, approved by the Grants Coordinator in the automated agenda system and approved by the Board of County Commissioners. The funding source for any increase in County funds or personnel, such as the local match requirement, must be identified and included in the backup documentation to the Board.
- (3) Budget Amendments: In accordance with the Office of Management and Budget current procedures, the Board of County Commissioners must approve, via executive summary, all budget amendments to recognize and appropriate new revenue from grants. The amount and source of cash match must be identified. The

Office of Management and Budget is responsible for the currency of this part of the procedure. All budget amendments are to be copied and forwarded to the Grants Coordinator.

G. Documents Required in the Central Grants File:

- (1) Prior to adding any document to the automated agenda system for Board of County Commissioners approval, it should be submitted to the Grant Coordinator for review. Documents that should be included for reference are:
  - (a) Notice of funding availability.
  - (b) Draft application.
  - (c) Draft executive summary in MS Word format (guidelines and example executive summary provided on grants Web site) prior to adding it to the automated agenda system.
- (2) Following submittal of the grant application to the grantor, the project manager must forward copies of the following to the Grants Coordinator for filing in the Central Grants File:
  - (a) Complete and signed application.
  - (b) Fully signed executive summary.

H. Upon successful award of any grant, the project manager must forward copies of the following documents to the Grants Coordinator review prior to adding them into the automated agenda system for Board of County Commissioners approval and for filing in the Central Grants File:

- (1) Award/rejection letter.
- (2) Draft agreement and executive summary in MS Word format prior to adding it to the automated agenda system.
- (3) Executed agreement.
- (4) Budget amendments.
- (5) "Good news" memo.

I. Throughout the term of the grant, the project manager must forward copies of the following documents to the Grants Coordinator for filing in the Central Grants File:

- (1) Correspondence related to time extensions.
- (2) All amendments to the grant agreement.
- (3) All financial, status, interim and final close out reports.

J. Coordination with Collier County Clerk of Courts Finance Department: The project manager must check the list of project funds to determine if the project will require a

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project/WBS number. This list is available on the grants Web site. If required, projects managers must fill out the Project Number Request Form available on the grants Web site and forward the completed form to the Finance Department with a copy to the Grants Coordinator. The Grants Coordinator will forward copies of all award letters and signed agreements to the Finance Department. Throughout the term of the grant, the project manager must forward check requests, copies of reports and reimbursement requests to Finance.

**§ 5330-4. Currency.**

The Administrative Services Division is responsible for maintaining the currency of this Instruction.

## **CMA # 5340**

### **CLASSIFICATION PAY PLAN**

**§ 5340-1. Purpose.**

**§ 5340-3. Currency**

**§ 5340-2. Concept.**

**§ 5340-4. Reference.**

**[Effective Date: May 21, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006)]**

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**§ 5340-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a Classification Plan procedure authorized by the County Manager.

**§ 5340-2. Concept.**

It is the practice of the County to establish and utilize a Pay and Classification Plan, which provides a systematic arrangement and inventory of positions grouped into classes/pay ranges indicative of the range of duties, responsibilities, and level of work performed. The classifications standardize the meaning, allocation and usage of the plan throughout the County based upon the similarity of work and duties performed.

**A. Content of the Plan:**

- (1) The plan includes groupings of positions into pay ranges on the basis of approximately equal difficulty and responsibility which requires the same general qualifications and which can be equitably compensated within the same salary range.
- (2) Classification standardizes the meaning, allocation and usage of the title throughout the County based on similarity of work and duties performed. It is indicative of the work of the classification and shall be used on all human resources, accounting, budget, and related official records.
- (3) Written job descriptions for each job title are established and updated as necessary. These job descriptions contain the nature of work and relative responsibilities of the classification, the necessary knowledge, skills, and abilities required for adequate performance of the work, and the desirable experience and training needed for recruiting into the classification.

**B. Administration and Maintenance of the Classification Pay Plan:**

- (1) The Human Resources Director shall approve the addition of new job titles and new classifications, the deletion of the existing classes or job titles, the adjustment of salary ranges or the reclassification of a position,

- (2) Requests for consideration of reclassifications must be submitted in writing to the Human Resources Director, after approval by the respective Department Directors and Division Administrators, or designee, and must state the basis for the recommendation.
- (3) Reclassifications shall be reviewed and determined on the basis of Comprehensive Position Questionnaires (CPQs), salary surveys and/or audits made by the Human Resources Department indicating permanent changes in the duties and responsibilities of the position and/or changes in market conditions. Reclassifications must be approved by the Human Resources Director, Department Director and Division Administrator or designee.
- (4) Reclassifications may result in the issuance of a new or revised job description or abolishment of a current one.
- (5) Specific procedures pertaining to requests for reclassifications will be issued by the Human Resources Department and communicated to all departments.
- (6) Policies regarding salary adjustments due to reclassification are included in the Compensation Administration Procedure.
- (7) The County Manager, or designee, shall approve changes to the annual Classification Pay Plan.

### **§ 5340-3. Currency**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

### **§ 5340-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Classification Plan: It is the policy of the County to establish and utilize a position Classification Plan that provides a systematic arrangement and inventory of positions grouped into classes indicative of the range of duties, responsibilities, and level of work performs. The class titles standardize the meaning, allocation, and usage of the plan throughout the County based upon the similarity of work and duties performs.



COMPENSATION ADMINISTRATION

[Effective Date: May 21, 1999 (Revised: November 4, 2000; Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 1, 2005; Revised April 1, 2006; Revised: August 20, 2007; Revised: May 1, 2009; Revised September 30, 2011)]

**§ 5341-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a uniform compensation administration practice authorized by the County Manager for non-bargaining unit employees.

**§ 5341-2. Concept.**

It is the policy of the County to establish and administer a system of compensation based on external competitiveness, internal equity, relative complexity and responsibility between classifications, market economic conditions, County financial policies and appropriate federal, state and local laws pertaining to compensation. This system shall be utilized to contribute to an environment conducive to employee attraction, retention, motivation and productivity.

A. Responsibilities:

- (1) The Human Resources Department is responsible for the following:
  - (a) Recommending compensation systems, policies and procedures to the County Manager and, as appropriate, the Board and ensuring adherence to those implemented.
  - (b) Developing, maintaining and revising job descriptions as a component for compensation decisions.
  - (c) Providing compensation administration reports and data needed for program review and control.
  - (d) Reviewing and providing recommendations for revising base pay rates, pay structures and pay practices at least annually to ensure effective recruitment, retention, motivation and productivity.
  - (e) Ensuring compliance with wage and hour laws and regulations.
  - (f) Consulting with employees, supervisors and management on compensation administration issues.
  - (g) Maintaining the pay plan schedule of pay grades for each classification consisting of hourly or annual rates for the minimums and maximums of the pay ranges.
- (2) The Operating Managers and Supervisors have responsibility for the following:
  - (a) Ensuring that approved compensation administration policies, programs and procedures are consistently followed in all divisions, departments and

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sections of the County.

- (b) Reviewing job descriptions and Comprehensive Position Questionnaires and ensuring the Human Resources Director is informed of all new and changed jobs in order for Human Resources to analyze, audit and establish appropriate classifications.
- (c) Recommending revisions to compensation administration policies, procedures and practices to the Human Resources Director when necessary.

### B. Components:

- (1) Pay ranges shall be established as a part of the Pay and Classification Plan. Pay ranges will include a salary grade and the minimum and maximum for each pay grade.
- (2) Administrative guidelines will be developed and implemented based on local, state and federal law, effective management principles and best market practices.

### C. Amendments: Revised pay ranges will be considered by the Human Resources Director in conjunction with studies indicating that revisions to the Pay and Classification Plan are necessary because of adjustments in internal equity or external competitiveness.

### D. Pay Administration Guidelines:

#### (1) Appointments:

- (a) The base pay of new employees will be placed appropriately within the pay range established for their classification based upon their prior experience and skill level. The Division Administrator and Human Resources Director may approve recommendations for offers above the minimum but not exceeding the maximum of the pay range, with proper justification. Such justification may include, but is not limited to, external competitiveness, internal equity, difficulty in filling the position, or qualifications exceeding the classification's minimum requirements.

#### (2) Special Pay Adjustments:

- (a) Special pay adjustments may be utilized to justify a base pay increase not provided for elsewhere under this Instruction and are limited to a maximum of 10%. Special pay adjustment requests must meet at least one of the following requirements in order to be recommended for approval. Special pay adjustments must be authorized by the Division Administrator and submitted to the Human Resources Director for approval.

[1] Additional permanent higher-level job responsibilities not required in the employee's current job classification and from a higher-level job classification.

[2] Significant increase in the employee's span of control (i.e., number of subordinates significantly increases or locales or sections under the

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employee's jurisdiction significantly increase).

[3] Serious base pay inequity internally and/or with the external market for a comparable position.

[4] Exceptional or unusual conditions associated with an employee's job classification.

(b) No employee may be granted a special pay adjustment more than once during any fiscal year.

(c) Any special pay adjustment shall not result in a base pay that exceeds the maximum salary established for the employee's current job classification.

(d) Special pay adjustments may be retroactive to the effective date of one of the four reasons listed in (a) above, but the retroactivity will not exceed a maximum of 45 business days. In no event will an adjustment be retroactive into a previous fiscal year.

- E. **General Wage and Pay Plan Adjustments:** The County Manager may propose a general wage and/or pay plan adjustment as part of the budget approved by the Board of County Commissioners. Such adjustments (pay plan maintenance costs) will be consistent with the specific needs of the compensation plan at that time and proposed by the Human Resources Director to the County Manager.
- F. **Deferred Compensation Match:** The County will provide a match (not a contribution) to a deferred compensation account that will be available effective the 1 of January each participating year to employees who on October 1 of the previous year are at or above the match point of their respective pay grade. The match point is identified in the pay plan for each pay grade as the "Match Point" and is used for eligibility for the Deferred Compensation Match. The eligible employee must be actively contributing to a deferred compensation account (Nationwide or ICMA). The match provided is up to a \$500.00 match for employees; Directors or equivalents up to a \$1500.00 match and Administrators or equivalents up to a \$3,000.00 match.
- G. **Merit Awards:** Merit awards will be distributed as determined by the County Manager following approval by the Board of County Commissioners.
- H. **Acting Assignment/Temporary Significant Additional Duties:** An employee who is requested to perform work in a higher-level classification on an acting basis or to assume temporary significant additional duties for less than three weeks shall do so with no increase in base pay. Should the acting assignment/temporary significant additional duties be expected to exceed three weeks, the employee may or may not be granted a temporary adjustment in pay. If a temporary adjustment in pay is provided, the adjustment may be up to 10% above his/her base pay.

If the temporary adjustment is to perform work on an acting basis in a higher-level classification, the temporary adjustment will be added to the employee's base pay. The resulting base pay shall not be less than the minimum pay rate of the temporary higher-level classification even if this resulting base pay exceeds the maximum pay rate for the employee's current classification. Any future increases to base pay (Cost of

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Living Adjustment, merit increases, etc) will be applied to the resulting base pay which includes the temporary adjustment.

If the temporary adjustment is for temporary significant additional duties, the temporary adjustment will be paid as a premium and will not be added to base pay. The sum of the premium and the base pay will not exceed the maximum pay rate for the employee's current classification. Any future increases to base pay (Cost of Living Adjustment, merit increases, etc) will be applied only to the base pay and not to the premium.

This temporary adjustment shall be retroactive to the beginning of the acting assignment/temporary significant additional duties but may be retroactive only for a maximum of 45 business days. In no event will the temporary adjustment be retroactive into a previous fiscal year.

The date that the temporary adjustment will be removed will be entered into HR/Payroll system at the time that the temporary adjustment is effective. The temporary adjustment will be in effect initially for a maximum of 6 months. The department must take additional action in order for the removal date to be extended.

When the acting assignment/temporary significant additional duties have been completed, the temporary adjustment will be removed. If the temporary adjustment has been added to base pay, the employee's base pay will return to the former base pay, adjusted by any Cost of Living Adjustment, merit increase or pay plan increase that may have occurred after the temporary adjustment became effective.

Temporary adjustments in excess of 10% require the approval of the Human Resources Director.

- I. Promotion: A promotion occurs as a result of a competitive process for a vacant posted position with a higher pay grade. Upon promotion to a classification with a higher pay grade, the employee may receive a pay increase. If a pay increase is provided, it may be up to a 10% base pay increase or a base pay increase to the pay range minimum of the new position, whichever is greater, unless such increase would exceed the maximum salary of the pay range for the classification. The increase percentage awarded, as a motivational incentive, may be split and provided in two steps, implemented anytime between the initial promotional date and the final day of the three month probationary period, except when the increase is to the pay range minimum of the new position. Base pay increases in excess of 10% require approval of the Human Resources Director. Promotions will not change the employee's performance review date. If the promotion results in a change in supervision, the two Supervisors will collaborate in order to generate the employee's next performance review.

- J. Demotion:

A demotion is the movement of an employee to a job classification with a lower pay grade. A demotion may be involuntary or voluntary.

The employee must meet the minimum qualifications for the job to which he/she is

being demoted.

(1) Involuntary Demotion

An employee may be involuntarily demoted to a position with a lower pay grade for, but not limited to, any of the following reasons: an employee would otherwise be laid off because the position is being abolished; the position is being reclassified to a higher pay grade and the employee is not qualified to continue in the position at a higher pay grade; the employee is being disciplined for below standard work, workplace misbehavior, or other reasons; lack of work; lack of funds; the return to work from an authorized leave of absence of another employee to such a position in accordance with the rules on leaves of absence; the employee does not possess the necessary qualifications to render satisfactory service in the position; a reorganization; or, the employee has been promoted into a higher level position and is not successfully performing the duties of the new position.

(2) Voluntary Demotion

A voluntary demotion occurs when the employee voluntarily requests a demotion and is moved to a lower level classification.

(3) Salary Administration Guidelines for Demotions

The base pay of an employee demoted to a classification having a lower pay grade than his/her present classification shall be based upon the following:

- (a) In all cases, the base pay will not be less than the minimum base pay nor exceed the maximum base pay of the pay grade of the lower level position.
- (b) An employee who takes a voluntary demotion to a previously held position shall receive the same base pay he/she had before the promotion adjusted as described in the following sentence. Any salary range adjustment, general wage adjustment, Cost of Living Adjustment (COLA) or merit award (if these salary adjustments have been previously added to the base pay) granted while the employee served in the higher position will be added to the former base pay to determine the final new base pay. The new base pay cannot exceed the maximum base pay of the new lower pay grade.
- (c) An employee who takes a voluntary demotion to a position not previously held shall receive a decrease of a maximum of 10% to the existing base pay. A larger decrease will be required when the 10% decrease would result in a base pay that would exceed the maximum base pay of the new lower pay grade.
- (d) An employee who receives an involuntary disciplinary demotion (as defined in CMA 5351) shall receive a decrease of a maximum of 10% to the existing base pay. A larger decrease will be required when the 10% decrease would result in a base pay that would exceed the maximum base pay of the new lower pay grade.

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- (e) Any other involuntary demotion such as reduction in force, shortage of work or funds, reclassification, or return to work from an authorized leave of absence may be implemented without a decrease in base pay. A written request with supporting documentation must be approved by the Division Administrator and submitted to the Human Resources Department. The Human Resources Director will consider the recommendation based on the reason for the demotion, the employee's length of service, the base pay of other employees in the same job classification and the same department, relative position of the base pay in the pay grade and pay increases granted by the County since the employee's hire date. The Human Resources Director will either approve or disapprove the demotion based upon this review.
- (f) Demotions will not change the employee's performance review date. If the demotion results in a change in supervision, the two Supervisors will collaborate in order to generate the employee's next performance review.

### K. Transfers:

- (1) An employee may be transferred to another department with the same job classification or to a different job classification having the same pay grade as the employee's present classification. A transfer will not change the employee's base pay or pay grade.
- (2) Transfers will not change the employee's performance review date. If the transfer results in a change in supervision, the two Supervisors will collaborate in order to generate the employee's next performance review.

L. Reassignments: The County Manager or Division Administrator may reassign an employee to meet the operational needs of the organization. The reassignment may be permanent or temporary depending upon the particular circumstances. Any impact on base pay will be determined in accordance with this Instruction and will not change the employee's performance review date. If the reassignment results in a change in supervision, the two Supervisors will collaborate in order to generate the employee's next performance review.

M. Reclassifications: An employee who is reclassified to a higher-level classification may receive a pay increase. If a pay increase is provided, it may be up to 10% over the current base pay or an increase to the pay range minimum of the new classification, whichever is greater. If the current base pay is within the pay range of the new classification, the base pay may or may not change. Base pay increases in excess of 10% require the approval of the Human Resources Director.

The increase to base pay may be retroactive to the date the employee assumed the new responsibilities but the retroactivity will not exceed a maximum of 45 business days. In no event will an increase to base pay be retroactive into a previous fiscal year.

- (1) Reclassifications to a lower salary grade will result in no change in an employee's

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base pay unless the employee's base pay exceeds the maximum base pay established for the new classification. In such cases, the employee's base pay shall be adjusted to the maximum base pay of the new classification.

- (2) Reclassification will not change the employee's performance review date. If the reclassification results in a change of supervision, the two Supervisors will collaborate in order to generate the employee's next performance review.

### N. Career Progression:

- (1) Approved career progression plans identifying beginning, intermediate and advanced competency levels may offer incremental base pay increases as approved within the plan for demonstration of the required competency set. These criteria shall be established and monitored by the departments and must be reviewed and approved by the Human Resources Director.
- (2) Attainment of certain professional or technical certifications or licenses (i.e., attainment of a Florida water/wastewater operator license or regionally sanctioned building inspection certification). This requirement does not automatically apply to those employees who receive a college degree or workshop or seminar certificate.
- (3) Once an employee's base pay has reached the match point of his/her current pay range, increases of the two types listed above shall be paid as a one-time bonus. If a portion of the increase to base pay brings the base pay to the match point of the pay range, the remainder of the increase shall be paid as a one-time bonus.
- (4) All pending/in process certification increases and/or Career Progression increases must be considered in establishing an employee's new base pay in cases of promotions, transfers and/or reclasses and MUST be noted on the related PAR.
- (5) A retroactive date for an increase to base pay will not exceed a limit of 45 business days from the date on the certificate or license or from the date the last requirement for the increase was achieved. In no event will an increase to base pay be retroactive into a previous fiscal year.

### O. Overtime payment is governed by provisions of the Federal Fair Labor Standards Act:

- (1) Collier County employees may be called upon and required to work overtime if, in the opinion of the Supervisor, it is necessary to meet the demands of the job being performed.
- (2) Except for emergency situations, all overtime work must be approved, in advance, by the Department Director. Overtime work may be requested for, but is not necessarily limited to, the following circumstances:
  - (a) An accumulation of work due to unexpected and/or excessive absenteeism.
  - (b) An increase in the normal workload for short and unexpected periods of time, such as the completion of a specific program or project.
- (3) Any nonproductive time off, such as sick leave, jury duty, personal leave, funeral

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leave, or any other nonproductive time, paid or unpaid, shall not be counted as time worked in calculating overtime pay. Whether a holiday is worked or not, the holiday will be counted for overtime purposes if the holiday falls during the employee's regularly scheduled work week. Holiday pay itself is only paid at straight time. Vacation and callback hours are counted as time worked (productive time) in computing overtime pay.

- (4) Employees who, without a legitimate excuse, refuse to work overtime may be subject to disciplinary action.
- (5) Overtime pay categories: An employee's eligibility for overtime pay is determined by the employee's job classification and its classification as either nonexempt or exempt in the current pay plan.

(a) Employees Eligible for Overtime Pay: Nonexempt Employees:

[1] Employees in office, secretarial, trades, and technical positions are generally considered nonexempt positions under the Fair Labor Standards Act. These employees on a forty-hour workweek will receive overtime at the time-and-one-half rate for all hours worked in excess of 40 hours. For purposes of overtime pay computation, time worked will be rounded off to the nearest fifteen-minute interval.

[2] Nonexempt fire employees will be paid one and one-half their regular straight time rate for all hours worked in excess of 159 hours in the twenty-one-day scheduling cycle.

(b) Employees Not Eligible for Overtime Pay: Exempt Employees:

[1] Professional, executive, computer professional and administrative employees are generally considered exempt employees and do not receive overtime pay. Employees in these classifications are required to work such schedules as are necessary to accomplish their assigned responsibilities. An exception to this policy is exempt key and volunteer employees working during an emergency or disaster under the provisions set forth in § 5900-1B(8).

[2] The majority of these positions will normally require a forty-hour week, but, when more hours are required, overtime pay is not applicable. The County Manager may approve exceptions to the nonpayment of overtime to exempt staff on a case-by-case basis.

P. Other provisions of the Federal Fair Labor Standards Act:

- (1) The County does not permit improper pay deductions from exempt employees. The Fair Labor Standards Act, as amended in 2004, and federal regulations established in 1992 by the Department of Labor allow public sector employers to use pay systems where certain deductions from an exempt employee's salary, including those of less than a day, can be made.
- (2) If an exempt employee feels that an improper pay deduction has been made from



his or her salary, the employee should bring the matter to the attention of the immediate Supervisor. If the immediate Supervisor does not provide a satisfactory response, the employee should contact the Human Resources Department.

Q. Compensatory Time:

- (1) For all regular full- and part-time nonexempt employees, if payment of overtime creates a hardship for the department, compensatory time may be given at the rate of time and one-half with the approval of the Department Director and the Division Administrator. (Non-exempt employees may earn compensatory time at straight time if they have “non-productive” time during the work week.) The Department Director or designee shall notify the employee before overtime work commences that compensatory time will be provided in lieu of monetary overtime compensation. Accumulated compensatory time will be paid out to nonexempt employees if unused at the end of the calendar year. The County Manager may approve carryover of compensatory time for exempt employees based on the operational needs of the department and/or nature of the employee's position. Unused compensatory time will be paid out to nonexempt employees upon separation.
- (2) Because exempt employees generally do not receive overtime pay, they may be given compensatory leave time with the approval of the Department Director or Division Administrator. Exempt employees are expected to be reasonable in their use of compensatory time and may not demand compensatory time as a matter of right. Exempt employees may receive compensatory time off on an hour-for-hour basis. Department Directors, Section Heads, Division Administrators and other executive employees may be eligible for compensatory time off, but not on an assured hour-for-hour basis. The County Manager or designee may approve compensatory time for these employees. Exempt employees will not be paid for accumulated compensatory time. Any unused compensatory balances will not be carried forward if not used by the end of the calendar year. Any request to carry forward unused compensatory time will only be permitted as per approved exceptions of the County Manager's Office.
- (3) All compensatory time must be documented on a weekly timesheet. The Division Administrator is to maintain complete compensatory records for all employees and to accurately record dates and hours of overtime worked and the date(s) compensatory time is taken. Such information must be attached to the payroll time sheet of the pay period in which the overtime was paid or the compensatory time was taken.
- (4) Exempt and nonexempt employees may accrue up to 240 hours of compensatory time. Firefighters may accrue up to 480 hours of compensatory time.
- (5) Requests for compensatory time must be submitted in writing on the Request for Leave form and must be approved by the Department Director and/or the Division Administrator. Only a maximum of three consecutive days of compensatory time can be taken during any one absence from work.

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- (6) The County Manager, Division Administrator, Department Director, or designee, may require an employee to use accrued compensatory time at any time.

### R. Call Back Pay/After Hours Access to Electronic Devices:

- (1) Nonexempt employees who are requested to work after completion of their regularly scheduled workday but prior to their next regularly scheduled workday will be compensated as follows:
  - (a) If the employee must leave his/her present location, such as his/her residence, and return to the office or visit a field location, he or she will be paid a minimum of two hours of pay or time actually worked, whichever is greater. This is in addition to the on-call pay and, depending upon the hours worked for the week, it may or may not equate to overtime pay.
  - (b) If the employee can respond to the issue by phone or by accessing a personal computer/tablet/blackberry/other electronic device and does not leave his/her present location, such as his/her residence, he/she will be paid in 1/4 hour increments with a minimum of 1/4 hour of pay. This is in addition to the on-call pay and, depending upon the hours worked for the week, it may or may not equate to overtime pay.
  - (c) Management must approve the use of electronic devices for work related purposes after the completion of the regularly scheduled workday. Whether approved or not approved, if the employee uses electronic devices for work related purposes after the completion of the regularly scheduled workday, he/she will be paid at the appropriate straight time or overtime rate in 1/4 hour increments. The employee may be subject to disciplinary measures if he/she does not have prior approval to use electronic devices for work related purposes after the completion of the regularly scheduled workday.
- (2) If hours worked by a nonexempt employee, including all productive time and call back hours, exceed 40 hours, then all hours in excess of 40 hours will be paid at the rate of time and one-half.
- (3) Nonexempt fire employees will be paid one and one-half times their regular straight time rate for all hours worked in excess of 159 hours in the twenty-one-day scheduling cycle.

### S. Rest Period:

- (1) Employees in nonexempt classifications as specified in the pay plan required to work unscheduled overtime or on unscheduled call-out at any time prior to the three-hour period immediately preceding their next regularly scheduled work shift shall be entitled to an eight-hour rest period before reporting to their next regularly scheduled work shift.
- (2) "Unscheduled overtime" is defined as hours worked by an employee with less than three calendar days' prior notice to the date upon which the overtime is worked.

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- (3) If the eight-hour rest period extends into the employee's next regularly scheduled work shift and the employee does not work, then the employee will receive pay during the work shift at the regular rate until the rest period is satisfied.
- (4) Employees required to report to work on an unscheduled basis before the eight-hour rest period is satisfied will be paid at time and one-half for all hours worked during the regularly scheduled work shift until an eight-hour rest period is provided. It is the Supervisor's discretion whether to call an employee back to work prior to satisfaction of the rest period.
- (5) If an employee works for a continuous twenty-four-hour period, the County will provide a ten-hour rest period, with eight hours paid at regular rate and two hours not paid.

### T. On-Call Pay:

- (1) Nonexempt employees placed on-call after normal duty hours will earn two hours pay at the straight time rate. On-call hours beyond 24 hours will be compensated at one hour of the straight time rate for each 12 hours on call, plus pay for all hours actually worked. The two hours on-call pay shall apply to weekdays when the employee is not otherwise scheduled to work, weekends and holidays. Employees on-call are paid for the actual time worked if they are called back to the office or visit a field location with a minimum of two hours of pay.
- (2) Employees on-call are required to have a telephone and/or a beeper supplied by the County. At any time the employee leaves home, he/she must have the supplied beeper on their person and be ready to immediately report to the required work location. The County reserves the right to assign employees to on-call status, if there are not sufficient qualified volunteers. In the alternative, at the option of management, the County may assign qualified employees to on-call status on a rotating basis.
- (3) Employees, who are supplied beepers for emergency notice, will receive additional compensation only when they are scheduled by management for on-call duty or called back to duty.

### U. Shift Differential:

- (1) It is the policy of the County to provide a pay differential for selected nonexempt classifications when the regular work schedule includes work during the afternoon and/or midnight shifts. The Human Resources Director shall designate the classifications eligible for shift differential.
- (2) Employees working in positions designated as differential-eligible nonexempt classifications shall receive a \$0.70 per hour pay differential above their regular hourly rate when their scheduled work shift starts at or after 4:00 p.m. and ends on or before midnight ("afternoon shift") and a \$1.10 per hour pay differential above their regular hourly rate when their scheduled work shift starts at or after midnight and ends at or before 8:00 a.m. ("midnight shift"). Employees whose scheduled work shift falls within the afternoon and/or midnight shift parameters

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will be paid the differential for the actual hours worked in the respective shifts.

- (3) There shall be no pay differential for working the day shift on weekends.
- (4) Shift differential shall be included in computing overtime pay.
- (5) Part-time employees are not eligible for shift differential.
- (6) Shift differential may be paid to those employees whose regular schedules do not include shift work but are called in to work during an afternoon or midnight shift.

The County Manager reserves the right to review and make exceptions to the compensation administration guidelines.

### **§ 5341-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

### **§ 5341-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Compensation Administration: It is the policy of the County to establish and administer a system of compensation based on external competitiveness, internal equity, relative complexity and responsibility between classifications, market economic conditions, County financial policies and appropriate federal, state and local laws pertaining to compensation. This system shall be utilized to contribute to an environment conducive to employee motivation and productivity. Fair Labor Standards Act, as amended in 2004.

**JOB STATUS**

**[Effective Date: July 16, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised April 1, 2006; Revised: March 9, 2009; Revised September 30, 2011)]**

**§ 5343-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a job status procedure authorized by the County Manager.

**§ 5343-2. Concept.**

It is the practice of the County to utilize their human resources in a manner that best meets the service demands of the County through the effective hiring of regular full-time, regular part-time, temporary full-time, and temporary part-time employees.

- A. Regular Full-Time: Such positions require the employee to work an average of 40 or more hours per week on a regularly scheduled basis. Following successful completion of the initial probationary period, a regular full-time employee is eligible for all benefits as provided.

At any time, Regular Full-Time employees may be subject to a mandated unpaid furlough, which is an involuntary reduced work time program for non-bargaining unit employees. The furlough program may be implemented for both salaried (exempt) and hourly (non-exempt) employees. Under this program, and as directed by management, regular full-time employees will be required to take unpaid time off during one or more pay periods and may not substitute paid leave time for furlough days. Accruals for sick and vacation leave for an employee in furlough status will be prorated based on the number of hours worked.

- B. Regular Part-Time: Such positions require the employee to work at least 20 hours but less than 40 hours per week on a regularly scheduled basis. Regular part-time employees who are regularly scheduled for at least 30 hours but less than 40 hours per week on a regular basis shall receive paid holidays, sick leave, vacation or other types of leave on a relative percentage of time worked to the normal assigned work period and shall be eligible for insurance coverage as provided to full-time employees. Regular part-time employees who are regularly scheduled for 20 to 29 hours per week on a regular basis shall receive paid holidays, sick leave, vacation or other types of leave on a relative percentage of time worked to the normal assigned work period and shall be eligible for group health insurance and the voluntary life policies, but will be required to pay the entire monthly cost (employer and employee portion).

At any time, Regular Part-Time employees may be subject to a mandated unpaid furlough, which is an involuntary reduced work time program for non-bargaining unit employees. The furlough program may be implemented for both salaried (exempt) and hourly (non-exempt) employees. Under this program, and as directed by management, regular part-time employees will be required to take unpaid time off during one or more pay periods and may not substitute paid leave time for furlough days. Accruals for sick and vacation leave for an employee in furlough status will be prorated based on the number of hours worked.

- C. Temporary Full-Time: Such positions require the employee to work on a full-time basis (40 hours

## CMA # 5343

per week) for a special project, to replace an employee on leave of absence or any other work of a temporary nature. Temporary employees receive no benefits except workers' compensation but may qualify for membership in the Florida Retirement System (FRS) depending on then applicable Florida law.

- D. Temporary Part-Time: Such positions require the employee to work less than 40 hours per week for a temporary period as defined above. Employees in this category receive no benefits except workers' compensation but may qualify for membership in the Florida Retirement System (FRS) depending on then applicable Florida law.
- E. Seasonal: A seasonal employee is considered an employee who performs duties interrupted by periods of low demand, and who may be recalled to work during periods of high demand. Breaks between seasonal employment is considered "on leave" and not a termination.
- F: On-Call: Employees assigned to an "on call" status works intermittently for special events, during peak demand periods, to fill in for leaves or other similar circumstances. A position defined as "On Call" has to do with the frequency of the work assignment, not taking on additional work after regularly scheduled hours.

### **§ 5343-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

### **§ 5343-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Job Status: It is the policy of the County to utilize their human resources in a manner that best meets the service demands of the County through the effective hiring of regular full-time, regular part-time, temporary full-time and temporary part-time employees.

**TUITION ASSISTANCE**

**[Effective Date: October 1, 1997 (Revised: March 31, 2001; Revised: October 1, 2003; Revised: January 1, 2005; Revised: April 1, 2006; Revised: May 1, 2009)]**

**§ 5344-1. Purpose.**

The purpose of this Instruction is to provide for the continuation of a tuition assistance procedure authorized by the Board of County Commissioners.

**§ 5344-2. Concept.**

A. Tuition Assistance:

- (1) Tuition assistance will only be utilized for required courses that are part of an approved degree program related to the employee's current job functions.
- (2) The maximum tuition assistance paid shall not exceed the standard tuition charge per credit hour for a State of Florida public college or institution. The amount of the tuition assistance paid will consist of the per-credit hour for a State of Florida public college/institution or actual per-credit charge, whichever is less. An employee will be reimbursed for a maximum of six credit hours per semester.
- (3) Processing of tuition payments will occur in the order they are received.
- (4) To qualify for tuition assistance, the following conditions must be met:
  - (a) Degree programs approved for tuition assistance must relate directly to the employee's present job and enhance the knowledge, skills and abilities used in that job.
  - (b) Courses must be taken from a fully accredited college, university or trade school. Charges for a seminar program, workshop, non-credit course, or non-degree-related course are not reimbursable under this policy. Please refer to the Education/Training Instruction for information on such programs.<sup>1</sup>
  - (c) For approval, intended courses of study must be otherwise unavailable under state or federal government sponsored programs. Veterans seeking tuition assistance must provide sufficient proof that alternate funding is not otherwise available. If equivalent training is offered through County-sponsored training, the employee will be expected to utilize the County-sponsored training first.
  - (d) Requests for tuition assistance<sup>2</sup> may be made after six months of employment. Tuition assistance will be paid to regular full-time employees and regular part-time employees scheduled for 30 or more hours a week, who have successfully completed their initial probationary period.

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1. Editor's Note: See CMA 5325, Training, Development and Education.

2. Editor's Note: The Application for Tuition Assistance is included at the end of this CMA.

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- (e) The courses and curriculum must be approved by the employee's Department Director and Division Administrator prior to the commencement of classes and reviewed by the Human Resource Director or designee. Tuition assistance requests for degree programs and respective courses approved by the Human Resources Director will be submitted to the Clerk of Courts for processing.
  - (f) Elective courses that are not job-related are not eligible for assistance.
- (5) The County will pay 100% of tuition expenses, up to a maximum of six credit hours per semester subject to the standard tuition charge per credit hour, including laboratory fees, if any. The employee must receive a passing grade of "C" or better in order to receive assistance. For graduate level courses, a passing grade of "B" or better shall be required in order to receive assistance.
- (a) Evidence must be verified prior to tuition assistance being paid and shall include tuition receipts, a certified transcript of grades, and any other documents as deemed appropriate by the Human Resources Director.
  - (b) The employee shall disclose any other tuition aid received from government sources prior to receiving tuition assistance from the County.
  - (c) Should the employee separate from County service within 12 months following receipt of tuition assistance, he/she shall reimburse the County for all tuition assistance received.
- (6) Employees must take courses that will not interfere with their job responsibilities or their normal working hours. If time off is required to attend courses during an employee's working hours, it shall be without pay, unless prior arrangements have been made for the employee to work an equivalent, substitute workday(s); or an employee may use accrued vacation or compensatory leave. Such actions will require prior approval by the County Manager or designee. The County will not grant any other paid time off for an employee to take educational courses.
- (7) It is the responsibility of the employee to provide the Human Resources Department with timely submission of all the required material for processing tuition assistance.

**§ 5344-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5344-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50. It is the policy of the County to encourage employees to pursue educational opportunities that will be beneficial to both the employees and the County.



**OFFICE OF THE COUNTY MANAGER  
ADMINISTRATIVE PROCEDURE**

**BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA  
APPLICATION FOR TUITION ASSISTANCE**

**NOTICE TO APPLICANTS:** To qualify for tuition assistance, your course **must** be approved **prior** to enrollment. Tuition Assistance will **not** be provided for mileage, textbooks or other study materials. A maximum of six (6) credit hours per semester may be reimbursed. **MAXIMUM TUITION ASSISTANCE SHALL NOT EXCEED THE STANDARD TUITION CHARGE PER CREDIT HOUR FOR A STATE OF FLORIDA PUBLIC COLLEGE OR INSTITUTION.**

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1. Employee's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Department: \_\_\_\_\_ Position: \_\_\_\_\_

Veteran:  Yes  No

Cost Center: \_\_\_\_\_ Object Code: 654310

2. Name of School: \_\_\_\_\_ Course Start Date: \_\_\_\_\_

3. Degree program: \_\_\_\_\_  
(please attach verification of degree being sought)

4. Course Information: \_\_\_\_\_

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Course Title/Subject	Course Length (months)	Credit Hours	Tuition

5. Please explain how this course work enhances the knowledge, skills and abilities relating to the official duties you perform in your present position. (Attach a statement answering this requirement. Please be very specific. The tuition assistance request will not be processed unless the statement is attached.)

I have read the tuition assistance requirements and agree to furnish the Human Resources Department with an official transcript or official grade report upon satisfactory completion of the course. I understand that if I drop the class or fail to obtain a passing grade of "C" or better for undergraduate courses and a "B" or better for graduate courses, tuition assistance will not be paid. I further agree to reimburse the County for all tuition assistance received if I resign from the County service before twelve (12) months following receipt of the tuition assistance.

Employee Signature: \_\_\_\_\_

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

#### 6. APPLICATION APPROVAL

Department Director: \_\_\_\_\_

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

Division Administrator: \_\_\_\_\_

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

Human Resources Director \_\_\_\_\_

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

#### 7. TUITION ASSISTANCE ACTION

Enrollment Date: \_\_\_\_\_

Completion Date: \_\_\_\_\_

Passing Grade Achieved: YES  NO

Amount of tuition assistance \$ \_\_\_\_\_

(ATTACH COPY OF OFFICIAL TRANSCRIPT OR FINAL REPORT TO THIS FORM)

Finance pre-audit \_\_\_\_\_

Approved \_\_\_\_\_

**CMA # 5345**  
**WORK HOURS**

**§ 5345-1. Purpose.**

**§ 5345-3. Reference.**

**§ 5345-2. Currency.**

**[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006)]**

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**§ 5345-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a work hours procedure authorized by the County Manager.

**§ 5345-2. Currency.**

It is the practice of the County to establish work hours that are conducive to the effective conduct of County business.

- A. Length of the Workday: Each Department Director, subject to approval of the Division Administrator, shall establish the scheduled hours of work for employees within a department.
- B. Length of the Work Week:
  - (1) A forty-hour workweek is generally in effect for most full-time employees in the County service.
  - (2) The County workweek begins on Saturday and ends seven days later at midnight Friday.
- C. Exceptions to Regular Work Schedules: When the operational and service needs of the County require a work schedule different from the normal workday or workweek described above, the Division Administrator is authorized to change or adjust the work schedule.
- D. Meal Periods: An unpaid meal break of at least 30 minutes, but not more than 60 minutes, shall be given during the workday. Nonexempt employees are prohibited from performing any work during their meal break. It is the Supervisor's responsibility to see that work is not performed during the meal break. Meal periods are to be scheduled in a manner to best serve the public. The County Manager or designee may authorize the inclusion of the meal period as actual work time for twenty-four-hour and/or three consecutive eight-hour-shift positions.
- E. Work Breaks: A Supervisor may, at his/her discretion, grant up to two daily fifteen-minute breaks, one in mid-morning and one at mid-afternoon, to relieve fatigue and increase employee morale. Employees may or may not be permitted to leave the

premises depending on the nature of the job. Continued or persistent abuse of work breaks may result in disciplinary action, and/or withdrawal of break privileges by the Supervisor.

**§ 5345-3. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Work Hours: It is the policy of the County to establish work hours that are conducive to the effective conduct of County business.

## Chapter 5346

### RELOCATION EXPENSES

§ 5346-1. Purpose.

**Request for Authorization of  
Relocation Expenses**

§ 5346-2. Concept.

§ 5346-3. Currency.

§ 5346-4. Reference.

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003;  
Revised: April 1, 2006)]

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§ 5346-1. Purpose.

The purpose of this Instruction is to provide for the implementation of a relocation expenses procedure authorized by the County Manager.

§ 5346-2. Concept.

It is the policy of the County to recognize that allowances for relocation may be necessary to recruit skilled professional, supervisory and technical staff. The County will provide direct payment to contractors and/or reimburse eligible employees for legitimate expenses incurred in relocation in the manner set forth in this procedure.

- A. Department Directors, Division Administrators or other hiring Supervisors may not negotiate or approve relocation assistance with any applicant without approval of the Human Resources Director.
- B. Relocation expenses shall be paid only upon the recommendation of the Department Director, Division Administrator, and Human Resources Director and require the advance approval of the County Manager.
- C. Approvals for reimbursement of relocation expenses must be obtained prior to the move.
- D. All recommendations for payment of relocation allowances must be made on the Request for Authorization of Relocation Expenses form.<sup>1</sup> Commitments to expend County funds for payment of relocation expenses shall not be made without prior approval by the County Manager.
- E. Any consideration of relocation assistance shall not exceed one month's gross base salary at time of hire.
- F. Moving expenses eligible for relocation approval may include any combination of the categories listed below or other expenses incurred, which are approved by the Human

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1. Editor's Note: The Request for Authorization of Relocation Expenses form is included at the end of this CMA.

Resources Director and County Manager. In no instance will the total relocation allowance exceed the guidelines set forth in § 5346-2D above.

- (1) One house-hunting trip for the employee and/or family.
  - (2) Movement of household goods.
    - (a) The employee must secure estimates from three reputable movers or rental companies with national affiliations and submit those estimates to the Human Resources Department. The Human Resources Department reserves the right to choose the carrier if there is greater than a ten-percent variance.
    - (b) Household goods will not include construction materials, animals (except domestic pets), or sporting/recreational equipment that cannot be carried in the moving van.
  - (3) Storage of household goods for one month.
  - (4) Transportation expenses incurred in movement of new employee and dependents to Collier County.
- G. When appropriate, funds will be disbursed directly to service providers after receipt of invoices or employees may be directly reimbursed. Reimbursements for approved relocation expenses will be paid only after receipt by the Human Resources Department of appropriate receipts/documentation.
- H. Employees receiving relocation expenses will be required to sign an agreement stating that he/she will repay the relocation expense should he/she separate from County employment within two years from the date of hire.

### § 5346-3. Currency.

The Human Resources Department is responsible for maintaining the currency of this Instruction.

### § 5346-4. Reference.

Collier County Personnel Ordinance, Ordinance No. 2001-50: Relocation Expenses: It is the policy of the County to recognize that allowances for relocation may be necessary to recruit skilled professional, supervisory, and technical staff. The County will provide direct payment to contractors and/or reimburse eligible employees for legitimate expenses incurred in relocation in the manner set forth in the Human Resources Practices and Procedures Manual.

RELOCATION EXPENSES

CMA 5346 Attachment 1

COLLIER COUNTY GOVERNMENT
REQUEST FOR AUTHORIZATION OF RELOCATION EXPENSES

REQUEST: Name: Date:
Position: Division:
Date of Employment: Department:
Monthly Salary: Budget Code #:
Justification for relocation allowances:
Moved from City of: State:
Estimated Mileage to new residence:

- Relocation allowance for [ ] Employee and/or [ ] Family
[ ] House hunting trip
[ ] Movement of household goods
[ ] Storage of household goods and personal effects for one month or less
[ ] Transportation expenses for movement of employee and dependents to new location.

Recommended mode of transportation of household goods and personal effects: (three estimates required)

- [ ] Common carrier (estimated cost) 1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_
[ ] Rental Vehicle (estimated cost) 1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_

Justification for Recommended mode of transportation:

Department Director: \_\_\_\_\_ Date: \_\_\_\_\_

Division Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

APPROVAL: [ ] The above request is not approved.
[ ] The above request is approved for move by:
Common Carrier
Private and/or Rental Vehicle
Estimated total Cost \$ \_\_\_\_\_

Human Resources Director: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager: \_\_\_\_\_ Date: \_\_\_\_\_

OFFICE OF COUNTY MANAGER ADMINISTRATIVE PROCEDURE

**COLLIER COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**Relocation Agreement**

In accordance with this signed agreement, I \_\_\_\_\_, agree to repay Collier County Board of County Commissioners for relocation reimbursements or payments received if I should discontinue my employment with Collier County Board of County Commissioners for any reason within two years from date of hire. This Agreement does not in any way constitute an employment contract between myself and Collier County Board of County Commissioners.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Human Resources Representative

\_\_\_\_\_  
Date



**COMMITMENT TO FAIR TREATMENT**

**[Effective Date: April 9, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006; Revised: May 25, 2010)]**

**§ 5350-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a commitment to fair treatment procedure authorized by the County Manager.

**§ 5350-2. Concept.**

The County is committed to providing fair treatment to all employees and will ensure each concern is handled in an efficient and equitable manner. The County has established a commitment to fair treatment practice and procedure to provide a vehicle for employees to solve problems or resolve disputes, which may rise regarding the application, meaning or interpretation of the County's Human Resources Administrative Practices and Procedures. The commitment to fair treatment procedure does not apply to new employees serving their initial six-month probation, contract employees, temporary employees, and employee performance evaluation ratings or hiring decisions. Appeal procedures for discharge, suspension, or disciplinary demotion for regular full-time and regular part-time employees below the level of Department Director but not including contract employees and Executive Aides to the Board of County Commissioners, who are confidential employees working directly for the Commissioners, are stated in CMA 5351, Discipline, under § 5351-2D, Suspension, Discharge and Disciplinary Demotion Appeal Procedures.

**§ 5350-3. Procedures.**

- A. The County encourages employees to discuss any concerns with their Supervisor and ensures that employees may do so without fear of reprisal. It is the intent and desire of the County to address complaints informally. Both Supervisors and employees are expected to make every effort to resolve problems as they arise.
- B. Three levels of review are provided to employees who are dissatisfied with the answer received from their Supervisor. Employees shall first discuss the matter with their immediate Supervisor within five working days of the occurrence of the incident. If dissatisfied with the Supervisor's response, the employee has the option of appealing the response at the following levels.<sup>1</sup>

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<sup>1</sup> Because the Executive Aides to the Board of County Commissioners only report to a single supervisor, the Executive Manager to the Board, they are only provided a single level of review under the Commitment to Fair Treatment policy. If dissatisfied with the response provided by their supervisor, the Executive Aides may seek a final appeal of that response directly to the Human Resources Director consistent with the articulated procedures provided in Level Three appeals.

## CMA 5350

- (1) Level One: The employee should reduce his/her concerns to writing for presentation to his/her Department Director within five working days from the date of discussion with the immediate Supervisor. Appeal forms may be utilized by the employee to record the details of the situation, the immediate Supervisor's response and the appropriate instruction, as applicable. A copy of the statement must be furnished by the Department Director to the Human Resources Director. The Department Director will schedule and conduct a meeting with the employee within five working days of receipt of the appeal and will provide an answer within five working days of the meeting. A meeting with all parties involved is encouraged before the Department Director prepares his/her answer. If the employee is dissatisfied with the Department Director's answer or the answer is not received within the specified time period, the employee may appeal the action to the Division Administrator as provided in Level 2.
- (2) Level Two: The employee may appeal by submitting the original document, the Department Director's response and any additional comments to his/her Division Administrator or designee. Copies of all documents must also be submitted to the Human Resources Director. The appeal shall be filed within five working days from the date of the Department Director's response. The Division Administrator or designee will schedule and conduct a meeting with the employee within five working days of receipt of the appeal and the employee will be provided an answer within five working days of the meeting. A meeting with all parties involved is encouraged before the Division Administrator or designee prepares his/her answer. Should the employee be dissatisfied with the answer or not receive an answer within the specified time period, the employee may appeal the action to the County Manager or designee, as provided in Level 3.
- (3) Level Three: To appeal to the County Manager's office, all previously submitted forms and additional employee comments must be submitted to the County Manager's Office with a copy to the Human Resources Director within five working days of receipt of the Division Administrator's or designee's response. The employee may discuss his/her concerns with the County Manager or his/her designee, if desired. The County Manager, or his/her designee, will schedule and conduct a meeting within seven working days of receipt of the appeal with a representative from Human Resources in attendance. A meeting with all parties involved is encouraged before the County Manager prepares his/her answer. A final decision will be rendered by the County Manager's office within five working days of the meeting unless both parties agree to a change of time. The County Manager's decision is final and no further appeals are available through the County. The employee shall have the right to be represented and/or accompanied by another employee during discussions with the County Manager. Because it is the intent that this be an informal process, the employee shall not be allowed to be represented by an attorney.
- (4) General Provisions:
  - (a) There will be no retaliation against an employee for utilizing this process.
  - (b) Employees at Department Director level and equivalent (salary grade #29 and above) and contract employees are not eligible to use this procedure.

## CMA 5350

- (c) Should the employee be dissatisfied with a decision or action of an individual in another department, the appeals are addressed through the chain of command in that department in accordance with this practice. The employee should also inform his/her immediate Supervisor of the discussions taking place with another department's chain of command.
- (d) An appeal or request for a hearing that is not submitted within the time limits as prescribed for each level where no written extension has been granted by the due date shall be considered untimely; and, unless the lack of timeliness results from circumstances over which the employee has no control, untimely appeals will not be considered. An appeal not taken to the next step within the time limits shall be considered settled on the basis of the last answer provided by management. An appeal or request for a hearing that is not answered within the time limits prescribed for the appropriate management representative at each level shall entitle the employee to appeal to the next level.
- (e) The time limits prescribed herein may be extended for good and sufficient reasons by management due to illness, vacations, business trips, emergencies, business scheduling conflicts, or other unusual circumstances, when deemed in the best interest of assessing all available information to arrive at an equitable solution. If the time limits are extended, the employee will be so advised in writing
- (f) The time limits as set forth in this procedure for the processing of complaints and responses by management shall remain the same for employees regardless of work schedules. For the purpose of this commitment to fair treatment procedure, the working day shall be defined as regular business hours Monday through Friday.
- (g) All records, notes, correspondence, decisions and actions pertaining to the complaint shall be maintained in the Human Resources Department. A copy of the final resolution of all appeals shall be furnished to the employee and a copy forwarded to the Human Resources Director for insertion in the Commitment to Fair Treatment File.
- (h) The Human Resources Department is responsible for administering the commitment to fair treatment procedure and ensuring the appeal is handled in a prompt and efficient manner.
- (i) This procedure does not provide any guarantee of a job or position with the County.
- (j) It is not the County's practice to allow court reporters to participate in this process. See also § 5351-2D, Suspension, Discharge and Disciplinary Demotion Appeal Procedures, under CMA 5351, Discipline

**§ 5350-4. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5350-5. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Commitment to Fair Treatment for Regular Full-Time and Part-Time Employees Below the Level of Section Head: The County has established a Commitment to Fair Treatment policy and procedure to provide a vehicle for employees to solve problems or resolve disputes which may arise regarding the application, meaning or interpretation of the County's Human Resources Practices and Procedures. The Commitment to Fair Treatment procedure does not apply to probationary employees, temporary employees or employee performance appraisal ratings. The County understands when people work together disagreements are likely to occur. The County is committed to providing fair treatment to all employees and will ensure each concern is handled in an efficient and equitable manner. It is the intent and desire of the County to adjust complaints informally. Both Supervisors and employees are expected to make every effort to resolve problems as they arise. It is the responsibility of all involved parties to accept the final decision in this process.

**DISCIPLINE**

[Effective Date: April 9, 1999 (Revised: March 13, 2000; Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 1, 2005; Revised: April 1, 2006; Revised: May 1, 2009; Revised: May 25, 2010; Revised: February 29, 2012)]

**§ 5351-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a disciplinary procedure authorized by the County Manager.

**§ 5351-2. Concept.**

It is the practice of the County to implement a program of positive discipline. The County believes employees are the most vital resource of County government. Therefore, when employee behavior warrants it, supervisors must take positive corrective action whenever practical. These disciplinary procedures apply to regular full-time and part-time employees below the level of Department Director. Department Directors, as well as Fire Chiefs; Chief – EMS; Division Administrators; County Attorney; Deputy County Attorney; Deputy County Manager; Executive Aides to the Board of County Commissioners, who are confidential employees working directly for the Commissioners; the County Manager, and all other contract employees reporting to the Board of County Commissioners are exempt from this disciplinary procedure, serve at the will of the County and may be suspended, discharged or demoted for any reason. All temporary and seasonal employees of the County are also exempt from this disciplinary procedure and may be separated at any time for any reason. Employees in their initial probationary period (including any extension of their initial probationary period) do not have appeal rights under this procedure. See CMA § 5321, Probationary Period, for further definition of the probationary period.

**A. Philosophy.**

Supervisors should work with employees to improve performance or behavior and may refer employees to the Employee Assistance Program when appropriate. While the goal of discipline is to be corrective through a series of progressive steps or actions that encourage employees to improve their behavior, in certain circumstances, progressive discipline may not be applicable.

Some breaches of conduct are so severe that they warrant an immediate discharge or other disciplinary action. Examples of such behaviors include, but are not limited to, workplace violence, violations of the Code of Ethics/Standards of Conduct, or any applicable ethics laws or ordinances, insubordination, theft, sexual harassment, or other severe misconduct or unsatisfactory performance or behavior.

Under extreme or exigent circumstances, the immediate supervisor may place an employee on administrative leave with or without pay without prior approval and consultation of the Department Director or Human Resources (weekends, night shift, perceived danger to fellow employees, the public or to County property, safety concerns, etc.). Administrative Leave is outlined further in CMA 5360, Leaves of Absence. In these cases, the Supervisor should contact the Department Director, the assigned Human Resources (HR) Generalist and the Human Resources Director as soon as possible.

Decisions regarding disciplinary actions are the responsibility of the Department Director,

who may be assisted by managers or supervisors to formulate recommendations; however, disciplinary actions for violations of policies, practices or procedures that fall under the purview of a department other than Human Resources should be made in consultation with the Department Director having authority over that policy, practice or procedure (i.e., Purchasing, Risk Management, Safety, Information Technology, Fleet, etc.)

B. Factors In Discipline.

Although internal consistency in administering discipline is desirable, numerous factors should be considered in determining the appropriate level of discipline to be administered. These factors include, but are not limited to:

- (1) Length of service.
- (2) Intervals between performance or behavior problems.
- (3) Progress toward improving overall work performance or behavior.
- (4) Disciplinary history.
- (5) Effectiveness of prior disciplinary actions.
- (6) Severity of disciplined behavior.
- (7) Repetition of disciplined behavior.

C. Behavior Action Plan.

Each disciplinary action, other than verbal counseling, must be fully documented on a Behavior Action Plan and submitted to the Human Resources Department prior to implementation. The Behavior Action Plan (BAP) is a document used by a Supervisor, Manager, or Director to document continued violations of County standards when verbal counseling does not result in improved employee behavior, to administer progressive discipline actions, or in cases that warrant immediate action.

The BAP will include a description of the incident or violation, including the specific section(s) of the CMA(s), County standards or Florida law violated; a summary of the employee's past disciplinary actions, if applicable; the expectations for the employee to improve his/her behavior through measurable improvements or goals; and the consequences of not meeting the improvements or goals specified.

The BAP will be prepared by the employee's Supervisor, Manager, or Director in consultation with the HR Generalist assigned to the department. The final recommendation for disciplinary action must be approved by the Department Director. Once the recommendation has been made, the Human Resources Director or his/her designee must approve the BAP before it is issued to the employee. The BAP, along with any supporting documentation, is delivered to the employee by his/her immediate Supervisor, Manager and/or Director and the assigned HR Generalist or designated representative. The employee's signature is requested on the BAP to acknowledge receipt; however, the signature may or may not indicate an employee's agreement with the disciplinary action. If the employee refuses to sign, it should be so indicated in the area reserved for the employee's signature.

When disciplinary action is taken and a Behavior Action Plan is presented, an employee may

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be suspended, placed on probation, issued goals or objectives to be met in compliance with a 30, 60, or 90 day Performance Improvement Plan, or given other disciplinary action as warranted. When the employee meets the established goal(s), the probationary period or other disciplinary action may be lifted. If the employee does not meet the established goal(s), further disciplinary action may be taken, up to and including discharge.

The BAP will become part of the documentation contained in the Human Resources Personnel File.

### D. Disciplinary Actions:

- (1) Verbal counseling session: A verbal counseling session takes place between an employee and his/her supervisor when attitude, work performance, or conduct does not fall within established guidelines or CMAs. The purpose of a verbal counseling session is to encourage an employee to improve his/her attitude, work performance, attendance, or behavior. Discussions of this nature are commonly used when an employee disregards work rules of a relatively minor nature. The supervisor will identify and define the area in need of improvement and ask the employee what steps he/she will take to make improvements in his/her behavior/performance.
  - (a) Supervisors should advise employees immediately whenever their attitude, work performance, or personal conduct falls below an acceptable level.
  - (b) It is the responsibility of the employee's immediate supervisor to gather all the information, weigh the facts and discuss any disciplinary or other problems with the employee involved. Supervisors may consult with an HR Generalist, if applicable.
  - (c) A verbal counseling session serves notice that if improvement is not forthcoming, or the misconduct reoccurs, more formal disciplinary action may be taken.
  - (d) A Supervisory Log/Record of Conversation (ROC) is a log that documents a conversation between a supervisor and employee. This document should include the date of the occurrence, the action or behavior observed, the specific section of County CMA(s) violated, and the date the supervisor reviewed his/her concerns with the employee. Verbal counseling sessions are recorded on the County's Supervisory Log Form/Record of Conversation (ROC) Form and maintained in department records.
  - (e) The supervisor and the employee will initial the Supervisory Log/ROC entry. If the employee refuses to initial the log, it should be so indicated in the area reserved for the employee's initials.
  - (f) This form should be retained by the Supervisor and may not be placed in the employee's personnel file in the Human Resources Department. The Supervisory Log Form/Record of Conversation (ROC) Form is a public record and may not be destroyed or disposed of even if no further infractions occur. It may become part of a personnel file in the event that further disciplinary action is warranted.
- (2) Written Counseling Session: In situations where verbal counseling has not resulted in the expected improvement, when an employee exhibits further disciplinary problems, or when the employee's conduct warrants, a Behavior Action Plan (BAP) shall be issued. If

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misconduct is involved, the BAP should include a description of the incident of misconduct and refer to times, dates, locations, and the Code of Ethics/Standards of Conduct or other CMAs violated.

- (a) The employee's immediate Supervisor may initiate the BAP in coordination with the Department Director and the assigned HR Generalist. Final decisions regarding discipline are the responsibility of the Department Director. The signatures of the Supervisor, Department Director, and Human Resources Director must be included on the Behavior Action Plan. The BAP may be issued to the employee after approvals listed above are obtained.
  - (b) The Supervisor or Department Director and the assigned HR Generalist or designated representative will meet with the employee to review the information on the Behavior Action Plan and issue the written discipline.
  - (c) The Behavior Action Plan and any supporting documentation of disciplinary action are public records and shall be retained in the employee's personnel file in the Human Resources Department.
- (3) Suspension: An employee may be suspended without pay by his/her immediate supervisor with the prior approval of the Department Director and upon consultation with the assigned HR Generalist. Suspensions may be recommended for reasons provided in the Code of Ethics/Standards of Conduct<sup>1</sup> or for other unacceptable conduct including alleged violations of Florida Law.
- (a) If immediate action is required (cases where workplace health, safety and/or welfare is jeopardized), the employee shall be placed on leave with pay pending approval for leave without pay from Human Resources. In the case where such an action is required, the immediate supervisor should consult with his/her Department Director and an HR representative prior to the action, or as soon as possible if they are unavailable at the time the action is required.
  - (b) Suspensions shall be documented on a Behavior Action Plan. The BAP must be approved by the Supervisor, Manager, Department Director, and Human Resources Director or his/her designee before it is issued to the employee. The supervisor and/or the Department Director and the assigned HR Generalist will meet with the employee to review the information on the BAP and issue the suspension.
  - (c) Any employee recommended for suspension shall be given notice of his/her appeal rights, if any, by separate letter/memorandum from his/her Department Director or the Human Resources Department. A copy of the appeal procedure shall be provided with this letter/memorandum.
  - (d) The suspension action becomes final if the employee does not file a request to appeal the suspension during the required time period.
- (4) Termination of Employment (Discharge) and Disciplinary Demotion: Employees may be recommended for termination of employment or demotion for misconduct, unacceptable job performance, job abandonment and/or violations of the Code of Ethics/Standards of

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<sup>1</sup>. Editor's Note: See CMA 5311, Code of Ethics, and CMA 5311.1, Standards of Conduct.



Conduct. As noted in the Code of Ethics/Standards of Conduct,<sup>2</sup> the reasons for discipline, including termination of employment or demotion, outlined therein are examples and are not considered all inclusive.

- (a) Recommendations to terminate employment or demote regular full-time and regular part-time employees who have completed their initial probationary period may be made by the employee's Department Director in coordination with the assigned HR Generalist, after consultation with the Human Resources Director or his/her designee. Following this consultation, the recommendation shall be formalized by completion of a Behavior Action Plan.
- (b) The Supervisor, Manager and/or Department Director and the assigned HR Generalist or designated representative will meet with the employee to review the information on the Behavior Action Plan and issue the termination or demotion.
- (c) Any employee recommended for discharge or demotion shall be given notice of his/her appeal rights, if any, by a letter/memorandum from the Department Director or the Human Resources Department separate and apart from the BAP. A copy of the appeal procedure shall be provided to the employee with the letter/memorandum.
- (d) An employee recommended for disciplinary demotion will begin serving in the new capacity effective as of the date the BAP is presented. Employees recommended for termination of employment will be placed on Administrative Leave without Pay until the action becomes final. The termination or demotion becomes final if the employee does not file a request to appeal the action during the required time period or following resolution of an authorized appeal process.

#### E. Appeal Process

An employee may request a hearing to appeal a suspension, disciplinary demotion or recommendation for termination within five business days following the date the disciplinary action is issued. Appeals are allowed only for suspensions, terminations and disciplinary demotions. Employees will, however, be permitted to submit statements outlining the reason(s), if any, for their disagreement with any disciplinary action taken, which will be placed in the personnel file. The request for appeal must be submitted in writing to the Human Resources Department. In the case of suspensions, an employee has one level of appeal before a designated Hearing Officer; in the case of disciplinary demotions or recommendations for termination, an employee has two levels of appeal.

- (1) First Level Appeal of Recommendation for Suspension, Termination or Disciplinary Demotion:
  - (a) The Hearing Officer for a First Level Appeal will be assigned by the Human Resources Director or his/her designee and will usually be a Division Administrator, Department Director or Chief. If appropriate, the County may select a Hearing Officer from outside of the County in which case the Hearing Officer shall be a Labor/Employment Attorney or arbitrator listed with either the American Arbitration Association or the Federal Mediation and Conciliation

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2. Editor's Note: See CMA 5311, Code of Ethics, and CMA 5311.1, Standards of Conduct.

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Service. The hearing will be scheduled and conducted within 14 calendar days of receiving the request for the hearing. The hearing may be rescheduled upon written request of either party for legitimate reasons and must be reset within a reasonable time.

- (b) During a first-level appeal hearing, the employee may not be represented by an attorney, but may present County employee witnesses and may cross-examine witnesses presented by the County.
- (c) The Hearing Officer will render a decision in writing to the Human Resources Director. The decision must be issued within five (5) working days following the hearing. The Human Resources Director or his/her designee will ensure the decision is forwarded to all affected parties.
- (d) In the case of a suspension, the decision of the Hearing Officer is final. For a recommendation of termination or disciplinary demotion, the employee may request a Second Level Appeal.

### (2) Second Level Appeal of Recommendation for Termination or Disciplinary Demotion:

- (a) The second level hearing will be held before the County Manager or his/her designee and will be coordinated by the Human Resources Director or his/her designee, with assistance as needed from other HR staff members. The hearing will be scheduled and conducted within 30 calendar days of receiving the request for the hearing. The hearing may be rescheduled upon written request of either party for legitimate reasons and must be reset within a reasonable time.
- (b) The employee is allowed representation by an attorney, may present County employee witnesses, and may cross-examine witnesses presented by the County. The employee will have the right to examine the evidence that forms the basis for the termination recommendation or disciplinary demotion.
- (c) Judicial rules of procedure and evidence will not be applicable. A court reporter shall document the process, and all witnesses providing testimony will be placed under oath.
- (d) The County Manager or his/her designee shall render his/her decision within ten (10) working days following the date of the hearing. The County Manager or his/her designee shall communicate the decision in writing to the Human Resources Director, who will notify all affected parties and/or representatives.
- (e) At the option of the County Manager or his/her designee, an external Hearing Officer may be selected to make findings of fact. The person selected will either be the County Manager's designee, an attorney who is a member of the Florida Bar Association, or an arbitrator listed with either the American Arbitration Association or the Federal Mediation and Conciliation Service. All expenses for the Hearing Officer and Court Reporter will be the responsibility of the employee's department. The Hearing Officer will prepare a written finding of facts and, if appropriate, conclusions of law and submit them to the County Manager within ten (10) working days following the close of the hearing. The Hearing Officer will not make any recommendation as to the actual resolution of the discharge/disciplinary

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demotion. The County Manager or his/her designee will issue a final decision in writing to the Human Resources Director within ten (10) working days following receipt of the report from the Hearing Officer. The Human Resources Director will notify all affected parties and/or representatives.

- (f) The County Manager may issue alternative or reduced disciplinary actions in lieu of upholding the discharge or disciplinary demotion. In such circumstances, the County Manager will determine the terms of the reduced measures, including eligibility for return of pay and benefits. While reasonable attempts will be made to maintain a discharged or demoted employee in his/her previous pay grade and classification, employees who accept the conditions of alternate disciplinary measures may be transferred to another position in the organization.

### (3) Appeal Hearings:

- (a) The Human Resources Director or his/her designee will coordinate the hearing process with assistance from other HR staff members, and will appoint a Hearing Officer. The purpose for the hearing is to review the facts relating to the matter to determine whether the recommended action is supported and if it falls within the guidelines of existing CMAs.
- (b) The employee will receive notification of the hearing in writing from the Human Resources Director or his/her designee a minimum of three (3) working days prior to the date of the hearing. The notice will contain the date, time and place of the hearing, the name of the Hearing Officer, the reason(s) for the disciplinary action, and the name(s) of the individuals other than the employee who will be present at the hearing. A copy of the Behavior Action Plan (BAP) will also be included.
- (c) Failure of the employee to attend a scheduled hearing will be considered a waiver of appeal and the disciplinary action will stand.
- (d) The Department Director, employee's immediate supervisor or manager, and the Human Resources Director, or their respective designees, shall be in attendance. The employee will be provided an opportunity to present evidence, including County employee witnesses, to support his/her assertion that the action is inappropriate or unwarranted. The employee's supervisor or manager and Department Director shall present the factual reasons and/or documents that support the recommended action.
- (e) If an employee wishes to have witnesses speak on his/her behalf, the employee must submit a request in writing to the Human Resources Department at least three (3) working days prior to the hearing. The County will allow the attendance of a reasonable number of County employees who have direct knowledge of the incident under review to appear at the hearing at the request of the employee. The County will be responsible for the wages or salary of County employee witnesses who appear at the hearing at the request of the employee. The employee is responsible for notifying his/her witnesses of the date and time they need to appear.
- (f) A list of witnesses, a summary of the facts to be presented by each witness, and other evidence shall be provided by both parties to the Human Resources Department at least three working days prior to the hearing.

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- (g) The designated Hearing Officer shall hear the facts of the matter during the scheduled hearing and will take additional action, if necessary, to ensure all the facts of the matter are determined. The Hearing Officer shall consider the documentation, statements provided during the hearing and all facts in the case in making a final determination. In a First Level Appeal, an internal Hearing Officer has the option of upholding, overturning or issuing reduced disciplinary measures. An external Hearing Officer shall provide findings of fact to the County Manager, including disciplinary recommendations, if appropriate, for a final decision. In a Second Level Appeal, Hearing Officers will provide only findings of fact and the County Manager shall render a final decision.
  - (h) In the case of a suspension action, the decision of the First Level Hearing Officer is final. In the case of a disciplinary demotion or recommendation for termination, the employee may request a second level appeal hearing if the recommendation is upheld in the first level hearing. This must be requested in writing to the Human Resources Director within the five day period following receipt of the first level Hearing Officer's decision.
  - (i) When an employee exhausts the appeals process, if the disciplinary action is upheld by the Hearing Officer, the Behavior Action Plan documenting the action shall be placed in the employee's personnel file in the Human Resources Department. If the action is overturned or reduced disciplinary measures are issued, any pay and benefits, position status, or if applicable, date of hire shall be restored to the employee. Documentation regarding the disciplinary action and outcome of the appeal process shall be placed in the employee's personnel file.
- (4) Timeliness:
- (a) An appeal or request for a hearing that is not submitted within the time limits as prescribed for each step, where no written extension has been granted by the due date, shall be considered untimely; and, unless the lack of timeliness results from circumstances over which the employee has no control as determined by the Human Resources Director, untimely requests will not be considered.
  - (b) The time limits prescribed herein may be extended for good and sufficient reasons by management due to short term illness, vacations, business trips, scheduling/workload conflicts, or emergencies, when deemed in the best interest of assessing all available information to arrive at an equitable solution. If the time limits are extended, the employee will be so advised in writing.
  - (c) The time limits as set forth in this procedure for the processing of responses by management shall remain the same for employees regardless of work schedules. For the purpose of this discipline procedure, the working day shall be defined as regular business hours Monday through Friday. An employee who seeks an extension of the time limits set forth herein must make the request to the Human Resources Director in writing prior to the expiration of the time period to be extended.

**§ 5351-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5351-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Discipline: It is the policy of the County to implement a policy of positive progressive discipline. The County believes employees are the most vital resource of County government. Therefore, Supervisors must take positive corrective action whenever practical. The disciplinary procedures apply only to all regular full-time and part-time employees below the level of Section Heads, Department Directors, Division Administrators, and all supervisory employees directly reporting to the Board of County Commissioners, County Attorney, and County Manager are exempt from the disciplinary policy, serve at the will of the County, and may be discharged for any reason. All contractual employees of the County are exempt from the disciplinary policy.

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- (f) If the termination/disciplinary demotion is overturned by the County Manager or his/her designee, pay and benefits, if applicable, and original date of hire shall be reinstated to the employee and documentation regarding the discharge/disciplinary demotion shall be placed in the employee's personnel file.
  - (g) The County Manager, or his/her designee, may also recommend alternative or reduced disciplinary measures in lieu of upholding the discharge/disciplinary demotion. In such circumstances, the County Manager or designee will determine the terms under which the employee may return to work, including eligibility for return of pay and benefits. While reasonable attempts will be made to maintain an employee in his/her previous pay grade and classification, employees who accept the conditions of alternate disciplinary measures may be transferred to another position in the organization.
  - (h) During the period between the date when the Division Administrator upholds the termination/disciplinary demotion decision and the date the termination/post-disciplinary demotion hearing is held, the employee will be placed on unpaid Administrative Leave of Absence.
- (4) General Provisions:
- (a) An appeal or request for a hearing that is not submitted within the time limits as prescribed for each step, where no written extension has been granted by the due date, shall be considered untimely; and, unless the lack of timeliness results from circumstances over which the employee has no control, untimely requests will not be considered. An appeal or request for hearing not taken to the next step within the time limits shall be considered settled on the basis of the last answer provided by management. An appeal or request for a hearing that is not answered within the time limits prescribed for the appropriate management representative at each step shall entitle the employee to appeal to the next step.
  - (b) The time limits prescribed herein may be extended for good and sufficient reasons by management due to short term illness, vacations, business trips, scheduling/workload conflicts, or emergencies, when deemed in the best interest of assessing all available information to arrive at an equitable solution. If the time limits are extended, the employee will be so advised in writing.
  - (c) The time limits as set forth in this procedure for the processing of complaints and responses by management shall remain the same for employees regardless of work schedules. For the purpose of this discipline procedure, the working day shall be defined as regular business hours Monday through Friday. An employee who seeks an extension of the time limits set forth herein must make the request to the Human Resources Director in writing prior to the expiration of the time

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period to be extended.

- (d) A court reporter shall be utilized to document the final appeal of termination/disciplinary demotion processes.

### **§ 5351-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

### **§ 5351-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Discipline: It is the policy of the County to implement a policy of positive progressive discipline. The County believes employees are the most vital resource of County government. Therefore, Supervisors must take positive corrective action whenever practical. The disciplinary procedures apply only to all regular full-time and part-time employees below the level of Section Heads, Department Directors, Division Administrators, and all supervisory employees directly reporting to the Board of County Commissioners, County Attorney, and County Manager are exempt from the disciplinary policy, serve at the will of the County, and may be discharged for any reason. All contractual employees of the County are exempt from the disciplinary policy.

## Chapter 5360

### LEAVES OF ABSENCE

§ 5360-1. Purpose.

§ 5360-3. Currency.

§ 5360-2. Concept.

§ 5360-4. Reference.

[Effective Date: May 21, 1999 (Revised: January 1, 2000; Revised: March 13, 2000; Revised: October 1, 2001; Revised: October 1, 2003; Revised: May 1, 2004; Revised: January 1, 2005; Revised: April 1, 2006; Revised: January 1, 2007; Revised: August 23, 2007)]

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#### § 5360-1. Purpose.

The purpose of this Instruction is to provide for the implementation of a paid and unpaid leaves of absence procedure authorized by the County Manager.

#### § 5360-2. Concept.

The County provides various types of paid and unpaid leaves of absence to both regular full- and part-time employees. The following leave types are covered by this Instruction:

#### **Leaves of Absence**

- Sick Leave
- Attendance Incentive
- Sick Leave Payout At Termination
- Retiree Health Insurance Premium Subsidy Program
- Sick Leave Bank Program
- Vacation Leave
- Compensatory Leave
- Paid Holidays
- Bereavement Leave
- Military Leave
- Personal Leave
- Administrative Leave

#### **Other Paid and Unpaid Absences**

- Emergency Pay
- Community Service
- Workers' Compensation
- Domestic Violence Leave



**Other Paid and Unpaid Absences**

Unpaid Leave of Absence

A. Leaves of Absence

(1) Authorization:

- (a) Any employee requesting a leave of absence from the County, whether paid or unpaid must submit a Request for Leave Form to his/her Supervisor for approval. This includes requests for Vacation, Personal, Compensatory, Sick Leave, Military Leave, Jury Duty, Service Award Leave, Bereavement or any time that is to be taken without pay.
- (b) When an employee officially begins and ends an approved leave of absence from the County (FMLA, Military, Workers' Compensation or personal) , whether paid or unpaid, in addition to the employee submitting a Request for Leave Form, all required documentation regarding the leave of absence and a Personnel Action Report are to be completed and submitted to the Human Resources Department for processing. In certain cases, Human Resources staff may initiate these documents for processing and will communicate the status to the HR Generalist and Department Director. Otherwise, the Department Director or his/her designee is responsible for initiating these forms.

(2) Sick Leave:

- (a) Eligibility: All regular and probationary full- and part-time employees shall be entitled to accrue and use accumulated sick leave with pay from the date of hire. Under no circumstances shall temporary or other non-regular employees be eligible under this provision.

(b) Accrual of Sick Leave:

- [1] Regular employees hired after September 30, 1993, whose regular workweek is 40 hours shall accrue sick leave at the rate of 0.0462 hours for each hour worked with accrual not to exceed 3.69 hours per biweekly pay period and a total accrual per year of 96 hours. For persons whose regular workweek is more or less than 40 hours, the hourly accrual rate is still 0.0462.
- [2] Regular employees hired on or prior to September 30, 1993, whose regular workweek is 40 hours shall accrue at the rate of 0.0577 hours for each hour worked with accrual not to exceed 4.62 hours per biweekly pay period and a total accrual per year of 120 hours. For persons whose normal workweek is more or less than 40 hours, the hourly accrual rate is still 0.0577.
- [3] Employees may accrue an unlimited number of sick leave hours throughout their County career.

- [4] Employees hired from Constitutional Officer agencies without a break in continuous service, or a break in service of less than 30 days, may transfer their accumulated sick time. The date of hire with the Constitutional Officer Agency shall determine the accrual rate.
  - [5] Temporary or seasonal employees do not receive sick leave accrual nor is service as a temporary employee credited upon transfer to regular full- or part-time employment. Temporary or seasonal employees will retain their original date of hire when transferred to regular employment, but will receive an adjusted date of hire to designate the move to permanent status.
  - [6] Sick leave shall be accrued on regular hours worked, sick leave taken, vacation leave taken, compensatory time taken, personal leave, bereavement leave, military leave, holiday hours, jury duty and paid administrative leave.
  - [7] Leave without pay, overtime hours and disaster overtime hours are excluded from sick leave accrual.
- (c) Use of Sick Leave:
- [1] The minimum charge for sick leave shall be in thirty-minute units.
  - [2] Sick leave may be granted for the following purposes:
    - [a] Personal illness or injury.
    - [b] Appointments for the employee or for the employee's spouse or children with medical, dental, or other recognized practitioners for consultation or treatment.
    - [c] Serious illness and/or disability in the employee's immediate family, for up to five days for any one incident. (Note: "Immediate family" is defined as: spouse, mother, father, brother, sister, or children.)
  - [3] Review of Sick Leave Usage:
    - [a] If, upon review of sick leave usage, it is found that an employee has utilized sick leave time for purposes other than those outlined above, or if there is a consistent documented pattern of sick leave usage (such as days taken at the beginning or end of a workweek on a regular basis), further action may be taken as outlined in CMA 5351, Discipline. Records of sick leave usage will be reviewed on a quarterly basis.
- (d) Notification and Proof of Illness:
- [1] The employee or his/her representative shall be responsible for notifying the Supervisor before work or within the first hour of the employee's normal workday on each day of absence. Failure to provide timely

notice may be cause for denial of sick leave pay for the period of time. More restrictive requirements may apply within specific departments.

- [2] The Department Director is responsible for determining that sick leave is properly authorized and used in accordance with these rules. This will include maintaining complete attendance records on all employees including days, dates and hours of sick leave used.
- [3] The employee's Supervisor may require proof of illness at any time, whether for the employee or his/her immediate family.
- [4] When an employee has had an illness which requires hospitalization or results in absence from work for more than five consecutive days, the employee shall provide a doctor's certificate stating that the employee may return to work to be eligible for sick leave pay. In addition, the County reserves the right to request a doctor's certificate stating that the employee may return to work following any other use of sick leave.
- [5] In cases of accident or injury, a medical leave may be granted without prior notice. If the leave is due to an accident that happens at work, the Department Director must notify the Risk Management Department immediately.
- [6] An employee is generally required to first use all accrued sick leave. Then, if approved by the Supervisor, employees may use accumulated compensatory time, personal leave and/or vacation leave when out on leave for medical reasons.

(e) Sick Leave Pay Upon Termination:

- [1] Active employees who had a minimum of two years of service as of August 2, 1996, had the balance of their sick leave time calculated as outlined below and given a dollar value as of the end of the workday of August 2, 1996. These sick leave hours remained in the balance available for use by each employee, with employees continuing to accrue hours each pay period he/she works.
- [2] The valuation was calculated as follows: Total hours sick leave accrued x percentage (%) allowed upon separation (see chart below) = Hours to be paid (subject to 1,040 maximum). Hours to be paid x hourly rate at the time of separation = Maximum Sick Leave Payment.

\* Sick Leave Pay Upon Termination

<b>Years of Service</b>	<b>% Paid at Separation</b>
At least 2 years but less than 5 years at the time of separation	20%

<b>Years of Service</b>	<b>% Paid at Separation</b>
At least 5 years but less than 10 years at the time of separation	25%
At least 10 years but less than 15 years at the time of separation	35%
At least 15 years but less than 20 years at the time of separation	40%
More than 20 years at the time of separation	50%

The maximum amount of sick leave hours that may be paid to an employee at termination is 1,040 hours.

- [3] A record of this calculation is kept in each eligible employee's personnel file.
  - [4] Upon voluntary separation with appropriate notice or upon layoff, an eligible employee's total accrued sick leave will be calculated and valued in the same manner again, and the employee shall be paid the lesser of the two values.
  - [5] No employee hired after August 2, 1994, shall receive payment for accrued sick leave upon separation.
  - [6] Regular full- and regular part-time employees who are laid off from the County service shall have the option of receiving payment for sick leave in accordance with this section at the time of layoff or retaining all sick leave hours for a period of six months.
  - [7] In the event an employee is separated because of death, sick leave shall be paid in the final paycheck whenever possible in the manner calculated above.
  - [8] Should a regular employee transfer to a temporary position with the intent of returning to a regular position, with no break in service, the employee's sick leave may be banked and reinstated to the employee upon his/her return to the regular position. No additional sick leave will accrue and no hours can be used from this banked sick leave during the employee's temporary status.
  - [9] Employees who elect to participate the Retiree Health Insurance Premium Subsidy Program (effective 10/1/2005) may be required to forego the payout of sick leave time to qualify, or take a reduced payout amount as outlined in this policy, as well as CMA 5904, Retiree Health Insurance Premium Subsidy Program.
- (f) Retiree Health Insurance Premium Subsidy Program

- [1] The following criteria are used to determine employee eligibility for the Retiree Health Insurance Premium Subsidy Program:
  - [a] Have a minimum of 15 years of continuous service.
  - [b] Age 55 (or have 30 years of continuous service, whichever is less) but less than Medicare Part B eligibility age.
  - [c] Must retire under FRS with no break in time between their last day with Collier County and effective date of their retirement benefit.
  - [d] Have at least 60% of their eligible accrued sick leave remaining at the time of retirement as calculated from the beginning date of their continuous length of service.
- [2] The subsidy shall consist of an employer contribution equal to a percentage of premiums based upon the employee's continuous years of service and their remaining accrued sick leave at the completion of their last day of regular employment. The Risk Management Director shall be responsible for the development of a percentage contribution table which shall be used to establish these contribution rates. The table shall be constructed in such a manner that employees with greater length of service and higher accrued sick leave at retirement shall receive a higher premium subsidy. The County Manager may at his/her discretion change the method of subsidy at any time for any reason.
- [3] The calculation of the retiree's actual subsidy and premium due shall be calculated as of their final date of employment. Once this calculation is completed, the retiring employee will be notified in writing and shall be given the opportunity to enroll in the program pursuant to the provisions of F.S., § 112.08, and the provisions of the Collier County Group Health Plan. Premiums shall be due monthly and the first monthly premium shall be due at the time of enrollment.
  - [a] An employee's sick leave balance will be reviewed based on a final date of employment to determine if they meet minimum requirements. If eligible, the hours used to meet eligibility criteria will be deducted from total available hours.
  - [b] If an employee was eligible for payout of sick leave hours based on original date of hire, he/she must decide whether to elect payout or use hours towards the subsidy program. Under no circumstances can the employee receive full payout and credit of the hours towards the subsidy program.
- [4] The percentage of premium subsidy shall be tied to the single rate tier of the plan in effect at that time which has the lowest single tier rate. In no instance shall the employer pay more than 100% of the lowest single tier rate. An employee may choose a different plan; however, the differential in cost shall be paid by the employee.

- [5] The Retiree Medical Program may be cancelled at any time with 30 days notice to covered retired employees.
- [6] Other than cancellation, the Retiree Medical Program may be altered or changed at any time with or without notice.
- [7] Premium rates and rates of percentage contribution are subject to change at any time with or without notice.
- [8] The County Manager may at his/her discretion change the method of subsidy and individual provisions of this program at any time for any reason.

(g) Attendance Incentive Program:

- [1] The Attendance Incentive Program is designed to reward regular full- and regular part-time employees with good attendance records, on an annual basis, by permitting them to convert a portion of their accrued, unused sick leave to vacation leave.
- [2] For administrative purposes, the attendance record of each employee is reviewed by the Human Resources Department on an annual basis from January 1 to the end of the last pay period of the calendar year. To be eligible for the incentive, an employee must have completed one full year of employment on December 31.
- [3] The conversion of sick leave shall be in accordance with the following schedule:

<b>Sick Leave Used During Year</b>	<b>Incentive</b>
None used - Perfect Attendance	Convert 3 days sick leave to vacation leave
1 day or less used (normal workday)	Convert 2 days to vacation
2 days or less used (normal workday)	Convert 1 day to vacation
More than 2 days used (normal workday)	No hours may be converted

- [4] Employees must elect to participate in the Attendance Incentive by notifying the Human Resources Department in writing. Eligible employees will be provided with documentation regarding the amount of time they are able to convert from sick to vacation. Each employee must sign and return the documentation to Human Resources before the conversion of time will occur. The sick leave hours will remain in the employee's sick leave account if not converted.

- [5] Employee participation in the leave bank program will not impact his/her eligibility for the Attendance Incentive Program.
  - [6] Employee absences that are qualified under Workers' Compensation for a period of three months or less will not impact eligibility for the Attendance Incentive Program.
  - [7] Employees who elect to participate the Attendance Incentive Program will have their sick leave hours reduced by the specified amount, which may affect their ability to participate in the Retiree Health Insurance Premium Subsidy Program (effective 10/1/2005). Information regarding the Retiree Health Insurance Premium Subsidy Program can be found under CMA 5904.
- (h) Leave Bank.
- [1] An employee having used all his/her sick and compensatory leave due to absence resulting from a serious illness, accident, or disability may receive additional sick leave donated on a voluntary basis by fellow employees in accordance with the following guidelines:
    - [a] Must be a member of the Leave Bank for at least six months.
    - [b] Must have current performance evaluation of meets standards or better.
    - [c] Must have a satisfactory sick leave record (see § 5360-2A(2)(h)[7] below).
    - [d] Employees receiving Worker's Compensation may not be considered for leave bank usage.
  - [2] An employee must contribute at least eight hours of accrued leave in order to participate in the leave bank program. Other eligibility criteria include being a Regular Full-time or Part-time employee who has successfully completed his/her initial six month probationary period; having a current performance evaluation of meets standards or better; and having a satisfactory sick leave record (see § 5360-2A(2)(h)[7] below).
  - [3] There is a six-month waiting period after joining the Leave Bank before application for leave hours can be made. Employees may join the leave bank at any time following completion of their initial six-month probationary period.
  - [4] Every six months, the Human Resources liaison will review the leave bank balance and determine if sufficient time is available. If not, a notice will be sent to all members requiring further donations in order to continue their participation in the program. Normally, the donated time will be in four- or eight-hour blocks depending upon the prior utilization of the bank.

- [5] In order to receive time from the Leave Bank, an employee must apply for short-term disability benefits. Once approved for short-term disability, the employee must complete a Leave Bank Withdrawal Form and submit it to his/her Department Director for signature. The Department Director may recommend approval or denial of the request. This request must be submitted in writing to the Human Resources Director. The Human Resources Department will review the request and determine eligibility based on the criteria as outlined in this policy and will either approve or deny the request. If approved, the employee will receive hours from the Leave Bank to supplement payments received from short-term disability. To ensure the fair distribution of the monetary value of hours received from the Leave Bank, and as a result of there being two different types of coverage of short-term disability, the Leave Bank will pay the equivalent of 26 hours per pay period at the employee's base rate of pay. Employees will be allowed to supplement the short-term disability coverage and Leave Bank coverage with hours from their vacation accrual if they so desire. Employees who are working a reduced schedule due to an illness, accident, or disability may apply for Leave Bank benefits. However, as the short-term disability carrier will not consider or pay partial benefits, the employee cannot apply for short-term disability benefits. Therefore, with medical documentation, these requests will be reviewed by the Human Resources and Risk Management Departments and, if approved, the Leave Bank would match the hours worked up to 20 hours per week. In addition, if an employee is receiving medical treatments that temporarily incapacitate their ability to work a normal schedule, they may apply for benefits from the Leave Bank. These requests will be handled on a case-by-case basis.
- [6] Use of leave bank time shall not exceed three calendar months during any rolling twelve-month period.
- [7] Upon requesting hours from the Leave Bank, an employee may be required to provide an explanation of sick leave usage if one of the following situations exists:
- [a] A long-term employee has little or no sick leave balance at the onset of his/her present illness or injury.
  - [b] An employee has consistently used sick leave as it was accrued and has never shown intent to accumulate hours for future unforeseen circumstances that may require an extended leave.
- [8] As long as an employee is in pay status, the County will maintain its contribution to the health insurance program for the employee.
- [9] Employee donations to the leave bank will not impact their eligibility for the Attendance Incentive Program.



[10] An employee receiving paid leave from the Leave Bank as a result of the employee's own serious health condition defined as an illness, injury or impairment, physical or mental condition, that involves inpatient care in a hospital, hospice or residential medical care facility or requires continuing medical treatment by a health care provider shall be considered to be on medical leave. Such leave shall be counted against the employee's leave entitlement in accordance with the Family and Medical Leave Act of 1993.

(3) Vacation:

(a) Eligibility: All regular full-time and regular part-time employees shall be entitled to use vacation leave hours, provided the time has been accrued at the beginning of the pay period for the time taken. Vacation is accrued from the date of hire or the date of transfer from a temporary to regular full- or part-time position. Temporary, emergency or similar employees are not entitled to vacation benefits.

(b) Accrual of Vacation Leave:

[1] Vacation leave for regular full-time and regular part-time employees shall be accrued from the date of hire for each normally scheduled hour of work, based upon the following hourly rates:

<b>Years of Employment</b>	<b>Hourly Accrual Rate</b>
Beginning of 1st year — end of 2nd year	0.0385
Beginning of 3rd year — end of 6th year	0.0577
Beginning of 7th year — end of 20th year	0.0769
Beginning of 21st year	0.0962

[2] For regular part-time employees whose normal workweek is 20 hours or more, the hourly accrual rate is the same as for 40 hour per week employees. For example, a 20 hour employee could earn up to five days vacation per year the first year of employment.

[3] For employees whose normal workweek is over 40 hours, the hourly accrual rate is the same as a forty-hour employee. Employees whose normal work hours and schedule are not consecutive five eight-hour shifts shall receive time and payment under these practices that are proportionate.

[4] Vacation shall be accrued on regular hours worked, or for any paid leave time recorded during the payroll period. Any leave without pay, suspensions without pay, the hours worked in excess of the normal work period, whether paid at straight time or overtime, and any hours during which an employee is otherwise in a non-pay status are excluded from hours worked when determining vacation accrual.

- [5] Employees hired from Constitutional Officer agencies without a break in continuous service, or a break in service of less than 30 days, may not transfer their accumulated vacation time. However, continuous service with these agencies shall count for vacation accrual rate and Length of Service Award.
  - [6] Temporary or seasonal employees do not receive vacation accrual nor does their temporary employment count toward years of service in determining eligibility for benefits.
- (c) Maximum Vacation Accrual Hours: Vacation may be accrued to a maximum of eleven weeks (440 hours). Leave in excess of 440 hours will be automatically converted to sick leave. Vacation may be extended beyond 440 hours up to 480 hours when determined to be absolutely necessary, in the best interest of the County and with the prior approval of the Division Administrator and the Human Resources Director. Approval to extend beyond the 440 hour cap will be granted when:
- [1] The employee completes the Vacation Extension Agreement Form and attaches a memo to the form stating why the accrued vacation hours have not been used, providing a compelling reason for the extension request.
  - [2] The County must have the services of that employee for a period of time that would preclude the use of vacation and cause the employee's accrued leave to exceed 440 hours.
  - [3] The employee was rated successful or better on their most recent performance evaluation.
  - [4] The employee agrees in writing to take annually at least 80 hours of vacation during any year in which the employee's vacation exceeds 440 hours. Failure to do so will cause automatic conversion of any vacation hours exceeding 440 to sick leave.
- (d) Use of Vacation:
- [1] Vacation may be used for personal reasons not otherwise prohibited by the County.
  - [2] With the Supervisor's approval, vacation may be used for uncovered portions of sick leave if all sick leave has been exhausted.
  - [3] Employees in their initial six-month probationary period may use vacation once the time has accrued at the discretion of their Supervisor.
- (e) Break in Continuous Employment: When there has been a break in continuous employment for 30 days or more, except for any approved leave or a layoff, the affected employee, upon reinstatement or reemployment, will begin accruing vacation as a new employee.

- (f) **Illness During Vacation:** An employee who becomes sick while on an approved vacation may be allowed to use accrued sick leave credits to cover the period of illness, upon the employee's return. The Supervisor may require a medical certificate documenting the illness.
- (g) **Holidays During Vacation:** Holidays occurring while an employee is on vacation shall not be charged to vacation pay. The employee shall receive holiday pay.
- (h) **Payment in Lieu of Vacation:** An employee shall not be paid in lieu of taking a vacation except as provided herein under Subsection A(3)(1), Vacation Sell Back.
- (i) **Scheduling Use of Vacation:**
  - [1] All requests for vacations must be approved by the Department Director in advance of the vacation, when possible. The Department Director shall make provisions annually for scheduling vacation in such a way that it will not impair the efficient operation of the department. The Department Director's determination of the schedule shall be final.
  - [2] The Department Director may deny use of vacation if advance notice has not been received or when such absence would interfere with the work schedule of the department.
  - [3] A Department Director may, upon reasonable notice, require an employee to schedule and use any part of his/her accrued vacation at the convenience of, and for the effective operation of, the department.
  - [4] The minimum charge for vacation leave shall be in thirty-minute units.
  - [5] Vacation may not be taken until earned and recorded by payroll.
- (j) **Vacation Pay in Advance:**
  - [1] Requests for a vacation check in advance requires a written request two weeks prior to the end of the pay period in which the employee wants the vacation check.
  - [2] The written request must show the number of vacation hours to be paid in advance and the specific dates of the vacation. Requests for vacation pay in advance must be for hours to be used within a single pay period only.
  - [3] The request shall contain the employee's name, department name, telephone number, last four digits of the employee's social security number, their SAP ID Number and must be approved by the Department Director. When complete, the request should be forwarded to the Human Resources Department. This will be coordinated as necessary through the Clerk's office to provide payment of the requested hours.

## (k) Vacation Pay Upon Termination:

- [1] Employees who resign, are laid off, or are otherwise separated or discharged from the County service shall be entitled to be paid for any unused vacation balance earned as of the date of termination.
- [2] Vacation pay at separation shall not exceed 440 hours unless the County Manager or his/her designee has granted the employee an extension beyond the 440-hour cap.
- [3] Vacation pay for separating employees shall be included with their final paycheck whenever possible.
- [4] In the event an employee is separated because of death, vacation pay, not to exceed 440 hours (unless the employee was granted a vacation extension above the 440-hour cap), shall be paid in the final paycheck whenever possible.
- [5] Should an employee's status change from regular to temporary, the employee will be paid for any accrued vacation. No additional vacation leave will accrue while the employee is in temporary status.

## (l) Vacation Sell Back:

- [1] After April 1, 2006, employees shall be allowed to sell to the County up to 160 hours of vacation annually (based on length of service) at 100% of the employee's current rate of pay. Employees may request vacation sell back at any time during the year, which will be included in regular paychecks as soon as possible following the receipt of the request.
- [2] Employees utilizing this provision must sell a minimum of 10 hours and must retain a minimum vacation balance of 60 hours.
- [3] The County Manager may grant exceptions.

## (4) Compensatory Leave:

- (a) For nonexempt employees, if payment of overtime creates a hardship for the department, compensatory time may be given at the rate of time and one-half with the approval of the Department Director and the Division Administrator.
- (b) Because exempt employees generally do not receive overtime pay, they may be given compensatory leave time with the approval of the Department Director or Division Administrator. Exempt employees are expected to be reasonable in their use of compensatory time and may not demand compensatory time as a matter of right. Exempt employees may receive compensatory time off on an hour for hour basis.
- (c) The Department Director or designee shall notify the nonexempt employee before overtime work commences that compensatory time will be provided in lieu of monetary overtime compensation.

- (d) Accumulated but unused compensatory time will be paid out to nonexempt employees at the end of the calendar year and, if applicable, upon separation.
  - (e) Exempt employees will not be paid for accumulated compensatory time. Any unused compensatory balances will not be carried forward if not used by the end of the calendar year. Any request to carry forward unused compensatory time will only be permitted as per approved exceptions of the County Manager's Office.
  - (f) The minimum charge for compensatory leave shall be in thirty-minute units.
  - (g) Exempt and nonexempt employees may accrue up to 240 hours of compensatory time in each calendar year. For exempt employees, the County Manager will designate how many hours, if any, can be carried into a new calendar year. Firefighters may accrue up to 480 hours of compensatory time.
  - (h) Requests for compensatory time must be submitted in writing on the request for leave form and must be approved by the Department Director and/or the Division Administrator. Effective January 1, 2005, a maximum of three consecutive days of compensatory time can be taken during any one absence from work.
  - (i) The County Manager, Division Administrator, Department Director, or designee, may require an employee to use accrued compensatory time at any time.
  - (j) The County Manager may approve exceptions to the compensatory time procedure on a case-by-case basis.
- (5) Holidays:
- (a) Established Holidays: All regular full-time and regular part-time County employees are entitled to 11 paid holidays annually. These 11 holidays are:
    - New Year's Day
    - Martin Luther King Day
    - Presidents' Day
    - Memorial Day
    - Independence Day
    - Labor Day
    - Veterans' Day
    - Thanksgiving Day
    - Day After Thanksgiving
    - Christmas Eve
    - Christmas Day

- (b) Holiday Observance: When holidays fall on a Saturday or Sunday, the Human Resources Director will designate the day on which the holiday will be observed.
- (c) Holiday Payment:
- [1] Employees will be compensated for holidays on the basis of their regular straight-time rate for a normal scheduled workday. When the holiday falls during an employee's regular work schedule, the holiday shall count as productive time when computing overtime pay. Those employees who are scheduled and work a twenty-four-hour shift shall receive holiday pay at the rate of time and one-half.
  - [2] An employee must work or be in pay status before and after the holiday to be eligible for holiday pay. Employees on leave without pay or an unpaid leave of absence shall not be eligible for holiday pay for any holidays occurring while in such unpaid status.
  - [3] When, in the opinion of the Department Director, it becomes necessary to require employees to work on an official (County observed) holiday, such employees shall receive holiday pay (based on the work schedule assigned for that day) in addition to pay for time actually worked, or be given another day off at the option of the department during that workweek.
    - [a] An employee, who is scheduled to work on a holiday and who, without notice or valid reason, fails to report for such work, may, at the discretion of the Division Administrator, lose holiday pay for the number of hours he or she would otherwise have worked.
    - [b] Regular part-time employees who are required to work on a holiday shall receive holiday pay equal to the number of hours of their normal workday plus pay for the number of hours actually worked.
  - [4] If an employee works either the calendar holiday or the County observed holiday, he/she will be compensated for the hours worked on that day at a rate of 1 1/2 his/her hourly rate of pay. In the event that an employee works both the County observed holiday and the actual calendar holiday, the employee will be compensated for the hours worked at a rate of double time for one day and 1 1/2 time for the other day.
  - [5] If the County observed holiday falls on a day when an employee is not regularly scheduled to work, he/she will receive up to eight hours additional pay for the holiday, or will be given another day off at the option of the department during that workweek. If the employee's normal weekly work schedule is less than 40 hours, holiday payment is prorated based on percentage of scheduled hours in that week (e.g., employee works 32 hours per week, Monday to Thursday; if paid for a

Friday holiday, would receive 6.4 hours of holiday pay - 80% of eight hours' holiday pay).

[6] Temporary employees do not receive holiday pay. When such employees work a holiday, they shall be paid for the hours actually worked at their regular straight-time rates of pay (plus any overtime compensation otherwise due to a nonexempt employee if they work more than 40 hours that week).

[7] Employees receiving Workers' Compensation will receive the Workers' Compensation rate of pay on a recognized holiday.

(6) Bereavement Leave:

- (a) In the event of a death to a member of a regular employee's immediate family, bereavement leave with pay shall be granted. This is a separate leave account and is not charged against any other leave account. Bereavement leave shall not exceed three days within the state, or five days out of state. For employees whose workweek is over 40 hours, bereavement leave may be taken as one twenty-four-hour shift, three eight-hour days or three ten-hour days depending upon the circumstances.
- (b) Bereavement leave is intended to be used for funeral arrangements and/or funeral activities, travel to and from the location of the funeral and time to attend the funeral.
- (c) For purposes of this policy, "family" is defined as: husband, wife, mother, father, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, children, foster children, step-parents, stepchildren, grandchildren, grandparents, aunt, uncle, niece, nephew, or a close relative living with the employee.
- (d) Additional days, if requested, may be granted to an employee and charged against the employee's accrued compensatory, personal or vacation leave. Sick leave may not be used for bereavement.
- (e) Each employee requesting and receiving paid bereavement leave may be required to furnish evidence of the name and relationship of the family member involved. Such evidence might include a physician's statement, death certificate, newspaper report, etc.
- (f) Leave for bereavement or to attend funerals other than those defined as family in this policy may be granted in accordance with the vacation policy.

(7) Military Leave:

- (a) Reserve and National Guard Training: A regular full-time employee who is a member of the United States Armed Forces, Reserves or the National Guard, and who is ordered to engage in annual field training shall, upon presentation of a copy of official orders, be granted leave with pay. Such leave with pay shall not exceed 17 working days in any calendar year. An employee may not

use any accrued vacation or personal leave while receiving paid military leave. The County Manager may approve exceptions to the above.

- (b) Recall to Active Military Duty: Any regular full-time employee who is a member of an Armed Forces Reserve Unit or the National Guard, who is ordered to active duty will be granted a military leave of absence with pay for the first 30 working days. Beyond this thirty-day period, the military leave of absence will continue, with the County providing a supplement to the military pay in an amount necessary to bring the total salary, inclusive of the base military pay; to the level earned at the time the employee was called to active duty, for the entire duration of the active duty service, not to exceed five years total. Employees recalled to active duty will need to provide copies of the duty orders to Human Resources, along with information outlining their military ranking and amount of pay to be received on a monthly basis. The County will continue to maintain the employee in full benefits status for the time frame specified above.
  - (c) Induction or Enlistment into Military Service: Any regular full-time employee, who enlists or is inducted into the armed services for active duty, shall be granted a military leave of absence without pay for the initial period of enlistment. All pay due the employee shall be paid at the time of the employee's separation from the County in accordance with applicable County policies.
  - (d) Reinstatement: Upon discharge from active military service, an employee who wishes to return to County employment shall be reinstated in accordance with applicable law.
- (8) Personal Leave:
- (a) All County employees will be eligible for up to 16 personal leave hours with pay per calendar year, based on their scheduled hours per pay period. Employees who work fewer than 80 hours per pay period will given a prorated amount of personal leave time based on the number of hours they are scheduled each period.
  - (b) The personal leave hours will be credited to the employee at the time of hire and at the beginning of each calendar year thereafter.
  - (c) Personal leave hours shall not accrue or be transferred to any other leave account and shall be forfeited by the employee if not used during the calendar year.
  - (d) Employees who resign, are laid off, or are otherwise separated or discharged from the County service shall not be entitled to be paid for any unused personal leave balance.
  - (e) The minimum charge for personal leave shall be in thirty-minute units.
  - (f) Personal leave may be used by the employee to conduct personal business. Personal leave may be used to observe individual religious holidays, not



specifically listed in § 5360-2A(5)(a), subject to attaining approval from the employee's Supervisor at least two weeks in advance from the day of the holiday. Staffing requirements and the ability to serve the public shall be considered in approving the leave request.

- (g) Supervisors may require at least five days' advance notice if an employee wishes to use personal leave.
- (9) Administrative Leave:
- (a) When determined to be in the best interest of the County, the Department Director may place an employee on administrative leave with or without pay.
  - (b) Administrative leave may be utilized for the time frame before and/or after a pre-termination hearing or the investigation of a potential disciplinary matter when it is determined to be in the best interest of the County not to have the employee present at the work site or other appropriate reasons. The Department Director shall coordinate this action with the Human Resources Director or designee.
- (10) Emergency Pay: For compensation related to emergency pay see CMA 5900, Cessation of Normal Government Activities, Personnel Roles and Responsibilities During Emergencies and Emergency Disaster Pay.
- (11) Community Service: Regular, full-time employees may, at the discretion of the Department Director and/or Division Administrator, or their designee, be granted time off with pay during regularly scheduled work hours, if the service could not otherwise be performed outside of scheduled work hours, to participate in approved local community events and programs. This leave will not be charged against any other accrued leave balance. Community service hours shall not exceed eight hours per month per employee.
- (12) Workers' Compensation Leave: It is the policy of the County not to penalize employees when absence from duty is required to meet medical needs as they relate to a compensable Workers' Compensation claim. All employees, (regular full-time, regular part-time, probationary, temporary, and non-regular employees) as well as volunteers shall be entitled to Workers' Compensation leave benefits when a claim has been determined compensable.
- (a) Notification and Proof of Absence from Work:
- [1] Notification of and proof of absence from work duties shall be the responsibility of the employee.
  - [2] The employee shall be responsible for notifying the Supervisor before work or within the first hour of the employee's normal workday on each day of absence.
  - [3] Failure to provide timely notice may be cause for denial of Workers' Compensation leave pay for that period of time.

- [4] More restrictive requirements may apply within specific departments. It is the employees' responsibility to be trained and follow specific guidelines as to each department's policy.
  - [5] The Department Director is responsible for communicating this policy and determining that Workers' Compensation leave is properly authorized and used in accordance with these guidelines. This will include maintaining complete attendance records on all employees including days, dates and hours that Workers' Compensation leave is used by each employee who filed a Workers' Compensation claim.
  - [6] When leave is required to be used relating to a compensable Workers' Compensation claim, leave shall be recorded accurately.
- (b) Missed Full Days/Shifts Due to Injury:
- [1] For absences of full days/shifts, to accurately record time, Worker's Compensation codes shall be recorded on time sheets and payroll records.
- (c) Temporary Total Disability (TTD):
- [1] When an employee who has suffered a job-related injury/illness is found to be unable to work (temporarily totally disabled), payroll records shall reflect any full days/shifts, as Workers' Compensation. Payments during this period will be made in accordance with Florida Statutes, Chapter 440, the Workers' Compensation Act.
  - [2] According to state statute, when an employee is determined by the authorized treating physician to be temporarily totally disabled (TTD), the first seven days (waiting period) of leave are without pay. In an effort to avoid this financial impact to our employees, Collier County government allows the affected employee to supplement their earnings with accrued leave time up to their full base wage during this and subsequent periods involving the same date of occurrence when they are eligible for TTD. To initiate the process, the eligible employee must complete the County's Workers' Compensation Supplemental Section Form and submit the completed document to the Risk Management Department immediately following the treating physician's determination. The supplement will remain in place until either the affected employee returns to full duty, all his/her authorized accrued leave has been expended, or the affected employee supplies a new form revoking the previous selection.
  - [3] Payment of wage loss benefits according to Florida Statutes, Chapter 440, will commence from the eighth day of TTD and continue until the employee is released to return to work. Payment of benefits are provided from County funds and are issued directly from the County's third-party administrator (TPA).

(d) Temporary Partial Disability (TPD):

- [1] When an employee, who has suffered a job related injury/illness, has been released to return to work, but is not released to full days/shifts, for medical reasons by the authorized treating physician, payroll records shall reflect any hours not worked as Workers' Compensation. Wage loss benefits will be paid according to Florida Statutes, Chapter 440, the Workers' Compensation Act.
- [2] When an employee is considered temporarily partially disabled (TPD), the employee is required to coordinate submission of appropriate documentation to Risk Management and the County's TPA for payment of benefits applicable under Florida Statutes, Chapter 440, the Workers' Compensation Act. Payment of benefits is provided from County funds and is issued directly from the County's TPA.

(e) Absences from Duty for Medical Services:

- [1] When it becomes necessary for the employee to seek medical services and such services include, but are not limited to: initial medical evaluation, doctor appointments, physical therapy, occupational therapy, diagnostic services and x-rays/scans, this time shall be considered approved. Employees shall be paid regular pay for the hour(s) of leave. The time shall not be recorded as Workers' Compensation.
- [2] It is the employee's responsibility to provide written medical documentation for each visit for medical services. Documentation of each visit shall be forwarded to his/her Supervisor and Risk Management.
- [3] The department may request scheduling of certain types of medical services to be performed at particular times to meet the needs of the department. Future appointments should then be requested of the provider by the employee to meet those needs. The employee and Supervisor should discuss any conflicts.

(13) Domestic Violence Leave: Up to three days of leave will be granted to employees who are themselves victims of domestic violence or have a member of their family or household become a victim of domestic violence as provided for in the Domestic Violence Leave Law.

- (a) An employee may request and take up to three working days of leave from work in any twelve-month period if the employee or a family or household member of the employee is the victim of domestic violence. This leave may be with or without pay [see Subsection A(13)(c) below] This leave applies if an employee uses the leave from work 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 the employee's home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator.
  - [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.
- (b) Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family or household member, an employee seeking leave from work under this subsection must notify his or her Supervisor and the Human Resources Department no later than within the first hour of the employee's normal work day, whenever possible. Additionally, sufficient documentation of the act of domestic violence will be required. This may be such documentation as: a police or medical report, copies of legal documents such as court injunctions, evidence of related counseling, receipts or invoices for home security products or services or for legal assistance.
- (c) An employee seeking leave under this section may elect to remain in paid status by using any applicable type of accrued leave hours (vacation leave, personal leave, and/or sick leave), whichever is available to the employee, and, when exhausted, will be placed into an unpaid status.
- (d) The information related to this leave must be kept confidential and exempt from disclosure to the extent authorized by state statute.
- (e) An employee will not be discharged, demoted, suspended, retaliated against or in any other manner discriminated against for exercising his or her rights under this act.
- (14) Other Leaves of Absence:
- (a) Subject to any applicable requirements of the Americans with Disabilities Act or any other applicable state or federal laws, an unpaid leave of absence may be granted to a regular full-time or regular part-time employee.
    - [1] A leave of absence without pay is a temporary absence from work, not to exceed three months.
    - [2] A leave of absence for a period of more than one month shall require prior approval of the Department Director, Division Administrator, Human Resources Director and the County Manager or designee. If the leave is for one month or less, the Department Director and Division

Administrator shall approve or disapprove the leave of absence and forward a copy to the Human Resources Director for review.

- [3] The leave shall be requested by the employee at least 30 days prior to the start of the leave, or as soon as possible, if 30 days is not possible.
  - [4] All leaves of absence without pay shall be recorded on the daily attendance records and noted on payroll forms. Department Directors are responsible for maintaining records, verifying compliance with this procedure, and monitoring its application.
  - [5] An employee may elect to remain in pay status so long as he/she has hours available of any applicable type of leave. At such time as all accrued leave time has been depleted, the employee will be placed into an unpaid status.
- (b) Except for military leave, employees cannot demand a leave of absence as a matter of right. Leaves of absence are granted solely at the discretion of management.
  - (c) Before granting a leave of absence, the County should expect that the employee will return to duty and that at least one of the following benefits will result: increased job knowledge, restoration of the employee's health, retention of a desirable employee, or an interest of the County is served.
  - (d) Employees may not use a leave of absence to seek, accept, or work another job outside the County service or for the purpose of entering self-employment. Any employee engaging in such employment during leave of absence without pay shall be terminated.
  - (e) For a medical leave of absence for the employee's own illness or injury, accumulated sick leave may be exhausted prior to being placed on a leave of absence without pay. An unpaid leave of absence may be used to extend absences when other appropriate leaves have been depleted.
  - (f) While the County will make reasonable efforts to return the employee to his or her original position after a leave of absence, the County retains the right to place the employee in another job suitable to the employee's background and skills if one is available; or if such job is not available within a one-month period, the employee may be laid off.
  - (g) Any new employee hired to replace an employee on an approved leave of absence should be hired as a temporary employee (i.e., a substitute) as long as such a selection will not significantly impede County operations. The County Manager may grant exceptions to this provision and authorize the filling of the position on a regular basis in appropriate circumstances.
  - (h) All leaves must be requested on the County's Request for Leave Form.

- (i) All employees on approved leave are expected to report any change of status in the time needed for leave or the date to return to work to their Department Director as soon as possible.

(15) Benefits During Leaves of Absence:

- (a) Other than retaining the original date of hire, no benefits, including any leave benefits, will accumulate during unpaid leaves of absence.
- (b) During an approved leave of absence under this subsection, the employee shall pay for his/her portion of group health and/or life insurance for the period the employee is on unpaid leave. Payment shall be made monthly as determined by Risk Management. Failure to remit payment may be cause for termination of insurance benefits.
- (c) For retirement purposes, an employee must complete six years of creditable service before he/she can receive credit for a leave of absence without pay (i.e., the period of leave of absence without pay cannot count toward the six years required to become vested). The employee may, however, pay the required contributions at any time after returning to work for 30 days.

(16) Request to Extend Leaves of Absence:

- (a) Subject to any applicable requirements of the Americans with Disabilities Act or any other applicable state or federal laws, no leave shall be extended for more than 30 days after the exhaustion of all family medical leave.
- (b) Employees not returning to work at the end of the approved leave of absence period may be subject to termination in accordance with County policy. In such an instance, the employee may exercise appeal rights, if any, in accordance with the County's disciplinary procedure.

**§ 5360-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5360-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50:

- A. Paid Leaves of Absence: It is the policy of the County to provide a system for paid leaves of absence for such uses as vacation, medical/health needs, holidays, funerals, or other approved uses.
- B. Unpaid Leaves of Absence: It is the policy of the County to define the policy and procedure regarding unpaid family leave and medical leave benefits required by the Family and Medical Leave Act of 1993 and other unpaid leaves of absence from work.

**FAMILY AND MEDICAL LEAVE BENEFITS**

**[Effective Date: March 17, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 1, 2005; Revised: April 1, 2006; Revised: May 1, 2009; Revised September 30, 2011)]**

**§ 5361-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of the practice and procedure regarding family and medical leave benefits required by the Family and Medical Leave Act of 1993.

**§ 5361-2. Concept.**

The Family and Medical Leave Act (FMLA) of 1993 was implemented to provide eligible employees with up to 12 weeks of job protected leave during a twelve-month period for a FMLA qualified reason. This will be an unpaid leave unless time is available to use as outlined in CMA 5360, Leaves of Absence.

A. Definitions: As used in this CMA, the following terms shall have the meanings indicated:

CHILD— A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (a person charged with a parent's rights, duties, and responsibilities) who is:

- (1) Under 18 years of age; or
- (2) 18 years of age or older and incapable of self-care because of a mental or physical disability.

FAMILY LEAVE— A period of up to a maximum of 12 workweeks during any twelve-month period which may consist of paid and/or unpaid leave that can be used for:

- (1) Birth of an employee's child and to care for the newborn child;
- (2) Placement of an adopted or foster child with an employee;
- (3) Serious health condition of the employee such that the employee is unable to perform one or more of the essential functions of the job; or
- (4) Care of an employee's child, spouse or parent with a serious health condition.

MILITARY FAMILY LEAVE –

- (1) Caregiver Leave – An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of FMLA leave.

- (2) Qualifying Exigency – Allows up to 12 weeks leave in a single 12-month period arising from the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces. The categories of qualifying exigencies are:
- (a) Short-notice deployment (leave permitted up to seven days if the military member receives seven or less days' notice of a call to active duty)
  - (b) Military events and related activities
  - (c) Certain temporary childcare arrangements and school activities (but not ongoing childcare)
  - (d) Financial and legal arrangements
  - (e) Counseling by a non-medical counselor (such as a member of the clergy)
  - (f) Rest and recuperation (leave permitted up to five days when the military member is on temporary rest and recuperation leave)
  - (g) Post-deployment military activities
  - (h) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

**PARENT**— A biological parent or an individual who stood in loco parentis to the employee when the employee was a child.

**SERIOUS HEALTH CONDITION**— An illness, injury or impairment, physical or mental condition, that involves inpatient care or continuing medical treatment by a health care provider, as defined by applicable law.

**SPOUSE**— Husband or wife.

**TWELVE-MONTH PERIOD**— The twelve-month period will be a "rolling" period measured backward from the date an employee uses any FMLA leave.

**B. Family Medical Leave:**

- (1) Eligibility: Employees who have worked for at least 12 months, and at least 1,250 hours during the prior 12 months may be eligible for family or medical leave.
- (2) General:
  - (a) A maximum of 12 workweeks of combined leave, whether paid, unpaid, or any combination thereof, may be taken within a twelve-month period. The twelve-week period will be calculated using a "rolling" method such that whenever an employee needs to take FMLA leave, the leave entitlement will be the balance of the 12 weeks that have not been used during the immediately preceding 12 months. Any accrued leave may be used concurrently with FMLA leave. If an employee chooses to use accrued leave, it will run concurrently with FMLA leave, subject to the provisions of CMA 5360. Once any accrued paid leave has been exhausted, any remaining balance of the FMLA leave shall be without pay.
  - (b) Requests for foreseeable leave should be made at least 30 days in advance, if possible. If 30 days notice is not possible due to the nature of the situation, notice must be provided as soon as practicable.
  - (c) When requesting family leave for medical purposes for the employee, spouse,



child or parent, medical certification from a licensed health care provider will be required. Medical certification forms may be obtained from the Human Resources Department. The medical certification must be submitted with the request for family leave and state:

- [1] Date when the serious health condition commenced.
  - [2] Probable duration of the condition.
  - [3] Appropriate medical facts about the condition.
  - [4] Statement that the employee is needed to care for the child, spouse or parent and an estimate of how long care will be required (if the purpose of the leave is to enable employee to care for child, spouse or parent).
  - [5] In the case of an employee's serious health condition, a statement that the employee is unable to perform the functions of the job and whether it will be necessary for the employee to take leave intermittently or on a reduced leave schedule and the duration of such a schedule.
- (d) The Human Resources Director or designee shall review the information and ensure the requested leave of absence qualifies as family medical leave in accordance with this practice and applicable law.
  - (e) The employee must provide the requested certification within 15 calendar days after the request for certification is made unless it is not practicable under the circumstances to do so despite the employee's diligent good faith efforts.
  - (f) Under parental leave, when both parents are employed by the County, a combined total of 12 work weeks of leave may be taken for the birth of a child within a twelve-month period.
  - (g) When requesting family leave for medical reasons for the employee, the County reserves the right to select another licensed health care provider to render a second medical opinion, at the County's expense, and if the two opinions conflict, a third medical opinion, again at the County's expense. The third opinion shall be final and binding on the employee and the County. The County, as allowed by law, may require subsequent recertifications.
  - (h) Under some circumstances, employees may take FMLA leave intermittently – which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule – for the serious health condition of the employee or the employee's spouse, child or parent if medically necessary. Intermittent leave is limited to 12 workweeks within a twelve-month period. In the event that intermittent or reduced schedule leave becomes necessary, the employee requesting such leave must attempt to schedule such leave so as not to disrupt the department's operations. An employee working fewer hours or taking intermittent leave to accommodate his/her medical condition or that of a spouse, child or parent may, at the discretion of the County Manager or designee, be temporarily transferred to an alternate position should one be available that has equivalent pay and benefits and accommodates recurring periods of leave better

than the employee's regular position.

- (i) Employees who need foreseeable leave for planned medical treatments are required to make reasonable efforts to schedule treatment so it does not unduly disrupt operations at the employee's work site.
- (j) Health care benefits provided by the County will continue in effect while employees are on family leave. If on family leave without pay, the employee will be responsible for continuing to make monthly contributions as determined by the Risk Management Department, if any, which are normally made by payroll deduction. Failure of the employee to pay his or her share of the health insurance premium, if any, may result in loss of coverage if such employee fails to make the required payment within 30 days of the payment due date. If the employee does not return to work after a family leave of absence without pay, the County may collect from the employee any health benefit contribution paid by the County during that period. Collection will be made unless the failure to return to work is attributable to the continuation of a serious medical condition or other circumstances beyond the employee's control. Medical documentation from the employee may be required.
- (k) Employees who return to work from family or medical leave of absence within or on the business day following the expiration of the 12 weeks are entitled to return to their original position or an equivalent position without loss of benefits or pay.
- (l) All employees on approved leave are expected to report any change of status in the time needed for leave or the date to return to work to the Human Resources Department as soon as possible. Status changes will be communicated from Human Resources to department management as appropriate.
- (m) The County has the right to invoke family medical leave when there is knowledge of an FMLA qualifying reason.
- (n) Workers' compensation leave may run concurrently with FMLA leave. Approved light duty assignments that involve intermittent leave may be applied to an employee's available family medical leave.
- (o) When family medical leave has been requested and/or invoked, Personnel Action Reports (PAR) will be prepared by the Human Resources Department reflecting the date the leave of absence begins and the date returned. If the leave was due to the serious medical condition of the employee, medical evidence of ability to return to work will be required before the employee can return to work.
- (p) The Human Resources Department must be notified immediately when an employee is requesting family medical leave or when an FMLA-qualifying event occurs. The Human Resources Department will send written notification of the family medical leave to the employee.
- (q) Any other relevant federal or state regulations, or County policies may be

applied as necessary.

(3) Request for Personal Leave of Absence:

- (a) If an employee is unable to return to work after the 12 workweeks of FMLA leave, a 30-day personal leave of absence request form may be completed. A leave of absence request for a period of 30 days or less shall require prior approval of the Department Director and Division Administrator, and review by the Human Resources Director. This leave is not an extension of FMLA, does not offer job protection and if granted, may be paid or unpaid. If time is available under an employee's accrued leave balances, employees may use this time to remain in paid status during this absence.
- (b) Employees not returning to work at the end of the approved leave period may be subject to termination in accordance with County policy and to the extent permitted by applicable law. In such instances, an employee shall have all applicable appeal rights under the County's disciplinary procedure.

**§ 5361-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5361-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: It is the policy of the County to comply with the provisions of the federal Family Medical Leave Act of 1993.

CM Approval: \_\_\_\_\_

*Leo E. DeG...*

Date Approved: \_\_\_\_\_

*10/12/11*

## CMA # 5380

### OUTSIDE EMPLOYMENT

§ 5380-1. Purpose.

**Request for Outside**

§ 5380-2. Concept.

**Employment**

§ 5380-3. Currency.

§ 5380-4. Reference.

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised April 1, 2006)]

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#### § 5380-1. Purpose.

The purpose of this Instruction is to provide for the implementation of an outside employment procedure authorized by the County Manager.

#### § 5380-2. Concept.

It is the practice of the County that the employee's primary employment responsibility is with the County.

##### A. Outside Employment:

(1) Employees may engage in outside employment as long as such employment does not, in any way, interfere with their County employment. Employees who expect to engage in any outside employment shall, before commencing any such employment, request approval by their Department Director, Division Administrator and the Human Resources Department in writing on a Request for Outside Employment Form.<sup>1</sup> Employees who fail to notify their Department Director or Division Administrator of outside employment may be subject to disciplinary action up to and including discharge.

(2) Collier County employment shall always be primary. When the County requires that work be done, whether it is overtime or regular time that has been rescheduled, employees cannot refuse because of the demands of the other employer.

(3) Employees accepting outside employment shall make arrangements with the outside employer to be relieved from such duties if the County calls them for emergency service. Every employee who engages in outside employment shall agree to respond immediately to any emergency call to duty by the County.

B. Double Employment: No County employee may engage in or have employment involving more than one position with the Board of County Commissioners exceeding a

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1. Editor's Note: The Request for Outside Employment Form is included at the end of this CMA.

total of 40 hours in one week. Also, no employee may engage in employment in another job, full-time or part-time, that is administered either directly or indirectly by the Board of County Commissioners or any other Collier County Constitutional Officer agency (Clerk of Courts, Supervisor of Elections, Tax Collector, Property Appraiser or Collier County Sheriff's Office) exceeding a total of 40 hours in one week.

**§ 5380-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5380-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Dual Employment: It is the policy of the County that the employee's primary employment responsibility is with the County.

OUTSIDE EMPLOYMENT

CMA 5380 Attachment 1

**REQUEST FOR OUTSIDE EMPLOYMENT**

Name of Employee: \_\_\_\_\_ SAP ID#: \_\_\_\_\_

County Title: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Name of Outside Employer: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Title of Position: \_\_\_\_\_

Days/Hours of Work: \_\_\_\_\_

Duties and Responsibilities: \_\_\_\_\_

\_\_\_\_\_

Length of Time in Position: \_\_\_\_\_

Will this employment conflict with your position with the County? \_\_\_\_ Yes \_\_\_\_ No

I have read and understand Administrative Procedure, CMA Instruction 5380, Outside Employment.

**SIGNED BY:**

\_\_\_\_\_  
(Employee's Signature) Date

\_\_\_\_\_  
Date

**APPROVED BY:**

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Division Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Human Resources Director

\_\_\_\_\_  
Date

## Chapter 5381

### EMPLOYMENT OF RELATIVES/ANTI-FRATERNIZATION

§ 5381-1. Purpose.

§ 5381-3. Currency.

§ 5381-2. Concept.

§ 5381-4. Reference.

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 19, 2007; Revised: August 20, 2007)]

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#### § 5381-1. Purpose.

The purpose of this Instruction is to provide for the implementation of an employment of relatives/anti-fraternization procedure authorized by the County Manager.

#### § 5381-2. Concept.

It is the policy of the County to prohibit actual or perceived conflicts of interest based on family or romantic relationships or between members of the same household, actual or perceived favoritism in the workplace, and the potential for sexual harassment in the workplace. This practice applies where one employee has responsibility for the other employee's job evaluation, work assignments and/or recommendation of personnel actions (including pay) with regard to the other employee. This policy is broad enough in concept to include that no such employment relationships will be permitted Countywide if one of the individuals is employed at the Division Administrator level and the other individual is employed within the same division. This policy includes all definitions of job status, including regular, temporary, job bankers and interns.<sup>1</sup>

- A. Approval will not be granted for the appointment, employment, promotion, or transfer of any employee where a family, romantic, or household relationship creates an actual or perceived opportunity for a conflict of interest in the workplace, to a position where one employee will be directly supervising the activities of the other employee, where one employee is in the management chain of the other employee or where a fiduciary relationship may exist between those employees.
- B. "Relative" or "family member" is defined to include: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, 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, and half-sister. [See § 112.3135, Fla. Stat. (2006)]
- C. Approval will not be granted for an employee to work with his or her family member, person with a romantic association, or household member in the same division when the

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1. Current employees will be exempt from this in their current positions. Any future changes in their employment status will be subject to all provisions of this CMA.

other employee is a Division Administrator or higher, regardless of the supervisory relationship.

- D. Approval will not be granted for an employee to participate in the interviewing process of any family member, person with romantic associations, or household member.
- E. An employee may not promote or advance or advocate the promotion or advancement of a relative, person with a romantic association, or household member in the County Manager's agency.
- F. In the event this type of relationship exists or develops, the Division Administrator may make a recommendation to the Human Resources Department and County Manager based on objective criteria. An employee affected by this policy will be permitted to transfer to another County position if such a position exists, if the employee is otherwise qualified for that position and if the County approves of the transfer. The transfer must be completed within 30 calendar days of the recommendation. Employees affected by this policy may not transfer into a position which will create a violation of this policy or a violation of § 112.3135, Fla. Stat. (2006), Restriction on employment of relatives.
- G. The Human Resources Department is responsible for ensuring that any changes are made efficiently and in the best interest of County staffing needs.

#### **§ 5381-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

#### **§ 5381-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Anti-Fraternization: It is the policy of the County to prohibit romantic associations of employees to the extent that one of the employees serves in a managerial and/or supervisory capacity in relations to the other employee. This policy applies where one employee has responsibilities for the other employee's job evaluation, work assignments and/or for responsibility for or recommendation of personnel action with regard to that employee. This policy is implemented to avoid: (1) actual or perceived conflicts of interest based on personal relationships; (2) actual or perceived sexual favoritism in the workplace; and (3) the potential likelihood of sexual harassment in the workplace. Employment of Relatives is based on the authority provided in § 112.3135, Fla. Stat. (2006).



## CMA # 5382

### EMPLOYMENT VERIFICATION

§ 5382-1. Purpose.

§ 5382-3. Currency.

§ 5382-2. Concept.

§ 5382-4. Reference.

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006)]

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#### § 5382-1. Purpose.

The purpose of this Instruction is to provide for the implementation of an employment reference procedure authorized by the County Manager.

#### § 5382-2. Concept.

It is the practice of the County to provide employment references for purposes such as securing future employment, obtaining a mortgage, etc.

- A. Information requested by prospective employers, banks, landlords, and other companies for employment references will be handled only by the Human Resources Department. Inquiries received by operating departments must be referred to the Human Resources Department.
- B. Information provided by the Human Resources Department will include verification of dates of employment, job title of last or current position and rate of pay.
- C. Pursuant to the Florida Public Records Act, all employee personnel files are available for public review and will be made available for public inspection at the Human Resources Department. All information contained in those files which are not subject to the Public Records Act will be removed prior to being made available for inspection.

#### § 5382-3. Currency.

The Human Resources Department is responsible for maintaining the currency of this Instruction.

#### § 5382-4. Reference.

Collier County Personnel Ordinance, Ordinance No. 2001-50: Employment References: It is the policy of the County to provide employment references for purposes such as securing future employment, obtaining a mortgage, etc.

**EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

**[Effective Date: March 17, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: May 1, 2009)]**

**§ 5383-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of an equal employment opportunity (EEO) procedure authorized by the County Manager.

**§ 5383-2. Concept.**

It is the practice of the County to ensure that all Human Resources procedures are in compliance with state and federal law. The County prohibits discrimination as defined by state and federal law.

- A. All Human Resources practices, including compensation, benefits, discipline, safety, as well as social and recreational activities will be administered and conducted in compliance with state and federal law.
- B. Recruitment, selection, placement, promotion, transfer, training, reduction in force and layoff decisions will be based on factors including the candidate's/employee's job-related qualifications and abilities. Seniority may be considered as a factor given other factors are equal.
- C. An outreach program may be utilized to recruit, hire and ensure advancement of qualified minority group members, women, disabled individuals and veterans.
- D. Collier County government will take necessary steps to ensure that the work environment is free of unlawful discrimination or harassment.
- E. The County will continue to review its Human Resources procedures to ensure that its supervisors and managers adhere to its commitment to equal employment opportunity (EEO) principles.
- F. Employees who have EEO-related questions, comments or complaints are encouraged to discuss them with their Supervisor. If they are unable to resolve the situation through their Supervisor, they may discuss it with their Department Director, Division Administrator or a representative from the Human Resources Department. The employee may also utilize the Commitment to Fair Treatment Procedure.

**§ 5383-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5383-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Equal Employment Opportunity: It is the policy of Collier County to ensure that all Human Resources policies and practices are

**CMA # 5383**

administered without regard to race, color, religion, sex, age, national origin, physical or mental handicap, or marital status.

## Chapter 5384

### INTERVIEW EXPENSES

§ 5384-1. Purpose.

§ 5384-2. Concept.

§ 5384-3. Currency.

§ 5384-4. Reference.

**Interview Expense  
Pre-Approval/ Reimbursement  
Form**

**[Effective Date: March 22, 1999 (Revised October 1, 2001; Revised: October 1, 2003;  
Revised: April 1, 2006)]**

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**§ 5384-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of an interview expense procedure authorized by the County Manager.

**§ 5384-2. Concept.**

It is the practice of the County to recognize that payment of or reimbursement for interview expenses may be necessary to successfully recruit highly skilled professional, supervisory and technical staff from beyond the local geographic area.

- A. Payment of or reimbursement for interview expenses shall be made only for positions for which the pool of local, available and qualified applicants is minimal or nonexistent as follows:
  - (1) The applicant may be one of several candidates for final consideration.
  - (2) Local geographic area will be defined, for the purpose of this policy, as an area within 100 miles of Collier County or the interview location, whichever is closest.
- B. Recommendations for reimbursement of interview expenses must be made on the Interview Expense Pre-Approval/Reimbursement Form<sup>1</sup> and submitted by the hiring supervisor with approval by the Department Director, Division Administrator and the Human Resources Director or designee prior to any communication of such approval with the applicant.
- C. Communication of approval for payment of or reimbursement for interview expenses for any applicant shall be made by the Human Resources Director or designee prior to issuing an invitation to interview with the County.
- D. Reimbursement requests must be itemized on the Interview Expense Pre-Approval/Reimbursement Form and submitted to the Human Resources Department including all applicable receipts.

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1. Editor's Note: The Interview Expense Pre-Approval/Reimbursement Form is included at the end of this CMA.

OFFICE OF COUNTY MANAGER ADMINISTRATIVE  
PROCEDURE

§ 5384-2

§ 5384-4

- E. Requests for payment of interview expenses must be submitted to the Human Resources Department within 60 days of the on-site interview and include all applicable information. After approval is received, the requesting department must request a Purchase Order be issued.
- F. Expenditures related to this policy shall be paid out of the requesting department's budget.
- G. Travel and per diem expenses shall be consistent with the limits set forth for County employees in § 112.061, Florida Statutes. (Ref: CMA 5310.)

**§ 5384-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5384-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Interview Expenses: It is the policy of the County to recognize that the reimbursement for interview expenses may be necessary to successfully recruit highly skilled professional, supervisory and technical staff from beyond the local geographic area.

INTERVIEW EXPENSES

CMA 5384 Attachment 1

**INTERVIEW EXPENSE  
PRE-APPROVAL/REIMBURSEMENT FORM**

*Reimbursement of interview expenses must comply  
with Administrative Procedure 5384 - Interview Expenses*

Name \_\_\_\_\_ Social Security Number \_\_\_\_\_

Position Interviewed \_\_\_\_\_ Date \_\_\_\_\_

Dept/Div \_\_\_\_\_ Cost Center \_\_\_\_\_

Travel From \_\_\_\_\_ # Miles to Naples \_\_\_\_\_

**PRE-APPROVAL**

**REIMBURSEMENT APPROVAL  
(Please attach original receipts.)**

Estimated Expenses:

Airfare \$ \_\_\_\_\_  
Mileage \_\_\_\_\_  
Rental car \_\_\_\_\_  
Food (per diem) \_\_\_\_\_  
Hotel (# nights \_\_) \_\_\_\_\_  
Other\* \_\_\_\_\_

**TOTAL ESTIMATED:** \$ \_\_\_\_\_

Actual Expenses:

Airfare \$ \_\_\_\_\_  
Mileage \_\_\_\_\_  
Rental car \_\_\_\_\_  
Food (per diem) \_\_\_\_\_  
Hotel (# nights \_\_) \_\_\_\_\_  
Other\* \_\_\_\_\_

**TOTAL ACTUAL:** \$ \_\_\_\_\_

\*If "Other" expenses please specify here: \_\_\_\_\_

**PRE-APPROVAL**

**REIMBURSEMENT APPROVAL**

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Division Administrator

\_\_\_\_\_  
Division Administrator

\_\_\_\_\_  
Human Resources Director

\_\_\_\_\_  
Human Resources Director

**After final approval by the Human Resources Director, requesting department must request a  
Purchase Order for reimbursement**

## Chapter 5385

### RECRUITMENT AND SELECTION

§ 5385-1. Purpose.

§ 5385-3. Currency.

§ 5385-2. Concept.

§ 5385-4. Reference.

[Effective Date: February 25, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised April 1, 2006; Revised: August 20, 2007)]

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#### § 5385-1. Purpose.

The purpose of this Instruction is to provide for the implementation of a recruitment and selection procedure authorized by the County Manager.

#### § 5385-2. Concept.

It is the practice of the County to attract and retain employees on the basis of their skills, aptitudes, experience, development, performance, potential, and education and training as prescribed in the job description of each job classification. It is the practice of the County to offer equal employment opportunity to all persons without regard to race, creed, color, sex, age, national origin, religion, disability, or marital status. The Human Resources Department is responsible for the coordination of all aspects of the employment process including recruitment, selection, placement, promotion, transfer, recall of employees, and communication with job applicants.

#### A. Personnel Requisition:

- (1) Requests to fill all vacancies, including any regular, temporary, full or part-time position, shall be made to the Human Resources Department utilizing an electronic Personnel Requisition.
- (2) Posting language must be submitted with the electronic Personnel Requisition for each vacancy.
- (3) Temporary Help Requisitions: in the event that a requisition is submitted for a temporary full- or part-time position, in addition to the requisition, a fully executed Request for Temporary Employee Form, including all required signatures, must be submitted prior to recruiting for a temporary position.
  - (a) Temporary assistance may be required for short periods of time to handle workloads during peak periods of high volume, extended absences, or other emergencies.
  - (b) Wherever possible, temporary employees will be chosen from a pool of available workers in the Job Bank established by the Human Resources Department. If Job Bank workers are unavailable for assignment, departments will need to seek workers from outside agencies.

- (c) Individual departments are responsible to procure, confirm and schedule temporary staff from approved outside agencies.

B. Recruitment:

- (1) Upon receipt of a properly completed electronic Personnel Requisition the Human Resources Department will maintain the requisite documentation for the requested position. This information will include:
  - (a) Position Requisition.
  - (b) Posting language.
  - (c) Related correspondence.
- (2) Posting Bulletin:
  - (a) The Human Resources Department will prepare the Posting Bulletin, which is utilized to announce job vacancies. It shall be available on the County-wide Web, the Internet and by hard copy.
  - (b) Posting Bulletins shall be posted in a prominent place in all designated County facilities. Each Division Administrator will be responsible for making the Posting Bulletin available to the employees within his/her division. A mailing list of outside recruiting contacts will be maintained for further distribution of Posting Bulletins.
  - (c) "Jobs Available Hotline" will be available to the public and all employees to call for recorded announcements of vacancies. This recording will be updated regularly.
  - (d) The posting period will be a minimum of seven calendar days. Exceptions to the posting period may be granted only by the Director, Human Resources, or by the Office of the County Manager.
- (3) Advertisement:
  - (a) Position vacancies shall, when appropriate, be advertised in a local newspaper of general circulation. The Human Resources Director or Human Resources designee may also give public notice of vacancies through radio, television, the Posting Bulletin or through other appropriate means of advertising necessary to ensure a sufficient pool of qualified applicants.
  - (b) All advertisements posted in external publications are to be coordinated through the Human Resources Generalist or Human Resources Recruitment Specialist.
  - (c) Departments will be required to pay for their advertisements for recruitment efforts. Such situations will be coordinated with the Human Resources Recruitment Specialist prior to placement of the advertisement(s).



(d) All advertising will include a statement that the County is an equal employment opportunity employer, provides a drug-free workplace, and provides for veteran's preference for eligible positions.

(4) Career Development Opportunities for Current Employees:

(a) In order to allow opportunities for career development and growth, qualified, regular full-time and regular part-time employees are considered exclusively during the internal posting period and will be given preference throughout the entire selection process.

(b) Current employees interested in applying for positions outside their own department must be in their present position a minimum of six months and have a rating of successful or higher on their most recent performance evaluation to receive employee preference during the internal posting period. If an employee is applying for a position within his or her department, the above prerequisites are waived. The Department Director and Division Administrator may approve exceptions, with concurrence from the Human Resources Director.

[1] Interested internal candidates (any regular full- or part-time employees who have completed their probationary period, or Job Bank employees who have been employed six months or greater are considered internal) must complete an electronic/online application. This application must be submitted to the Human Resources Department for consideration.

[2] Employees may apply for more than one internal posting at any given time.

[3] Pre-screening for minimum qualifications and eligibility requirements will be completed by representatives of the Human Resources Department, based on supplemental questions attached to each job posting. Based on the qualifications of candidates in the applicant pool, employees who meet the minimum qualifications and eligibility criteria may be granted an interview for the vacant position.

[4] Recommendations to fill a position will not be made until the posting period has ended. The posting period will be a minimum of seven calendar days. Exceptions to the posting period may be granted only by the Director, Human Resources, or by the Office of the County Manager.

C. Application for Employment:

(1) Applications for vacant positions (including resumes and other relevant attachments) will be accepted by the Human Resources Department during regular business hours for authorized posted positions until 5:00 p.m. on the closing date. Applications may be submitted electronically at any time from date of posting up to the closing date and time listed on the County's recruitment system.

- (2) Applications for any position vacancy must be made by electronic submission through the County's recruitment software system, or on the standard paper Application for Employment Form (available by request in the Human Resources Department).
- (3) Attached to or included with each employment application will be an Equal Employment Opportunity Information Form. This data on this form will be maintained separately from the employment application and retained in the Human Resources Department.

D. Selection:

- (1) All selection decisions must be based on valid and job-related criteria applied consistently to all applicants. The job description should be utilized for development of an appropriate interview and selection process.
- (2) Hiring departments are encouraged to utilize the assistance of the Human Resources Department staff in developing effective and valid interview and assessment activities to be consistently applied to each applicant.
- (3) Interviews will be coordinated by an appropriate representative of the Human Resources Department, or his/her designee, for those applicants most closely meeting the requirements for the position to best meet the needs of the hiring department.
- (4) A representative of the Human Resources Department may be present at employment interviews.
- (5) All applications will be entered into the Human Resources Applicant Tracking System and forwarded to the Human Resources Generalist or HR Liaison. The Human Resources Applicant Tracking System will use supplemental questions attached to each posting to screen the applications for minimum requirements and will determine whom to interview. Once a list of minimally qualified applicants has been established, the candidates will be placed on a referred list, which will then be available to the Department Hiring Manager. The HR Generalist/Liaison shall enter the status of applicants into the Applicant Tracking System in a timely manner.
- (6) When a selection has been made, the HR Generalist/Liaison shall complete the required sections within the Human Resources Applicant Tracking System to identify the selected candidate from the list of referred applicants. This may be routed electronically for approvals.
- (7) The County Manager shall approve all Department Director appointments.
- (8) The hiring manager of the requesting department shall not make any job offer or salary offer to any applicant. After the interviews have been completed, the interviewer will inform the applicant that all further communication regarding the selection process and the applicant's status will be conducted by the Human Resources Department.

- (9) Once the approved selection has been received by Human Resources, the following shall take place:
    - (a) If the Human Resources Director or designee concurs with the recommendation of the requesting department, the applicant's references and background will be checked by the Human Resources Department.
    - (b) If the results of the post-offer screening are satisfactory (i.e., references, driver's license, etc.), the Human Resources Department will complete the necessary paperwork to confirm the selection and place the employee in the payroll system.
    - (c) Authorization to fill positions above the pay range minimum must be approved by the Human Resources Director or designee and the appropriate Division Administrator.
    - (d) If the Human Resources Department does not concur with the recommendation of the requesting department, a representative of the Human Resources Department shall meet with the Department Director or Division Administrator to further discuss the qualifications of the applicant for the purpose of arriving at a consensus decision.
  - (10) Employees chosen to fill a vacancy within the County will move to their new position within 30 calendar days from the time of offer and may not be retained by their former department beyond that period.
  - (11) After an offer has been accepted, the Human Resources Department shall notify all other applicants who were interviewed for that position of their status. Candidates who interviewed for a vacant position will be contacted by telephone whenever possible and all other applicants will receive written communication by letter or e-mail concerning their status. The Human Resources Department shall consult with the requesting department and the successful applicant to determine the date of hire.
- E. Post-Offer Screening: An offer may be extended contingent on an applicant/internal candidate passing all applicable post-offer testing.
- (1) Reference Checks and Background Checks: Human Resources will conduct background and reference checks for external applicants who are being considered for employment.
  - (2) These checks will include, but are not limited to employment verification, social security check, motor vehicle records, statewide and national criminal conviction background consistent with federal and state law, fingerprinting (for all County jobs), certification and educational checks.
  - (3) Fraudulent conduct, false statements or omission of information by an applicant, or employee with the individual's knowledge, in any application or examination may be deemed cause for the exclusion of such application from consideration or for disciplinary action up to and including discharge from County employment after being employed. Applicants or employees coming under any of the foregoing

categories of employees who have resigned or been discharged may be disqualified from further consideration for employment with Collier County.

- (4) The Human Resources Department may administer various tests designed to measure a candidate's job skills, aptitude, and potential for successful work performance.
  - (5) Physicals:
    - (a) Applicants for designated positions shall be required to have a post-offer physical prior to their reporting to work. The post-offer physical shall be performed and evaluated by the County's designated physician under standards established by the County. The results of the exam will be sent to the Human Resources Department and be certified by the designated health provider.
    - (b) The mandatory physical shall be performed at the site of the County's designated health provider. When deemed appropriate, the individual may be referred to his/her personal physician and/or an outside specialist in lieu of the physical being performed by the designated health provider. This will be at the County's expense.
    - (c) Post-offer drug testing will be coordinated by the Human Resources Department, in accordance with the Drug-Free Workplace Procedure.<sup>1</sup>
- F. Veteran's Preference: The Human Resources Department will keep records of determination on whether an applicant is a veteran or the spouse of a veteran who qualifies for preference for eligible positions as defined in § 295.07 of the Florida Statutes. The application will be reviewed along with the DD214 by the Veterans' Services Department who determines qualifications for veteran's preference status. Unless the vacancy is advertised to internal applicants only and filled internally, those applicants who are veterans and meet the minimum experience and training guidelines required in the job description for eligible positions must be interviewed and given preference; therefore, if the top candidates are equally qualified and one is a veteran entitled to preference, then the veteran will be recommended for hire.
- G. Filing of a Position: The name, date of acceptance, date of hire and other pertinent information of the successful applicant shall be noted in the employee record.

### § 5385-3. Currency.

The Human Resources Department is responsible for maintaining the currency of this Instruction.

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1. Editor's Note: See CMA 5312.

**§ 5385-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Recruitment and Selection: It is the policy of the County to attract and retain employees on the basis of their skills, aptitudes, experience, development, performance, potential, and education and training as prescribed in the classification specification for each job classification. It is the policy of the County to offer equal employment opportunity to all persons without regard to race, creed, color, sex, age, national origin, religion, disability, or marital status. The Human Resources Department is responsible for the coordination of all aspects of the employment process including recruitment, selection, placement, promotion, transfer, recall of employees, and communication with job applicants.

**CMA # 5386**

**FLEXIBLE WORKPLACE PROGRAM**

**[Effective Date: March 13, 2000 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: March 9, 2009)]**

**§ 5386-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a Flexible Workplace Program procedure authorized by the County Manager.

**§ 5386-2. Concept.**

- A. It is the policy of the County to attract, retain and develop a high quality workforce by making use of the most innovative tools available. The Flexible Workplace Program is designed to allow management additional flexibility to achieve these goals by permitting work to be performed under special conditions. This procedure will allow for a more flexible work environment for the County's regular employees, provided that appropriate levels of workload, productivity, customer service needs and efficient management are maintained, budget goals are realized, and that applicable laws are followed. Because of individual work assignments, Supervisors and other employees may be subject to special restrictions being applied to their work schedules and this program may not be available to them.
- B. The following flexible or alternative work schedules are available for implementation at the discretion of the Division Administrator.
  - (1) Flextime: Flexible format that permits employees to choose the times they will start and stop work. These times must be within limits set by management and employees must work a standard number of hours during a regular work week.
  - (2) Compressed Work Week: Any schedule permitting a full-time, regular employee to work the equivalent of a full week in five or fewer days.
  - (3) Job Sharing: A form of regular, part-time employment. Two employees (possibly more) voluntarily share the duties and responsibilities of a single, full-time position. Salary and benefits may be prorated. The job sharers may alternate days or weeks or split days.
  - (4) V-Time: A voluntary reduced work time program. Full time, regular employees voluntarily reduce their work hours for a specified period of time in exchange for a corresponding reduction in compensation. The V-time program provides for a defined process for returning to full-time work.
  - (5) Telecommuting or Home-Based Employment: Working at home or at other off-site locations that are linked electronically to the central office. The employee is

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responsible for being available during all business hours, for retrieving and returning phone calls.

- (6) Furloughs: An involuntary reduced work time program for non-bargaining unit regular full- and part-employees that may be implemented for both salaried (exempt) and hourly (non-exempt) employees. Under the furlough program, employees will be mandated to take unpaid time off during one or more pay periods as directed by management. Paid leave time may not be substituted for furlough days. Furlough days are considered as non-productive time for the computation of overtime pay.

In accordance with the provisions of the Fair Labor Standards Act (FLSA), salaried (exempt) employees who are furloughed will be considered as hourly (non-exempt) employees for the hours worked during any week in which furlough hours occur.

### § 5386-3. Procedures.

- A. Division Administrators/Department Directors or their designee will determine which jobs are appropriate for the Flexible Workplace Program. They will communicate the schedules to all affected employees and will work with employees in selecting schedules that allow for the successful operation of the division/department.
- B. With the exception of employees on furlough, the flextime employee may be required to be present in the office at least 3 full days/week, based on the needs of the division/department and/or the customer.
- C. There will be a written understanding between the employee and the Supervisor in regard to the employee's work hours. Supervisors must know the employee's scheduled work hours in advance.
- D. Any employee participating in this program will receive the same benefits (job sharing, V-time and Furloughed employee benefits are prorated), status, promotion opportunities and rights as the regular full-time, in-office employee.
- E. Qualification criteria for this program should include the following (These criteria are intended as a guideline only. They may not be all inclusive and only some may apply):
  - (1) Nature of work to be performed by employee and whether it is suitable for this program.
  - (2) Ability to measure and monitor work assignments against established standards.
  - (3) Length of service of the employee.
  - (4) Employee's most recent performance evaluation.
  - (5) Employee's attendance record.
  - (6) Lack of disciplinary problems.
  - (7) Evidence of the employee's ability to perform assignments independently.

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- (8) Equipment needs and costs.
- (9) Effect of the employee's absence on work of other staff.
- (10) Employee's reasonable degree of experience in the assigned work.
- (11) Division/Department funding.
- F. The County will pay the flextime employee for all regular worked hours. Any additional hours worked, to a maximum of 40 hours per week, is compensated at straight time.
- G. Employees remain obligated to comply with all County rules, policies, practices and procedures and violation of such may result in preclusion from this program.
- H. In all cases, adherence to starting times, lunch periods and end of workday is required.
- I. Each Division Administrator, Department Director or their designee is expected to institute reliable managerial controls to ensure that employees arrive and leave at their appointed time and are involved in performing their assigned duties.
- J. The Flexible Workplace Program is not a right or condition of employment and can be revoked at the discretion of the Division Administrator, Department Director or their designee.
- K. Employee abuse of this program may result in withdrawal of the program privileges or more severe disciplinary action, up to and including discharge.
- L. Employees may engage in outside employment, but will be required to comply with the provisions of CMA 5380, Outside Employment, including securing approval before starting any other job.

**§ 5386-4. Currency**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5386-5. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: It is the policy of the County to allow for a more flexible work environment for the County's employees while ensuring appropriate levels of workload, productivity, customer service needs and efficient management are maintained and that applicable laws are followed.



**PROHIBITION OF WORKPLACE VIOLENCE**

[Effective Date: March 13, 2000 (Revised: October 1, 2001; Revised: October 1, 2003; Revised May 1, 2009)]

**§ 5387-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of an anti-workplace violence procedure authorized by the County Manager.

**§ 5387-2. Concept.**

It is the policy of the County to establish a zero-tolerance standard in the workplace regarding any threats or violent behavior, including armed intrusion, implied or actual, from any person that are directed at other employees or the public at a County facility or in connection with County business.

- A. No person shall engage in violent conduct or make threats of violence, implied or direct, at a County workplace or in connection with County business.
- B. All threats, whether to a person or to personal property, shall be taken seriously and will not be dismissed as harmless or as joking.
- C. Except as authorized by §790.251, *Florida Statutes*, no employee or former employee shall bring to the work site or to County property on his/her person, or in his/her belongings any non-job-related weapons of any type, for example, firearms or knives. Additionally, job-related tools will not be used in a threatening manner.
- D. When an employee experiences or witnesses any instance or occasions of any employee, former employee or non-employee violating this procedure, the witnessing employee should immediately notify any of the following: his/her Supervisor, Department Director, assigned Human Resources Generalist, Human Resources Labor and Employee Relations Manager, Human Resources Director, or may contact 911, as appropriate.
- E. After receiving a report of threats or violent conduct, management shall determine whether immediate notification to the Sheriff's Office is required and shall investigate the report. Any investigation should be conducted by management and the Human Resources Department jointly, unless time or circumstances dictate otherwise.
- F. Complaints of workplace violence will be investigated promptly and appropriate disciplinary action will be taken, up to and including discharge.
- G. No employee shall suffer retaliation or intimidation as a result of reporting a complaint of workplace violence. Any employee who believes he/she is being retaliated against shall immediately notify either his/her Supervisor or the Human Resources Generalist assigned to the employee's department, the Human Resources Labor and Employee Relations Manager, or the Human Resources Director.
- H. Workplace violence complaints are considered very serious. If the complaint brought

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forward is found to be frivolous or is used to threaten, intimidate or retaliate against another employee, appropriate disciplinary action will be taken, up to and including discharge.

I. The Employee Assistance Program may be used in instances involving workplace violence.

**§ 5387-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5387-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50. It is the policy of the County to develop and utilize a policy of workplace violence and also to maintain a safe work environment. This policy will include the guidelines dealing with intimidation, harassment, or other threats of (or actual) violence that may occur during hours of operation or on its premises.

§790.251, *Florida Statutes* - Protection of the right to keep and bear arms in motor vehicles for self-defense and other lawful purposes; prohibited acts; duty of public and private employers; immunity from liability; enforcement.--

**EMPLOYEE IDENTIFICATION BADGE**

**[Effective Date: October 1, 2001 (Revised: October 1, 2003; Revised: January 1, 2005, Revised: May 1, 2009)]**

**§ 5389-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of an employee identification badge procedure authorized by the County Manager.

**§ 5389-2. Concept.**

It is the practice of the County to provide employee identification badges. Some badges, where appropriate, will also serve as building entry badges with specific security codes.

- A. Employees' legal last name must be on their security badge.
- B. Each employee will wear his/her badge unless otherwise authorized by his/her Supervisor.
- C. Directors will assign the level of building access for each new employee within their area of responsibility.
- D. Badges will be issued to all new employees by Facilities Management following new hire processing and/or after a mandatory background check has been performed.
- E. Each employee will sign a form indicating acceptance for the badge. The form will be filed at Facilities Management.
- F. An employee who separates from the County or is transferred to a department with a different classification must return the badge issued to him/her. Employees are personally responsible for the loss or willful damage to County badges. Collier County reserves the right to charge employees the replacement cost of lost or damaged badges.
- G. An employee must notify Facilities Management at 252-8380 as soon as possible or at least within 24 hours after if the badge is lost.
- H. Employees of some departments may be required to wear specific badges due to the nature of the job.

**§ 5389-3. Currency.**

The Facilities Management Department is responsible for maintaining the currency of this Instruction.

**FINGERPRINTING/BACKGROUND CHECKS**

**[Effective Date: January 1, 2005; Revised: May 1, 2009]**

**§ 5390-1. Purpose.**

The purpose of this Instruction is to provide fingerprinting and background checks for all positions within the County Manager's Agency.

**§ 5390-2. Concept.**

- A. In response to Homeland Security, the State of Florida (§ 126.5801, Florida Statutes) authorizes the Board of County Commissioners to conduct background checks on County employees and other individuals.
- B. On October 9, 2007, the Board of County Commissioners amended Ordinance 04-52 with Ordinance 07-64, which provides that the County mandates state and federal criminal history records checks for all applicants for positions of employment with Collier County and for all current incumbents/employees, as well as similar employees and other similar representatives of contractors, vendors, repair persons and delivery persons, in each position of employment with the Board of County Commissioners agency.
- C. The County Attorney's Office, Human Resources Department and the Facilities Management, Government Security Section have reviewed current positions of employment and have included all positions of employment within the text of the amended ordinance.
- D. Each new applicant for positions of employment with the County will be hired contingent upon the results of the applicant's background checks. If a relevant offense is discovered, the results of these background checks will be forwarded to the Human Resources Department. The Human Resources Generalist will work with the employee's Department Director to determine if the discovered offense is serious enough to consider termination of the employee or, in the alternative, reassignment to a position of employment (job classification) that is not controlled by the respective background checks.

**§ 5390-3. Procedures.**

- A. New applicants:
  - (1) Positions of employment will be identified within the posting announcement as subject to Florida and federal criminal background checks.
  - (2) During new hire processing, the Human Resources Department will note on the employee's Collier County Identification Card Form that this position is subject to Florida and federal criminal background checks, and will coordinate with Facilities Management to ensure the new employee is fingerprinted in accordance with the Ordinance.
  - (3) Before the new applicant receives his/her new government-issued photo identification card, the applicant will be fingerprinted. The fingerprints will be sent to the Florida

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Department of Law Enforcement (FDLE) for a state (of Florida) background check and then be forwarded to the Federal Bureau of Investigation (FBI) for the national background check. Results may take as long as six weeks to be returned, and if a relevant offense is discovered, will be shared with the Human Resources Department as previously outlined.

- (4) With the exception of potentially relevant convictions, the information will remain in electronic form within the Facilities Management, Government Security Section's database. This data is not subject to disclosure pursuant to Florida's Public Records Law.
- (5) Both new and incumbent employees in all positions are required to be fingerprinted, in accordance with the fingerprinting plan approved at the time of the ordinance amendment in 2007, and as financial resources allow.

### B. Existing Positions:

- (1) Department Directors will be notified by Human Resources of the schedule to fingerprint existing employees. Incumbent employees will be required to report to the Department of Facilities Management, Operations Center for a ten-minute fingerprinting session.
- (2) Each such background check that uncovers a relevant criminal conviction will be forwarded via printed hard copy (not transmitted electronically) to the HR Department staff, who will discuss the particular conviction(s) with the Department Director and/or the employee. The Human Resources Director and the employee's Department Director will determine whether the offense warrants termination of employment or reassignment to another job description. The employee may appeal such decision by the process specified in the then current County Manager Administrative Procedure.
- (3) Each employee who is notified to be fingerprinted must make every effort to complete his/her fingerprinting procedure within 10 workdays after receipt of notification to do so. Each employee who is identified as being subject to the background checks per the ordinance but who does not complete the procedure as required, which includes fully cooperating in supplying all information needed to complete the background investigation, may be subject to suspension, termination or reassignment. Extensions of the ten-day time frame shall be granted only in writing.
- (4) If the County (management and or Government Security staff) has reason to suspect that a covered individual may have been convicted of a relevant crime subsequent to the then most recent background check, the County may mandate a subsequent background check.
- (5) The cost of the fingerprinting procedures and background checks will be budgeted and be the responsibility of the Human Resources Department.

### C. Contractors with employees or other individuals who will have access to sensitive locations and/or sensitive information:

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- (1) Each contractor entering into a contract with the County, as well as such contractor's employees or other representatives, including all subcontractors at every tier (including vendors, repair persons and/or delivery individuals) who will have physical access to County facilities or locations related to security or public safety shall be required to comply with the fingerprinting and background checks. In these instances, all new formal competitive County solicitations (e.g., for bids and requests for proposals) and contracts shall include a clause that mandates fingerprinting and background checks performed by County Security Section staff and paid for by the Contractor or subcontractor, etc., as the case may be. The clause shall mandate that the contractor in privity with the County shall be responsible to ensure that these requirements are complied with at all lower tiers associated with the project. Prior to the issuance of each formal solicitation, the project manager responsible for the contract shall work with the appropriate Purchasing Department representative to develop and include text in the solicitation that references the mandated checks and provides each prospective bidder/respondent with the means for obtaining more information about these requirements prior to tendering the bid or proposal. To the greatest extent possible, the results of these background checks should be on file in the Security Section files prior to the commencement of work.
- (2) Contractors and others as listed above should be selected for background checks if they will have physical access to locations, facilities, documents or other information related to security and/or public safety. Background checks that uncover a relevant conviction will be forwarded to the appropriate Project Manager/Department Director for review. Contract employees with relevant offense results may be denied all access to the site, may be restricted to specified geographic areas and/or at certain times of the day and must always be personally escorted by a County or contract employee that is not subject to any such restrictions. The County shall have the sole discretion of determining what restrictions apply in every such situation.
- (3) All contractors doing business regularly on County owned or leased property will display an Agency Contractor's identification badge at all times when on County property. Each badge must be returned to the Security Section Operations Center at the conclusion of each respective individual's assignment. It is the responsibility of the host department to facilitate and coordinate this procedure with the Security Section Operations Center. It is the responsibility of the host Department and the Government Security Section to ensure that contractors under their supervision have been cleared by the County's Government Security Section and continue to strictly comply with the requirements to display the County-issued ID badges. All individuals who are granted access to geographic areas and/or access to sensitive information because of the individual's relationship to a contractor in privity with the County on County-owned or County-leased property (County as landlord or tenant) must display these ID badges at all such times.

### **§ 5390-4. Currency.**

The Department of Facilities Management is responsible for maintaining the currency of this Instruction.

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**§ 5390-5. Reference.**

Collier County Ordinance No. 2007-64, § 1; Ord. No. 07-64, § 1 provides for state and federal criminal history records checks for specified positions of employment by Collier County or by outside contractors or vendors pursuant to § 125.5801, *Florida Statutes*.

## Chapter 5401

# PROCUREMENT OF INFORMATION TECHNOLOGY SYSTEMS AND SERVICES

§ 5401-1. Purpose.

§ 5401-4. Coordination.

§ 5401-2. Concept.

§ 5401-5. Currency.

§ 5401-3. Application.

[Effective Date: April 18, 1997 (Revised: October 1, 2001; Revised: October 1, 2003)]

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### § 5401-1. Purpose.

The purpose of this Instruction is to define a standard, efficient, and effective method for procurement of computer-based information systems and services that meets the business functional needs of the user(s) of a proposed information system, the requirements of the County competitive procurement policies and meets the County Information Technology standards and practices.

### § 5401-2. Concept.

A. Procurement and implementation of computer-based information systems and services can logically be carried out in the following steps or phases:

- (1) Requirements.
- (2) Discovery.
- (3) Solicitation.
- (4) Evaluation.
- (5) Award.
- (6) Negotiation.
- (7) Implementation.
- (8) Updates.
- (9) Replacement.

B. These phases are defined under § 5401-3, Application, below.

### § 5401-3. Application.

Overview. The intent of this procedure is to meet the legitimate business needs and desired outcomes of the end user. Accordingly, acquisition of hardware, software, network services



and other technological-related products/services needs to take into account that such systems must be installed, operated and maintained in a cost-effective manner. This, in turn, means that information systems must be sought that take advantage of the County's universal computer workstation and universal computer network. Exceptions may be authorized by the Information Technology (IT) Director prior to purchase. An additional goal of this procedure is ensuring maximum value for the taxpayer through contemplation and articulation of clear expectations to vendors, appropriate market research and subsequent vendor competition.

- A. Requirements Phase: The user, working with IT and Purchasing Department staff, identifies business tasks and desired outcomes [hereafter referred to as the "business function(s)"] sought through the proposed purchase(s).
- B. IT staff preliminarily identifies the technical environment (standards and technical functions) under which the proposed purchase will function and reside. IT and/or Purchasing staff draft an initial requirements description that includes the aforementioned business and technical information.
- C. Discovery Phase:
  - (1) Purchasing staff, with input/assistance from IT and user, identify sources of information to develop product or solution specifications/scope of work and assess the overall competitiveness of the purchase. Sources may include (but not be limited to) other users, vendors, professional associations and trade publications (business and technical). This sub-phase may include one or more of the following activities:
    - (a) Reviewing trade press for the user's area of interest.
    - (b) Reviewing published product specifications.
    - (c) Scheduling various vendor product demonstrations.
    - (d) Scheduling user site visits.
    - (e) Obtaining formal solicitation documents from various sources (i.e., NIGP, other users, etc.).
  - (2) Purchasing and IT staff develop the specifications/scope of work. Such requirements will generally be performance-based in nature with emphasis placed on required and desired outcomes. However, predetermined standards and conditions (i.e., the technical environment) shall also be described to give vendors a clear understanding of the County's expectations.
- D. Solicitation Phase (RFP):
  - (1) Purchasing selects the appropriate form of competition and accordingly prepares RFP, the document shall contain as a minimum, the following information:
    - (a) General proposal conditions.
    - (b) Instructions to bidders.

- (c) Scope of work.
  - (d) Evaluation criteria.
  - (e) Summary of the selection and contracting processes.
  - (f) Proposal submission forms.
- (2) Selection may be structured as a one- (technical and price information together) or two- (technical and price information separate) step process.
  - (3) Purchasing forwards document(s) to IT and user for final review and comment. Purchasing incorporates comments into document and issues solicitation.
  - (4) Simultaneously, the user, in tandem with Purchasing and IT, seeks appointment of a selection committee by the County Manager via memorandum.
  - (5) During the publication period, Purchasing and IT handle vendor inquiries. Procedural and procurement-related questions are directed to Purchasing. Technical questions are directed to IT. If IT is acting as user consultant or project manager IT will coordinate user clarification of business-related needs as necessary. Otherwise such questions will be directed to the user department.
- E. Evaluation Phase: Subsequent to the receipt of proposals, the selection committee is convened to evaluate the proposals received pursuant to the procedures and criteria set forth in the RFP. Evaluation activities may include, but not be limited to the following:
- (1) Analysis of written proposals.
  - (2) General compliance with submission requirements.
  - (3) Proposed business solution(s).
  - (4) Proposed technical configuration(s).
  - (5) Price offers (lump sums, units, life cycle analysis, etc.).
  - (6) Determination of additional evaluation tasks.
  - (7) Vendor interviews/presentations.
  - (8) Site visits/reference checks.
  - (9) Scoring and final ranking/selection of bids.
- F. Award Phase: The user, in tandem with Purchasing and IT, prepares an executive summary recommending award pursuant to the findings of the selection committee.
- G. Negotiation Phase: Subsequent to award, Purchasing initiates negotiations, involving members of the selection committee with the vendor. In the event that the purchase does not require substantial installation-related services, a purchase order (referencing the RFP) will likely be the sole instrument of contract. In the event that the acquisition requires substantial installation-related services, or that the vendor requires execution of a

licensing agreement, Purchasing will prepare a comprehensive agreement addressing as a minimum license, installation, warranty and maintenance requirements. In the event that a formal agreement is prepared, the user, in tandem with Purchasing and IT, will prepare an executive summary seeking approval of the negotiated agreement by the Board.

- H. Implementation Phase: User submits requisition and Purchasing issues P.O. If a formal agreement is in place, IT (in its role as project manager), issues a notice to proceed to formally commence the project schedule. IT monitors and conducts acceptance testing and training (to the extent applicable in each situation) in concert with the vendor as the work is performed and completed.
- I. Update Phase: Information systems are not static. They must evolve to meet changing needs of their users, changes in ordinances, and new technology opportunities for functional improvement. Therefore, all procurement of new systems shall include wherever practical, arrangements for implementation of changes to system design. These changes may be made by the original vendor, other vendors/contractors or IT personnel. The user, working with Purchasing and IT, defines how later changes will be made and, if appropriate, how provisions for such changes are added to contract provisions.
- J. Replacement Phase:
  - (1) Sooner or later every information system reaches the end of its useful life. This usually occurs when so many changes have had to be made that further maintenance is problem-prone and/or expensive. It also occurs as a result of major changes of functional need and or major organizational consolidations. Further, the rapid advance of information technology may make possible major improvement opportunities that should to be implemented.
  - (2) Users of information systems, working with IT, are expected to estimate the life of new systems and to monitor the systems over time to identify when end of life is approaching.
  - (3) Replacement of information systems will follow this directive too with the added enhancement of the process by a description of the existing system that is approaching end of life.

#### **§ 5401-4. Coordination.**

The Information Technology Department is responsible for the coordination of this Instruction.

#### **§ 5401-5. Currency.**

The Information Technology Department is responsible for maintaining the currency of this Instruction.

## CMA # 5402

### REMOTE ACCESS POLICY

§ 5402-1. Purpose.

§ 5402-4. Enforcement.

§ 5402-2. Background.

§ 5402-5. Definitions.

§ 5402-3. Policy.

§ 5402-6. Currency.

[Effective Date: January 1, 2005]

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#### § 5402-1. Purpose.

The purpose of this Policy is to define standards for connecting to Collier County's network from any host (computer or other device that connects to the network). This Policy will also ensure Collier County's compliance with applicable license, copyright, local, state and federal laws and regulations.

#### § 5402-2. Background.

This Policy is required to minimize the risk that any individual device could be configured or used in a manner which could compromise the integrity and availability of the network and associated resources. Damages include the loss of productivity due to downtime, damage to public image, and damage to critical Collier County internal systems, and access to non-public data, which could result in possible violations of law concerning privacy (HIPAA, etc.). This Policy applies to all Collier County employees, contractors, vendors and agents that connect to the Collier County network. This Policy does not apply to access of the County's e-mail system via the Internet (Outlook Web Access) nor any publicly available service provided by Collier County on the Internet.

#### § 5402-3. Policy.

##### A. Requirements:

- (1) All requests for remote access will be submitted to the Information Technology (IT) Department.
- (2) All trusted network connections and devices must be configured to meet the authentication and configuration requirements of the Collier County network.
- (3) With the exception of approved vendors, only computers owned and supported by Collier County will be permitted to connect to the Collier County network.
- (4) Vendors requesting access to the Collier County network will be provided a copy of all applicable policies governing remote access and will demonstrate acceptance

of those policies by signing a Third Party Access Agreement,<sup>1</sup> of which a copy will be retained by the IT Department.

- (5) The approved methods of remote access to the Collier County network are as follow: VPN, dial-up, trusted network via direct connection, un-trusted network via firewall.
- (6) Collier County employees and vendors with remote access privileges must ensure their computer or workstation that is remotely connected to Collier County's corporate network is not connected to any other private network at the same time with the exception of personal networks that are under the complete control of the user.
- (7) All remote access clients for VPN access will be configured by IT personnel according to IT Department procedures.
- (8) It is the responsibility of the County employees who have been granted remote access to ensure that the computers used for this access be connected to the network at least once in a thirty-day period so that it can receive the proper security patches and updates. Computers requiring security updates will be prevented from accessing the network until the required updates are completed.

#### § 5402-4. Enforcement.

- A. It is the responsibility of remote access users to comply with all applicable Collier County computer usage policies.
- B. Any employee found to have violated this Policy may be subject to disciplinary action, up to and including termination of employment.

#### § 5402-5. Definitions.

As used in this Policy, the following terms shall have the meanings indicated:

HOST — Computer or other device connected to a network.

PRIVATE NETWORK — A network secured from external access from other networks and the Internet.

REMOTE ACCESS — All present and future methods by which hosts connect to the CCBCC's private network, such as dial-up, VPN, PC Anywhere, etc.

TRUSTED NETWORK — A system that has the necessary controls to ensure that security policies will not be compromised

UN-TRUSTED NETWORK — A system with no verifiable security controls that would present a security risk to the CCBCC network.

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1. Editor's Note: See CMA 5300, Third Party Access Policy, and its accompanying attachments.

VPN — Virtual Private Network. An encrypted connection to the CCBCC network via the Internet.

**§ 5402-6. Currency.**

The Information Technology Department is responsible for maintaining the currency of this Instruction.

## CMA # 5403

### THIRD PARTY ACCESS POLICY

§ 5403-1. Purpose.

§ 5403-6. Currency.

§ 5403-2. Concept.

**Third Party Network Access  
Agreement**

§ 5403-3. Policy.

§ 5403-4. Enforcement.

§ 5403-5. Definitions.

[Effective Date: January 1, 2005]

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#### § 5403-1. Purpose.

The purpose of this policy is to define standards for vendors, contractors, consultants, and others who connect to Collier County's network from any host. These standards are designed to minimize the potential exposure to Collier County from damages that may result from unauthorized use of Collier County resources. Damages are defined to include, but not limited to: the loss of productivity due to downtime, loss of sensitive or confidential data, loss of intellectual property, damage to public image, damage to critical Collier County internal systems, etc.

#### § 5403-2. Concept.

- A. This policy applies to all Collier County contractors, vendors and agents with a Collier County-owned or personally owned computer or workstation used to connect to the Collier County network. This policy applies to direct and remote access connections used to perform work on behalf of Collier County including reading or sending e-mail and viewing intranet web resources.
- B. Access implementations covered by this policy include all methods of direct and remote access to the Collier County network.

#### § 5403-3. Policy.

- A. General.
  - (1) It is the responsibility of Collier County that vendors, contractors, consultants, and others having access privileges to Collier County's network ensure their access connection is given the same consideration as the user's on-site connection to Collier County.<sup>1</sup>
  - (2) The following policies must be reviewed by vendors, contractors, consultants, and other parties for details of protecting information when accessing the Collier

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1. Editor's Note: See the Third Party Network Access Agreement at the end of this CMA.

County network via remote access methods and the acceptable use of Collier County's network:

- (a) End User Computing Policy.<sup>2</sup>
- (b) Remote Access Policy.<sup>3</sup>

**B. Requirements.**

- (1) Secure access must be strictly controlled. Control will be enforced via one-time password authentication or public/private keys with strong pass-phrases. For information on creating a strong pass-phrase see the End User Computing Policy.
- (2) At no time should any third party (as described above) provide their login, password, or e-mail their password to anyone.
- (3) Those with access privileges must ensure that a Collier County-owned or personal computer or workstation which is connected to Collier County's corporate network is not connected to any other network at the same time.
- (4) All hosts connected to Collier County networks must use the most up-to-date anti-virus software from a reputable vendor.
- (5) Equipment used to connect to Collier County's networks must meet the same requirements as Collier County-owned equipment.
- (6) Organizations or individuals who wish to implement non-standard solutions to the Collier County production network must obtain prior approval from the IT Department.
- (7) Vendors, consultants and other third parties will be permitted to access the Collier County network only during normal business hours (8:00 a.m. to 5:00 p.m. local Collier County time), unless otherwise agreed to.
- (8) Vendors, consultants and others will notify the IT Department in writing of all changes that will be made or work that will be conducted while logged into the Collier County network.
- (9) Vendors, consultants and others will notify the IT Department immediately if passwords are lost, accounts are no longer required or of any attempts of intrusion are detected.

**§ 5403-4. Enforcement.**

Any third party found to have violated this policy may be subject to loss of Collier County network access privileges or other penalties as prescribed in the vendor's contract with Collier County or by applicable laws.

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2. Editor's Note: See CMA 5405.

3. Editor's Note: See CMA 5402.



**§ 5403-5. Definitions.**

As used in this CMA, the following terms shall have the meanings indicated:

HOST — Computer or other device connected to a network.

PRIVATE NETWORK — A network secured from external access from other networks and the Internet.

REMOTE ACCESS — All present and future methods by which hosts connect to the CCBCC's private network, such as dial-up, VPN, PC Anywhere, etc.

TRUSTED NETWORK — A system that has the necessary controls to ensure that security policies will not be compromised.

UN-TRUSTED NETWORK — A system with no verifiable security controls that would present a security risk to the CCBCC network.

VPN (Virtual Private Network) — An encrypted connection to the CCBCC network via the Internet.

**§ 5403-6. Currency.**

The Information Technology Department is responsible for maintaining the currency of this Instruction.

THIRD PARTY ACCESS POLICY

*CMA 5403 Attachment 1*

**Collier County Government  
Third Party Network Access Agreement**

I, \_\_\_\_\_, agree I will not use my network access to the Collier County network in any manner inconsistent with the work I am contracted to perform. This includes only accessing information systems or data files required in the performance of my work. I agree to notify the appropriate Collier County contact of all accesses and details of actions or modifications which I have performed on systems while connected. I further affirm that I have read and agree to abide by the Collier County End User Computing Policy and Remote Access Policy as provided to me. I also agree to notify the Information Technology Department as soon as network access is no longer required so my access can be removed. I understand that violation of any of these policies could lead to loss of access, termination of vendor or contractor status, or prosecution under the applicable statute. I understand that vendor access is restricted to the hours of 8:00 a.m. to 5:00 p.m. Collier County local time, unless otherwise agreed to and noted on this agreement.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **CMA # 5404**

### **PUBLICATION ON THE INTERNET**

**§ 5404-1. Purpose.**

**§ 5404-3. Currency.**

**§ 5404-2. Concept.**

**[Effective Date: February 25, 1999 (Revised: October 1, 2001; Revised: October 1, 2003)]**

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**§ 5404-1. Purpose.**

The purpose of this Instruction is to define the basic procedure for publication of information and processes on the World Wide Internet by County government departments and organizations.

**§ 5404-2. Concept.**

- A. Public Service: County Internet publications and processes shall have enhanced public service as their focus.
- B. Copyright: County Internet page and process design and content shall be solely owned by the County and shall carry this copyright notice: "Copyright 1999, Board of County Commissioners of Collier County, Florida" (substituting the year created, for 1999). Page and process developers must acknowledge this in writing before commencing work.
- C. Publication: The Information Technology Department (IT) is designated as Publisher for all County Internet documents and processes. All web pages and processes shall be coordinated by and placed through IT who will ensure that county interests are protected.
- D. Placement: All county Internet pages and processes shall be placed and executed on county computer systems unless otherwise authorized by the Information Technology Department.
- E. Content: The responsibility for the clarity, accuracy, and usability of Internet documents and processes is vested in the departments that create them.
- F. Currency: Departments that create Internet publications and processes shall keep them up-to-date.
- G. Design Standards: County Internet documents and processes shall conform to County design standards.
- H. Review: The Information Technology Department (IT) is charged with regular review and audit of County Internet pages and processes to ensure that they reflect well on the County government and conform to the policy provisions herein.
- I. Advertising: County web pages shall not contain commercial advertising, except that authors of county web pages may be stated on the pages and may include links to their

own web sites even if commercial in nature and links may be placed on county web pages to aid users in downloading software appropriate to run the web pages.

**§ 5404-3. Currency.**

The Information Technology Department is responsible for the currency of this Instruction.

## CMA 5405

### COMPUTER/TECHNOLOGY USE

[Effective Date: June 10, 1999 (Revised: December 1, 2000; Revised: February 12, 2001; Revised: October 1, 2001; Revised: October 1, 2003; Revised: May 30, 2004; Revised: June 11, 2004; Revised: January 1, 2005; Revised: April 1, 2006; Revised: July 1, 2009; Revised: December 16, 2009; Revised: March 18, 2011)]

#### § 5405-1. Purpose.

- A. The goal of this instruction is to ensure the integrity, proper operation and security of the County's technology resources by setting rules of conduct for use by all County employees, contract employees, and business partners.
- B. This instruction applies to the Collier County Board of Commissioners Agency's internal business network and associated systems and resources. This instruction does not apply to the Library's public use network, the Transportation Signalization Network, the Public Utilities Plant Control and SCADA Networks, Emergency Management non-IP two way communication systems and their associated systems and resources, except where they interface with the Agency's internal business network.
- C. This instruction sets forth the Agency's practices and procedures governing the utilization of technology resources and disciplinary recourse for violations. This policy also sets forth guidance for compliance with applicable laws governing the handling of specific kinds of data created with or transmitted by network resources.

#### § 5405-2. Definitions.

- A. AUTHORIZED ADMINISTRATIVE STAFF – IT staff and other staff authorized by the Director, Information Technology Department who have elevated privileges and access rights for the purpose of maintaining network resources and services.
- B. BUSINESS PARTNERS – any person not directly employed by the Board of County Commissioners who is authorized to utilize County technology resources. Examples of business partners would include, but not be limited to: vendors, contractors, and advisory board members.
- C. DATA – Information stored by technology assets, or transmitted from or through the network.
- D. DATA CUSTODIANS - Staff with the authority for acquiring, creating, and maintaining data within their assigned area of control.
- E. INAPPROPRIATE CONTENT - Content that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or contains sexual comments, obscenities, nudity, pornography, abusive or degrading language, antisocial behavior, or inappropriate comments concerning race, color, religion, sex, national origin, marital status, or disability or is otherwise unlawful is inappropriate for the workplace and may not be sent by e-mail or other form of electronic communication or displayed on County computers or stored in the County's systems.
- F. LIMITED NON-BUSINESS USE – Use of the County's technology assets that does not impact employee productivity and complies with all other aspects of this policy.

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- G. NETWORK – The data, voice, and multimedia communication system made up of devices (switches / routers / firewalls and the like), wires, fiber optics, jacks, access points (physical and wireless), software and services.
- H. NETWORK RESOURCES – Any services which may be accessed through the Collier County network. Examples include, but are not limited to: software applications, e-mail, data, telecommunications, the 800 MHz Public Safety Radio System, and Internet resources accessed from or through the network.
- I. REGULATED DATA – data that requires special handling due to statutes, regulations or agency policies. At this time, regulated data includes, but not limited to: Protected Health Information (PHI) protected under HIPAA rules and statutes, Payment Card Industry (PCI) and other personal financial information (PFI) (e.g. credit card and bank account numbers) and personal identifying information (PII) (e.g. social security numbers), addresses and names of judges and law enforcement officials, and other data exempted from the State of Florida’s Public Records Laws by statute.
- J. SLATE – a form factor for a computing device that meets the following criteria:
  - 1. Does not run Windows operating system as its base operating system, and
  - 2. Uses “touch” as its primary mode of user interface.
- K. TECHNOLOGY ASSETS – any devices owned by Collier County that are part of or used for data or voice communications. Examples include, but are not limited to: computers, network switches and routers, servers, databases, personal data assistants, smart phones, cellular air cards, printers, telephones, 800 MHz radios, and associated software and accessories.
- L. TECHNOLOGY RESOURCES – includes all of the following: TECHNOLOGY ASSETS, information/data stored or in transit, the County’s private data network, NETWORK RESOURCES, and all resources and services associated with other networks accessed from or through the County network, including the Internet, Internet Services, and other agencies’ or corporate networks and services.
- M. USER – Inclusively, staff, elected / appointed officials, and/or business partners authorized to use County technology resources.

### § 5405-3. Concept.

#### A. Compliance:

- 1) This policy applies to all users of Collier County technology assets, network and/or network resources including authorized administrative staff except when utilizing properly authorized elevated privileges or access rights in the discharge of their duties.
  - a. Authorized administrative staff’s use of elevated privileges is governed by IT Department policies.
  - b. Employee violations will be assessed and disciplinary actions will be governed by CMA 5351 – Discipline, and CMA 5311.1 - Standards of Conduct.
  - c. Business partner violations will be subject to loss of the use of technology assets, network and/or network resources and contractual sanctions.

## CMA 5405

- 2) Because of the interdependent nature of network and communications systems, interruptions of service can have a broad impact with the potential for large adverse financial consequences or impact to health and safety. Loss of technology resources and/or misuse of network resources can cause financial damage to the County, the taxpayers of Collier County, and those who depend on County services, therefore, these resources must be protected.

As such, violations of this policy may unduly expose the network to intended or unintended risks, which may or may not result in actual losses.

- a. Department Directors are required to consult with the Director, Information Technology when assessing penalties for violations of this policy.
  - b. The severity of infractions will be assessed by the Director, Information Technology who will forward a risk / threat assessment to the supervising Department Director for use in making recommendations for disciplinary actions in accordance with CMA 5351 - Discipline.
  - c. The Human Resources department will advise Department Directors in order to ensure consistency in the handling of employee violations of this policy.
- 3) Collier County, at its discretion, reserves the right to monitor any use of network resources, to monitor computer and internet usage, including, but not limited to: sites visited, searches conducted, information uploaded or downloaded and to access, retrieve and delete any data stored in, created, received, or sent over the network or using network resources for any reason and without the permission or prior knowledge of any user. Collier County may monitor the use of technology assets, content of electronic communications and the usage of network resources to support operational, maintenance, auditing, security, disciplinary, and investigative activities.
  - 4) County employees and authorized business partners using County owned technology or network resources have no right or expectation of personal privacy for any voice communications, e-mails, internet searches, internet sites visited, or data stored in, created by, received with, or transmitted using technology resources. Use of passwords or other security measures, whether mandatory or voluntary, does not in any way diminish Collier County's rights or create any privacy rights of users. Collier County has administrative tools that permit it to monitor all activities on the network and access all data stored within technology resources.
  - 5) All Collier County employees and business partners who have access to technology assets and/or network resources must affirm that they have read and understood all applicable policies annually.

### B. User Responsibility:

- 1) Authorized network users are responsible to ensure that network resources are used only for their intended purposes.
  - a. Except for services intended for use by the public (kiosks, terminals and public wireless services) technology assets, technology resources, network resources, the network and data are intended exclusively for the use of authorized employees and business partners only.

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- b. Technology assets, technology resources, network resources, the network and data are the property of Collier County Government. Collier County provides these systems to be used for County business purposes, although limited non-business use is permitted. All communications and data transmitted by, received from, passed through, or stored in these systems are the exclusive property of Collier County. At all times, employees and authorized business partners have the responsibility to use these resources in a professional, ethical, and lawful manner.
  - c. Use of technology and network resources is a privilege that may be monitored, restricted or revoked at any time. Collier County reserves the right to revoke the privileges of any user at any time.
  - d. Conduct that interferes with the normal and proper operation of Collier County's network or network resources, which adversely affects the performance of the network or the ability of others to use the network or network resources or, which is harmful or offensive to others will not be permitted. Such actions may subject employees to disciplinary action in accordance with CMA 5351 - Discipline. Such actions by business partners may result in the loss of network privileges and/or contractual sanctions.
  - e. The Director, Information Technology can authorize actions to remediate network or application performance problems during an incident where network or application performance has been adversely affected.
  - f. A user may not use the County network or technology assets to connect to or make use of other computer systems unless specifically authorized to do so by the operators of those systems.
  - g. Because network and data security are dependent upon physical security, all Collier County employees have a responsibility to ensure that only authorized employees and/or business partners or properly escorted visitors have access to areas where network access is available and that only authorized employees have access to secure spaces where network resources are located.
- 2) Staff and authorized business partners are issued credentials (user name and password) for accessing the network and network resources. Users are responsible for periodically changing their passwords and safeguarding their passwords.
- a. Users are responsible for all transactions made using their credentials.
  - b. Users are responsible for protecting the confidentiality of their credentials and are prohibited from sharing their credentials with anyone.
  - c. Users shall not leave their computers unattended while their account is logged in without first locking the computer, using the Windows "Lock Computer" functionality.
  - d. User passwords for County network accounts or passwords for County application / system access may not be printed or stored online in any file, database or Internet service. It is the user's responsibility to safeguard their password. If a user suspects for any reason that their password may have been compromised, they must immediately change it.
  - e. No user may access the network or network resources with another user's credentials. If access to another user's account is required, access can be granted by the IT Service Desk upon request from the user's manager.
  - f. All network access must be accomplished by user specific credentials, and as a normal course of business, generic or "shared" network accounts are not issued. In special cases the IT Service Desk Manager can authorize the use of shared accounts with proper authorization from the users' management under circumstances where



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individual accounts can't adequately meet business needs and their use will not compromise identity integrity and auditing.

- g. Misrepresenting, obscuring, suppressing, or replacing a user's identity on the network is forbidden. The user name, e-mail address, County affiliation, and related information included with electronic messages or postings shall reflect the actual originator of all messages or postings.

### 3) Network Security

- a. Users shall report any suspicion of violations of any provision of this policy to their supervisor or the Information Technology Department Service Desk. Users shall notify the Service Desk of any instances where they observe or have reason to believe that data is inappropriately accessible to employees, the public, or business partners.
- b. Users shall promptly report all information security alerts, warnings, suspected system vulnerabilities, etc. to the IT Service Desk.
- c. Users shall not exploit inadvertent rights or deficiencies in information systems security to damage systems or data, obtain resources beyond those to which they have been authorized, or to obtain or take resources away from other users or gain access to other systems for which proper authorization has not been granted.
- d. Users who receive virus alerts or notice unusual system behavior, such as missing files, frequent system crashes, misrouted messages, etc., should immediately notify the IT Service Desk. To prevent possible damage to Collier County data, technology assets and network resources, users are not permitted to remove viruses on their own. If users believe they may have been the victim of a virus or other malicious software, they must immediately inform the IT Service Desk.
- e. In order to ensure that virus signatures, patches and security software are up to date, any workstations or portable computers that have not been updated within 30 days will be removed from the network. Updates occur upon login. Action by the IT Service Desk will be required to restore connectivity.

### 4) Inappropriate Use

- a. Internet browsing on websites with inappropriate content is prohibited. Use of the Internet will be monitored and corrective actions will be taken by the user's department, in coordination with Human Resources and Information Technology.
- b. Except for employee services administered on the County's Intranet by the Human Resources Department, Collier County's technology assets, network and network resources may not be used for dissemination or storage of commercial or personal advertisements, solicitations, promotions, political material, inappropriate content or any unauthorized use deemed inappropriate.
- c. Users are not permitted to store, download or transmit copyrighted materials with network resources unless written permission has been granted. Examples of copyrighted materials include, but are not limited to: commercial music, video, graphics, or other intellectual property. Collier County will not provide a defense for violators of copyrights. Collier County allows reproduction of copyrighted material only to the extent legally considered "fair use" or with the permission of the author/owner. All doubt about whether software or other material is copyrighted, proprietary, or otherwise inappropriate for duplication should be resolved in favor of not duplicating such information.
- d. Users are not permitted to make any defamatory statements using network resources.

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- e. County Employees are not permitted to subscribe to information services without the approval of their supervisor.
- f. Users are not permitted to capture, store or create digitized images of signatures (other than their own) or attach or affix a digitized image of a signature (other than their own) to any document or e-mail or use such image of a signature in any way that could be interpreted as representing information as being originated, approved, or sanctioned by another person without the express permission of the signatory.

### C. Business Partners.

- 1) Employees are responsible to ensure that business partners requiring access to the network or network resources are properly authorized. Business partner accounts will be issued on a monthly basis and will expire on the last day of each month. Employees are responsible for requesting extension of business partner accounts if required. Generic business partner accounts will not be issued. All business partner accounts must be issued in the name of the user.
- 2) Any business partner requiring access to the network or network resources must complete the Third Party Use Agreements, file them with the IT Department, and maintain compliance with the terms of that agreement.
- 3) Once granted access, business partners must comply with this policy in its entirety. Business partner violations of this policy may result in loss of access and purchasing sanctions.

### D. E-mail

- 1) All e-mails entering or leaving the County's e-mail system are duplicated and retained in an administrative mailbox in addition to each user's mailbox. As such, users are free to delete e-mails from their mailbox when their usefulness to the user has ended. However, if the user would like future access to such e-mails, they should retain them. At the designated time, all e-mail in Outlook will be archived. At this time, e-mails are never deleted from the archive.
- 2) BCC staff are required to use the county email system and only the county email system for county business. Use of external email systems compromise the Agency's ability to execute complete public records requests.
- 3) Users shall not send unsolicited/non-business e-mail to persons without their consent. Chain letters or other non-business related use of network resources is prohibited.
- 4) Mass e-mailing for business purposes must be coordinated with the IT Service Desk. Non-business related mass e-mailing is prohibited.
- 5) The use of the "Subscribers" and "BCC-Agency" distribution lists are restricted to department directors, division administrators and the County Manager's office.
- 6) Tampering, forging, or altering e-mail identity information is prohibited. Sending an e-mail which in any way appears as though it was sent by someone else (who did not send it) is prohibited.

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- 7) Inappropriate content may not be sent by e-mail or other form of electronic communication or displayed on or stored in the County's computers. Any message received that contains intimidating, hostile, offensive or inappropriate content should be reported immediately to management so that appropriate measures can be taken.
- 8) Users must not originate or forward any e-mails with inappropriate content as defined in section 2(E) and 3(D)6. Reference CMA 5311.1 (Standards of Conduct).
- 9) Users receiving e-mail messages with inappropriate content as defined in section 2(E) or 3(D)6 must immediately notify their supervisor, manager, or department director. Reference CMA 5311.1 (Standards of Conduct).
  - a. The following information must be provided: (1) the date and time the e-mail was sent/received; (2) the sender's e-mail address (or, if unavailable, any identifying information); (3) and the subject line.
  - b. Do not forward the e-mail. Once the information specified in Section D.(8)a. is passed on to a supervisor, the e-mail should be deleted.
  - c. Supervisors, managers or directors receiving such reports from their employees shall provide these reports to the HR Generalist for their department/division. Additionally, if the user reports having received repetitive inappropriate or explicit e-mails from the same external sender, these reports and all supporting documentation should be provided to the IT Service Desk as well as Human Resources.
- 10) Signatures, tag lines, and background settings should be professional in nature and reflect positively on the County.
  - a. Signatures may contain some or all of the following: Name, Agency Name, Department/Division, Title, Address, Telephone Number, Fax Number, Cell Phone Number, e-mail Address. Colors and fonts other than the default settings are acceptable.
  - b. Tag lines conveying personal, inspirational, or political messages are subject to interpretation and are, therefore, prohibited. Tag lines may contain agency, department or division mottos, mission or vision statements, or logos.
  - c. To portray a professional image, no backgrounds should be used in e-mail settings.

### E. Hardware/Equipment:

- 1) County technology assets, network and network resources are provided as a tool to enhance productivity and perform job duties. Access to County technology assets is a privilege.
  - a. Only devices which are managed by the IT Department are permitted on the Agency's business network.
  - b. The processes and procedures for purchasing technology are on the Agency's Intranet and updated periodically. Improperly purchased technology items may be refused network access.
  - c. The use of personally owned computing devices is permitted but such devices will be limited to publically available websites and internet resources. Personally owned computing devices are not managed by the IT Department and are not permitted access to the Agency's business network.
  - d. SLATE computers may be approved for purchase for special purpose applications in limited numbers after review and approval by the IT Department. At this time, SLATE computers are not managed by the IT Department and are not permitted

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access to the Agency's business network, however a list of SLATE computers that can be managed and will be allowed internal network access will be developed and posted on the intranet as they are qualified. Special considerations that may apply to the purchase, governance, recurring charges, and use of SLATE devices can be found on the Agency's intranet.

- 2) Unauthorized Equipment.
  - a. Users may not connect any device to County technology assets or the network. Only authorized administrative employees are permitted to add devices to the network. This prohibition includes, but is not limited to, personal network hubs, routers or switches, wireless access devices, USB hubs, portable computers, smart phones, and storage devices. IT Employees are required to disconnect and remove any such equipment upon discovery.
  - b. Portable storage devices like USB "thumb" drives are permitted for the transport of non-executable (data) files as long as their use does not require any installable software or cause the installation of software. Executing programs stored on these devices is prohibited. These devices shall not be used as primary storage. Transporting regulated data files via these devices is prohibited.
  - c. Employees and business partners may not use cameras, cell phone cameras, digital cameras, video camera, or other form of image-recording device in the workplace without the express permission of the supervising Department Director and of each person whose image is recorded. This provision does not apply to employees who must use such devices for business purposes in connection with their positions of employment.
- 3) Users shall not tamper with technology assets in any manner. All repairs must be coordinated through the IT Service Desk.
  - a. Users shall not connect or disconnect any technology asset or network resource without prior coordination with and approval from the IT Service Desk. All hardware installations, repairs, moves, additions or changes must be coordinated through the IT Service Desk.
  - b. Users shall not install, deactivate, uninstall or change any settings for any software provided by the County on any technology asset. Software provided includes, but is not limited to, virus detection and correction software, internet filtering software, monitoring software, power management settings, screen savers, and agents for software distribution.
  - c. Users are prohibited from setting BIOS passwords.
  - d. Settings in windows that are user accessible (e.g. desktop wallpaper, power management settings, color schemes, etc.) and application settings that are user accessible (e.g. browser favorites) are not covered under this Instruction and may be set and personalized by the user, although they may be altered by operating system patches and may or may not be transported in machine replacements.
- 4) Supervisors have the discretion to allow Collier County computers to be used by employees at home for County-related work purposes. The restrictions pertaining to the use of County computers at home will be the same as if they were directly connected to the County network and all policies apply. Use of County technology assets and network resources are for the exclusive use of authorized users only. IT support for home use will be limited to telephone support, or users will be required to bring County equipment to the workplace and will be

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provided assistance during business hours. The IT Department does not provide on-site support for home use of computers.

### F. Operating System/Software

- 1) Users are prohibited from possessing or distributing computer viruses, spyware, or other malicious software development and/or distribution tools. Users found to be in possession of such software may be subject to disciplinary action, including discharge, and possible civil and/or criminal penalties.
- 2) Users are prohibited from possessing tools commonly used for gathering technical information about the network or network resources useful for attempts to hack or breach security. Users found to be in possession of such software may be subject to disciplinary action, including discharge, and possible civil and/or criminal penalties.
- 3) Installing Software.
  - a. Users are not permitted to download executable software.
  - b. Users are not permitted to install executable software on IT Assets. The IT Service Desk will assist users with authorized software installs.
  - c. Users with Windows Administrative Rights have been granted these rights solely to permit them to use software that requires these rights in order to run properly. Users with Windows Administrative Rights are not permitted to install executable software on IT Assets, unless they have an agreement authorized by the Director, Information Technology to do so.
  - d. Users with fully executed "Special Service Level Agreements," which have been paid and are in good standing, are permitted to install the software identified in that agreement on the specific IT ASSETS specified within the agreement.
- 4) License Compliance.
  - a. The IT Department is responsible for the Agency's compliance with certain software license agreements. Users are forbidden from making unauthorized copies of software. Collier County will not provide a defense for violations of licensing agreements.
  - b. Collier County allows reproduction of copyrighted material only to the extent legally considered "fair use" or with the permission of the author/owner. All doubt about whether software is copyrighted, proprietary, or otherwise inappropriate for duplication should be resolved in favor of not duplicating such information.
  - c. The IT Department provides license compliance services, however if the user prefers not to use IT's compliance service, they shall be responsible for proper and adequate physical security and protection of software in their possession. A locked file cabinet or locked desk drawer should be used to safeguard software.
  - d. Users shall not copy or use County owned software on their personally owned home computers, laptops, or other electronic devices.
  - e. Users shall not provide copies of County owned software to any business partner, client, or third person, or perform any other action that would cause non-compliance with any licensing agreement.
  - f. Unlicensed or unauthorized software will be removed immediately upon discovery by IT employees. Staff found to be in possession of unlicensed or unauthorized software may be subject to disciplinary action, including discharge, and possible civil and/or criminal penalties. Employees who become aware of any misuse of software

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or violation of copyright law should immediately report the incident to their immediate supervisor.

### G. Data Management:

- 1) Users should be aware that deletion of any data may not truly eliminate the information from systems. Most data is stored in a central back-up system in the normal course of data management.
- 2) In order to protect overall network performance, the County reserves the right to reprioritize and/or apply size limitations on data stored in or transmitted over the network. The County reserves the right to disconnect or otherwise manage circuits during incidents which jeopardize network performance.
- 3) Users may not access or alter in any manner data that is not involved in the execution of their job functions.
  - a. Users are not permitted to access, modify, delete, and/or utilize data, which they may have access to, for any purpose except their job duties, Collier County business objectives, or business practices.
  - b. Users shall utilize information that they are authorized to access only for the specific purposes for which it is intended.
  - c. Except for authorized public records searches and special investigations, data and communications (e.g. e-mail and voice communications) shall be treated as confidential and accessed only by the intended custodian/recipient(s). Users are strictly prohibited from accessing any data or communications to which they are not intended to have access or are not the intended recipient.
- 4) No user may encrypt data for transmission over or storage on network resources without written permission from the Director, Information Technology. The system and methods required to encrypt and decrypt data must be approved by the Information Technology Department. If the encryption method relies on secret keys, the Information Technology Department must manage the storage and security of such encryption keys. The Information Technology Department has methods in place to store secret keys securely, assuring the secrecy of encryption keys and the ability to decrypt data. If encrypted data is discovered, the data owner must provide clear text/unencrypted data along with the encryption system and secret keys to the Director, Information Technology upon request.
- 5) Regulated Data.
  - a. Generally, all data and records created, stored, sent, or received on the Collier County network and network resources are public records except those exempted in Chapter 119 and 435.09 of the Florida Statutes or in any other applicable laws. Protected Health Information (PHI) protected under HIPAA rules and statutes as well as Payment Card Industry (PCI) data, personal financial information (PFI) (e.g. credit card and bank account numbers) and personal identifying information (PII) (e.g. social security numbers) are specifically excluded from the public record.
  - b. Based on the content of data, statutes and/or agency policies may apply to the proper handling. It is the responsibility of the user to know the statutes/policies/rules that govern the handling of the regulated data to which they have access and to act in accordance with the applicable statutes/rules. Employees should consult with the

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County Attorney's Office to resolve any questions regarding proper legal handling of data. The data custodian shall be responsible to inform the Director, Information Technology of any regulated data that is collected or stored in any network resources so that it may be handled appropriately. The County has taken measures to ensure the confidentiality, integrity and availability of sensitive information, including PHI, PFI, and PII and that access to sensitive information is restricted to authorized users. Users must take steps to minimize the possibility of unauthorized access including, but not limited to, making sure that the position of their monitor is not subject to unauthorized viewing, not leaving regulated data on an unattended computer screen, and, proper custodianship of printouts. Regulated data shall not be stored on any computer's local storage or any other type of portable storage device. Regulated data shall never be stored on a portable computer. Any inadvertent access of regulated data by users who should not have access must be reported to the Director, Information Technology.

- c. Users shall not make copies of regulated data, encryption keys, or secure (encrypted) data in its clear text (unencrypted) state. The approval of the Director, Information Technology is required if it becomes necessary to make a copy or replicate regulated or encrypted data. This includes storing such data in documents, data warehouses, secondary databases, portable computers, or portable storage devices.

- H. Social Media Services: Internet based social media services (SMS) (e.g. Facebook, Twitter, MySpace) accounts may be authorized for agency or departmental promotion, outreach, or other public relations purposes and must be authorized by the County Manager's Office. All use of social media must comply with the provisions set forth in CMA 1200, Media and Public Relations. Upon approval, a request for access must be submitted to IT by the Department Director. IT will provide approved site owners with the tools and instructions to archive their information for compliance with Public Records statutes and agency procedures. Each department is responsible for the proper archiving and retention of social media records.

### **§ 5405-4. Currency.**

The Information Technology Department is responsible for the currency of this policy.

## CMA # 5406

### COMPUTER SOFTWARE LICENSE CONTROL

§ 5406-1. Purpose.

§ 5406-3. Practice.

§ 5406-2. Concept.

§ 5406-4. Currency.

[Effective Date: November 5, 2003 (Revised May 1, 2004)]

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#### § 5406-1. Purpose.

The purpose of this policy is to ensure all software license agreements are strictly followed and enforced in a fiscally responsible manner.

#### § 5406-2. Concept.

Vendors and software companies regulate use of their products through license agreements. When software is purchased, the agreement establishes whether it is licensed by machine, by user, or by a maximum number of users who can access the software at any given point in time. Licenses for major software installations can be very costly and must be managed and controlled to assure that all employees who need to use the system can do so, the number of licenses is within the number purchased by Collier County, and that licenses are not issued to employees who do not access the system.

#### § 5406-3. Practice.

The County's Information Technology Department is responsible for installing all computer software and, therefore, maintaining control over all software licenses. Software licenses are customarily nontransferable; therefore, all licenses shall be registered in the name of the agency (not the department or the individual employee). The authority for distributing and assigning user licenses for software programs will be as follows:

- A. Boxed/Off-the-Shelf Software: Owned by the department that makes the purchase and distributed as per the department's direction; off-the-shelf software is licensed to a single user or machine, will be installed by the Information Technology Department in accordance with the license agreement, and can only be moved if it is first removed from one machine and reinstalled on another.
- B. Multi-User License/Single Department Purchase: Owned by the department that makes the purchase; licenses will be assigned and reassigned by the Information Technology Department as per owner department direction.
- C. Multi-User License/Multi-Department or Cross-Agency Purchase: When purchases of this type are made, ownership is generally assigned to the agency. License distribution shall be controlled and monitored by the Information Technology Department in accordance with direction from the County Manager and/or user departments. License allocation will be determined at the time of purchase and additional licenses will be



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purchased by departments that determine a later need. The IT Department retains the right to recapture and redistribute unused licenses and licenses from users who consistently do not access the system during a specified period (not less than three months). When this becomes necessary to avoid purchasing additional licenses or avoid costly fines for usage exceeding license limits, IT will coordinate with department heads and, if necessary, will provide fair value in return to retain the integrity of the fund that acquired the licenses.

- D. Other: Any licensing schemes or structures not mentioned above will be handled in accordance with the respective license agreements and in coordination with the department making the initial purchase.

**§ 5406-4. Currency.**

The Information Technology Department is responsible for the currency of this policy in accordance with CMA Instruction 5405, Section 204:2 Prohibited Activities, 5, Misuse of Software.

## CMA # 5407

### HIGH-SPEED INTERNET STIPEND PROGRAM

§ 5407-1. Purpose.

§ 5407-3. Procedure.

§ 5407-2. Concept.

§ 5407-4. Currency.

[Effective Date: November 18, 2003 (Original issue date May 1, 2004; Revised: January 1, 2005)]

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#### § 5407-1. Purpose.

The purpose of this policy is to ensure that all computers that gain internal access to the Board of County Commissioners' internal data network are properly secured and protected from viruses. This policy also sets forth the guidelines for the administration of the broadband stipend for staff required to access the network from home.

#### § 5407-2. Concept.

- A. High-speed Internet service (cable modem or DSL) is required to achieve acceptable performance when running internal applications (those within the County's firewall) remotely because the data overhead of the required security software (VPN) and the characteristics of some internal applications do not achieve acceptable performance over normal dial-up means. On November 18, 2003, the Board of County Commissioners approved an Executive Summary (item 16E3) empowering the County Manager to grant staff a partial reimbursement for high-speed Internet service to the home when it is deemed that after-hours access to systems on the internal County data network is important and beneficial for County government operations.
- B. E-mail is available without internal network access, as are all of the County's Internet resources. Examples of applications that require access to the internal County data network are SAP, AIMS, Land Management, Utility Billing, Special Assessments, the Agenda Automation System as well as individual and departmental shared work files and documents.
- C. To ensure that all computers that gain access to the County's internal data network are properly secured and protected from viruses, only County-owned and maintained workstations or laptops shall be permitted to access the County's internal data network and services.

#### § 5407-3. Procedure.

The procedure for requesting authorization for the broadband stipend is as follows:

- A. Requests for authorization to participate in the program will be made by the employee by submitting the Authorization Request for Participation in the High-Speed Internet Access Stipend Program web-based form, located on the County intranet. The Department

Director, Division Administrator and the County Manager or his designee must approve the request.

- B. Upon approval by the County Manager's Office, the Information Technology (IT) Department will generate a listing of staff authorized to participate in the program and forward to the Clerk of Courts. Additionally, the IT Department will notify the employee of their eligibility.
- C. The IT Department will provide the County Manager's Office with after-hours utilization information on a quarterly basis. Authorized staff who do not demonstrate sufficient utilization of VPN access may lose the privilege.
- D. The County Manager's Office can rescind authorization for participation in this program for any employee at any time.
- E. Requests for payment are submitted quarterly using the Broadband Stipend Form located on the intranet. Copies of the bill for broadband services must be scanned and attached to the form electronically. The employee's Supervisor must approve the form, which is then routed to the Clerk of Court's Finance Department for payment.

**§ 5407-4. Currency.**

The Information Technology Department is responsible for the currency of this policy.

## CMA # 5408

### USE OF VOICEMAIL/ANSWERING SYSTEMS

§ 5408-1. Purpose.

§ 5408-4. Procedure.

§ 5408-2. Concept.

§ 5408-5. Currency.

§ 5408-3. Definitions.

[Effective Date: October 1, 2003]

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#### § 5408-1. Purpose.

The purpose of this Instruction is to improve communication with and increase responsiveness to citizens, visitors and customers of Collier County.

#### § 5408-2. Concept.

Collier County is appropriately concerned about making information accessible to the public and maintaining high standards of customer service. Advances in technology have made it easier to communicate with and respond to citizens, visitors and customers. However, modern conveniences such as interactive voice response systems and voicemail must be strictly monitored to ensure that they provide added benefits and do not hinder communication. While these systems are intended to improve efficiency, the first duty of local government is to serve the people, and efficiency should not impede the average member of the public in attempting to contact a County Department for service or information. Individuals often become frustrated in their attempts to obtain information and are trapped in a voicemail loop. To ensure Collier County provides the highest quality service, procedures are established that will regulate the use of communication tools.

#### § 5408-3. Definitions.

Collier County recognizes three distinct types of telephone service: public extensions, staff extensions, and special contact numbers.

**PUBLIC EXTENSIONS** — Those telephone numbers that are listed in the local public telephone book.

**STAFF EXTENSIONS** — Those telephone numbers that are not listed in the local public telephone book.

**SPECIAL CONTACT NUMBERS** — Telephone numbers designated by the County Manager, Deputy County Manager, or Division Administrators for immediate callback.

#### § 5408-4. Procedure.

The procedures below refer to telephone calls received during regular hours of operation.

A. Public Extensions.

- (1) It is the expectation of the County Manager's Office that calls placed to published agency telephone numbers will be answered by a knowledgeable staff member.
- (2) For public extensions routinely answered by an interactive voice response system, a menu option to promptly reach an agency employee who is trained to answer basic inquiries or otherwise direct the caller to someone appropriate to respond to the caller's request for information must be offered.
- (3) For public extensions routinely answered in person, voicemail may only be used when call volumes exceed capacity to do so. Voicemail must offer the following standard recorded response during regular hours:

"Thank you for calling the Collier County \_\_\_\_\_ Department. All operators are busy assisting other callers at this time. Please leave your detailed message at the tone and we will return your call within eight business hours. If your call requires immediate attention, please press 0 now."

Note: The forwarded call must be answered by a live person, not a machine.

- (4) During off hours and holidays, the standard recorded message must indicate that the office is closed and provide the regular operating hours and, if appropriate, days. If emergency calls are likely to be received, an emergency telephone contact or instruction must be provided. An example would be:

"Thank you for calling the Collier County \_\_\_\_\_ Department. The office is presently closed. Our operating hours are Monday through Friday from 8:00 a.m. to 5:00 p.m. excluding holidays. Please leave your detailed message at the tone and we will return your call within eight business hours. If this is an emergency, please contact our emergency number \_\_\_\_\_."

- (5) For each public extension, the appropriate Department Director will designate a management position that is responsible for policy compliance.

B. Staff Extensions

- (1) Voicemail may be used for staff extensions only when staff is not at their desks, on the telephone or conducting business with customers or employees. Voicemail must offer the County's standard recorded response and service standard as follows:

"You have reached \_\_\_\_\_ of the \_\_\_\_\_ Department of the Collier County Manager's Agency. I am not able to take your call right now, but if you leave a detailed message, your call will be returned within eight business hours. If you need more immediate assistance, please press 0 now to speak to an operator. Please leave your message at the tone."

Exception: Solicitation calls may or may not be returned at the discretion of staff.

- (2) When staff is legitimately unable to return telephone calls within the required eight business hours for reasons such as vacation, sick leave or business travel, their voicemail message must be changed as follows to reflect this:

"You have reached \_\_\_\_\_ of the \_\_\_\_\_ Department of the Collier County Manager's Agency. I will be away from the office until \_\_\_\_\_. If you need a response before that time, please contact [name] at [telephone number]. Otherwise, please leave your message at the tone and I will return the call within eight business hours of my return."

- C. Special Contact Numbers. Extensions identified for special contact are private numbers used for executive contact or in the event of emergencies. Staff so designated must make every effort to answer special contact extensions live, and when this is not possible, they must ensure a call back within 30 minutes. Special contact requirements may differ based on the best fit for the individual staff member, but the responsibility for compliance is also assigned to that staff member.

**§ 5408-5. Currency.**

The County Manager's Office is responsible for the currency of this Instruction.

## **CMA # 5409**

### **WEB PAGE MANAGEMENT**

**§ 5409-1. Purpose.**

**§ 5409-3. Procedure.**

**§ 5409-2. Concept.**

**§ 5409-4. Currency.**

**[Effective Date: May 1, 2004]**

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#### **§ 5409-1. Purpose.**

The purpose of this Instruction is to ensure the accuracy of information provided to citizens, visitors and customers of Collier County via the County's Internet Web Page.

#### **§ 5409-2. Concept.**

Increasing numbers of individuals are accessing the Internet as a tool to obtain information about and conduct business with Collier County Government. This technology allows communication with a larger audience; therefore, the information contained within the Web site must reflect the professionalism and dedication to service contained within the County's mission statement. It is essential that the information on all web pages is accurate and timely. To ensure this level of accuracy the following procedures are established:

#### **§ 5409-3. Procedure.**

##### **A. Web Page Maintenance.**

- (1) Each Internet web page shall have a designated webmaster. Webmasters shall be identified in the footer of the page by name and external e-mail address. As an alternative, the generic webmaster address (webmaster@colliergov.net) may be used if the web page contains information on how to directly contact the department for questions, inquiries, or comments.
- (2) Webmasters shall be responsible for making sure that date-related information on their assigned web page is updated at least once a week; non-dated information is updated at least once per month. Each web page shall identify by date and time when it was first posted or last updated. This information should be in the footer next to the webmaster's information.
- (3) The webmaster must ensure that past events are replaced with upcoming, future events.
- (4) Outdated issues must be removed from prominent positions on the site and replaced with more current issues and up-to-date information; content must be accurate as well as current.

- (5) Compliance with this policy is the responsibility of the webmaster's Department Director.

**B. Web Page Roles and Responsibilities.**

- (1) The IT Department is responsible for providing and operating the technical infrastructure of the Web site and ensuring its accessibility and availability.
- (2) The Communications and Customer Relations Department sets the agency's web look, feel and navigation standards; provides authoring, development and design tools, training, and support.
- (3) The Department Webmaster(s) is/are responsible for publishing web information; ensures the quality and timeliness of posted information; updates content as required by this procedure.
- (4) The Department Director is responsible for all information on the department web page: decides what is added and what is deleted.

**§ 5409-4. Currency.**

The County Manager's Office is responsible for the currency of this Instruction.



**AGENCY ISSUE MANAGEMENT SYSTEM (AIMS)**

**[Effective Date: August 4, 2003 (Revised: May 1, 2004; Revised May 6, 2009)]**

**§ 5410-1. Purpose.**

The purpose of this Instruction is to provide an Agency Issue Management System (AIMS) procedure authorized by the County Manager.

**§ 5410-2. Concept.**

- A. Intention: The County Manager implemented the AIMS application, August 24, 2003, for the purpose of providing more responsive, accountable and consistent customer service. At the current time, the application is being utilized primarily for inputting public inquiries and concerns, tasking division and department staff for response, and tracking and resolving issues received in the Commissioners' and County Manager. Divisions may create and utilize an internal tracking system, in addition to AIMS, for their own purposes. However, the AIMS application will be tracked and results verified by the Communication and Customer Relations Department (CCR) to create the official AIMS report for the County Manager.
- B. Utilization:
  - (1) The AIMS application should not be utilized for the following:
    - (a) Commissioner comments and questions on agenda items.
    - (b) Requests for information of an urgent or emergency nature that need resolution in less than five working days, unless entered for tracking purposes by the Point of Contact (POC).
    - (c) Questions that do not require research, which can be answered by a quick phone call or e-mail to staff, unless entered for tracking purposes by the POC.
    - (d) Vendor and media requests, questions, and complaints.
    - (e) Request for staff to attend meetings with the Commissioners should be requested via regular e-mail or memo from the Commissioner, or his/her respective aide, directly to the Division Administrator(s), and copied to the appropriate Assistant to the County Manager.
  - (2) The AIMS application should be used for routine requests for information, primarily constituent requests, routed through the County Manager and Commission offices.
- C. Procedure:
  - (1) The Commissioners' aides, County Manager staff, or the Citizen Liaison of CCR will input the issue in AIMS and as such will be the point of contact (POC) or owner of the issue. Only the POC of an issue may establish suspense dates and close issues.
  - (2) Memos and letters to and from constituents should be scanned and attached to the

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issue. Communications between staff that are relevant to the issue should be entered into the AIMS issue.

- (3) After creating an issue, the POC will refer the issue to the Citizen Liaison of CCR, who will then refer the issue to the Division Administrator's designee or designated staff person.
- (4) If an issue contains several separate issues that need to be addressed by separate departments, duplicate copies of the issue should be entered into the system (a different issue number is automatically assigned), with a notation in the issue text. An issue that involves the coordination of departments may remain as one issue.
- (5) If a division believes an issue would be more appropriately handled by another division, the designee should state so in writing and refer it back to the Citizen Liaison of CCR requesting the issue to be handled by the other division.
- (6) When the issue is referred, the person it is referred to is designated as the holder. The following are up to the Division Administrator's discretion:
  - (a) The holder may gather and compile the information needed for response and upon collecting the information, the final resolution and/or information must be entered into AIMS and re-referred to the POC for the closure of the issue.
  - (b) The holder may re-refer the issue to a staff member within the same division. The holder cannot change the suspense date, but may include in the referral message a date staff is due to respond and whether subordinate staff should re-refer the issue to the Administrator's designee or directly back to the POC.
- (7) Only the POC and current holder have the technical capability to refer or re-refer an issue. All staff having access to the system can access and input staff comments on an issue. If a current holder needs input from more than one person, rather than re-referring the issue, a staff comment can be entered and all parties notified that there is an issue that needs to be addressed.
- (8) Under no circumstances should staff copy the Commissioners or the County Manager on AIMS issues, unless specifically requested in the AIMS issue's original text message on the home page of the issue.
- (9) The Commissioners' aides should not be copied on staff comments or contacted on staff's inner workings of the issue. They should only be copied (or re-referred) on an issue upon entry of the final resolution.
- (10) Types of Suspense Dates:
  - (a) Constituent Contact: Contact must be made by staff within five (5) working days after the issue has been entered into AIMS or re-opened by a POC.
  - (b) Suspense (close-out) date: The County Manager has designated a five-working-day period for closing out AIMS issues. The AIMS suspense date automatically defaults to five working days. If a longer period is needed, staff must request

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this from the POC.

- (1) If staff is unable to respond by the designated suspense (close out) date the following should occur:

- [a] A staff message (through AIMS) to the POC requesting an extension to the deadline should be submitted. An extension should be requested prior to the original suspense date elapsing.

- [b] If a constituent is involved, staff should also notify the constituent and let them know that staff has received the request for information and specify the time frame when an answer will be provided. A staff message to this effect should also be entered in AIMS.

- (11) Questions on procedures should be referred to the Communications and Customer Relations Citizen Liaison for resolution.

D. Training: The Information Technology (IT) Department offers AIMS training sessions. Reference the IT intranet home page for training dates and to access the AIMS training manual.

### **§ 5410-3. Currency.**

The Communication and Customer Relations Department is responsible for maintaining the currency of this Instruction.

## CMA # 5500

### SIGNATURE AUTHORIZATION PROCEDURE

§ 5500-1. Purpose.

General Signature

§ 5500-2. Concept.

Authorization Policy

§ 5500-3. Currency.

[Effective Date: May 8, 1996 (Revised: October 1, 2001; Revised: October 1, 2003)]

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#### § 5500-1. Purpose.

The purpose of this Instruction is to provide for the implementation of a formally codified signature authorization procedure adopted by the Board of County Commissioners. A copy is attached as Attachment I.<sup>1</sup>

#### § 5500-2. Concept.

The procedure codifies many existing practices including the following:

- A. The authority of the County Manager to exercise signature authority on behalf of his/her agency and the discretion to delegate the following authority:
  - (1) Signature authority by cost center to appropriate personnel.
  - (2) The authority to approve changes to the signature authorization list to the Deputy County Manager.
  - (3) The authority to approve changes within their respective divisions to each division administrator and within the management offices to the Deputy County Manager.
- B. The concept of temporary signature authority [the discretion afforded to Division Administrators or Department Directors to temporarily delegate the authority of any signatory under their purview to an appropriate staff member(s) for a period not to exceed 60 calendar days]. The policy further details how temporary delegations of authority are to be made and establishes limits to such delegations.
- C. The concept of secondary authority [the discretion of an Administrator or Director to request permanent signature authority to appropriate staff member(s) on a secondary basis].
- D. The authority of BCC agency heads not under the purview of the County Manager to exercise/delegate signature authorization to the extent that it applies to their respective agencies.

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1. Editor's Note: Attachment I is included at the end of this CMA.

**§ 5500-3. Currency.**

The Purchasing Department is responsible for maintaining the currency of this Instruction on behalf of the County Manager Agency.

# SIGNATURE AUTHORIZATION PROCEDURE

## *CMA 5500 Attachment 1*

### **ATTACHMENT I COLLIER COUNTY GENERAL SIGNATURE AUTHORIZATION POLICY**

1. **PURVIEW.** This policy shall apply to all agencies, divisions, departments, offices, sections and any other entities under the direct purview of the Board of County Commissioners, including, but not limited to the County Manager Agency, the Office of the County Attorney, the Board of County Commissioners' Office and the Collier County Airport Authority.
2. **DEFINITIONS.** For the purpose of this policy, the following terms shall be defined as follows:
  - a. "Signature Authority" -- Refers to the ability and discretion of a duly designated employee to formally accept, request, approve, or document by signature various actions pertaining to the administration of the entities and agencies referenced under Section 1 of this policy.
  - b. "Permanent Signature Authority" -- Refers to the appropriate utilization of signature authority on an ongoing basis.
  - c. "Temporary Signature Authority" -- Refers to the appropriate utilization of signature authority that has been properly transferred from a permanent signatory for a period not to exceed 60 calendar days in duration.
3. **APPLICABILITY.** This policy shall apply to all documents that require signature authorization from appropriate agency personnel. This shall include, but not be limited to documents such as field purchase orders, purchase order modification requests, change orders, contract amendments, supplemental agreements, purchase requisitions, purchase receiving and invoicing documents, personnel requisitions, payroll records (including all leave request and attendance forms/records) and budget amendments. This policy shall not apply to authorizing signatures for documents such as regular purchase orders, personnel action requests, out of County travel forms or the final authorization of any other documents governed by other County ordinances and resolutions.
4. **AUTHORITY OF THE COUNTY MANAGER.** For the purpose of administering the policies of the Board of County Commissioners pursuant to Chapter 125, F.S., and Collier County Ordinance 93-72, the County Manager shall have the authority to exercise signature authority subject to the limits of the law and the prevailing policies of the Board of County Commissioners. Additionally, the County Manager shall have the discretion to formally delegate and designate signature authority, subject to all prevailing laws, ordinances and County policies to appropriate subordinate staff as follows:
  - a. Delegation of signature authority to appropriate staff members at the cost center level.
  - b. Designation of the Deputy County Manager or other appropriate staff member to approve any and all additions, deletions and changes to the list of authorized signatories for the County Manager Agency.

## OFFICE OF COUNTY MANAGER ADMINISTRATIVE PROCEDURE

- c. Delegation of authority to division administrators to add, delete or change the list of authorized signatories for any or all cost centers under their purview.
5. **OTHER BOARD AGENCIES.** The County Manager, the County Attorney, the Executive Director of the Collier County Airport Authority, the Executive Manager to the Board of County Commissioners and any other entity deemed to be under the direct purview of the Board of County Commissioners shall have the same signature authority as the County Manager for their respective agencies as set forth under this policy and as applicable to their respective agencies.
6. **CONTINGENT AUTHORITY.** In the event of the periodic absence or the unavailability of an authorized signatory, division administrators or department directors may address this contingency in either or both of the following ways:
  - a. **SECONDARY AUTHORIZATION.** Request through the formal signature authorization process that permanent signature authority be granted to subordinate staff on a secondary basis.
  - b. **TEMPORARY AUTHORIZATION.** Request by memorandum to the Finance and Purchasing Departments that their signature authority be temporarily transferred to an appropriate staff member subject to the following limits:
    1. The term of the transfer shall not exceed 60 calendar days without the written approval of the County Manager or his designee.
    2. The scope of authority transferred may equal, but shall never exceed the scope of signature authority (dollar thresholds, specific cost centers, functions, etc.) delegated to the permanent signatory.
    3. Temporary transfers of signature authority shall only be made to appropriate staff members, who have the capacity to act on behalf of the work unit during the absence of the permanent signatory or who have been given temporary authority for a specific project or task.
    4. The memorandum authorizing the temporary transfer of authority shall as a minimum state the specific time period(s) of the transfer and any limits (e.g., dollar amounts, cost centers, types of documents, etc.) the permanent signatory wishes to apply to the transfer. Should the memorandum lack in any of these specifics, it will be assumed that the transfer period will be equal in length to the absence of the permanent signatory and that the temporary signatory will have the full authority of the permanent signatory during that time period.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, BY RESOLUTION, IN OPEN SESSION\_\_\_\_\_.

3/12/96

**CELLULAR TELEPHONE / MOBILE DEVICE POLICY/PROCEDURE; ESTABLISHMENT  
OF**

**§ 5501-1. Purpose.**

**§ 5501-2. Concept.**

**§ 5501-3. Procedure.**

**§ 5501-4. Currency.**

**[Effective Date: June 12, 1996 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: December 1, 2007; Revised: January 1, 2011)]**

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**§ 5501-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a formal procedure for the acquisition and inventory of cellular equipment and other mobile devices and the tracking and auditing of the cellular/mobile services used by County employees at County expense.

**§ 5501-2. Concept.**

Collier County recognizes that the communication capability afforded through cellular technology and other mobile devices are tools that can increase employee productivity, enhance safety in the field, and improve response times.

To minimize the cost of using this technology, the Purchasing Department solicits bids and enters into agreements with cellular providers for voice and/or data service, devices, and accessories. All County-owned phones and mobile devices shall be purchased through these approved agreements and managed through the agency's central billing system. There is one master bill for each authorized service provider, which enables cost savings through pooling.

Employees who are issued cellular telephones or mobile devices shall be responsible for the operation, condition, and security of that telephone/mobile device while it is in their possession and, as such, shall take all necessary precautions to ensure that the telephone/mobile device is not subjected to conditions that would adversely affect the telephone/mobile device or for which it was not designed.

In compliance with IRS regulations, taxable income amounts may be added to the paycheck of an employee who has been issued a cellular telephone or mobile device to recognize the benefit associated with potential incidental personal use. This does not imply or authorize employees to use County-provided equipment as a personal communication device. Periodic audits will be conducted and personal use that is determined to be more than incidental in nature may be considered inappropriate use of County equipment and could result in disciplinary action.

**§ 5501-3. Procedure.**

The following procedures apply to the acquisition, use and maintenance of cellular telephones and mobile devices:



**CELLULAR TELEPHONE / MOBILE DEVICE POLICY/PROCEDURE; ESTABLISHMENT  
OF**

1. Department Directors must approve all new cellular or mobile service. The procedures and forms for setting up billing accounts and purchasing cellular/mobile services and equipment are continually updated and posted on the County's intranet.
2. Department Directors (or their designee) will review bills on a monthly basis to ensure accuracy paying special attention to those using the highest number of minutes.
3. Employees in possession of cellular telephones or mobile devices will notify their supervisors at the earliest opportunity of any problems such as loss, theft, damage, or misuse. Lost or stolen cellular telephones or mobile devices must be immediately reported to the IT Service Desk. Service issues should be directed to the cellular equipment/service provider directly. Escalations of service issues should be directed to the Purchasing Department.
4. Upon termination of employment with Collier County or transfer to another division, department, or unit within a department, employees to whom a cellular telephone or mobile device is assigned will return the telephone/mobile device and any equipment or accessories to their supervisor prior to their last date of employment with said department or unit. Failure to do so may result in the employee's final paycheck being withheld until such time as the cellular telephone/mobile device is returned to Collier County.

**§ 5501-4. Currency.**

The Information Technology Department is responsible for maintaining the currency of this Instruction. The Human Resources Department shall, in concert with the appropriate Department Director(s), be responsible for investigating or responding to alleged violations of any concepts set forth herein or any other alleged misuse of cellular telephone or mobile computing equipment.

## **CMA # 5600**

### **REAL PROPERTY INVENTORY SYSTEM**

**§ 5600-1. Purpose.**

**§ 5600-4. Procedures.**

**§ 5600-2. Background.**

**§ 5600-5. Currency.**

**§ 5600-3. Concept.**

**[Effective Date: November 1, 1996 (Revised: October 1, 2001; Revised: October 1, 2003)]**

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**§ 5600-1. Purpose.**

The purpose of this Instruction is to provide for an accurate accounting of all County-owned property rights and to maintain a current inventory system of all land rights conveyed (whether by easement or deed) to the Board of County Commissioners, Collier County and the Collier County Water-Sewer District.

**§ 5600-2. Background.**

Pursuant to Board action of June 16, 1992, all divisions and departments shall provide support to the Real Property Management Department in the creation and maintenance of the County-wide real property inventory system. Copies of all conveyances to the County, as well as all directly related correspondence and other paperwork, shall be forwarded to the Real Property Management Department for future reference. This information is to be kept current in preparation of a computerized mapping system that will be utilized by all County divisions and departments.

**§ 5600-3. Concept.**

To create a clearinghouse of information pertaining to the property interests held by Collier County, the Board of County Commissioners or the Water-Sewer District in order that a current list of property will be available for future use. Once current, the information shall then be available for use by Facilities Management, Risk Management and other departments wishing to access a listing of County-owned land and property interests.

**§ 5600-4. Procedures.**

In all cases of a conveyance of land interests, whether by easement or deed, a copy of such conveyance document once recorded into the Public Records of Collier County, must be forwarded to the Real Property Management Department. The Real Property Management Department will then inventory the land interests for purposes of establishing a proper accounting of each land interest held by Collier County and its political subdivisions. Each department that accepts and records conveyance instruments shall ensure the Real Property Management Department obtains a copy of each document once recorded.

**§ 5600-5. Currency.**

The Property Acquisition and Construction Management Department is responsible for maintaining the currency of this Instruction.

## **CMA # 5800**

# **RETURN TO WORK PRACTICE FOR OFF THE JOB DISABILITY**

**§ 5800-1. Purpose.**

**§ 5800-3. Currency.**

**§ 5800-2. Concept.**

**[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003)]**

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### **§ 5800-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a return-to-work procedure for injuries that occur off the job. It is the practice of the County to make light or modified duty assignments available whenever possible to utilize those employees who have become physically unable to fully perform his/her regular duties as a result of an off-the-job disability.

### **§ 5800-2. Concept.**

Employees who sustain an off the job disability may be eligible for a light or modified duty assignment based on the extent and duration of his/her injury, available appropriate work, and/or other relevant factors. Consideration of such assignment will include what is in the best interest of both the employee and the County.

- A. A Department Director may request that an employee who sustained an off-the-job disability be placed on a temporary light-duty assignment. Such request shall be submitted to the Human Resources Director for approval and shall include the following information:
- (1) Name, position and department of disabled employee.
  - (2) A description of the proposed light-duty assignment.
  - (3) A statement from the attending physician which includes the following:
    - (a) Effective date of disability.
    - (b) Nature of disability.
    - (c) Limitations resulting from disability.
    - (d) Release for performance of light-duty assignment.
    - (e) Estimated date when employee will be capable of performing his/her regular duties.

OFFICE OF COUNTY MANAGER ADMINISTRATIVE  
PROCEDURE

§ 5800-2

§ 5800-3

- B. A light-duty assignment will be considered temporary and such assignment will terminate when the attending physician releases the employee to return to the performance of his/her regular duties.
- C. Should a light-duty assignment be available and the employee is physically able to perform such assignment, the Department Director can require the employee to accept this assignment. Should an employee refuse the assignment, sick leave may be approved for Family and Medical Leave only. If the employee is not eligible for Family and Medical Leave and refuses a light-duty assignment, the employee may be subject to disciplinary action.
- D. It is the intent of the County to comply with the Americans with Disabilities Act and all other federal and/or state laws, which pertain to such matters.

**§ 5800-3. Currency.**

The Risk Management Department is responsible for maintaining the currency of this Instruction.

**RETURN TO WORK PRACTICE FOLLOWING A WORK RELATED INJURY/ILLNESS**

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised May 1, 2009)]

**§ 5801-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a return to work procedure for employees who have sustained a work-related injury/illness arising out of and in the course and scope of employment.

**§ 5801-2. Concept.**

It is the practice of Collier County to provide modified or transitional duty assignments to employees who are injured/ill as the result of an accident, which arises out of and in the course and scope of employment.

- A. It shall be the responsibility of Department Directors to make available a temporary, modified "transitional" duty assignment for an employee under his/her supervision who is temporarily partially disabled and has been released to safely work with restrictions by his/her authorized treating physician. A Department Director may, with the permission and assistance of his or her Division Administrator, find a temporary transitional duty assignment for the employee within another department of the same division if the Department Director cannot provide a transitional duty assignment due to a clear unavailability of work; or is a threat to the health, safety, and welfare of the employee in question; a threat to the health, safety, and welfare of fellow employees; or due to a legal bar to providing such transitional duty assignment. However, it is first and foremost the responsibility of the employing department to provide temporary, transitional duty assignments.
- B. Employees who are provided temporary transitional duty assignments are expected to report for duty and to fulfill his/her transitional duty assignment during the period of time he/she is temporarily partially disabled as they would his/her regular position.
- C. While working in a transitional duty status, an employee may use his/her accrued leave time in accordance with Human Resources Practices and Procedures. However, such leave time may not be utilized for the purpose of avoiding a transitional duty assignment.
- D. "Temporary transitional duty" shall mean any and all periods of time when the authorized treating physician has determined that the injured employee may return to some form of restricted duty. Such temporary transitional duty assignment(s) shall continue until terminated by the authorized treating physician; until the injured employee reaches maximum medical improvement; or until all statutory requirements have been exhausted.
- E. Such temporary transitional duty shall take into account and accommodate those restrictions which have been placed upon the injured employee by the authorized treating physician. As restrictions or limitations may change during the recovery process, the Supervisor shall continue to modify the work environment to accommodate the employee.

**CMA # 5801**

- F. During this transitional duty assignment the employee shall continue to receive his/her normal rate of pay for the hours worked in accordance with the salary administration practices of the County and shall be paid from the employing department's budget. Departments which require shift work which results in total accumulated hours to an employee in excess of 40 hours per week may pay an employee at his/her normal rate of pay for his/her normal hourly work week as long as the employee performs a transitional duty assignment with total accumulated hours of no less than 40 hours per week. Such employees who accumulate less than 40 hours per week shall be paid his/her normal rate of pay for the number of hours worked. Other benefits to which the employee may be entitled shall be paid in accordance with Florida Statutes, Chapter 440, the Florida Workers' Compensation Act.
- G. By developing a Transitional Duty Program, Collier County government has demonstrated a strong commitment to maintaining the normal income level of its employees while they recover from a job-related injury or illness. As a result, employees being treated for a job-related injury/illness including those working in a transitional duty status must do his/her part to expedite his/her return to maximum medical improvement, and are therefore required to continue his/her attendance at all follow-up appointments, and to adhere to the treatment plan developed by the authorized treating physician. Failure to do so will make the employee subject to disciplinary action up to and including termination.
- H. Once an employee has reached maximum medical improvement, he/she is responsible to inform his/her Supervisor and the Risk Management Department. Upon reaching maximum medical improvement the employee's medical condition shall be assessed as to any permanent medical restrictions and his/her ability to perform the duties of the position for which they were hired. If the employee cannot return to his/her regular position, the Risk Management Department in association with the employee's Department Director shall attempt to find employment within the employing department. If such employment cannot be accommodated within the employing department, the Risk Management Department and the Human Resources Department shall attempt to find employment in another department within County government. Such attempts are not a guarantee that a position will be offered or that future employment is assured. All such attempts to place the injured employee shall be in conformance with employer's obligation to rehire as found in Florida Statutes, Chapter 440.

**§ 5801-3. Currency.**

The Risk Management Department is responsible for maintaining the currency of this Instruction.

**§ 5801-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50:

- A. Light Duty: It is the policy of the County to make light-duty assignments whenever possible to utilize those employees who have become physically unable to fully perform their regular duties as a result of a disability. Employees who sustain a disability may be eligible for a light-duty assignment based on the extent and duration of their injury, available appropriate work, and/or other relevant factors. Consideration of such assignment

**CMA # 5801**

will include what is in the best interest of both the employee and the County.

- B. **Work-Related Injuries:** It is the policy of the County that the County and its employees be protected whenever a work-related accident occurs. Therefore, all Department Directors and Supervisors must submit a Notice of Injury Report (DWC-1) Form to the Risk Management Department whenever a work-related injury occurs involving a County employee whether or not medical attention is needed.
- C. **Workers' Compensation Benefits:**<sup>1</sup> It is the policy of the County to assist each employee who sustains an injury, which is caused or arises directly as a result of employment with the County to receive all benefits provided by the Florida Workers' Compensation Act, other applicable Florida Statutes and County policies. Any changes to the applicable Florida Statutes will supersede this policy.

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1. Editor's Note: See the Workers' Compensation Supplemental Selection Form included at the end of this CMA.



RETURN TO WORK PRACTICE FOLLOWING A WORK RELATED  
INJURY/ILLNESS

*CMA 5801 Attachment 1*

**WORKERS' COMPENSATION  
SUPPLEMENTAL SELECTION FORM**

By affixing my signature to this document I am authorizing Collier County government to supplement my earnings up to my full base wage, during the first seven days I am determined by the authorized treating physician to be unable to work (according to Chapter 440 of the Florida Statutes, this period would normally be an unpaid waiting period), as well as any other subsequent periods of "Temporary Total Disability (TTD)" or "Temporary Partial Disability (TPD)" resulting from my job-related injury/illness that occurred on \_\_\_/\_\_\_/\_\_\_\_. I understand the supplement will come first from my accrued sick leave, then from any other leave balances, in the event I exhaust all accrued sick leave.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE (Print Name)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE'S SIGNATURE

Distribution:   Send original to Risk Management  
                  Send copy to designated Department Timekeeper  
                  Send copy to Human Resources

Issue Date: 6/3/03

## CMA # 5802

### PERSONAL PROPERTY LOSS

§ 5802-1. Purpose.

§ 5802-3. Currency.

§ 5802-2. Concept.

§ 5802-4. Reference.

[Effective Date: October 1, 1998; (Revised: October 1, 2001; Revised: October 1, 2003)]

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#### § 5802-1. Purpose.

The purpose of this Instruction is to provide for the implementation of a personal property loss procedure authorized by the County Manager. It is the practice of the County to encourage the responsible use of personal and County property when conducting County business.

#### § 5802-2. Concept.

##### A. Personal Automobiles:

- (1) Employees should first seek to utilize available County automobiles when conducting County business; however, it may become necessary for an employee to utilize his/her personal vehicle due to the unavailability of a County vehicle, a scheduling or logistical conflict, or other hindrance preventing the use a County vehicle.
- (2) The employee's personal automobile insurance policy shall be considered as primary to the County's automobile insurance policy when the employee uses his/her personal vehicle for County business. The County's coverage shall be in excess of the employee's coverage and shall provide excess liability insurance coverage only. The County shall not provide comprehensive or collision coverage on either a primary or excess basis to the employee's vehicle.
- (3) If a loss occurs to an employee's personal vehicle while conducting County business, the employee shall be eligible for the reimbursement of his/her collision deductible up to \$500, or reimbursement up to \$500 or the actual cash value of the vehicle, whichever is less, if the employee does not carry collision coverage on his/her personal vehicle. In no instance shall the County be liable for damages in excess of that amount.
- (4) In the event of a loss, the employee must provide the following information in order for a claim to be considered valid:
  - (a) A written description of the occurrence with all pertinent facts provided on a claim form to be provided by the Risk Management Department and subject to penalty of perjury.

- (b) A copy of the jurisdictional police report of the accident. The accident must be reported to the proper law enforcement agency.
  - (c) Copies of at least two estimates for repair work.
  - (d) Copy of the final repair bill. Payment shall be made on a reimbursement basis only after the completion of work.
- (5) If an employee deviates from business travel for personal business while using his/her personal vehicle, any claim resulting from the entire trip in question shall not be covered.
  - (6) If an employee suffers a loss to his/her personal vehicle while the vehicle is parked and unoccupied, such claim shall not be covered.
  - (7) The Risk Management Director, or his/her designee, shall make a final determination of coverage upon presentation of the above. The employee may appeal the decision to the County Manager or his/her designee by filing a written notice of appeal within 30 days of the decision of the Risk Management Director. The County Manager's decision shall be considered final.

B. Other Personal Property:

- (1) Personal property used by employees in the workplace should only be used for conducting County business; only when County property is unavailable for use; and with the prior knowledge and approval of supervisory personnel. Loss to personal property not necessary to the conduct of County business is not covered. Such property shall include but not be limited to jewelry, non-issue clothing, valuables, and other personal items brought to the workplace or kept in the workplace.
- (2) In the event of a loss, the employee must provide the following information in order for a claim to be considered valid:
  - (a) A written description of the occurrence with all pertinent facts on a claim form to be provided by the Risk Management Department and subject to penalty of perjury.
  - (b) Documentation of the cost of the personal property loss in the form of an original receipt, or in the absence of same, an estimate to replace the item with like kind and quality.
  - (c) A copy of the jurisdictional police report if the loss involves the perils of theft or burglary.
  - (d) Payment shall be made on a reimbursement basis only subsequent to the replacement of the item(s) in question.
- (3) Claims involving mysterious disappearance, wherein an identifiable occurrence cannot be pinpointed, shall be denied.

- (4) Should the loss of personal property occur as a result of negligence, carelessness, or failure to follow safety and/or work rules, the claim for such loss shall be denied.
- (5) The Risk Management Director, or his/her designee, shall make a final determination of coverage upon presentation of the above. The employee may appeal the decision to the County Manager or his/her designee by filing a written notice of appeal within 30 days of the decision of the Risk Management Director. The County Manager's decision shall be considered final.

**§ 5802-3. Currency.**

The Risk Management Department is responsible for maintaining the currency of this Instruction.

**§ 5802-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Personal Property Loss: It is a policy of the County to encourage the responsible use of personal and County property when conducting County business.

## **CMA # 5803**

### **NON-EMPLOYEE ACCIDENTS**

**§ 5803-1. Purpose.**

**§ 5803-3. Currency.**

**§ 5803-2. Concept.**

**[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003)]**

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**§ 5803-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a non-employee accident procedure authorized by the County Manager.

**§ 5803-2. Concept.**

- A. Employees shall immediately notify their Supervisor of any and all accidents involving non-employees.
- B. Supervisors shall immediately telephone the Risk Management Department to report the incident.
- C. Supervisors shall complete a form entitled Non-Employee Injury Form to be received by the Risk Management Department within 24 hours of the occurrence.
- D. Neither an employee nor a Supervisor shall admit fault nor should a promise to compensate another party be made by the employee or Supervisor.
- E. Supervisors shall collect and preserve potential evidence pertaining to the incident through the taking of photographs, written statements and/or other means. Such evidence shall be forwarded to the Risk Management Department upon the completion of its collection.

**§ 5803-3. Currency.**

The Risk Management Department is responsible for maintaining the currency of this Instruction.

**LIABILITY, PROPERTY AND AUTOMOBILE DAMAGE CLAIMS**

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 1, 2005; Revised: September 24, 2010)]

**§ 5804-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of a County liability, property and automobile damage assessment and claim procedure authorized by the County Manager.

**§ 5804-2. Concept.**

It is the practice of the County that any damage to or loss of County property or automobiles or claims brought by third parties against the County shall be reported immediately to supervision. Supervisors, in turn, are required to notify the Risk Management Department as soon as possible and always within 24 hours of the incident.

**§ 5804-3. Procedure.**

- A. Employees shall immediately notify their Supervisor of any incident involving damage to County property including any county owned vehicle or theft of County property.
- B. Supervisors shall notify the Risk Management Department of the incident and forward documentation within 24 hours.
- C. Supervisors shall complete the appropriate claim form for automobile damage, property damage, or for general liability (claims made by the public) and send it to the Risk Management Department.
- D. Neither the employee nor the Supervisor should admit fault nor should a promise to compensate another party be made by the employee or Supervisor.
- E. Supervisors shall collect and preserve potential evidence pertaining to the incident through the taking of photographs, written statements and/or other means. Such evidence shall be forwarded to the Risk Management Department upon the completion of its collection.
- F. The Risk Management Department shall process the claim or claims pursuant to the terms of Resolution 2004-15 and the requirements of its insurance carriers.

**§ 5804-4. Vehicle Damage Assessment.**

Backing accidents and "unknown" vehicle damages result in significant costs to the county. Additionally, unreported incidents may inhibit our ability to recover costs where possible. Therefore, department directors shall assure that employee drivers are fully aware of the damage assessment/reporting requirements as outlined within this section. Department directors should

**LIABILITY, PROPERTY AND AUTOMOBILE DAMAGE CLAIMS**

consider implementing a formal inspection program for their departments.

- A. Drivers of any county vehicle shall perform a thorough 360 degree walk around inspection/damage assessment prior to every work shift or prior to leaving any parking lot, restaurant or any other establishment, where damages could have occurred while the vehicle was unattended. Further, each new driver (during the same shift or for multiple shift departments) shall perform their own inspection prior to assuming driver duties. This inspection does not require documentation unless damage is noticed. When damage is noticed, it shall be immediately reported to the assigned supervisor. The Automobile Loss/Damage Notice is used to document the incident and is forwarded to Risk Management within 48 hours.
- B. Emergency vehicle drivers (EMS and Fire) are not expected to perform said inspections prior to responding to an emergency call. Inspections should be performed at the beginning of a work shift and completed again as soon as practicable after conclusion of the emergency event.

**§ 5804-5. Currency.**

The Risk Management Department is responsible for maintaining the currency of this Instruction.

**§ 5804-6. Reference.**

Refer to CMA Instructions 5202, 5204 and 5805 for related policy topics. Additionally, countywide JSA # 8, Safe Vehicle Operations shall be reviewed annually.

## ELIGIBILITY TO DRIVE COUNTY-OWNED VEHICLES

[Effective Date: October 1, 1998 (Revised: January 1, 2011)]

### § 5805-1. Purpose.

The purpose of this Instruction is to provide specific criteria to employees and Supervisors regarding the eligibility of employees and new hires to operate County-owned motor vehicles. The goal of this policy is to identify drivers with adverse driving records in order to prevent losses from occurring and to preserve the County's defensive position should litigation occur.

### § 5805-2. Background.

The County Manager's Agency owns and operates a fleet of vehicles for use by employees in the performance of their duties. It is the policy of the agency to perform driver's license background checks on all employees considered for hire, employees selected for transfer from non-driving to driving positions within the County, and to conduct annual drivers' license background checks on all current employees. Standards for acceptable driving have been established within the Risk Management Department and are used as the basis for determining an employee's acceptability to operate a County-owned vehicle.

**§ 5805-3. Applicability:** This policy applies to all Collier County Board of County Commissioners' (BCC) employees and those accepted to volunteer for the County.

- 1) Only County employees or volunteers who are 18-years of age and older shall operate County-owned motor vehicles licensed for street use and only with the approval or direction of their Supervisor.
- 2) Provided driving standards are met and approval is granted by the Department Director responsible, an exception may be made in emergency conditions for non-employees to drive County vehicles.

### § 5805-4. Definitions.

- 1) "At-fault Accident" is one that results in an employee being cited and convicted of an offense, any vehicle accident while operating a County-owned vehicle which is caused by the employee while operating a vehicle, even if no police report is made, or any vehicle accident which involves a failure to follow proper Maintenance of Traffic procedures.
- 2) "Adjudication Withheld" is when an employee has been cited with an offense even though a conviction has not been recorded. Offenses with a final disposition of "Adjudication Withheld" are considered the same as if a fine is assessed.
- 3) For the purpose of this policy; a "serious accident" is any accident that results in the death of any person; or first or third party property damage that exceeds \$25,000.
- 4) "Employee" is any person performing work on behalf of the County and shall include but not be limited to full time, part time, temporary, contracted or other persons permitted to operate a County vehicle.



**ELIGIBILITY TO DRIVE COUNTY-OWNED VEHICLES**

- 5) "Vehicle" is any motorized conveyance which is designed and licensed for use on public roads and which requires the operator to possess a driver's license for the class of vehicle being operated.

**§ 5805-5. Procedure.**

**A.** All individuals who drive County-owned vehicles must possess the following:

- 1) A current, valid Florida driver's license (DL) with full privileges (not suspended or revoked) with a license class sufficient to cover the vehicle being driven.
  - a) Exceptions may be granted by Risk Management for any non-resident college student engaged in a work-study program for which academic credits are earned if that student has a valid driver's license issued by another state. Requests for this exemption must be made in writing to the Risk Management Department and must include the student name, DL issuing state, and DL number.
  - b) If an employee's DL is suspended or revoked for any reason, it is the employee's duty to report this fact to his/her supervisor no later than the end of the next shift or day at work. Failure to do so may make that individual subject to disciplinary action, including possible termination of employment.
- (2) A driving record that meets County driving standards.

**B. Driving Standards:**

Any employee or volunteer with any of the following within the past three years shall not be allowed to drive a County-owned vehicle. The three-year period begins either the date of discovery of the offense, the date of conviction or the date of final disposition or date classified as "adjudication withheld," whichever is later. The completion of traffic school or any other educational program by the employee does not remove the offense from consideration, even if points have been removed.

- (1) Any combination of three at-fault accidents, moving violations in any vehicle and/or, failure to wear a seat belt, or any equipment violations while operating a County vehicle. .
- (2) Two at-fault accidents involving County-owned vehicles.
- (3) One or more serious violations as outlined in section C.

**C. Serious Violations:**

- (1) Driving under suspension, cancellation, or revocation of a license.
- (2) Failure to stop and render aid during an accident involving injury/death.
- (3) Failure to stop and report an accident
- (4) False accident report/perjury.
- (5) Fleeing or eluding police.
- (6) Homicide, manslaughter, or assault with a motor vehicle.
- (7) Leaving the scene of an accident.

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- (9) Reckless driving.
- (10) Refusal to comply with a lawful police/fire department order.
- (13) Permitting unauthorized operator to drive.
- (14) Refusal to submit to chemical test.
- (15) Unlawful use or display of a license.
- (16) Driving Under the Influence (DUI)

**D. Accidents, Misuse and Unsafe Acts Involving County Vehicles:**

- 1) Employees who are involved in “serious accidents” involving county-owned vehicles and are found to be “at-fault” may have their driving privileges revoked regardless of their overall driving record.
- 2) The Risk Management Director or his/her designee shall make a recommendation to the County Manager to revoke an employee’s driving privileges, resulting from a “serious accident.” Revocation of privileges will be effective upon the County Manager’s approval of the recommendation.
- 3) Intentional abuse, misuse, reckless, unsafe acts and/or negligent operation(s) of any County-owned vehicle or equipment may result in departmental disciplinary action as described in CMA 5351 of the Collier County Human Resources Practices and Procedures, up to and including termination of employment.

**E. Motor Vehicles Record Checks (MVR):**

The standards within this CMA may be used in evaluating an applicant's eligibility for employment or the eligibility for a current employee to transfer from one position to another within the County. Written notice regarding the finding of an unacceptable driving record will be forwarded to an employee's current Supervisor (if applicable) and the Human Resources Department. No notice will be sent regarding those persons whose driving records are acceptable.

- 1) The Risk Management Department shall obtain a MVR on all applicants being considered for employment with Collier County BCC as part of the new hire process.
- 2) The Risk Management Department shall request a MVR on every BCC employee at least once a year.
- 3) The Risk Management Department may request a MVR on employees involved in motor vehicle accident.
- 4) The Risk Management Department may obtain a MVR upon the written request of the Department Director or Administrator.

**F. Supervisor Responsibility:**

- 1) Supervisors shall notify the Risk Management Department and Human Resources

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Department as soon as they become aware that an employee under their supervision does not meet the requirements of this policy.

- 2) Supervisors who become aware that an employee does not meet these standards shall not allow that person to drive a County-owned vehicle.
- 3) Supervisors may place employees who lose their driving privileges in non-driving capacities. If the employee cannot be assigned to a non-driving position, the employee may be terminated in accordance with the Collier County Human Resources Practices and Procedures.
- 4) Supervisors shall notify the Risk Management Department as soon as they become aware of any vehicle accident involving a County-owned vehicle, regardless of the amount of property damage and/or injuries involved.
- 5) Supervisors are responsible for ensuring all subordinates review and sign all Job Safety Analyses (JSA's) related to driving County-owned vehicles.

**G) Employees Responsibility:**

- 1) Employees shall obey all State and Federal Traffic laws.
- 2) Employees shall obey all departmental safety rules and procedures.
- 3) Employees shall document any damage to County-owned vehicles.
- 4) Employees shall report all accidents involving County-owned vehicles, regardless of the amount of damage, to their immediate supervisor and the Police/Sheriff if the accident involves damage to property not owned by the county or injury to a person not employed by the County.
- 5) Employees shall immediately report to their supervisor any driver's license suspension or revocation.
- 6) Employees shall report to their supervisor any traffic citation issued while operating a County-owned vehicle.

**H. Administrative Proceedings:**

- 1) Employees who fail to meet the driving standards as outlined in this Instruction may face administrative disciplinary proceedings as per CMA 5351, in addition to the loss of their driving privileges.
- 2) Such determination shall be made by the employee's supervisor in cooperation with the Human Resources Department and pursuant to Human Resources Practices and Procedures or other applicable CMA(s).
- 3) The County Manager shall have the authority to make exceptions to the standards contained within this CMA and/or their consequent administrative remedies on a case-by-case basis.
- 4) Requests for such an exception shall be made in writing by the employee and/or the

**ELIGIBILITY TO DRIVE COUNTY-OWNED VEHICLES**

employee's supervisor and shall be copied to the Risk Management Director and the Human Resources Director.

**I. Reinstatement of a Driving Privileges:**

The privilege to drive a County-owned vehicle shall be reinstated at such time as an employee's driver's license and MVR record meet the standards as set forth in this policy. The Risk Management Department will review, as necessary, the records of employees prohibited from driving County-owned vehicles and will notify their Supervisors and the Human Resources Department at the time such as driving privileges are reinstated.

**§ 5805-6. Currency.**

The Risk Management Department is responsible for maintaining the currency of this Instruction.

**§ 5805-7. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: The County will provide a policy for specific practices and procedures for the enforcement of the safe operation of County vehicles. Further, this policy will establish procedures for employees to formally acknowledge and accept responsibility for operating County motor vehicles.

## PROTECTIVE FOOTWEAR

[Effective Date: July 17, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 1, 2005; Revised: May 13, 2009)]

### § 5806-1. Purpose.

- A. The purpose of this Instruction is to develop practices and procedures to govern purchase, procurement, repair and/or replacement, and use of protective footwear.
- B. In accordance with the OSHA Act of 1970, Collier County has chosen to utilize applicable OSHA standards as a guideline to develop the County's safety and health related programs, policies and procedures in an effort to help Collier County government maintain a safe workplace for its employees.

### § 5806-2. Scope.

This instruction shall apply to all personnel, regardless of position, who work in or around areas where protective footwear may be required. ANSI Standard Z41 (most current revision), as incorporated into OSHA CFR 1910.136, classifies protective footwear into categories, depending on the severity of the hazard they are designed to withstand. Collier County recognizes additional categories and has chosen to separate the Metatarsal Protection category into two parts. OSHA does not specify which classifications are acceptable for specific occupations. The employer is expected to choose safety boots/shoes that will provide adequate protection under the conditions of use.

### § 5806-3. Concept.

- A. Protective footwear provides limited protection from crushing, impact, punctures, chemical exposures and other penetrations. The Department Director will assure that each affected employee is equipped with the proper protective footwear for the specific job tasks. The Director will be responsible to implement the protective footwear practices and procedures for his/her department following the guidelines outlined within this CMA and the corresponding Procedure, including the determination of need via hazard assessment, purchasing, repair and/or replacement, maintenance, cleaning and compliance.
- B. Due to the amount of content covered via this instruction, Collier County has developed a separate written procedure that outlines the necessary components of this instruction. This separate procedure shall be referred to as Collier County's Protective Footwear Program and is governed via the authority given by this instruction.
- C. The Protective Footwear Program is available from the Risk Management Department. This document can also be obtained internally via the Risk Management Website or by sending an e-mail request to Risk Management's EHS Manager or EHS Specialist or by calling Risk Management at 239-252-8461.

### § 5806-4. Currency.

The Risk Management Department is responsible for maintaining the currency of this instruction.

PROTECTIVE FOOTWEAR

*CMA 5806 Attachment 1*

**ACKNOWLEDGEMENT OF RECEIPT AND RETURN**

I \_\_\_\_\_(Print Name) acknowledge that I have received protective footwear from the \_\_\_\_\_Department on \_\_\_ / \_\_\_ / \_\_\_\_.

I also understand that by signing this form I am agreeing to abide by the protective footwear policy described in CMA 5806. Further, I understand and agree that I have a duty to return protective footwear provided to me by the County or to reimburse the County for the full price of any protective footwear provided to me if I do not complete the probationary employment period stated in CMA 5321.

_____ Signature	_____ Date
_____ Supervisor Signature	_____ Date

## **CMA # 5807**

### **MAINTENANCE OF TRAFFIC**

**§ 5807-1. Purpose.**

**§ 5807-3. Concept.**

**§ 5807-2. Scope.**

**§ 5807-4. Currency.**

**[Effective Date: March 13, 2000 (Revised: July 24, 2001; October 1, 2002; October 1, 2003; October 1, 2004; Revised: January 1, 2005)]**

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**§ 5807-1. Purpose.**

The purpose of this Instruction is to assure that all work being performed in County rights-of-way is performed following both the Manual On Uniform Traffic Control Devices (MUTCD) Standards, current edition, and/or the Florida Department of Transportation's Design Standards, current edition, thus assuring a safe environment for workers, vehicular traffic and pedestrians on all County roadways, streets, bike paths and sidewalks.

**§ 5807-2. Scope.**

This Instruction shall apply to all work performed in Collier County rights-of-way, including that performed by contractors working for the County, contractors working for developers, utility companies (including work performed by their personnel and/or subcontractors) and all County work forces within each department of each division.

**§ 5807-3. Concept.**

- A. This Instruction references the MUTCD Section VI and the 600 Series of the Florida Department of Transportation's Design Standards. It shall be the sole responsibility of each contractor or department to be familiar with and understand the MUTCD and FDOT Design Standards, including any and all changes, updates and/or revisions made to these Instructions.
- B. Due to the amount of content covered via this Instruction, Collier County has developed a separate written procedure that outlines the necessary components of this Instruction. This separate procedure shall be referred to as "Collier County's Maintenance of Traffic Procedure" and is governed via the authority given by this Instruction.
- C. The Maintenance of Traffic Procedure is available from the Risk Management Department. This document can be obtained internally via the Risk Management Web site, by sending an e-mail request to [gregbarlow@colliergov.net](mailto:gregbarlow@colliergov.net) or by calling 239-774-8283.

**§ 5807-4. Currency.**

The Risk Management Department is responsible for maintaining the currency of this Instruction.



**PURCHASING CARD PROGRAM POLICY AND PROCEDURE**

[Effective Date: May 1, 2004 (Revised: August 1, 2006; Revised: July 1, 2007; Revised: October 1, 2008)]

**§ 5808-1. Purpose.**

The purpose of this Instruction is to provide a procedure to all Department Directors, fiscal contacts and cardholders of a purchasing card program as authorized by the County Manager.

**§ 5808-2. Scope.**

The Purchasing Card Program is a delegation of procurement authority by the Purchasing Department to the Board of County Commissioners operating Department Directors. Each Department Director must provide fiduciary oversight and accountability for the Purchasing Card Program within their area, including fiscal control for all cards and financial accountability for each transaction. These policies and procedures apply to the Purchasing Card Program except where otherwise approved by the Board of County Commissioners.

**A. Purchasing Card Purpose:**

- (1) The County's Purchasing Card Program is intended to provide a method for employees to conveniently purchase items while meeting the valid public purpose standards. As such, employees who use the card, and all purchases made with the card must comply with Collier County Purchasing Policy, and to:
  - (a) Conduct County business only; the card should not be used for items specifically prohibited in Account Restrictions.
  - (b) Purchase the most cost effective item that meets the County's business needs.
- (2) The Purchasing Card is subject to a maximum standard single transaction of \$1,000 and a maximum monthly spending limit of \$10,000, unless otherwise approved by the Director of Purchasing. The purchasing card is embossed with the cardholder's name and is to be used only by that cardholder. No other person is authorized to use the card.
- (3) Department Directors may choose to implement more restrictive policies within their areas than what is outlined in this CMA on Purchasing Card Program Policy and Procedure, as long as such policies are documented.

**B. Department Director Responsibility:**

- (1) Department Directors have oversight and fiduciary responsibility for purchases made with the purchasing cards assigned within their areas, and ensuring accountability and integrity in the spending of the public's funds. The Department Director is responsible for authorizing the use of purchasing cards, providing fiscal oversight and management for the processing of transactions in the financial system and ensuring progressive corrective steps are in place and consistent with the County's mission, applicable laws and ethical practices.

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- (2) The Department Director must:
- (a) Ensure there is a department plan to administer the Purchasing Card Program that provides for fiscal oversight, management and review of all transactions including, but not limited to:
    - [1] Approving Purchases for Budget and Financial Accountability: The department will prepare an annual blanket purchase order to pay for the charges posted to the purchasing card.
    - [2] Reviewing All Transactions for Policy Compliance: Documentation will be reviewed for policy compliance and effective purchasing practices immediately following a purchase, and within two business days of receipt.
    - [3] Processing Transactions Efficiently in the County's Financial System of Record (SAP): Receipts will be collected, reviewed and processed for payment as soon as possible and within five business days of receipt of notification from the Bank of the charges.
      - [b] The department-authorized cost center authority shall review, reconcile and approve all transaction documentation. Any errors, sales tax issues or questionable purchases must be resolved before payment submission to the Finance — Accounts Payable. The authorized cost center signature certifies that all transactions are legitimate expenditures of County funds.
    - [4] Ensuring Progressive Corrective Steps are in Place for Noncompliance: Issuance of purchasing cards within a department is a privilege and Department Directors must make every reasonable effort to ensure purchases, and the use of funds: are used in an appropriate manner, are consistent with the County's mission, applicable laws and ethical practices, and that transactions are accurately and timely recorded in the County's financial system of record. Department Directors who fail to take reasonable corrective steps for employee noncompliance of purchasing policy or payment processing may have card programs suspended or terminated by the Purchasing Department. Improper or unauthorized use of the purchasing card shall be reported immediately to the Purchasing Card Program Administrator. The Department Director, in collaboration with the Purchasing Card Program Administrator, is responsible for administering appropriate disciplinary actions which will include:
      - [a] First Offense: Suspension of cardholder(s) privileges for a minimum of 30 days within an area and/or other consequences based on the facts surrounding the purchase transaction.
      - [b] Second Offense: Immediate termination of department cardholder(s) privileges and/or other consequences based on the facts surrounding the purchase transaction.

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- (b) Determine who should have a County purchasing card. The Purchasing Card Request Form is used to apply for a purchasing card. The request form must be completed in its entirety and approved by the Department Director.
- (c) Determine the monthly spending limit for each cardholder.
- (d) Review and approve the Purchasing Card Request Form for new card applications, or any changes to existing cardholder information.
  - [1] If an employee leaves BCC employ, is transferred to another Collier County department, or no longer needs use of the card, the department is required to notify the Purchasing Card Administrator immediately. For terminated employees or employees no longer requiring a card, the department must collect the card, cut it in half, and forward the card to the Purchasing Department. The account will be closed upon notification and the card will be destroyed upon receipt.
  - [2] If, however, the employee is transferred or promoted to another Collier County department, upon notification of the transfer, the card will be suspended until a new Purchasing Card Request Form signed by the new Department Director is received to authorize continued use of the card. The card may remain in the employee's possession until such time as the new authorization is received, but may not be used in the new department until authorized by the Director. Should the card not be authorized in the new department, it will be cancelled by the Purchasing Card Administrator.
  - [3] If the card cannot be collected from the terminated employee, the department shall notify Purchasing. The Purchasing Department will treat the card as a "lost or stolen" and close the account.

### C. Cardholder Responsibility:

- (1) New cardholders will receive training prior to issuance of the purchasing card and must sign a Purchasing Card Acknowledgement Form. The training will cover the card's proper use and restrictions. The cardholder is expected to sign a Purchasing Card Acknowledgement Form prior to the distribution of any new or reissued card, or as requested by the Purchasing Office. This signifies the cardholder understands and accepts all responsibilities associated with the purchasing card. Failure by a cardholder to sign and return the form will result in suspension of cardholder privileges.
- (2) The cardholder agrees to:
  - (a) Abide by CMA 5808, Purchasing Card Policy and Procedures, and County purchasing policies and department guidelines, and to:
    - [1] Conduct County business only; the card should not be used for items specifically prohibited in account restrictions.

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- [2] Purchase the most cost-effective item that meets the County's business needs.
- (b) Purchase items that are immediately available. The card cannot be used for advanced orders, with the exception of conference and hotel registration while on County business. Back orders are not permitted. Items purchased by telephone or Internet (site must be secured) must be immediately available; advanced orders are not permitted. Back orders are discouraged, and if an order, previously thought to be available, cannot be delivered within 10 business days, the order (or part thereof) must be cancelled and resubmitted when the product is available for immediate delivery.
- (c) Not exceed the standard single transaction limit assigned to the card. Purchases may not be split in two or more orders or receipts in order to stay within the single transaction purchase limit, with the exception of hotel bills where the individual night cost is within allowable limits.
- (d) Account Restrictions: The following items may not be purchased using the purchasing card:
  - [1] Personal purchases or cash withdrawals;
  - [2] Gasoline, fuel or oil;
  - [3] Telephone service charges;
  - [4] Food while on business travel status (employees will be reimbursed per CMA 5310, Business Travel, except where authorized by existing Board of County Commissioners policy); and
  - [5] Services from independent contractors, other individuals, or unincorporated businesses of \$600 or more in a calendar year; typically referred to as "1099" vendors (e.g., consultants; medical, legal services, and accounting services).
- (e) Instruct the vendor where to deliver materials, including contact person, department, building, room number, and telephone number of the delivery site.
- (f) Provide the vendor with the County's tax exemption number. Cardholder is responsible to review the receipt prior to leaving the store/internet site and to obtain a credit for Florida sales tax incorrectly applied. Failure to obtain a credit for Florida sales tax may result in reimbursement to the County by the cardholder for taxes paid. Cardholders with a history of violating this requirement are subject to loss of card and disciplinary action, even if credits are subsequently obtained.
- (g) Obtain the total cost of the order from the vendor (including shipping) before the order may be placed. The cardholder shall advise the vendor not to bill the purchasing card until the order is ready to be shipped. The cardholder shall confirm with the vendor that an itemized receipt shall be provided. The vendor

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may advise the cardholder that the purchasing card has been denied. It is likely the result of business rules that have been established by Purchasing Department. Any questions regarding vendor denial of a Collier County purchasing card should be directed to the Purchasing Card Program Administrator.

- (h) Obtain an itemized receipt for all purchases. The itemized receipt must include the quantity, a description of the item(s), the unit cost and the extended price. If a receipt is lost, the cardholder must contact the vendor to obtain a duplicate itemized receipt.
- (i) Review the itemized receipt. If there is tax or a questionable charge on the receipt, immediately work with the vendor and attempt to reach a resolution. If the vendor refuses to acknowledge the error or if resolution cannot be reached, complete the Purchasing Card Dispute Form and forward it to the Purchasing Department. The Purchasing Department will coordinate the dispute action with the bank.
- (j) Document why the purchase was made and what valid public purpose it served.
- (k) Forward all paperwork, including an itemized receipt to the designated fiscal technician for final review, reconciliation and approval. Credits to the purchasing card must be issued should a cardholder return an item. Cash refunds or store credits are not permitted.
- (l) Contact the bank immediately if the card was lost or stolen; then the department and Purchasing Card Program Administrator.
- (m) Cardholders who fail to comply with this CMA 5808, Purchasing Card Program Policy and Procedure, may be subject to the following:
  - [1] First Offense: Suspension of cardholder privileges for a minimum of 30 days and/or other consequences based on the facts surrounding the purchase transaction.
  - [2] Second Offense: Immediate termination of cardholder privileges and/or other consequences based on the facts surrounding the purchase transaction.
    - [a] The cardholder may be subject to additional disciplinary action (see CMA 5351, Discipline) and/or be required to reimburse the County for the total amount if there was an instance where the transaction does not meet a valid public purpose and there is no ability to return the goods or services.

### D. Purchasing Card Program Administrator Responsibility:

- (1) The Purchasing Card Program Administrator has responsibility to:
  - (a) Oversee the contract relationship between the County and the bank.

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- (b) Provide program training to departments, cardholders and fiscal technicians.
- (c) Audit and review transactions and supporting documentation. Validate compliance with County purchasing policies. If discrepancies are found, the Purchasing Card Program Administrator may require additional documentation from the cardholder or department. The Purchasing Card Program Administrator will notify the cardholder's immediate Supervisor or Department Director of improper or unauthorized use of a purchasing card.
- (d) Provide ad hoc reports to Department Directors (or designees).
- (e) Audit and ensure corrective action is completed by Department Directors.
- (f) Ensure progressive corrective steps are in place for department noncompliance, including suspension or termination of card(s) within a department and/or the entire department's purchasing card program.

### **§ 5808-3. Currency.**

The Purchasing Department is responsible for maintaining the currency of this Instruction.

**MANAGING PERSONAL PROPERTY AND CONSUMABLE SUPPLIES**

[Effective Date: October 10, 2006; Revised: October 1, 2008, December 15, 2014]

**§ 5809-1. Purpose.**

The purpose of this Instruction is to establish a property and supply management system authorized by the County Manager.

**§ 5809-2. Concept.**

Each operating department is responsible for the proper and prudent acquisition, safeguarding, utilization, maintenance and transfer of all assets, tangibles and consumables acquired by or assigned to that department. This Instruction clarifies and sets forth the expectations of the County Manager in this regard.

**§ 5809-3. Definitions.**

As used in this CMA, the following terms shall have the meanings indicated:

**ASSET**— Tangible personal property of a nonconsumable nature that has a normal useful life of one year or more and an acquisition value of \$1,000. For the purpose of this Instruction, this shall include, but not limited to, the purchase or donation of equipment, furniture, personal computers (including laptops), vehicles and other rolling stock.

**CONSUMABLE SUPPLIES or CONSUMABLES**— Any tangible personal property of a consumable nature in normal business use that has a useful life of less than one year or an acquisition value of less than \$1,000. Examples would include office supplies and other similar items that are typically consumed or utilized over a short period of time.

**CUSTODIAN**— The Director of the department to which the asset or consumable item is assigned (including those items purchased by or furnished to the department for use).

**DONATION**— Property gifted to a County department from any organization, agency or person, with a normal useful life of one year or more and an acquisition value of \$1,000 shall be treated as an asset.

**MINOR TANGIBLE ITEMS or TANGIBLES**— Any minor tangible personal property that has a useful life of less than one year or an acquisition value of less than \$1,000 on an itemized basis. Examples would include, but not be limited to, minor office equipment, furniture, furnishings, tools, minor field equipment and clothing.

**PROPERTY OFFICER**— The person(s)/position(s) assigned (by the custodian) the responsibility of ensuring the proper care and use (inventory, track and maintain) of assets, tangibles and consumables assigned to a given department, section or location, and ensuring that they witness the disposal if declared scrapped or destroyed.

**SCRAPPED or DESTROYED PROPERTY**— Any asset that the assigned department deems to be obsolete, unrepairable (repair and/or maintenance costs exceed the price of a

**SURPLUS PROPERTY**— Any asset that the assigned department deems to be obsolete or has determined that the continued use of which is uneconomical or inefficient, or which serves no useful function to the assigned department.

**§ 5809-4. Procedure.**

**A. Roles and Responsibilities**

- (1) The custodian is ultimately responsible for the proper care and use of all property assigned to or provided for use by the department. The property officer is directly responsible for the proper care and use of all property assigned to him/her by the custodian.
- (2) Each custodian shall appoint the property officer(s) responsible for the proper care and use of assets, tangibles and consumables assigned to the custodian's department.
- (3) Property officers may be appointed by person, position, location or whatever manner deemed reasonable by the custodian.
- (4) Property officers will be responsible for maintaining a perpetual inventory; however, where feasible, an alternative party will be required to perform a physical count at least annually.
- (5) Prior to disposition, property officers will be responsible for obtaining and understanding how the tangible(s), and / or asset(s), was obtained, all warranties associated with the property, and the net book value.

**B. Consumables**

- (1) Each custodian shall designate the appropriate person(s) to be responsible for the receiving, inventorying and proper use of consumables.
- (2) Each custodian shall designate the appropriate persons to maintain an ongoing, up to date perpetual inventory (additions, deletions and changes to) of consumables items at whatever level deemed appropriate by the custodian. Transfers of consumables within or between departments shall be tracked as additions or deletions to the respective inventories of consumables. The custodian shall have the discretion to request and obtain assistance from an employee outside of the department to periodically conduct an inventory of all consumable items with the department's possession.
- (3) Any consumable item deemed to be missing shall be searched for by the appropriate property officer and if not located within a reasonable time and with a reasonable effort (maximum 15 days), removed from the perpetual inventory. In the event of an apparent theft of a consumable item(s), the custodian shall immediately determine the level of investigation warranted into the matter and whether such theft must be reported to the appropriate law enforcement agencies.
- (4) Should a custodian determine that a consumable item(s) is no longer of use to their operation,, the property officer, with the prior, written approval of the



custodian, will make arrangements to transfer the item(s) to the Purchasing Department's surplus property function. The Purchasing Department shall be responsible for the redistribution, sale or disposal of surplus item(s).

C. Assets and Tangibles:

(1) Receiving:

- (a) Upon receipt and acceptance of purchased asset by the Custodial Department, the Capital Assets Office of the Clerk of Courts Finance Department, or designee, shall issue an asset tag or unique record number and forward it to the Custodial Department. The Custodial Department shall apply an asset tag to the front of the purchased asset and the tag shall not be removed without the prior approval of the Purchasing Department and the Fixed Assets Section. The custodian shall designate a single point of accountability to receive the tag, record the tag number and ensure its adherence to the appropriate asset. This is meant to supplement the requirements of the County Finance Department Asset Inventory requirements.
- (b) Upon receipt and acceptance of a donated asset, the Custodial Department shall complete and forward a Fixed Asset Transaction Form to the Clerk of Courts Finance Department with the following information:
  - [1] Date the asset was received;
  - [2] Fair market value of the donation at time of receipt;
  - [3] Detailed description, including serial number or VIN, and year, make and model;
  - [4] Fund and cost center; and
  - [5] Copies of any documents regarding the donation.
- (c) The custodian shall designate the appropriate person(s) to be responsible for receiving and accepting the delivery of tangibles and recording such transactions in the department's inventory.

(2) Proper Care and Reporting:

- (a) Each custodian shall designate the appropriate persons to maintain an ongoing, up-to-date perpetual inventory (additions, deletions and changes to) of assets and tangibles by department, section or location or at whatever level deemed appropriate by the custodian. The custodian shall also establish the method(s) and frequency of conducting a physical count of all inventoried items. The custodian shall have the discretion to request and obtain assistance from an employee outside of the department to periodically conduct an inventory of all assets or tangibles within the department's possession.

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- (b) Each department shall establish internal procedures governing the proper care and use of assets and tangibles. The procedures shall be based upon the size and functions of the department and shall include, but not be strictly limited to, who is authorized to use or consume the inventoried items and how usage or consumption is tracked.
  - (c) Under Florida law, the Capital Assets Office of the Clerk of the Circuit Court Finance Department is responsible for maintaining the record of all assets owned by the Board of County Commissioners' Agency. Each year, the Capital Assets Staff will update the perpetual inventory of assets by distributing a copy of the current asset record to each custodian for their department. In turn, the custodian will direct the appropriate property officer(s) to conduct a physical count of all assets and submit their findings to the custodian, who will forward the results to the Capital Assets Office.
- (3) Transfers / Trade-ins:
- (a) When an asset or tangible item(s) is permanently transferred within a department (e.g.; from one physical location to another), the custodian shall formally reassign responsibility for the item(s) from the existing property officer to the receiving property officer.
  - (b) When an asset is transferred between departments (including the transfer of items deemed surplus), the releasing department shall complete a Fixed Asset Transaction Form that fully describes the item(s) being transferred and clearly identifies the releasing and receiving departments respectively. The form shall be signed by the releasing and receiving custodians and subsequently forwarded to the Capital Assets Office.
  - (c) When a tangible is transferred between departments the releasing department shall delete the item from its internal perpetual inventory record. Accordingly, the receiving department shall add the item(s) to its internal inventory record.
  - (d) When an asset is exchanged as a trade-in to a supplier as payment (or part of payment) for equipment purchased through the Purchasing Department, the custodian shall complete a Fixed Asset Transaction Form and forward it to the Purchasing Department for approval. Purchasing will forward approved Fixed Asset Transaction Form to Capital Assets Office.
- (4) In the event that an asset or tangible is transferred to another department for a period of 90 days or less, the permanent custodian shall initiate correspondence to the temporary custodian setting for the terms and duration of the temporary reassignment. Both the permanent and temporary custodians shall sign the correspondence.
- (5) Disposal:

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- (a) Should a property officer determine that an asset or tangible should be scrapped or destroyed because it is obsolete, unrepairable (repair and/or maintenance costs exceed the price of a new item), or unsafe, a Fixed Asset Transaction Form must be completed. Property officers are responsible for obtaining information on how the tangible(s) and / or asset(s) was obtained, review all warranties associated with the property to ensure there is no manufacturer repair recourse, and review the net book value. The custodian and the Purchasing Department must approve the disposal of the item(s).
  - (b) Once approved by the Purchasing Department, the Purchasing Department will forward a copy to the department and the Capital Assets Office of the Clerk of the Circuit Court Finance Department. The Property Officer is responsible for ensuring that they witness the disposal if declared scrapped or destroyed property.
  - (c) The department will forward a copy of the approved Fixed Asset Transaction Form to the Capital Assets Office of the Clerk of the Circuit Court Finance Department who will record all disposed assets to the Board of County Commissioners' Agency.
- (6) Missing or Stolen Property:
- (a) If an asset or tangible is determined to be missing during the course of day-to-day business, the property officer directly responsible for the item(s) shall conduct a thorough search for the missing property, including circulating notice of the missing item(s) within the assigned department or, if warranted, within the County Manager's agency. Should the missing item(s) not be located within a reasonable amount of time (maximum 30 days), the property officer will notify the custodian accordingly, who, in turn will notify the Capital Assets Office.
  - (b) In the event that the custodian and their property officer are not able to locate an item included in the annual inventory of assets listing, the custodial shall direct the property officer to conduct a thorough search for the item and to circulate notice of the missing item within the department and the County Manager agency. The custodian shall notify the Capital Assets Office of the discrepancy and shall complete the search process within 30 days of identifying the discrepancy. The custodian shall subsequently complete the Collier County Unaccounted for Property form and submit it to the Capital Assets Office with other inventory paperwork.
  - (c) In the event of the presumed theft of an asset or tangible, the property officer shall report the incident to the appropriate law enforcement agency, shall internally investigate the theft and shall formally report their findings to the custodian. The report shall include a copy of the law enforcement agency's report. The custodian and property officer shall fully cooperate with law enforcement agencies to facilitate all

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investigative, prosecutorial and property recovery efforts. The custodian and property officer shall complete a Fixed Asset form, indicating disposal by theft, and submit both the form and a copy of the law enforcement report to Purchasing for review and asset disposal approval.

- D. Disciplinary Action: Failure to comply with the requirements of this section shall be grounds for appropriate progressive discipline under the County's Manager Administrative Procedures.
- E. Disposition: Any department that deems an assigned asset to be surplus and no longer of beneficial use to that department shall complete a Fixed Asset Transaction Form to be executed by the custodian and forwarded to the Purchasing Department for acceptance or subsequent transfer.

**§ 5809-5. Reference.**

Chapter 274, *Fla.Stat.*, the Rules of the Department of Financial services 691-73, and the prevailing County purchasing policy.

**§ 5809-6. Currency.**

The Purchasing Department is responsible for maintaining the currency of this Instruction.

**CESSATION OF NORMAL GOVERNMENT ACTIVITIES, PERSONNEL ROLES AND RESPONSIBILITIES DURING EMERGENCIES AND EMERGENCY DISASTER PAY**

[Effective Date: October 1, 2003 (Revised: May 10, 2006; Revised: July 31, 2006; Revised: June 5, 2009)]

**§ 5900-1. Purpose; scope.**

The purpose of this Instruction is to provide for a coherent policy in establishing roles and responsibilities for all agencies under the Board of County Commissioners and the cessation of normal government activities during emergencies as well as outline the pay practices during these emergencies. This policy shall apply during the potential or actual occurrence of a severe weather event, natural hazards event, technological hazards event or homeland security concern which may impact the safety of the residents and visitors to Collier County.

**A. Policy on Closing Down County Operations or Adjustments to Hours of Operation:**

- (1) The County Manager may limit or cancel County operations based on direction from the Collier County Board of County Commissioners or recommendation from the Collier County Emergency Management Department. The County Manager's Office will communicate this decision to the County Constitutional Officers, the County Court Administrator, the County Health Department, school officials and Division Administrators who, in turn, will notify all Department Directors.
- (2) Hurricanes/tropical storms usually occur with advanced warning. The County Manager may limit or cancel County operations when a storm warning is issued for Collier County. He may exercise this authority if additional time is needed to carry out emergency preparedness. The County Manager will base this decision on recommendations from the Emergency Management Director or his/her designee.
- (3) During emergency situations, the following factors will be considered:
  - (a) The nature of the threat;
  - (b) The uncertainty inherent in the threat;
  - (c) The amount of time needed to notify County employees given the time of day and day of the week that the decision is made to limit or cancel County operations;
  - (d) The amount of time needed to close down County offices/facilities or to discontinue service; and
  - (e) The amount of time needed to notify, make protective action recommendations, complete preparedness efforts, mobilize personnel and shelter or evacuate the general public. In the event of a hurricane threat these actions must be completed before the arrival of sustained 40

mph winds.

- (4) Other emergency situations may occur that dictate the need to adjust normal governmental operations in order to meet the safety concerns and respond to the emergent needs of the public including preparedness work, response work, recovery and mitigation work and activities posed by the event. In these situations the County Manager may curtail operations in much the same manner as noted in Subsection A(2) above.

B. County Employees: General Policies:

- (1) County employees are responsible for assisting the County in protecting the public's health and safety during emergencies. As such, all employees are expected to participate as assigned during the emergency period and accept duty assignments in order to prepare and/or respond to the emergency situation. The general nature of these responsibilities will be based on the emergency roles or temporary emergency assignments assigned to County departments and divisions in the Collier County Comprehensive Emergency Management Plan or by the County Manager as needed. Assignments are likely to vary during the emergency, and employees could be asked to work in areas or positions other than those to which they are normally assigned.
- (2) County Division Administrators, Department Directors or Supervisors shall ensure the availability of employees to protect, secure and recover County property, equipment and services from the effects of a disaster and make ready all available resources to respond to the event as requested by an Incident Commander or the County Emergency Operations Center.
- (3) County employees who are not assigned either an emergency support function responsibility or needed to close down a County office or facility within their division will be identified by their department as available for an emergency duty assignment. That reassignment may include assisting other departments and/or the Emergency Operations Center in carrying out emergency assignments or missions.
- (4) Division Administrators have the discretion to provide emergency duty assignments to staff. Employees are required to report as assigned during a declared emergency.
  - (a) Excused absences from designated emergency duty assignments must be approved in writing by the Department Director and Division Administrator. During this absence, the employee shall use available vacation, personal or compensatory time or be placed on leave without pay status.
  - (b) Employees who are excused from disaster duty will be eligible for compensation as outlined further in this CMA.
  - (c) An employee who is designated to work an emergency duty assignment but does not report for assigned duties during a declared emergency may

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be subject to disciplinary action, up to and including termination of employment.

- (5) If the County is closed during a declared emergency, employees who have not been given emergency duty assignments or excused from disaster duty are subject to recall at a later time in support of the emergency. During the period when Collier County remains closed for normal business operations, these employees must call in or report to work to the designated department representative in accordance with departmental plans no later than 24 hours after the occurrence of the incident/emergency. If not assigned at that time, the employee must continue to call in each twenty-four-hour period to see if his/her services are needed. Employees must provide a telephone number(s) where they can be reached each twenty-four-hour period during the declared emergency. Failure to comply with this requirement may subject the employee to disciplinary action, up to and including termination of employment.
- (6) Provisions will be made to give employees sufficient time to prepare their families and protect personal property from hurricane forces and/or flooding conditions. Directors and Supervisors will coordinate work schedules to make reasonable accommodations for family protection.
- (7) County Division Administrators/Department Directors shall submit an internal disaster response plan that compliments the County's Comprehensive Emergency Management Plan to the Department of Emergency Management on an annual basis as directed by Emergency Management. These plans will include provisions for employee communications that meet the requirements of Subsection B(5) above including contingencies for telephone service outages, impassable road conditions, etc.
- (8) Emergency/Disaster Pay Provisions:
  - (a) Emergency/disaster pay provisions will be in effect when any natural, technological or other emergency or disaster requires a state of local emergency declaration by the Board of County Commissioners or Level 2 activation as determined by the Board of County Commissioners, the County Manager, Deputy County Manager or Emergency Services Director.
  - (b) Level 2 activation may be declared when any natural, technological or other emergency or disaster requires a state of local emergency declaration by the Board of County Commissioners, the County Manager, Deputy County Manager or Emergency Services Director. Examples of Level 2 activation include:
    - [1] Emergency Management personnel have activated Emergency Operations Center (EOC) or mobile command outside the regularly scheduled workday.
    - [2] Emergency Support Functions (ESFs) in addition to Emergency Management personnel are working in the EOC or mobile

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command center.

- [3] County Phone Bank (information hotline) has been activated.
- [4] A request by the State Director of Emergency Management and or the Governor to provide support to the State or surrounding counties.

(c) These provisions also apply when Collier County government furnishes manpower to other jurisdictions that participate in the Statewide Mutual Aid Agreement or Emergency Management Assistance Compact

[1] General Pay Provisions: These provisions apply to all employees regardless of their exempt or nonexempt status with exception of the County Manager, Deputy County Manager, Division Administrators, bargaining-unit Fire and EMS personnel or as otherwise stipulated. Overtime rules apply according to the Fair Labor Standards Act (FLSA). Shift differential may apply according to CMA 5341.<sup>1</sup> It is the Division Administrator's responsibility through the Department Director to verify any emergency hours worked and approve all payment.

[a] If County offices are open for normal operations, all employees reassigned to assist in emergency preparedness/response during regular work schedules will be paid at their regular hourly rate. All regular full time and part time employees will receive pay at the rate of time and one-half for each hour worked outside their normal work schedule in direct response to or preparation for a declared emergency regardless whether they have worked 40 regular hours during that week.

[b] If County offices are closed for normal operations, all employees not assigned emergency duties will be compensated for all hours regularly scheduled on the day(s) the County is closed at their straight time hourly rate of pay, including shift differentials, if applicable. Employees must call in/report to work in accordance with Subsection B(5) to qualify for pay. See Subsection B(8)(c)[3], Other Pay Provisions (below), for additional clarification.

[c] If County offices are closed for normal operations, all regular full time and part time employees assigned to work emergency duty assignments in direct response to or preparation for a declared emergency will be paid for any hours worked at the rate of time and one-half. Any scheduled hours an employee does not work will be paid at his/her

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1. Editor's Note: See CMA 5341, Compensation Administration.



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regular straight time rate of pay including shift differentials, if applicable.

- [2] Non-Bargaining Fire employees: If County offices are closed for normal operations and an employee is not assigned to work, the employee will be compensated for all hours regularly scheduled to work on the day(s) the County is closed. Employees must have called in/reported to work and been excused from an emergency duty assignment that day in order to qualify for pay. If County offices are closed for normal operations, and an employee is assigned to work, the employee will be paid for any hours worked at the rate of time and one-half. Any scheduled hours an employee does not work will be paid at his/her regular straight time rate of pay. "Overtime" shall be defined as all hours worked in excess of 159 hours in their designated pay cycle. Hours not physically worked will not be included in calculating overtime.
- [3] Other Pay Provisions:
  - [a] When County operations are closed during a scheduled workday, employees who report to work and are subsequently released by the County Manager (or his designees) will receive pay for the entire scheduled workday.
  - [b] Employees who have submitted and have approved leave slips to take time off (not related to the emergency) prior to the declaration of emergency and are using paid leave time (sick, vacation, etc.) will not receive any additional paid time off and will be paid according to their original leave request. Should it be necessary for an employee to cancel this leave in order to respond, he/she will be compensated based on the criteria outlined above.
  - [c] In the event that County Offices are closed for normal operations, employees who have requested and received approval to take time off to evacuate and/or prepare for a disaster will not be charged hours against their leave account(s). In this case, the employee will be compensated for all hours regularly scheduled to work on the day(s) the County is closed, including shift differentials if applicable.
  - [d] During the period following a declared emergency, emergency pay provisions will apply until clean up or recovery is completed. All full time and part time employees will be paid at the rate of time and one-half for each hour worked over 40 hours during that week.

### C. Emergency organization:

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- (1) The command structure that Collier County will activate for major emergencies is shown in the Basic Plan to the Collier County Comprehensive Emergency Management Plan (CEMP). The command structure consists of two major groups: the Executive/Policy Group and the Advisory/Implementation Group.
- (2) The Executive/Policy Group will be responsible for emergency policy decisions, issuing emergency ordinances and resolutions, authorizing evacuation and reentry of threatened and damaged areas, authorizing the issuance of public information and liaison with various government and municipal elected officials in and around Collier County. It will also be responsible for developing long-range policy directives to guide recovery operations should Collier County receive the direct effects of a hurricane or other disasters. This group will be comprised of the Board of County Commissioners, the Sheriff, the County Manager, the County Attorney, or their designated representatives. The Emergency Management Director will serve as staff liaison to the Executive/Policy Group. Agencies such as other constitutional officers, school officials and federal agencies may be included within the Executive/Policy Group as dictated by the nature of the potential emergency event or indicated by the Comprehensive Emergency Management Plan
- (3) The Advisory/Implementation Group will be responsible for recommending actions the Executive Group may take, and carrying out policy directives or decisions made by the Executive Group. This group is made up of three sections: Operations, Emergency Planning/Analysis, Resource Management /Finance and or other members as noted by the Comprehensive Emergency Management Plan
  - (a) Departments and agencies comprising Operations will be responsible for implementing response and recovery services inherent with the emergency. These services are listed in the next subsection of this policy. The type and level of service needed depends on the magnitude of the emergency and its potential effect on Collier County.
  - (b) The Emergency Planning/Analysis Section will be responsible for collecting, evaluating and distributing information about the emergency. It will maintain information on the emergency's current situation and forecast resource needs to continue emergency response and recovery operations. It will assist in the planning needs of the Operations Section. It will also support efforts addressing hazard mitigation and post disaster redevelopment issues. Technical specialists may be retained to support these responsibilities as needed. The Emergency Management Department will be the primary agency responsible for these tasks with support from other planning agencies as required. The Emergency Planning Analysis Section is responsible for the demobilization process.
  - (c) Although handled through the departments involved in emergency operations or established administrative agencies, the Finance

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Section/function within each division supported by the Office of Management and Budget and Clerk of Court's Finance Department will be responsible for the financial and cost analysis for emergency services. This could include recording personnel and equipment time used, administering financial matters pertaining to vendor contracts, handling injury or claim cases resulting from the emergency, performing cost analysis, and providing cost-saving estimates should conditions warrant.

**D. Emergency responsibilities:**

- (1) Emergency responsibilities for the County division and department offices are listed in the Collier County Comprehensive Emergency Management Plan.
- (2) **Safety Concerns:** Response to major emergency or disaster events may require the use of volunteers. Staff, contractors and volunteers shall receive the appropriate safety briefing commensurate with the task assigned. Care will be taken to ensure that the disaster or emergency related task is affiliated with the routine work skill possessed by the individual. Paid and volunteer personnel are encouraged to maintain a safe work environment and immediately report unsafe conditions to their Supervisor and or the EOC as needed.

**E. Emergency Response:** The Collier County Comprehensive Emergency Management Plan identifies activities to be carried out before and during an emergency by key personnel or agencies. Either posted Time Delineated Schedules (TDS) or Incident Action Plans (IAP) under the Incident Command System will initiate emergency response actions.

**§ 5900-2. Currency.**

The Emergency Management Department is responsible for maintaining the currency of this Instruction.

**§ 5900-3. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: It is the policy of the County to provide the establishment of roles and responsibilities for all agencies under the Board of County Commissioners and the cessation of normal government activities during emergencies.

## CMA # 5902

### WORKPLACE SAFETY AND HEALTH POLICY

§ 5902-1. Purpose.

§ 5902-4. Currency.

§ 5902-2. Background.

§ 5902-5. Reference.

§ 5902-3. Concept.

[Effective Date: October 1, 2003 (Revised: January 1, 2005)]

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#### § 5902-1. Purpose.

The Collier County Workplace Safety and Health Policy is hereby established to enhance the safety of all employees and the general public we serve.

#### § 5902-2. Background.

The Collier County Risk Management Department promotes a written Workplace Safety and Health Program. This Instruction outlines the roles and responsibilities of the organization.

#### § 5902-3. Concept.

Safety policies, programs and procedures are instructional aids to enhance employee awareness of the general or specific work hazards associated with their job functions and to provide mandatory guidelines for safe work practices.

##### A. Safety Policy Statement:

- (1) In accordance with the OSHA Act of 1970, Collier County has chosen to utilize applicable OSHA standards as a guideline to develop the County's safety and health related programs, policies and procedures in an effort to help Collier County government maintain a safe workplace for its employees.
- (2) The County Manager has written a Safety and Health Policy Statement that each new employee of Collier County receives during new hire safety orientation.

##### B. Division Administrator: Assignment of Responsibility. Division Administrators are responsible to assure that:

- (1) Employee safety and health is a top priority and is consistently communicated and reinforced with division staff, giving Risk Management and the Department Safety Coordinators the authority to stop any project that has obvious safety and health hazards.
- (2) Department Directors shall treat employee safety and health as a top priority.
- (3) Each department complies with all Risk Management Safety and Health Programs, Policies and Procedures.

- (4) Disciplinary action procedures are followed when employees display unsafe behavior.
  - (5) Time in division staff meetings is dedicated to division safety and health efforts and conducting accident reviews for any work-related incidents that may have occurred within their division since their last staff meeting.
  - (6) Department Directors utilize Risk Management as a technical advisor to assure they have properly budgeted for safety equipment, training and/or other safety and health related issues.
  - (7) Risk Management is included in all design and pre-contract phases of any construction, remodeling or repair projects within their divisions.
  - (8) Computer workstations are evaluated to assure proper ergonomics are achieved through a quality chair, keyboard tray, proper illumination and proper equipment location.
  - (9) Risk Management is requested to perform workstation evaluations on all existing and new workstations. Risk Management will be consulted when purchasing office furniture such as chairs, keyboard trays, mouse pads, and any other related accessories.
  - (10) Department Directors are held accountable for helping to reduce employee injuries.
  - (11) They lead by example by assuring that they incorporate safe work practices in all their actions including wearing the proper personal protective equipment when required.
  - (12) Division or Department Safety Coordinators, where assigned, coordinate all their efforts through Risk Management to assure all training and documentation is consistent with Collier County's overall safety and health program.
  - (13) Quarterly safety meetings are held with Department Safety Coordinators and Risk Management safety staff.
  - (14) Risk Management is included in the hiring process for any new Safety Coordinator position. This shall include candidate selection, interviewing and approval of department selected candidate.
- C. Risk Management: Assignment of Responsibility. Risk Management, under the Direction of the Director of Risk Management, has the responsibility and authority to:
- (1) Develop and/or approve all safety and health related policies, programs and procedures for every department within each of Collier County's divisions.
  - (2) Oversee and direct the activities of Departmental Safety Coordinators and assure that they are properly trained and follow all written policies and procedures.
  - (3) Direct the implementation of corrective safety measures up to and including the authority to order the cessation of a particular operation and activity when such operation or activity presents a clear or significant threat to life and health; is in

clear violation of OSHA standards; or is in violation of other federal or state safety regulatory standards.

- (4) Direct the implementation of corrective safety measures for operations and activities not included in Subsection C(3) above.
  - (5) Provide recommendations for continuing education courses and professional development conferences for Safety Coordinators to attend.
  - (6) Assure regulatory compliance and provide necessary corrective action recommendations for any safety and health violation. This shall be accomplished following Risk Managements Safety and Health Response Protocols.
  - (7) Establish and audit the Workplace Safety and Health Manuals at each facility within Collier County.
  - (8) Audit and review division and department safety and health programs. This shall be accomplished by conducting in-house audits and inspections as needed and providing recommendations for corrective action, follow-up inspections and updates as needed.
  - (9) Approve all safety and health training to be conducted by outside vendors and/or consultants.
  - (10) Provide training, inspection and accident investigation support to Safety Coordinators, as needed and/or requested.
  - (11) Assign safety and health related projects to Safety Coordinators as deemed necessary by the Safety Manager.
  - (12) Periodically evaluate training sessions conducted by Safety Coordinators to ensure competency and to determine areas of concentration and continuing education needs.
  - (13) Provide feedback to County administration, location management and Departmental Safety Coordinators regarding safety and health performance.
- D. Department Director: Assignment of Responsibility. Department Directors are responsible to assure that:
- (1) Employees' safety and health are top priorities and that this is consistently communicated to their departments.
  - (2) Their departments comply with all Collier County Written Safety and Health Programs, Policies and Procedures.
  - (3) Ensure that projects assigned to Safety Coordinators have been approved by the Safety Manager. This is necessary to maintain the effectiveness of Collier County's overall safety program and prevent coordinators from being bogged down with non-safety-related tasks.

- (4) Each element of the Department Orientation Checklist is covered with new employees and that employees understand and sign-off on the checklist. The checklist is forwarded to Human Resources to be placed in the employee's personnel file within one week.
  - (5) Each new employee and all employees are trained in their specific Emergency Evacuation Procedures and CMA 5201.<sup>1</sup>
  - (6) They communicate with Risk Management regarding any new processes, equipment, and/or job tasks that are added that may involve potential hazards.
  - (7) Department Supervisors have sufficient time and resources to perform their tasks with safety and health as their top priority.
  - (8) Supervisors, with the technical assistance provided by Risk Management and Department Safety Coordinators, develop and review job safety analysis on all job tasks in the department that may cause employee injury.
  - (9) Disciplinary action procedures are followed when employees display unsafe behavior. Any disciplinary action that results from a safety related infraction shall be communicated to Risk Management.
  - (10) Risk Management is used as a technical advisor in the areas of budgeting for safety, safety training, facility design, remodeling or retrofitting and all other safety and health related issues.
  - (11) They lead by example by assuring that they incorporate safe work practices in all their actions including wearing the proper personal protective equipment, when required.
  - (12) All employees are provided the opportunity, via roundtables, suggestion boxes and/or other available other methods, to express safety and health related concerns or complaints and are given the opportunity to help improve safety and health efforts.
  - (13) Risk Management is included in the hiring process for any new Safety Coordinator position. This shall include candidate selection, interviewing and approval of department selected candidate.
- E. Departmental/Division Safety Coordinators/Safety Designees: Assignment of Responsibility. (Applicable to those departments that have established a Safety Coordinator/designee position.)
- (1) Coordinate all safety and health training, written programs and procedure development with Risk Management prior to implementation.
  - (2) Obtain approval from Risk Management prior to bringing in any outside vendors or consultants for any type of safety and health training.

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1. Editor's Note: See CMA 5201, Emergency Building Evacuation Plan.

- (3) Report all accidents or incidents to Risk Management's Safety Manager and/or Safety Engineer immediately.
- (4) Submit copies of original documentation for all safety and health training, accident investigations, corrective actions and all other miscellaneous safety and health related information that would be needed to evaluate a departments safety and health performance. All documentation shall be submitted within one week, unless Risk Management specifies the need for a shorter time frame for submittal.
- (5) Conduct safety and health training, facility inspections, employee PPE assessments and all other safety and health related functions, as prescribed in Collier County's Workplace Safety and Health Programs Manual.
- (6) Assist location Supervisors with monthly department safety meetings, daily walk-through safety inspections, accident investigations and job safety analysis (JSAs) development.
- (7) Submit Significant Activity Reports (SIGACT) on a weekly basis to Risk Management's Safety Engineer and Safety Manager.
- (8) Attend monthly safety team meetings and professional development training with Risk Management.
- (9) Aid Risk Management with the Incident Review Board meetings, as deemed necessary by the Safety Manager.
- (10) Aid Risk Management with any required safety and health training as deemed necessary by the Safety Manager.

F. Supervisors: Assignment of Responsibility. Supervisors are responsible to:

- (1) Promote safety and health awareness through mandatory monthly safety meetings, optional weekly tool-box-talks, and/or specific safety and health training.
- (2) Develop new job safety analysis, as needed, and annually review all Countywide and department specific job safety analysis on all job tasks in the department that may cause employee injury.
- (3) Identify training needs for new employees and schedule completion of this training before allowing new employees to perform safety sensitive job tasks. All safety and health related training, whether completed by Risk Management or not, must be coordinated through Risk Management.
- (4) Assure disciplinary action procedures are followed when employees display unsafe behavior, such as failure to wear personal protective equipment, failure to wear a seat belt in a County vehicle, failure to follow established job safety analysis procedures, or any other unsafe action. Ensure that any disciplinary action is communicated to Risk Management immediately.
- (5) Assure that CMA 5801, Return to Work Practice Following a Work Related Injury/Illness, is followed.



- (6) Assure that a First Report of Injury is completed and received by Risk Management within 24 hours of an employee injury. Assure that the Accident Analysis and Corrective Action and Follow-Up Forms are completed promptly. These forms are available on the Risk Management Web site, in the Department Workplace Safety and Health Programs Manual and from the Risk Management Department.
- G. Employees: Assignment of Responsibility. Employees shall be responsible for:
- (1) Understanding and following all safety and health policies, programs and procedures, as specified in Collier County's Written Safety and Health Programs and/or department and division specific written plans.
  - (2) Reporting all unsafe acts and conditions to their Supervisor immediately.
  - (3) Reporting all injuries/illnesses, property damage and near miss accidents to their Supervisor immediately.
  - (4) Making suggestions to improve safety and health programs or procedures to their Supervisor.
- H. Safety Orientation for New Employees:
- (1) New Hire Safety Orientation: As a part of the Human Resource's new hire processing, Risk Management conducts a safety orientation consisting of general safety and health and hazard communication, driver's safety, better back, workstation ergonomics and behavior based safety modules and hands-on demonstrations to promote an injury free environment. A copy of this policy is also distributed to every new employee during this orientation.
  - (2) Department Specific Safety Orientation: Each department must review the Department Orientation Checklist with new employees. This checklist requires that each employee review and understand the department's site-specific emergency evacuation plan, incident reporting, material safety data sheets and job safety analysis where applicable.
- I. Required Safety and Health Programs and Procedures:
- (1) Collier County uses the Occupational Safety and Health Administration's Code of Federal Regulations as a guide for safety compliance. Collier County shall establish written safety and health programs for specific work practices performed by specific departments. As these programs are revised and/or updated by OSHA, Risk Management will assure that each program is updated and distributed. These programs include but are not limited to:
    - (a) Hazard Communication.
    - (b) Hearing Conservation.
    - (c) Lockout /Tagout.
    - (d) Electrical Safe Work Practices.

- (e) Accident/Incident Reporting.
- (f) Chemical Risk Management Plan.
- (g) Personal Protective Equipment.
- (h) Respiratory Protection.
- (i) Confined Space Entry.
- (j) Housekeeping and Material Storage.
- (k) Welding and Hot Work.
- (l) Machine Safe Guarding.
- (m) Bloodborne Pathogens.
- (n) Chemical Hygiene Plan.
- (o) Powered Pallet Jack Certification.
- (p) Fork-Lift Operator Certification.
- (q) Maintenance of Traffic.
- (r) Excavation/Trenching.
- (s) Fall Protection.
- (t) Job Safety Analysis.

- (2) Since every program listed above cannot be delineated here, this policy clarifies Risk Management's role as the technical advisor and final safety and health authority for each department. All written safety and health plans will be developed and/or approved by Risk Management. Individual departments and/or divisions may develop additional written safety and health plans that are specific to their departments and/or divisions; however, Risk Management must approve these prior to implementation.

J. Safety Response Protocols:

- (1) The Risk Management Department has developed a set of Safety Response Protocols. The purpose of these protocols is to ensure that all actions taken in response to any occupational safety and health hazards and/or violations are standardized throughout the County. These protocols will ensure that corrective action recommendations and responses are conducted in a manner that:
- (a) Maintains the safety and good health of each of our employees;
  - (b) Provides the means for an objective analysis of the hazardous situation;
  - (c) Provides practical and financially feasible options for correction; and

- (d) Weighs all relevant issues.
- (2) The response protocols are governed according to five hazard levels. They are as follows:
  - (a) General Safety and Health: Defined as those everyday items that arise via employee complaints, equipment or process failures, etc.
  - (b) Noncompliance: Defined as a violation of policy, written procedure or program or the failure to submit, file or document information in the specified manner.
  - (c) Potential Hazards: Defined as a hazard that has the potential to develop or immediately exist when a new position is introduced, a new process or procedure is developed; a new piece of equipment is purchased or when a new facility is designed.
  - (d) Imminent Danger: Defined as an existing hazard that currently exposes employees and/or the public to injury, illness and in severe cases, may cause death.
  - (e) IDLH (Immediately Dangerous to Life and/or Health): Defined as a hazard that if not immediately corrected, will cause severe injuries, illnesses and/or death.
- (3) Each hazard level provides for a series of responses based on the hazard/violation present. These responses and associated forms are outlined in Collier County's Safety Response Protocols Written Plan. This plan is available on the Risk Management Web site or by contacting Risk Management's Safety Engineer or Safety Manager. Department Safety Coordinators will also have access to this plan.
- K. Disciplinary Action: Failure to follow any rules, regulations and/or procedures, as outlined within this policy may result in disciplinary action, up to and including discharge. All disciplinary action shall be governed according to CMA 5351.<sup>2</sup>

#### § 5902-4. Currency.

The Risk Management Department is responsible for maintaining the currency of this Instruction.

#### § 5902-5. Reference.

Collier County Personnel Ordinance, Ordinance No. 2001-50: Safety: It is the policy of the County to achieve the greatest practical degree of freedom from accidents and that all employees are provided safe and healthy working conditions.

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2. Editor's Note: See CMA 5351, Discipline.

## CMA # 5903

### SECURITY SCREENING/ADMINISTRATION BUILDING (Employee Version)

§ 5903-1. Purpose.

§ 5903-3. Currency.

§ 5903-2. Concept.

§ 5903-4. Reference.

[Effective Date: February 1, 2006]<sup>1</sup>

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#### § 5903-1. Purpose.

The purpose of this Instruction is to provide a level of security to the visitors and employees of the Administration Building.

#### § 5903-2. Concept.

It is the policy and desire of the County to provide an appropriate level of security for its employees and those conducting business in the Administration Building. Under the authority of the Board of County Commissioners (owners of the building) security screening will be performed as outlined within this Administrative Procedure.

- A. All visitors, employees, guests and others and their belongings, with the exception of those individuals specifically exempted by the County Manager, will be screened by security personnel (either contract or in-house officers). Screening includes but is not limited to: (a) magnetometer (metal detection), (b) x-ray, (c) hand wand, (d) pat downs, or other methods used by professional security personnel to keep weapons and illegal substances out of the building. Security personnel may, at their discretion, utilize alternative screening methods for pregnant women or people with pacemakers. Visitors refusing to be searched/screened will be refused entry into the building. Employees refusing to be searched/screened will be refused entry into the building and subject to discipline as outlined within CMA 5351.<sup>2</sup> Employees will be professional and conduct themselves in a positive manner during these procedures. Weapons, drugs, explosives or any other type of contraband will be turned over to the Sheriff's Office or appropriate authority. Law enforcement officers licensed/certified and employed by a law enforcement agency within the State of Florida and Federal Law enforcement officers are exempt from screening.
- B. The County may provide an executive entrance for those exempted from search/screening. This entrance is limited to those listed in this category. Visitors of these individuals are directed to the visitor/employee screening area and are subject to being searched.

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1. This CMA is an abbreviated version of the full Administrative Procedure. The full procedure is on file in the Facilities Management Department. Both versions are not subject to Florida's Public Records Law.

2. Editor's Note: See CMA 5351, Discipline.

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- C. Employees and visitors shall enter the building through the security/screening area from 7:00 a.m. until 9:00 p.m., Monday through Friday. Only those employees approved by the County Manager, Division Administrator, Department Director, Facilities Management Director or Government Security will be allowed access to the building after these hours or on weekends and holidays (via card access). Those employees needing access after hours should first get approval from their Department Director and forward the request to the Department of Facilities Management, Government Security Section.
- D. All employees are to display their Government IDs when entering the building and display it clearly on their person while in the building. This includes outside of normal business hours. Anyone not properly displaying their credentials (displayed clearly on their person) will be asked to leave by security personnel, those refusing to leave will be escorted out by the Sheriff's Office or security personnel and charged with trespass after warning.
- E. Without the expressed written permission from the County Manager or the Department of Facilities Management, Government Security Section, the following items will not be permitted within the building: knives (over two inches), guns, sharp objects, certain chemicals, brass knuckles, and stun guns. Other items may be added by the Government Security Section as these procedures develop. Prohibited items may be exempted by the Department of Facilities Management, i.e., "tools of the trade", etc. All packages, parcels including mail are subject to x-ray screening and when indicated, may be opened and inspected.
- F. The Department of Facilities Management, Government Security Section will further refine these policies as these procedures develop. Material changes will be executed via an updated CMA.
- G. Security personnel may, from time to time, be authorized by the Director of Government Security to carry firearms consistent with state and local laws and ordinances. Additionally, Security personnel may, secure the services of state or local law enforcement officers and/or the County's security contractor personnel to supplement services provided for this building or other County-owned or leased facilities.
- H. The County Manager or his/her representative may, at their discretion, temporarily, suspend this operation (i.e., hurricanes, power outages, etc.).

**§ 5903-3. Currency.**

The Department of Facilities Management is responsible for maintaining the currency of this Instruction.

**§ 5903-4. Reference.**

Authority is provided by Collier County Board of County Commissioners Ordinance 2006-03.

## Chapter 5904

### RETIREE HEALTH INSURANCE PREMIUM SUBSIDY PROGRAM

§ 5904-1. Purpose.

§ 5904-3. Currency.

§ 5904-2. Concept.

§ 5904-4. Reference.

[Effective Date: April 1, 2006]

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#### § 5904-1. Purpose.

The purpose of this Instruction is to provide for the implementation of a "gap" retirement health insurance subsidy program (also known as the "Retiree Medical Program"). It is the practice of the County to support retiring employees with a health insurance subsidy by rewarding productive service to the County and encouraging the responsible use of sick leave.

#### § 5904-2. Concept.

The Retiree Medical Program consists of two primary components. These components are: 1) the eligibility and premium subsidy component and 2) the Sick Leave Accrual component.

A. Eligibility and Premium Subsidy: The eligibility and premium subsidy component consists of the following major elements: eligibility and premium subsidy.

- (1) Eligibility: In order for an employee to qualify for a premium subsidy under the retiree medical program, the employee must meet the following eligibility criteria:
  - (a) Years of Service: The employee must have 15 years of continuous service with Collier County government. Years of service shall be calculated from the employee's original hire date to their last date of regular employment. If an employee has a break in service greater than 30 days and is rehired, the years of service calculation will begin with the new hire date. Fifteen years shall mean the completion of the 15th year of service. Employees who transfer leave from other constitutional agencies of County government to the County Manager's Agency shall have their years of service recognized as if they had continuously worked for the County Manager's Agency.
  - (b) Minimum Age: The employee must be at least age 55 or older or have 30 years of continuous service, whichever is less. Employees who have 15 years of service and are 55 years of age may take the required FRS reduction for early retirement if applicable (5% reduction per year prior to age 62).
  - (c) Retirement: The employee must retire from Collier County and receive an FRS benefit with no break in time between their last day with Collier County and effective date of their retirement benefit.

- (d) Remaining Accrued Sick Leave: The employee must have at least 60% of their eligible accrued sick leave remaining at the time of retirement as calculated from the beginning date of their continuous length of service. The calculation of accrued sick leave is described below. Remaining accrued sick leave shall only be construed as a method of calculating eligible percentage of premium contribution.
- (2) Premium Subsidy: If an employee meets the eligibility criteria described above; they shall be eligible for a subsidization of the rates in effect for the group health plan at the time of their retirement. The following shall apply:
- (a) The subsidy shall consist of an employer contribution equal to a percentage of premiums based upon the employee's continuous years of service and their remaining accrued sick leave at the completion of their last day of regular employment. The Risk Management Director shall be responsible for the development of a percentage contribution table which shall be used to establish these contribution rates. The table shall be constructed in such a manner that employees with greater length of service and higher accrued sick leave at retirement shall receive a higher premium subsidy. The County Manager may at his/her discretion change the method of subsidy at any time for any reason.
  - (b) The calculation of the retiree's actual subsidy and premium due shall be calculated as of their final date of employment and shall be subject to the eligibility provisions of this Administrative Procedure. Once this calculation is completed, the retiring employee will be notified in writing and shall be given the opportunity to enroll in the program pursuant to the provisions of Florida Statutes, §§ 112.08 and 112.0801, and the provisions of the Collier County Group Health Plan. Premiums shall be due monthly and the first monthly premium shall be due at the time of enrollment.
  - (c) The employee shall be eligible to receive the premium subsidy until such time as:
    - [1] The employee fails to pay their portion of the premium due. Premium notices will not be sent to the retired employee. Premium shall be due on the first day of each month. If payment is not received within 30 days of the due date, coverage may be cancelled. Payment shall be delivered to the Group Insurance Manager or their designee.
    - [2] The employee becomes eligible for coverage under Medicare. At such time, the premium subsidy shall cease.
  - (d) The percentage of premium subsidy shall be tied to the single rate tier of the plan in effect at that time which has the lowest single tier rate. In no instance shall the employer pay more than 100% of the lowest single tier rate. An employee may choose a different plan; however, the differential in cost shall be paid by the employee.

- (e) Eligible employees shall also be permitted to receive the Health Insurance Subsidy from the Florida Retirement System and such subsidy shall not reduce or offset the subsidy provided by the County.
- (f) Health plan rates offered to employees shall offer single; single plus one; and family rates. Retirees may be subject to smoker and nonsmoker rates, if in effect.
- (g) Eligible employees shall be offered those plans offered to regular employees pursuant to Florida Statutes §§ 112.08 and 112.0801.

**B. Sick Leave Accrual and Payout:**

- (1) Active employees who had a minimum of two years of service as of August 2, 1996, had the balance of their sick leave time calculated as outlined below and given a dollar value as of the end of the workday of August 2, 1996. These sick leave hours remained in the balance available for use by each employee, with employees continuing to accrue hours each pay period he/she works.
- (2) The valuation was calculated as follows: Total hours sick leave accrued x percentage (%) allowed upon separation (see chart below) = hours to be paid (subject to 1,040 maximum). Hours to be paid x hourly rate at the time of separation = maximum sick leave payment.

\* Sick Leave Pay Upon Termination

<b>Years of Service</b>	<b>% Paid at Separation</b>
At least 2 years but less than 5 years at the time of separation	20%
At least 5 years but less than 10 years at the time of separation	25%
At least 10 years but less than 15 years at the time of separation	35%
At least 15 years but less than 20 years at the time of separation	40%
More than 20 years at the time of separation	50%

The maximum amount of sick leave hours that may be paid to an employee at termination is 1,040 hours.

- (3) Employees who elect to participate in the Retiree Health Insurance Premium Subsidy Program (effective 10/1/2005) may choose to forego the payout of sick leave time to qualify, or take a reduced payout amount as outlined in this policy, as well as CMA 5360, Leaves of Absence.



## C. General Provisions:

- (1) The Retiree Medical Program may be cancelled at any time with 30 days' notice to covered retired employees.
- (2) Other than cancellation, the Retiree Medical Program may be altered or changed at any time with or without notice.
- (3) Premium rates and rates of percentage contribution are subject to change at any time with or without notice. If possible, reasonable notice will be provided in writing.
- (4) Should a calculation error occur in calculating the percentage of premium contribution, the County may make correction of a percentage contribution calculation given and/or charged to a retiree, however, the recalculation shall apply prospectively from the date the error is discovered forward. A retrospective underpayment or overpayment of premium shall not be charged or credited to either party.
- (5) The types of group health plans offered; their structure; rating; or plan design may be changed at any time. However, in no instance will the plans offered to retirees differ from those offered to regular employees pursuant to Florida Statutes, §§ 112.08 and 112.0801. The County may, at its option, offer an alternative plan to retirees; however, the offer of such a plan, if at all, would be in addition to the plans offered to regular employees and would be considered an additional option.
- (6) The method of calculation of sick leave accrual and remaining sick leave may be altered or changed at any time with or without notice. Such change, however, shall not reduce or increase the percentage contribution calculated at the time of a current benefit recipient's retirement.
- (7) Accrued sick leave shall have no monetary value other than as described in CMA 5360.
- (8) Should an employee become actively employed and receive coverage under another health insurance plan offered through a subsequent employer (the other plan), said other plan shall be considered primary to the County's health plan when determining the order of coverage. Employees who have retiree health coverage provided by a previous employer shall be eligible for this program; however, the coordination of benefits shall require that the prior retiree health plan pay first with the County's plan being secondary.
- (9) This program shall not be construed with the coverage provision requirements of the Consolidated Omnibus Budget Reconciliation Act of 1986, also known as "COBRA." The County does not subsidize the cost of COBRA eligible participation except as required by law.
- (10) Estimates of eligibility and/or premium subsidy made prior to the actual retirement date of an employee shall not be binding upon the County.
- (11) Only employees of the County Manager's agency are eligible for this program.



**CMA # 5905**

**RESTRICTED NETWORK ACCESS AGREEMENT**

**§ 5905-1. Purpose.**

**§ 5905-3. Guidelines.**

**§ 5905-2. Definitions.**

**§ 5905-4. Currency.**

**[Effective Date: April 1, 2006]**

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**§ 5905-1. Purpose.**

The purpose of this form is to document the agreement of Collier County non-employees who have been granted network accounts and permission to access the Collier County Data Network using only County workstations.

**§ 5905-2. Definitions.**

As used in this CMA, the following terms shall have the meanings indicated:

COUNTY DATA NETWORK — Availability restricted to those individuals granted special permission and who can only access the network from County workstations.

COUNTY DATA SERVICES — Unrestricted availability for those individuals using Internet access from any workstation.

**§ 5905-3. Guidelines.**

- A. Access Description. The undersigned user is granted restricted access to the Collier County Data Network resources and applications. Access is limited to only using a Collier County owned and maintained workstation. Access from other workstations is restricted to those services accessible using the Internet.
- B. Agreement Acknowledgement Form.

User's Printed Name:

\_\_\_\_\_

User's Title:

\_\_\_\_\_

User's Telephone Number:

\_\_\_\_\_

User's Office and Location:

\_\_\_\_\_

I have read the Collier County End User Computing Policy, and understand and accept the responsibilities as described therein. I also understand that misuse of County resources will be cause for system privilege revocation, as well as possible criminal or civil penalties as provided by law.

I agree that I have no expectations of privacy with regards to any information entered into or passed through the County's Data Network. Any such information will be subject to Florida's statutes regarding public records unless specifically exempted.

I also agree to promptly report any violations or suspected violations of information security policies to the Information Technology Department.

User Signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

For the Collier County IT Department:

\_\_\_\_\_

Date:

\_\_\_\_\_

**§ 5905-4. Currency.**

The Information Security Manager (ISM) is responsible for maintaining the currency of this document. Contents will be reviewed on an annual basis, or sooner when situations warrant that review and possible changes are necessary.

## CMA # 5906

### AUDIT AND REVIEW

§ 5906-1. Purpose.

§ 5906-3. Guidelines.

§ 5906-2. Definitions.

§ 5906-4. Currency.

[Effective Date: April 1, 2006]

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#### § 5906-1. Purpose.

This policy ensures that periodic checks of the Information Technology Department's systems are performed on a regular and consistent basis. It also provides guidelines to assure that the department routinely meets to evaluate and update the existing information security infrastructure and policies, when situations dictate.

#### § 5906-2. Definitions.

As used in this CMA, the following terms shall have the meanings indicated:

**SECURITY RELEVANT EVENTS** — These events include attempts to guess passwords, attempts to use privileges that have not been authorized, changes to data and financial files, modifications to production application software, modifications to system software, changes to user privileges, activities of privileged users, use of data-altering and other sensitive programs, changes to system or security configurations, and changes to logging subsystems.

**TECHNICAL COMPLIANCE CHECKING** — Activities that involve the examination of operational systems to ensure that hardware and software controls are being correctly implemented.

#### § 5906-3. Guidelines.

A. Technical Compliance Checking:

- (1) Information Security is responsible for performing regular security reviews to verify required controls and audit trails are in place and functioning.
- (2) Collier County IT systems and processing resources must also be checked regularly to ensure compliance with security policy and practice standards. This activity must be performed by an independent third party on at least an annual basis.
- (3) Technical compliance checking requires specialized technical assistance. Checks will be performed manually, supported by appropriate software tools if necessary, by an experienced system engineer, or by an automated software package which generates a technical report with subsequent interpretation by a technical specialist. These checks must only be carried out by, or under the supervision of, competent individuals authorized to perform these functions.

- B. System Audit Control: Audit requirements and activities involving checks on operating systems must be carefully planned and agreed on, to minimize the risk of disruptions to ongoing business processes. The following observations must be made:
- (1) All checks are to be performed under the supervision of the Information Security Manager.
  - (2) Checks must be limited to read-only access to software and data.
  - (3) Access other than read-only will only be permitted for isolated copies of systems files, which will then be erased once the audit is complete.
  - (4) Collier County IT systems and processing resources required performing the checks will be identified and made available.
  - (5) Requirements for special or additional processing must be identified and agreed upon with service providers.
  - (6) All access will be monitored and logged to produce an audit trail.
  - (7) All procedures, requirements and responsibilities will be documented.
- C. System and Application Audit Logs:
- (1) Critical network components will include automated tools to assist the Information Security Manager in verifying the systems' security status. These tools will include mechanisms for detecting and recording commonly encountered security problems.
  - (2) Whenever cost-justifiable, automated tools for handling common security problems will be used on Collier County computers and networks.
  - (3) To the extent that system software permits, computer and communications systems handling sensitive, valuable, or critical Collier County information must securely log all significant security-relevant events.
  - (4) Logs listing computer or communications system security relevant events must be retained for at least three months, or longer if required by law. During this period, logs will be secured so that they cannot be modified, and secured in such a way that only authorized persons can have access to them. These logs are important for error correction, security breach recovery, investigations, and such related efforts.
  - (5) Access to system audit tools, such as software and data files, must be safeguarded to prevent any possible misuse or compromise. These tools must be kept separate from development and operational systems, and not held in tape libraries or user areas unless given an appropriate level of additional protection.
  - (6) Access to security audit logs and records on production systems must be restricted to the appropriate staff members only.

**§ 5906-4. Currency.**

The Information Security Manager (ISM) is responsible for maintaining the currency of this document. Contents will be reviewed on an annual basis or sooner when situations warrant that review and possible changes are necessary.

**TEMPORARY RESIDENTIAL EMPLOYEE/INTERN HOUSING POLICY**

[Effective Date: March 28, 2006; Revised March 31, 2008, September 17, 2010]

**§ 5907-1. Purpose.**

The purpose of this Instruction is to establish guidelines and procedures to make use of unoccupied homes owned by the County.

**§ 5907-2. Concept.**

When available, and in accordance with these procedures, Collier County may use unoccupied County-owned homes to provide temporary residential housing to new employees, existing employees under extenuating circumstances, and interns. This limited benefit is offered to help in recruitment efforts and to provide the County with another option to secure and retain employees.

- A. Temporary residential housing, when available, may be provided to new employees, imbedded contract employees, interns and existing employees under extenuating circumstances. Students working for the County or its imbedded contract employees may also utilize this program at a reduced rate. The County may waive the usage fee for up to 3 days when bringing in a perspective employee for an interview.
- B. The term of use shall be limited to 120 days but may, with case-by-case written approval by the County Manager, be extended to 150 days.
- C. The County Manager must approve temporary residential housing for any existing employee.
- D. Employees or interns may be responsible for any property damage, unless caused by circumstances beyond the control of the user/occupant, and must keep the housing unit clean and orderly at all times. County staff or contractors under contract with the County, at the County's request, may enter the residential unit at anytime for the purposes of inspection, maintenance, and/or repair.
- E. The Department of Facilities Management shall manage the units, including but not limited to: scheduling the occupants, maintenance and repair, pest control, cable, water service, electric service, burglar alarm system, lawn service and janitorial service between occupancy. Additionally, the Department will furnish each unit with appropriate furniture.
- F. Each occupant will enter into a Use Agreement with the County.
- G. The use fee, which includes rent, water service, electric service, lawn service, basic cable and furnishings, is \$20 per day for employees and imbedded contract employees and \$8 per day for interns and students. The use fee shall be paid one month in advance (except for students and interns who will pay at the end of each month) payable to the Board of County Commissioners. Security deposits will not be required. The revenues will be directed to the department owning the unit.





## CMA # 5908

### MEDIA REUSE OR REPLACEMENT POLICY

#### § 5908-1. Purpose.

#### § 5908-3. Guidelines.

#### § 5908-2. Definitions.

#### § 5908-4. Currency.

[Effective: April 1, 2006]

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#### § 5908-1. Purpose.

This policy describes how each area of the IT Department will implement appropriate procedures for managing devices used to store electronic data. The purpose of this policy is to improve Collier County's ability to protect electronically stored data using the various devices and media used by the Collier County IT Department.

#### § 5908-2. Definitions.

As used in this CMA, the following terms shall have the meanings indicated:

**COUNTY ASSETS** — Collier County's electronic information and data, in all its forms, is an asset of Collier County government. Throughout its life cycle, County data must be protected to comply with the policies of the Collier County BCC and meet the requirements of state and federal laws, such as the Health Insurance Portability and Accountability Act (HIPAA).

**ELECTRONIC MEDIA** — This policy and related procedures apply to the hard drives, storage systems, removable disks, floppy drives, CD-ROMs, PCMCIA cards, memory sticks, and all other forms of removable, electronic media and storage devices.

#### § 5908-3. Guidelines.

The Collier County IT Department's Operations Group will develop procedures and controls for protecting data that is electronically stored on devices or media under its control. At a minimum, these procedures will include the following measures:

- A. Prior to destroying or disposing of any storage device or removable media, steps must be taken to ensure that the device or media does not contain electronic protected health information (EPHI).
- B. If the device or media contains the only copy of EPHI required or needed, a retrievable copy of the EPHI must be made prior to disposal.
- C. If the device or media contains EPHI that is no longer required or needed, and is not a unique copy, a data destruction tool must be used to destroy data stored on the device or media prior to disposal. A typical reformat is not sufficient since it does not overwrite the existing data.

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- D. If removable media is used for the purpose of system backups and disaster recovery, and the aforementioned removable media is stored and transported in a secured environment, the use of a data destruction tool is not necessary.
- E. When storage devices and removable media are used to transport EPHI, a procedure must be implemented to track and maintain the movement of these devices and media, and list the individuals responsible for the devices and media during their movement.

**§ 5908-4. Currency.**

The Information Security Manager (ISM) is responsible for maintaining the currency of this document. Contents will be reviewed on an annual basis, or sooner when situations warrant that review and possible changes are necessary.

## CMA # 5909

### HIPAA SECURITY FACILITY ACCESS CONTROL POLICY

#### § 5909-1. Purpose.

#### § 5909-3. Guidelines.

#### § 5909-2. Definitions.

#### § 5909-4. Currency.

[Effective: April 1, 2006]

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#### § 5909-1. Purpose.

This policy ensures that access to facilities containing Electronic Protected Health Information (EPHI) -based systems are appropriately controlled using established and implemented procedures.

#### § 5909-2. Definitions.

As used in this CMA, the following terms shall have the meanings indicated:

**FACILITY SECURITY PLAN** — This plan outlines and documents procedures developed by each business unit, the purpose of which are to safeguard all facilities, systems, and equipment used to store EPHI against unauthorized physical access, tampering, or theft.

#### § 5909-3. Guidelines.

- A. The Facility Security Plan: The Facility Security Plan must include the following components:
- (1) Contingency operations procedures that allow physical facility access during emergencies to support restoration of data under the Disaster Recovery Plan.
  - (2) Access control and validation procedures to control and validate a workforce member's access to facilities based on their role or function.
  - (3) Physical Access Records: Procedures to log physical access to any facility containing medium- and high-risk EPHI-based systems. Examples of facilities requiring physical access records are computer and system rooms.
  - (4) Maintenance records procedures to document and manage repairs and modifications to the physical security components of the facility including locks, doors, and other physical access control hardware.
  - (5) County identification badges that all workforce members must wear at all times when on campus.
  - (6) Physical access control mechanisms must be utilized to control physical access to all facilities containing EPHI-based systems. Code locks, badge readers, and key locks are examples of physical access control mechanisms.

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- (7) Procedures must be established and implemented to control, validate, and document visitor access to any facility used to house EPHI-based systems. This procedure applies to vendors, repair personnel, or other non-workforce members.
  - (8) All visitors requiring access to facilities containing EPHI-based systems must sign in and provide information regarding their identity and the purpose of their visit.
  - (9) All non-employee visitors must be provided a temporary identification badge and be escorted to and from their destination.
- B. Noncompliance. Noncompliance with the conditions stated in this policy will result in immediate disciplinary action, up to and including termination of employment and possible criminal prosecution.

**§ 5909-4. Currency.**

The Information Security Manager(ism) is responsible for maintaining the currency of this document. Contents will be reviewed on an annual basis, or sooner when situations warrant that review and possible changes are necessary.

## **CMA # 5910**

### **EMPLOYEE REFERRAL BONUS**

**§ 5910-1. Purpose.**

**§ 5910-3. Currency.**

**§ 5910-2. Concept.**

**[Effective Date: April 1, 2006 ]**

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**§ 5910-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of an Employee Referral Bonus Program authorized by the County Manager.

**§ 5910-2. Concept.**

It is the practice of the County to attract employees on the basis of their skills, aptitudes, experience, development, performance, potential, and education and training as prescribed in the job description of each job classification. By instituting an Employee Referral Bonus Program, Collier County employees can assist with the recruitment process by encouraging others to apply to County vacancies.

- A. All Collier County employees, with the exception of Human Resources personnel, Administrators, and Directors are eligible to participate in the program.
- B. This offer is not good for any hire made within that employee's chain of command if the referring employee is a member of management. This includes Supervisors, Crew Leaders, senior and lead personnel.
- C. Any employee who refers an outside candidate for one of the qualified positions is eligible to receive a bonus if the candidate is offered, accepts, and begins employment.
- D. Eligibility of vacant positions for this referral program and amount of reward will be determined by Human Resources and listed on a weekly basis in the job postings.
- E. Funding for this program is the responsibility of the individual hiring department.
- F. The referring employee will be asked to fill out the employee referral form (complete with signature and that of the candidate) and submit it to the Human Resources Department along with the candidate's application. If a new hire has been referred by more than one employee, the employee making the earlier referral (based on the date and time it was received by Human Resources) will be entitled to the bonus.
- G. To be eligible, the referring employee must complete required referral forms and forward for processing to the Human Resources Department.
- H. When the referral candidate has been deemed eligible under program rules and is hired by Collier County, the employee referring the candidate will receive 50% of the cash reward upon the candidate's date of hire, with the remaining 50% awarded upon

successful completion of the candidate's six-month probationary period. The employee who referred the candidate must be employed at that time in order to be eligible for the award.

- I. The amount of the bonus will not exceed \$500.
- J. This bonus will be paid through the regular payroll process and will be considered taxable income.
- K. Immediate family referrals, rehires, employees who have been referred by employment agencies, or candidates whose resumes have been entered into our database via any source within the last six months will not qualify as referrals.
- L. This policy is subject to change depending on the availability or demand of qualified candidates.

**§ 5910-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

## **CMA # 5911**

### **INTERNSHIP PROGRAM**

**§ 5911-1. Purpose.**

**§ 5911-3. Currency.**

**§ 5911-2. Concept.**

**§ 5911-4. Reference.**

**[Effective Date: September 1, 2006]**

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**§ 5911-1. Purpose.**

The purpose of this Instruction is to provide for the implementation of an internship program authorized by the County Manager.

**§ 5911-2. Concept.**

It is the practice of the County to attract and retain employees on the basis of their skills, aptitudes, experience, development, performance, potential, and education and training as prescribed in the job description of each job classification. It is the practice of the County to offer equal employment opportunity to all persons without regard to race, creed, color, sex, age, national origin, religion, disability, or marital status. In order to attract future employees and assist in their development, the County is implementing an internship program for college students. The Human Resources Department is responsible for the coordination of all aspects of the employment process, including the selection and assignment of college interns into temporary assignments as provided through the Job Bank process.

**A. Intern Requisitions:**

- (1) Requests for interns shall be made to the Career Development and Training Manager in the Human Resources Department utilizing the Request for Job Bank Intern Form.
- (2) Interns will be chosen from a pool of candidates provided by colleges and universities. If there are no qualified interns in the pool to fill requests, the Career Development and Training Manager in the Human Resources Department will attempt to find qualified students through contacting various colleges and universities.

**B. Application for Internship:**

- (1) Applications/resumes for intern positions will be accepted by the Career Development and Training Manager in the Human Resources Department.
- (2) All applications for any intern position must be made on the County's Internship Application.



- (3) Attached to each employment application will be an Equal Employment Opportunity Information Form. This form will be separated from the employment application and retained in the Human Resources Department.
- C. Screening: An offer may only be extended by the Human Resources Department contingent on an applicant passing all applicable pre- and post-offer screening.
- (1) Reference Checks: References regarding previous employment, academic standing, school records, etc., may be checked by the Human Resources Department on all applicants.
  - (2) Background Checks: Human Resources will conduct background checks for applicants who are being considered for employment. These checks may include, but are not limited to social security check, motor vehicle records, statewide and national criminal background checks, fingerprinting (as outlined in CMA 5390<sup>1</sup>) and educational checks.
  - (3) Knowingly providing fraudulent or false statements on any application or examination may be deemed cause for the exclusion of such application from consideration or for terminating the internship.
  - (4) The Human Resources Department may administer various tests designed to measure a candidate's job skills, aptitude, and potential for successful work performance.
  - (5) Physicals:
    - (a) After a conditional offer is made, applicants for designated positions shall be required to have a preemployment physical prior to their reporting to work. The physical shall be performed and evaluated by the County's designated physician under standards established by the County. The results of the exam will be sent to the Human Resources Department and be certified by the designated health provider.
    - (b) The mandatory physical shall be performed at the site of the County's designated health provider. When deemed appropriate, the individual may be referred to his/her personal physician and/or an outside specialist in lieu of the physical being performed by the designated health provider. This will be at the County's expense.
    - (c) Post-offer drug testing will be coordinated by the Human Resources Department, in accordance with the Drug-Free Workplace Procedure,<sup>2</sup> after a conditional offer of employment is made.

D. Selection:

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1. Editor's Note: See CMA 5390, Fingerprinting/Background Checks.
2. Editor's Note: See CMA 5312, Drug-Free Workplace.

- (1) All selection decisions shall be based on the match of the applicant's coursework and declared degree concentration and prior related experience and/or employment, to the requirements of the respective job assignment.
- (2) The Career Development and Training Manager in the Human Resources Department will screen the applications for minimum requirements and will forward only qualified applicants for interviews.
- (3) Interviews for applicants who meet the minimum requirements, will be coordinated by the Requisitioning Department.
- (4) The Department Manager will not make any job offer or salary offer to any applicant. After the interview has been completed, the interviewer will inform the applicant that all further communication regarding the selection process and the applicant's status will be conducted by the Career Development and Training Manager in the Human Resources Department.
- (5) Prior to the intern's start date, the Department Manager must submit a completed Intern Development Plan and receive approval of such plan from the Human Resources Department. In addition, both the intern and the Department Manager will sign the Intern Program Agreement Form.
- (6) Authorization to pay the intern above the pay range minimum must be approved by the Human Resources Director or designee and the appropriate Division Administrator.

E. Post-Placement:

- (1) After the intern has been placed, the host department will abide by any of the requirements from the respective college or university.
- (2) As per the Development Plan, the intern will be given challenging assignments that will enhance their professional development and supplement their coursework.
- (3) The manager will update the progress on the development plan at the six- and twelve-week points and forward this form to the Career Development and Training Manager in the Human Resources Department.
- (4) The Manager will complete the Performance Feedback Form at the end of the internship period or as needed, and forward this form to the Career Development and Training Manager in the Human Resources Department.
- (5) The intern will complete the intern section of the development plan at the end of the internship period and forward this form to the Career Development and Training Manager in the Human Resources Department.

**§ 5911-3. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

**§ 5911-4. Reference.**

Collier County Personnel Ordinance, Ordinance No. 2001-50: Recruitment and Selection: It is the policy of the County to attract and retain employees on the basis of their skills, aptitudes, experience, development, performance, potential, and education and training as prescribed in the classification specification for each job classification. It is the policy of the County to offer equal employment opportunity to all persons without regard to race, creed, color, sex, age, national origin, religion, disability, or marital status. The Human Resources Department is responsible for the coordination of all aspects of the employment process including recruitment, selection, placement, promotion, transfer, recall of employees, and communication with job applicants.

## CMA # 5912

### TELECOMMUTING

§ 5912-1. Purpose.

§ 5912-2. Concept.

§ 5912-3. Conditions.

§ 5912-4. Eligibility.

§ 5912-5. Procedures.

§ 5912-6. Currency.

**Telecommuting Application**

**Telecommuting Agreement**

**Appendix A, Work Schedule**

**Appendix B, Safety Checklist**

[Effective Date: March 1, 2007]

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#### § 5912-1. Purpose.

The purpose of this Instruction is to establish guidelines and procedures for the implementation of a formalized telecommuting program.

#### § 5912-2. Concept.

- A. Collier County considers telecommuting to be a viable work arrangement in cases where the position, employee, and management are best suited to such an arrangement. Telecommuting allows employees to perform their work duties from an acceptable home office. The benefits of telecommuting include enhanced productivity and morale, greater work/life balance, ability to retain outstanding employees by offering a flexible work schedule, better market position when competing for new talent, and reduced traffic congestion and vehicle miles traveled.
- B. Telecommuting is strictly voluntary. While it is not suitable for all employees in all positions, all employees who meet the specified criteria are eligible. Authorizing a telecommuting arrangement is a management prerogative, not an employee benefit, and it in no way changes the terms or conditions of employment. All departments and divisions are eligible to establish telecommuting programs that meet the criteria established within this Instruction. Managers, Directors, and Administrators are encouraged to support telecommuting opportunities when it is beneficial to do so.
- C. Telecommuting can be informal on a short-term basis. Such arrangements are considered on a case-by-case basis in instances such as completion of a specific project, while on the road during travel, while recuperating from an illness or injury, or while caring for a family member. Department Directors working in conjunction with the Human Resources Department may approve short-term telecommuting, provided that the business needs of the organization are met and measurable tasks are established. These situations are not considered as part of the Telecommuting Program, which is a long-term arrangement, and are not the focus of this Instruction.

**§ 5912-3. Conditions.**

- A. Participation in the formal Telecommuting Program is voluntary and must be mutually agreed upon between the employee and the Department Director. Either party may revoke the agreement at any time. Whenever feasible, 30 days' written notice should be given prior to terminating the program to provide time to make any necessary arrangements.
- B. Each department will identify job classes and positions considered appropriate for telecommuting. Requests will be considered on a case-by-case basis based upon established criteria. Telecommuting is not an employee right.
- C. An official agreement must be signed and executed by all appropriate parties prior to beginning any formal telecommuting arrangement.
- D. Telecommuting does not change the basic terms and conditions of employment.
- E. Telecommuters will be compensated for all pay, leave, holidays, overtime, and travel entitlement as if duties were performed at the office. Overtime will be paid in accordance with FLSA. All overtime hours must be included in a written log and approved in advance.
- F. Telecommuters are required to meet all telecommuting policies, are subject to the same rules and procedures as other employees, and are expected to meet all current performance objectives.
- G. Telecommuting will not adversely affect an employee's eligibility for advancement or any other employee right or benefit.

**§ 5912-4. Eligibility.**

Not every employee or every position is well-suited for telecommuting. Requests for telecommuting arrangements will be considered on an individual basis. All employees with a rating of highly successful or better on their last performance evaluation and who have no disciplinary action within the last six months or pending actions from a behavioral action plan may be considered for telecommuting. With Administrator approval, an employee with a performance rating of Successful may participate in the program. Supervisors, Managers and Directors must consider the following factors when making recommendations or approving telecommuting arrangements:

- A. Employee characteristics:
  - (1) Job knowledge.
  - (2) History of reliability.
  - (3) Motivation and initiative.
  - (4) Ability to work well independently, set priorities, and manage deadlines.
  - (5) Strong organizational skills.

- (6) Availability of suitable home work space.
- B. Position characteristics:
- (1) Amount of face-to-face contact required.
  - (2) Access to required resources (files, records, documents, special equipment).
  - (3) Impact on customer service.
  - (4) Nature of supervision required.
- C. Supervisor/Manager responsibilities:
- (1) Maintain lines of open communication with telecommuter(s).
  - (2) Establish measurable goals and articulate home work plans.
  - (3) Ensure adequate in-office staffing to maintain customer service levels.
  - (4) Ensure telecommuting arrangements do not negatively impact in-office workers.
  - (5) Evenly distribute workloads and tasks.
  - (6) Evaluate and review telecommuting arrangements to ensure goals are met.

**§ 5912-5. Procedures.**

- A. Application Process. Employees interested in participating in the telecommuting program should first contact their Supervisor to discuss the feasibility of such an arrangement and then submit an application for telecommuting through their Supervisor to the Department Director. Directors will consider the eligibility criteria, employee characteristics and position characteristics as they relate to the potential for success in the program, the needs of the business unit, the availability of required equipment and supplies, and any other appropriate factors in approving or denying an application for telecommuting. Approval may be contingent upon a three- to six-month trial period. The decision of the Director is final.
- B. Rules of Operation:
- (1) Telecommuting will not begin until a fully executed Telecommuting Agreement<sup>1</sup> is in effect, the original of which will be filed in the Human Resources Department with copies provided to the department and the employee.
  - (2) Telecommuters must be accessible by telephone and must remain within their home work space during the hours agreed upon with their Supervisors (with the exception of lunch, breaks, meetings, etc.).
  - (3) Telecommuting employees must be available to report to the office worksite during regular working hours at the request of a Supervisor.

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1. Editor's Note: The Telecommuting Agreement is included at the end of this CMA.

- (4) Telecommuting is not a substitute for child or dependent care. Arrangements must be made for such care during working hours.
- (5) Restricted access materials cannot be taken out of the office or accessed through the computer unless approved in advance by a Supervisor. All privacy policies must be adhered to when telecommuting.
- (6) Telecommuters will not conduct face-to-face business at their home offices.
- (7) Telecommuters will not conduct personal business during work hours or use County equipment for personal use.
- (8) Telecommuting agreements will be limited to no more than three days during a regular work week unless approved by the Division Administrator (or County Manager in the case of Executive Directors) and included as part of the signed Telecommuting Agreement and Appendix A, Work Schedule.<sup>2</sup>
- (9) Employees entering into telecommuting agreements may be required to forfeit use of a personal office or workstation in favor of a shared arrangement to maximize organizational office needs.
- (10) All equipment requested for a telecommuting agreement must be approved in advance by the Department Director.
- (11) If equipment or connectivity is temporarily unavailable, the employee and Supervisor will determine whether the employee must report to the office until the situation is corrected or can continue to work productively without access to these resources.
- (12) Either the employee or the employer can terminate the telecommuting agreement with written notice at any time.
- (13) Failure to comply with rules of employment, instructions and guidelines governing the telecommuting program, or terms of the Telecommuting Agreement may result in immediate cessation of the telecommuting arrangement.

C. Work Hours/Schedules:

- (1) The number of days to be worked from home and work hours will be agreed upon in advance and contained within the approved Telecommuting Agreement. Employees will make arrangements with their Supervisors for an appropriate method for recording hours worked, time off, and overtime worked. Overtime must be approved in advance.
- (2) Any changes to work days or work hours or requests for time off will be approved in advance by the employee's Supervisor. Supervisors retain the right to make periodic changes or adjustments (permanent or temporary) to work hours as dictated by business needs and telecommuters may be called to the office site for meetings, assignments, or special projects at the discretion of the Supervisor.

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2. Editor's Note: The Telecommuting Agreement and Appendix A are included at the end of this CMA.

- D. In-Office Requirement/Communication: Telecommuters are required work in their office at least twice weekly unless otherwise authorized. Supervisors of telecommuting employees will ensure announcements and important information is communicated to employees at their home offices. E-mail is strongly encouraged for this purpose. Telecommuters will check for office mail, inter-office mail, and new assignments and will ensure they are kept current on any issues pertinent to their jobs or their employment when they are in the office.
- E. Evaluation Process: Prior to commencing a telecommuting program, Supervisors and telecommuters will review and agree upon expectations, outcomes, work plans, and KRAs. Performance evaluation criteria for telecommuters will be the same as for those working from the office; however, since monitoring performance measures may be more complex for telecommuters, Department Directors may choose to conduct formal or informal performance reviews at intervals more frequent than the required annual review. If a trial period is imposed, a performance review will be conducted at the end of the trial period to determine whether the telecommuting agreement should be continued. This review must be in writing and include specific, measurable goals; however, the format may be customized to the employee/position if the established performance evaluation instrument does not meet the Supervisor's needs.
- F. Supplies and Reimbursements: Telecommuters will receive office supplies through the same channels as on-site office workers. No reimbursements will be authorized for personal use of supplies or equipment or for purchases made outside established procurement procedures. Telecommuters who need to make long distance or toll telephone calls as part of their business day will make arrangements to do so using remote access to the County's telephone system (contact the IT Department) or by deferring such activity to an in-office work day. No reimbursement will be made for travel between the home and office worksite. Any authorized mileage reimbursements will be made in accordance with the same procedures and regulations as for employees who work solely from an office work site.
- G. Home Office/Safety: Employees will establish an appropriate work environment within their home for work purposes. The County will not be responsible for any costs associated with the initial setup or upkeep of the home office, but may be consulted for ergonomics or safety advice. The home work space must be free of safety and fire hazards. A Safety Checklist will be provided and approved telecommuters are required to certify compliance with the checklist in writing. Workers' Compensation may apply to injuries that occur in the designated home worksite if directly job related and reported in a manner consistent with County procedures. The County is not responsible for injury to family members, visitors, or others in the telecommuter's home.
- H. Equipment: Telecommuters and their Supervisors will jointly determine the equipment required to meet their performance objectives from the home office. The IT Department can assist in determining the appropriate equipment required. Approval or commencement of a telecommuting agreement may be contingent upon availability of such equipment. Departments are not required to supply equipment they would not otherwise purchase for the sole purpose of supporting a telecommuting arrangement. Employees are encouraged not to use personal equipment at the home office for business



use and the County will not be responsible for any wear and tear, repairs, or damage incurred if they do so.

- (1) County equipment in the home office may not be used for personal business or by anyone other than a County employee.
- (2) For security purposes, access to the County's computer network (other than e-mail) is restricted to County-owned computer equipment with Virtual Private Network (VPN) software installed by the IT Department.
- (3) All procedures and guidelines in force for in-office hardware and software usage and security apply to the home office.
- (4) For performance purposes, the use of high-speed or broadband internet access is strongly recommended when accessing County networks through VPN software. Collier County will not provide or reimburse for this service.
- (5) Laptop computers are considered the most advantageous for telecommuters due to their ease of operation and portability. All IT approved laptop models are available with docking stations.
- (6) The IT Department does not provide in-home setup, repair, or troubleshooting services. Vendors are on contract to provide these services when necessary and preapproved by the employee's Supervisor and will be direct billed to the department.
- (7) The IT Service Desk is available to assist telecommuters and, if possible, provide services by remote access. Some repairs and/or maintenance may require that the equipment be brought into the office. When this occurs, IT will attempt to provide a loaner or replacement when possible.
- (8) Collier County does not provide or support wireless service (or required equipment) in employees' homes; however, to the extent reasonable, the Help Line will assist with home wireless setup and troubleshooting.
- (9) The County will not provide fax machines, copy machines, or telephone equipment in home offices; however, a department may choose to provide a computer printer that provides some of these options. Additionally, employees are encouraged to work with the IT Department to explore the use of Softphone and e-mail faxing capabilities.
- (10) Employees will immediately report loss, theft, or damage to County-owned equipment to their Supervisors.

I. Required Forms:<sup>3</sup>

- (1) Telecommuting Application.
- (2) Telecommuting Agreement.

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3. Editor's Note: The forms are included at the end of this CMA.

- (3) Appendix A, Work Schedule.
- (4) Appendix B, Safety Checklist.

**§ 5912-6. Currency.**

The Human Resources Department is responsible for keeping this Instruction current.

TELECOMMUTING

CMA 5912 Attachment 1



Telecommuting  
Application

Employee Name \_\_\_\_\_ Job Title \_\_\_\_\_  
Department \_\_\_\_\_ Home Address \_\_\_\_\_  
Office Location \_\_\_\_\_  
Office Phone \_\_\_\_\_ Home Phone \_\_\_\_\_  
Supervisor's Name \_\_\_\_\_ Miles from office to home \_\_\_\_\_

1. Briefly describe your current job duties: *(Use additional sheets if necessary)*

2. Rate each of the following job characteristics according to your current job requirements.

	Frequently	Occasionally	Rarely
1. Controlled work schedule	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Receive clear and understandable work assignment objectives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Work independently	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Concentration required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Work with PC or computer terminal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Use of copier, fax and other office equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Face to face contact with customers/clients	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Face to face contact with co-workers/supervisors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. In-office reference material required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Describe how your current job duties will be adapted to telecommuting.

**OFFICE OF COUNTY MANAGER ADMINISTRATIVE PROCEDURE**

4. Describe how telecommuting will assist you in meeting your work objectives.

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5. Proposed telecommuting schedule: *(Employees may work from home no more than 3 days per week)*

In Office                      Days                      Su M T W Th F Sa  
    Hours                      From: \_\_\_\_\_ To: \_\_\_\_\_

At Home                      Days                      Su M T W Th F Sa  
    Hours                      From: \_\_\_\_\_ To: \_\_\_\_\_

6. Which of your duties do you propose to perform at the home office?

--

7. Describe the workspace in your home that you intend to dedicate to performing your work.

--

\_\_\_\_\_

Employee's Signature

\_\_\_\_\_

Date

**Supervisor's Comments:**

NOT TRUE    1    2    3    4    5    COMPLETELY TRUE

RATING

1. Position tasks do not require daily observation	
2. Position tasks require minimal supervision	
3. Position requires minimal interaction with public	
4. Position is minimally dependent on hard copy or restricted access resources	
5. Position requires minimal face to face interaction with co-workers	
6. It is relatively easy to establish definable quality and quantity performance measurements	
7. Position requires minimal administrative support	
8. Position requires considerable computer usage	
9. Job tasks are predictable	

## TELECOMMUTING

PAGE 3 OF 3	
10. Position handles minimal proprietary information	
11. Equipment is available without creating fiscal hardship on department	
12. Employee meets all eligibility criteria	
13. Employee is well established and self-motivated	
14. Employee requires minimal supervision	
15. Employee has a high degree of work knowledge	
16. Employee is well organized and has strong time management skills	
17. Employee demonstrates a high level of productivity	

_____ Immediate Supervisor	_____ Date	Approved <input type="checkbox"/>	Denied <input type="checkbox"/>
_____ Unit/Section Manager	_____ Date	<input type="checkbox"/>	<input type="checkbox"/>
_____ Department Head	_____ Date	<input type="checkbox"/>	<input type="checkbox"/>
_____ Division Administrator	_____ Date	<input type="checkbox"/>	<input type="checkbox"/>
_____ Human Resources Department	_____ Date		

**Notice: A Telecommuting Agreement must be signed and executed by all appropriated parties before the telecommuting arrangement becomes official. The signed Agreement will be filed in the employee's official personnel file (HR) with copies provided to the department and the employee.**

TELECOMMUTING

CMA 5912 Attachment 2



TELECOMMUTING AGREEMENT

This agreement is designed to outline the main components of an employee’s individual telecommuting arrangement. It will be completed and retained on file for all employees participating in Collier County’s Telecommuting Program. It is not an employment contract. Continued employment with Collier County is contingent upon individual merit, business conditions, and the discretion of management.

1. This agreement is between \_\_\_\_\_ (employee) and \_\_\_\_\_ (Department Head) in regard to a telecommuting work arrangement that includes work schedule, equipment and other details.
2. Telecommuting will commence on \_\_\_\_\_(day/date) and will continue until terminated by the employee or the Department Head. The employee will telecommute in accordance with Appendix A, Work Schedule, which may be adjusted or changed by mutual agreement. The remote work location will be:

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

3. All material and equipment issued to the employee for the performance of the job are considered the property of Collier County and must be secured and protected from loss, theft or damage to the extent reasonable. Any hardware or software purchased by Collier County remain the property of Collier County and will be returned at the conclusion of the telecommuting arrangement. County equipment and supplies at the home location will not be used for personal purposes. A list of all assigned equipment with model and serial numbers will be included as Appendix C, Equipment List.
4. Telecommuters will establish an appropriate work environment within their home for work purposes. The home work space must be free of safety and fire hazards. Appendix B, Safety Checklist, must be signed certifying compliance and will become part of this agreement.

Telecommuting Agreement

1. I have read and understand the Telecommuting Instruction and its appendices and I agree to its duties, obligation, responsibilities, and conditions for telecommuting as noted in that instruction (in addition to my normal job duties, obligations, and responsibilities of my current positions).

## OFFICE OF COUNTY MANAGER ADMINISTRATIVE PROCEDURE

2. I understand that entering into a telecommuting arrangement is voluntary and that I may request to stop telecommuting at any time.
3. I understand that the department may at any time change any or all of the conditions under which I am permitted to telecommute or withdraw permission to telecommute entirely.
4. I agree that I am responsible for establishing specific scheduled telecommuting work hours and ensuring that all specifications in all appendices remain satisfied throughout the term of the telecommuting arrangement.
5. I agree to seek supervisory approval in advance for any changes in my work hours or work days and to request leave or make satisfactory arrangements to meet my scheduled work hours.
6. I understand that all County policies, practices, and procedures remain in effect for me whether I am telecommuting or working at my official worksite.
7. I agree to participate in any additional evaluation activities that may be undertaken as part of the telecommuting arrangement.
8. I agree to keep my Supervisor informed of my progress on assignments worked from my home worksite. I also agree to immediately notify my Supervisor of any problems which I may experience while telecommuting.
9. I agree to structure my time to ensure my attendance at all required meetings and department events as designated by my Supervisor and that I am subject to recall to the official worksite at any time.
10. I understand and accept the special responsibility I have as a telecommuter to facilitate communication with any clients and/or colleagues impacted by my telecommuting. I further agree to make a special effort to stay current on departmental events that occur on my telecommuting days.

If Applicable:

11. I confirm that I have made adequate day-care arrangements (through a paid provider or other equivalent situation) to ensure that I can fully devote my attention to my work and meet all requirements of the Telecommuting Program during agreed upon work hours.

TELECOMMUTING

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Immediate Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Unit/Section Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
Date

\_\_\_\_\_  
Division Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Human Resources Department

\_\_\_\_\_  
Date

ORIGINAL: HUMAN RESOURCES

COPIES:     EMPLOYEE     SUPERVISOR     DEPARTMENT     RISK MANAGEMENT     IT



TELECOMMUTING

CMA 5912 Attachment 3



APPENDIX A  
WORK SCHEDULE

Name: \_\_\_\_\_ Department: \_\_\_\_\_

The approved work schedule for the above-mention employee is:

Sunday \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m. \_\_\_\_\_ min. lunch \_\_\_\_\_ Total = \_\_\_\_\_ hrs.

Monday \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m. \_\_\_\_\_ min. lunch \_\_\_\_\_ Total = \_\_\_\_\_ hrs.

Tuesday \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m. \_\_\_\_\_ min. lunch \_\_\_\_\_ Total = \_\_\_\_\_ hrs.

Wednesday \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m. \_\_\_\_\_ min. lunch \_\_\_\_\_ Total = \_\_\_\_\_ hrs.

Thursday \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m. \_\_\_\_\_ min. lunch \_\_\_\_\_ Total = \_\_\_\_\_ hrs.

Friday \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m. \_\_\_\_\_ min. lunch \_\_\_\_\_ Total = \_\_\_\_\_ hrs.

Saturday \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m. \_\_\_\_\_ min. lunch \_\_\_\_\_ Total = \_\_\_\_\_ hrs.

Weekly Total = \_\_\_\_\_ hrs.

Any changes to the approved schedule must be made in advance and approved by a Supervisor. When changes are permanent, a new schedule will be prepared, signed, and attached to the approved Telecommuting Agreement.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Immediate Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
Date

## TELECOMMUTING

*CMA 5912 Attachment 4*



## APPENDIX B SAFETY CHECKLIST

This checklist is for use by the telecommuter in assessing the adequacy of the home office environment. The success of the telecommuting arrangement depends on a realistic assessment of the workspace, and the ability of the employee to successfully complete their work in this environment. If the workspace is not adequate, the Telecommuting Agreement will not work. The telecommuter will need to assess the home office space to ensure that the space is adequate, safe and hazard free.

Please read, check and sign the following checklist.

<b>Criterion</b>	<b>Adequate</b>	<b>Inadequate</b>
The space is adequately ventilated.		
The space is reasonably quiet and free of distractions.		
The stairs with 4 or more steps are equipped with handrails.		
All circuit breakers and/or fuses in the electrical panel are labeled as to the intended service.		
The circuit breakers clearly indicate they are in open or closed position.		
All electrical equipment is free of recognized hazards that would cause physical harm (e.g., frayed wires, bare conductors, loose wires, flexible wires running through walls, exposed wires fixed to the ceiling).		
File cabinets and storage closets are arranged so drawers and doors do not open into walkways.		
Electrical outlets have three-pronged grounding.		
The computer equipment is connected to a surge protector.		
Aisles, doorways, and corners are free of obstructions to permit movement.		
The space is not overcrowded with furniture.		
The phone lines, electrical cords, and extension wires are secured under a desk or alongside baseboard.		

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Criterion	Adequate	Inadequate
The floor surfaces are clean, dry, level, and free of worn or frayed seams.		
A fire extinguisher is in the home and is easily accessible from the office space.		
There is a working smoke detector visible from the workspace.		
Carpets are well secured to the floor and are free of frayed or worn seams.		

I have reviewed each of the above criteria and have personally inspected the workspace that I will be using for telecommuting purposes. By my signature below I represent that the workspace meets the safety requirements of the Telecommuting Agreement.

Location Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_

Employee Job Title \_\_\_\_\_

**VOLUNTEER PROGRAM**

[Effective Date: May 1, 2009]

**§ 5913-1. Purpose.**

The purpose of this Instruction is to provide guidelines for the utilization of volunteers to provide services to Collier County Government and to the Collier County Community. It is the intent of Collier County Government to ensure due diligence is used in the background screening of Volunteers and to ensure adherence to the related Statutes, Ordinances and CMAs in the utilization of Volunteers.

**§ 5913-2. Concept.**

It is the practice of the County to utilize volunteers on the basis of their interests, skills, aptitudes and experience as those skills can assist the County to service the needs of its citizens and visitors. It is the practice of the County to offer volunteer opportunities to all persons without regard to race, creed, color, sex, age, national origin, religion, handicap, or marital status. Volunteer assistance is for the purpose of extending citizen services beyond what is provided for in the operational budget. Volunteers should never replace paid staff, nor will paid staff be asked to perform work that is part of their current job descriptions on a non-paid voluntary basis. Volunteers will be expected to perform in cooperation with the organization's staff and comply with organization guidelines at all times. Volunteers shall be designated as either a regular service volunteer, an occasional volunteer or as a junior volunteer.

**§ 5913-3. Directive.**

The respective Department Director will ensure that the stipulations of all applicable statutes, ordinances and County Manager CMAs are followed in the utilization of volunteer services. This includes, but is not limited to Chapter 125, Florida Statutes, CMAs: 5204, *Fleet Management System*, 5311.1, *Standards of Conduct*, 5805, *Eligibility to Drive County Vehicles*, 5390 *Fingerprinting/Background Checks* and 5385, *Recruitment and Selection*.

**Definitions:**

**Regular Service Volunteer**

An individual who is engaged in specific voluntary service activities on an on-going or continual basis is classified as a "Regular Service" volunteer. This includes repeat seasonal volunteers.

**Requirements:**

- ❖ must be a minimum of 18 years of age
- ❖ complete a Volunteer Application
- ❖ pass any required background checks as indicated by the respective assignment
- ❖ attend Volunteer Orientation
- ❖ serve a minimum of 2 hours for each day he/she is scheduled
- ❖ may not be scheduled for more than 38 service hours a week

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- ❖ must submit a time log to his/her supervisor or designee at minimum on a monthly basis

### **Occasional Service Volunteer**

Occasional Service Volunteers provide a one-time or short-term service.

#### ***Requirements:***

- ❖ must be a minimum of 18 years of age
- ❖ register intent to participate prior to each event
- ❖ pass any requested background checks as requested based on the nature of the assignment
- ❖ time-log should be submitted to the assigned supervisor on the next business day following an event
- ❖ Clubs or groups assisting with special events or short-term projects, should complete a group participation roster as their time log form

### **Junior Volunteers**

Junior volunteers may provide community service in conjunction with obtaining school credit, to meet requirements for scholarships or grants, to gain service experience or due to personal desire.

#### ***Requirements:***

- ❖ must be a minimum of 12 years of age up to 18 years of age
- ❖ submit written parental or legal guardian permission
- ❖ register their intent to serve with the respective department
- ❖ meet any requirements as requested based on the nature of the assignment
- ❖ time log should be submitted to his/her supervisor at a minimum on a monthly basis
- ❖ Junior Clubs or groups assisting with special events or short-term projects, should complete the Group Participation Roster as their Time Log form

#### A. Volunteer Assignments:

- (1) **For all regular and junior volunteer assignments,** The Department is required to:
  - a. Submit a short description and assignment title of all current volunteer assignments to the Human Resources Department within 30 calendar days of the effective date of this CMA.
  - b. Indicate any background screens that are required for the assignment.
- (2) A listing of the names of all regular and junior volunteers must be submitted to Human Resources within 30 days of the effective date of this CMA. Volunteers accepted after the effective date of this CMA will be required to complete the approved application form and pass all required

background screens.

- (3) Requests for additional categories of regular and junior volunteer assignments shall be made to Employment Operations in the Human Resources Department utilizing the Volunteer Request Form. Both the respective Department and Human Resources will indicate the background screens that are necessary for the assignment, based on the location and duties associated to the assignment.
- (4) Employee Operations will post regular and junior Volunteer Opportunities in the same manner as that for regular employment opportunities. Occasional volunteer assignments may also be posted within each Department.
- (5) During a local emergency declaration by the Board of County Commissioners and/or a Level 2 emergency activation, the formalities of requisitioning, screening and selecting of volunteers as stated in this CMA, may be abbreviated by mutual approval of the Director of the Bureau of Emergency Services and the Director of Human Resources in order to respond to the emergency in a timely fashion.

B. Volunteer Applications:

- (1) Applications for volunteer positions must be completed on the County's Volunteer Application form. These should be completed on-line whenever possible. Paper applications may be accepted as necessary. Paper applications should be retained by the Department Volunteer Coordinator, if applicable, or the Human Resources Department.

C. Screening/Selection:

- (1) All selection decisions shall be based on the match of the volunteer's qualifications to the requirements of the assignment.
- (2) Interviews for volunteers, who meet the assignment requirements, will be coordinated by the Requisitioning Department.
- (3) Volunteer candidates for assignments requiring background screenings must not be informed that they have been selected as a volunteer until all necessary backgrounds checks and screenings have been completed and reviewed by the Department Director, or the Human Resources Director or their designee, whichever is applicable as indicated on the assignment description and/or on the Volunteer Request Form. These checks may include, but are not limited to social security check, department of motor vehicle records, statewide and national criminal background checks, fingerprinting (as outlined in CMA 5390<sup>1</sup>) and educational checks. The Requisitioning Department will be responsible for the costs associated with these background checks.

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1. Editor's Note: See CMA 5390, Fingerprinting/Background Checks.

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- (4) Volunteers should never be guaranteed future permanent employment. They are not entitled to internal preference for hiring.
- (5) No person who has a conflict of interest or a perceived conflict of interest with any activity or program of the agency, whether personal, philosophical, or financial shall be accepted or serve as a volunteer with the agency.
- (6) Knowingly providing fraudulent or false statements on any application or examination may be deemed cause for the exclusion of such application from consideration and/or for excusing the volunteer from service.
- (7) Physicals:
  - (a) Volunteers may be required to have a physical exam prior to the commencement of his/her service. The physical exam shall be performed and evaluated by the County's designated physician under standards established by the County. The results of the exam will be sent to the Human Resources Department and be certified by the designated healthcare provider.
  - (b) The mandatory physical shall be performed at the site of the County's designated health provider. When deemed appropriate, the individual may be referred to his/her personal physician and/or an outside specialist in lieu of the physical exam being performed by the designated healthcare provider. This will be at the volunteer's expense.
  - (c) Required drug testing will be coordinated by the Human Resources Department, in accordance with the Drug-Free Workplace Procedure<sup>2</sup>, after a conditional offer of volunteer service is made.

### § 5913-5. Volunteer Management.

- A. Volunteers must perform assignments within the rules set by the respective Department Director. Volunteers may be excused from service if work rules are not followed.
- B. The volunteer must comply with the intent of the Collier County CMAs, including CMA 5311.1, *Standards of Conduct*. Failure to do so may result in being excused from volunteer service.
- C. The Department Director must ensure that the volunteer is adequately trained to carry out his/her assigned functions. The Department Director is responsible for the proper execution of all tasks performed in his/her department by volunteers. The volunteer must be given copies of any additional departmental guidelines used in managing volunteer services.

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2. Editor's Note: See CMA 5312, Drug-Free Workplace.

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- D. The service hours of each volunteer must be tracked and reported on an annual fiscal year basis to the Department Volunteer Coordinator, if applicable, and the Risk Management Department.
- E. Any performance issues should be discussed with the volunteer and documented on a Volunteer Staff Conference Report. These reports are public records, and should be forwarded to the Department Volunteer Coordinator, if applicable, or to the Human Resources Department if the department does not have a Volunteer Coordinator.
- F. It is recommended that all regular service volunteers have an annual review, which should be documented on the Volunteer Annual Review form. These forms should be forwarded to the Department Volunteer Coordinator or to the Human Resources Department, if the department does not have a Volunteer Coordinator.

### **§ 5913-6. Volunteer Recognition.**

Directors should provide for the recognition of volunteers who have offered continuous and outstanding service, as per Title X Chapter 110 Part IV and Title XI Chapter 125 Part VI, Florida Statutes. Such recognition may be in the form of framed certificates, plaques, or other tokens of recognition to honor, reward, or encourage volunteers for their service.

### **§ 5913-7. Volunteer Benefits.**

- A. Volunteers are entitled to such benefits as described in Chapter 125, *Florida Statutes*.
- B. Volunteers are covered by Workers' Compensation as referenced in Chapter 440, *Florida Statutes*.

### **§ 5913-8. Currency.**

The Human Resources Department is responsible for maintaining the currency of this Instruction.

### **§ 5913-8. Reference.**

Chapter 125, *Florida Statutes*, Collier County Personnel Ordinance, Ordinance No. 2001-50 and CMAs: 5204, *Fleet Management System*, 5311.1, *Standards of Conduct*, 5805, *Eligibility to Drive County vehicles*, 5390 *Fingerprinting/Background Checks* and 5385, *Recruitment and Selection*.