



COLLIER COUNTY MANAGER'S OFFICE

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Dear County Team Members,

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 each practice.

This is a very significant document and 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, associated 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.

Practices which are issued are the directives of the County Manager's Agency and respective Departments/Divisions responsible for maintaining the CMAs. When updates are approved, they will be posted on the Human Resources SharePoint site as well as externally under the "Employees" section of the colliercountyfl.gov site. I urge you to read the practices carefully as well as 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 Division. Adherence to these practices is expected in the execution of your daily duties. You will be asked to attest through the County's Learning Management System, Collier University, your understanding that you are responsible to comply with all Collier County Administrative Practices and Procedures, as they exist now or as they may be amended in the future. That confirmation will become part of your official learning transcript.

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

Thank you for your dedication to public service.

Amy Patterson
County Manager

CMA # 1000

ADMINISTRATIVE PROCEDURE; ESTABLISHMENT OF

[Effective Date: February 20, 1996 (Revised: June 10, 1999; Revised: October 1, 2001; Revised: October 1, 2003; Revised: September 1, 2017)]

§ 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-Departmental 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 Division 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; Revised: September 25, 2013; Revised September 1, 2017)]

§ 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, Department, and Division organization charts submitted by the Department Heads and approved by the County Manager or his/her representative. Approval signatures must appear on all charts included in the Code.

The County Manager Agency is structured as follows:

- (1) The Department is the principal senior management and administrative unit under the County Administrator/Manager. A department is headed by a "Department Head".
- (2) For their internal structure, all Departments shall adhere to the following standard terms:
 - a. The principal unit of the Department is the "Division". Each Division is headed by a "Director" or "Chief".
 - b. Divisions can be organized into subunits as a Director or Chief sees fit. These subunits can be headed by an "Assistant Division Director", a "Manager", "Supervisor", "Division Chief", "Battalion Chief", "Captain", "Coordinator", "Crew Leader", "Program Leader", or their equivalents.
- (3) Division Directors who have a function relative to the operation of the entire County Manager's Agency may report directly to the County Administrator/Manager, as he/she deems appropriate.

§ 1001-3. Index.

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

§ 1001-4. Currency.

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

CMA # 1002

STAFF INTERFACE WITH INDIVIDUAL BOARD MEMBERS

[Effective Date: September 16, 1996 (Revised: October 1, 2001; Revised: October 1, 2003; Revised September 1, 2017)]

§ 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 Department Head 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.

CMA # 1200

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; September 1, 2017)]

§ 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 Division of Communication and Customer Relations. The Division 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 Department Public Information Coordinator (PIC).
 - (1) Routine Media Inquiries/Interviews: For general information involving verified, non-controversial, non-policy matters, Department and Division 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 Department PIC to keep the Department Administrator informed of all relevant media inquiries. In turn, Department PICs will regularly update the Communication and Customer Relations Director about media contacts. When contacted by a member of the news media, all Collier County employees should notify their Department PIC before conducting an

MEDIA AND PUBLIC RELATIONS; COORDINATION OF

interview or answering a reporter's questions. If circumstances make it impractical to notify the Department PIC ahead of time, then the employee should notify the Department PIC of the inquiry and response as soon as possible following the interview. If a Department PIC is unavailable, the employee should notify the Communication and Customer Relations Division.

- (2) Controversial or Emergency Media Inquiries/Interviews: Department PICs should immediately notify the Division Director - 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 Division for review before dissemination to the news media. It will be the responsibility of the Communication and Customer Relations Division 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 Department Head or Division Directors. All news releases issued by the County will be considered of general importance and, as such, all news media will be treated equitably. Department PICs may distribute news releases through appropriate channels.
- (2) Division newsletters produced for external audiences shall be submitted to the Division 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, Department Heads, Division Directors or Department PICs. All correspondence will be approved by the County Manager's Office through the Communication and Customer Relations Division before submission to the news media.

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

§ 1200-5. Currency.

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

CMA # 5200

POSTING OF NOTICES AND SIGNS; PROCEDURES FOR

[Effective Date: February 26, 1996 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: September 1, 2017)]

§ 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 Facilities Management Division. 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 Department Head is so assigned.

§ 5200-5. Currency.

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

EMERGENCY BUILDING EVACUATION PLAN

[Effective Date: September 20, 1996 (Revised: November 21, 2000; Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 1, 2005; Revised September 1, 2017; Revised: January 24, 2019)]

§ 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 Division Specific Emergency Plan that will include a floor plan with evacuation routes and other important information described within this document. A listing of current division 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 Division 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 Division 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 Division. The Division 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 Division Orientation Checklist, annual reviews with all employees, and a review if any revisions are made is the Division 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.
- B. Developing and Submitting an Emergency Plan for Each Facility: Each division will establish a Division Specific Emergency Plan that will serve as a current evacuation plan. The Emergency Plan will be kept current by the assigned division 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,

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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 division'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 divisions and departments, management will need to coordinate to complete their Emergency Plan.
- (2) A list of each division'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 division's evacuation meeting place.
- (5) A current listing of all division representatives and alternates. Each division should have ample employees assigned as division representatives to assure one is present during an evacuation. The Division Director is responsible to assure the job duties of the division representative are communicated to each assigned division representative as outlined in § 5201-3C of this Instruction. Risk Management will provide technical assistance with training for division representatives upon request.
- (6) A roll call sheet to be utilized during the evacuation process with confirmation of which division representatives and alternates will be responsible for assuring that the roll call roster will be initiated.
- (7) Each Division 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 Division 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 division's management. Risk Management may audit documentation at any time.

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- (8) Specific procedures to follow to activate its alarm system or shut down operations, this information should be included in its Emergency Plan.
- C. Division Representative's Protocol for Emergency Evacuations: Division representatives must be established within each facility to complete this plan. Division 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 division representatives and their alternates are expected to carry duties listed below:
- (1) Management and division representatives are responsible for assuring that a current listing of their division representatives is maintained and submitted as an Emergency Plan to complete this program.
 - (2) Management and division representatives must ensure that all division representatives and their alternates are physically capable of performing the duties prescribed in this protocol.
 - (3) Management and division representatives must review and document the review of the duties described below at least annually with all division representatives and their alternates.
 - (4) Division representatives must ensure that their respective area is totally evacuated to its assigned assembly area.
 - (5) Division 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 division representatives' responsibility. Division representatives shall also maintain an orange vest to wear during the evacuation, so they are recognizable by local emergency providers and Facilities Management.
 - (6) Division 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) Division 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/division to collect information from the division 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 252-8380. 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,

EMERGENCY BUILDING EVACUATION PLAN

notify Facilities Management at 252-8380. 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 252-8380. Notify those around you, pull the fire alarm if possible and evacuate immediately.

Bomb Threat Checklist Card:

- (1) The International Association of Bomb Technicians and Investigators supplies this card. Information on obtaining a Bomb Threat Checklist Card can be provided by Facilities Management.
- (2) Management must assure that each employee with a telephone who receives incoming calls has this card posted by his/her phone. Division 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 to ensure the information you are recording is clear. The recipient should calmly ask as many questions as possible listed on the Bomb Threat Checklist Card.

Actions Taken After Receiving a Bomb Threat:

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

Facilities Management will notify the necessary parties which many include but not limited to.:

County Manager's Office

Department Heads:

Public Services

Public Utilities

Administrative Services

Growth Management

Emergency Services

Sheriff's Office

Fire Department

EMS

Emergency Management

Risk Management

- (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. Division 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

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switches, computers, fax machines, etc. Do not touch light switches when entering a room. Flashlights will be utilized during the search.

- (3) 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 division representatives rather than by using the fire alarm. All division representatives must be notified to follow their established protocol to lead their division's evacuation.
- (4) Division representatives and all building occupants should ensure that their respective areas are totally evacuated.
- (5) 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.
- (6) 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 division 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.
- (7) Any employees dealing with customers or come in contact with customer(s) during the evacuation should direct them to their facility's customer meeting area established within their specific plan.
- (8) Once evacuated, the division representatives will utilize their established roll call roster to assure that all employees who were present in the facility have evacuated.
- (9) After each division has completed its roll call, the division representative will report his/her findings and confirmation of evacuation to the Command Center. The local emergency responders will establish the Command Center.

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 if applicable. A fire extinguisher should only be used by trained personnel.
- (3) Upon the alarm or notice to evacuate, each division 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.

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- (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 come 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 division representatives will utilize their established roll call to assure that all employees who were present in the facility have evacuated.
- (8) After each division has completed its roll call, the division representative will report his/her findings and confirmation of evacuation to the Command Center.
- (9) 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 division 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 division representative and all employees should be aware of making visual inspections while exiting the facility during a bomb threat evacuation.
- (2) Division 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. Division representatives may accompany the search team and provide a map of their facility if needed.

EMERGENCY BUILDING EVACUATION PLAN

- (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) Anything unusual, such as personnel out of place, should be reported to the division representative who will relay the information to the Command Center. The Command Center area is for designated personnel, Facilities Management and local emergency providers. Facilities Management will contact law enforcement.
- (5) 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.
- (6) 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.
- (7) All employees and customers will leave any facility during any evacuation for emergency reasons, leaving only the necessary emergency response personnel at the scene.
- (8) 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 division 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.

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; Revised: September 1, 2017; Revised: February 1, 2019)]

§ 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 formally accept an annual agreement.

§ 5202-4. Directive.

Each employee must acknowledge and accept the Annual County Driver Agreement within 30 days of hire and then each January thereafter in order to drive County vehicles. The Human Resources Division will maintain a record of compliance.

§ 5202-5. Enforcement.

Division 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 Division 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 _____

**DRIVE
SAFELY**

Forward original signed agreement to Human Resources

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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 September 1, 2017, Revised August 7, 2019)]

§ 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 Division 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 Division 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 divisions and entities using vehicles, equipment, or maintenance services under the jurisdiction of the County Manager shall observe the following practices 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 Department Heads or Division 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 divisions 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 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:

FLEET MANAGEMENT SYSTEM

- (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 Division. The Fleet Management Division Director shall maintain a current listing of approved Class A assignments for public record and for on-call review by the County Manager, Department Heads and Division Directors. Department Heads 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 division operating requirements. Employees assigned 24-hour vehicles must be available and respond during the on-call period. Class B assignments are approved by the Department Head. 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 Division. 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, Department Heads, and Division Directors. Department Heads shall periodically review Class B assignments to ensure continuing requirements for the on-call vehicle assignments. Class B assignments are tracked at the Division 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 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:

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[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 Department Heads or Division Directors under the following criteria:

[1] When required in conjunction with authorized County business travel.

[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.

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(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]. Department Heads and Division 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 Department Heads and Division Directors. Department Heads shall review the report and take necessary corrective actions for under-utilized vehicles. Actions might include reassignment within the Department, rotation within the Division 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 Division 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.
 - (c) Fleet loaner vehicles.
- (4) Private Vehicle Use: Each employee who is required by his/her supervisor 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:

- (1) Operator Responsibilities: The following are considered operator responsibilities that shall be enforced by Department Heads and Division Directors:
- (a) Maintaining a current and valid Florida Driver's License or Commercial Driver's License as required.
 - (b) Conducting periodic vehicle inspections including the following
 - (1) Verify daily a current insurance card, vehicle registration, and Vehicle Operator's Handbook are in the vehicle;
 - (2) Check fluid levels once a week, and more often when the vehicle is under stressful use;
 - (3) Check lighting systems for proper operation daily;

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- (4) Check tire condition daily before use;
 - (5) Check tire pressure weekly;
 - (6) Check for body damage and vandalism any time the vehicle has been parked and unattended for any extended period of time;
 - (7) Make daily pre-trip adjustments to mirrors, seats, and head restraints.
- (c) Obeying all state and local traffic laws. Reporting all traffic citations while driving a County vehicle to his/her supervisor as soon as practical but always by the next business day.
- (d) Abiding by established County driver operating responsibilities as stated in the current Vehicle Operator's Handbook.
- (e) Following operating procedures in the manufacturer's operator manual.
- (f) Operating vehicles in a safe and courteous manner that reflects favorably on Collier County Government.
- (g) 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).
- (h) Not allowing passengers to ride in the cargo beds of trucks or in any area not equipped with seat belts.
- (i) 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.
- (j) Using a vehicle or piece of equipment only for its intended purposes within the operating limitations established by the manufacturer.
- (k) Securing the vehicle and County equipment when the vehicle is parked unattended.
- (l) Keeping the vehicle clean, neat, and presentable.
- (m) Limiting engine idle time to a maximum of three (3) minutes when the vehicle is stationary with the driver and occupants out of the vehicle unless required to power vehicle accessories, lighting, or other operating requirements such as preserving specimens or protecting caged animals.
- (n) Consent to the Annual County Driver Agreement each January in accordance with CMA 5202.
- (2) Smoking in County vehicles is prohibited.

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- (3) Cell phone use is prohibited while driving a County vehicle unless a hands-free device is being used. All new vehicles purchased by the County within the last four years have hands-free capabilities. If a cell phone is being used for GPS directions, the phone should be placed in a holder, not in the hands of the driver while driving. Some discretion is given to emergency responders with policies established by the Bureau of Emergency Services Director.
- (4) For safety reasons, computer hands-on operation while driving is prohibited.

D. Vehicle Maintenance and Repair:

- (1) Fleet Management: The Fleet Management Division 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 maintenance and repair shall be administered through the Fleet Management Division. Fleet Management shall bill the owning/using divisions 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. Department Heads and Division Directors shall ensure that Fleet Management Intra-Governmental Charges (IGC's) are reviewed, approved and forwarded to Finance (or Fleet Management notified of discrepancies) within five working days of receipt.
- (3) Sublet or External Contractor Maintenance and Repair: The Fleet Management Division 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 Division 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. Fleet Management will send each division and

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user organization a monthly list of vehicles and equipment scheduled for preventive maintenance services during that month. Department Heads, Division 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 and 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 from Motor Pool Capital Funds: The Fleet Management Director shall send each Department Head and Division Director, during each budget cycle, a list of vehicles and equipment scheduled for replacement the following year from the Motor Pool Capital Funds maintained by the Fleet Management Division. Replacement criteria will be based on vehicle/equipment age, mileage or hours, operational costs, utilization, downtime, and salvage value so that County ownership of vehicles and equipment is efficiently optimized. Department Heads and Division Directors shall notify the Fleet Management Director if any exceptions should be made to the vehicles and equipment replacement list provided by Fleet Management. The final vehicle/equipment replacement listing will be budgeted in the appropriate Motor Pool Capital Funds by the Fleet Management Director.
- (2) Expanded Vehicle and Equipment Requirements: Expanded vehicle and equipment requirements will be justified by new or expanded operating requirements. Divisions with expanded vehicle/heavy equipment requirements shall coordinate specifications and cost data with Fleet Management and budget accordingly. After budget approval, expanded vehicle and heavy equipment funds will be transferred to the appropriate Motor Pool Capital Fund for Fleet Management acquisition processes. Those expanded vehicles and heavy equipment items when received will remain part of the capital funds for future replacement.
- (3) Vehicle/Equipment Replacement and Expanded Requirements not covered by Motor Pool Capital Funds: Budgeting for replacement of vehicles/equipment or for expanded vehicles/equipment not covered by Motor Pool Capital Funds shall be the responsibility of owning Departments and Divisions. Fleet Management will advise and assist Divisions as necessary in determining replacement criteria and projected costs. Not included in the Motor Pool Capital Funds are the Cat Transit and Para-Transit Bus Systems, the Airport Authority, Coastal Zone Management, Pelican Bay Services, County Redevelopment Agencies (CRA's), any organization funded by grant or Tourism monies, and vehicles belonging to elected officials other than the Board of County Commissioners.
- (4) Vehicle and Equipment Purchasing Procedures: All pertinent County purchasing policies and procedures shall be followed when purchasing vehicles and equipment.

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- a) Motor Vehicles: Purchase of expanded or replacement automobiles, vans, and light/medium/heavy trucks shall be executed by the Fleet Management Director through the current County Fleet Bid, State Contract, other governmental bid, approved buying consortium, 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 coordinate all specifications with the responsible Division before ordering any vehicle. Divisions or offices not covered by the Motor Pool Capital Funds requesting purchase orders for motor vehicles shall forward the requisition number to the Fleet Management Director. When the purchase order is release by Procurement, the Fleet Management Division Director shall order the vehicle(s) from the designated dealer.
 - b) Heavy Equipment Covered by Motor Pool Capital Funds: Purchase of heavy equipment covered by Motor Pool Capital Funds shall be executed by the Fleet Management Director through State contracts, Florida Sheriff's Association/Florida Association of Counties Equipment Contract, other governmental bids, approved buying consortiums, or formal bid/quotation process. Fleet Management will assist organizations not under the Motor Pool Capital Funds with developing the specifications, performing the bid process, and ordering and receiving the equipment. The Fleet Management Director shall coordinate all specifications with the responsible Division before ordering any equipment item.
 - c) Other Equipment Purchases: Purchase of other equipment shall be through the formal bid process or through other governmental bids. Fleet Management shall assist divisions with bid specifications, and with bid and procurement processes. Bid specifications 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 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. All costs associated with vehicle and equipment preparation will be billed to the responsible Division.
 - 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] Assigning a County asset number and completing a Capital Asset Acquisition Form;
 - [3] Issuing a fuel key and fuel cards as necessary;

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- [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 Office of County Manager 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 Procurement Services Division with identification and necessary relocation of auction vehicles and equipment.
- (6) Capital Assets and Non-Assets Request Form: This form is found in the County forms network file under Finance and Fleet Forms. It must be completed and signed by the affected equipment custodian when a vehicle or piece of capital equipment (\$1,000 or more) is acquired, disposed of, stolen, 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 capital 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 appropriate operating Division Director or directly to the Finance Capital Assets Office when Capital Recovery Fund assets are involved. 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 for maintenance purposes.

F. Fuel Operations:

- (1) Responsibilities: The Fleet Management Division is responsible for most fueling operations under the purview of the Board of County Commissioners. The exceptions are fuel operations conducted by the Airport Authority, on-site equipment refueling, and marine fueling by the Parks & Recreation Division. 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 at Fleet Management refueling sites, and maintain all Fleet Management fuel tanks and refueling equipment in safe and proper operating condition and according to

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federal, state, and local environmental regulations and laws. Department Heads and Division 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 Division.

- (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. A white personal fuel key is issued to each employee required to use the fueling system. A red bulk fuel key must be approved by the Division Director for issue to an individual within his/her division to dispense fuel into secondary tanks or containers. Both the white personal key and the black or red key are required to dispense fuel. Department Heads and Division 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 or red bulk fuel keys with other employees. Employees shall report lost keys to Fleet Management immediately. White personal and red bulk 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 Division will maintain accounts and issue commercial fuel credit cards for emergency fuel requirements, for travel outside Collier County, and when travel to County refueling sites is not practical or economical.
- (4) Fuel Spills: All fuel spills will be reported to the Fleet Management Division as soon as possible after the occurrence or discovery. The Fleet Management Division will coordinate with the County Solid and Hazardous Waste Management Division for clean-up actions and regulatory reporting requirements. Divisions causing fuel spills shall assist Fleet Management with clean-up operations.

§ 5204-5. Currency.

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

CMA 5205

AMERICANS WITH DISABILITIES/SERVICE ANIMALS

[Effective Date: March 20, 2001 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: September 1, 2017; Revised: January 31, 2019)]

§ 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 qualifying disabilities. 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. All divisions are encouraged to review these training aids annually.

§ 5205-3. Currency.

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

COUNTY VEHICLE COLORS, LOGOS AND GRAPHICS

[Effective Date: October 1, 2003; (Revised: September 1, 2017; Revised February 1, 2019)]

§ 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 Department Head 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 Division shall place this logo on the doors of all County vehicles with the following exceptions:
 - (1) Emergency vehicles.
 - (2) Other vehicles as designated by the County Manager.
- C. Other Graphics: Department Heads may approve division 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 Division will acquire and install the lettering approved by the Department Heads. 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 Division Director is responsible for maintaining the currency of this Instruction.

SANCTIONS FOR FAILURE TO COMPLY WITH HIPAA POLICIES

[Effective Date: January 1, 2005 (Revised: September 1, 2017)]

§ 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.

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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 divisions 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

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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.

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- 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 Divisions 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

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- 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 Division Director who will, in conjunction with the Human Resources Division, 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 Practices and Procedures. 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

SANCTIONS FOR FAILURE TO COMPLY WITH HIPAA POLICIES

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:

SANCTIONS FOR FAILURE TO COMPLY WITH HIPAA POLICIES

- (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 Division is responsible for maintaining the currency of this Instruction.

FACILITIES ACCESS MANAGEMENT PROCEDURE

[Effective Date: April 27, 2022]

§ 5208-1. Purpose.

The purpose of this Instruction is to provide for the implementation of a facilities access management procedure that maintains a safe and orderly environment on County-owned, controlled, and leased property ("Facility Areas") which is conducive to the designated use of the areas within such County property and to the efficient rendering of public services.

§ 5208-2. Concept.

Signage and process shall be standardized so that members of public and employees can readily determine which Facility Areas may be accessed by the public.

§ 5208-3. Background.

The County Manager is authorized to manage public access to enclosed County-owned, controlled, and leased property. In the performance of such responsibilities, the County Manager has identified four types of Facility Areas:

- A. Areas primarily intended for the exclusive use of County employees in the conduct of their business.
- B. Areas primarily intended for the use of County employees in the conduct of their business, that may from time to time be utilized for the convening of a public meeting. These areas require employee escort.
- C. Limited areas which may be open to the public while engaging in legitimate County business with County officers or employees. These areas may require employee escort.
- D. Areas primarily intended for the convening of public meetings. These areas are only accessible to members of the public when a public meeting is being conducted pursuant to a public notice.

§ 5208-4. Directive.

Administrators and Directors shall determine the appropriate levels of access to areas within Facility Areas. Facilities Management will post prominent signs at each access point as set forth in *CMA #5200, Procedures for Posting of Notices and Signs*.

Staff shall contact security or law enforcement, as appropriate, when a person is in an unauthorized area and that person refuses to leave the premises upon request. Staff shall be courteous and professional in all dealings and for safety reasons should await security and law enforcement response.

§ 5208-5. Currency.

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

FACILITIES ACCESS MANAGEMENT PROCEDURE

April 2022

Frequently Asked Questions and Answers:

1. Q: Why is the Facility Access Management Procedure needed?

The procedure is necessary to maintain a safe and orderly environment on County-owned, controlled, and leased property which is conducive to the designated use of the areas within such County property and to the efficient rendering of public services.

2. Q: What is County-owned, controlled, and leased property for purposes of the procedure?

All enclosed local government facilities occupied by staff employed by the Board of County Commissioners, Sheriff, Clerk, Tax Collector, Property Appraiser, and Supervisor of Elections.

3. Q: How will the public know which areas may be accessed?

Signs will be posted on premises designating restricted and partially restricted areas.

4. Q: How was it determined which areas are designating restricted and partially restricted areas?

There are certain areas which are intended primarily for the use of County employees in the conduct of their business; there are certain areas which, while primarily intended for the use of County employees in the conduct of their business, may from time to time be utilized for the convening of public meetings; there are certain limited areas which may be open to the public while engaging in legitimate business with County officers or employees; and there may be certain areas which are primarily intended for the convening of public meetings.

5. Q: May members of the public access Board of County Commissioner chamber and conference rooms 24/7 since public meetings are routinely held there?

No, these areas declared to be nonpublic forums *unless or until a public meeting is convened in such areas pursuant to public notice.*

6. Q: May members of the public access all County employee work areas?

All County employee work areas which are designated by appropriate signage as work areas shall be considered as nonpublic areas. Members of the public are prohibited from entering County employee work areas without being escorted by a County employee.

7. Q: What happens if a member of the public is in an area not designated or otherwise allowed public access?

FACILITIES ACCESS MANAGEMENT PROCEDURE

April 2022

The member of the public will be requested to leave and if such request is refused the Collier County Sheriff's Office may be contacted and enforcement action taken, as appropriate. Employees should not confront members of the public not authorized to be in restricted or partially restricted areas.

8. Q: Which enclosed areas, if at all, may members of the public video record?

Except within the Board Chambers, conference rooms, and other locations in which a public meeting is being conducted pursuant to a public notice, recording video and/or sound within County-owned, controlled, and leased property, without the consent of all persons whose voice or image is being recorded is not allowed.

9. Q: How should County employees respond to questions or requests from members of the public that are video recording in restricted, partially restricted, or unrestricted public access?

Staff may disengage from people who are video recording. Staff should be courteous and professional and should avoid confrontation. If filming occurs in an area not otherwise designated or allowed public access, the member of the public will be requested to leave and if such request is refused the Collier County Sheriff's Office may be contacted and enforcement action taken, as appropriate.

10. Q: Does this Facilities Management Access Procedure prevent members of the public from obtaining public records?

No, public records will continue to be provided as required by Section 119, Florida Statutes and *CMA 5313, Public Records Request Management Procedures*. Staff should be courteous and professional and should avoid confrontation.

Additionally, in addition to in person requests, staff may direct members of the public to PublicRecordRequest@colliercountyfl.gov, or by calling 311 and making the request during normal business hours.

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; Revised June 7, 2016]**

§ 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) Capri style pants.
- (5) Foot wear should meet all department required safety, hygiene, professional and customer service standards.

- B. The following restrictions will apply:

- (1) Safety considerations and protective dress will not be compromised.
- (2) Clothing in poor repair, that is transparent, mesh or see-through, or that contains inflammatory, suggestive or inappropriate writing, advertisement or artwork shall not be worn.
- (3) This privilege is not extended to the personal staff or management offices of the County Manager, to the immediate offices of the Department Heads, or to uniformed paramedics, firefighters, and security and enforcement personnel.

- C. Division Directors have the right to establish more stringent guidelines, as they deem appropriate to include but not be limited to visible piercings and body jewelry and visible tattoos. Additionally, Directors may offer alternate dress standards that are appropriate based on assigned job functions.

- D. Should an employee report to work projecting an image deemed inappropriate to the work environment by the supervisor and/or Human Resources, the employee may be asked to leave and not return until properly dressed. Employees will be charged time from their own leave account to cover their absence when required to leave the workplace to change attire.

- E. Year Round Business Casual Dress: Business Casual Dress is allowed each payday Friday.

- F. Seasonal Business Casual Dress: Business Casual Dress is allowed daily between Memorial Day and October 31 to include blue jeans and/or blue denim.

CMA # 5300

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

§ 5300-3. Currency.

The Human Resources Division 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.

VACATION SELL BACK PROGRAM 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); Revised: September 1, 2017]

§ 5301-1. Purpose.

The purpose of this Instruction is to provide procedures for a Vacation Sell Back Option.

§ 5301-2. Concept.

When recommended by the County Manager, and approved in the County budget, the sell back program allows employees the option up to twice in each calendar year to "sell back" to the County hours of vacation earned in the same calendar year at 100% of their rate of pay on the date they receive payment. The Vacation Sell Back Program will have an enrollment period in the previous tax/calendar year during which an employee must elect to participate; this will be the only opportunity to exercise the vacation sell back option. All regular full- and part-time employees who are active during the enrollment period may participate. Utilizing the Vacation Sell Back Program 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 election to sell back vacation accruals for the following tax year must be made during the election window provided. All elections to sell back vacation leave become final once the election/enrollment period closes. Elections are irrevocable; once the selection is valid an employee may not void, increase or decrease their selection.
- B. Employees may elect to receive their sell back accrued vacation hours up to twice in a calendar year; the second pay date in June and/or the second pay date in November.
- C. Employee can sell back only hours which will be accrued during the year of the sell back.
- D. Once an employee designates the number of hours and the date(s) on which they wish to receive payment for the Vacation Sell Back Program, starting with the first pay day of the calendar year, the Vacation leave an employee earns will be placed in a separate leave bank for payout on the date or dates they have selected. Vacation will continue to be set aside until the employee has contributed the full amount indicated for the sell back, at which time, additional accruals will be reflected in the regular Vacation bank.

The guidelines for participation will be transmitted to employees each year the program has been approved for implementation.

§ 5301-5. Currency.

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

VACATION SELL BACK PROGRAM PROCEDURES

§ 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.

ADA (AMERICANS WITH DISABILITIES ACT)

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised September 1, 2017; Revised: April 30, 2018)]

§ 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.

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- (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 of employment.
- (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 submitting a hiring selection.
- (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. Divisions 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 division shall notify Human Resources.
- (3) There are specific pre-employment and interview questions that cannot be asked to comply with ADA. Divisions 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

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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 Division representatives, 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 Division will assist divisions 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 for current employees. 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 correct and 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 Department Head.

§ 5305-3. Currency.

The Human Resources Division 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.

ADMINISTRATIVE PROVISIONS

[Effective Date: April 9, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised September 1, 2017)]

§ 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 Division Directors and Department Heads, 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

ADMINISTRATIVE PROVISIONS

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 Division 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."

AIDS/CATASTROPHIC ILLNESS IN THE WORKPLACE

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised September 1, 2017)]

§ 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. An HIV-infected employee 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 him/herself 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 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.

AIDS/CATASTROPHIC ILLNESS IN THE WORKPLACE

- 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 Division 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.

APPEARANCE AND PERSONAL HYGIENE

[Effective Date: May 21, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised September 1, 2017)]

§ 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.

§ 5309-3. Currency.

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

APPEARANCE AND PERSONAL HYGIENE

§ 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 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; Revised August 7, 2019)]

§ 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.

Nothing in this CMA supersedes the provisions of Florida Statute 125.0104 pertaining to travel for Tourism employees. All such travel will be completed at the most economical and reasonable cost, and established County and/or State contracts will be used whenever possible.

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. Lodging and Meal Allowance:

- (1) Lodging: Actual cost of lodging (single or double occupancy) as outlined under www.gsa.gov for the locale; or the full cost for lodging (single or double occupancy) at the designated seminar or conference destination.
- (2) Meal Allowance: The meal allowance rate shall be determined by finding the city or county on the prevailing Federal Travel Regulations (Per Diem) listing found at www.gsa.gov and applying the Meals and Incidental Expense Breakdown in accordance with the criteria 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.
 - (a) First and Last Day/Single Day Travel

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Breakfast: when travel begins before 6:00 a.m. and extends beyond 8:00 a.m.: per prevailing federal rate for locale.

Lunch: when travel begins before 12:00 noon and extends beyond 2:00 p.m.: per prevailing federal rate for locale.

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.

- (b) 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.
- (c) Actual meal costs will be reimbursed for any employee who must follow a medically prescribed diet.
- (d) Travel not requiring an overnight stay is eligible for meal allowance in accordance with (a) above.

B. Approval of Travel and Travel Expenses:

- (1) All out of County travel that must be pre-approved by the designated representative and authorized in writing on the appropriate travel request and/or voucher for reimbursement form.

Requests From	Designated Representative
Department Head/Deputy Department Head	County Manager or his/her designee
Division Director	Department Head or Deputy Department Head
Positions below Division Director	Division/Executive Director or Chief
Any staff member for Out of State travel, travel exceeding five (5) days, or costing \$1,000 or more.	Division Director <u>AND</u> Department Head or Deputy Department Head

- (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.)*
- (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 the County's "Voucher for Reimbursement of Travel Expenses" shall constitute certification that the travel

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was properly authorized and approved by the designated representative.

(c) Original forms or scanned documents must be submitted to Finance.

- (4) Use of Travel Consolidators (ex: Expedia, Orbitz, Travelocity, hotels.com, etc.) is acceptable provided this option is the best value to the County. Care must be taken that existing County and/or State contracts are not violated in using the consolidator option.
- (5) Trip Cancellation/Flight insurance, to reimburse the County for pre-paid, non-refundable expenses in the event of cancellation due to an unforeseen emergency, may be purchased and reimbursed, with pre-approval of the designated representative.

C. 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 Division 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.

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

E. 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 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) Reasonable efforts should be made to obtain an available County-owned vehicle prior to authorization of private vehicle use for County business. Department Heads and/or Division Directors may waive the requirement to utilize County-owned transportation in cases where they have authorized personal vehicle usage in advance, due to business considerations.
- F. 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.
- G. 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.
- H. 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 for no more than 3 bags in any combination of carry-on or checked. Reasonable airline seat reservation fees for coach seats.

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- (6) Parking fees.
- (7) Mileage for approved use of private vehicle (maximum one round trip to airport).
- (8) Rental car cost, including tax, mileage and administrative fees if paid, and excluding upgraded features such as GPS and satellite radio. Use of rental car company-supplied gasoline/fuel services or acceptance and payment for rental car company insurance coverage will be reimbursed, with pre-approval of the designated representative. Vehicles rented under state contract include insurance coverage and no additional insurance should be purchased.
- (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, including, but not limited to, seat reservation charges, extra leg room or early boarding charges, with pre-approval of the designated representative.

I. Reporting Expenditure:

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

J. Administrative Hardship:

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

K. 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.

L. 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

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reviewed and approved by the employee's Supervisor.

M. 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 Division 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 AND ANTI-FRAUD

[Effective Date: May 4, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: May 1, 2009; Revised: May 11, 2010; Revised: June 3, 2016; Revised: March 27, 2019)]

§ 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 as well as an Anti-Fraud Procedure.

§ 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 from time to time 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 Department Head 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. Violations 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.

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- G. No County employee shall solicit a contribution for another person for a gift to a Supervisor, 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 fundraising 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.

Anti-Fraud Procedure: The County Manager's Office Anti-Fraud Procedure ("Procedure") is hereby established to facilitate the development of controls that will aid in the detection and prevention of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty that causes abuse of the County's financial resources, property, information and other assets, as more fully described herein; to provide for the investigation of suspected or actual fraud or abuse, or gross waste of public funds; and to provide for consequences for engaging in any manner of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty. It is the intent of the County Manager to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations involving allegations of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty. The County Manager will not tolerate the commission or concealment of acts involving suspected or actual fraud or abuse, gross waste of public funds. Allegations of such acts will be

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fully investigated, which may result in legal action if warranted. All employees are responsible for reporting suspected instances of Procedure in accordance with this CMA.

Section A: Scope

This Procedure applies to any suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty committed by an employee, volunteers, consultants, vendors, contractors, and/or any other parties or entities that have a business relationship with the County.

Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position, title, or relationship to the County or any elected official, consultant, vendor, contractor, volunteer, or employee.

Matters concerning an employee's actions or conduct will be resolved by the management of that employee's Department/Division and/or the Human Resources Division.

If there is any question as to whether an action constitutes a violation of this Procedure, please contact the County Manager's Office for guidance.

In the event of any conflict between this Procedure and the Collier County Ethics Ordinance (Ord. 03-53, as amended), the terms of the Ethics Ordinance will control. In the event of any conflict between this Procedure and any other policies set forth in the CMA's, this Procedure will control.

Section B: Practice

All levels of Management including Department Heads, Division Directors, Managers, and Supervisors are responsible for the effectiveness and efficiency of County operations, including protection of County assets from gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty. Management has the primary responsibility for implementing internal controls to deter and detect fraud, and ensure the enforcement of federal and state laws, county ordinances, and CMAs.

1) Definitions

- a) Abuse: Abuse means the excessive or improper use of something, or the use of something in a manner contrary to the natural or legal rules for its use; the intentional destruction, diversion, manipulation, misapplication, maltreatment, or misuse of resources owned or operated by the County.
- b) Fraud: There are two basic categories of wrongdoing which would constitute fraud: (i) the intentional misstatement of financial information; and (ii) the misappropriation of assets (or theft). Fraud consists of an illegal act (the intentional wrongdoing) and/or the concealment of such act and deriving a benefit from such acts.
- c) Gross Mismanagement: Gross mismanagement means a continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact.

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- d) **Gross Waste:** Gross waste means the thoughtless or careless expenditure, consumption, mismanagement, use or squandering of resources owned or operated by the County to the substantial detriment of the County.
- e) **Gross Neglect of Duty:** Gross neglect of duty means willful misconduct in substantial disregard of the County's interests, which could result in substantial damage to the County's interests.

Not all instances of gross waste and abuse necessarily constitute fraud, but all will be investigated and eliminated through due process and procedures. Each member of management for the County will be responsible for knowing, while systematically and periodically checking for the types of improprieties that might occur within his/her area of responsibility and be alert for any indication of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty.

2) Actions Constituting Suspected or Actual Fraud or Abuse, Gross Waste

The terms fraud or abuse and gross waste include, but are not limited to:

- a) Any illegal, or dishonest action that impedes investigation or hides facts of fraud, planning and or implementation of a fraudulent act;
- b) Embezzlement, or misappropriation of funds, securities, equipment, supplies, or other assets;
- c) Impropriety in the handling or reporting of money or financial transactions in accordance with BCC guidelines or within each department and division's procedures;
- d) Profiteering as a result of insider knowledge of County activities;
- e) Forgery or alteration of documents (checks, contracts, purchase orders, invoices, etc.);
- f) Accepting or seeking anything of material value (gift, loan, fee, service or other item), 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, from contractors, vendors, or persons providing services/materials to the County;
- g) Destruction, removal, or illegal use of records, furniture, fixtures, materials, supplies, vehicles, machinery, tools, and equipment;
- h) Misrepresentation of information on documents (employment history, timesheets, leave records, travel reimbursement requests, financial records, etc.) to cover missed time, or attain unearned income;

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- i) Authorizing or receiving payment for goods not received or services not performed;
 - j) Vendor kickbacks, collusion, or corruption;
 - k) Misuse of authority for personal gain;
 - l) Any computer related activity involving the alteration, destruction, forgery, or manipulation of data for fraudulent purposes; and
 - m) Any violation of Federal, State, or local laws related to dishonest activities in preparation of or the act of fraud.
- 3) Reporting
- a) Any gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty that is detected or suspected shall be reported immediately to the County Manager's Office.
 - b) Anyone who receives a report of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty shall immediately notify the County Manager's Office.
 - c) Law Enforcement, external auditors and/or other professionals may also be involved as appropriate.
 - d) The County Manager's Office will establish a Whistleblower Procedure in accord with Federal, State, and local laws that will provide a confidential method to file complaints.
 - e) It shall be a violation of this Procedure for any person to make any allegation of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty that is known to be false.

Section C – Prohibition Against Retaliation

It is the intent of this Procedure that no retaliatory action will be taken against an employee who makes a report with respect to violations of law on the part of the County that creates a substantial and specific danger to the public's health, safety, or welfare. It is further the intent of this Procedure that no retaliatory action will be taken against any person who discloses information alleging improper use of governmental office, gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty on the part of any public officer or employee of the County. The provisions of this subsection shall not be applicable when an employee or person discloses information known by the employee or person to be false.

This provision shall not be construed as an exemption from any other County policies, rules or

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regulations.

Section D – Reporting Procedures

Due diligence must be taken in the investigation of suspected fraud or abuse, or gross waste so as to ensure legal compliance and avoid false accusations or to alert suspected individuals that an investigation is under way which could jeopardize the integrity of the investigation.

Any employee, including regular and temporary workers, consultant, contractor, vendor, or volunteer of Collier County who discovers or suspects fraud or abuse or gross waste shall promptly notify the County Manager's Office and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraud or abuse or gross waste. The reporting individual may remain anonymous and file a complaint via the County website. All inquiries concerning the activity under investigation from the suspected individual, his/her attorney or representative, or any other inquirer should be directed to the County Manager's Office. The proper response to any inquiries concerning the status of an investigation is: "I am not at liberty to discuss this matter." Absent special circumstance, no reference should be made to "the suspicion," "the allegation," "the crime," "the fraud," "the forgery," "the misappropriation," or any other specific reference.

The County Manager or his/her designated representative shall advise the complainant as to the outcome of the investigation.

ALL RECORDS REQUESTS RELATED TO AN INVESTIGATION WILL BE REVIEWED, REJECTED, OR PROCESSED, COMPLIED WITH THROUGH A PROCESS APPROVED BY THE COUNTY ATTORNEY'S OFFICE AND COUNTY MANAGER'S OFFICE.

Team Leaders, Supervisors, Managers, Division Directors, Department Heads, and the Human Resource Director have a responsibility to immediately notify the County Manager's Office of fraudulent activity identified or reported to them.

IT IS POSSIBLE THAT ACTION MAY BE NECESSARY BEFORE REPORTING

The reporting individual shall be informed of the following:

- 1) Alerting or contacting the suspected individual in an effort to determine facts, demand restitution, or warn them is forbidden;
- 2) Absent special circumstances, discussion of the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the County Manager or his or her designee is forbidden; an individual may be considered an accessory or conspirator in the planning or act of fraud if unsanctioned actions are taken.

Section E – Investigation Responsibilities

The County Manager, or his/her designee, has the primary responsibility for conducting the preliminary investigation of all suspected acts as defined in the Procedure.

If the preliminary investigation indicates that the complaint is frivolous or does not indicate that gross

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mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty has occurred, no further investigation will be conducted, and the file will be noted with the finding that the complaint is frivolous or does not indicate that gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty has occurred.

If the preliminary investigation or assessment of the situation indicates that gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty may have occurred or is occurring, the County Manager or his/her designated representative will contact law enforcement, the external auditors, or any other professional as deemed appropriate. These parties may be asked to issue reports to appropriate designated personnel and, if appropriate, to the Board of County Commissioners.

Decisions to prosecute or refer the investigation results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with the County Attorney and the County Manager, as will final decisions or recommended actions.

The County Manager and Human Resources Division shall treat all information received confidentially to the extent permitted by law.

Section F – Sanctions

Employees found to have violated this Procedure shall be subject to disciplinary action up to and including dismissal. The type of discipline administered will depend on the severity of the conduct as well as any other factors presented in the particular circumstances, and will be administered in accordance with prevailing County policy on Discipline, CMA 5351, or as provided for in a Collective Bargaining Agreement, where applicable.

The contractual or other business relationship of individuals or entities associated with the County found to have violated this Procedure shall be subject to review, with the possible modification or termination of such contractual or business relationship.

Section G – Authorization for Investigating Suspected Fraud or Abuse or Gross Waste

The County Manager, Human Resources Director and their designees shall have:

- 1) Free and unrestricted access to all County records and premises, whether owned or rented;
- 2) The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, computer, digital and/or electronic storage and communication devices, and other storage facilities on the premises without prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of their investigation.

§ 5311-3. Currency.

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

§ 5311-4. Reference.

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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. 99-22, as amended, shall be guidelines for County employees.

STANDARDS OF CONDUCT

[Effective Date: May 4, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: May 1, 2004; Revised: May 13, 2009; Revised September 1, 2017)]

§ 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, Division Director and Department Head. 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 other provided by the CMAs.
- 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.

STANDARDS OF CONDUCT

- I. Conviction of, or pleading guilty to, or pleading "no contest" to a felony or a misdemeanor 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 identified 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, division or department 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. Division attendance standards, including reporting to work on time and providing proper notification of an absence, will be met to ensure adequate personnel for division operations.
- V. An employee abandoning his/her position for three or more consecutive workdays during which time the employee fails to contact his/her immediate supervisor and advise the supervisor or 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 Division 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.--

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[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; Revised: November 18, 2013; Revised: August 28, 2017)]

§ 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 (BCC) 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; § 440.102 and 112.0455, *Fla. Stat.*; Drug-Free Workplace Act; 49 CFR Parts 40 and 382; and 49 USC 31306, Alcohol and controlled substances testing.
- D. All employees in a mandatory testing position, safety sensitive position or performing safety sensitive functions, shall be subject to drug and alcohol regulations included in this policy. All applicants offered employment with the County will be required to take and pass a drug test prior to being employed.

§ 5312-3. Definitions.

Authorized Collection Personnel is a person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the Federal Drug Testing Custody and Control Form (CCF).

Commercial Driver's License (CDL): A commercial driver's license is required to operate any combination of vehicles with a gross combination weight rating (GCWR) of 26,001 lbs. or more, to include a towed vehicle that is HEAVIER than 10,000 lbs. There are 3 classifications: A, B and C with additional endorsements that can be found at the Florida Department of Motor Vehicles. CDL requirements are included in the job classification.

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

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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, collection, distribution, dispensation, use or possession of any controlled substance.

Drug Employee Representative (DER) is defined in 49 CFR Part 40, the DER is an employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. The Environmental Health and Safety (EHS) Manager is the DER for the Board of County Commissioners (BCC).

Drug includes alcohol, 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 *Fla. Stat.* § 893.03; Drug Abuse Prevention and Control. An employer may test an individual for any or all 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 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. Vendor staffs are not included.

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.

Federal Drug Testing Custody and Control Form (CCF). The Federal Drug Testing Custody and Control Form (CCF) must be used to document every urine collection required by the DOT drug testing program.

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.

Mandatory Drug Testing. § 440.102(o), *Fla. Stat.* defines "Mandatory-Testing Position" means, with respect to a public employer, a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system,

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work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to s. [110.1127](#), or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

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.

Non-CDL Drivers – Any County employee who has a position that requires them to drive a County Vehicle at least 51% of the time as part of their normal duties as determined by Risk Management and the Division Director.

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. Prescription and over-the-counter drugs are not prohibited when taken in label dosage and/or according to a physician's prescription.

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

Random/Suspicionless Drug Testing is a method of testing for drug use by employees through a process of random selection. These tests are conducted without prior notice to the employee and a systematic selection process is used to assure that each employee has an equal chance of being chosen for testing. Because there is no prior notice as to when this testing will occur, or who will be selected, random/suspicionless drug testing serves both to detect and deter drug use. Employees with a Commercial Driver's License (CDL) or meet the requirements under Safety-Sensitive fall into this category.

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, 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.
- (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.

Risk Management Hazard Assessment is a systematic process of evaluating the potential risks that may be involved in a projected activity or undertaking and assigning a probability and severity score to identify a

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category of risk.

Safety-Sensitive Position is a position in which a drug or alcohol impairment constitutes an immediate direct threat to public health or safety, such as a position that requires the employee to carry a firearms, perform life threatening procedures, work with confidential information or documents pertaining to criminal investigations, or confidential juvenile information, or work with controlled substances; a position in which a drug impairment constitutes an immediate and direct threat to the employee's health or safety; a position which has access to a juvenile facility; a position in which the employee is responsible for the well-being of a minor; or a position in which a momentary lapse in attention could result in an injury or death to another person. All Safety-Sensitive Positions and employees performing safety sensitive functions as determined by Risk Management Hazard Assessment will be included in the BCC Random Drug Testing Pool. Positions include but are not limited to:

- (a) CDL Drivers driving a CDL Required Vehicle for BCC Business Functions
- (b) Heavy Equipment Operators including, but not limited to, forklifts, skid steers, front end loaders, track hoes, rollers, backhoes, graders, bucket trucks or any other equipment not covered under CDL testing requirements.
- (c) Paramedics/Paramedic/Firefighters/EMTs/ Pilots/Helicopter Maintenance.
- (d) Chemical Laboratory personnel.
- (e) Positions where the incumbents are required to carry firearms or weapons.
- (f) Positions that work with or have access to drugs/controlled substances.
- (g) Facilities Services (Non-Administrative Positions).
- (h) Plant Operators & Maintenance Personnel at Wastewater Treatment Plants.
- (i) Wastewater Collection Personnel
- (j) Plant Operators & Maintenance Personnel at Water Plants
- (k) Water Distribution Personnel
- (l) Pool and Water Feature Maintenance Personnel
- (m) Employees with access to potentially Hazardous Chemicals (Meets the (IDLH) values used by the National Institute for Occupational Safety and Health (NIOSH)
- (n) Any position that requires an employee to enter an IDLH Environment (Confined Space Entry, Chlorine Process, Trenching & Shoring, Maintenance of Traffic, Lockout/Tagout, etc.) as determined by Risk Management and the Division Director.
- (o) Non-CDL Drivers whose regular duty requires them to drive 51% or more of the time in support of their position.
- (p) All Equipment Mechanics (Fleet, Plant, Field)
- (q) Positions where the incumbents work closely with or oversee children (Childcare Services Personnel, Recreation Instructor, Camp Counselors, Summer programs positions, VPK, Library Services and Lifeguards/Pool Attendants, etc.)

In the event that there are any changes in work protocol that could move a position into a Safety-Sensitive position, it is the responsibility of the Department Management along with the Environmental Health & Safety Specialist and Risk Management's Environmental Health & Safety Manager to determine if the tasks to be performed are Safety-Sensitive and designate the position as such.

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.

Substance Abuse Professional (SAP) is a licensed physician (Doctor of Medicine or Osteopathy); or a licensed or certified social worker; or a licensed or certified psychologist; or a licensed or certified employee assistance professional; or a state-licensed or certified marriage and family therapist; or an alcohol and drug

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abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC), or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board of Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC) who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

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.

Third Party Administrator is a company that manages the Collier County Random Drug Testing List, the DOT and Non-DOT drug/alcohol testing protocol, and maintains the required testing records. They perform tasks as agreed to by the county to assist in implementing the drug and alcohol testing program and to help keep the employer compliant with the DOT/FMCSA Drug and Alcohol Testing rules and regulations.

Volunteer is any person who a person who voluntarily offers himself or herself for a service or undertaking willingly and without pay.

§ 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, use or possession of alcohol and/or illegal drugs while operating or otherwise in control of County vehicles, equipment or machinery, illegal drugs from being brought on the County premises, the use of alcohol and/or illegal drugs during the workday, including breaks and meal periods, 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 business 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 of employment.
- D. Employees who violate any of the alcohol or controlled substance use prohibitions must be immediately removed from work and will be placed on unpaid administrative leave for a minimum of seven business days and/or until the County establishes a return to work protocol or appropriate disciplinary action recommendation. Employees must submit to and pass required follow-up tests prior to returning to work in any capacity.
- E. When the use of alcohol or controlled substances by an employee is confirmed through authorized test, employees in a Safety-Sensitive position or performing a safety sensitive function will be will be recommended for corrective action, up to and including termination. Under no circumstance will the employee be allowed to return to any Safety-Sensitive position and/or task until completing the entire program (counseling and testing) in accordance with the Substance Abuse Professional's (SAP)

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direction.

§ 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 Division 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 EHS Manager will receive the test results and will coordinate with the appropriate Human Resources representative for the division/department in which the employee works to provide a status report on the employee being able to return to work. The Human Resources representative will serve as the point of contact to coordinate communication with the employee and provide information on the status of the employee to the division/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 Division 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 regarding 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). Failure to pass the drug screen will result in applicant not being hired.
 - 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.
 - 3) All job applicants or current employees who fall into the category of "Mandatory-Testing Position" § 440.102(o), *Fla. Stat.* will be tested for illegal drugs prior to an offer of employment, promotion, lateral transfer, reclassification, reassignment or demotion being finalized. Drug testing will only be administered to those applicants/employees 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).

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- B. Post-Accident/Incident Testing:** The Risk Management Division will coordinate and schedule all post-accident drug testing through its EHS Manager or designee. In the event of an accident/incident that results in the issuance of a citation from law enforcement to the BCC operator/employee, damage to a citizen's property, loss of life, or incapacitation of a County vehicle, the employee's Supervisor must contact the DER (the EHS Manager) in the Risk Management Division and the assigned Human Resources (HR) Representative. If outside of normal working hours, the Supervisor will immediately contact the DER. The Supervisor of the department, EHS 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.
- 1) Any employee who has caused or contributed to an accident/incident while at work, if there is 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.
 - 2) All employees with designated Safety-Sensitive Positions will be administered a Post-Accident Drug/Alcohol test in the event of any Incident/Accident that results in the issuance of a citation from law enforcement to the BCC operator; any damage to a County asset; citizen's asset; or where a citizen was injured. Testing must occur within two hours of the event.
 - 3) Vehicular Accident (CDL): A CDL employee who is operating a CDL required vehicle and is involved in any 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.*, within two hours following the accident.
 - 4) Vehicular accident (non-CDL): An employee who is operating a County vehicle involved in an accident that results in the issuance of a citation from law enforcement to the BCC operator; any damage to a County asset; citizen's asset; or where a citizen was injured shall submit to an alcohol and controlled substance test within two hours following the accident.
 - 5) 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.
 - 6) Upon notification from the DER, the 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 paid administrative leave pending the alcohol and/or drug test results.
 - 7) 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.
 - 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 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.
- C. Reasonable Suspicion Testing:** The Risk Management Division administers the Reasonable Suspicion Testing Program. Testing may be required of any employee 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

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employees for alcohol, controlled substance or illegal drug use. When a supervisor, Division 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, Division Safety Coordinator, EHS Specialist or EHS Manager will notify the Risk Management Division.

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, EHS 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 EHS Specialist of the suspected employee must contact the DER in the Risk Management Division and the assigned HR Representative. If outside of normal working hours, the Supervisor will immediately contact the DER. The Supervisor of the department, EHS 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, EHS Coordinator, EHS Specialist and/or EHS Manager who made the determination of reasonable suspicion during the observation. If possible, another Supervisor, EHS 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 determination that reasonable suspicion existed to warrant testing. Such report shall be forwarded to the Division 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, EHS Coordinator, EHS Specialist and/or EHS Manager or member of management must be present.
- 4) Upon notification from the DER, the Supervisor, EHS 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 stay with the employee until the authorized collection personnel have arrived to the worksite, and/or transport the employee to the BCC approved testing facility. After the appropriate testing has been completed, the supervisor will transport the employee to his/her place of residence. The employee will be placed on paid 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 conducted and to ensure chain of custody accuracy.

D. Random/Suspicionless Testing

- 1) On an annual basis, Collier County will meet the current Department of Transportation (DOT) percentage requirements for Random/Suspicionless Drug testing of DOT and Safety-Sensitive positions in the County. The selection of individuals for the random testing shall be made by a Third-Party Administrator using a computer-based program that will randomly select employees from the County's DOT required employee list. There will be a separate list

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for Safety-Sensitive employees. 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) Every attempt will be made to provide the list of randomly selected employees to the departments within 2-3 days of the test date. This will allow department management to adequately arrange work schedules accordingly to ensure efficient and uninterrupted operations. 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 conducted 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 an employee returning to work following a positive test result.
- G. **Volunteer Screenings:** Volunteers may be required to have a physical exam prior to the commencement of his/her volunteer service. The Risk Management Division will perform and/or coordinate all volunteer drug/alcohol screening and/or testing and communicate the results of such testing to Human Resources personnel.

§ 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 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

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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 positive diluted.

- C. If the MRO informs the County that a negative drug test was diluted, Collier County Government will treat the test as an “inconclusive” test. The County will direct the employee to take another test based on the fact that the specimen was negative diluted.

§ 5312-8. Positive Results.

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

- A. All employees must be immediately removed from work and will be placed on unpaid administrative leave for a minimum of seven business days and/or until the County establishes a return to work protocol or appropriate disciplinary action recommendation. Employees must submit to and pass required follow-up tests prior to returning to work in any capacity.
- B. Employees in Safety Sensitive Positions or Functions:
 - a. Employees with designated Safety-Sensitive positions who have an MRO positive confirmed test result and the drug confirmed is an illicit drug under s. § 893.03, Fla. Stat., will be recommended for corrective action, up to and including termination.
 - b. The County will require employees with designated Safety-Sensitive positions to participate in a Substance Abuse Program as a condition of employment. All employees must agree to complete the entire program (counseling and testing) and act in accordance with the Substance Abuse Professional’s (SAP) direction as a condition of continued employment and/or returning to a Safety Sensitive position. Failure to abide by the conditions of the program or SAP recommendation will result in termination of County employment.
 - c. 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.
 - d. Employees with designated Safety-Sensitive positions who have an MRO positive confirmed test result and the drug confirmed is an illicit drug under s. § 893.03, Fla. Stat., will lose the ability to drive a County vehicle for up to 1 year in accordance with CMA 5805, “Eligibility to Drive County Owned Vehicles” and may have that length of time extended at the Substance Abuse Professional’s (SAP) direction.
 - e. Employees may appeal any recommendation for discipline as authorized in CMA 5351.
 - f. The employee or applicant may contest the drug test result pursuant to law.
- C. Employees and Volunteers in Non-Safety Sensitive Positions:
 - a. Employees and Volunteers in Non-Safety Sensitive positions who have an MRO positive confirmed test result and the drug confirmed is an illicit drug under s. § 893.03, Fla. Stat., may be recommended for corrective action, up to and including termination.
 - b. The County may require employees the option to participate in a Substance Abuse Program. All employees must agree to complete the entire program (counseling and testing) and act in accordance with the Substance Abuse Professional’s (SAP) direction as a condition of continued employment. Failure to abide by the conditions of the program or SAP recommendation will result in termination of County employment.
 - c. Employees and Volunteers in Non-Safety Sensitive positions who have an MRO positive confirmed test result and the drug confirmed is an illicit drug under s. § 893.03, Fla. Stat., will

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lose the ability to drive a County vehicle for up to 1 year in accordance with CMA 5805, "Eligibility to Drive County Owned Vehicles" and may have that length of time extended at the Substance Abuse Professional's (SAP) direction.

- d. Employees may appeal any recommendation for discipline as authorized in CMA 5351.
- e. The employee or applicant may contest the drug test result pursuant to law.
- D. All Drug and Alcohol testing results are filed in a confidential file separate from the general employee file. The files are located in Risk Management with secure access limited to the DER.
- E. Collier County will meet all aspects of 49 CFR Part 40, Subpart P - Confidentiality and Release of Information.
- F. In the event of a positive Post Offer Drug Test (pre-employment), the applicant will be given the name of a Substance Abuse Professional's (SAP) in accordance with Federal Guidelines.

§ 5312-9. Return to Work.

Employees who do not fall into the category of Safety Sensitive Positions 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 appropriate HR representative to schedule testing and any follow-up required of the employee by the Substance Abuse Professional (SAP). Employees 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 Resources Division and Risk Management Division and in accordance with Section 440.102, *Florida Statutes*.
- B. Upon confirmation of a "negative" test result on the return to work (follow-up) test, the employee may return to any non-safety-sensitive position. Employees with designated Safety-Sensitive positions must complete the entire substance abuse program and/or the SAPs recommendations prior to returning to any Safety-Sensitive positions or 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 (EAP) is available for those employees who voluntarily seek help for alcohol and/or drug problems. Employees may contact their Supervisor or the Human Resources Division for additional information.
- D. 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. Employee Notification of Prescription or Non-Prescription Medication

Any BCC employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job.

No employee shall report for duty or remain on duty while using any controlled substances, unless such

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substances are used in accordance with the prescription by and direction 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. In such cases, employees shall be required to provide written documentation of clearance to perform work activities to his/her Supervisor before reporting for duty. Any medical documentation must not be retained in division/department files, and should be immediately forwarded to the Human Resources Division. The failure of an employee to notify his/her Supervisor prior to beginning work may result in disciplinary action, up to and including termination of employment.

§ 5312-10. Training.

The Risk Management Division will provide this CMA to all covered employees informing them that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace and specifying the actions that will be taken against employees who violate the policy.

Risk Management Division will provide annual training, including electronic training programs, to all BCC Supervisors on the dangers of drug abuse in the workplace; our policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and employee assistance programs; the penalties that may be imposed upon employees for drug abuse violations and identifying the signs and symptoms of drug and alcohol abuse. Because this is a federal mandated requirement, failure to attend annual training will result in a recommendation for discipline in accordance with CMA 5351, "Discipline".

§ 5312-11. Currency.

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

§ 5312-12. 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.

DRUG-FREE WORKPLACE
CMA 5312 Attachment 1

Tracking #:

Reasonable Suspicion Testing Report

Reasonable Suspicion Testing—Reasonable suspicion must be based on specific contemporaneous, describable observations concerning the appearance, behavior, speech, or body odors of the employee. Referral for such testing will be made on the basis of facts and circumstances documented by a supervisor who has attended required training, or by a higher-level supervisor or manager who also has attended the required training.

This document will serve as a written record of the observations used as the foundation for such a test.

Employee Information (Printed): _____
(Name, Job Title, Division)

Report Completed by (Printed): _____
(Name, Job Title, Division)

1. Was there an incident? Yes _____ No _____

If YES, describe the event (include date and time, employees actions, and extent of any injuries to any persons or damage to property) _____

2. Is the employee in a safety-sensitive position? Yes _____ No _____

3. Observation of Employee - Date: ____/____/____ Time: ____:____ AM/PM

Walking	Falling Stumbling Unable to walk	Holding on Swaying	Staggering Unsteady
Standing	Feet wide apart Sagging at knees	Rigid Staggering	Swaying Unable to stand
Speech	Mute Shouting Slow	Incoherent Silent Slurred	Rambling Slobbering Whispering

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Demeanor	Excited Fighting Silent	Cooperative Polite Sleepy	Crying Sarcastic Talkative
Actions	Calm Hostile Profane	Drowsy Fighting Threatening	Erratic Hyperactive Resisting Communication
Eyes	Bloodshot Droopy	Closed Glassy	Dilated Watery
Face	Flushed	Pale	Sweaty
Appearance	Unruly	Having Odor	Messy
Clothing	Wrinkled	Dirty	Partially Dressed
Breath	Alcohol Odor Marijuana Odor	Faint Alcohol Odor Faint Marijuana	No Alcohol Odor No Marijuana
Movements	Fumbling Nervous	Hyperactive Normal	Jerky Slow
Eating/Chewing	Candy	Gum	Mints (Cover up)

4. Performance Level:

a) Has there been a recent change in the employee's level of performance?
Yes _____ **No** _____

b) If YES, please describe:

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CMA 5312 Attachment 1

Other Observations:

Witnesses (Name, Job Title, Division – Please Print):

Supervisor Name (Please Print): _____

Supervisor Signature: _____ **Date:** ____/____/____ **Time:** ____: ____ AM/PM

PUBLIC RECORDS REQUEST MANAGEMENT PROCEDURE

[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; Revised: September 1, 2017; Revised: January 22, 2019)]

§ 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 Division, except for requests for employee personnel files, which are handled by the Human Resources Division. Upon completing a substantial public records request, provide the following information to the Communication and Customer Relations Division:

- 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

PUBLIC RECORDS REQUEST MANAGEMENT PROCEDURE

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.
- B. Requests for employee personnel files shall be processed by the Human Resources Division. 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 Division. 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 September 1, 2017)]

§ 5314-1. Purpose.

The purpose of this Instruction is to provide for the implementation 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 affect job performance or otherwise interfere with their work or personal life. Examples of such problems include stress, family strife, alcohol/drug abuse, job pressures, financial problems and emotional, health or behavioral problems.
- B. The first three counseling visits are free. Thereafter the employee or family will be referred for more lengthy treatment. Additional treatment may be provided under the County's health insurance, subject to the deductible and other established limits.
- C. Employees may utilize the EAP through self-referral or referral by their Supervisor. In some cases the referral may be mandatory and attendance a condition of 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 Division in accordance with the standard disciplinary practices.
 - (3) Supervisors are also encouraged to use the EAP for advice in improving relationships with employees.
- E. Pay for time spent at EAP appointments will be made in accordance with the standard County pay/leave practices. Mandatory referrals may or may not require use of accrued leave.

§ 5314-3. Currency.

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

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EMPLOYEE ASSISTANCE PROGRAM

§ 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: September 1, 2017)]

§ 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.

- A. Requests for personal inspection of a County personnel file, job application or other related documents must be made to the Human Resources Division.
- B. Upon the request for personal inspection of a County personnel file by anyone other than management, the Human Resources Division will, to the extent reasonably possible, notify the employee whose records are being inspected that a request to examine the records has been made.
- C. The Human Resources Director, or designee, will require that all examinations will be made in the Human Resources Division 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 Division.
- D. Upon payment of the applicable fee for copying documents, the Human Resources Director, or designee, shall furnish a copy or copies of any nonexempt item(s) requested from the records. The Human Resources Division will, to the extent reasonably possible, notify the employee to determine if they wish to have a copy of the documents copied from their personnel file. If so, a copy will be made and provided to the employee.
- E. A service charge for labor costs may also be assessed in accordance with Collier County Resolution 98-498.
- F. Employees may inspect their individual personnel file at any time during working hours and may request a copy of any item(s) placed in their file and be charged the applicable fee.
- G. In addition to the personnel file located in the Human Resources Division, a County division 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 Division personnel file.

§ 5315-3. Currency.

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

INSPECTION OF PERSONNEL RECORDS

§ 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

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: September 1, 2017)]

§ 5316-1. Purpose.

The purpose of this Instruction is to provide for the implementation of a Jury Duty 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 received for jury duty shall be returned to the County except 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 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.
- C. An employee who appears in Court as a witness, plaintiff, or defendant due to personal litigation or criminal charges shall be required to use vacation for any such absence from work. If vacation is not available, the employee may use leave without pay. The employee would not be eligible for reimbursement of any meals, lodging, or related travel expenses.
- D. An employee who is subpoenaed as a witness and/or appears in court as a result of County business shall be granted time off with pay, and any witness fees awarded, except for meals, travel and lodging, shall be returned to the County.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. Jury duty shall not be counted as time worked in calculating overtime pay.

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JURY DUTY

§ 5316-3. Currency.

The Human Resources Division 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.

LABOR AGREEMENT

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: September 1, 2017)]

§ 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 Division 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; Revised: November 8, 2013; Revised: September 1, 2017)]

§ 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, and the use of electronic cigarettes 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 and the use of electronic cigarettes 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 to include electronic cigarettes.

NON-SMOKING WORKPLACE

Electronic cigarettes (e-cigarettes) shall mean any electronic device composed of a mouthpiece, heating element, battery, and electronic circuits that provides a vapor of liquid nicotine and/or other substances mixed with propylene glycol, vegetable glycerin and/or other substances to the user as he or she simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, or under any other product name including e-cigarettes that include any kind of flavored vapors.

- 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 Division 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 MANAGEMENT

[Effective Date: March 17, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: May 1, 2009; Revised: August 7, 2019; Revised: September 1, 2021)]

§ 5319-1. Purpose.

The purpose of this instruction is to establish processes and procedures for the administration of performance management authorized by the County Manager.

§ 5319-2. Definitions.

- A. **Performance Management** is the broad collection of activities designed to maximize individual and organizational performance. It includes setting expectations, measuring employee behaviors and results, providing coaching and feedback, and evaluating performance over time to use in decision-making. Performance management systems drive employees to engage in behaviors and achieve results that facilitate meeting organizational objectives. Effective performance management systems hold employees accountable for their performance.
- B. **Performance Planning Process** is the beginning of the performance management cycle and is the process of identifying the goals of the organization and individual Key Result Areas (KRAs). It also encourages the professional growth of employees and helps their career development.
- C. **Key Result Area (KRA) Planning** is a systematic process in which the supervisor identifies KRAs and workplace expectations. KRAs are related to the essential position functions that align with the job classification to which the employee is assigned and outlines how performance will be measured.
- D. **Key Result Areas (KRA)** are performance areas for which a department/division's role is responsible. KRAs define what each essential position function is expected to accomplish and are clearly defined goals and objectives that are specific, measurable, achievable, realistic, and timely (SMART).
- E. **Performance Evaluation** is the process when a supervisor examines and evaluates an employee's performance by comparing it with predefined KRAs, documents the results of the comparison and uses the results to provide feedback to the employees to show where improvements are needed and why. The results of this process are used to make informed decisions for both the individual employee and the organization in areas such as compensation, promotion, employee development, staffing and succession planning.
- F. **Performance Evaluation Time Period** is the pre-determined employee performance period that will be reviewed.
- G. **Performance Monitoring** - KRAs are tracked, and feedback, both positive as well as opportunities for improvement, are discussed with employee(s).

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- H. **Eligibility** - Performance evaluations are conducted for all full and part-time employees except for those designated by the County Manager's Office or by Collective Bargaining Agreements.
- I. **Performance Evaluation Rating Scales** are used in performance management systems to indicate an employee's level of performance or achievement.
- J. **Meeting Job Requirements** – An employee with an overall performance evaluation score of "Solid Performance" is generally considered to be meeting job requirements. However, should an employee fail to meet required work standards on an individual performance factor or KRA, they may be subject to the provisions of CMA 5321 Probationary Period and/or CMA 5351 Discipline.

§ 5319-3. Concept.

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

A. Performance Planning

- (1) The immediate supervisor determines the Key Result Areas and measures by which they will assess employee performance, then reviews the duties and expectations with the employee. The KRAs shall be established by the supervisor and be consistent with the mission, guidelines, practices, procedures, and work plan of the department and/or division as well as the essential position functions from the employee's job classification.
- (2) Performance planning should be completed within the timeline established by Human Resources for the following personnel actions: new hire, rehire, promotion, demotion, reclassification, reassignment, transfer (lateral move) or any other applicable job change.

B. Performance Monitoring

Supervisors shall establish methods and practices to regularly monitor employee performance. Such methods may include written (formal or informal) documentation of employee performance, check lists, regular meetings, observation, coaching conversations, samples of work products or other appropriate monitoring tools.

C. Performance Evaluation

- (1) An employee's performance is measured against the pre-established KRAs, to include department and/or division guidelines, practices, procedures, and essential position functions from the employee's job classification. The Human Resources Division will initiate the notification process for performance evaluations. Each performance

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evaluation will include an assessment of the KRAs, measures, and performance factors.

- (a) Performance will be measured at the following intervals:
 - (i) 3 Month Check In – all new hires, rehires, promotions, demotions, reclassifications, reassignments, transfers (lateral moves) or any other time an employee has a job change will receive a 3 Month Check In.
 - (ii) 6 Month Performance Evaluation– all new hires, rehires, promotions, demotions, reclassifications, reassignments, transfers (lateral moves) or any other time an employee has a job change will receive a 6 Month Performance Evaluation.
 - (iii) Annual performance evaluation - current eligible employees will participate in the annual performance management process cycle set by the County Manager's Office in a given time period.
 - (iv) Off-Cycle Performance Evaluation – may be initiated outside of the processes identified above when an employee's performance needs to be evaluated. Supervisors can complete a performance evaluation at any time deemed necessary, with prior approval from Human Resources.
 - (v) Close-out Performance Evaluation – recommended when an employee has a promotion, demotion, reclassification, reassignment, transfer (lateral moves) or any other time an employee has a job change, to evaluate the employee's performance for the position they are vacating.
- (2) The supervisor is responsible for the following activities:
 - (a) Determining Key Result Areas (KRAs) and issuing to employee.
 - (b) Ensuring the employee completes the self-review portion of the performance evaluation on time.
 - (c) Assessing (rating) the employee's performance; providing appropriate comments and examples to support the ratings; and documenting actions for improvement and/or areas of concern, if identified.
 - (d) Reviewing employee performance evaluations with direct and indirect managers including Division Directors.
 - (e) Conducting timely performance evaluations at specified intervals and signing the performance evaluation.
 - (f) Ensuring the employee has received, reviewed, and acknowledged that the performance evaluation was reviewed and discussed.
- (3) Promotions, demotions, reclassifications, reassignments, transfers (lateral), returns from

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leaves of absence (LOA) under certain circumstances or any other time an employee has a job change may require a new performance planning process to start.

- (a) Employees on LOA will have the opportunity to receive an off-cycle evaluation once they return to active status.
 - (b) KRAs should be reviewed to ensure applicability and relevancy to the position upon the employee's return.
 - (4) The content/ratings/score of performance evaluations are not subject to appeal or the provisions of the Commitment to Fair Treatment process.
- D. Processing Instructions: The Human Resources Division will prepare and distribute, as needed, specific instructions pertaining to administration and processing procedures to the Division Directors and/or supervisory personnel.

§ 5319-3. Currency.

The Human Resources Division 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

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: September 1, 2017)]

§ 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 Division 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; Revised: August 7, 2019)]

§ 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 or rehired employees will be considered the initial probationary period.
- (2) The probationary period shall be six months for new hires, rehires, promotions, demotions or transfers, and for any employee transferring from temporary (job bank) to regular status.
- (3) The probationary period may be extended up to an additional three months at management's discretion, with approval of the Human Resources Director or his/her designee. Employees will be advised by their Supervisor of any extension of the probationary period in writing prior to completion of their initial probationary period.
- (4) Employees who are reclassified or reassigned to a different position title in the organization may, at the direction of their Division Director, be required to serve a probationary period of six months.

B. Benefits/Privileges: Employees are unable to utilize any appeals under the Commitment to Fair Treatment or Discipline Procedures during the 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 Probationary Period: The County Manager, appointing authority or respective designees may discharge newly hired employees during the probationary period. The department or division must coordinate this action with the Human Resources Director or his/her designee.

D. Promotional or Transfer Probationary Periods: Employees serving a six-month probationary period as a result of a promotion, voluntary demotion, or transfer who are

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found to be unqualified to perform the duties of the new position, may be returned to 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 Division Director or Department Head 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. The Division Director, Department Head 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. Voluntary Demotion Probationary Period: Employees serving a six-month probationary period incurred as a result of a voluntary 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 Division Director, Department Head, and Human Resources Director. If there are no vacancies, the employee may be discharged.

§ 5321-3. Currency.

The Human Resources Division 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; Revised: August 7, 2019)]

§ 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 Division must be notified in advance of all separations in writing.

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 Division Director 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 generally should not include paid leave time; 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 notice of resignation is submitted by an employee, it may only be withdrawn with the approval of the Division Director and the Human Resources Director.
- (2) Retirement: Retirement benefits are available through the State of Florida Retirement System (FRS) for vested members. The vesting period is determined by entry date into the Florida Retirement System. An employee must be at least normal retirement age or have a minimum number of years of service to receive full benefits. If the employee elects to retire prior to the date they are eligible for full benefits, 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 Division. Employees considering retirement should contact the Human Resources Division three to six months prior to their anticipated retirement date. Once a retirement date is selected, the employee shall provide written notification of their retirement date to the Human Resources Division.
- (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 may qualify disability retirement with FRS

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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 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.

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Division Directors and Department Heads 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 Divisions/within Departments 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 Division 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.

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- (1) **Notification:** Immediately upon written notification that a voluntary separation (resignation) is to occur, the Division Director or his/her designee, is required to submit the notice document to the Human Resources Division. HR will finalize all needed documentation to separate the employee from service. The Division 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. If an employee immediately separates from service, the Human Resources Division, the Facilities Management Division and the Information Technology Division must be verbally notified.
- (2) **Exit Interviews:** Employees separating from County service may receive a request to complete an exit survey from the Human Resources Division. The purpose of this survey is to provide Collier County with information that will reveal reasons for separation. The Human Resources Director may waive the exit survey for employees separating as a result of work rule violations, unsatisfactory performance or related reasons. When requested, Human Resources representatives may meet in person or talk by phone with a separating staff member for an exit interview. 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:** 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 practices and procedures.
- (4) **Return of County Property:** All County property issued to the employee must be returned or accounted for to the satisfaction of the Division 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).

§ 5322-3. Currency.

The Human Resources Division 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: September 1, 2017)]

§ 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

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workplace that contain any material that is of a sexual nature.

- (8) Using the computer to access any Web site, newsgroup, CD, floppy disk, or any other resources, 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 Department Head.
 - (2) It is the responsibility of all Managers and Supervisors to prevent and eliminate sexual harassment in their respective work areas.
 - (3) 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.
 - (4) 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 division;
 - (b) The Human Resources Labor and Employee Relations Manager; or
 - (c) The Human Resources Director.

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- (2) If the complaint involves one of these designated individuals, the employee should immediately report the complaint to either his/her Division Director or the Department Head.
- (3) The Human Resources Division will investigate or coordinate the investigation of any complaint of sexual harassment, except in any instance where a member of the Human Resources Division is either a complainant or is accused of sexual harassment. In such a case, the employee's Department Head or the Department Head'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 Division 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.

PROHIBITION OF UNLAWFUL HARASSMENT

[Effective Date: October 1, 2003; Revised: September 1, 2017]

§ 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

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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 Department Head.
- (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 division;
 - [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 Division Director or

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Department Head.

- (c) The Human Resources Division will investigate or coordinate the investigation of any complaint of unlawful harassment, except in any instance where a member of the Human Resources Division 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 Department Head or the Department Head'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 Division 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.

SOLICITATION

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: September 1, 2017)]

§ 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 Division 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; Revised: August 7, 2019)]

§ 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 or scheduled to be delivered in-house, Collier County may pay, through the employee's divisional budget, 100% of all incurred costs for pre-approved training, development and/or education programs.
- (4) The Division Director and/or Department Head 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 Division 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. 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 Division Director or the Department Head, as appropriate, prior to commitment of payment and program attendance.

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- (2) When the combined costs for program fees and any related travel costs are equal to or exceed \$1,000.00 or if overnight or out of state travel is involved, pre-approval must be obtained via the PRE-APPROVAL FOR EXTERNAL TRAINING form. Pre-approval must be obtained from the Division Director or the Department Head, as appropriate, prior to commitment of payment and program attendance.
- (3) Within two weeks of return from external training where the costs equaled or exceeded \$1,000.00, employees shall complete and submit to their Division Director a Post-Training report. This should detail the value/benefit of the training received, how the learning will be used on the job, and, if applicable, how knowledge will be transferred to fellow staff.
- (3) When the request for training involves out-of-county travel, all provisions of the Business Travel CMA 5310 must also be met.
- (4) For external training, where the combined costs for program fees and any related travel are equal to or greater than \$1,000.00, the Department Head and/or Division Director may require an employee to sign a Training Costs Reimbursement Agreement prior to attending. If the employee should voluntarily separate from County service within 12 months following completion of the training session, or each relevant module, if applicable, they will be required to reimburse the County for the cost of the training and related expenses. (Refer to CMA 5322, Separation.)

D. 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.
- (2) For non-exempt employees, the following rules apply:
 - a) Required training assigned through the County's Learning Management System (LMS) shall be completed during work hours on a regularly scheduled work day.
 - b) If an employee wishes to take training for the purposes of professional development using the County's LMS, the employee shall request supervisor approval prior to taking the class. Supervisors shall determine whether the time for training is reasonable and does not negatively impact the workload of the employee or cause undue hardship within the team.
 - c) Absent supervisor approval, training for the purposes of self-enrichment shall be completed during breaks or meal periods.

§ 5325-3. Currency.

The Human Resources Division 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.

UNIFORMS

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised May 13, 2009; Revised: September 1, 2017)]

§ 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 division employees required to wear a designated uniform, which meets the safety guidelines of the County.

A. Division Responsibilities

1. Divisions 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. Divisions are required to comply with the Collier County Logo and Seal Identity Standards and Guidelines. Divisions shall work through the Procurement Division, utilizing the County's fixed term contract for uniforms.
3. Divisions are responsible for the tracking all uniform as a minor tangible item as described 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 division 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 division 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 division and/or County. Should an employee not return the uniform assigned by the division, the employee may be assessed the pro-rated value of the uniform which may be deducted from their final paycheck.

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§ 5326-3. Currency.

The Human Resources Division 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.

GRANT ADMINISTRATION

[Effective Date: February 18, 2004 (Revised: April 1, 2006; Revised: September 1, 2017; Revised August 26, 2021)]

§ 5330-1. Purpose.

The purpose of this procedure is to ensure that County Divisions coordinate grant acquisition efforts; to provide a mechanism for assisting Divisions in grant application, submission and award acceptance; to review all¹ acquisitions for compliance, consistency and appropriateness prior to submittal to the grantor; to track and monitor grants for single audit and budget compliance; and to provide oversight through Countywide internal controls to support administrative grants management requirements.

§ 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 Compliance Manager is to coordinate and assist departments in these grant efforts, to monitor and track existing and future grants; lead the annual audit; and mitigate compliance risk. Advisements made by the Grants Management Office under the Office of Management and Budget provide opportunities to mitigate or eliminate potential or identified risks of noncompliance that could impact the results of a successful audit or sponsor peer review. Staff are expected to implement advisements in order for the County to promote a compliance-minded environment and good standing with its sponsors to secure future funding. The County's Grant Administration Handbook guides all County Divisions through the grant process focusing on post award compliance. Check the grants Sharepoint 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 Compliance Manager is available to help provide resources in grant preparation, including locating, researching, writing, assembling, and submittal. Each division acquiring grant funding must assign adequate staff resources that are trained and/or experienced relative to the complexity of the grant program requirements. Staff will work closely with the Grants Compliance Office to coordinate administration, provide required support and project information throughout the grant application, approval and management process.
- B. Grant Review Process: The Grants Compliance Manager, 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 Compliance Manager 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 Department Heads of the respective divisions, with assistance from the County Manager and Grants Compliance

¹. The portions of this procedure related to preparation, review, submittal and approval and agreement processes do not apply to Constitutional Officers with the exception of grant programs whereby the Board is required to be the grantee for eligibility.

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Manager 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.

- (2) If a division has specialized experience in a grant program in which multiple County divisions apply, the County Manager and Grants Compliance Manager may designate a lead division to manage administrative and program compliance.

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 Compliance Manager, 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 Sharepoint 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.
- (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 Compliance Manager to discuss options for emergency submittals or after-the-fact approval. Division will apply using the established after-the-fact Board approval request form. 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 meeting for the required after-the-fact approval. Internal department deadlines used to manage agenda items will not supersede the meeting date the OMB Grants Management Office assigns to obtain Board 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; or
 - (b) Division 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

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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.

- (7) Separate actions will be taken before the Board for application and award unless an exception is granted by the Grants Compliance Manager.
- 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 Compliance Manager must be notified of all awards upon receipt.
- E. Grant Award Documents.
 - (1) Most grants require execution of an agreement, contract or other document for formal acceptance.
 - (2) The Grants Compliance Manager, 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 Sharepoint site.
 - (3) The Board of County Commissioners must approve acceptance of the grant, unless the Board delegated this specific authority to the Department Head during any stage of the application approval process (if required by the grantor). Acceptance of each grant may require signature on an acceptance letter, grant agreement/contract, certifications or other acceptance documents.
 - (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 Compliance Manager 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 meeting 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.

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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 Department Head unless prohibited by the grantor, grant agreement or any applicable federal, state, or local laws, rule or regulation. The underlying grant contract conditions must also allow such signature authority. All such amendments must be reported to the Grants Compliance Manager and consulted with prior to execution with 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 and approved by the Grants Compliance Manager 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 match must be disclosed in the Execute Summary, identified and available no later than at the time award or per the application requirements whichever is more restrictive.

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, staff will submit documents to the Grants Compliance Office for review. Documents that should be included for reference are:
 - (a) Notice of funding availability.
 - (b) Draft application.
 - (c) Grant program guidance.
- (2) Following submittal of the grant application to the grantor, the project manager must forward copies of the complete and signed application to the Grants Management Office for filing in the Central Grants File.

H. Upon successful award of any grant, the project manager must forward copies of the following documents to the Grants Management Office for 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 prior to adding it to the automated agenda system.
- (3) Executed agreement.

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I. Post Award

Throughout the term of the grant, the project manager will coordinate with the Grants Management Office to ensure adherence with Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) and the County Grants Administration Handbook. The project manager must forward copies of the following documents to the Grants Management Office for review and filing in the Central Grants File:

- (1) Correspondence related to time extensions.
- (2) All amendments to the grant agreement including informal advisories via email.
- (3) All financial, project status, interim and final close out reports prior to submittal
- (4) All reimbursement requests prior to submittal.
- (5) Procurement solicitations prior to advertising and vendor contracts prior to execution.
- (5) All special conditions requests for grantor approval.
- (6) Any pertinent grantor notifications that may impact compliance.

J. Monitoring: All notices, draft reports and final results will be forwarded to the Grants Compliance Manager upon receipt. Monitoring may be in a variety of formats including an informal desktop review to a formal onsite visit. Responses will be developed in coordination with the Grants Compliance Manager and at minimum reviewed prior to submittal.

K. Coordination with Collier County Clerk of Courts Finance Department: The Grants Management Office will file copies of all award letters, agreements and any other required documents in the Central File which the Finance Department has access to in order to carry out the annual audit.

L. Repetitive non-adherence to this policy may require the division to submit a corrective action plan should non-compliant actions cause potential or actual audit risk that could result in adverse findings or comments from any audit or review.

§ 5330-4. Currency.

The Grants Management Office is responsible for maintaining the currency of this Instruction.

CLASSIFICATION PAY PLAN

[Effective Date: May 21, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006; Revised: September 1, 2017)]

§ 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 Division Directors and Department Heads, or designee(s), 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

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of the position and/or changes in market conditions. Reclassifications must be approved by the Human Resources Director, Division Director and Department Head 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 Division 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 Division 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.

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[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; Revised: August 7, 2019; Revised: December 27, 2019; Revised October 8, 2022)]

§ 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 Division 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 sections of the County.

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- (b) Reviewing job descriptions and/or Job Evaluation Tools and ensuring the appropriate Human Resources staff are informed in advance of all proposals for new and changed jobs in order for Human Resources to analyze, audit and establish appropriate classifications.
- (c) Ensuring divisional compliance with wage and hour laws and regulations.

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.

Amendments to the pay plan are subject to retroactive quarterly review and approval from the Board of County Commissioners.

D. Pay Administration Guidelines:

(1) Appointments:

- (a) New employees will be placed at the minimum of the pay grade established for the classification. If a candidate's education, experience or other qualifications are above those required for the position, approval to offer a salary up to 10% above the minimum of the pay range may be authorized by the Department Head, or their respective designee, with proper justification. Such justification may include, but is not limited to, external competitiveness, internal equity, difficulty in filling the position, or job-related qualifications exceeding the classification's minimum requirements.

The Department Head, or their respective designee, may request an offer up to the midpoint with proper justification. The request must be submitted to the HR Total Rewards section and Human Resources Director for review, who will evaluate and provide authorization for the request.

In limited cases, an offer at or above the midpoint of the range may be considered. Proper justification for the offer must be submitted to the HR Total Rewards section and Human Resources Director for review, who will evaluate the request, and if the justification is warranted, forward to the County Manager's Office for final approval.

- (b) New employees with base salaries above the minimum of the pay grade based on experience or other qualifications may have the above minimum increase split and provided in two steps, the initial hire date and the and the final day of the six-month probationary period. The secondary increase will

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be awarded upon completion of a successful probationary period and accompanied by an evaluation that shows an overall rating of Meets Expectations.

- (c) Department Heads are responsible for the equitable administration of above base offers for their respective divisions.

(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 to be recommended for approval. Special pay adjustments must be authorized by the Department Head and submitted to the Human Resources Director for final 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 employee's jurisdiction significantly increase).
 - (3) Serious base pay inequity internally and/or with the external market for a comparable position. Serious equity concerns is considered a difference of 10% or more.
 - (4) Exceptional or unusual conditions associated with an employee's job classification.
- (b) Any permanent special pay adjustment shall not result in a base pay that exceeds the maximum salary established for the employee's current job classification.
- (c) 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 6 months. Adjustments retroactive into a previous fiscal year must be authorized by the Human Resources Director and the County Manager, or their respective designees.

E. General Wage, Cost of Living and/or Pay Plan Adjustments: The County Manager may propose a general wage, cost of living and/or pay plan adjustment as part of the budget or as needed with approval of 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: Effective January 1, 2023, the County will provide a dollar-for-dollar match (not a contribution) to a deferred compensation account of

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regular full- and part-time employees. The full- or part-time employee must be actively contributing to a pre-tax deferred compensation account. The match provided is up to \$750.00 for employees below the Division Director level; Division Directors or equivalents receive up to a \$1500.00 match; and Department Heads or equivalents receive up to a \$3,000.00 match.

Employees serving in an interim assignment at the Division Director level and above will receive matching funds at the level of their interim assignment for the duration of the assignment.

- G. Merit Awards: Annual Pay for Performance/Merit awards may be distributed as determined by the County Manager following approval by the Board of County Commissioners.
- H. Special Assignment/Interim Assignment/Temporary Significant Additional Duties: An employee who is requested to perform functions and responsibilities of an advanced and/or supervisory nature or serve in a higher-level position on an interim basis or perform temporary significant additional duties outside of the employee's existing classification for a period of three or more weeks may be granted a temporary adjustment in pay. If a temporary adjustment in pay is provided, the adjustment may be up to 10% above the current base pay rate of the employee, or in the case of an interim assignment to the minimum of the assigned range, whichever, is the greater of the two.
 - (1) If the adjustment is to perform work on an interim 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 Living Adjustment, merit increases, etc.) will be applied to the resulting base pay which includes the temporary adjustment.
 - (2) If the adjustment is for temporary higher-level or significant additional duties, the temporary adjustment will be added to the employee's base pay. Any future increases to base pay (Cost of Living Adjustment, merit increases, etc.) will be applied to the resulting base pay which includes the temporary adjustment.
 - (3) Temporary adjustments shall be retroactive to the beginning date of the interim assignment/temporary significant additional duties, to a maximum of 6 months. Temporary adjustments retroactive into a previous fiscal year must be authorized by the Human Resources Director and the County Manager, or their respective designees.
 - (4) Temporary adjustments will be in effect initially for a maximum of 6 months. The employee's division must take additional action to extend the temporary adjustment period. Temporary adjustment extensions may require updated justification.
 - (5) When the special assignment/temporary significant additional duties have been completed, the temporary adjustment will be removed. If the temporary adjustment

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has been added to base pay, the employee's base pay will return to the former base pay, adjusted by any applicable pay increase that may have occurred after the temporary adjustment became effective.

- 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 an increase is provided, it will be up to 10%, added to base pay, or the pay range minimum of the new position, whichever is greater. In no case will the new salary exceed the maximum salary of the pay range for the classification.
 - (1) An employee who moves two or more pay grades may be eligible for an increase up to 10% on top of the base of the new range if they possess experience that exceeds the minimum qualifications for the new position and the increase does not pose a significant equity concern with proper justification. Such justification may include, but is not limited to, external competitiveness, internal equity, difficulty in filling the position, or job-related qualifications exceeding the classification's minimum requirements. This is subject to the review and approval of the Human Resources Director or their designee.
 - (2) The promotional increase may be split and provided in two steps, implemented anytime between the initial promotional date and the final day of the six-month probationary period, or can be provided at the successful completion of probation, except in cases when an employee is moving to the pay range minimum of the new position. Documentation may be required, including but not limited to, a probationary evaluation, justification memorandum or other substantiating information, upon submittal of the request for the increase.
 - (3) Base pay increases in excess of 10%, when not related to an employee moving to the new range minimum, require approval of the Human Resources Director or respective designee.
 - (4) Promotions will not be applied retroactively.
- 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, and 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 reasons including, but not limited to:
 - 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;

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- 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 has not been able to obtain or maintain the necessary qualifications as required for the position;
 - A reorganization;
 - 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 position held in the past 12-month period shall receive the same base pay they had before the promotion, adjusted to include 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. These amounts, if applicable, 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, or one held greater than 12 months ago, 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. If the recommended decrease creates a significant equity concern with like positions or across the organization, the Human Resources Division may review the adjustment for consistency and recommend an alternate decrease. The Human Resources Director or designee may approve an alternate amount based upon this review.
- (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 may be implemented without a decrease in base pay. A written request with supporting documentation must be approved by the Department Head and submitted to the Human Resources Division. 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.

- K. Transfers: An employee may be transferred to another position within the organization with the same job classification. An employee may also apply to and be selected for a different job classification having the same pay grade as the employee's present classification. A transfer to a division where the employee retains the same classification title will not change the employee's base pay or pay grade.

A transfer where an employee moves to a different job classification within the same pay grade may result in a change to the employee's base pay if there is a serious base pay inequity or an unusual or exceptional circumstance related to the employee's new role. Unusual or exceptional circumstances include but are not limited to: a serious increase to span of control, external market conditions and/or experience not previously compensated by the County. A written request with supporting documentation must be approved by the Department Head and submitted to the Human Resources Division. The Human Resources Director will consider the recommendation will either approve or deny the pay increase request based upon this review.

- L. Reassignments: The County Manager or Department Head 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.

- (1) An employee moving to a position with a lower pay grade will have their pay assessed under the guidelines for demotions.
- (2) An employee moving to a position with the same grade will be considered to be a lateral transfer.
- (3) An employee moving to a position with a higher pay grade will have their pay assessed under the guidelines for reclassifications.

- 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

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responsibilities, but the retroactivity will not exceed a maximum of 6 months. Adjustments retroactive into a previous fiscal year must be authorized by the Human Resources Director and the County Manager, or their respective designees.

- (1) An employee that moves two or more pay grades may be eligible for an increase up to 10% on top of the base of the new range if they possess experience that exceeds the minimum qualifications for the new position and the increase does not pose a significant equity concern with proper justification. This is subject to the review and approval of the Human Resources Director or their designee.
- (2) Reclassifications to a lower salary grade will result in no change in an employee's 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.

- N. Career Ladder/Career Progression: This is a process designed to progress an employee to a higher classification with a higher level of job responsibility within a job family. Divisions must have established criteria for advancing from a lower-level position to the next higher-level position. Criteria is subject to the review and approval of the Human Resources Director or their designee.

The career ladder rests on three basic preconditions:

- (1) The division must have a genuine business need for the higher-level work.
- (2) The target position classification must be available for career ladders.
- (3) The employee must be both interested in the higher-level work and able to demonstrate the potential to perform it successfully.

An employee who is moved to a higher-level classification in a career ladder 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.

- (1) An employee who moves two or more pay grades may be eligible for an increase up to 10% on top of the base of the new range if they possess experience that exceeds the minimum qualifications for the new position and does not pose a significant equity concern with proper justification. This is subject to the review and approval of the Human Resources Director or their designee.
- (2) All pending/in process Career Ladder/Progression increases must be considered in establishing an employee's new base pay in cases of promotions, transfers and/or reclassifications.

- O. Certification Incentive Increases:

- (1) Certification Incentive programs may be approved for attainment of certain professional or technical certifications or licenses directly related to division operations (i.e., attainment of a Florida water/wastewater operator license or

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regionally sanctioned building inspection certification).

- (2) Once an employee's base pay has reached the maximum of their current pay range, certification increases shall be paid as a one-time bonus. If a portion of the increase to base pay brings the base pay to the maximum of the pay range, the remainder of the increase shall be paid as a one-time bonus.
- (3) All pending/in process certification increases must be considered in establishing an employee's new base pay in cases of promotions, transfers and/or reclassifications and MUST be noted on the related HR documentation (PAR).
- (4) A retroactive date for an increase to base pay will not exceed a limit of 6 months from the date on the certificate or license or from the date the last requirement for the increase was achieved, nor extend retroactively into a previous fiscal year without approval of the Human Resources Director and the County Manager, or their respective designees.
- (5) Failure to maintain certifications or licenses may result in loss of incentive pay as well as disciplinary action. Expenses related to reactivating an expired license or certification required for performing essential job functions, such as tuition, exam fees, travel, etc., shall be borne by the employee.

P. 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 Division 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 non-productive time off, such as sick leave, jury duty, personal leave, funeral 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. Outside of holiday, only 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.

COMPENSATION ADMINISTRATION

(a) Employees Eligible for Overtime Pay: Nonexempt Employees

Generally, those employees in office, secretarial, trades and/or technical positions who work in excess of forty hours in a work week will receive overtime at the time-and-one-half rate for all hours worked over 40. For purposes of overtime pay computation, time worked will be rounded off to the nearest fifteen-minute interval.

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

[1] Professional, executive, and administrative employees are generally considered exempt from payment of overtime. 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 CMA 5900.

[2] The majority of these positions will normally require a forty-hour week, but, when more hours are required, overtime pay is not applicable.

[3] The County Manager may approve exceptions to the nonpayment of overtime to exempt staff on a case-by-case basis.

Q. 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.

R. 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 Division Director. (Non-exempt employees may earn compensatory time at straight time if they have "non-productive" time during the work week.) The Division 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 upon separation, if unused at the end of the calendar year, or upon transfer to an exempt position.
- (2) Because exempt employees generally do not receive overtime pay, they may be

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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. Division Directors, Chiefs, Deputy Department Heads, Department Heads and other executive employees are not eligible to earn compensatory time. On an exception basis for unusual or extraordinary circumstances, 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) Exempt and nonexempt employees may accrue up to 240 hours of compensatory time.
- (4) The County Manager, Department Head, Division Director, or designee, may require an employee to use accrued compensatory time at any time.

S. 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/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

COMPENSATION ADMINISTRATION

the rate of time and one-half.

T. Rest Period:

- (1) Employees in non-exempt, non-bargaining classifications as specified in the pay plan who are 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.
- (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.

U. On-Call Pay:

- (1) Non-exempt employees placed into on-call status 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 carry a County-issued electronic device. Any time the employee leaves home, he/she must have the supplied device 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 a County-issued electronic device for emergency notice, will receive additional compensation only when they are scheduled by management for on-call duty or called back to duty.

V. Shift Differential:

- (1) It is the policy of the County to provide a pay differential for selected non-exempt

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classifications when the regular work schedule includes work during the afternoon and/or midnight shifts.

- (a) Directors should routinely review positions assigned to their Division and, if shift differential will be authorized for one or more business units under their responsibility, submit a list of classifications authorized for shift differential to Human Resources.
 - (b) Human Resources will review the shift differential list to ensure compliance with the provisions of this CMA.
 - (c) Shift differential will remain in effect for any employee occupying the designated position title(s) until authorizations are rescinded by the Director.
- (2) Employees working in positions designated as differential-eligible non-exempt 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 will be paid the differential for the actual hours worked in the respective shifts. Based on individual Division and/or section work schedules and operational needs, shift differential payments may be authorized to begin at alternate times.
- (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, temporarily suspend and/or permanently end any related compensation components if the exception/change is not in conflict with federal, state and/or local laws.

§ 5341-3. Currency.

The Human Resources Division 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; Revised: September 1, 2017)]

§ 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

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hours 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.
- G. Paid Intern: Individuals selected to participate in a paid internship with the County will be considered employees, and will work a period of four (4) months or fewer. Interns may work in a full-time or part-time status, depending on area of assignment. At the end of the internship period, they will be separated from service with the County, or, if a division wishes to retain their services, may be transferred to temporary full- or part-time status in an appropriate pay plan title. At no time can an intern's service period extend beyond four months.
- H. Variable Hour: Temporary full- or part-time employees whose weekly working hours cannot be determined due to fluctuations in business unit needs are considered to be variable hour employees. For these individuals, they may be given an average number of hours to be worked in a week, though these are not guaranteed and are regularly subject to change.

§ 5343-3. Currency.

The Human Resources Division 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; Revised August 7, 2019)]

§ 5344-1. Purpose.

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

§ 5344-2. Concept.

- A. Employee Eligibility: Regular full-time employees and regular part-time employees scheduled for 30 or more hours per week, who have successfully completed six months of employment (and any relevant probationary period) as of the start date of the course, are eligible to receive tuition assistance if approved. Temporary/job bank, and/or contract staff are not eligible for tuition assistance.
- B. Course Eligibility: To qualify for tuition assistance, the following conditions must be met:
 - 1. Approved Degree Program: 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.
 - a. Tuition assistance will be considered for required courses that are part of an approved degree program.
 - b. Degree program or course pre-requisites do not qualify for assistance.
 - c. The degree program must be approved by the employee's Division Director, Department Head and Director, Human Resources prior to consideration of coursework for approval.
 - 2. Job-Related: Coursework approved for tuition assistance must relate directly to the employee's present job and must improve or maintain job-related skills or be required by the agency (or by law) for the employee to remain employed in that job for a genuine business purpose of the agency (as determined by the concurrent approval process).
 - a. Expenses required for the employee to satisfy the minimum educational requirements for qualification in his/her job do not qualify for reimbursement.
 - b. Educational expenses to qualify the employee for a new trade or business (that is not of the same general type of work as the employee's current job) are not eligible.
 - c. Elective courses that are required as part of the degree program are eligible for assistance.
 - d. Elective courses that are required as part of the degree program, but are not job-related, are eligible for assistance but may not qualify for tax-free reimbursement based on federal law.
 - 3. Accreditation: Courses must be taken from a fully accredited [as recognized by the

TUITION ASSISTANCE

Council for Higher Education Accreditation (CHEA), U.S. Department of Education (USDE) or both] college, university or trade school. The degree program, as well as the educational institution, must be accredited.

4. Non-Degree-Related Courses: Charges for a seminar program, workshop, non-credit course, or non-degree-related course are not reimbursable under this procedure.
- C. Course Approval: Employees must seek approval prior to enrollment when requesting reimbursement from the County. Human Resources must receive requests for tuition assistance ***no later than two weeks after the first day the course begins***. Applications approved and/or received after that time will not be considered.
1. Approval and Funding: Approval of the degree program and each course approval request will be contingent upon the concurrence of the employee's Division Director, Department Head, the Director of Human Resources, and the availability of Division budgeted funds.
 2. If the Application for Tuition Assistance is not approved by the Division Director or Department Head, the Division Director will advise the employee in writing as to the reason for the denial. The application with accompanying explanation will be forwarded to the Human Resources for inclusion in the personnel file.
 3. Alternate Funding: Intended courses of study must be otherwise unavailable under state or federal government sponsored programs.
 - a. 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.
 - b. Employees receiving other forms of non-reimbursable financial assistance such as scholarships, fellowships, grants, Veteran's benefits, etc. must disclose such assistance, and will be eligible for tuition expense reimbursement after the financial assistance has been applied to the tuition costs. Duplicate payment is not permitted.

A. Tuition Reimbursement:

1. The County will pay 100% of tuition expenses, up to a maximum of six credit hours per academic term, subject to the applicable tuition charge per semester credit hour as outlined below. An academic term is a portion of an academic year during which an educational institution holds classes (semester, trimester, quarter, short-term semester, self-paced learning, etc.).
2. Eligible Expenses

Tuition	Yes
Laboratory Fees (applicable to science/health related courses only)	Yes

TUITION ASSISTANCE

Instructional Materials	No
Fees (in excess of those specifically related to a per credit-hour tuition as defined under the State University System of Florida)	No
Online learning fees (in addition to online learning tuition)	No

3. Course Reimbursement: The amount of tuition reimbursed will be the lesser of:
 - The State University System of Florida average graduate or undergraduate (as applicable) tuition charge per semester credit hour; or
 - The actual per-credit charge for the relevant academic term (may reflect a negotiated 'partnership rate' specified by the educational institution for Collier County Government employees).
4. Grade Requirements: The employee must receive a grade of "C" or better (C, C+, B-, etc.) for undergraduate level courses to receive assistance. For graduate level courses, a grade of "B" or better (B, B+, A-, etc.) shall be required to receive reimbursement. Courses graded on a Pass/Fail basis will be reimbursed with receipt of "Pass".
5. Documentation: The employee must submit documentation including, but not limited to:
 - a. A certified transcript of course grades, mailed directly to the Human Resources Office.
 - b. A tuition payment receipt for each course.
 - c. A statement of disclosure regarding non-reimbursable financial aid (e.g. grants, scholarships, etc.)
 - d. Any other documents as deemed appropriate by the Human Resources Director to support the reimbursement request.
6. Disclosure: Employees shall disclose any other tuition aid received from government and/or other sources (e.g. non-reimbursable grants, scholarships, fellowships, etc.), and may submit a request for reimbursement of paid eligible tuition expenses not covered by such programs. Reimbursement will be determined with consideration of non-reimbursable financial aid which offsets actual tuition expense. Duplicate payment is not permitted under the terms of this Tuition Assistance procedure.
7. Falsification: Should the employee submit documentation which he/she knows is false or intentionally misleading, in order to receive benefits for which he/she is not entitled, the employee shall be:
 - a. denied reimbursement
 - b. precluded from further participation in the program, and
 - c. required to repay the County for all tuition reimbursement amounts received while in the County's employ.

The employee may also be subject to further disciplinary action, including, but not limited to, termination of employment.

TUITION ASSISTANCE

8. Classes and assignments are to be completed outside of regular working hours and should not interfere with the employee's work. Employees shall not use any space, personnel, equipment, or supplies of the County in the process of fulfilling any of the requirements of the coursework for which they are being reimbursed.
9. Unsatisfactory work performance during enrollment may result in forfeiture of tuition assistance.
10. Timely Submission: It is the responsibility of the employee to provide the Human Resources Department with all required materials for consideration of tuition reimbursement within 90 days of course completion. Excepting employees who have been absent from the workplace on an approved leave of absence, payment will be denied if documents are submitted after the 90-day requirement.
11. Separation: Should the employee separate from County service (voluntary separation or is discharged from County service) within 12 months following completion of coursework for which tuition assistance has been received, he/she shall reimburse the County for all tuition assistance received within the previous 12-month period (based on date of tuition payment). The County may deduct the reimbursable amount from the final paycheck in compliance with the Fair Labor Standards Act (FLSA).

§ 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.

WORK HOURS

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006; Revised: September 1, 2017)]

§ 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. Concept.

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 Division Director or designee 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 Director or designee 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, may be given during the workday. Non-exempt 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 paid daily fifteen-minute breaks, one in the first half of the work day and one in the second half of the work day, 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. Currency.

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

CMA 5345

WORK HOURS

§ 5345-4. 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.

RELOCATION EXPENSES

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006; Revised: August 7, 2019)]

§ 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. Division Directors, Department Heads or other hiring Supervisors may not negotiate or approve relocation assistance with any applicant. Requests for payment of relocation assistance must be reviewed and approved by the Human Resources Director, and Human Resources staff will communicate and negotiate relocation in conjunction with the employment offer process.
- B. Relocation expenses shall be paid only upon the recommendation of the Division Director, Department Head, and Human Resources Director.
- C. Approvals for reimbursement of expenses must be obtained prior to costs being incurred by the candidate/employee. If an individual is eligible to be reimbursed for a house-hunting trip, the approvals must be received prior to the trip occurring. Any expenses incurred prior to this process are ineligible for reimbursement.
- D. All recommendations for payment of relocation allowances must be made on the Request for Authorization of Relocation Expenses form.
- E. Any consideration of relocation assistance shall not exceed one month's gross base salary at time of hire. Assistance can be considered for amounts less than one month's salary, at the discretion of the Division Director. Payment of relocation is a taxable benefit to the recipient.
- 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 Resources Director and County Manager or their respective designees. In no instance will the total relocation allowance exceed the guidelines set forth in § 5346-2 E above.
 - (1) One house-hunting trip for the employee and/or one immediate family member (who is part of the household), which may include airfare expenses, hotel, car rental, mileage reimbursement (as outlined in the GSA), or other costs as approved prior to the trip occurring. Per-diem for meals is not an eligible expense.
 - (2) Movement of household goods.

RELOCATION EXPENSES

- (a) The employee must secure estimates from three reputable movers or rental companies with national affiliations. These should be comparable quotes in terms of weights of items to be moved and services to be rendered (full house packing, vehicle shipment, etc.)

Once secured, the estimates must be submitted to the Human Resources Division in advance of the move. The employee must work with the lowest priced vendor whenever possible. Requests to work with another vendor must be submitted in writing to HR and may be considered on a case-by-case basis. HR will make the final approval for these types of requests.

- (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/or family (immediate members of the household only) to Collier County. Mileage will be paid in accordance with the allowable rates published by the GSA for relocation at the time of the move.
- (5) Per-diem for meals is not an eligible expense.

- G. Reimbursements for approved relocation expenses will be paid only after receipt by the Human Resources Division of appropriate documentation. The County will reimburse eligible employees for legitimate expenses incurred in relocation in the manner set forth in this procedure. The County may also provide direct payment to contractors. Requests for relocation assistance must be submitted for processing within six months of the date of employment, unless approval has otherwise been granted in writing.
- H. Employees receiving relocation expenses will be required to sign an agreement stating that he/she will repay the relocation expense should he/she voluntarily separate from County employment within two years from the date relocation assistance is paid.

§ 5346-3. Currency.

The Human Resources Division 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 2

COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS

Relocation Agreement

In accordance with this signed agreement, I _____, agree to repay the 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.

I will submit all required estimates to the Human Resources Division in accordance with this policy and understand that failure to do so will result all or part of my expenses being ineligible for reimbursement. I understand that this is a taxable benefit and that the appropriate withholdings will be calculated at time of processing.

I understand that requests for relocation reimbursement must be submitted to the County within six months of my date of employment, unless other written approval has been granted.

This Agreement does not in any way constitute an employment contract between myself and the Collier County Board of County Commissioners.

Print Name

Signature

Date

Human Resources Representative

Date

RELOCATION EXPENSES
CMA 5346 Attachment 1

COLLIER COUNTY GOVERNMENT
REQUEST FOR AUTHORIZATION OF RELOCATION EXPENSES

REQUEST: Name: _____ Request Date: _____
Division: _____ Department: _____
Position Title: _____ Pay Grade: _____
Annual Salary: \$ _____ Monthly Salary: \$ _____
Billing Cost Center: _____ Maximum Reimbursement*: \$ _____

Justification for reimbursement of relocation:

**Not to exceed one month salary*

Employee is relocating from (City, State): _____

Estimated Mileage to new residence: _____

This request is necessary for the following reasons (please check all that apply):

- ☐ Skilled professional, technical or supervisory role ☐ Hard to Fill
☐ Limited local applicant pool ☐ Time Vacant (enter in months) _____
☐ Other (please specify): _____

Relocation allowance for:

☐ Employee and/or ☐ Family

Check all that apply:

- ☐ House hunting trip
☐ Movement of household goods
☐ Storage of household goods and personal effects for one month or less
☐ Transportation/travel expenses for movement of employee and dependents to new location.

Recommended mode of transportation for household goods and personal effects:

Three quotes to be provided to Human Resources in advance of costs being incurred

☐ Common carrier ☐ Rental Vehicle ☐ Either

Department Approvals:

Division Director: _____ Date: _____

Department Head: _____ Date: _____

FINAL APPROVAL: ☐ The above request is not approved.

☐ The above request is approved for an amount not to exceed: \$ _____

Human Resources Director: _____ 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; Revised: September 1, 2017)]

§ 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 Division Director but not including contract employees are stated in CMA 5351, Discipline.

§ 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.
 - (1) Level One: The employee should reduce his/her concerns to writing for presentation to his/her Division 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 Division Director to the Human Resources Director. The Division 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 Division Director prepares

COMMITMENT TO FAIR TREATMENT

his/her answer. If the employee is dissatisfied with the Division Director's answer or the answer is not received within the specified time period, the employee may appeal the action to the Department Head as provided in Level 2.

- (2) Level Two: The employee may appeal by submitting the original document, the Division Director's response and any additional comments to his/her Department Head 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 Division Director's response. The Department Head 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 Department Head 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 Department Head'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 Division Director level and equivalent and contract employees are not eligible to use this procedure.
 - (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

COMMITMENT TO FAIR TREATMENT

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 Division. 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 Division 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 Division is responsible for maintaining the currency of this Instruction.

§ 5350-5. Reference.

Collier County Personnel Ordinance, Ordinance No. 2001-50: Commitment to Fair Treatment

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.

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[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; Revised September 1, 2017)]

§ 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 Division Director. Division Directors, as well as Fire Chiefs; Chief – EMS; Deputy Department Heads; Department Heads; County Attorney; Deputy County Attorney; Deputy County Manager; Executive Coordinators 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 Division 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 Division 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 Division Director, who

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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 Division 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 Division 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 Division 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.

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

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- (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 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 Division Director and the assigned HR Generalist. Final decisions regarding discipline are the responsibility of the Department Director. The signatures of the Supervisor, Division 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 Division 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 Division.
- (3) **Suspension:** An employee may be suspended without pay by his/her immediate supervisor with the prior approval of the Division Director and upon consultation with the assigned HR Generalist. Suspensions may be recommended for reasons provided in the Code of Ethics/Standards of Conduct¹ 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 Division 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, Division Director, and Human Resources Director or his/her designee before it is issued to the employee. The supervisor and/or the Division 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 Division 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

¹ . Editor's Note: See CMA 5311, Code of Ethics and Anti-Fraud, and CMA 5311.1, Standards of Conduct.

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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 Conduct. As noted in the Code of Ethics/Standards of Conduct,² 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 Division 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 Division 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 Division Director or the Human Resources Division 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 Division. 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

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

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Resources Director or his/her designee and will usually be a Department Head, Division 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 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

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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 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

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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.
 - (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

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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.

CMA 5360

LEAVES OF ABSENCE

[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; Revised: August 16, 2019)]

§ 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 – See CMA 5904
- Sick Leave Bank Program
- Vacation Leave
- Vacation Sell Back Program – See CMA 5301
- Compensatory Leave
- Paid Holidays
- Bereavement Leave
- Military Leave/Civil Duty Leave
- Personal Leave
- Service Award Leave
- Administrative Leave

Other Paid and Unpaid Absences

- Emergency Pay
- Community Service
- Workers' Compensation
- Domestic Violence Leave
- Paid Personal Leaves 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

CMA 5360

LEAVES OF ABSENCE

taken without pay.

- (b) When an employee officially begins and ends an approved leave of absence from the County (Military, Workers' Compensation or personal), whether paid or unpaid, in addition to the employee submitting a Request for Leave Form to their division, all required documentation regarding the leave of absence should be submitted to the Human Resources Division for processing. In certain cases, Human Resources staff will initiate these documents for processing and will communicate the status to the appropriate parties, including the Division Director.
 - (c) All leaves of absence with pay shall be recorded on the daily attendance records and noted on payroll forms. Division Directors are responsible for maintaining records, verifying compliance with this procedure, and monitoring its application.
 - (d) An employee may 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.
- (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 Collier County 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, seasonal, variable-hour and intern employees do not receive sick leave accrual nor is service as a temporary employee credited upon transfer to regular full- or part-time employment. These employees will retain their original date of hire when transferred to regular employment but will receive

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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 fifteen-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] Regular employees who submit a leave request and get supervisory approval may take up to one hour of paid time per occurrence (inclusive of travel time to/from the work location) for appointments at the County's MedCenter without incurring sick leave. Any time beyond this first hour will be recorded as sick leave, subject to availability. This does not include visits with Emotional Wellness staff or to participate in the Telehealth program. Employees may be required to provide proof of attendance for MedCenter appointments to management.
 - [d] 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, step-mother, step-father, step-brother, step-sister, biological, foster or adopted children or a close relative living with the employee.)
 - [e] Employees who apply for and are approved to use Family Medical Leave (FMLA) to care for the serious illness and/or disability of a qualified family member (employee's spouse, child, or parent, as provided by law) are permitted to use accrued sick leave with no restrictions for the duration of FMLA leave period only.
 - [f] 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 sick leave as a new employee. In the event of service breaks of fewer than 30 days, the employee's sick leave balance at the time of separation will be reinstated, unless the employee was eligible to be paid for sick leave under the provisions of this CMA.
- [3] Review of Sick Leave Usage:

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- [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 Division 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. All medically-related documents may not be retained in the department/division and must be forwarded to Human Resources for inclusion in the confidential medical file.
- [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 Division Director must notify the Risk Management Division 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.

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- [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**

Years of Service	% Paid at Separation
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] 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 eligible 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

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this practice, as well as CMA 5904, Retiree Health Insurance Premium Subsidy Program.

(f) Retiree Health Insurance Premium Subsidy Program – See CMA 5904

(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 Division 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:

Sick Leave Used During Year	Incentive
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 Division 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 Sick 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. Information regarding the Retiree Health Insurance

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Premium Subsidy Program can be found under CMA 5904.

- (h) Sick Leave Bank Program - 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.

- [1] Eligibility Requirements: To join the Sick Leave Bank, an employee must meet the criteria listed below.

- [a] An employee must contribute at least eight hours of accrued leave in order to participate in the Sick Leave Bank program.

- [b] Be a Regular Full-time or benefits eligible Regular Part-time employee who has Short Term Disability Benefit coverage from the County.

- [c] Successfully completed his/her initial six-month probationary period.

- [2] Requesting Sick Bank Hours: There is a six-month waiting period after joining the Sick Leave Bank before an employee can apply for leave hours. To request hours from the Sick Leave Bank Program, the following conditions must be met:

- (a) Must be a member of the Sick Leave Bank for at least six months.

- (b) May not be receiving payments from Workers' Compensation.

- (c) Application Process: In order to receive time from the Sick Leave Bank, an employee must do the following:

- (1) Apply and be approved to receive short-term disability benefits.

- (2) Must complete a Sick Leave Bank Withdrawal Form and submit it to his/her Division Director for signature and approval.

- (3) Once approved by the Division Director, the form must be submitted in writing to the Human Resources Director or his/her designee, who will review and determine the employee's eligibility based on the criteria in this instruction.

- (3) Using Sick Leave Bank Hours

- (a) If approved, the employee will receive hours from the Sick Leave Bank to supplement payments received from short-term disability.

- (b) Sick Leave Bank hours will be paid up to 26 hours per pay period at the employee's base rate of pay.

- (c) Employees who have elected the basic short-term disability (STD) coverage at 40% of their basic income will be allowed to supplement the short-term disability coverage and Sick Leave Bank coverage with hours from their leave time accruals if they so desire. Employees who have elected the select short-term disability coverage at 66 2/3% of their basic income will

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not be allowed to supplement from their leave time accruals unless they are not an active Sick Leave Bank member.

(d) Employees who are working a reduced schedule due to an illness, accident, or disability may apply for Sick Leave Bank benefits. If 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 Divisions and, if approved, the Sick Leave Bank would match the hours worked up to thirteen (13) hours per week. In addition, employees receiving medical treatments that temporarily incapacitate their ability to work a normal schedule, may apply for benefits from the Sick Leave Bank, not to exceed thirteen (13) hours per week. These requests will be handled on a case-by-case basis.

(4) Routinely, the Human Resources Division will review the Sick 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) Use of leave bank time shall not exceed ninety (90) calendar days during any rolling twelve-month period.

(6) Upon requesting hours from the Sick 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.

(7) As long as an employee is in pay status, the County will maintain its contribution to the health insurance program for the employee.

(8) Employee donations to the Sick Leave Bank will not impact their eligibility for the Sick Leave Attendance Incentive Program.

(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, seasonal, variable-hour or intern employees are not entitled to vacation benefits.

(b) **Accrual of Vacation Leave:**

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- [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:

Years of Employment	Hourly Accrual Rate
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 of 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 Collier County 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, seasonal, variable-hours or intern 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 Department Head 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.
- [2] The County must have the services of that employee for a period of time that

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would preclude the use of vacation and cause the employee's accrued leave to exceed 440 hours.

- [3] 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 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)(l), Vacation Sell Back.

(i) Scheduling Use of Vacation:

- [1] All requests for vacations must be approved by the Division Director in advance of the vacation, when possible. The Division Director shall make provisions annually for scheduling vacation in such a way that it will not impair the efficient operation of the division. The Division Director's determination of the schedule shall be final.
- [2] The Division 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 division.
- [3] A Division 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 division.
- [4] The minimum charge for vacation leave shall be in fifteen-minute units.

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[5] Vacation may not be taken until earned and recorded by payroll.

(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.
- [6] The County reserves the right to retain any monies owed for tuition assistance, training and/or education, relocation expenses, uniforms, or County issued supplies/equipment from employees separating from service.

(l) **Vacation Sell Back – See CMA 5301**

(4) **Compensatory Leave:**

- (a) Accumulated but unused compensatory time will be paid out to non-exempt employees at the end of the calendar year, if they transfer from a non-exempt to exempt position and, if applicable, upon separation.
- (b) 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.
- (c) The minimum charge for compensatory leave shall be in fifteen-minute units.
- (d) Exempt and nonexempt employees may accrue up to 240 hours of compensatory time in each calendar year.
- (e) Requests for compensatory time must be submitted in writing on the request for leave form and must be approved by the Division Director and/or the Department Head.
- (f) The County Manager, Deputy County Manager, Department Head, Division Director, or their designees, may require an employee to use accrued compensatory

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time at any time.

- (g) The County Manager may approve exceptions to the compensatory time procedure on a case-by-case basis.

(5) Holidays:

- (a) Observed/Recognized 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) Weekend Holidays: When holidays fall on a Saturday or Sunday, the Human Resources Director or his/her designee, with the approval of the County Manager's Office, will designate the day on which holiday pay will apply.

(c) Holiday Payment:

- [1] Employees will be compensated for holidays on the basis of their regular straight-time rate based on the work schedule assigned for that workday.
- [2] When the holiday falls during an employee's regular work schedule, and the employee receives paid time for his/her absence on the observed/recognized holiday, the holiday shall count as productive time when computing overtime pay for that workweek.
- [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 Division Director, it becomes necessary to require employees to work on an official (County observed/recognized) 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 division 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 Director, lose holiday pay for the number of

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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 the County observed/recognized holiday and/or the calendar holiday, he/she will be compensated for the hours worked on those days at a rate of 1 1/2 his/her hourly rate of pay.
- [5] If the County observed/recognized 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 division during that work week. 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] Regular full-time employees assigned to a 24-hour schedule will receive 12 hours of straight time pay for each of the observed/recognized holidays. This pay does not count as productive time when computing overtime pay for that work week. (See section 4 above for hours worked on observed/recognized holidays and calendar holidays)
- [7] 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).
- [8] 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 category 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 matters related to a death of an individual as covered in this section under (6) (c), as well as 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; brother; sister; biological, adopted or foster children; grandchildren; grandparents;

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aunt; uncle; niece; nephew; those who are in-laws or step-family equivalents of those family members listed above 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 individual/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 provisions outlined under the sections on vacation, personal leave or compensatory time.
- (7) Military Leave/Civil Duty Leave:
- (a) Reserve and National Guard Training: Any 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 be in accordance with the Florida Statutes. 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 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, as required by USERRA, Chap 43 of Title 38, USC. 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. If applicable to their job status, 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) Public Health and Medical Services Support: A regular-full time employee who is a member of the National Disaster Medical System (NDMS) and who is ordered to engage in annual field training or active duty, shall, upon presentation of a copy of official orders, be granted Administrative Leave with pay.

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When the NDMS is activated to provide health and other services to respond to victims of a public health emergency or to be present at locations at risk of a public health emergency (which, for example, may include activations in response to a disaster, major emergency, and special event) or when NDMS employees are activated to participate in a Federal exercise or other official training, these personnel fall under the employment and reemployment rights provisions of chapter 43, title 38 of the U.S. Code (Uniformed Services Employment and Reemployment Rights Act) (USERRA). Personnel must report back to work for the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and safe transportation home, plus an 8-hour period for rest. The Act also ensures that, for authorized activations and training, team employees are not required to take annual leave by their employers.

- (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 be 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 fifteen-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 other sections of this CMA, subject to attaining approval from the employee's Supervisor in advance. Staffing requirements and the ability to serve the public shall be considered in approving the leave request.
- (9) Service Award Leave: Eligible full- and part- time employees are provided with Service Award Leave time in accordance with County Resolution 2001-301, County Employee Service Award Program.
- (10) Administrative Leave:
 - (a) When determined to be in the best interest of the County, the County Manager, Deputy County Manager, Department Head/Deputy Department Head or the Division Director may place an employee on administrative leave with or without

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pay. This includes, but is not limited to, Federally- or State-declared emergency situations where County employees are called to provide mutual aid.

- (b) Administrative leave may be utilized for the time frame before and/or after a 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 Division Director shall coordinate this action with the Human Resources Director or designee.
- (11) 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.
- (12) Community Service:
- (a) Regular, full-time employees may, at the discretion of the Division Director and/or Department Head, 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 scheduled and noticed local community events and programs. These events include but are not limited to: volunteering at a school function, participating in structured mentoring program, working at a non-profit event.
 - (b) This leave will not be charged against any other accrued leave balance. Community service hours shall not exceed eight hours per month per employee.
- (13) Workers' Compensation Leave: It is the practice 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, and temporary) as well as volunteers/interns shall be entitled to Workers' Compensation leave benefits when a claim has been determined compensable.
- (a) Notification and Proof of Absence from Work:
- [1] Employees who are injured on the job must immediately report the injury to their supervisor, and complete the necessary electronic record keeping process through Risk Management to document the incident.
 - [2] Employees are responsible to notify their supervisor of their work status. Employees who are being treated for a claim under Workers' Compensation are required to submit to their supervisor, prior to the start of their next regularly scheduled shift, a Florida Workers' Compensation Uniform Medical Treatment/Status Reporting Form (Form DWC-25) received from the authorized treating physician. This document provides the necessary information related to the assessment of the injury, functions and job-related limitations the physician recommends.
 - [3] In accordance with CMA #5801, an employee found by the authorized treating physician to be able to work with restrictions will be provided with a temporary,

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modified “transitional” duty assignment by his/her supervisor.

- [4] If an employee is determined by the authorized treating physician to be unable to work, the employee is required to adhere to the authorized treating physician’s treatment plan, and provide their supervisor the most recent issue of the previously mentioned DWC-25 form, prior to the start of their next regularly scheduled shift. Timely notice to the supervisor is mandatory. The supervisor must then immediately notify Risk Management of the employee’s non-work status.
- [5] Failure to provide timely notice may be cause for denial of Workers' Compensation leave pay for that period of time.
- [6] More restrictive requirements may apply within specific departments/divisions. It is the employees' responsibility to be trained and follow specific guidelines as to each department's/division’s practices.
- [7] The Division Director is responsible for communicating this practice and determining that Workers' Compensation leave is properly authorized and used in accordance with these guidelines. This will include maintaining complete attendance records on any employee who has filed a Workers’ Compensation claim, including days, dates and hours of Workers' Compensation leave taken.
- [8] When leave is required relating to a compensable Workers' Compensation claim, leave shall be recorded accurately on time cards, leave slips and in the County’s timekeeping system.

(b) Missed Full Days/Shifts Due to Injury: 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 determined to be unable to work (temporarily totally disabled) by the authorized treating physician, 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) absence are without pay.

[a] Collier County allows the affected employee to use accrued leave time to remain in paid status during the waiting period, as well as during subsequent periods involving the same compensable injury when they are eligible for TTD.

[b] To initiate the process, the eligible employee must complete the County's Workers' Compensation Supplemental Selection Form and submit copies to the Risk Management Division, their division timekeeper and the Human

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Resources Division. The supplement will remain in place until the employee moves to transitional or full duty, or all his/her authorized accrued leave has been exhausted. Employees are responsible to notify the appropriate parties if they no longer wish to supplement Workers' Compensation payments.

- [3] Payment of wage loss benefits according to Florida Statutes, Chapter 440, start at 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 incurred a job-related injury/illness has been released to return to work for less than a full work day/shift 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 must work with Risk Management and the County's TPA to submit documentation 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] Employees may leave their work assignments, after notifying their supervisors, to seek medical services for work related injury/illness including, but not limited to, initial medical evaluation, doctor appointments, physical therapy, occupational therapy, diagnostic services and x-rays/scans. Employees shall be paid regular pay for the hour(s) of leave deemed by the County's Risk Management division as reasonable and customary for the services being rendered. 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 immediately following the treatment.
 - [f] The department/division may request scheduling of certain types of medical services to be performed at particular times to meet the needs of the business unit. Future appointments should then be requested of the provider by the employee to meet those needs. The employee and Supervisor should discuss any conflicts.
- (14) 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 rolling 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

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without pay. 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 Division 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.

(15) Other Leaves of Absence:

- (a) Regular full- and part-time employees may request a Leave of Absence from County service when other types of leaves do not apply to their particular situation.
- (b) Before granting a leave of absence under this section of the CMA, the County should expect that the employee will return to duty and that at least one of the following benefits will result:

- [1] increased job knowledge

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[2] retention of a desirable employee

[3] an interest of the County is served

- (c) A leave of absence, with or without pay, may be granted subject to any applicable requirements of the Americans with Disabilities Act or any other applicable state or federal laws.

[1] A leave of absence is a temporary absence from work of more than thirty (30) but not to exceed ninety (90) days. This leave shall require prior approval of the Division Director, Department Head, Human Resources Director and the County Manager or designee.

[2] 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.

- (d) Employees cannot demand a leave of absence as a matter of right. Leaves of absence under this category are granted solely at the discretion of management.
- (e) 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 an approved leave of absence shall be terminated.
- (f) While the County will make reasonable efforts to return the employee to his or her original position upon return from 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 from the date the employee qualifies to return to work, the employee may be separated from employment.
- (g) Any new employee hired to replace an employee on an approved leave of absence may 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 employees on an approved leave of absence are expected to report any change of status in the time needed for leave, or the date to return to work, to their Division Director and Human Resources representative, or the County's representative, as soon as possible.
- (i) Request for a Leave of Absence after exhausting FMLA Leave:
 - [1] Subject to any applicable requirements of the Americans with Disabilities Act or any other applicable state or federal laws, the County will engage in the interactive process with the employee who exhausts all approved Family Medical leave (FMLA) time to determine if additional leave can be granted.
 - [2] Care will be taken to determine the appropriate amount of leave time to be granted to a requesting employee, consistent with Federal, state or local law, which will then be approved by the Human Resources Director.
 - [3] Employees who fail to return to work at the end of the approved leave of absence

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period may be subject to termination in accordance with County policy.

- [4] An employee may remain in paid 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 unpaid status.
- (j) For a leave of absence for the employee's own illness or injury (when he/she does not qualify for FMLA leave), accumulated sick leave must be exhausted before the employee may use any other type of accumulated leave time, whether to remain fully paid or supplement disability payments. At such time as all accumulated leave time has been depleted, the employee will be moved to a leave of absence without pay status.

§ 5360-3. Currency.

The Human Resources Division 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; Revised: December 31, 2018)]

§ 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.

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; 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

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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 refers to the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the State in which the marriage was entered into.

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,

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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. Employees must contact the Third-Party Administrator to file an FMLA claim.
- (d) The Third-Party Administrator 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 to the Third-Party Administrator 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 Third-Party Administrator, in conjunction with 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 separate 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. 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 or appointments 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.

[1] If on family leave without pay, the employee will be responsible for

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continuing to make monthly contributions as determined by the Risk Management Division, if any, which are normally made by payroll deduction.

- [2] 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.
 - [3] 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 Third-Party Administrator as soon as possible. Status changes will be communicated from Human Resources to division 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 shall run concurrently with FMLA leave. Approved light duty assignments that involve intermittent leave shall be applied to an employee's available family medical leave.
 - (o) The employee must immediately contact the Third-Party Administrator when requesting family medical leave or if an FMLA-qualifying event occurs.
 - (p) 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 work weeks 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 will be reviewed by the Division Director and Department Head, with final approval being determined by the Human Resources Director or his/her designee. 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 sick leave balance, employees must use this time to remain in paid status during this absence.

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- (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.

§ 5361-3. Currency.

The Human Resources Division 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.

OUTSIDE EMPLOYMENT

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised April 1, 2006; Revised: August 7, 2019)]

§ 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 who expect to engage in any outside employment shall, before commencing any such employment, request approval by their Division Director, Department Head and the Human Resources Division in writing through submittal of a Request for Outside Employment form.
 - (a) Requests for outside employment must be renewed annually.
 - (b) Employees who fail to notify their Division Director or Department Head of outside employment may be subject to disciplinary action up to and including discharge.
- (2) Employees may engage in outside employment, including self-employment, as long as the job does not compete, conflict with or compromise the County's interest, or adversely affect an employee's job performance and the ability to fulfill all responsibilities to the County.
 - (a) Employees are prohibited from performing any services for customers on non-working time that are normally performed by County personnel.
 - (b) Employees may not use County equipment or tools to perform a non-County job.
- (3) 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.
- (4) Approval will not be granted for outside employment requests when the request involves working for an organization that does business for or with the County (contractors, suppliers and/or customers); or violates County policy or the Conflicts of Interest Law (Section §112, *Florida Statutes*).
- (4) Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If outside work activity does cause or contribute to job-related problems, such employment must be discontinued and, if necessary, normal

OUTSIDE EMPLOYMENT

disciplinary procedures will be followed to deal with the specific problems.

- (5) 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.
 - (6) Employees who have accepted outside employment are not eligible for paid leave when the absence is used to work on the outside job. Fraudulent use of leave will be cause for disciplinary action up to and including termination of employment.
- 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 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 Division 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.

REQUEST FOR OUTSIDE EMPLOYMENT

Employee Legal Name		
SAP ID Number		
County Position Title		
Start Date in County Position		
Name of Outside Employer		
Outside Employer Address	Outside Employer Phone #	
Outside Employment Position Title		
Days of week worked in outside employment		
Scheduled Hours		
Outside Employment Duties and Responsibilities		
Will this employment conflict in any way with your ability to perform in your County position, or with the provisions of the County's Code of Ethics? (CMA 5311) Yes: ☐ (if yes, please explain below. This will be reviewed to determine if approval is possible) No: ☐		

I have read, understand and will abide by the County Manager's Administrative Practice and Procedure, CMA 5380, Outside Employment.

SIGNED BY:

(Employee's Signature)

Date

APPROVED BY:

Immediate Supervisor

Date

Division Director/Chief

Date

Department Head

Date

Human Resources Division Director

Date

EMPLOYMENT OF RELATIVES/ANTI-FRATERNIZATION

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 19, 2007; Revised: August 20, 2007; Revised: January 2, 2019)]

§ 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 Department Head level and the other individual is employed within the same department. This policy includes all definitions of job status, including regular, temporary, job bankers and interns.¹

- 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 department when the other employee is a Department Head 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

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.

EMPLOYMENT OF RELATIVES/ANTI-FRATERNIZATION

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 Department Head may make a recommendation to the Human Resources Division 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 Division 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 Division 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).

EMPLOYMENT VERIFICATION

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006; Revised: January 2, 2019)]

§ 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 Division. Inquiries received by operating departments must be referred to the Human Resources Division.
- B. Information provided by the Human Resources Division 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 Division. 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 Division 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: April 30, 2018)]

§ 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. All recruitment, selection, placement, promotion, transfer, training, layoff and staffing reduction decisions will be based solely on 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 routinely 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 Division Director, Department Head or a representative from the Human Resources Division. The employee may also utilize the Commitment to Fair Treatment Procedure.

§ 5383-3. Currency.

The Human Resources Division 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 administered without regard to race, color, religion, sex, age, national origin, physical or mental handicap, or marital status.

INTERVIEW EXPENSES

[Effective Date: March 22, 1999 (Revised October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006; Revised: August 7, 2019)]

§ 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 and submitted by the hiring supervisor with approval by the Division Director, Department Head 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. Recommendations for reimbursement of interview expenses may only be considered for approval after the satisfactory completion of a telephone, online or similar first round interview. With prior approval of the County Manager's Office, multiple interview trips may be reimbursed.
- E. Reimbursement requests must be itemized on the Interview Expense Pre-Approval/Reimbursement Form and submitted to the Human Resources Division, along with all applicable receipts.
- F. Requests for payment of interview expenses must be submitted to the Human Resources Division within 60 days of the on-site interview and include all applicable information. After approval is received, the requesting division must request a Purchase Order be issued.
- G. Expenditures related to this policy shall be paid out of the requesting division's budget.

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INTERVIEW EXPENSES

- H. Travel expenses shall be consistent with the limits set forth for County employees under the U.S. General Services Administration (GSA).

§ 5384-3. Currency.

The Human Resources Division 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 EXPENSE
PRE-APPROVAL/REIMBURSEMENT FORM**

*Reimbursement of interview expenses must comply
with County Administrative Procedure 5384 - Interview Expenses*

Name:	Social Security Number:
Position Interviewed:	Date:
Dept/Div:	Cost Center #:
Travel From:	# Miles to Naples:

PRE-APPROVAL

Estimated Expenses:

Airfare	\$
Mileage	\$
Rental Car	\$
Hotel (# nights:)	\$
Other*	\$
Total Estimated	\$

REIMBURSEMENT APPROVAL

(Please attach original receipts.)

Actual Expenses:

Airfare	\$
Mileage	\$
Rental Car	\$
Hotel (# nights:)	\$
Other*	\$
Total Actual	\$

**If "Other" expenses please specify here:*

PRE-APPROVAL

Supervisor

Division Director

Department Head

Human Resources Director

REIMBURSEMENT APPROVAL

Supervisor

Division Director

Department Head

Human Resources Director

**After final approval by the Human Resources Director, requesting division must request a
Purchase Order for reimbursement**

RECRUITMENT AND SELECTION

[Effective Date: February 25, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised April 1, 2006; Revised: August 20, 2007; Revised August 16, 2019)]

§ 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 Division 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 Division.
- (2) Posting language must be submitted for each vacancy.
- (3) Temporary/Job Bank Staffing:
 - (a) Temporary assistance may be required for limited periods of time to handle workloads during peak periods of high volume, extended absences, or other emergencies. These will be limited to positions classified as non-exempt (hourly) in the County's Pay and Classification Plan and may not include supervisory or managerial functions.
 - (b) Departments/Divisions must recruit externally to fill for temporary/job bank workers.

B. Recruitment:

- (1) Receipt of a completed and approved Personnel Requisition is the first step to recruit for a position opening. Position opening will be advertised in accordance with the weekly deadlines set by the Human Resources Division.
- (2) Posting Bulletin:
 - (a) The Human Resources Division prepares the Posting Bulletin, which is utilized to announce job vacancies.

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- (b) The posting period for new or reposted vacancies will be a minimum of seven calendar days, beginning on Friday and ending the following Thursday. Exceptions to the posting period may be granted only by the Human Resources Division Director, their designee or by the Office of the County Manager.
- (3) Advertisement:
 - (a) Position vacancies shall, when appropriate, be advertised in external print or electronic media to ensure a sufficient pool of qualified applicants.
 - (b) All advertisements posted in external publications are to be coordinated through the Human Resources Manager/Strategist or their designees.
 - (c) Departments/Divisions will be responsible for payment of external advertisements. When recruiting through external sources, applicants must be directed to submit applications directly through the County's website. Coordination in advance of the advertisement placement is required through the appropriate Human Resources contact.
 - (d) All advertising will include a statement that the County is an equal employment opportunity employer, provides a drug-free workplace, and provides for veterans' preference for eligible positions.
 - (e) Recommendations to fill a position will not be made until the posting period has ended.
- (4) Career Development Opportunities for Current Employees:
 - (a) For an employee to receive preference during the internal posting period, current employees (regular full- and part-time only) applying for positions outside their own division must be in their present position a minimum of six months and have no Behavior Action Plans on file with HR for the past 12 months. If an employee is applying for a position within his or her division, the above prerequisites are waived. The Division Director and Department Head may approve exceptions, with concurrence from the Human Resources Director. Preference for internal postings does not guarantee an interview, only that a division will receive the application for consideration if the employee meets the minimum position requirements. Employees may apply for more than one internal posting at any given time.
 - (b) Current employees (regular full- and part-time only) can apply to any external posting. Application to an external posting does not guarantee an interview, only that a division will receive the application for consideration if the employee meets the minimum position requirements.
 - (c) Preference is afforded based on an employee's status at the time the application is received.
 - (d) Employees who are on a medical leave at the time of application must have

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appropriate clearance from their treating physician before participating in the interview process.

- (e) Employees may be required to use leave time for the period when they are absent from the workplace to interview for other County positions.

C. Application for Employment:

- (1) Completed applications for vacant positions (including resumes and other relevant attachments) will be accepted for authorized posted positions until the position closes.
- (2) Completed applications for any position vacancy must be made by electronic submission. Applicants requiring assistance with the process may contact the Human Resources Office at 239-252-8460.

D. Candidate Referrals and Interviews:

- (1) Screening for minimum qualifications and eligibility requirements, including equivalencies will be completed by representatives of the Human Resources Division.
- (2) Hiring departments/divisions are encouraged to utilize the assistance of Human Resources staff in developing effective and valid interview and assessment activities to be consistently applied to each applicant. The Human Resources Division must coordinate the administration of various tests designed to measure a candidate's job skills, aptitude, and potential for successful work performance.
- (3) A representative of the Human Resources Division should be present for interviews at the level of Division Director or above and may be present at other employment interviews by division request.
- (4) To ensure fairness for all candidates in the interview process, hiring divisions should review the referred list carefully and report any conflicts of interest to Human Resources. (See CMA 5381, Anti-Fraternization and Employment of Relatives)

E. Candidate Recommendations:

- (1) All selection recommendations must be based on valid job-related criteria applied consistently to all applicants. The job description should be utilized for development of an appropriate interview and selection process. Recommendation reasons should consider, but not be limited to, the following:
 - (a) Veterans' Preference
 - (b) Previous job experience, related directly to the position for which a candidate is being considered.
 - (c) Existence of preferred qualifications, licenses and/or certifications.
- (2) The County Manager shall approve all Division Director appointments. The Board of County Commissioners shall approve the appointments of Deputy Department Heads and Department Heads.

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- (3) The hiring manager of the requesting division shall not make any job or salary offer to an applicant. After the interviews have been completed, all documentation from the selection process must be provided to Human Resources, and the interviewer(s) will inform the applicant that further communication regarding the selection process and the applicant's status will be conducted by the Human Resources Division.
- (4) Once the selection documentation, interview notes, other materials and recommended selection has been received by Human Resources, the following shall take place:
 - (a) The Human Resources Division Director or his/her designee will review and approve the selection, at which time a contingent offer will be extended. References and background screenings will be conducted only by the Human Resources Division.
 - (b) Upon satisfactory completion of post-offer screening, Human Resources will contact the candidate with his/her start date and finalize hiring documentation.
 - (c) If Human Resources does not concur with the recommendation of the requesting division, a representative of the Human Resources Division shall meet with the Division Director or Department Head to further discuss the qualifications of the applicant for the purpose of arriving at a consensus decision.
- (8) 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. Exceptions may be granted by the Human Resources Director based on business needs/requirements. Effective dates should correlate with the beginning of a pay period or pay week; exceptions may be granted by the Human Resources Division Director or their designee.
- (9) External hires and rehires will be required to start on a date that corresponds with the County's New Hire Orientation process.
- F. Pay Guidelines – all position offers will be in accordance with the guidelines provided in CMA 5341, Compensation Administration.
- G. Post-Offer Screening: An offer will be extended contingent on an applicant/internal candidate passing all applicable post-offer testing.
 - (1) Based on area of assignment, screening may include, but is not limited to: employment verification, motor vehicle record checks, statewide and national criminal conviction background checks consistent with requirements of federal and state law enforcement agencies, fingerprinting (for all County jobs), certification and educational checks.
 - (2) Physicals:
 - (a) Applicants for designated positions shall be required to have a post-offer physical prior to their reporting to work.

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- (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.
 - (c) Post-offer drug testing will be coordinated by the Human Resources Division, in accordance with CMA 5312, Drug-Free Workplace Procedure. Individuals who fail post-offer drug testing will be barred from consideration for one (1) year from the date of the failed test.
- H. Veterans' Preference: Collier County complies with all requirements outlined in § 295.07 of the Florida Statutes. As such, when a determination is made by a hiring panel that a Veterans' Preference-eligible candidate is not being selected, a higher level of management, having authority to overturn the initial selection recommendation, shall review and concur with the determination.
- I. Applicant Disqualification
 - (1) Incomplete applications will be disqualified from consideration. No application changes will be permitted once a submission is received by the County.
 - (2) Fraudulent conduct, false statements or omission of information by an applicant may be deemed cause for the exclusion of such application from consideration. Current employees who knowingly omit or submit false information in any application or examination may be subject to disciplinary action, up to and including discharge from County employment.
 - (3) To be considered for rehire, employees must have left County employment in good standing. Those who failed to provide sufficient notice, or who were discharged or resigned in lieu of termination will be disqualified from further consideration for employment with Collier County for a period not to exceed five (5) years. (See CMA 5322, Separation)

§ 5385-3. Currency.

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

§ 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 Division 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.

FLEXIBLE WORKPLACE PROGRAM

[Effective Date: March 13, 2000 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 2, 2018)]

§ 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 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 Department Head or Division Director.
 - (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 responsible for being available during all business hours, for retrieving and returning phone calls.

FLEXIBLE WORKPLACE PROGRAM

§ 5386-3. Procedures.

- A. Department Heads/Division Directors or their designees 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 department/division.
- B. The flextime employee is required to be present in the office at least 3 full days/week, based on the needs of the department/division 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 and V-time 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.
 - (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.
- F. The County will pay the flextime employee for all regular scheduled 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 Department Head, Division Director or their designee is expected to institute reliable managerial controls to ensure that employees arrive and leave at their appointed time and

FLEXIBLE WORKPLACE PROGRAM

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 Department Head, Division Director or their designees.
- K. Employee abuse of this program may result in withdrawal of the program privileges or more severe disciplinary action, up to and including discharge.

§ 5386-4. Currency

The Human Resources Division 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: January 2, 2019; Revised: April 14, 2022)]

§ 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, 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 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.
- 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, Division Director, assigned Human Resources Generalist, Human Resources Labor and Employee Relations Manager or Human Resources Director.
- 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 Division 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/division, 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 forward is found to be frivolous or is used to threaten, intimidate or retaliate against

PROHIBITION OF WORKPLACE VIOLENCE

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 Division 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.

EMPLOYEE IDENTIFICATION BADGE

[Effective Date: October 1, 2001 (Revised: October 1, 2003; Revised: January 1, 2005, Revised: May 1, 2009; August 7, 2019)]

§ 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 while doing business regularly on County owned or leased property will display their employee identification badge at all times.
- C. A Director or Manager will assign the level of building access for each of their employee(s) 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. 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.
- F. 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.
- G. Employees of some departments may be required to wear specific badges due to the nature of the job.
- H. Employee ID Badges are valid for a five (5) year period from date of issuance.

§ 5389-3. Currency.

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

FINGERPRINTING/BACKGROUND CHECKS

[Effective Date: January 1, 2005; Revised: May 1, 2009; Revised: January 31, 2019]

§ 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. 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 Division. The Human Resources Generalist will work with the employee's Division 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 post-offer screening, individuals will be required to complete fingerprinting with the Facilities Management Division.
 - (3) The fingerprint records are sent to the Florida Department of Law Enforcement (FDLE) for a state of Florida background check and to the Federal Bureau of Investigation (FBI) for the national background check.
 - (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

FINGERPRINTING/BACKGROUND CHECKS

amendment in 2007, and as financial resources allow.

B. Existing Positions:

- (1) Division Directors will be notified by Human Resources of the schedule to fingerprint existing employees for screening or re-screening.
- (2) Any background check that uncovers a relevant criminal conviction will be delivered via printed hard copy to the HR Division staff. The Human Resources Director and the employee's Division Director will determine, after discussion and gathering relevant data, whether the offense warrants termination of employment or reassignment to another job description.
- (3) Once notified of their requirement to be fingerprinted/re-fingerprinted, employees must make every effort to complete his/her fingerprinting procedure within 10 workdays after receipt of notification to do so. Employees who do 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 by the Human Resources Division.
- (4) If County management 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 Division.

C. Contractors with employees or other individuals who will have access to sensitive locations and/or sensitive information:

- (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.
 - (a) 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.
 - (b) 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.
 - (c) Prior to the issuance of each formal solicitation, the project manager responsible for the contract shall work with the appropriate Procurement Division representative to develop and include text in the solicitation that references the mandated checks

FINGERPRINTING/BACKGROUND CHECKS

and provides each prospective bidder/respondent with the means for obtaining more information about these requirements prior to tendering the bid or proposal.

- (d) To the greatest extent possible, the results of these background checks should be on file in the Facilities Management Division's 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. 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 Facilities Management Division 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.
 - (a) It is the responsibility of the host division to facilitate and coordinate this procedure with the Security Section Operations Center.
 - (b) It is the responsibility of the host Division 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.
 - (c) 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.
 - (d) Contractor ID badges are valid for a one (1) year period from date of issuance. Any subsequent ID badges needed during this time for replacement due to loss or damage, will come at a \$5.00 time and material processing fee from the contractors.

§ 5390-4. Currency.

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

§ 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*.

INFORMATION SYSTEMS PROCUREMENT AND LIFECYCLE MANAGEMENT

§ 5401-1. Purpose.

§ 5401-2. Procurement and Deployment.

§ 5401-3. Ongoing Support and Maintenance.

§ 5401-4. Application Retirement.

§ 5401-5. Waivers, Mitigation and Remediation.

§ 5401-6. Currency.

[Effective Date: April 18, 1997 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 21, 2016)]

§ 5401-1. Purpose.

The purpose of this Instruction is to define a standard, efficient, and effective method for procurement and lifecycle management of information systems and services that are compatible with the agency's information architecture, supportable, interoperable, secure and comply with the County Information Technology Division (IT) standards and practices. All purchases must comply with the requirements of the County procurement ordinance and policy.

§ 5401-2. Procurement and Deployment.

- A. A completed Technical Architectural Compatibility Standards (TACS) signed by the IT Director and the procuring Operating Division Director is required prior to procurement. The current TACS form is available on the IT Division's Intranet website. All requirements must be met. Exceptions may be granted with sufficient mitigation or a waiver see **§ 5401-5. Waivers, Mitigation and Remediation.**
- B. Operating Division Director must determine permissible service levels including the maximum number of failures on an annual basis, the maximum downtime per incident and the acceptable data loss per incident in minutes.
- C. Information systems must comply with all local, state and federal laws. Health Insurance Portability and Accountability Act (HIPAA), Personally Identifiable Information (PII) and Payment Card Industry Data Security Standard (PCI DSS) requirements must be identified and addressed if applicable. PCI DSS certifications must be submitted on an annual basis by the Operating Division Director.
- D. An architectural diagram must be prepared and review conducted in compliance with IT policy. Approval by the IT Division Director is required prior to procurement and deployment.

§ 5401-3. Ongoing Support and Maintenance.

- A. Systems must have an active vendor maintenance agreement that includes patches and upgrades.
- B. Systems must support platform patches within 30 days of release. If patches cannot be installed appropriate mitigations must be identified and deployed within that timeframe.

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by the Operating Division Director (see § 5401-5. **Waivers, Mitigation and Remediation**).

- C. Vulnerabilities identified and published by the Department of Homeland Security's United States Computer Emergency Readiness Team (US-CERT) must be mitigated by the Operating Division Director within 30 days of notice by IT (see § 5401-5. **Waivers, Mitigation and Remediation**).
- D. The Operating Division Director is responsible for submitting a completed Technical Architectural Compatibility Standards (TACS) to IT on an annual basis. All requirements must be met Exceptions may be granted with sufficient mitigation or a waiver see § 5401-5. **Waivers, Mitigation and Remediation**.

§ 5401-4. **Application Retirement.**

- A. All system components must be shut down and decommissioned when systems are retired. This includes servers, databases, storage and uninstalling associated applications on PCs.
- B. Budget inventory changes must be made at system retirement.
- C. The Operating Division Director is responsible for public records compliance for all retired system data and contacting the agency's Records Manager to determine the appropriate retention period. The operating Division Director is responsible for maintaining the systems to read the backup media including any required hardware and software and all associated costs.
- D. Operating Division Director will review retirement plan with IT to ensure compliance with this CMA.

§ 5401-5. **Waivers, Mitigation and Remediation.**

- A. Mitigation is required for systems that are not TACS compliant or require the use of older version of/or insecure components. Viable mitigation options include the use of technical controls, replacement or upgrade of the system and retiring the system.
 - a. The Operating Division Director is responsible for working with IT to develop an acceptable mitigation strategy. Scenarios involving technical controls are subject to the same review process as new systems.
 - b. The Operating Division Director is responsible for all costs, including support staff, associated with mitigation. These costs may include, but are not limited to:
 - i. Support for
 - 1. Non-standard databases
 - 2. Operating Systems
 - 3. System components
 - 4. Web servers
 - ii. Creation and maintaining development environments
 - iii. Initial and ongoing support for Firewalls and Intrusion Detection/Prevention systems and monitoring
- B. Waivers may be granted under extenuating circumstances.

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- a. All waivers must be reviewed by the IT Director.
 - b. The Operating Division Director may grant a waiver where the impact is limited to their division.
 - c. Department Heads may grant waivers where the impact is limited to their department.
 - d. The Information Technology Executive Committee (ITEC) will make a recommendation to grant a waiver where the impact is at the agency level with final approval by the County Manager or his designee.
- C. Remediation costs associated with a breach or system failure as the result of a waiver must be fully funded by the Operating Division Director.

§ 5401-6. Currency.

The Information Technology Division is responsible for maintaining the currency of this Instruction.

CMA # 5402

REMOTE ACCESS INSTRUCTION

§ 5402-1. Purpose.

§ 5402-4. Enforcement.

§ 5402-2. Background.

§ 5402-5. Definitions.

§ 5402-3. Policy.

§ 5402-6. Currency.

[Effective Date: January 1, 2005; Revised July 5, 2018]

§ 5402-1. Purpose.

The purpose of this Instruction is to define standards for remotely connecting to Collier County's network. This Instruction will also ensure Collier County's compliance with applicable license, copyright, local, state and federal laws and regulations.

§ 5402-2. Background.

This Instruction is required to minimize the risk that any individual device could be configured or used in a manner which could compromise the confidentiality, 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 Instruction applies to anyone that remotely connects to the Collier County network.

§ 5402-3. Instruction.

A. Requirements:

- (1) All requests for remote access will be submitted to the Information Technology (IT) Division. The request must 1st be approved by the requestor's Division Director or direct supervisor.
- (2) All trusted network connections and devices must be configured to meet the authentication and configuration requirements of the Collier County network.
- (3) Only computers owned and supported by Collier County will be permitted to connect to the Collier County network, this includes both local network access as well as remote access via VPN.
- (4) Vendors requesting access to the Collier County network will be provided a copy of all applicable instructions governing remote access and will demonstrate acceptance of those policies by signing a Third-Party Access Agreement,¹ of which a copy will be retained by the IT Division.

- (5) Anyone with remote access privileges must ensure the 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 using a 2nd network interface. Only the network interface being used in conjunction with VPN access is permitted to be connected.
- (6) All remote access clients for VPN access will be configured by IT personnel according to IT Division procedures.
- (7) It is the responsibility of the County employee, vendor or contractor who have been granted remote access to ensure that the computers used for remote 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 instructions.
- B. Any employee found to have violated this Instruction may be subject to disciplinary action, up to and including termination of employment.

§ 5402-5. Definitions.

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

HOST — Computer or another 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 Collier County Board of County Commissioners 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 Collier County Board of County Commissioners network.

1. Editor's Note: See CMA 5300, Third Party Access Instruction, and its accompanying attachments.

VPN — Virtual Private Network. An encrypted connection to the Collier County Board of County Commissioners 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 INSTRUCTION

§ 5403-1. Purpose.

§ 5403-6. Currency.

§ 5403-2. Concept.

§ 5403-3. Instruction.

§ 5403-4. Enforcement.

§ 5403-5. Definitions.

[Effective Date: January 1, 2005; July 5, 2018]

§ 5403-1. Purpose.

The purpose of this Instruction 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 Instruction applies to all non-county staff using a Collier County owned computer or workstation used to connect to Collier County's network. This Instruction 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 Instruction include all methods of direct and remote access to the Collier County network.

§ 5403-3. Instruction.

- 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 the Collier County network.¹
 - (2) The following Instructions must be reviewed by vendors, contractors, consultants, and other parties for details of protecting information when accessing the Collier

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) Computer Technology Use (CMA 5405).²
- (b) Remote Access Instruction (CMA 5402).³

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 Instruction.
- (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 computer or workstation which is connected to Collier County's network is not connected to any other network at the same time.
- (4) 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. Eastern Standard Time), unless otherwise agreed to.
- (5) Anyone making changes to any information system (including but not limited to servers, network infrastructure equipment, databases, and applications) must follow the Information Technology Division's Change Management Instructions and Procedures. Vendors, consultants and others will notify the IT Division immediately if passwords are lost, accounts are no longer required or if any attempts of intrusion are detected.
- (6) Vendors, consultants and others will notify their sponsor and the IT Division immediately when one of their staff members (who has access to the County's network) is no longer employed to ensure any access is terminated immediately.

§ 5403-4. Enforcement.

Any third party found to have violated this Instruction 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.

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 another 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 Collier County's private network, such as dial-up, VPN, PC Anywhere, etc.

TRUSTED NETWORK — A system that has the necessary controls to ensure that security instructions will not be compromised.

UN-TRUSTED NETWORK — A system with no verifiable security controls that would present a security risk to Collier County's network.

VPN (Virtual Private Network) — An encrypted connection to Collier County's network via the Internet.

§ 5403-6. Currency.

The Information Technology Division is responsible for maintaining the currency of this Instruction.

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 Computer Technology Use Instruction and Remote Access Instruction as provided to me. I also agree to notify the Information Technology Division as soon as network access is no longer required so my access can be removed. I understand that violation of any of these instructions 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)]

§ 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.

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; Revised July 11, 2018; Revised June 7, 2019)]

§ 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, 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 instruction 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 Division who have elevated privileges and access rights for 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 instruction.
- G. **NETWORK** – The data, voice, and multimedia communication system made up of devices

COMPUTER/TECHNOLOGY USE

(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 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), PII protected by the Florida Information Protection Act (FIPA), 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, smart phones, cellular air cards, printers, telephones, public safety 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 instruction 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 Division instructions.
 - 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.

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- 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 instruction may unduly expose the network to intended or unintended risks, which may or may not result in actual losses.

- a. The Director, Information Technology may disable network access for violations of this instruction.
 - b. The severity of infractions will be assessed by the Director, Information Technology who will forward a risk / threat assessment to the supervising Division Director for use in making recommendations for disciplinary actions in accordance with CMA 5351 - Discipline.
 - c. The Human Resources Division will advise Division Directors in order to ensure consistency in the handling of employee violations of this instruction.
- 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. Passwords may be stored electronically in an IT Division encrypted removable USB drive.
 - 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.

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- 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 Director can authorize the use of shared accounts with proper authorization from the users’ management under circumstances where 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 instruction to their supervisor or the Information Technology Division 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 malware 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 malware on their own. If users believe they may have been the victim of malicious software, they must immediately inform the IT Service Desk.
- e. In order to ensure that malware 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 division, in coordination with Human Resources and Information Technology.
- b. 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,

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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.
- 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 or digital signatures (other than their own) or attach or affix a digitized image of a signature or digital signatures (other than their own) to any document or e-mail or use such image of a signature or digital signatures 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 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 Division and maintain compliance with the terms of that agreement.
- 3) Once granted access, business partners must comply with this instruction in its entirety. Business partner violations of this instruction 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 heads, division directors and the County Manager's office.

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- 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.
- 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 division 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(9)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 Human Resources Director. 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 Division are permitted on the Agency's business network. Exceptions may be authorized with written approval from the IT Director.
 - 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.

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- c. The use of personally owned computing devices is permitted but such devices will be limited to publicly available websites and internet resources. Personal owned computing devices are not managed by the IT Division and are not permitted access to the Agency's business network.
 - d. SLATE computers may be approved for purchase by the IT Division. SLATE computers must be configured and managed by the IT Division.
- 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. Encrypted 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 using unencrypted 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 Division 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, malware 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

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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 provided assistance during business hours. The IT Division 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 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.
- 4) License Compliance.
 - a. The IT Division 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 Division 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 or

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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 are 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 Division. If the encryption method relies on secret keys, the Information Technology Division must manage the storage and security of such encryption keys. The Information Technology Division 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) as identified in the Florida Information Protection Act (FIPA) (e.g. social security numbers) are specifically excluded from the public record.

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- 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 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 divisional promotion, outreach, or other public relations purposes and must be authorized by the Communications and Customer Relations Division. 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 Division 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 division is responsible for the proper archiving and retention of social media records.

§ 5405-4. Currency.

The Information Technology Division is responsible for the currency of this instruction.

USE OF VOICEMAIL/ANSWERING SYSTEMS

Effective Date: October 1, 2003 [Revised: January 22, 2019]

§ 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 Division 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 Department Heads 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.

USE OF VOICEMAIL/ANSWERING SYSTEMS

- (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 _____ Division. 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 _____ Division. 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 Division 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 _____ Division 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 _____ Division 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."

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- 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.

WEB PAGE MANAGEMENT

[Effective Date: May 1, 2004; Revised: January 22, 2019]

§ 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@colliercountyfl.gov) may be used if the web page contains information on how to directly contact the division 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 Division Director.

B. Web Page Roles and Responsibilities.

- (1) The IT Division is responsible for providing and operating the technical infrastructure of the Web site and ensuring its accessibility and availability.

WEB PAGE MANAGEMENT

- (2) The Communications and Customer Relations Division sets the agency's web look, feel and navigation standards; provides authoring, development and design tools, training, and support.
- (3) The Division 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 Division 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; Revised: February 8, 2019)]

§ 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 department and division staff for response, and tracking and resolving issues received in the Commissioners' and County Manager. Departments 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 Division (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 Department Head(s), and copied to the appropriate County Manager Office representative.
 - (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 issue.

AGENCY ISSUE MANAGEMENT SYSTEM (AIMS)

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 CCR, who will then refer the issue to the Department Head's designee or designated staff person.
- (4) If an issue contains several separate issues that need to be addressed by separate divisions, 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 divisions may remain as one issue.
- (5) If a department believes an issue would be more appropriately handled by another department, the designee should state so in writing and refer it back to CCR requesting the issue to be handled by the other department.
- (6) When the issue is referred, the person it is referred to is designated as the holder. The following are up to the Department Head'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 department. 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 Department Head'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

AGENCY ISSUE MANAGEMENT SYSTEM (AIMS)

must request 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 Division Director, Communications and Customer Relations for resolution.

- D. Training: The Information Technology (IT) Division 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 Division is responsible for maintaining the currency of this Instruction.

CMA #5411
HYBRID REMOTE PUBLIC MEETINGS

[Effective Date: October 1, 2021]

§ 5411-1. Purpose.

The purpose of this Instruction is to provide for hybrid remote public meetings that may be conducted to facilitate the telephonic or remote participation of members of boards, committees, agencies, staff, consultants, and the public.

§ 5411-2. Definitions.

- A. **Access Point** - means a designated place where a person interested in attending a communications media technology proceeding may go for the purpose of attending the proceeding.
- B. **Attend** - means having access to the communications media technology network being used to conduct a proceeding.
- C. **Communications Media Technology (CMT)** – means the electronic transmission of printed matter, audio, full-motion video, freeze frame video, compressed video, and digital video by any method available.
- D. **Hybrid Remote Public Meeting** - means a public meeting conducted utilizing both in-person and remote participation via communications media technology.

§ 5411-3. Procedures.

A. Approval of Hybrid Remote Public Meetings

- (1) Conducting a hybrid remote public meeting requires the authorization of the County Manager or their designee. The County Manager or their designee is the final decision-maker on all scheduling or technical conflicts.
- (2) Prior to a board, committee, or agency staff member or consultant establishing the use of CMT for conducting hybrid remote public meetings, staff for said entity must:
 - a. Obtain authorization from the County Manager or their designee. Staff will submit to the County Manager or their designee a proposed plan for facilitating the meetings, which will include all staff responsible for or to be in attendance at the meetings; the dates, places, and times of the proposed meetings; and the manner in which the proposed meetings will be conducted. If approved,
 - b. Contact the County Attorney who will review the proposed process to assure all legal requirements can be met.
 - c. Coordinate with the Communications or Television Operations Manager and IT, when necessary, to ensure that CMT employed is appropriate for meeting facilitation and to ensure that the entity's staff are appropriately trained for its utilization.
 - d. Coordinate with the Chair and other members of the committee or board.

HYBRID REMOTE PUBLIC MEETINGS

B. Notice of a Hybrid Remote Public Meeting

A hybrid remote public meeting notice shall provide all information required by law for an in-person public meeting and shall include:

- (1) The address or addresses of all access points where an interested person may go for the purpose of attending the proceeding.
- (2) An address, e-mail address, and telephone number where an interested person may write or call for additional information.

An opportunity for remote public comment will be provided for any hybrid remote public meeting. Information on how to register in advance of the hybrid remote public meeting and the deadline for such registration for remote public comment will be included in the public meeting notice.

The public notice provided for each hybrid remote public meeting should include the following:

“Remote participation is provided as a courtesy and is at the user’s risk. The County is not responsible for technical issues.”

C. Conducting a Hybrid Remote Public Meeting

A hybrid remote meeting may be conducted for any public hearing, including quasi-judicial proceedings, provided that all legal requirements can be met.

If a quorum is physically present, the participation of an absent member by communications media technology is permissible when such absence is due to extraordinary circumstances such as illness.

An extraordinary circumstance shall be determined in the good judgment of the board or committee. Participants required to provide sworn testimony as part of a hybrid remote public meeting must be physically present.

Public access to a hybrid remote public meeting must be provided where those participating in-person are physically located. Members of the public who are participating in-person will be allowed to speak during the public comment portion of a hybrid remote public meeting.

Entity staff will ensure that individuals who will be participating remotely will be given written instructions on how to participate remotely. Remote public comment participants will be placed in a queue on a first-come, first-serve basis, and will be notified by a member of County staff when they will be permitted to speak. All speakers participating electronically must be recognized by the Chair prior to speaking, and no more than one person will speak at the same time. To facilitate the orderly conduct of the meeting, the County will “mute” or otherwise disable the lines of members of the public until such time as they are recognized to speak. All individuals participating in hybrid remote public meetings must identify themselves each time they speak.

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Rules of decorum applicable to meetings of the Board of County Commissioners shall apply to all County hybrid remote public meetings. At the discretion of the Chair, participants attending remotely may be disconnected from the hybrid remote public meeting for violating the rules of decorum.

All public comment in a hybrid remote public meeting will be limited to a maximum of three (3) minutes unless the Chair, in their discretion, allows additional time. Remote participants will not be allowed to receive speaking time from another speaker or to provide speaking time to another speaker.

Individuals participating by phone will not have the benefit of visual presentations unless the meeting is televised or conducted using remote access software. Individuals participating by phone and those in attendance must keep in mind that there is a delay in the broadcast. The Chair may need to account for this as they conduct the meeting.

D. Annual Review

On July 1 of each year, each board and committee utilizing an approved hybrid remote public meeting format will provide a report to the County Manager or their designee summarizing each of the following (where applicable):

- (1) Average number of board or committee members utilizing the remote option for meeting participation (outside of the required in-person quorum).
- (2) Average number of public commenters utilizing the remote option to provide citizen input.
- (3) Average number of public commenters providing in-person citizen input.
- (4) Any proposed change to their current hybrid remote public meeting format.
- (5) Any updated hybrid public meeting staff facilitator direct contact information.

The County Manager or their designee will review the report and determine if hybrid remote public meeting utilization by the board or committee will be reauthorized.

§ 5411-3. Currency.

The Communications, Government & Public Affairs Division 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)]

§ 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.¹

§ 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.

1. Editor's Note: Attachment I is included at the end of this CMA.

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

CMA # 5501

CELLULAR TELEPHONE / MOBILE DEVICE PROCEDURE

§ 5501-1. Purpose.

§ 5501-2. Concept.

§ 5501-4. Currency.

[Effective Date: June 12, 1996 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: December 1, 2007; Revised: January 1, 2011; Revised March 2, 2018)]

§ 5501-1. Purpose.

The purpose of this Instruction is to provide for a formal policy for the acquisition, use and management of cellular technology and other mobile devices (devices) used by County employees.

§ 5501-2. Concept.

Collier County recognizes that the communication capability afforded through devices are tools that can increase employee productivity, enhance safety in the field, and improve response times.

A. Procurement

- 1) All County-owned devices shall be purchased using an approved agreement and utilizing a sub-account under the agency master account.
- 2) Operating divisions will be responsible for ordering all devices, account management and payables using their assigned sub-account.
- 3) Device service should be ordered with SMS/MMS (text) messaging disabled unless explicitly authorized by the operating division director.

B. Management

- 1) County employees and authorized business partners using County-owned devices 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 devices. 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 device and access all data stored within devices.
- 2) All County-owned devices must be configured by the Information Technology Division.

B. Employee Responsibilities

- 1) Employees shall be responsible for the operation, condition, and security of their device while it is in their possession and, as such, shall take all necessary precautions to ensure that the device is not subjected to conditions that would adversely affect the device or for which it was not designed.

CMA # 5501

CELLULAR TELEPHONE / MOBILE DEVICE PROCEDURE

- 2) Incidental personal use is permitted but this does not imply or authorize employees to use County-provided devices 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.

C. Text Messaging, Public Records Guidance and Etiquette

- 1) The use of text messaging must be explicitly authorized by the operating division director.
- 2) Text message archiving must be setup by IT for each authorized device at the operating divisions expense.
- 3) The operating division director is responsible for periodically auditing text message usage on authorized devices.
- 4) Text messages conducting official agency business, are considered public records and must be treated accordingly. They will be produced to support public records requests.
- 5) Any conduct using text messaging that adversely affects an employee's job performance, the performance of fellow employees or otherwise adversely affects citizens, customers, suppliers, people who work on behalf of the County Manager's Agency or the County Manager Agency legitimate business interests may result in disciplinary action, up to and including termination.
- 6) Employees should read and understand the County's Code of Ethics/Anti-Fraud CMA, Standards of Conduct and the CMAs on Prohibition of Sexual Harassment and Unlawful Harassment, and ensure text message content is consistent with these policies. Inappropriate messages, which may include text, images, photos or emoticons, are those that may include discriminatory remarks or images, harassment, threats of violence, or similar inappropriate or unlawful conduct and will not be tolerated. They may subject the employee to disciplinary action, up to and including termination.
- 7) Any message received that contains intimidating, hostile, offensive or inappropriate content should be reported immediately to management so that appropriate measures can be taken.

§ 5501-3. Currency.

The Information Technology Department is responsible for maintaining the currency of this Instruction. The Human Resources Department shall, in concert with the appropriate Division 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, Revised June 2018)]

§ 5600-1. Purpose.

The purpose of this Instruction is to provide for an accurate accounting of all County-owned property rights and to maintain an up-to-date inventory system of all land rights conveyed (whether by easement or deed) to Collier County and/or the Collier County Water-Sewer District (collectively the "County").

§ 5600-2. Background.

Pursuant to Board action of June 16, 1992, all departments and divisions shall provide support to the Real Property Management Section of the Facilities Management Division 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 Section for future reference. This information is to be kept current in preparation of a computerized mapping system that will be utilized by all County departments and divisions.

§ 5600-3. Concept.

To create a database of information pertaining to the property interests held by Collier County, and/or the Water-Sewer District, in fee or in easement, so that a current list of property will be available for future use. Once current, the information shall then be available for use by the County Manager's Office and its departments and divisions wishing to access a listing of County-owned land and property interests. The County will utilize this database and GIS mapping to plan for staff spacing requirements as well as provide adequate facilities to service the public.

§ 5600-4. Procedures.

In accordance with the County's Land Acquisition and Development Review (LADR) approved process, in all cases of a conveyance of land interests, whether by easement or deed, plat or in satisfaction of a developer commitment, a copy of such conveyance document once recorded into the Public Records of Collier County, must be forwarded to the Real Property Management Section together with a completed Land Acquisition Inventory Form. The Real Property Management Section 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 Section obtains a copy of each document once recorded.

In any instance where a division or department determines a need for real property, other than an easement interest, they must comply with the approved LADR process Standard Operating

Procedure (SOP), attached hereto and made a part hereof

§ 5600-5. Currency.

The Property Acquisition and Construction Management Department is responsible for maintaining the currency of this Instruction.

**Collier County Government
Standard Operating Procedures**

**Process Name:
Land Acquisition and Development Internal Review Process**

**Process Manager: Real Property Management
Effective Date: 4/23/2018
Last Reviewed/Revised: 5/3/2018**

1. Purpose

- 1.1. The purpose of the Land Acquisition and Development Review (LADR) process is to ensure consistent evaluation of space requirements and efficient utilization of County properties to support the operational needs of Collier County Departments.
- 1.2. The process output is the LADR Projects List for presentation at the Corporate Business Meeting (CBM). Senior leadership will review and prioritize the Projects List to guide future acquisitions.

2. Procedures

2.1. Divisions/Department Review:

- 2.1.1. Space needs at the Division level may be identified through several processes:
 - 2.1.1.1. Operational Idea
 - 2.1.1.2. Report/Plan Recommendation
 - 2.1.1.3. Mandate/Directive
- 2.1.2. Proposals are reviewed and approved by the Division Director.
- 2.1.3. If approved by the Division Director, the proposals are reviewed and approved by the Department Head.
- 2.1.4. Fully approved proposals are submitted to the LADR Team for review.

2.2. LADR Team Evaluation:

- 2.2.1. The team uses multiple criteria to evaluate whether a proposed project should be elevated to the LADR Projects list:
 - 2.2.1.1. Comprehensive/Master Plan or AUIR?
 - 2.2.1.2. Mandate or Directive?
 - 2.2.1.3. Grant Funded?
 - 2.2.1.4. Life/Safety Emergency?
 - 2.2.1.5. Collocated with an existing LADR Project?

2.3. LADR Ranking Process:

- 2.3.1. The team uses a formal ranking process to prioritize the projects.
- 2.3.2. Criteria used for the ranking process include:
 - 2.3.2.1. Approval Status:

Approval Status	Approval Rank
Evaluation Pending	5
Director	4
Department Head	3
County Manager	2
BCC	1

2.3.2.2. Funding Status:

Funding Status	Funding Rank
-----------------------	---------------------

Not Funded	3
Partially Funded	2
Fully Funded	1

2.3.2.3. Property Status:

Property Status	Property Rank
No Parcel(s) Defined	4
Parcel(s) Identified	3
Acquisition Pending	2
County Owned	1

2.3.2.4. Assessed Need:

Assessed Need	Need Rank
Other	5
Low	4
Medium	3
High	2
Master Plan/AUIR	1

2.3.3. Rankings are calculated by totaling the rank for each criterion and dividing by four.

2.3.4. Highest priority is given to those projects with the lowest ranked score.

2.4. LADR Approved Projects move to the LADR Projects list.

2.5. Projects not elevated to the LADR Project list are placed on the Short-Term Needs list.

2.5.1. The Short-Term Needs list is a holding area of potential properties to be reviewed and used at a future date as escalation criteria changes.

2.5.2. This list will be reviewed at least monthly.

2.5.3. Reminders will be sent to Division Directors to review the list.

2.5.4. A GIS storyboard and/or newsletter will be distributed quarterly to remind all stakeholders of the projects that exist in the holding area.

2.5.5. If it is determined that the Short-Term Needs list cannot provide a solution, the proposal may be resubmitted through the LADR process.

2.6. The LADR Projects list is evaluated for collocation opportunities.

2.6.1. Review Short-Term Needs list to potentially use inventory.

2.7. Collaborate with other Departments/Divisions to explore potential collocation possibilities.

2.8. Once a project is approved/finalize, a presentation is made at the Corporate Business Meeting (CBM).

2.9. The CBM prioritizes the project and plans for execution.

3. References

3.1. Annual Update and Inventory Report (AUIR)?

3.2. Growth Management Plan?

4. Related Documents

4.1. CMA #5600 “Real Property Inventory System”.

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)]

§ 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.

- 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; Revised: January 31, 2019); Revised: May 1, 2019.]

§ 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 Division 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 Division Director may, with the permission and assistance of his or her Department Head, find a temporary transitional duty assignment for the employee within another department of the same division if the Division 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.
- F. During this transitional duty assignment, the employee shall continue to receive his/her

RETURN TO WORK PRACTICE FOLLOWING A WORK-RELATED INJURY/ILLNESS

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. Divisions 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. Further, it is the responsibility of Division Directors and Supervisors to assure that injured employees under their authority attend scheduled medical appointments. Divisions will be charged for fees assessed by medical providers as a result of missed/cancelled appointments by the employee being treated for job related injury or illness.
- H. Once an employee has reached maximum medical improvement, he/she is responsible to inform his/her Supervisor and the Risk Management Division. 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 Division in association with the employee's Division Director shall attempt to find employment within the employing department. If such employment cannot be accommodated within the employing department, the Risk Management Division and the Human Resources Division 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 Division 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

RETURN TO WORK PRACTICE FOLLOWING A WORK-RELATED INJURY/ILLNESS

light-duty assignment based on the extent and duration of their 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.

- 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 Division Directors and Supervisors must submit a Notice of Injury Report (DWC-1) Form to the Risk Management Division whenever a work-related injury occurs involving a County employee whether or not medical attention is needed.
- C. **Workers' Compensation Benefits:**¹ 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.

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.

EMPLOYEE (Printed Name)

DATE

EMPLOYEE'S SIGNATURE

Distribution: Send original to Risk Management
 Send copy to designated Division Timekeeper
 Send copy to Human Resources

Issue Date: 6/3/03

PERSONAL PROPERTY LOSS

[Effective Date: October 1, 1998; (Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 31, 2019)]

§ 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) An incident report of the occurrence with all pertinent facts shall be completed in the Risk Management Division information system 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

PERSONAL PROPERTY LOSS

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) Complete an incident report in the Risk Management information system that includes a description of the occurrence with all pertinent facts 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

PERSONAL PROPERTY LOSS

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 Division 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.

NON-EMPLOYEE ACCIDENTS

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 31, 2019)]

§ 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 Division to report the incident.
- C. Supervisors shall complete an incident report in the Risk Management information system 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 Division upon the completion of its collection.

§ 5803-3. Currency.

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

LIABILITY, PROPERTY AND AUTOMOBILE DAMAGE CLAIMS REPORTING

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 1, 2005; Revised: September 24, 2010; Revised: August 7, 2019)]

§ 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 first- or third-party incident that may result in a demand for monetary damages shall be reported to the Risk Management Division. Failure to do so may result in the denial of coverage by the County's insurance carriers. A first party loss shall include but not be limited to owned and leased property (including but not limited to land, buildings and contents); automobiles; pollution and environmental releases; cyber; crime (theft of money or securities). A third-party loss shall include but not be limited to bodily injury; property damage; errors, omissions; pollution and environmental release; medical malpractice; diminution of value; or any claim for which the County may be liable to a member of the public. For purposes of this CMA, third party loss shall also include employment practices; age; gender; ADA; wrongful termination; or sexual harassment incidents.

§ 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 Division of the incident and forward documentation within 24 hours of the incident.
- C. Supervisors shall complete the appropriate incident report in the Risk Management information system and submit it to the Risk Management Division.
- 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 Division upon the completion of its collection.
- F. The Risk Management Division shall process the claim or claims pursuant to the terms of Resolution 2004-15 and the requirements of its insurance carriers.

CMA # 5804

LIABILITY, PROPERTY AND AUTOMOBILE DAMAGE CLAIMS REPORTING

§ 5804-5. Currency.

The Risk Management Division 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; Revised: January 31, 2019)]

§ 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 Division 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 Division 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.

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- 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 Division 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 Division. No notice will be sent regarding those persons whose driving records are acceptable.

- 1) The Risk Management Division 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 Division shall request a MVR on every BCC employee at least once a year.
- 3) The Risk Management Division may request a MVR on employees involved in motor vehicle accident.
- 4) The Risk Management Division may obtain a MVR upon the written request of the Division Director or Administrator.

F. Supervisor Responsibility:

- 1) Supervisors shall notify the Risk Management Division and Human Resources Division as soon as they become aware that an employee under their supervision does not meet the

ELIGIBILITY TO DRIVE COUNTY-OWNED VEHICLES

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 Division 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 Division 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 employee's supervisor and shall be copied to the Risk Management Director and the Human

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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 Division 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 Division 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)]

§ 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 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 PROCEDURES

[Effective Date: May 1, 2004 (Revised: August 1, 2006; Revised: July 1, 2007; Revised: October 1, 2008; Revised December 7, 2012; Revised January 3, 2019)]

§ 5808-1. Purpose.

The purpose of this Instruction is to provide a procedure to all Operating 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 Procurement Division to the Board of County Commissioners Operating Directors. Each Operating 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 efficiently 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 the Collier County Procurement Ordinance and Purchasing Card Manual, and to:
 - (a) Conduct County business only; the card should not be used for items specifically prohibited in Account Restrictions.
 - (b) Purchase cost effective items that meets the County's business needs.
- (2) The purchasing card is subject to the standard limits outlined in the Collier County Purchasing Card Manual, unless otherwise approved by the Director of Purchasing or designee. 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) The purchasing card may also be used, strategically, to make larger dollar purchases under the direction of the Procurement Director or designee and where it is in the best interest of the County.

B. Operating Director Responsibility:

- (1) Accountability: Operating Directors have oversight and fiduciary responsibility for purchases made with the purchasing cards assigned within their areas as well as ensuring accountability and integrity in the spending of the public's funds. The Operating Director is responsible for authorizing who uses the purchasing cards in their division, providing fiscal oversight and management of the processing of transactions in the financial system, following the Purchasing Card Manual, and ensuring the P-Card is used consistent with the County's mission, applicable laws and ethical practices.
- (2) Assets: The Operating Director (or designee) is responsible to provide to the Clerk of Courts, Finance Department, information (via the Capital Asset Transaction form) with any asset-related transaction information made with a purchasing card in accordance with CMA #5809 Managing

PURCHASING CARD PROGRAM POLICY AND PROCEDURES

Personal Property and Consumable Supplies. When assets are purchased with the purchasing card, a copy of the asset form must be completed, signed and attached to the record in the County's financial system.

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 staff in the Procurement Department. 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 #5508, Purchasing Card Policy and Procedures, the Purchasing Card Manual, and the Procurement Ordinance, and to:

[1] Conduct County business only.

[2] Purchase the most cost-effective item that meets the County's business needs.

D. Purchase Card Administrator Responsibility:

(1) The Purchasing Card Administrator has responsibility to:

(a) Oversee the contract relationship between the County and the card lending institution.

(b) Provide program training to departments, cardholders and fiscal processors.

(c) Perform periodic CMA and Procurement Ordinance compliance audits; validating compliance with County purchasing policies. If discrepancies are found, the Purchasing Card Administrator may require additional documentation from the cardholder or division. The Purchasing Card Administrator will notify the cardholder's immediate Supervisor and/or Operating Director of improper or unauthorized use of a purchasing card.

(d) Provide ad hoc reports to Operating Directors (or designees) as needed.

(e) Ensure progressive corrective steps are in place for division noncompliance, including suspension or termination of card(s) within a division and/or the entire division's purchasing card program.

§ 5808-3. Currency.

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

MANAGING PERSONAL PROPERTY AND CONSUMABLE SUPPLIES

[Effective Date: October 10, 2006; (Revised: October 1, 2008; Revised: December 15, 2014; Revised: December 1, 2020)]

§ 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 division 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 division. 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 non-consumable nature that has a normal useful life of one year or more and an acquisition value of \$5,000. 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 division 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 division from any organization, agency or person, with a normal useful life of one year or more and an acquisition value of \$5,000 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 \$5,000 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 division, section or location, and ensuring that they witness the disposal if declared scrapped or destroyed.

SCRAPPED or DESTROYED PROPERTY— Any asset that the assigned division deems to be

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obsolete, unrepairable (repair and/or maintenance costs exceed the price of a new item), or unsafe.

SURPLUS PROPERTY— Any asset that the assigned division 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 division.

§ 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 division. 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 division.
- (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 divisions 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 division to periodically conduct an inventory of all consumable items with the division'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

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operation, the property officer, with the prior, written approval of the custodian, will submit a completed Surplus Property Pre-Requisite Information Form to the Procurement Division.

C. Assets and Tangibles:

(1) Receiving:

- (a) Upon receipt and acceptance of purchased asset by the Custodial Division, the custodian will provide a Capital Asset Transaction Form to 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 Division. The Custodial Division 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 Procurement Division 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 Division shall complete and forward a Capital 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 division'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 division, 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 division to periodically conduct an inventory of all assets or tangibles within the division's possession.
- (b) Each division shall establish internal procedures governing the proper care and

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use of assets and tangibles, and procedures for the exchange/trade-in or return of that property if not required. The procedures shall be based upon the size and functions of the division and shall include, but not be strictly limited to, who is authorized to use or consume the inventoried items, how usage or consumption is tracked and the accounting and return of assets for credit at the conclusion of a project. Minimum operating procedures have been attached.

- (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 division. 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 division (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 divisions (including the transfer of items deemed surplus), the releasing division shall complete a Capital Asset Transaction Form that fully describes the item(s) being transferred and clearly identifies the releasing and receiving divisions 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 divisions the releasing division shall delete the item from its internal perpetual inventory record. Accordingly, the receiving division 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 Procurement Division, the custodian shall complete a Surplus Property Pre-Requisite Information Form and forward it to the Procurement Division for approval.
- (4) In the event that an asset or tangible is transferred to another division 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:
 - (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

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exceed the price of a new item), or unsafe, a Surplus Property Pre-Requisite 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 Procurement Division must approve the disposal of the item(s).

- (b) Once approved by the Procurement Division, the Procurement Division 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 division will forward a copy of the approved Capital Asset 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 division 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 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 Procurement 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 Manager's Agency Administrative

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Practices and Procedures.

- E. Disposition: Any division that deems an assigned asset to be surplus and no longer of beneficial use to that division shall complete a Surplus Property Pre-Requisite Form to be executed by the custodian and forwarded to the Procurement Division.

§ 5809-5. Reference.

Chapter 274, *Fla.Statute.*, the Rules of the Department of Financial services 69I-73, and the prevailing County purchasing policy.

§ 5809-6. Currency.

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

MANAGING PERSONAL PROPERTY AND CONSUMABLE SUPPLIES

**** SAMPLE ONLY ****

**COLLIER COUNTY INVENTORY CONTROL
MINIMUM OPERATING PROCEDURES
[OPERATING DEPARTMENT NAME]**

Procedure Name: Project Material Return Procedure

Purpose: To define a process to determine the disposition of excess project material.

Frequency: As needed at the completion of a County project.

Documents Used During the Procedure:

- Parts list from the project showing excess items
- Purchase Order
- Invoice
- Packing Slip

Operating Procedures:

1. Upon completion of a County project, the project manager will return any excess items to the vendor for a credit in compliance with the County's contract documents prior to final close-out. *Returning excess project parts to the vendor is the preferred option.*
2. If the project manager, in coordination with the operating division director, deems certain excess project parts may be needed as a backup and estimates the excess parts (excluding special order items with long lead times) will be used within a nine (9) month period, the project manager will send the list of parts including the part description, quantity, unit cost and vendor to the inventory / fiscal staff. The parts will be transferred from the project cost center to the designated warehouse cost center via a journal entry and brought into asset inventory.
3. A journal entry will be executed to transfer the value of the parts from the project cost center and apply the value to the designated warehouse cost center.
4. If the excess project parts are not needed by the operating division and the vendor refuses to take the parts back and credit the division, the project manager will send a list of the excess parts including the part description, quantity, unit cost and vendor to the inventory / fiscal staff. The inventory / fiscal staff and the project manager will coordinate with the Procurement Services Division regarding the disposition of the excess parts.
5. All items being returned to the vendor, transferred from the project cost center to a warehouse cost center, or sent to surplus for disposal will be reviewed by the fiscal staff to ensure policy compliance with the CMA 5809 Managing Personal Property and Consumable Supplies.

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

new item), or unsafe.

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.

- (b) Each department shall establish internal procedures governing the proper care and use of assets and tangibles, and procedures for the exchange/trade-in or return of that property if not required. 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, how usage or consumption is tracked and the accounting and return of assets for credit at the conclusion of a project. Minimum operating procedures have been attached.
 - (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:

- (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 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 69I-73, and the prevailing County purchasing policy.

§ 5809-6. Currency.

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

**** SAMPLE ONLY ****

**COLLIER COUNTY INVENTORY CONTROL
MINIMUM OPERATING PROCEDURES
[OPERATING DEPARTMENT NAME]**

Procedure Name: Project Material Return Procedure

Purpose: To define a process to determine the disposition of excess project material.

Frequency: As needed at the completion of a County project.

Documents Used During the Procedure:

- Parts list from the project showing excess items
- Purchase Order
- Invoice
- Packing Slip

Operating Procedures:

1. Upon completion of a County project, the project manager will return any excess items to the vendor for a credit in compliance with the County's contract documents prior to final close-out. *Returning excess project parts to the vendor is the preferred option.*
2. If the project manager, in coordination with the operating department director, deems certain excess project parts may be needed as a backup and estimates the excess parts (excluding special order items with long lead times) will be used within a nine (9) month period, the project manager will send the list of parts including the part description, quantity, unit cost and vendor to the inventory / fiscal staff. The parts will be transferred from the project cost center to the designated warehouse cost center via a journal entry and brought into asset inventory.
3. A journal entry will be executed to transfer the value of the parts from the project cost center and apply the value to the designated warehouse cost center.
4. If the excess project parts are not needed by the operating department and the vendor refuses to take the parts back and credit the department, the project manager will send a list of the excess parts including the part description, quantity, unit cost and vendor to the inventory / fiscal staff. The inventory / fiscal staff and the project manager will coordinate with the Procurement Services department regarding the disposition of the excess parts.
5. All items being returned to the vendor, transferred from the project cost center to a warehouse cost center, or sent to surplus for disposal will be reviewed by the fiscal staff to ensure policy compliance with the CMA 5809 Managing Personal Property and Consumable Supplies.

CESSATION OF NORMAL GOVERNMENT ACTIVITIES, PERSONNEL ROLES AND RESPONSIBILITIES DURING EMERGENCIES AND EMERGENCY PAY

[Effective Date: October 1, 2003 (Revised: May 10, 2006; Revised: July 31, 2006; Revised: June 5, 2009; Revised April 18, 2018; August 16, 2019)]

§ 5900-1. Purpose; scope.

The purpose of this Instruction is to provide for the County's practice to establish roles and responsibilities for all employees under the Board of County Commissioners Agency and the cessation of normal government activities during emergencies, as well as to outline the pay practices during these emergencies. This practice 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. County Employees: General Policies:

- (1) The County is responsible for protecting the public's health and safety during emergencies. As such, all regular full- and part-time employees are considered essential personnel and 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.
 - (a) All regular full- and part-time employees will be provided with an emergency assignment by their Division Director or designee, before, during and/or after the declared emergency and/or activation event, which will fall into one of the following categories:
 1. Department/Division Protective Measures (initiated by Division Director, based on need.)
 2. Shelter Operations
 3. Emergency Support Function (ESF)/Emergency Operations Center (EOC) activities (initiated by the Division Director, based on need.
 4. Phone Bank/Hotline
 5. Damage Assessment
 6. Logistics
 7. Other (Childcare, Volunteer Coordination, Point of Distribution (POD) Assistance, etc. to be initiated by Emergency Management or their Division Director, based on need.)
 - (b) Division Managers/Supervisors will ensure that they communicate to employees, in writing, to provide emergency assignments each May. Employees will be reminded of their assignment prior to any storm or emergency event.
 - (c) Temporary (job bank) employees may be given an emergency

CESSATION OF NORMAL GOVERNMENT ACTIVITIES, PERSONNEL ROLES AND RESPONSIBILITIES DURING EMERGENCIES AND EMERGENCY PAY

assignment based on division or organization needs, and assignments given only after permanent employees have been deployed in support of the activation or emergency. They should not be utilized in place of permanent staff.

- (d) The general nature of these responsibilities will be based on the emergency roles or temporary emergency needs 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 Department Heads, Division Directors, Managers or Supervisors shall ensure the availability of employees to protect, secure and recover County property, equipment and services from the effects of an emergency, 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 department will be identified by their division as available for an emergency duty assignment. That reassignment may include assisting other divisions and/or the Emergency Operations Center in carrying out emergency assignments or missions.
- (4) Department Heads have the discretion to provide emergency duty assignments to staff. Employees are required to report as assigned during a declared emergency.
 - (a) Requests to be excused from designated emergency duty assignments must be submitted for consideration each year in the month of May on the agency's Exemption Request Form. These will be reviewed approved in writing by the Division Director. Exemptions may be for an extended period or specific to a single activation event.
 - (b) If the exemption is unknown in May, a request can be submitted at the time an emergency is imminent or has been declared; these will then be evaluated on a case-by-case basis by the Director. If approved, this will be communicated to necessary parties, including HR if medically-related. If the absence is excused, the employee shall use available vacation, sick, personal or compensatory time or be placed on leave without pay status.
 - (c) An employee who is designated to work an emergency duty assignment but does not report for assigned duties during a declared emergency will receive no compensation (pay or be eligible to use accrued leave time) for the period of the scheduled assignment. Additionally, they may be

CESSATION OF NORMAL GOVERNMENT ACTIVITIES, PERSONNEL ROLES AND RESPONSIBILITIES DURING EMERGENCIES AND EMERGENCY PAY

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 prior to or during the emergency, or have been excused from emergency 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, contact his/her supervisor, or report to work to the designated division representative in accordance with division 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 or contact his/her supervisor 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 at the division level to give employees sufficient time to prepare their families and protect personal property from hurricane forces, flooding conditions and/or other natural disasters. Directors and Supervisors will coordinate work schedules to make reasonable accommodations for family protection.
- (7) Shelter will be made available to employees who are scheduled to work during an emergency. In some cases, employee pets may be permitted at the County facility to which they are assigned. Staff should come prepared with bedding, changes of clothing, toiletries, medications, snacks, communication device(s), chargers and any assigned safety gear to cover a period of 72 hours.
- (8) When deployed in support of a declared emergency and/or activation event, County employees are, at a minimum, required to wear their ID badge in a visible location above their waist. If available, staff are encouraged to wear County logo attire. At all times, staff members should be dressed suitably for their assignment, to include proper safety gear.
- (9) County Department Heads/Division Directors shall submit an internal emergency/activation response plan or Continuity of Operations Plan (COOP) that complements the County's Comprehensive Emergency Management Plan to the Division of Emergency Management on May 1 of each year, as directed by Emergency Management. These plans will include provisions for employee communications that meet the requirements of Subsection A(5) above including contingencies for telephone service outages, impassable road conditions, etc.

B. Policy on Closing Down or Adjustments to County Operations:

- (1) The County Manager may limit or cancel County operations based on

CESSATION OF NORMAL GOVERNMENT ACTIVITIES, PERSONNEL ROLES AND RESPONSIBILITIES DURING EMERGENCIES AND EMERGENCY PAY

direction from the Collier County Board of County Commissioners or recommendation from the Collier County Emergency Management Division. 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 Department Heads who, in turn, will notify all Division Directors. This local determination will be based on best available information to continue essential government services for Collier County residents and visitors, but may not align with decisions made by the Governor to declare a state of emergency for Florida, or communications from other officials about recommendations for citizens to evacuate.

- (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 B(2) above.

C. Emergency Pay Provisions:

- (1) Emergency pay provisions will be in effect when any natural, technological or other emergency or activation event requires a state of local emergency declaration by the Board of County Commissioners or Level 2 activation as

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determined by the Board of County Commissioners, the County Manager, Deputy County Manager or Emergency Services Director.

- (2) Level 2 activation may be declared when any natural, technological or other emergency requires a state of local emergency declaration, or as indicated by the County Manager, Deputy County Manager or Emergency Services Director. Examples of Level 2 activation include:
 - (a) Emergency Management personnel have activated Emergency Operations Center (EOC) or mobile command outside the regularly scheduled workday.
 - (b) Emergency Support Functions (ESFs) in addition to Emergency Management personnel are working in the EOC or mobile command center.
 - (c) County Phone Bank (information hotline) has been activated.
 - (d) A request by the State Director of Emergency Management and or the Governor to provide support to the State or surrounding counties.
- (3) These pay provisions apply to full- and part-time employees regardless of their exempt or non-exempt status with exception of the County Manager, Deputy County Manager, Department Heads, bargaining-unit personnel or as otherwise stipulated. These provisions also apply to temporary (job bank) employees if they are required and assigned to work during a Level 2 activation. Overtime rules apply according to the Fair Labor Standards Act (FLSA). Shift differential may apply according to CMA 5341.¹ It is the Department Head's responsibility through the Division Director to verify any emergency hours worked and approve all payment.
 - (a) If County offices are open for normal operations, full- and part-time 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 preparation for or direct response to 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 who are available to work, but are 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 to the position). Employees must call in/report to work in accordance with Subsection A(5) to qualify for pay. See Subsection C(4)(a-c), Other Pay Provisions (below), for additional

¹. Editor's Note: See CMA 5341, Compensation Administration.

CESSATION OF NORMAL GOVERNMENT ACTIVITIES, PERSONNEL ROLES AND RESPONSIBILITIES DURING EMERGENCIES AND EMERGENCY PAY

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 preparation for or direct response to a declared emergency will be paid for any hours worked at the rate of time and one-half. If an employee is released prior to the end of a regular working day, any scheduled hours an employee does not work will be paid at his/her regular straight time rate of pay including shift differentials (if applicable to the position).
- (4) Other Pay Provisions:
- (a) Employees who submitted and have approved leave slips to take time off (not related to the emergency/activation event) prior to the event declaration, and are already off work 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.
 - (b) During the period following a declared emergency, emergency pay provisions will continue to apply until such time as County offices re-open for normal business operations, as determined by the County Manager. All regular full and part-time employees, with the exception of those listed in section C(3), will be paid at the rate of time and one-half for each hour worked over 40 hours during that week, provided the time is in response to the declared emergency.
 - (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.
- D. Emergency organization: The command structure that Collier County will utilize for major emergencies is shown in the Basic Plan to the Collier County Comprehensive Emergency Management Plan (CEMP).
- E. 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 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 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.

CMA # 5900

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- F. 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 Division 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.



Disaster Exemption Request Form

Employee Name:	SAP ID #:
Division Name:	Position Title:

I am requesting an exemption from performing in a disaster assistance role related to my County position.
This request is for the period noted below.

Time Period	List # of Days or Hours Unavailable for a Disaster Assistance Role
☐ Before the declared emergency	
☐ During the declared emergency	
☐ After the declared emergency	
☐ Temporary Period	Start Date: _____ to End Date: _____
☐ Ongoing	<i>(An ongoing request is valid only until the beginning of the next hurricane season.)</i>

My request for an exemption is based on the following circumstances (please mark all items that apply):

☐	I am the responsible for care of (select the applicable party): ☐ An infant under one (1) year of age ☐ A frail, elderly, or functional needs person who is homebound ☐ A frail, elderly, or functional needs person who requires specialized care by a facility or service not likely to be operational during times of a disaster or emergency, and no other caregiver is available.
☐	I am responsible for the care of an individual (select the applicable party) who lives in a mobile home, low lying area, or a Category 1-3 storm surge evacuation zone. ☐ An infant under one (1) year of age ☐ A frail, elderly, or functional needs person
☐	I am responsible for the care of an individual (select the applicable party) with no alternative means of care and transportation. ☐ An infant under one (1) year of age ☐ A frail, elderly, or functional needs person
☐	I have been or will be approved for an <u>intermittent</u> Family Medical Leave of Absence (FMLA).* NOTE: Individuals approved for continuous FMLA leave are already exempt from serving in a disaster assistance role and do not need to complete this form.
☐	I have a medical situation or physical limitation that would impede my ability to perform disaster assistance assigned duties during an emergency situation; I am, however, able to perform my regularly assigned job functions before, during and/or after an emergency.*

My request for an exemption is based on the following circumstances (please mark all items that apply):

Other: (Please provide details below; may require submission of documentation to HR, based on circumstances)

**Requires submission of appropriate supporting documentation from a medical professional to either Matrix Absence Management or HR.*

All exemption requests must be supplemented by a brief statement from the employee to outline the details specific to the need to be excused from performing in a disaster assistance role. This statement **MUST NOT** include any details about medical conditions of the employee or family member. If the request is related to a medical situation or physical limitation, appropriate supporting documentation from a medical professional must be submitted directly to Human Resources for evaluation.

Employee Signature/Date: _____

I have reviewed the employee's request for an exemption and the request is: ☐ Approved ☐ Denied

Division Director Signature/Date: _____

Employees approved for an exemption from their disaster assignment will be required to use accrued leave, if available, to remain in paid status during their absence from the County, in accordance with CMA 5900.

Please return completed forms and supplemental materials to the Human Resources Office.

This form should not be retained in division files

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)]

§ 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 5201.¹
 - (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.

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 5351.²

§ 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.

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; Revised: January 31, 2019]¹

§ 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 or his/her representative, 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 5351.² Employees will be professional and conduct themselves in a positive manner during these procedures. Weapons, drugs, explosives or any other type of contraband may 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.

1. This CMA is an abbreviated version of the full Administrative Procedure. The full procedure is on file in the Facilities Management Division. Both versions are not subject to Florida's Public Records Law.

2. Editor's Note: See CMA 5351, Discipline.

**SECURITY SCREENING/ADMINISTRATION BUILDING
(Employee Version)**

- C. Employees and visitors shall enter the building through the security/screening area during the building's hours of operation, Monday through Friday. Only those employees approved by the County Manager, Division Administrator, Division 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 Division Director and forward the request to the Division 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) may 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 Division 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 Division 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. Security personnel may, from time to time, be authorized by the Facilities Management Director 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.
- G. 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 Division 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.

RETIREE HEALTH INSURANCE PREMIUM SUBSIDY PROGRAM

[Effective Date: April 1, 2006; Revised: October 10, 2018]

§ 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: 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 to be eligible for the subsidy, however, employees who are younger than age 55 shall be eligible for the subsidy if they qualify for the FRS pension plan without a penalty. Employees in the pension plan who have at least 15 years of continuous service with Collier County and are 55 years of age or older may take the required FRS pension reduction for early retirement, if applicable. Employees in the investment plan shall be eligible for the subsidy if they have 15 years of continuous service with Collier County and are at least 55 years of age.
 - (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

RETIREE HEALTH INSURANCE PREMIUM SUBSIDY PROGRAM

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

RETIREE HEALTH INSURANCE PREMIUM SUBSIDY PROGRAM

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**

Years of Service	% Paid at Separation
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 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

CMA 5904

RETIREE HEALTH INSURANCE PREMIUM SUBSIDY PROGRAM

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.

§ 5904-3. Currency.

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

§ 5904-4. Reference.

Collier County Personnel Ordinance, Ordinance No. 2001-5; Florida Statutes, § 112.08; CMA 5360.¹

¹. Editor's Note: See CMA 5360, Leaves of Absence.

RESTRICTED NETWORK ACCESS AGREEMENT

[Effective Date: April 1, 2006; Revised July 5, 2018]

§ 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 Title	
User's Telephone Number	
User's Office and Location	

I have read the Collier County CMA 5405 Computer – Technology use 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 Division.

User Signature	
Date	
Collier County IT Division	
Date	

§ 5905-4. Currency.

The Information Technology Division 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

[Effective Date: March 28, 2006; Revised: March 31, 2008; Revised: September 17, 2010; Revised: September 1, 2017; Revised: January 31, 2019]

§ 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 or designee, be extended to 150 days.
- C. The County Manager, or designee, must approve temporary residential housing for any existing employee.
- D. Employees, contract employees, students, 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 any time for the purposes of inspection, maintenance, and/or repair.
- E. The Division 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 Division will furnish each unit with appropriate furniture.
- F. Each occupant will enter into a Use Agreement with the County.
- G. The use fee for housing under 2,000 square feet of living space, which includes rent, water service, electric service, lawn service, basic cable and furnishings, is \$25 per day for employees and imbedded contract employees. For housing over 2,000 square feet of living space the use fee will be \$35 per day. All housing for interns and students will at a rate of \$8 per day. 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

TEMPORARY RESIDENTIAL EMPLOYEE/INTERN HOUSING

Commissioners. A non-refundable security deposit of \$250 will only be required when pets are present. The revenues will be directed to the division owning the unit or the Facilities Management Division budget as agreed upon by both the owning Division and the Facilities Management Director.

- H. Facilities Management may, when necessary, and in the absence of a paying occupant, assign a security officer or maintenance personnel to occupy the units in order to prevent vandalism.
- I. The County Manager or designee will review and, if necessary, adjust the charges every two years, but has the authority to amend this policy as necessary at any time.

§ 5907-3. Currency.

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

§ 5907-4. Authorization.

Authority for this policy and procedures was delegated by the Board of County Commissioners on March 28, 2006.

CMA # 5909

HIPAA SECURITY FACILITY ACCESS CONTROL POLICY

§ 5909-1. Purpose.

§ 5909-3. Guidelines.

§ 5909-2. Definitions.

§ 5909-4. Currency.

[Effective: April 1, 2006]

§ 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.

- (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]

§ 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]

§ 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 5390¹) 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,² after a conditional offer of employment is made.

D. Selection:

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.

TELECOMMUTING

[Effective Date: March 1, 2007 (Revised: June 5, 2020; Revised October 2, 2020)]

§ 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, 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 Department Heads 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, including business travel outside the United States; while recuperating from an illness or injury (with appropriate documentation from the treating medical provider that they have authorized the employee to work), or while caring for a family member. Division Directors, working in conjunction with the Human Resources Division, may approve short-term telecommuting, provided that the business needs of the organization are met and measurable tasks and objectives 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.

Due to the potential for security risks with international travel, approval must be requested from the IT Division Director, who may, on a limited basis, authorize an employee to transport and utilize a temporary PC when working outside of the country. Upon return to the workplace, the temporary PC must be returned to the Information Technology Division to be re-formatted.

§ 5912-3. Conditions.

- A. Participation in the formal Telecommuting Program is voluntary and must be mutually agreed upon between the employee and the Division Director. Either party may revoke the

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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 division 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 application and 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 the Fair Labor Standards Act (FLSA). Approval for overtime must conform with a division's standard practices.
- F. Telecommuters are required to meet all telecommuting practices, are subject to the same rules and procedures as other employees and are expected to meet all established, documented performance objectives for their County position.
- 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. Employees who have demonstrated successful performance, are not currently working under an improvement plan, and who have no disciplinary action within the last six months or pending Behavior Action Plans to be issued may be considered for telecommuting. 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 a suitable work-from-home 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:

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- (1) Maintain open lines of communication with telecommuter(s).
- (2) Establish measurable goals and articulate work-from-home 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 annually 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 and agreement for telecommuting through their Supervisor to the Division 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 trial period. The decision of the Division Director is final.
- B. Rules of Operation:
 - (1) Telecommuting will not begin until a fully executed Telecommuting Agreement is in effect, the original of which will be filed in the Human Resources Division with copies provided to the requesting division, IT, Risk Management, and the employee.
 - (2) Telecommuters must be accessible by telephone and must remain within their work-from-home space during the hours agreed upon with their Supervisors (with the exception of lunch, breaks, meetings, etc.).
 - (3) Unless otherwise authorized in writing by their Division Director, Department Head, the County Manager and Human Resources Director or their designees, telecommuting employees must be available to report to the office worksite during regular working hours at the request of a Supervisor.
 - (4) Telecommuting is not a substitute for child or dependent care, and childcare cannot interfere with the performance of assigned duties.
 - (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 Department Head and County Manager, or their respective designees. Notation of the hours and days the work from home arrangement

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is in effect will be included as part of the signed Telecommuting Agreement and Appendix A, Work Schedule.

- (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) Due to tax implications for the employee and the County, employees who have been authorized to work exclusively on a remote basis must reside within the state of Florida.
- (11) Only County-issued devices may be utilized by employees approved for telecommuting arrangements. All equipment requested for a telecommuting agreement must be approved in advance by the Division Director and noted on Appendix C, Equipment List.
- (12) If equipment or connectivity to the County's network 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. The Information Technology Division has the responsibility to ensure that County-issued equipment has current software installed and all required patches are in place. Employees may be required to report to their workplace to resolve hardware or software failures and/or secure technology replacements.
- (13) Either the employee or the employer can terminate the telecommuting agreement with written notice at any time.
- (14) 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.
- (15) With reasonable notice given from their supervisor, employees must permit inspection of their home worksite from time to time by their supervisor or Risk Management to verify the safety of the environment and/or to meet other compliance requirements.
- (16) Collier County, at its discretion, reserves the right to monitor any use of network resources by employees approved to telecommute. This includes monitoring 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. Software may be installed on a County-owned computer to monitor the telecommuter's productivity. This software will be installed at the request of the employee's manager, with concurrence of the Division Director, and will be used as a management tool to validate the employee is meeting performance and productivity standards.

C. Work Hours/Schedules:

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- (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. Approval for overtime must conform with a division's standard practices.
 - (2) Any changes to working 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.
- 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. Telecommuters will check for office mail, inter-office mail, and new assignments and will ensure they stay 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, Division Directors will conduct an informal performance assessment at least once each six-month period. If a trial period is imposed, a performance assessment 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 Division) 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/Remote Office and Safety: Employees will establish an appropriate work environment within their home or alternate location approved by the employee's supervisor/director for work purposes. The County will not be responsible for any costs associated with the initial setup or upkeep of the remote office but may be consulted for ergonomics or safety advice. The remote 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 remote

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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 or remote work location.

- H. Equipment: Telecommuters and their Supervisors will jointly determine the equipment required to meet their performance objectives from the home office. The IT Division can assist in determining the appropriate equipment required. Approval or commencement of a telecommuting agreement may be contingent upon availability of such equipment. Divisions 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/remote 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/remote 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/remote location setup, repair, or troubleshooting services.
 - (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, but does not guarantee that this equipment will be available.
 - (8) Collier County does not provide or support wireless service (or required equipment) in employees' homes or remote work locations; however, to the extent reasonable, the Service Desk will assist with home wireless setup and troubleshooting.
 - (9) The County will not provide fax machines, copy machines, or telephone equipment in home/remote offices; however, a division may choose to provide a computer printer equipped with some of these options.
 - (10) Employees will immediately report loss, theft, or damage to County-owned equipment to their Supervisors.

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- I. Required Forms:
- Telecommuting Application and Agreement.
 - Appendix A, Work Schedule.
 - Appendix B, Safety Checklist.
 - Appendix C, Equipment List

§ 5912-6. Currency.

The Human Resources Division is responsible for keeping this Instruction current.



APPLICATION AND AGREEMENT FOR TELECOMMUTING

Personal Information		County Position Information	
Employee Last Name, First, MI		Dept/Division	
		Position Title	
Employee Home Address		Hire Date	
		County Work Address	
# of Miles from County work location to home		Office Phone or County Cell #	
Is the address listed above the location from which you will work remotely?			☐ Yes ☐ No
If no, provide the address from which you are requesting to work below			
Alternate Work Location Address:			

Employee Assessment of Position Functions and Establishing a Remote Work Location			
Briefly Describe your current job duties:			
Rate each of the following job characteristics according to your current job requirements. For each, indicate whether the situation occurs: Frequently (F) , Occasionally (O) or Rarely (R)			
Controlled work schedule		Work with computer or laptop	
Receive clear and understandable work assignment objectives		Use of copier, fax and/or other office equipment	
Position requires face to face contact with customers/clients		Position requires face-to-face contact with co-workers/supervisor	
Concentration required		Work independently	
Position requires use of in-office reference materials			
Describe how your current job responsibilities will be adapted to telecommuting/remote work, including which functions you will perform while working remotely:			
Describe how you will meet your work objectives while telecommuting/working remotely:			
Describe the space in your home/remote work location that you will dedicate to performing your work:			

Supervisory Assessment for Telecommuting/Remote Work			
Rate each item below from 1-5, (with 1 being not true and 5 being completely true) related to the employee who has requested to telecommute.			
1. Position tasks do not require daily observation		10. Position handles minimal proprietary information	
2. Position tasks require minimal supervision		11. Equipment is available without creating fiscal hardship on division	
3. Position requires minimal interaction with public		12. Employee meets all eligibility criteria	
4. Position is minimally dependent on hard copy or restricted access resources		13. Employee is well established and self-motivated	
5. Position requires minimal face to face interaction with co-workers		14. Employee requires minimal supervision	
6. It is relatively easy to establish definable quality and quantity performance measurements		15. Employee has a high degree of work knowledge	
7. Position requires minimal administrative support		16. Employee is well organized and has strong time management skills	
8. Position requires considerable computer usage		17. Employee demonstrates a high level of productivity	
9. Job tasks are predictable			

In the space below, outline the plan for assessing the employee's performance and productivity while working remotely. You will be required to provide 6-month updates of this plan to your Director/Dept Head.	
Please indicate which of the following you will require employee to perform/complete while working remotely	
Activate and use productivity software on their computer on approved telecommuting day(s)	☐ Yes ☐ No
Take part in daily Skype/Zoom/Phone call check-ins	☐ Yes ☐ No
Submit a log of daily work activities at the end of each working day	☐ Yes ☐ No
Other (Please outline requirement here)	

TELECOMMUTING CONDITIONS AND 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.

As a telecommuter/remote worker you agree to and understand:

1. This agreement is between you (the employee) and your Division Director regarding a remote work arrangement that includes work schedule, equipment and other details.
2. Telecommuting has been approved to start as of date this application and agreement are approved by all parties, and I have been notified by Human Resources that the agreement is in effect for a period up to one year. The agreement may be renewed annually if the arrangements continue to meet the division's operating requirements. I or my Division Director may terminate the agreement at any time.
3. Telecommuting is in accordance with dates approved for remote work under ***Appendix A, Work Schedule***, which may be adjusted or changed by mutual agreement.
4. An appropriate space is required within my home or alternate work location to complete my assigned job tasks. The remote work must be free of safety and fire hazards. ***Appendix B, Safety Checklist***, has been completed certifying compliance and remains part of this agreement.
5. All material and equipment issued to me for the performance of my 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. I will not use any County equipment and supplies at my home or alternate work location for personal purposes. A list of all assigned equipment with model and serial numbers, along with non-consumable supplies, is included as ***Appendix C, Equipment List***.
6. A telecommuting arrangement is voluntary, and I may request to end the arrangement at any time.
7. The Division Director may at any time change any or all of the conditions under which I am permitted to telecommute or withdraw permission to telecommute entirely.
8. I am responsible for adhering to the established remote work schedule and ensuring that all specifications in all appendices remain satisfied throughout the term of the telecommuting arrangement.
9. I will seek supervisory approval in advance for any changes in my work hours or working days and to request leave or make satisfactory arrangements to meet my scheduled work hours.
10. All County policies, practices, and procedures remain in effect for me whether I am telecommuting or working at my official worksite.
11. I will participate in any additional evaluation activities that may be undertaken as part of the telecommuting arrangement, to include electronic system monitoring if determined appropriate by my management team.
12. I will keep my Supervisor informed of my progress on assignments worked from my home worksite and to immediately notify my Supervisor of any problems which I may experience while telecommuting.
13. My time must be structured to ensure my attendance at all required meetings and division events as designated by my Supervisor, and that I am subject to recall to the official worksite at any time.
14. Telecommuting is a benefit, and I accept the responsibility to facilitate communication with any customers and/or colleagues impacted by my telecommuting. I further agree to make special efforts to stay current on division events occurring on my telecommuting days.

If Applicable:

15. I confirm that I have made adequate day-care arrangements (through a paid provider or other equivalent situation) and understand that providing childcare cannot interfere with the performance of my assigned duties.

APPENDIX A WORK SCHEDULE

The employee named in this telecommuting application and agreement is approved to work the schedule noted below									
Weekday	Starting Time	Ending Time	Mins for Lunch	Total Work Hrs	In Office	Working Remotely			
Sunday					☐	☐			
Monday					☐	☐			
Tuesday					☐	☐			
Wednesday					☐	☐			
Thursday					☐	☐			
Friday					☐	☐			
Saturday					☐	☐			

APPENDIX B SAFETY CHECKLIST

This checklist is for use by the telecommuter/remote worker in assessing the adequacy of the home working/alternate work location 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.

Criterion	Adequate	Inadequate	Not Applicable
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.	☐	☐	☐
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.	☐	☐	☐

APPENDIX C

EQUIPMENT LIST

The following equipment and non-consumable supplies have been assigned to the employee and will be returned at the termination of the Telecommuting Agreement.

Equipment List

Model Number	Serial Number	Inventory Tag

Non-Consumable Supplies List

Item and Model # (if available)	Serial Number

I have read the Telecommuting Instruction (CMA), the Telecommuting Conditions and Agreement, and completed Appendix A, Appendix B and Appendix C 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 position).

Employee's Signature

Date: _____

Immediate Supervisor or Manager or Division Director

Date: _____

Department Head _____ Date: _____

County Manager (or designee, if agreement exceeds 3 days/week)

Date: _____

Human Resources Director _____ Date: _____

FINAL APPROVED COPY: HUMAN RESOURCES AND EMPLOYMENT FILE

COPIES: EMPLOYEE'S SUPERVISOR/ RISK MANAGEMENT DIVISION DIRECTOR/IT DIVISION DIRECTOR

VOLUNTEER PROGRAM

[Effective Date: May 1, 2009; Revised: June 5, 2020]

§ 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 or an occasional volunteer.

§ 5913-3. Directive.

The respective Division 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 Chapters 125 and 440, *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 for a period longer than 5 shifts or upon completion of the Bright Futures Program requirements (75 or 100 hours) is required to apply to become a "Regular Service" volunteer.

Requirements:

- Must be a minimum of 13 years of age
- If under 18, must submit written parental or legal guardian permission
Complete an electronic Volunteer Application
- Complete divisional screening or interview process
- Pass any required background checks and rescreening as may be required
- Attend Volunteer Orientation and report to a defined supervisor
- Will wear, at all times, County issued badge or other identification of volunteer status

VOLUNTEER PROGRAM

- Must submit a time log to his/her supervisor or designee at minimum on a monthly basis or use electronic time reporting for each volunteer occurrence/shift volunteered
- Follow all applicable CMAs

Occasional Service Volunteer

Occasional Service Volunteers provide a one-time, or short-term service, or participate in the Bright Futures program or other student-oriented volunteer requirement program (up to the maximum number of required hours). Educational field trips to visit County facilities are not considered volunteer assignments.

Requirements:

- Must be a minimum of 13 years of age
- If under 18, must submit written parental or legal guardian permission
- Will wear, at all times, County issued badge or other identification of volunteer status
- While volunteering, will be overseen 100% of the time by a County staff member
- Will attend event orientation and safety briefing and will be accountable to defined supervisor for the volunteer event time-log should be submitted to the assigned supervisor before leaving the assignment, or use electronic time reporting for the volunteer hours worked
- If a club or group assisting with special events or short-term projects, shall complete a Group Application and an individual application for all volunteers and it will be approved by the Director or delegate prior to the event
- If a club or group, a group participation roster is required and the group participation roster will serve as the time log form
- All parental approvals are obtained prior to the start of the event, as applicable

A. Volunteer Assignments:

(1) The Division is required to:

- a. Submit a request to fill a Volunteer position through the County electronic hiring system for review and advertising, including classification.
- b. Coordinate the proper background screening, as follows:
 - i. Fingerprint level (Level 2) background screening through County Facilities Management is required for all volunteers who are working with children and may not be fully supervised, or are in safety-sensitive roles whether Regular Service or Occasional Service Volunteers.
 - ii. All other Regular Service Volunteers will be Level 1 background screened via a contracted and secure third-party service, using personally identifiable information associated with the volunteer . No

VOLUNTEER PROGRAM

records of the SSN/PII are maintained or retained by the County avoiding the need to protect the information.

- iii. All other Occasional Service Volunteers will not be background checked, and all OSV's will be directly supervised by a County staff member.
- (2) Divisions will post Volunteer Opportunities on their websites and a link to such opportunities will also appear on the HR website.
- (3) Volunteers will be required to complete the approved application form and pass all required background screens.
- (4) Occasional Service Volunteers may involve planning for volunteer groups in which case a Group Application will be required. Any minors will have parental permission prior to the beginning of the volunteer service whether part of a group or not.
- (5) During a local emergency declaration by the Board of County Commissioners and/or a Level 2 emergency activation, all those volunteering specifically for the emergency event are to follow protocols established by the Director of the Bureau of Emergency Services.

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. Any documents collected at the Division level are to be retained by the Division after the volunteer service has ended, per General Records schedule requirements.

C. 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 Division.
- (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. If the screening uncovers prior history, the Division Director must review the results with the Security Chief in order to determine it is appropriate to permit the individual to volunteer. These checks may include, but are not limited to social security check, department of motor vehicle records, statewide and national criminal background checks, fingerprinting and educational checks. The requisitioning Division will be responsible for the costs associated with these background checks.
- (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

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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) Drug Screening/Physicals: Volunteers may be required to have a drug screening and/or physical exam prior to the commencement of his/her service, pursuant to Risk Management determination.
- (8) Fitness to serve: Divisions have the authority to determine if a volunteer does not have appropriate ability to perform the volunteer function and may decline the service of a volunteer.

§ 5913-5. Volunteer Management.

- A. Volunteers must perform assignments within the rules set by the respective Division Director. Volunteers may be excused from service if work rules are not followed.
- B. Regular Service Volunteers must comply with the intent of the Collier County CMAs, including CMA 5311.1, *Standards of Conduct*; CMA 5311, *Code of Ethics and Anti-Fraud*; CMA 5323 *Prohibition of Sexual Harassment*; CMA 5323.1 *Prohibition of Unlawful Harassment*; CMA 5324, *Solicitation*; CMA 5902, *Workplace Safety and Health*; CMA 5312 *Drug Free Workplace*; and CMA 5805, *Eligibility to Drive County-Owned Vehicles (as applicable)*. Failure to do so may result in being excused from volunteer service.
- C. The Division Director must ensure that the volunteer coordinators and volunteers are adequately trained to carry out his/her assigned functions. The Division 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 division guidelines used in managing volunteer services.
- D. The service hours of each volunteer must be tracked and reported on an annual fiscal year basis to the Division Volunteer Coordinator and the Risk Management Division.
- E. Any volunteer with no service hours for more than 12 months will be considered separated from service and will be so documented. Should such an individual wish to volunteer again, they will need to re-initiate the entire process.
- F. Annually, all volunteers requiring security screening will be rescreened. This process is to be managed by the Division.
- G. Should there be a safety-related incident regarding a volunteer, the Division is to report such incident through the Risk Management Workers' Compensation electronic tracking system and coordinate with the Risk Division within 24 hours of the incident.
- H. Should there be an illness or emergency regarding a volunteer, the protocol is:
 - a. Make them safe
 - b. Call 911, if appropriate

VOLUNTEER PROGRAM

- c. Contact their emergency contact
- d. Report the incident in STARS
- e. Obtain documentation to support a return to the volunteer assignment, if appropriate to the situation.

§ 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 benefits as described in Chapter 110 and Chapter 125, *Florida Statutes*.
- B. Volunteers are covered by Workers' Compensation as referenced in Chapter 440, *Florida Statutes*.

§ 5913-8. Currency.

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

§ 5913-8. References.

Chapter 110, *Florida Statutes*; Chapter 125, *Florida Statutes*; Chapter 440, *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*.

CMA 5914

Unmanned Aerial System Operations

[Effective Date: August 14, 2017]

§ 5914-1. Purpose.

The purpose of this Instruction is to assure the safe operation of unmanned aerial systems (UAS), also known as a drone or an unmanned aerial vehicle, and to assure that such operation is in accordance with State and Federal statutes and regulations governing their operation.

§ 5914-2. Background.

UAS's originated primarily in military applications; however, their use is rapidly expanding into the areas of commercial, scientific, recreational, agricultural, inspection, and aerial photography. On August 29, 2016, the Federal Aviation Administration (FAA) issued UAS Rule 14 CFR Part 107, which legalized the use of small unmanned aerial systems (sUAS) in the National Airspace (NAS), for public and private entities pursuant to the rules within the regulation. A small sUAS is defined as any UAS that weighs more than .55 pounds and less than 55 pounds.

§ 5914-3. Concept.

The operation of UAS's while in the course and scope of County business shall be performed safely and in accordance with all applicable laws and regulations. The operator of a UAS, known as Remote Pilot in Command rPIC (rPIC) or Remote Pilot at Controls (rPAC) shall be required to meet the minimum standards to operate UAS's and shall demonstrate the continued proficiency necessary to perform this operation. Divisions considering the outsourcing of UAS operations for the purpose of performing County business shall also assure that vendors meet or exceed the requirements of this CMA.

§ 5914-4. Directive

Division Directors shall assure that UAS operations comport to the following minimum requirements and in accordance with the Division Concept of Operations Plan.

Approved Pilots- rPIC and rPAC Minimum Standards

The rPIC shall be the individual with responsibility for all personnel and operations related to the UAS mission. The rPAC is the individual in direct control of the UAS. These titles may encompass the same individual. The minimum requirements for UAS operation shall be applicable to both the rPIC and the Pilot at Controls. The rPIC and rPAC shall possess the following minimum qualifications:

1. The required, current licensure for the UAS being operated.
2. Knowledge of general aviation practices and procedures.
3. Knowledge of all FAA rules applicable to the operation of UAS's.
4. 20/20 corrected vision.
5. Familiarity with the operation of the applicable aircraft to include:
 - a. The completion of sufficient flight time to be familiar with all flight characteristics.
 - b. Familiarity with and installation of the latest revision of ground control software.
 - c. Emergency recovery procedures in failed link situations.
6. Familiarity with mission planning and preflight procedures.

Unmanned Aerial System Operations

7. Familiarity with emergency procedures and contingency operations.
8. Familiarity with acceptable field repair and maintenance procedures prior to engaging in or assisting with same.

Unlicensed personnel shall not be permitted to operate County owned UAS's.

Visual Observers

A Visual Observer (VO) is a person who is designated by the rPIC to assist the rPIC and/or rPAC avoid other air traffic or objects aloft or on the ground. A VO is not required, but if applicable, shall possess the following minimum qualifications:

1. 20/20 corrected vision.
2. Familiarity with the UAS being operated.
3. Familiarity with the construction and configuration of each UAS.
4. Familiarity with the mission plan and preflight procedures.
5. Familiarity with emergency procedures and contingency operations.
6. Familiarity with acceptable field repair and maintenance procedures.

Aircraft

The rPIC shall recommend the aircraft type and configuration to the Division Director for approval prior to purchase. Division Directors shall be responsible for the final approval of aircraft purchases and shall assure that the aircraft is appropriate for the Division mission. Division Directors shall also assure that mission use remains within the course and scope of county business. Aircraft shall not be used for personal, recreational or non-business purposes.

Prior to the operation of aircraft, the Division Director or rPIC shall contact the Risk Management Division to assure that proper liability coverage has been secured.

The aircraft shall be registered according to FAA requirements prior to operation.

UAS Operation - Safety

Mission safety shall be the primary consideration for each flight. The rPIC shall possess the authority to shut down an operation that may present an apparent or actual threat to the safety of crew, staff, or the public.

UAS Concept of Operations Plan

Each Division that engages in the operation of a UAS shall prepare a Concept of Operations Plan specific to their use. The Concept of Operations Plan shall contain specific directives related to the mission and operation of the UAS. A standardized template shall be provided by the Risk Management Division for this purpose.

Accident Reporting

CMA 5914

Unmanned Aerial System Operations

All accidents shall be reported to the Risk Management Division in accordance with CMA#5804, CMA#5803 and CMA#5902. Further, accidents shall be reported in accordance with all FAA reporting requirements.

§ 5914-5. Enforcement.

Division Directors shall enforce the provisions of this directive. Employees who violate the provisions of this Instruction may be subject to disciplinary action.

§ 5914-6. Currency.

The Risk Management Division is responsible for maintaining the currency of this instruction.

§ 5914-7. 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 from that all employees are provided safe and healthy working conditions. Safe practices, habits, and thinking are the principal objectives of a good safety program. The implementation of the County's Loss Control Program within each department will work to meet these objectives. All accidents shall be reported to the Risk Management Division in accordance with CMA#5804, CMA#5803 and CMA#5902. Further, accidents shall be reported in accordance with all FAA reporting requirements. This policy is consistent with the Federal Aviation Administration (FAA) issued UAS Rule 14 CFR, Part 107.



COLLIER COUNTY MANAGER'S OFFICE

3299 East Tamiami Trail • Naples, Florida 34112 • 239-252-8383 • Fax: 239-252-4010

Dear County Team Members,

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 each practice.

This is a very significant document and 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, associated 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.

Practices which are issued are the directives of the County Manager's Agency and respective Departments/Divisions responsible for maintaining the CMAs. When updates are approved, they will be posted on the Human Resources SharePoint site as well as externally under the "Employees" section of the colliercountyfl.gov site. I urge you to read the practices carefully as well as 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 Division. Adherence to these practices is expected in the execution of your daily duties. You will be asked to attest through the County's Learning Management System, Collier University, your understanding that you are responsible to comply with all Collier County Administrative Practices and Procedures, as they exist now or as they may be amended in the future. That confirmation will become part of your official learning transcript.

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

Thank you for your dedication to public service.

Amy Patterson
County Manager

CMA # 1000

ADMINISTRATIVE PROCEDURE; ESTABLISHMENT OF

[Effective Date: February 20, 1996 (Revised: June 10, 1999; Revised: October 1, 2001; Revised: October 1, 2003; Revised: September 1, 2017)]

§ 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-Departmental 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 Division 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; Revised: September 25, 2013; Revised September 1, 2017)]

§ 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, Department, and Division organization charts submitted by the Department Heads and approved by the County Manager or his/her representative. Approval signatures must appear on all charts included in the Code.

The County Manager Agency is structured as follows:

- (1) The Department is the principal senior management and administrative unit under the County Administrator/Manager. A department is headed by a "Department Head".
- (2) For their internal structure, all Departments shall adhere to the following standard terms:
 - a. The principal unit of the Department is the "Division". Each Division is headed by a "Director" or "Chief".
 - b. Divisions can be organized into subunits as a Director or Chief sees fit. These subunits can be headed by an "Assistant Division Director", a "Manager", "Supervisor", "Division Chief", "Battalion Chief", "Captain", "Coordinator", "Crew Leader", "Program Leader", or their equivalents.
- (3) Division Directors who have a function relative to the operation of the entire County Manager's Agency may report directly to the County Administrator/Manager, as he/she deems appropriate.

§ 1001-3. Index.

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

§ 1001-4. Currency.

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

CMA # 1002

STAFF INTERFACE WITH INDIVIDUAL BOARD MEMBERS

[Effective Date: September 16, 1996 (Revised: October 1, 2001; Revised: October 1, 2003; Revised September 1, 2017)]

§ 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 Department Head 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.

CMA # 1200

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; September 1, 2017)]

§ 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 Division of Communication and Customer Relations. The Division 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 Department Public Information Coordinator (PIC).
 - (1) Routine Media Inquiries/Interviews: For general information involving verified, non-controversial, non-policy matters, Department and Division 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 Department PIC to keep the Department Administrator informed of all relevant media inquiries. In turn, Department PICs will regularly update the Communication and Customer Relations Director about media contacts. When contacted by a member of the news media, all Collier County employees should notify their Department PIC before conducting an

MEDIA AND PUBLIC RELATIONS; COORDINATION OF

interview or answering a reporter's questions. If circumstances make it impractical to notify the Department PIC ahead of time, then the employee should notify the Department PIC of the inquiry and response as soon as possible following the interview. If a Department PIC is unavailable, the employee should notify the Communication and Customer Relations Division.

- (2) Controversial or Emergency Media Inquiries/Interviews: Department PICs should immediately notify the Division Director - 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 Division for review before dissemination to the news media. It will be the responsibility of the Communication and Customer Relations Division 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 Department Head or Division Directors. All news releases issued by the County will be considered of general importance and, as such, all news media will be treated equitably. Department PICs may distribute news releases through appropriate channels.
- (2) Division newsletters produced for external audiences shall be submitted to the Division 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, Department Heads, Division Directors or Department PICs. All correspondence will be approved by the County Manager's Office through the Communication and Customer Relations Division before submission to the news media.

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

§ 1200-5. Currency.

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

CMA # 5200

POSTING OF NOTICES AND SIGNS; PROCEDURES FOR

[Effective Date: February 26, 1996 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: September 1, 2017)]

§ 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 Facilities Management Division. 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 Department Head is so assigned.

§ 5200-5. Currency.

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

EMERGENCY BUILDING EVACUATION PLAN

[Effective Date: September 20, 1996 (Revised: November 21, 2000; Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 1, 2005; Revised September 1, 2017; Revised: January 24, 2019)]

§ 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 Division Specific Emergency Plan that will include a floor plan with evacuation routes and other important information described within this document. A listing of current division 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 Division 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 Division 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 Division. The Division 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 Division Orientation Checklist, annual reviews with all employees, and a review if any revisions are made is the Division 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.
- B. Developing and Submitting an Emergency Plan for Each Facility: Each division will establish a Division Specific Emergency Plan that will serve as a current evacuation plan. The Emergency Plan will be kept current by the assigned division 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,

EMERGENCY BUILDING EVACUATION PLAN

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 division'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 divisions and departments, management will need to coordinate to complete their Emergency Plan.
- (2) A list of each division'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 division's evacuation meeting place.
- (5) A current listing of all division representatives and alternates. Each division should have ample employees assigned as division representatives to assure one is present during an evacuation. The Division Director is responsible to assure the job duties of the division representative are communicated to each assigned division representative as outlined in § 5201-3C of this Instruction. Risk Management will provide technical assistance with training for division representatives upon request.
- (6) A roll call sheet to be utilized during the evacuation process with confirmation of which division representatives and alternates will be responsible for assuring that the roll call roster will be initiated.
- (7) Each Division 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 Division 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 division's management. Risk Management may audit documentation at any time.

EMERGENCY BUILDING EVACUATION PLAN

- (8) Specific procedures to follow to activate its alarm system or shut down operations, this information should be included in its Emergency Plan.
- C. Division Representative's Protocol for Emergency Evacuations: Division representatives must be established within each facility to complete this plan. Division 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 division representatives and their alternates are expected to carry duties listed below:
- (1) Management and division representatives are responsible for assuring that a current listing of their division representatives is maintained and submitted as an Emergency Plan to complete this program.
 - (2) Management and division representatives must ensure that all division representatives and their alternates are physically capable of performing the duties prescribed in this protocol.
 - (3) Management and division representatives must review and document the review of the duties described below at least annually with all division representatives and their alternates.
 - (4) Division representatives must ensure that their respective area is totally evacuated to its assigned assembly area.
 - (5) Division 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 division representatives' responsibility. Division representatives shall also maintain an orange vest to wear during the evacuation, so they are recognizable by local emergency providers and Facilities Management.
 - (6) Division 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) Division 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/division to collect information from the division 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 252-8380. 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,

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notify Facilities Management at 252-8380. 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 252-8380. Notify those around you, pull the fire alarm if possible and evacuate immediately.

Bomb Threat Checklist Card:

- (1) The International Association of Bomb Technicians and Investigators supplies this card. Information on obtaining a Bomb Threat Checklist Card can be provided by Facilities Management.
- (2) Management must assure that each employee with a telephone who receives incoming calls has this card posted by his/her phone. Division 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 to ensure the information you are recording is clear. The recipient should calmly ask as many questions as possible listed on the Bomb Threat Checklist Card.

Actions Taken After Receiving a Bomb Threat:

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

Facilities Management will notify the necessary parties which many include but not limited to.:

County Manager's Office

Department Heads:

Public Services

Public Utilities

Administrative Services

Growth Management

Emergency Services

Sheriff's Office

Fire Department

EMS

Emergency Management

Risk Management

- (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. Division 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

EMERGENCY BUILDING EVACUATION PLAN

switches, computers, fax machines, etc. Do not touch light switches when entering a room. Flashlights will be utilized during the search.

- (3) 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 division representatives rather than by using the fire alarm. All division representatives must be notified to follow their established protocol to lead their division's evacuation.
- (4) Division representatives and all building occupants should ensure that their respective areas are totally evacuated.
- (5) 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.
- (6) 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 division 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.
- (7) Any employees dealing with customers or come in contact with customer(s) during the evacuation should direct them to their facility's customer meeting area established within their specific plan.
- (8) Once evacuated, the division representatives will utilize their established roll call roster to assure that all employees who were present in the facility have evacuated.
- (9) After each division has completed its roll call, the division representative will report his/her findings and confirmation of evacuation to the Command Center. The local emergency responders will establish the Command Center.

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 if applicable. A fire extinguisher should only be used by trained personnel.
- (3) Upon the alarm or notice to evacuate, each division 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.

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- (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 come 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 division representatives will utilize their established roll call to assure that all employees who were present in the facility have evacuated.
- (8) After each division has completed its roll call, the division representative will report his/her findings and confirmation of evacuation to the Command Center.
- (9) 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 division 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 division representative and all employees should be aware of making visual inspections while exiting the facility during a bomb threat evacuation.
- (2) Division 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. Division representatives may accompany the search team and provide a map of their facility if needed.

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- (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) Anything unusual, such as personnel out of place, should be reported to the division representative who will relay the information to the Command Center. The Command Center area is for designated personnel, Facilities Management and local emergency providers. Facilities Management will contact law enforcement.
- (5) 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.
- (6) 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.
- (7) All employees and customers will leave any facility during any evacuation for emergency reasons, leaving only the necessary emergency response personnel at the scene.
- (8) 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 division 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.

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; Revised: September 1, 2017; Revised: February 1, 2019)]

§ 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 formally accept an annual agreement.

§ 5202-4. Directive.

Each employee must acknowledge and accept the Annual County Driver Agreement within 30 days of hire and then each January thereafter in order to drive County vehicles. The Human Resources Division will maintain a record of compliance.

§ 5202-5. Enforcement.

Division 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 Division 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 _____

**DRIVE
SAFELY**

Forward original signed agreement to Human Resources

.....

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 September 1, 2017, Revised August 7, 2019)]

§ 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 Division 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 Division 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 divisions and entities using vehicles, equipment, or maintenance services under the jurisdiction of the County Manager shall observe the following practices 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 Department Heads or Division 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 divisions 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 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:

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- (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 Division. The Fleet Management Division Director shall maintain a current listing of approved Class A assignments for public record and for on-call review by the County Manager, Department Heads and Division Directors. Department Heads 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 division operating requirements. Employees assigned 24-hour vehicles must be available and respond during the on-call period. Class B assignments are approved by the Department Head. 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 Division. 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, Department Heads, and Division Directors. Department Heads shall periodically review Class B assignments to ensure continuing requirements for the on-call vehicle assignments. Class B assignments are tracked at the Division 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 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:

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[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 Department Heads or Division Directors under the following criteria:

[1] When required in conjunction with authorized County business travel.

[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.

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(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]. Department Heads and Division 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 Department Heads and Division Directors. Department Heads shall review the report and take necessary corrective actions for under-utilized vehicles. Actions might include reassignment within the Department, rotation within the Division 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 Division 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.
 - (c) Fleet loaner vehicles.
- (4) Private Vehicle Use: Each employee who is required by his/her supervisor 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:

- (1) Operator Responsibilities: The following are considered operator responsibilities that shall be enforced by Department Heads and Division Directors:
- (a) Maintaining a current and valid Florida Driver's License or Commercial Driver's License as required.
 - (b) Conducting periodic vehicle inspections including the following
 - (1) Verify daily a current insurance card, vehicle registration, and Vehicle Operator's Handbook are in the vehicle;
 - (2) Check fluid levels once a week, and more often when the vehicle is under stressful use;
 - (3) Check lighting systems for proper operation daily;

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- (4) Check tire condition daily before use;
 - (5) Check tire pressure weekly;
 - (6) Check for body damage and vandalism any time the vehicle has been parked and unattended for any extended period of time;
 - (7) Make daily pre-trip adjustments to mirrors, seats, and head restraints.
- (c) Obeying all state and local traffic laws. Reporting all traffic citations while driving a County vehicle to his/her supervisor as soon as practical but always by the next business day.
- (d) Abiding by established County driver operating responsibilities as stated in the current Vehicle Operator's Handbook.
- (e) Following operating procedures in the manufacturer's operator manual.
- (f) Operating vehicles in a safe and courteous manner that reflects favorably on Collier County Government.
- (g) 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).
- (h) Not allowing passengers to ride in the cargo beds of trucks or in any area not equipped with seat belts.
- (i) 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.
- (j) Using a vehicle or piece of equipment only for its intended purposes within the operating limitations established by the manufacturer.
- (k) Securing the vehicle and County equipment when the vehicle is parked unattended.
- (l) Keeping the vehicle clean, neat, and presentable.
- (m) Limiting engine idle time to a maximum of three (3) minutes when the vehicle is stationary with the driver and occupants out of the vehicle unless required to power vehicle accessories, lighting, or other operating requirements such as preserving specimens or protecting caged animals.
- (n) Consent to the Annual County Driver Agreement each January in accordance with CMA 5202.
- (2) Smoking in County vehicles is prohibited.

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- (3) Cell phone use is prohibited while driving a County vehicle unless a hands-free device is being used. All new vehicles purchased by the County within the last four years have hands-free capabilities. If a cell phone is being used for GPS directions, the phone should be placed in a holder, not in the hands of the driver while driving. Some discretion is given to emergency responders with policies established by the Bureau of Emergency Services Director.
- (4) For safety reasons, computer hands-on operation while driving is prohibited.

D. Vehicle Maintenance and Repair:

- (1) Fleet Management: The Fleet Management Division 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 maintenance and repair shall be administered through the Fleet Management Division. Fleet Management shall bill the owning/using divisions 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. Department Heads and Division Directors shall ensure that Fleet Management Intra-Governmental Charges (IGC's) are reviewed, approved and forwarded to Finance (or Fleet Management notified of discrepancies) within five working days of receipt.
- (3) Sublet or External Contractor Maintenance and Repair: The Fleet Management Division 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 Division 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. Fleet Management will send each division and

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user organization a monthly list of vehicles and equipment scheduled for preventive maintenance services during that month. Department Heads, Division 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 and 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 from Motor Pool Capital Funds: The Fleet Management Director shall send each Department Head and Division Director, during each budget cycle, a list of vehicles and equipment scheduled for replacement the following year from the Motor Pool Capital Funds maintained by the Fleet Management Division. Replacement criteria will be based on vehicle/equipment age, mileage or hours, operational costs, utilization, downtime, and salvage value so that County ownership of vehicles and equipment is efficiently optimized. Department Heads and Division Directors shall notify the Fleet Management Director if any exceptions should be made to the vehicles and equipment replacement list provided by Fleet Management. The final vehicle/equipment replacement listing will be budgeted in the appropriate Motor Pool Capital Funds by the Fleet Management Director.
- (2) Expanded Vehicle and Equipment Requirements: Expanded vehicle and equipment requirements will be justified by new or expanded operating requirements. Divisions with expanded vehicle/heavy equipment requirements shall coordinate specifications and cost data with Fleet Management and budget accordingly. After budget approval, expanded vehicle and heavy equipment funds will be transferred to the appropriate Motor Pool Capital Fund for Fleet Management acquisition processes. Those expanded vehicles and heavy equipment items when received will remain part of the capital funds for future replacement.
- (3) Vehicle/Equipment Replacement and Expanded Requirements not covered by Motor Pool Capital Funds: Budgeting for replacement of vehicles/equipment or for expanded vehicles/equipment not covered by Motor Pool Capital Funds shall be the responsibility of owning Departments and Divisions. Fleet Management will advise and assist Divisions as necessary in determining replacement criteria and projected costs. Not included in the Motor Pool Capital Funds are the Cat Transit and Para-Transit Bus Systems, the Airport Authority, Coastal Zone Management, Pelican Bay Services, County Redevelopment Agencies (CRA's), any organization funded by grant or Tourism monies, and vehicles belonging to elected officials other than the Board of County Commissioners.
- (4) Vehicle and Equipment Purchasing Procedures: All pertinent County purchasing policies and procedures shall be followed when purchasing vehicles and equipment.

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- a) Motor Vehicles: Purchase of expanded or replacement automobiles, vans, and light/medium/heavy trucks shall be executed by the Fleet Management Director through the current County Fleet Bid, State Contract, other governmental bid, approved buying consortium, 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 coordinate all specifications with the responsible Division before ordering any vehicle. Divisions or offices not covered by the Motor Pool Capital Funds requesting purchase orders for motor vehicles shall forward the requisition number to the Fleet Management Director. When the purchase order is release by Procurement, the Fleet Management Division Director shall order the vehicle(s) from the designated dealer.
 - b) Heavy Equipment Covered by Motor Pool Capital Funds: Purchase of heavy equipment covered by Motor Pool Capital Funds shall be executed by the Fleet Management Director through State contracts, Florida Sheriff's Association/Florida Association of Counties Equipment Contract, other governmental bids, approved buying consortiums, or formal bid/quotation process. Fleet Management will assist organizations not under the Motor Pool Capital Funds with developing the specifications, performing the bid process, and ordering and receiving the equipment. The Fleet Management Director shall coordinate all specifications with the responsible Division before ordering any equipment item.
 - c) Other Equipment Purchases: Purchase of other equipment shall be through the formal bid process or through other governmental bids. Fleet Management shall assist divisions with bid specifications, and with bid and procurement processes. Bid specifications 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 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. All costs associated with vehicle and equipment preparation will be billed to the responsible Division.
 - 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] Assigning a County asset number and completing a Capital Asset Acquisition Form;
 - [3] Issuing a fuel key and fuel cards as necessary;

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- [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 Office of County Manager 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 Procurement Services Division with identification and necessary relocation of auction vehicles and equipment.
- (6) Capital Assets and Non-Assets Request Form: This form is found in the County forms network file under Finance and Fleet Forms. It must be completed and signed by the affected equipment custodian when a vehicle or piece of capital equipment (\$1,000 or more) is acquired, disposed of, stolen, 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 capital 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 appropriate operating Division Director or directly to the Finance Capital Assets Office when Capital Recovery Fund assets are involved. 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 for maintenance purposes.

F. Fuel Operations:

- (1) Responsibilities: The Fleet Management Division is responsible for most fueling operations under the purview of the Board of County Commissioners. The exceptions are fuel operations conducted by the Airport Authority, on-site equipment refueling, and marine fueling by the Parks & Recreation Division. 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 at Fleet Management refueling sites, and maintain all Fleet Management fuel tanks and refueling equipment in safe and proper operating condition and according to

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federal, state, and local environmental regulations and laws. Department Heads and Division 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 Division.

- (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. A white personal fuel key is issued to each employee required to use the fueling system. A red bulk fuel key must be approved by the Division Director for issue to an individual within his/her division to dispense fuel into secondary tanks or containers. Both the white personal key and the black or red key are required to dispense fuel. Department Heads and Division 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 or red bulk fuel keys with other employees. Employees shall report lost keys to Fleet Management immediately. White personal and red bulk 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 Division will maintain accounts and issue commercial fuel credit cards for emergency fuel requirements, for travel outside Collier County, and when travel to County refueling sites is not practical or economical.
- (4) Fuel Spills: All fuel spills will be reported to the Fleet Management Division as soon as possible after the occurrence or discovery. The Fleet Management Division will coordinate with the County Solid and Hazardous Waste Management Division for clean-up actions and regulatory reporting requirements. Divisions causing fuel spills shall assist Fleet Management with clean-up operations.

§ 5204-5. Currency.

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

CMA 5205

AMERICANS WITH DISABILITIES/SERVICE ANIMALS

[Effective Date: March 20, 2001 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: September 1, 2017; Revised: January 31, 2019)]

§ 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 qualifying disabilities. 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. All divisions are encouraged to review these training aids annually.

§ 5205-3. Currency.

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

COUNTY VEHICLE COLORS, LOGOS AND GRAPHICS

[Effective Date: October 1, 2003; (Revised: September 1, 2017; Revised February 1, 2019)]

§ 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 Department Head 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 Division shall place this logo on the doors of all County vehicles with the following exceptions:
 - (1) Emergency vehicles.
 - (2) Other vehicles as designated by the County Manager.
- C. Other Graphics: Department Heads may approve division 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 Division will acquire and install the lettering approved by the Department Heads. 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 Division Director is responsible for maintaining the currency of this Instruction.

SANCTIONS FOR FAILURE TO COMPLY WITH HIPAA POLICIES

[Effective Date: January 1, 2005 (Revised: September 1, 2017)]

§ 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.

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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 divisions 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

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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.

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- 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 Divisions 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

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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 Division Director who will, in conjunction with the Human Resources Division, 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 Practices and Procedures. 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

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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:

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- (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 Division is responsible for maintaining the currency of this Instruction.

FACILITIES ACCESS MANAGEMENT PROCEDURE

[Effective Date: April 27, 2022]

§ 5208-1. Purpose.

The purpose of this Instruction is to provide for the implementation of a facilities access management procedure that maintains a safe and orderly environment on County-owned, controlled, and leased property (“Facility Areas”) which is conducive to the designated use of the areas within such County property and to the efficient rendering of public services.

§ 5208-2. Concept.

Signage and process shall be standardized so that members of public and employees can readily determine which Facility Areas may be accessed by the public.

§ 5208-3. Background.

The County Manager is authorized to manage public access to enclosed County-owned, controlled, and leased property. In the performance of such responsibilities, the County Manager has identified four types of Facility Areas:

- A. Areas primarily intended for the exclusive use of County employees in the conduct of their business.
- B. Areas primarily intended for the use of County employees in the conduct of their business, that may from time to time be utilized for the convening of a public meeting. These areas require employee escort.
- C. Limited areas which may be open to the public while engaging in legitimate County business with County officers or employees. These areas may require employee escort.
- D. Areas primarily intended for the convening of public meetings. These areas are only accessible to members of the public when a public meeting is being conducted pursuant to a public notice.

§ 5208-4. Directive.

Administrators and Directors shall determine the appropriate levels of access to areas within Facility Areas. Facilities Management will post prominent signs at each access point as set forth in *CMA #5200, Procedures for Posting of Notices and Signs*.

Staff shall contact security or law enforcement, as appropriate, when a person is in an unauthorized area and that person refuses to leave the premises upon request. Staff shall be courteous and professional in all dealings and for safety reasons should await security and law enforcement response.

§ 5208-5. Currency.

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

FACILITIES ACCESS MANAGEMENT PROCEDURE

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Frequently Asked Questions and Answers:

1. Q: Why is the Facility Access Management Procedure needed?

The procedure is necessary to maintain a safe and orderly environment on County-owned, controlled, and leased property which is conducive to the designated use of the areas within such County property and to the efficient rendering of public services.

2. Q: What is County-owned, controlled, and leased property for purposes of the procedure?

All enclosed local government facilities occupied by staff employed by the Board of County Commissioners, Sheriff, Clerk, Tax Collector, Property Appraiser, and Supervisor of Elections.

3. Q: How will the public know which areas may be accessed?

Signs will be posted on premises designating restricted and partially restricted areas.

4. Q: How was it determined which areas are designating restricted and partially restricted areas?

There are certain areas which are intended primarily for the use of County employees in the conduct of their business; there are certain areas which, while primarily intended for the use of County employees in the conduct of their business, may from time to time be utilized for the convening of public meetings; there are certain limited areas which may be open to the public while engaging in legitimate business with County officers or employees; and there may be certain areas which are primarily intended for the convening of public meetings.

5. Q: May members of the public access Board of County Commissioner chamber and conference rooms 24/7 since public meetings are routinely held there?

No, these areas declared to be nonpublic forums *unless or until a public meeting is convened in such areas pursuant to public notice.*

6. Q: May members of the public access all County employee work areas?

All County employee work areas which are designated by appropriate signage as work areas shall be considered as nonpublic areas. Members of the public are prohibited from entering County employee work areas without being escorted by a County employee.

7. Q: What happens if a member of the public is in an area not designated or otherwise allowed public access?

FACILITIES ACCESS MANAGEMENT PROCEDURE

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The member of the public will be requested to leave and if such request is refused the Collier County Sheriff's Office may be contacted and enforcement action taken, as appropriate. Employees should not confront members of the public not authorized to be in restricted or partially restricted areas.

8. Q: Which enclosed areas, if at all, may members of the public video record?

Except within the Board Chambers, conference rooms, and other locations in which a public meeting is being conducted pursuant to a public notice, recording video and/or sound within County-owned, controlled, and leased property, without the consent of all persons whose voice or image is being recorded is not allowed.

9. Q: How should County employees respond to questions or requests from members of the public that are video recording in restricted, partially restricted, or unrestricted public access?

Staff may disengage from people who are video recording. Staff should be courteous and professional and should avoid confrontation. If filming occurs in an area not otherwise designated or allowed public access, the member of the public will be requested to leave and if such request is refused the Collier County Sheriff's Office may be contacted and enforcement action taken, as appropriate.

10. Q: Does this Facilities Management Access Procedure prevent members of the public from obtaining public records?

No, public records will continue to be provided as required by Section 119, Florida Statutes and *CMA 5313, Public Records Request Management Procedures*. Staff should be courteous and professional and should avoid confrontation.

Additionally, in addition to in person requests, staff may direct members of the public to PublicRecordRequest@colliercountyfl.gov , or by calling 311 and making the request during normal business hours.

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; Revised June 7, 2016)]**

§ 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) Capri style pants.
- (5) Foot wear should meet all department required safety, hygiene, professional and customer service standards.

- B. The following restrictions will apply:

- (1) Safety considerations and protective dress will not be compromised.
- (2) Clothing in poor repair, that is transparent, mesh or see-through, or that contains inflammatory, suggestive or inappropriate writing, advertisement or artwork shall not be worn.
- (3) This privilege is not extended to the personal staff or management offices of the County Manager, to the immediate offices of the Department Heads, or to uniformed paramedics, firefighters, and security and enforcement personnel.

- C. Division Directors have the right to establish more stringent guidelines, as they deem appropriate to include but not be limited to visible piercings and body jewelry and visible tattoos. Additionally, Directors may offer alternate dress standards that are appropriate based on assigned job functions.

- D. Should an employee report to work projecting an image deemed inappropriate to the work environment by the supervisor and/or Human Resources, the employee may be asked to leave and not return until properly dressed. Employees will be charged time from their own leave account to cover their absence when required to leave the workplace to change attire.

- E. Year Round Business Casual Dress: Business Casual Dress is allowed each payday Friday.

- F. Seasonal Business Casual Dress: Business Casual Dress is allowed daily between Memorial Day and October 31 to include blue jeans and/or blue denim.

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

§ 5300-3. Currency.

The Human Resources Division 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.

VACATION SELL BACK PROGRAM 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); Revised: September 1, 2017]

§ 5301-1. Purpose.

The purpose of this Instruction is to provide procedures for a Vacation Sell Back Option.

§ 5301-2. Concept.

When recommended by the County Manager, and approved in the County budget, the sell back program allows employees the option up to twice in each calendar year to "sell back" to the County hours of vacation earned in the same calendar year at 100% of their rate of pay on the date they receive payment. The Vacation Sell Back Program will have an enrollment period in the previous tax/calendar year during which an employee must elect to participate; this will be the only opportunity to exercise the vacation sell back option. All regular full- and part-time employees who are active during the enrollment period may participate. Utilizing the Vacation Sell Back Program 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 election to sell back vacation accruals for the following tax year must be made during the election window provided. All elections to sell back vacation leave become final once the election/enrollment period closes. Elections are irrevocable; once the selection is valid an employee may not void, increase or decrease their selection.
- B. Employees may elect to receive their sell back accrued vacation hours up to twice in a calendar year; the second pay date in June and/or the second pay date in November.
- C. Employee can sell back only hours which will be accrued during the year of the sell back.
- D. Once an employee designates the number of hours and the date(s) on which they wish to receive payment for the Vacation Sell Back Program, starting with the first pay day of the calendar year, the Vacation leave an employee earns will be placed in a separate leave bank for payout on the date or dates they have selected. Vacation will continue to be set aside until the employee has contributed the full amount indicated for the sell back, at which time, additional accruals will be reflected in the regular Vacation bank.

The guidelines for participation will be transmitted to employees each year the program has been approved for implementation.

§ 5301-5. Currency.

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

VACATION SELL BACK PROGRAM PROCEDURES

§ 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.

ADA (AMERICANS WITH DISABILITIES ACT)

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised September 1, 2017; Revised: April 30, 2018)]

§ 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.

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- (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 of employment.
- (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 submitting a hiring selection.
- (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. Divisions 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 division shall notify Human Resources.
- (3) There are specific pre-employment and interview questions that cannot be asked to comply with ADA. Divisions 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

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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 Division representatives, 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 Division will assist divisions 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 for current employees. 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 correct and 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 Department Head.

§ 5305-3. Currency.

The Human Resources Division 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.

ADMINISTRATIVE PROVISIONS

[Effective Date: April 9, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised September 1, 2017)]

§ 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 Division Directors and Department Heads, 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

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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 Division 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."

AIDS/CATASTROPHIC ILLNESS IN THE WORKPLACE

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised September 1, 2017)]

§ 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. An HIV-infected employee 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 him/herself 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 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.

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- 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 Division 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.

APPEARANCE AND PERSONAL HYGIENE

[Effective Date: May 21, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised September 1, 2017)]

§ 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.

§ 5309-3. Currency.

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

APPEARANCE AND PERSONAL HYGIENE

§ 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.

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[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; Revised August 7, 2019)]

§ 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.

Nothing in this CMA supersedes the provisions of Florida Statute 125.0104 pertaining to travel for Tourism employees. All such travel will be completed at the most economical and reasonable cost, and established County and/or State contracts will be used whenever possible.

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. Lodging and Meal Allowance:

- (1) Lodging: Actual cost of lodging (single or double occupancy) as outlined under www.gsa.gov for the locale; or the full cost for lodging (single or double occupancy) at the designated seminar or conference destination.
- (2) Meal Allowance: The meal allowance rate shall be determined by finding the city or county on the prevailing Federal Travel Regulations (Per Diem) listing found at www.gsa.gov and applying the Meals and Incidental Expense Breakdown in accordance with the criteria 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.
 - (a) First and Last Day/Single Day Travel

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Breakfast: when travel begins before 6:00 a.m. and extends beyond 8:00 a.m.: per prevailing federal rate for locale.

Lunch: when travel begins before 12:00 noon and extends beyond 2:00 p.m.: per prevailing federal rate for locale.

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.

- (b) 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.
- (c) Actual meal costs will be reimbursed for any employee who must follow a medically prescribed diet.
- (d) Travel not requiring an overnight stay is eligible for meal allowance in accordance with (a) above.

B. Approval of Travel and Travel Expenses:

- (1) All out of County travel that must be pre-approved by the designated representative and authorized in writing on the appropriate travel request and/or voucher for reimbursement form.

Requests From	Designated Representative
Department Head/Deputy Department Head	County Manager or his/her designee
Division Director	Department Head or Deputy Department Head
Positions below Division Director	Division/Executive Director or Chief
Any staff member for Out of State travel, travel exceeding five (5) days, or costing \$1,000 or more.	Division Director <u>AND</u> Department Head or Deputy Department Head

- (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.)***
- (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 the County's "Voucher for Reimbursement of Travel Expenses" shall constitute certification that the travel

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was properly authorized and approved by the designated representative.

(c) Original forms or scanned documents must be submitted to Finance.

- (4) Use of Travel Consolidators (ex: Expedia, Orbitz, Travelocity, hotels.com, etc.) is acceptable provided this option is the best value to the County. Care must be taken that existing County and/or State contracts are not violated in using the consolidator option.
- (5) Trip Cancellation/Flight insurance, to reimburse the County for pre-paid, non-refundable expenses in the event of cancellation due to an unforeseen emergency, may be purchased and reimbursed, with pre-approval of the designated representative.

C. 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 Division 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.

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

E. 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 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) Reasonable efforts should be made to obtain an available County-owned vehicle prior to authorization of private vehicle use for County business. Department Heads and/or Division Directors may waive the requirement to utilize County-owned transportation in cases where they have authorized personal vehicle usage in advance, due to business considerations.
- F. 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.
- G. 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.
- H. 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 for no more than 3 bags in any combination of carry-on or checked. Reasonable airline seat reservation fees for coach seats.

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- (6) Parking fees.
 - (7) Mileage for approved use of private vehicle (maximum one round trip to airport).
 - (8) Rental car cost, including tax, mileage and administrative fees if paid, and excluding upgraded features such as GPS and satellite radio. Use of rental car company-supplied gasoline/fuel services or acceptance and payment for rental car company insurance coverage will be reimbursed, with pre-approval of the designated representative. Vehicles rented under state contract include insurance coverage and no additional insurance should be purchased.
 - (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, including, but not limited to, seat reservation charges, extra leg room or early boarding charges, with pre-approval of the designated representative.
- I. Reporting Expenditure:
- (1) After returning from the trip, an expenditure report and required receipts must be completed by the employee and submitted within 10 business days to the Finance Department.
- J. Administrative Hardship:
- (1) If any of these provisions create undue administrative hardship on any of the departments involved, the County Manager or his/her designee may grant exceptions within the limitations contained in § 112.061, *Florida Statutes*, based on written requests.
- K. 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.
- L. 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

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reviewed and approved by the employee's Supervisor.

M. 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 Division 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.

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[Effective Date: May 4, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: May 1, 2009; Revised: May 11, 2010; Revised: June 3, 2016; Revised: March 27, 2019)]

§ 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 as well as an Anti-Fraud Procedure.

§ 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 from time to time 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 Department Head 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. Violations 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.

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- G. No County employee shall solicit a contribution for another person for a gift to a Supervisor, 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 fundraising 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.

Anti-Fraud Procedure: The County Manager's Office Anti-Fraud Procedure ("Procedure") is hereby established to facilitate the development of controls that will aid in the detection and prevention of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty that causes abuse of the County's financial resources, property, information and other assets, as more fully described herein; to provide for the investigation of suspected or actual fraud or abuse, or gross waste of public funds; and to provide for consequences for engaging in any manner of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty. It is the intent of the County Manager to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations involving allegations of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty. The County Manager will not tolerate the commission or concealment of acts involving suspected or actual fraud or abuse, gross waste of public funds. Allegations of such acts will be

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fully investigated, which may result in legal action if warranted. All employees are responsible for reporting suspected instances of Procedure in accordance with this CMA.

Section A: Scope

This Procedure applies to any suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty committed by an employee, volunteers, consultants, vendors, contractors, and/or any other parties or entities that have a business relationship with the County.

Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position, title, or relationship to the County or any elected official, consultant, vendor, contractor, volunteer, or employee.

Matters concerning an employee's actions or conduct will be resolved by the management of that employee's Department/Division and/or the Human Resources Division.

If there is any question as to whether an action constitutes a violation of this Procedure, please contact the County Manager's Office for guidance.

In the event of any conflict between this Procedure and the Collier County Ethics Ordinance (Ord. 03-53, as amended), the terms of the Ethics Ordinance will control. In the event of any conflict between this Procedure and any other policies set forth in the CMA's, this Procedure will control.

Section B: Practice

All levels of Management including Department Heads, Division Directors, Managers, and Supervisors are responsible for the effectiveness and efficiency of County operations, including protection of County assets from gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty. Management has the primary responsibility for implementing internal controls to deter and detect fraud, and ensure the enforcement of federal and state laws, county ordinances, and CMAs.

1) Definitions

- a) Abuse: Abuse means the excessive or improper use of something, or the use of something in a manner contrary to the natural or legal rules for its use; the intentional destruction, diversion, manipulation, misapplication, maltreatment, or misuse of resources owned or operated by the County.
- b) Fraud: There are two basic categories of wrongdoing which would constitute fraud: (i) the intentional misstatement of financial information; and (ii) the misappropriation of assets (or theft). Fraud consists of an illegal act (the intentional wrongdoing) and/or the concealment of such act and deriving a benefit from such acts.
- c) Gross Mismanagement: Gross mismanagement means a continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact.

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- d) **Gross Waste:** Gross waste means the thoughtless or careless expenditure, consumption, mismanagement, use or squandering of resources owned or operated by the County to the substantial detriment of the County.
- e) **Gross Neglect of Duty:** Gross neglect of duty means willful misconduct in substantial disregard of the County's interests, which could result in substantial damage to the County's interests.

Not all instances of gross waste and abuse necessarily constitute fraud, but all will be investigated and eliminated through due process and procedures. Each member of management for the County will be responsible for knowing, while systematically and periodically checking for the types of improprieties that might occur within his/her area of responsibility and be alert for any indication of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty.

2) Actions Constituting Suspected or Actual Fraud or Abuse, Gross Waste

The terms fraud or abuse and gross waste include, but are not limited to:

- a) Any illegal, or dishonest action that impedes investigation or hides facts of fraud, planning and or implementation of a fraudulent act;
- b) Embezzlement, or misappropriation of funds, securities, equipment, supplies, or other assets;
- c) Impropriety in the handling or reporting of money or financial transactions in accordance with BCC guidelines or within each department and division's procedures;
- d) Profiteering as a result of insider knowledge of County activities;
- e) Forgery or alteration of documents (checks, contracts, purchase orders, invoices, etc.);
- f) Accepting or seeking anything of material value (gift, loan, fee, service or other item), 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, from contractors, vendors, or persons providing services/materials to the County;
- g) Destruction, removal, or illegal use of records, furniture, fixtures, materials, supplies, vehicles, machinery, tools, and equipment;
- h) Misrepresentation of information on documents (employment history, timesheets, leave records, travel reimbursement requests, financial records, etc.) to cover missed time, or attain unearned income;

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- i) Authorizing or receiving payment for goods not received or services not performed;
 - j) Vendor kickbacks, collusion, or corruption;
 - k) Misuse of authority for personal gain;
 - l) Any computer related activity involving the alteration, destruction, forgery, or manipulation of data for fraudulent purposes; and
 - m) Any violation of Federal, State, or local laws related to dishonest activities in preparation of or the act of fraud.
- 3) Reporting
- a) Any gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty that is detected or suspected shall be reported immediately to the County Manager's Office.
 - b) Anyone who receives a report of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty shall immediately notify the County Manager's Office.
 - c) Law Enforcement, external auditors and/or other professionals may also be involved as appropriate.
 - d) The County Manager's Office will establish a Whistleblower Procedure in accord with Federal, State, and local laws that will provide a confidential method to file complaints.
 - e) It shall be a violation of this Procedure for any person to make any allegation of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty that is known to be false.

Section C – Prohibition Against Retaliation

It is the intent of this Procedure that no retaliatory action will be taken against an employee who makes a report with respect to violations of law on the part of the County that creates a substantial and specific danger to the public's health, safety, or welfare. It is further the intent of this Procedure that no retaliatory action will be taken against any person who discloses information alleging improper use of governmental office, gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty on the part of any public officer or employee of the County. The provisions of this subsection shall not be applicable when an employee or person discloses information known by the employee or person to be false.

This provision shall not be construed as an exemption from any other County policies, rules or

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regulations.

Section D – Reporting Procedures

Due diligence must be taken in the investigation of suspected fraud or abuse, or gross waste so as to ensure legal compliance and avoid false accusations or to alert suspected individuals that an investigation is under way which could jeopardize the integrity of the investigation.

Any employee, including regular and temporary workers, consultant, contractor, vendor, or volunteer of Collier County who discovers or suspects fraud or abuse or gross waste shall promptly notify the County Manager's Office and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraud or abuse or gross waste. The reporting individual may remain anonymous and file a complaint via the County website. All inquiries concerning the activity under investigation from the suspected individual, his/her attorney or representative, or any other inquirer should be directed to the County Manager's Office. The proper response to any inquiries concerning the status of an investigation is: "I am not at liberty to discuss this matter." Absent special circumstance, no reference should be made to "the suspicion," "the allegation," "the crime," "the fraud," "the forgery," "the misappropriation," or any other specific reference.

The County Manager or his/her designated representative shall advise the complainant as to the outcome of the investigation.

ALL RECORDS REQUESTS RELATED TO AN INVESTIGATION WILL BE REVIEWED, REJECTED, OR PROCESSED, COMPLIED WITH THROUGH A PROCESS APPROVED BY THE COUNTY ATTORNEY'S OFFICE AND COUNTY MANAGER'S OFFICE.

Team Leaders, Supervisors, Managers, Division Directors, Department Heads, and the Human Resource Director have a responsibility to immediately notify the County Manager's Office of fraudulent activity identified or reported to them.

IT IS POSSIBLE THAT ACTION MAY BE NECESSARY BEFORE REPORTING

The reporting individual shall be informed of the following:

- 1) Alerting or contacting the suspected individual in an effort to determine facts, demand restitution, or warn them is forbidden;
- 2) Absent special circumstances, discussion of the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the County Manager or his or her designee is forbidden; an individual may be considered an accessory or conspirator in the planning or act of fraud if unsanctioned actions are taken.

Section E – Investigation Responsibilities

The County Manager, or his/her designee, has the primary responsibility for conducting the preliminary investigation of all suspected acts as defined in the Procedure.

If the preliminary investigation indicates that the complaint is frivolous or does not indicate that gross

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mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty has occurred, no further investigation will be conducted, and the file will be noted with the finding that the complaint is frivolous or does not indicate that gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty has occurred.

If the preliminary investigation or assessment of the situation indicates that gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual fraud or abuse, or gross neglect of duty may have occurred or is occurring, the County Manager or his/her designated representative will contact law enforcement, the external auditors, or any other professional as deemed appropriate. These parties may be asked to issue reports to appropriate designated personnel and, if appropriate, to the Board of County Commissioners.

Decisions to prosecute or refer the investigation results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with the County Attorney and the County Manager, as will final decisions or recommended actions.

The County Manager and Human Resources Division shall treat all information received confidentially to the extent permitted by law.

Section F – Sanctions

Employees found to have violated this Procedure shall be subject to disciplinary action up to and including dismissal. The type of discipline administered will depend on the severity of the conduct as well as any other factors presented in the particular circumstances, and will be administered in accordance with prevailing County policy on Discipline, CMA 5351, or as provided for in a Collective Bargaining Agreement, where applicable.

The contractual or other business relationship of individuals or entities associated with the County found to have violated this Procedure shall be subject to review, with the possible modification or termination of such contractual or business relationship.

Section G – Authorization for Investigating Suspected Fraud or Abuse or Gross Waste

The County Manager, Human Resources Director and their designees shall have:

- 1) Free and unrestricted access to all County records and premises, whether owned or rented;
- 2) The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, computer, digital and/or electronic storage and communication devices, and other storage facilities on the premises without prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of their investigation.

§ 5311-3. Currency.

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

§ 5311-4. Reference.

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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. 99-22, as amended, shall be guidelines for County employees.

STANDARDS OF CONDUCT

[Effective Date: May 4, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: May 1, 2004; Revised: May 13, 2009; Revised September 1, 2017)]

§ 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, Division Director and Department Head. 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 other provided by the CMAs.
- 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.

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- I. Conviction of, or pleading guilty to, or pleading "no contest" to a felony or a misdemeanor 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 identified 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, division or department 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. Division attendance standards, including reporting to work on time and providing proper notification of an absence, will be met to ensure adequate personnel for division operations.
- V. An employee abandoning his/her position for three or more consecutive workdays during which time the employee fails to contact his/her immediate supervisor and advise the supervisor or 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 Division 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.--

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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; Revised: November 18, 2013; Revised: August 28, 2017)]

§ 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 (BCC) 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; § 440.102 and 112.0455, *Fla. Stat.*; Drug-Free Workplace Act; 49 CFR Parts 40 and 382; and 49 USC 31306, Alcohol and controlled substances testing.
- D. All employees in a mandatory testing position, safety sensitive position or performing safety sensitive functions, shall be subject to drug and alcohol regulations included in this policy. All applicants offered employment with the County will be required to take and pass a drug test prior to being employed.

§ 5312-3. Definitions.

Authorized Collection Personnel is a person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the Federal Drug Testing Custody and Control Form (CCF).

Commercial Driver's License (CDL): A commercial driver's license is required to operate any combination of vehicles with a gross combination weight rating (GCWR) of 26,001 lbs. or more, to include a towed vehicle that is HEAVIER than 10,000 lbs. There are 3 classifications: A, B and C with additional endorsements that can be found at the Florida Department of Motor Vehicles. CDL requirements are included in the job classification.

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

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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, collection, distribution, dispensation, use or possession of any controlled substance.

Drug Employee Representative (DER) is defined in 49 CFR Part 40, the DER is an employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. The Environmental Health and Safety (EHS) Manager is the DER for the Board of County Commissioners (BCC).

Drug includes alcohol, 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 *Fla. Stat.* § 893.03; Drug Abuse Prevention and Control. An employer may test an individual for any or all 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 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. Vendor staffs are not included.

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.

Federal Drug Testing Custody and Control Form (CCF). The Federal Drug Testing Custody and Control Form (CCF) must be used to document every urine collection required by the DOT drug testing program.

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.

Mandatory Drug Testing. § 440.102(o), *Fla. Stat.* defines “Mandatory-Testing Position” means, with respect to a public employer, a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system,

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work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to s. [110.1127](#), or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

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.

Non-CDL Drivers – Any County employee who has a position that requires them to drive a County Vehicle at least 51% of the time as part of their normal duties as determined by Risk Management and the Division Director.

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. Prescription and over-the-counter drugs are not prohibited when taken in label dosage and/or according to a physician's prescription.

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

Random/Suspicionless Drug Testing is a method of testing for drug use by employees through a process of random selection. These tests are conducted without prior notice to the employee and a systematic selection process is used to assure that each employee has an equal chance of being chosen for testing. Because there is no prior notice as to when this testing will occur, or who will be selected, random/suspicionless drug testing serves both to detect and deter drug use. Employees with a Commercial Driver's License (CDL) or meet the requirements under Safety-Sensitive fall into this category.

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, 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.
- (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.

Risk Management Hazard Assessment is a systematic process of evaluating the potential risks that may be involved in a projected activity or undertaking and assigning a probability and severity score to identify a

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category of risk.

Safety-Sensitive Position is a position in which a drug or alcohol impairment constitutes an immediate direct threat to public health or safety, such as a position that requires the employee to carry a firearms, perform life threatening procedures, work with confidential information or documents pertaining to criminal investigations, or confidential juvenile information, or work with controlled substances; a position in which a drug impairment constitutes an immediate and direct threat to the employee's health or safety; a position which has access to a juvenile facility; a position in which the employee is responsible for the well-being of a minor; or a position in which a momentary lapse in attention could result in an injury or death to another person. All Safety-Sensitive Positions and employees performing safety sensitive functions as determined by Risk Management Hazard Assessment will be included in the BCC Random Drug Testing Pool. Positions include but are not limited to:

- (a) CDL Drivers driving a CDL Required Vehicle for BCC Business Functions
- (b) Heavy Equipment Operators including, but not limited to, forklifts, skid steers, front end loaders, track hoes, rollers, backhoes, graders, bucket trucks or any other equipment not covered under CDL testing requirements.
- (c) Paramedics/Paramedic/Firefighters/EMTs/ Pilots/Helicopter Maintenance.
- (d) Chemical Laboratory personnel.
- (e) Positions where the incumbents are required to carry firearms or weapons.
- (f) Positions that work with or have access to drugs/controlled substances.
- (g) Facilities Services (Non-Administrative Positions).
- (h) Plant Operators & Maintenance Personnel at Wastewater Treatment Plants.
- (i) Wastewater Collection Personnel
- (j) Plant Operators & Maintenance Personnel at Water Plants
- (k) Water Distribution Personnel
- (l) Pool and Water Feature Maintenance Personnel
- (m) Employees with access to potentially Hazardous Chemicals (Meets the (IDLH) values used by the National Institute for Occupational Safety and Health (NIOSH)
- (n) Any position that requires an employee to enter an IDLH Environment (Confined Space Entry, Chlorine Process, Trenching & Shoring, Maintenance of Traffic, Lockout/Tagout, etc.) as determined by Risk Management and the Division Director.
- (o) Non-CDL Drivers whose regular duty requires them to drive 51% or more of the time in support of their position.
- (p) All Equipment Mechanics (Fleet, Plant, Field)
- (q) Positions where the incumbents work closely with or oversee children (Childcare Services Personnel, Recreation Instructor, Camp Counselors, Summer programs positions, VPK, Library Services and Lifeguards/Pool Attendants, etc.)

In the event that there are any changes in work protocol that could move a position into a Safety-Sensitive position, it is the responsibility of the Department Management along with the Environmental Health & Safety Specialist and Risk Management's Environmental Health & Safety Manager to determine if the tasks to be performed are Safety-Sensitive and designate the position as such.

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.

Substance Abuse Professional (SAP) is a licensed physician (Doctor of Medicine or Osteopathy); or a licensed or certified social worker; or a licensed or certified psychologist; or a licensed or certified employee assistance professional; or a state-licensed or certified marriage and family therapist; or an alcohol and drug

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abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC), or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board of Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC) who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

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.

Third Party Administrator is a company that manages the Collier County Random Drug Testing List, the DOT and Non-DOT drug/alcohol testing protocol, and maintains the required testing records. They perform tasks as agreed to by the county to assist in implementing the drug and alcohol testing program and to help keep the employer compliant with the DOT/FMCSA Drug and Alcohol Testing rules and regulations.

Volunteer is any person who a person who voluntarily offers himself or herself for a service or undertaking willingly and without pay.

§ 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, use or possession of alcohol and/or illegal drugs while operating or otherwise in control of County vehicles, equipment or machinery, illegal drugs from being brought on the County premises, the use of alcohol and/or illegal drugs during the workday, including breaks and meal periods, 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 business 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 of employment.
- D. Employees who violate any of the alcohol or controlled substance use prohibitions must be immediately removed from work and will be placed on unpaid administrative leave for a minimum of seven business days and/or until the County establishes a return to work protocol or appropriate disciplinary action recommendation. Employees must submit to and pass required follow-up tests prior to returning to work in any capacity.
- E. When the use of alcohol or controlled substances by an employee is confirmed through authorized test, employees in a Safety-Sensitive position or performing a safety sensitive function will be will be recommended for corrective action, up to and including termination. Under no circumstance will the employee be allowed to return to any Safety-Sensitive position and/or task until completing the entire program (counseling and testing) in accordance with the Substance Abuse Professional's (SAP)

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direction.

§ 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 Division 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 EHS Manager will receive the test results and will coordinate with the appropriate Human Resources representative for the division/department in which the employee works to provide a status report on the employee being able to return to work. The Human Resources representative will serve as the point of contact to coordinate communication with the employee and provide information on the status of the employee to the division/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 Division 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 regarding 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). Failure to pass the drug screen will result in applicant not being hired.
 - 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.
 - 3) All job applicants or current employees who fall into the category of "Mandatory-Testing Position" § 440.102(o), *Fla. Stat.* will be tested for illegal drugs prior to an offer of employment, promotion, lateral transfer, reclassification, reassignment or demotion being finalized. Drug testing will only be administered to those applicants/employees 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).

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B. Post-Accident/Incident Testing: The Risk Management Division will coordinate and schedule all post-accident drug testing through its EHS Manager or designee. In the event of an accident/incident that results in the issuance of a citation from law enforcement to the BCC operator/employee, damage to a citizen's property, loss of life, or incapacitation of a County vehicle, the employee's Supervisor must contact the DER (the EHS Manager) in the Risk Management Division and the assigned Human Resources (HR) Representative. If outside of normal working hours, the Supervisor will immediately contact the DER. The Supervisor of the department, EHS 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.

- 1) Any employee who has caused or contributed to an accident/incident while at work, if there is 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.
- 2) All employees with designated Safety-Sensitive Positions will be administered a Post-Accident Drug/Alcohol test in the event of any Incident/Accident that results in the issuance of a citation from law enforcement to the BCC operator; any damage to a County asset; citizen's asset; or where a citizen was injured. Testing must occur within two hours of the event.
- 3) Vehicular Accident (CDL): A CDL employee who is operating a CDL required vehicle and is involved in any 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.*, within two hours following the accident.
- 4) Vehicular accident (non-CDL): An employee who is operating a County vehicle involved in an accident that results in the issuance of a citation from law enforcement to the BCC operator; any damage to a County asset; citizen's asset; or where a citizen was injured shall submit to an alcohol and controlled substance test within two hours following the accident.
- 5) 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.
- 6) Upon notification from the DER, the 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 paid administrative leave pending the alcohol and/or drug test results.
- 7) 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.
- 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 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.

C. Reasonable Suspicion Testing: The Risk Management Division administers the Reasonable Suspicion Testing Program. Testing may be required of any employee 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

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employees for alcohol, controlled substance or illegal drug use. When a supervisor, Division 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, Division Safety Coordinator, EHS Specialist or EHS Manager will notify the Risk Management Division.

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, EHS 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 EHS Specialist of the suspected employee must contact the DER in the Risk Management Division and the assigned HR Representative. If outside of normal working hours, the Supervisor will immediately contact the DER. The Supervisor of the department, EHS 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, EHS Coordinator, EHS Specialist and/or EHS Manager who made the determination of reasonable suspicion during the observation. If possible, another Supervisor, EHS 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 determination that reasonable suspicion existed to warrant testing. Such report shall be forwarded to the Division 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, EHS Coordinator, EHS Specialist and/or EHS Manager or member of management must be present.
- 4) Upon notification from the DER, the Supervisor, EHS 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 stay with the employee until the authorized collection personnel have arrived to the worksite, and/or transport the employee to the BCC approved testing facility. After the appropriate testing has been completed, the supervisor will transport the employee to his/her place of residence. The employee will be placed on paid 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 conducted and to ensure chain of custody accuracy.

D. Random/Suspicionless Testing

- 1) On an annual basis, Collier County will meet the current Department of Transportation (DOT) percentage requirements for Random/Suspicionless Drug testing of DOT and Safety-Sensitive positions in the County. The selection of individuals for the random testing shall be made by a Third-Party Administrator using a computer-based program that will randomly select employees from the County's DOT required employee list. There will be a separate list

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for Safety-Sensitive employees. 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) Every attempt will be made to provide the list of randomly selected employees to the departments within 2-3 days of the test date. This will allow department management to adequately arrange work schedules accordingly to ensure efficient and uninterrupted operations. 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 conducted 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 an employee returning to work following a positive test result.
- G. **Volunteer Screenings:** Volunteers may be required to have a physical exam prior to the commencement of his/her volunteer service. The Risk Management Division will perform and/or coordinate all volunteer drug/alcohol screening and/or testing and communicate the results of such testing to Human Resources personnel.

§ 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 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

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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 positive diluted.

- C. If the MRO informs the County that a negative drug test was diluted, Collier County Government will treat the test as an “inconclusive” test. The County will direct the employee to take another test based on the fact that the specimen was negative diluted.

§ 5312-8. Positive Results.

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

- A. All employees must be immediately removed from work and will be placed on unpaid administrative leave for a minimum of seven business days and/or until the County establishes a return to work protocol or appropriate disciplinary action recommendation. Employees must submit to and pass required follow-up tests prior to returning to work in any capacity.
- B. Employees in Safety Sensitive Positions or Functions:
 - a. Employees with designated Safety-Sensitive positions who have an MRO positive confirmed test result and the drug confirmed is an illicit drug under s. § 893.03, Fla. Stat., will be recommended for corrective action, up to and including termination.
 - b. The County will require employees with designated Safety-Sensitive positions to participate in a Substance Abuse Program as a condition of employment. All employees must agree to complete the entire program (counseling and testing) and act in accordance with the Substance Abuse Professional’s (SAP) direction as a condition of continued employment and/or returning to a Safety Sensitive position. Failure to abide by the conditions of the program or SAP recommendation will result in termination of County employment.
 - c. 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.
 - d. Employees with designated Safety-Sensitive positions who have an MRO positive confirmed test result and the drug confirmed is an illicit drug under s. § 893.03, Fla. Stat., will lose the ability to drive a County vehicle for up to 1 year in accordance with CMA 5805, “Eligibility to Drive County Owned Vehicles” and may have that length of time extended at the Substance Abuse Professional’s (SAP) direction.
 - e. Employees may appeal any recommendation for discipline as authorized in CMA 5351.
 - f. The employee or applicant may contest the drug test result pursuant to law.
- C. Employees and Volunteers in Non-Safety Sensitive Positions:
 - a. Employees and Volunteers in Non-Safety Sensitive positions who have an MRO positive confirmed test result and the drug confirmed is an illicit drug under s. § 893.03, Fla. Stat., may be recommended for corrective action, up to and including termination.
 - b. The County may require employees the option to participate in a Substance Abuse Program. All employees must agree to complete the entire program (counseling and testing) and act in accordance with the Substance Abuse Professional’s (SAP) direction as a condition of continued employment. Failure to abide by the conditions of the program or SAP recommendation will result in termination of County employment.
 - c. Employees and Volunteers in Non-Safety Sensitive positions who have an MRO positive confirmed test result and the drug confirmed is an illicit drug under s. § 893.03, Fla. Stat., will

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lose the ability to drive a County vehicle for up to 1 year in accordance with CMA 5805, "Eligibility to Drive County Owned Vehicles" and may have that length of time extended at the Substance Abuse Professional's (SAP) direction.

- d. Employees may appeal any recommendation for discipline as authorized in CMA 5351.
- e. The employee or applicant may contest the drug test result pursuant to law.
- D. All Drug and Alcohol testing results are filed in a confidential file separate from the general employee file. The files are located in Risk Management with secure access limited to the DER.
- E. Collier County will meet all aspects of 49 CFR Part 40, Subpart P - Confidentiality and Release of Information.
- F. In the event of a positive Post Offer Drug Test (pre-employment), the applicant will be given the name of a Substance Abuse Professional's (SAP) in accordance with Federal Guidelines.

§ 5312-9. Return to Work.

Employees who do not fall into the category of Safety Sensitive Positions 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 appropriate HR representative to schedule testing and any follow-up required of the employee by the Substance Abuse Professional (SAP). Employees 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 Resources Division and Risk Management Division and in accordance with Section 440.102, *Florida Statutes*.
- B. Upon confirmation of a "negative" test result on the return to work (follow-up) test, the employee may return to any non-safety-sensitive position. Employees with designated Safety-Sensitive positions must complete the entire substance abuse program and/or the SAPs recommendations prior to returning to any Safety-Sensitive positions or 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 (EAP) is available for those employees who voluntarily seek help for alcohol and/or drug problems. Employees may contact their Supervisor or the Human Resources Division for additional information.
- D. 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. Employee Notification of Prescription or Non-Prescription Medication

Any BCC employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job.

No employee shall report for duty or remain on duty while using any controlled substances, unless such

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substances are used in accordance with the prescription by and direction 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. In such cases, employees shall be required to provide written documentation of clearance to perform work activities to his/her Supervisor before reporting for duty. Any medical documentation must not be retained in division/department files, and should be immediately forwarded to the Human Resources Division. The failure of an employee to notify his/her Supervisor prior to beginning work may result in disciplinary action, up to and including termination of employment.

§ 5312-10. Training.

The Risk Management Division will provide this CMA to all covered employees informing them that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace and specifying the actions that will be taken against employees who violate the policy.

Risk Management Division will provide annual training, including electronic training programs, to all BCC Supervisors on the dangers of drug abuse in the workplace; our policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and employee assistance programs; the penalties that may be imposed upon employees for drug abuse violations and identifying the signs and symptoms of drug and alcohol abuse. Because this is a federal mandated requirement, failure to attend annual training will result in a recommendation for discipline in accordance with CMA 5351, "Discipline".

§ 5312-11. Currency.

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

§ 5312-12. 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.

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CMA 5312 Attachment 1

Tracking #:

Reasonable Suspicion Testing Report

Reasonable Suspicion Testing—Reasonable suspicion must be based on specific contemporaneous, describable observations concerning the appearance, behavior, speech, or body odors of the employee. Referral for such testing will be made on the basis of facts and circumstances documented by a supervisor who has attended required training, or by a higher-level supervisor or manager who also has attended the required training.

This document will serve as a written record of the observations used as the foundation for such a test.

Employee Information (Printed): _____
(Name, Job Title, Division)

Report Completed by (Printed): _____
(Name, Job Title, Division)

1. Was there an incident? Yes _____ No _____

If YES, describe the event (include date and time, employees actions, and extent of any injuries to any persons or damage to property) _____

2. Is the employee in a safety-sensitive position? Yes _____ No _____

3. Observation of Employee - Date: ____/____/____ Time: ____:____ AM/PM

Walking	Falling	Holding on	Staggering
	Stumbling	Swaying	Unsteady
	Unable to walk		
Standing	Feet wide apart	Rigid	Swaying
	Sagging at knees	Staggering	Unable to stand
Speech	Mute	Incoherent	Rambling
	Shouting	Silent	Slobbering
	Slow	Slurred	Whispering

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Demeanor	Excited Fighting Silent	Cooperative Polite Sleepy	Crying Sarcastic Talkative
Actions	Calm Hostile Profane	Drowsy Fighting Threatening	Erratic Hyperactive Resisting Communication
Eyes	Bloodshot Droopy	Closed Glassy	Dilated Watery
Face	Flushed	Pale	Sweaty
Appearance	Unruly	Having Odor	Messy
Clothing	Wrinkled	Dirty	Partially Dressed
Breath	Alcohol Odor Marijuana Odor	Faint Alcohol Odor Faint Marijuana	No Alcohol Odor No Marijuana
Movements	Fumbling Nervous	Hyperactive Normal	Jerky Slow
Eating/Chewing	Candy	Gum	Mints (Cover up)

4. Performance Level:

a) Has there been a recent change in the employee's level of performance?
Yes _____ **No** _____

b) If YES, please describe:

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Other Observations:

Witnesses (Name, Job Title, Division – Please Print):

Supervisor Name (Please Print): _____

Supervisor Signature: _____ **Date:** __/__/__ **Time:** __: __ AM /PM

PUBLIC RECORDS REQUEST MANAGEMENT PROCEDURE

[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; Revised: September 1, 2017; Revised: January 22, 2019)]

§ 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 Division, except for requests for employee personnel files, which are handled by the Human Resources Division. Upon completing a substantial public records request, provide the following information to the Communication and Customer Relations Division:

- 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

PUBLIC RECORDS REQUEST MANAGEMENT PROCEDURE

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.
- B. Requests for employee personnel files shall be processed by the Human Resources Division. 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 Division. 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 September 1, 2017)]

§ 5314-1. Purpose.

The purpose of this Instruction is to provide for the implementation 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 affect job performance or otherwise interfere with their work or personal life. Examples of such problems include stress, family strife, alcohol/drug abuse, job pressures, financial problems and emotional, health or behavioral problems.
- B. The first three counseling visits are free. Thereafter the employee or family will be referred for more lengthy treatment. Additional treatment may be provided under the County's health insurance, subject to the deductible and other established limits.
- C. Employees may utilize the EAP through self-referral or referral by their Supervisor. In some cases the referral may be mandatory and attendance a condition of 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 Division in accordance with the standard disciplinary practices.
 - (3) Supervisors are also encouraged to use the EAP for advice in improving relationships with employees.
- E. Pay for time spent at EAP appointments will be made in accordance with the standard County pay/leave practices. Mandatory referrals may or may not require use of accrued leave.

§ 5314-3. Currency.

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

CMA 5314

EMPLOYEE ASSISTANCE PROGRAM

§ 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: September 1, 2017)]

§ 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.

- A. Requests for personal inspection of a County personnel file, job application or other related documents must be made to the Human Resources Division.
- B. Upon the request for personal inspection of a County personnel file by anyone other than management, the Human Resources Division will, to the extent reasonably possible, notify the employee whose records are being inspected that a request to examine the records has been made.
- C. The Human Resources Director, or designee, will require that all examinations will be made in the Human Resources Division 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 Division.
- D. Upon payment of the applicable fee for copying documents, the Human Resources Director, or designee, shall furnish a copy or copies of any nonexempt item(s) requested from the records. The Human Resources Division will, to the extent reasonably possible, notify the employee to determine if they wish to have a copy of the documents copied from their personnel file. If so, a copy will be made and provided to the employee.
- E. A service charge for labor costs may also be assessed in accordance with Collier County Resolution 98-498.
- F. Employees may inspect their individual personnel file at any time during working hours and may request a copy of any item(s) placed in their file and be charged the applicable fee.
- G. In addition to the personnel file located in the Human Resources Division, a County division 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 Division personnel file.

§ 5315-3. Currency.

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

INSPECTION OF PERSONNEL RECORDS

§ 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.

CMA 5316

JURY DUTY

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: September 1, 2017)]

§ 5316-1. Purpose.

The purpose of this Instruction is to provide for the implementation of a Jury Duty 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 received for jury duty shall be returned to the County except 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 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.
- C. An employee who appears in Court as a witness, plaintiff, or defendant due to personal litigation or criminal charges shall be required to use vacation for any such absence from work. If vacation is not available, the employee may use leave without pay. The employee would not be eligible for reimbursement of any meals, lodging, or related travel expenses.
- D. An employee who is subpoenaed as a witness and/or appears in court as a result of County business shall be granted time off with pay, and any witness fees awarded, except for meals, travel and lodging, shall be returned to the County.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. Jury duty shall not be counted as time worked in calculating overtime pay.

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JURY DUTY

§ 5316-3. Currency.

The Human Resources Division 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.

LABOR AGREEMENT

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: September 1, 2017)]

§ 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 Division 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; Revised: November 8, 2013; Revised: September 1, 2017)]

§ 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, and the use of electronic cigarettes 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 and the use of electronic cigarettes 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 to include electronic cigarettes.

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Electronic cigarettes (e-cigarettes) shall mean any electronic device composed of a mouthpiece, heating element, battery, and electronic circuits that provides a vapor of liquid nicotine and/or other substances mixed with propylene glycol, vegetable glycerin and/or other substances to the user as he or she simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, or under any other product name including e-cigarettes that include any kind of flavored vapors.

- 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 Division 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 MANAGEMENT

[Effective Date: March 17, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: May 1, 2009; Revised: August 7, 2019; Revised: September 1, 2021)]

§ 5319-1. Purpose.

The purpose of this instruction is to establish processes and procedures for the administration of performance management authorized by the County Manager.

§ 5319-2. Definitions.

- A. **Performance Management** is the broad collection of activities designed to maximize individual and organizational performance. It includes setting expectations, measuring employee behaviors and results, providing coaching and feedback, and evaluating performance over time to use in decision-making. Performance management systems drive employees to engage in behaviors and achieve results that facilitate meeting organizational objectives. Effective performance management systems hold employees accountable for their performance.
- B. **Performance Planning Process** is the beginning of the performance management cycle and is the process of identifying the goals of the organization and individual Key Result Areas (KRAs). It also encourages the professional growth of employees and helps their career development.
- C. **Key Result Area (KRA) Planning** is a systematic process in which the supervisor identifies KRAs and workplace expectations. KRAs are related to the essential position functions that align with the job classification to which the employee is assigned and outlines how performance will be measured.
- D. **Key Result Areas (KRA)** are performance areas for which a department/division's role is responsible. KRAs define what each essential position function is expected to accomplish and are clearly defined goals and objectives that are specific, measurable, achievable, realistic, and timely (SMART).
- E. **Performance Evaluation** is the process when a supervisor examines and evaluates an employee's performance by comparing it with predefined KRAs, documents the results of the comparison and uses the results to provide feedback to the employees to show where improvements are needed and why. The results of this process are used to make informed decisions for both the individual employee and the organization in areas such as compensation, promotion, employee development, staffing and succession planning.
- F. **Performance Evaluation Time Period** is the pre-determined employee performance period that will be reviewed.
- G. **Performance Monitoring** - KRAs are tracked, and feedback, both positive as well as opportunities for improvement, are discussed with employee(s).

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- H. **Eligibility** - Performance evaluations are conducted for all full and part-time employees except for those designated by the County Manager's Office or by Collective Bargaining Agreements.
- I. **Performance Evaluation Rating Scales** are used in performance management systems to indicate an employee's level of performance or achievement.
- J. **Meeting Job Requirements** – An employee with an overall performance evaluation score of "Solid Performance" is generally considered to be meeting job requirements. However, should an employee fail to meet required work standards on an individual performance factor or KRA, they may be subject to the provisions of CMA 5321 Probationary Period and/or CMA 5351 Discipline.

§ 5319-3. Concept.

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

A. Performance Planning

- (1) The immediate supervisor determines the Key Result Areas and measures by which they will assess employee performance, then reviews the duties and expectations with the employee. The KRAs shall be established by the supervisor and be consistent with the mission, guidelines, practices, procedures, and work plan of the department and/or division as well as the essential position functions from the employee's job classification.
- (2) Performance planning should be completed within the timeline established by Human Resources for the following personnel actions: new hire, rehire, promotion, demotion, reclassification, reassignment, transfer (lateral move) or any other applicable job change.

B. Performance Monitoring

Supervisors shall establish methods and practices to regularly monitor employee performance. Such methods may include written (formal or informal) documentation of employee performance, check lists, regular meetings, observation, coaching conversations, samples of work products or other appropriate monitoring tools.

C. Performance Evaluation

- (1) An employee's performance is measured against the pre-established KRAs, to include department and/or division guidelines, practices, procedures, and essential position functions from the employee's job classification. The Human Resources Division will initiate the notification process for performance evaluations. Each performance

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evaluation will include an assessment of the KRAs, measures, and performance factors.

(a) Performance will be measured at the following intervals:

- (i) 3 Month Check In – all new hires, rehires, promotions, demotions, reclassifications, reassignments, transfers (lateral moves) or any other time an employee has a job change will receive a 3 Month Check In.
- (ii) 6 Month Performance Evaluation– all new hires, rehires, promotions, demotions, reclassifications, reassignments, transfers (lateral moves) or any other time an employee has a job change will receive a 6 Month Performance Evaluation.
- (iii) Annual performance evaluation - current eligible employees will participate in the annual performance management process cycle set by the County Manager's Office in a given time period.
- (iv) Off-Cycle Performance Evaluation – may be initiated outside of the processes identified above when an employee's performance needs to be evaluated. Supervisors can complete a performance evaluation at any time deemed necessary, with prior approval from Human Resources.
- (v) Close-out Performance Evaluation – recommended when an employee has a promotion, demotion, reclassification, reassignment, transfer (lateral moves) or any other time an employee has a job change, to evaluate the employee's performance for the position they are vacating.

(2) The supervisor is responsible for the following activities:

- (a) Determining Key Result Areas (KRAs) and issuing to employee.
- (b) Ensuring the employee completes the self-review portion of the performance evaluation on time.
- (c) Assessing (rating) the employee's performance; providing appropriate comments and examples to support the ratings; and documenting actions for improvement and/or areas of concern, if identified.
- (d) Reviewing employee performance evaluations with direct and indirect managers including Division Directors.
- (e) Conducting timely performance evaluations at specified intervals and signing the performance evaluation.
- (f) Ensuring the employee has received, reviewed, and acknowledged that the performance evaluation was reviewed and discussed.

(3) Promotions, demotions, reclassifications, reassignments, transfers (lateral), returns from

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leaves of absence (LOA) under certain circumstances or any other time an employee has a job change may require a new performance planning process to start.

- (a) Employees on LOA will have the opportunity to receive an off-cycle evaluation once they return to active status.
 - (b) KRAs should be reviewed to ensure applicability and relevancy to the position upon the employee's return.
 - (4) The content/ratings/score of performance evaluations are not subject to appeal or the provisions of the Commitment to Fair Treatment process.
- D. Processing Instructions: The Human Resources Division will prepare and distribute, as needed, specific instructions pertaining to administration and processing procedures to the Division Directors and/or supervisory personnel.

§ 5319-3. Currency.

The Human Resources Division 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

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: September 1, 2017)]

§ 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 Division 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; Revised: August 7, 2019)]

§ 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 or rehired employees will be considered the initial probationary period.
- (2) The probationary period shall be six months for new hires, rehires, promotions, demotions or transfers, and for any employee transferring from temporary (job bank) to regular status.
- (3) The probationary period may be extended up to an additional three months at management's discretion, with approval of the Human Resources Director or his/her designee. Employees will be advised by their Supervisor of any extension of the probationary period in writing prior to completion of their initial probationary period.
- (4) Employees who are reclassified or reassigned to a different position title in the organization may, at the direction of their Division Director, be required to serve a probationary period of six months.

B. Benefits/Privileges: Employees are unable to utilize any appeals under the Commitment to Fair Treatment or Discipline Procedures during the 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 Probationary Period: The County Manager, appointing authority or respective designees may discharge newly hired employees during the probationary period. The department or division must coordinate this action with the Human Resources Director or his/her designee.

D. Promotional or Transfer Probationary Periods: Employees serving a six-month probationary period as a result of a promotion, voluntary demotion, or transfer who are

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found to be unqualified to perform the duties of the new position, may be returned to 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 Division Director or Department Head 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. The Division Director, Department Head 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. Voluntary Demotion Probationary Period: Employees serving a six-month probationary period incurred as a result of a voluntary 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 Division Director, Department Head, and Human Resources Director. If there are no vacancies, the employee may be discharged.

§ 5321-3. Currency.

The Human Resources Division 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; Revised: August 7, 2019)]

§ 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 Division must be notified in advance of all separations in writing.

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 Division Director 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 generally should not include paid leave time; 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 notice of resignation is submitted by an employee, it may only be withdrawn with the approval of the Division Director and the Human Resources Director.
- (2) Retirement: Retirement benefits are available through the State of Florida Retirement System (FRS) for vested members. The vesting period is determined by entry date into the Florida Retirement System. An employee must be at least normal retirement age or have a minimum number of years of service to receive full benefits. If the employee elects to retire prior to the date they are eligible for full benefits, 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 Division. Employees considering retirement should contact the Human Resources Division three to six months prior to their anticipated retirement date. Once a retirement date is selected, the employee shall provide written notification of their retirement date to the Human Resources Division.
- (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 may qualify disability retirement with FRS

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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 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.

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Division Directors and Department Heads 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 Divisions/within Departments 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 Division 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.

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- (1) **Notification:** Immediately upon written notification that a voluntary separation (resignation) is to occur, the Division Director or his/her designee, is required to submit the notice document to the Human Resources Division. HR will finalize all needed documentation to separate the employee from service. The Division 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. If an employee immediately separates from service, the Human Resources Division, the Facilities Management Division and the Information Technology Division must be verbally notified.
- (2) **Exit Interviews:** Employees separating from County service may receive a request to complete an exit survey from the Human Resources Division. The purpose of this survey is to provide Collier County with information that will reveal reasons for separation. The Human Resources Director may waive the exit survey for employees separating as a result of work rule violations, unsatisfactory performance or related reasons. When requested, Human Resources representatives may meet in person or talk by phone with a separating staff member for an exit interview. 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:** 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 practices and procedures.
- (4) **Return of County Property:** All County property issued to the employee must be returned or accounted for to the satisfaction of the Division 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).

§ 5322-3. Currency.

The Human Resources Division 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: September 1, 2017)]

§ 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

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workplace that contain any material that is of a sexual nature.

- (8) Using the computer to access any Web site, newsgroup, CD, floppy disk, or any other resources, 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 Department Head.
 - (2) It is the responsibility of all Managers and Supervisors to prevent and eliminate sexual harassment in their respective work areas.
 - (3) 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.
 - (4) 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 division;
 - (b) The Human Resources Labor and Employee Relations Manager; or
 - (c) The Human Resources Director.

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- (2) If the complaint involves one of these designated individuals, the employee should immediately report the complaint to either his/her Division Director or the Department Head.
- (3) The Human Resources Division will investigate or coordinate the investigation of any complaint of sexual harassment, except in any instance where a member of the Human Resources Division is either a complainant or is accused of sexual harassment. In such a case, the employee's Department Head or the Department Head'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 Division 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.

PROHIBITION OF UNLAWFUL HARASSMENT

[Effective Date: October 1, 2003; Revised: September 1, 2017)]

§ 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

PROHIBITION OF UNLAWFUL HARASSMENT

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 Department Head.
- (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 division;
 - [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 Division Director or

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Department Head.

- (c) The Human Resources Division will investigate or coordinate the investigation of any complaint of unlawful harassment, except in any instance where a member of the Human Resources Division 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 Department Head or the Department Head'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 Division 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.

SOLICITATION

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: September 1, 2017)]

§ 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 Division 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; Revised: August 7, 2019)]

§ 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 or scheduled to be delivered in-house, Collier County may pay, through the employee's divisional budget, 100% of all incurred costs for pre-approved training, development and/or education programs.
- (4) The Division Director and/or Department Head 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 Division 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. 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 Division Director or the Department Head, as appropriate, prior to commitment of payment and program attendance.

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- (2) When the combined costs for program fees and any related travel costs are equal to or exceed \$1,000.00 or if overnight or out of state travel is involved, pre-approval must be obtained via the PRE-APPROVAL FOR EXTERNAL TRAINING form. Pre-approval must be obtained from the Division Director or the Department Head, as appropriate, prior to commitment of payment and program attendance.
- (3) Within two weeks of return from external training where the costs equaled or exceeded \$1,000.00, employees shall complete and submit to their Division Director a Post-Training report. This should detail the value/benefit of the training received, how the learning will be used on the job, and, if applicable, how knowledge will be transferred to fellow staff.
- (3) When the request for training involves out-of-county travel, all provisions of the Business Travel CMA 5310 must also be met.
- (4) For external training, where the combined costs for program fees and any related travel are equal to or greater than \$1,000.00, the Department Head and/or Division Director may require an employee to sign a Training Costs Reimbursement Agreement prior to attending. If the employee should voluntarily separate from County service within 12 months following completion of the training session, or each relevant module, if applicable, they will be required to reimburse the County for the cost of the training and related expenses. (Refer to CMA 5322, Separation.)

D. 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.
- (2) For non-exempt employees, the following rules apply:
 - a) Required training assigned through the County's Learning Management System (LMS) shall be completed during work hours on a regularly scheduled work day.
 - b) If an employee wishes to take training for the purposes of professional development using the County's LMS, the employee shall request supervisor approval prior to taking the class. Supervisors shall determine whether the time for training is reasonable and does not negatively impact the workload of the employee or cause undue hardship within the team.
 - c) Absent supervisor approval, training for the purposes of self-enrichment shall be completed during breaks or meal periods.

§ 5325-3. Currency.

The Human Resources Division 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.

UNIFORMS

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised May 13, 2009; Revised: September 1, 2017)]

§ 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 division employees required to wear a designated uniform, which meets the safety guidelines of the County.

A. Division Responsibilities

1. Divisions 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. Divisions are required to comply with the Collier County Logo and Seal Identity Standards and Guidelines. Divisions shall work through the Procurement Division, utilizing the County's fixed term contract for uniforms.
3. Divisions are responsible for the tracking all uniform as a minor tangible item as described 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 division 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 division 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 division and/or County. Should an employee not return the uniform assigned by the division, the employee may be assessed the pro-rated value of the uniform which may be deducted from their final paycheck.

CMA 5326

UNIFORMS

§ 5326-3. Currency.

The Human Resources Division 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.

GRANT ADMINISTRATION

[Effective Date: February 18, 2004 (Revised: April 1, 2006; Revised: September 1, 2017; Revised August 26, 2021)]

§ 5330-1. Purpose.

The purpose of this procedure is to ensure that County Divisions coordinate grant acquisition efforts; to provide a mechanism for assisting Divisions in grant application, submission and award acceptance; to review all¹ acquisitions for compliance, consistency and appropriateness prior to submittal to the grantor; to track and monitor grants for single audit and budget compliance; and to provide oversight through Countywide internal controls to support administrative grants management requirements.

§ 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 Compliance Manager is to coordinate and assist departments in these grant efforts, to monitor and track existing and future grants; lead the annual audit; and mitigate compliance risk. Advisements made by the Grants Management Office under the Office of Management and Budget provide opportunities to mitigate or eliminate potential or identified risks of noncompliance that could impact the results of a successful audit or sponsor peer review. Staff are expected to implement advisements in order for the County to promote a compliance-minded environment and good standing with its sponsors to secure future funding. The County's Grant Administration Handbook guides all County Divisions through the grant process focusing on post award compliance. Check the grants Sharepoint 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 Compliance Manager is available to help provide resources in grant preparation, including locating, researching, writing, assembling, and submittal. Each division acquiring grant funding must assign adequate staff resources that are trained and/or experienced relative to the complexity of the grant program requirements. Staff will work closely with the Grants Compliance Office to coordinate administration, provide required support and project information throughout the grant application, approval and management process.
- B. Grant Review Process: The Grants Compliance Manager, 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 Compliance Manager 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 Department Heads of the respective divisions, with assistance from the County Manager and Grants Compliance

¹. The portions of this procedure related to preparation, review, submittal and approval and agreement processes do not apply to Constitutional Officers with the exception of grant programs whereby the Board is required to be the grantee for eligibility.

GRANT ADMINISTRATION

Manager 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.

- (2) If a division has specialized experience in a grant program in which multiple County divisions apply, the County Manager and Grants Compliance Manager may designate a lead division to manage administrative and program compliance.

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 Compliance Manager, 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 Sharepoint 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.
- (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 Compliance Manager to discuss options for emergency submittals or after-the-fact approval. Division will apply using the established after-the-fact Board approval request form. 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 meeting for the required after-the-fact approval. Internal department deadlines used to manage agenda items will not supersede the meeting date the OMB Grants Management Office assigns to obtain Board 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; or
 - (b) Division 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

GRANT ADMINISTRATION

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.

- (7) Separate actions will be taken before the Board for application and award unless an exception is granted by the Grants Compliance Manager.
- 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 Compliance Manager must be notified of all awards upon receipt.
- E. Grant Award Documents.
 - (1) Most grants require execution of an agreement, contract or other document for formal acceptance.
 - (2) The Grants Compliance Manager, 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 Sharepoint site.
 - (3) The Board of County Commissioners must approve acceptance of the grant, unless the Board delegated this specific authority to the Department Head during any stage of the application approval process (if required by the grantor). Acceptance of each grant may require signature on an acceptance letter, grant agreement/contract, certifications or other acceptance documents.
 - (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 Compliance Manager 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 meeting 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.

GRANT ADMINISTRATION

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 Department Head unless prohibited by the grantor, grant agreement or any applicable federal, state, or local laws, rule or regulation. The underlying grant contract conditions must also allow such signature authority. All such amendments must be reported to the Grants Compliance Manager and consulted with prior to execution with 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 and approved by the Grants Compliance Manager 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 match must be disclosed in the Execute Summary, identified and available no later than at the time award or per the application requirements whichever is more restrictive.

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, staff will submit documents to the Grants Compliance Office for review. Documents that should be included for reference are:
 - (a) Notice of funding availability.
 - (b) Draft application.
 - (c) Grant program guidance.
- (2) Following submittal of the grant application to the grantor, the project manager must forward copies of the complete and signed application to the Grants Management Office for filing in the Central Grants File.

H. Upon successful award of any grant, the project manager must forward copies of the following documents to the Grants Management Office for 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 prior to adding it to the automated agenda system.
- (3) Executed agreement.

GRANT ADMINISTRATION

I. Post Award

Throughout the term of the grant, the project manager will coordinate with the Grants Management Office to ensure adherence with Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) and the County Grants Administration Handbook. The project manager must forward copies of the following documents to the Grants Management Office for review and filing in the Central Grants File:

- (1) Correspondence related to time extensions.
- (2) All amendments to the grant agreement including informal advisories via email.
- (3) All financial, project status, interim and final close out reports prior to submittal
- (4) All reimbursement requests prior to submittal.
- (5) Procurement solicitations prior to advertising and vendor contracts prior to execution.
- (5) All special conditions requests for grantor approval.
- (6) Any pertinent grantor notifications that may impact compliance.

J. **Monitoring:** All notices, draft reports and final results will be forwarded to the Grants Compliance Manager upon receipt. Monitoring may be in a variety of formats including an informal desktop review to a formal onsite visit. Responses will be developed in coordination with the Grants Compliance Manager and at minimum reviewed prior to submittal.

K. **Coordination with Collier County Clerk of Courts Finance Department:** The Grants Management Office will file copies of all award letters, agreements and any other required documents in the Central File which the Finance Department has access to in order to carry out the annual audit.

L. Repetitive non-adherence to this policy may require the division to submit a corrective action plan should non-compliant actions cause potential or actual audit risk that could result in adverse findings or comments from any audit or review.

§ 5330-4. Currency.

The Grants Management Office is responsible for maintaining the currency of this Instruction.

CLASSIFICATION PAY PLAN

[Effective Date: May 21, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006; Revised: September 1, 2017)]

§ 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 Division Directors and Department Heads, or designee(s), 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

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of the position and/or changes in market conditions. Reclassifications must be approved by the Human Resources Director, Division Director and Department Head 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 Division 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 Division 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.

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[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; Revised: August 7, 2019; Revised: December 27, 2019; Revised October 8, 2022]

§ 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 Division 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 sections of the County.

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- (b) Reviewing job descriptions and/or Job Evaluation Tools and ensuring the appropriate Human Resources staff are informed in advance of all proposals for new and changed jobs in order for Human Resources to analyze, audit and establish appropriate classifications.
- (c) Ensuring divisional compliance with wage and hour laws and regulations.

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.

Amendments to the pay plan are subject to retroactive quarterly review and approval from the Board of County Commissioners.

D. Pay Administration Guidelines:

(1) Appointments:

- (a) New employees will be placed at the minimum of the pay grade established for the classification. If a candidate's education, experience or other qualifications are above those required for the position, approval to offer a salary up to 10% above the minimum of the pay range may be authorized by the Department Head, or their respective designee, with proper justification. Such justification may include, but is not limited to, external competitiveness, internal equity, difficulty in filling the position, or job-related qualifications exceeding the classification's minimum requirements.

The Department Head, or their respective designee, may request an offer up to the midpoint with proper justification. The request must be submitted to the HR Total Rewards section and Human Resources Director for review, who will evaluate and provide authorization for the request.

In limited cases, an offer at or above the midpoint of the range may be considered. Proper justification for the offer must be submitted to the HR Total Rewards section and Human Resources Director for review, who will evaluate the request, and if the justification is warranted, forward to the County Manager's Office for final approval.

- (b) New employees with base salaries above the minimum of the pay grade based on experience or other qualifications may have the above minimum increase split and provided in two steps, the initial hire date and the final day of the six-month probationary period. The secondary increase will be

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awarded upon completion of a successful probationary period and accompanied by an evaluation that shows an overall rating of Meets Expectations.

- (c) Department Heads are responsible for the equitable administration of above base offers for their respective divisions.

(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 to be recommended for approval. Special pay adjustments must be authorized by the Department Head and submitted to the Human Resources Director for final 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 employee's jurisdiction significantly increase).
 - (3) Serious base pay inequity internally and/or with the external market for a comparable position. Serious equity concerns is considered a difference of 10% or more.
 - (4) Exceptional or unusual conditions associated with an employee's job classification.
- (b) Any permanent special pay adjustment shall not result in a base pay that exceeds the maximum salary established for the employee's current job classification.
- (c) 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 6 months. Adjustments retroactive into a previous fiscal year must be authorized by the Human Resources Director and the County Manager, or their respective designees.

E. General Wage, Cost of Living and/or Pay Plan Adjustments: The County Manager may propose a general wage, cost of living and/or pay plan adjustment as part of the budget or as needed with approval of 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: Effective January 1, 2023, the County will provide a dollar-for-dollar match (not a contribution) to a deferred compensation account of

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regular full- and part-time employees. The full- or part-time employee must be actively contributing to a pre-tax deferred compensation account. The match provided is up to \$750.00 for employees below the Division Director level; Division Directors or equivalents receive up to a \$1500.00 match; and Department Heads or equivalents receive up to a \$3,000.00 match.

Employees serving in an interim assignment at the Division Director level and above will receive matching funds at the level of their interim assignment for the duration of the assignment.

- G. Merit Awards: Annual Pay for Performance/Merit awards may be distributed as determined by the County Manager following approval by the Board of County Commissioners.
- H. Special Assignment/Interim Assignment/Temporary Significant Additional Duties: An employee who is requested to perform functions and responsibilities of an advanced and/or supervisory nature or serve in a higher-level position on an interim basis or perform temporary significant additional duties outside of the employee's existing classification for a period of three or more weeks may be granted a temporary adjustment in pay. If a temporary adjustment in pay is provided, the adjustment may be up to 10% above the current base pay rate of the employee, or in the case of an interim assignment to the minimum of the assigned range, whichever, is the greater of the two.
 - (1) If the adjustment is to perform work on an interim 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 Living Adjustment, merit increases, etc.) will be applied to the resulting base pay which includes the temporary adjustment.
 - (2) If the adjustment is for temporary higher-level or significant additional duties, the temporary adjustment will be added to the employee's base pay. Any future increases to base pay (Cost of Living Adjustment, merit increases, etc.) will be applied to the resulting base pay which includes the temporary adjustment.
 - (3) Temporary adjustments shall be retroactive to the beginning date of the interim assignment/temporary significant additional duties, to a maximum of 6 months. Temporary adjustments retroactive into a previous fiscal year must be authorized by the Human Resources Director and the County Manager, or their respective designees.
 - (4) Temporary adjustments will be in effect initially for a maximum of 6 months. The employee's division must take additional action to extend the temporary adjustment period. Temporary adjustment extensions may require updated justification.
 - (5) When the special assignment/temporary significant additional duties have been completed, the temporary adjustment will be removed. If the temporary adjustment

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has been added to base pay, the employee's base pay will return to the former base pay, adjusted by any applicable pay increase that may have occurred after the temporary adjustment became effective.

- 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 an increase is provided, it will be up to 10%, added to base pay, or the pay range minimum of the new position, whichever is greater. In no case will the new salary exceed the maximum salary of the pay range for the classification.
 - (1) An employee who moves two or more pay grades may be eligible for an increase up to 10% on top of the base of the new range if they possess experience that exceeds the minimum qualifications for the new position and the increase does not pose a significant equity concern with proper justification. Such justification may include, but is not limited to, external competitiveness, internal equity, difficulty in filling the position, or job-related qualifications exceeding the classification's minimum requirements. This is subject to the review and approval of the Human Resources Director or their designee.
 - (2) The promotional increase may be split and provided in two steps, implemented anytime between the initial promotional date and the final day of the six-month probationary period, or can be provided at the successful completion of probation, except in cases when an employee is moving to the pay range minimum of the new position. Documentation may be required, including but not limited to, a probationary evaluation, justification memorandum or other substantiating information, upon submittal of the request for the increase.
 - (3) Base pay increases in excess of 10%, when not related to an employee moving to the new range minimum, require approval of the Human Resources Director or respective designee.
 - (4) Promotions will not be applied retroactively.
- 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, and 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 reasons including, but not limited to:
 - 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;

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- 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 has not been able to obtain or maintain the necessary qualifications as required for the position;
- A reorganization;
- 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 position held in the past 12-month period shall receive the same base pay they had before the promotion, adjusted to include 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. These amounts, if applicable, 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, or one held greater than 12 months ago, 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. If the recommended decrease creates a significant equity concern with like positions or across the organization, the Human Resources Division may review the adjustment for consistency and recommend an alternate decrease. The Human Resources Director or designee may approve an alternate amount based upon this review.
- (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 may be implemented without a decrease in base pay. A written request with supporting documentation must be approved by the Department Head and submitted to the Human Resources Division. 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.

- K. Transfers: An employee may be transferred to another position within the organization with the same job classification. An employee may also apply to and be selected for a different job classification having the same pay grade as the employee's present classification. A transfer to a division where the employee retains the same classification title will not change the employee's base pay or pay grade.

A transfer where an employee moves to a different job classification within the same pay grade may result in a change to the employee's base pay if there is a serious base pay inequity or an unusual or exceptional circumstance related to the employee's new role. Unusual or exceptional circumstances include but are not limited to: a serious increase to span of control, external market conditions and/or experience not previously compensated by the County. A written request with supporting documentation must be approved by the Department Head and submitted to the Human Resources Division. The Human Resources Director will consider the recommendation will either approve or deny the pay increase request based upon this review.

- L. Reassignments: The County Manager or Department Head 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.

- (1) An employee moving to a position with a lower pay grade will have their pay assessed under the guidelines for demotions.
- (2) An employee moving to a position with the same grade will be considered to be a lateral transfer.
- (3) An employee moving to a position with a higher pay grade will have their pay assessed under the guidelines for reclassifications.

- 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

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responsibilities, but the retroactivity will not exceed a maximum of 6 months. Adjustments retroactive into a previous fiscal year must be authorized by the Human Resources Director and the County Manager, or their respective designees.

- (1) An employee that moves two or more pay grades may be eligible for an increase up to 10% on top of the base of the new range if they possess experience that exceeds the minimum qualifications for the new position and the increase does not pose a significant equity concern with proper justification. This is subject to the review and approval of the Human Resources Director or their designee.
- (2) Reclassifications to a lower salary grade will result in no change in an employee's 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.

- N. Career Ladder/Career Progression: This is a process designed to progress an employee to a higher classification with a higher level of job responsibility within a job family. Divisions must have established criteria for advancing from a lower-level position to the next higher-level position. Criteria is subject to the review and approval of the Human Resources Director or their designee.

The career ladder rests on three basic preconditions:

- (1) The division must have a genuine business need for the higher-level work.
- (2) The target position classification must be available for career ladders.
- (3) The employee must be both interested in the higher-level work and able to demonstrate the potential to perform it successfully.

An employee who is moved to a higher-level classification in a career ladder 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.

- (1) An employee who moves two or more pay grades may be eligible for an increase up to 10% on top of the base of the new range if they possess experience that exceeds the minimum qualifications for the new position and does not pose a significant equity concern with proper justification. This is subject to the review and approval of the Human Resources Director or their designee.
- (2) All pending/in process Career Ladder/Progression increases must be considered in establishing an employee's new base pay in cases of promotions, transfers and/or reclassifications.

- O. Certification Incentive Increases:

- (1) Certification Incentive programs may be approved for attainment of certain professional or technical certifications or licenses directly related to division operations (i.e., attainment of a Florida water/wastewater operator license or

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regionally sanctioned building inspection certification).

- (2) Once an employee's base pay has reached the maximum of their current pay range, certification increases shall be paid as a one-time bonus. If a portion of the increase to base pay brings the base pay to the maximum of the pay range, the remainder of the increase shall be paid as a one-time bonus.
- (3) All pending/in process certification increases must be considered in establishing an employee's new base pay in cases of promotions, transfers and/or reclassifications and MUST be noted on the related HR documentation (PAR).
- (4) A retroactive date for an increase to base pay will not exceed a limit of 6 months from the date on the certificate or license or from the date the last requirement for the increase was achieved, nor extend retroactively into a previous fiscal year without approval of the Human Resources Director and the County Manager, or their respective designees.
- (5) Failure to maintain certifications or licenses may result in loss of incentive pay as well as disciplinary action. Expenses related to reactivating an expired license or certification required for performing essential job functions, such as tuition, exam fees, travel, etc., shall be borne by the employee.

P. 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 Division 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 non-productive time off, such as sick leave, jury duty, personal leave, funeral 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. Outside of holiday, only 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.

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(a) Employees Eligible for Overtime Pay: Nonexempt Employees

Generally, those employees in office, secretarial, trades and/or technical positions who work in excess of forty hours in a work week will receive overtime at the time-and-one-half rate for all hours worked over 40. For purposes of overtime pay computation, time worked will be rounded off to the nearest fifteen-minute interval.

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

[1] Professional, executive, and administrative employees are generally considered exempt from payment of overtime. 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 CMA 5900.

[2] The majority of these positions will normally require a forty-hour week, but, when more hours are required, overtime pay is not applicable.

[3] The County Manager may approve exceptions to the nonpayment of overtime to exempt staff on a case-by-case basis.

Q. 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.

R. 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 Division Director. (Non-exempt employees may earn compensatory time at straight time if they have "non-productive" time during the work week.) The Division 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 upon separation, if unused at the end of the calendar year, or upon transfer to an exempt position.
- (2) Because exempt employees generally do not receive overtime pay, they may be

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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. Division Directors, Chiefs, Deputy Department Heads, Department Heads and other executive employees are not eligible to earn compensatory time. On an exception basis for unusual or extraordinary circumstances, 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) Exempt and nonexempt employees may accrue up to 240 hours of compensatory time.
- (4) The County Manager, Department Head, Division Director, or designee, may require an employee to use accrued compensatory time at any time.

S. 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/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

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the rate of time and one-half.

T. Rest Period:

- (1) Employees in non-exempt, non-bargaining classifications as specified in the pay plan who are 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.
- (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.

U. On-Call Pay:

- (1) Non-exempt employees placed into on-call status 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 carry a County-issued electronic device. Any time the employee leaves home, he/she must have the supplied device 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 a County-issued electronic device for emergency notice, will receive additional compensation only when they are scheduled by management for on-call duty or called back to duty.

V. Shift Differential:

- (1) It is the policy of the County to provide a pay differential for selected non-exempt

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classifications when the regular work schedule includes work during the afternoon and/or midnight shifts.

- (a) Directors should routinely review positions assigned to their Division and, if shift differential will be authorized for one or more business units under their responsibility, submit a list of classifications authorized for shift differential to Human Resources.
 - (b) Human Resources will review the shift differential list to ensure compliance with the provisions of this CMA.
 - (c) Shift differential will remain in effect for any employee occupying the designated position title(s) until authorizations are rescinded by the Director.
- (2) Employees working in positions designated as differential-eligible non-exempt 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 will be paid the differential for the actual hours worked in the respective shifts. Based on individual Division and/or section work schedules and operational needs, shift differential payments may be authorized to begin at alternate times.
- (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, temporarily suspend and/or permanently end any related compensation components if the exception/change is not in conflict with federal, state and/or local laws.

§ 5341-3. Currency.

The Human Resources Division 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; Revised: September 1, 2017)]

§ 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

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hours 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.
- G. Paid Intern: Individuals selected to participate in a paid internship with the County will be considered employees, and will work a period of four (4) months or fewer. Interns may work in a full-time or part-time status, depending on area of assignment. At the end of the internship period, they will be separated from service with the County, or, if a division wishes to retain their services, may be transferred to temporary full- or part-time status in an appropriate pay plan title. At no time can an intern's service period extend beyond four months.
- H. Variable Hour: Temporary full- or part-time employees whose weekly working hours cannot be determined due to fluctuations in business unit needs are considered to be variable hour employees. For these individuals, they may be given an average number of hours to be worked in a week, though these are not guaranteed and are regularly subject to change.

§ 5343-3. Currency.

The Human Resources Division 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; Revised August 7, 2019)]

§ 5344-1. Purpose.

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

§ 5344-2. Concept.

- A. Employee Eligibility: Regular full-time employees and regular part-time employees scheduled for 30 or more hours per week, who have successfully completed six months of employment (and any relevant probationary period) as of the start date of the course, are eligible to receive tuition assistance if approved. Temporary/job bank, and/or contract staff are not eligible for tuition assistance.
- B. Course Eligibility: To qualify for tuition assistance, the following conditions must be met:
 - 1. Approved Degree Program: 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.
 - a. Tuition assistance will be considered for required courses that are part of an approved degree program.
 - b. Degree program or course pre-requisites do not qualify for assistance.
 - c. The degree program must be approved by the employee's Division Director, Department Head and Director, Human Resources prior to consideration of coursework for approval.
 - 2. Job-Related: Coursework approved for tuition assistance must relate directly to the employee's present job and must improve or maintain job-related skills or be required by the agency (or by law) for the employee to remain employed in that job for a genuine business purpose of the agency (as determined by the concurrent approval process).
 - a. Expenses required for the employee to satisfy the minimum educational requirements for qualification in his/her job do not qualify for reimbursement.
 - b. Educational expenses to qualify the employee for a new trade or business (that is not of the same general type of work as the employee's current job) are not eligible.
 - c. Elective courses that are required as part of the degree program are eligible for assistance.
 - d. Elective courses that are required as part of the degree program, but are not job-related, are eligible for assistance but may not qualify for tax-free reimbursement based on federal law.
 - 3. Accreditation: Courses must be taken from a fully accredited [as recognized by the

TUITION ASSISTANCE

Council for Higher Education Accreditation (CHEA), U.S. Department of Education (USDE) or both] college, university or trade school. The degree program, as well as the educational institution, must be accredited.

4. Non-Degree-Related Courses: Charges for a seminar program, workshop, non-credit course, or non-degree-related course are not reimbursable under this procedure.
- C. Course Approval: Employees must seek approval prior to enrollment when requesting reimbursement from the County. Human Resources must receive requests for tuition assistance ***no later than two weeks after the first day the course begins***. Applications approved and/or received after that time will not be considered.
1. Approval and Funding: Approval of the degree program and each course approval request will be contingent upon the concurrence of the employee's Division Director, Department Head, the Director of Human Resources, and the availability of Division budgeted funds.
 2. If the Application for Tuition Assistance is not approved by the Division Director or Department Head, the Division Director will advise the employee in writing as to the reason for the denial. The application with accompanying explanation will be forwarded to the Human Resources for inclusion in the personnel file.
 3. Alternate Funding: Intended courses of study must be otherwise unavailable under state or federal government sponsored programs.
 - a. 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.
 - b. Employees receiving other forms of non-reimbursable financial assistance such as scholarships, fellowships, grants, Veteran's benefits, etc. must disclose such assistance, and will be eligible for tuition expense reimbursement after the financial assistance has been applied to the tuition costs. Duplicate payment is not permitted.

A. Tuition Reimbursement:

1. The County will pay 100% of tuition expenses, up to a maximum of six credit hours per academic term, subject to the applicable tuition charge per semester credit hour as outlined below. An academic term is a portion of an academic year during which an educational institution holds classes (semester, trimester, quarter, short-term semester, self-paced learning, etc.).
2. Eligible Expenses

Tuition	Yes
Laboratory Fees (applicable to science/health related courses only)	Yes

TUITION ASSISTANCE

Instructional Materials	No
Fees (in excess of those specifically related to a per credit-hour tuition as defined under the State University System of Florida)	No
Online learning fees (in addition to online learning tuition)	No

3. Course Reimbursement: The amount of tuition reimbursed will be the lesser of:
 - The State University System of Florida average graduate or undergraduate (as applicable) tuition charge per semester credit hour; or
 - The actual per-credit charge for the relevant academic term (may reflect a negotiated 'partnership rate' specified by the educational institution for Collier County Government employees).
4. Grade Requirements: The employee must receive a grade of "C" or better (C, C+, B-, etc.) for undergraduate level courses to receive assistance. For graduate level courses, a grade of "B" or better (B, B+, A-, etc.) shall be required to receive reimbursement. Courses graded on a Pass/Fail basis will be reimbursed with receipt of "Pass".
5. Documentation: The employee must submit documentation including, but not limited to:
 - a. A certified transcript of course grades, mailed directly to the Human Resources Office.
 - b. A tuition payment receipt for each course.
 - c. A statement of disclosure regarding non-reimbursable financial aid (e.g. grants, scholarships, etc.)
 - d. Any other documents as deemed appropriate by the Human Resources Director to support the reimbursement request.
6. Disclosure: Employees shall disclose any other tuition aid received from government and/or other sources (e.g. non-reimbursable grants, scholarships, fellowships, etc.), and may submit a request for reimbursement of paid eligible tuition expenses not covered by such programs. Reimbursement will be determined with consideration of non-reimbursable financial aid which offsets actual tuition expense. Duplicate payment is not permitted under the terms of this Tuition Assistance procedure.
7. Falsification: Should the employee submit documentation which he/she knows is false or intentionally misleading, in order to receive benefits for which he/she is not entitled, the employee shall be:
 - a. denied reimbursement
 - b. precluded from further participation in the program, and
 - c. required to repay the County for all tuition reimbursement amounts received while in the County's employ.

The employee may also be subject to further disciplinary action, including, but not limited to, termination of employment.

TUITION ASSISTANCE

8. Classes and assignments are to be completed outside of regular working hours and should not interfere with the employee's work. Employees shall not use any space, personnel, equipment, or supplies of the County in the process of fulfilling any of the requirements of the coursework for which they are being reimbursed.
9. Unsatisfactory work performance during enrollment may result in forfeiture of tuition assistance.
10. Timely Submission: It is the responsibility of the employee to provide the Human Resources Department with all required materials for consideration of tuition reimbursement within 90 days of course completion. Excepting employees who have been absent from the workplace on an approved leave of absence, payment will be denied if documents are submitted after the 90-day requirement.
11. Separation: Should the employee separate from County service (voluntary separation or is discharged from County service) within 12 months following completion of coursework for which tuition assistance has been received, he/she shall reimburse the County for all tuition assistance received within the previous 12-month period (based on date of tuition payment). The County may deduct the reimbursable amount from the final paycheck in compliance with the Fair Labor Standards Act (FLSA).

§ 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.

WORK HOURS

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006; Revised: September 1, 2017)]

§ 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. Concept.

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 Division Director or designee 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 Director or designee 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, may be given during the workday. Non-exempt 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 paid daily fifteen-minute breaks, one in the first half of the work day and one in the second half of the work day, 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. Currency.

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

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WORK HOURS

§ 5345-4. 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.

RELOCATION EXPENSES

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006; Revised: August 7, 2019)]

§ 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. Division Directors, Department Heads or other hiring Supervisors may not negotiate or approve relocation assistance with any applicant. Requests for payment of relocation assistance must be reviewed and approved by the Human Resources Director, and Human Resources staff will communicate and negotiate relocation in conjunction with the employment offer process.
- B. Relocation expenses shall be paid only upon the recommendation of the Division Director, Department Head, and Human Resources Director.
- C. Approvals for reimbursement of expenses must be obtained prior to costs being incurred by the candidate/employee. If an individual is eligible to be reimbursed for a house-hunting trip, the approvals must be received prior to the trip occurring. Any expenses incurred prior to this process are ineligible for reimbursement.
- D. All recommendations for payment of relocation allowances must be made on the Request for Authorization of Relocation Expenses form.
- E. Any consideration of relocation assistance shall not exceed one month's gross base salary at time of hire. Assistance can be considered for amounts less than one month's salary, at the discretion of the Division Director. Payment of relocation is a taxable benefit to the recipient.
- 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 Resources Director and County Manager or their respective designees. In no instance will the total relocation allowance exceed the guidelines set forth in § 5346-2 E above.
 - (1) One house-hunting trip for the employee and/or one immediate family member (who is part of the household), which may include airfare expenses, hotel, car rental, mileage reimbursement (as outlined in the GSA), or other costs as approved prior to the trip occurring. Per-diem for meals is not an eligible expense.
 - (2) Movement of household goods.

RELOCATION EXPENSES

- (a) The employee must secure estimates from three reputable movers or rental companies with national affiliations. These should be comparable quotes in terms of weights of items to be moved and services to be rendered (full house packing, vehicle shipment, etc.)

Once secured, the estimates must be submitted to the Human Resources Division in advance of the move. The employee must work with the lowest priced vendor whenever possible. Requests to work with another vendor must be submitted in writing to HR and may be considered on a case-by-case basis. HR will make the final approval for these types of requests.

- (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/or family (immediate members of the household only) to Collier County. Mileage will be paid in accordance with the allowable rates published by the GSA for relocation at the time of the move.
- (5) Per-diem for meals is not an eligible expense.

- G. Reimbursements for approved relocation expenses will be paid only after receipt by the Human Resources Division of appropriate documentation. The County will reimburse eligible employees for legitimate expenses incurred in relocation in the manner set forth in this procedure. The County may also provide direct payment to contractors. Requests for relocation assistance must be submitted for processing within six months of the date of employment, unless approval has otherwise been granted in writing.
- H. Employees receiving relocation expenses will be required to sign an agreement stating that he/she will repay the relocation expense should he/she voluntarily separate from County employment within two years from the date relocation assistance is paid.

§ 5346-3. Currency.

The Human Resources Division 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 2

COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS

Relocation Agreement

In accordance with this signed agreement, I _____, agree to repay the 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.

I will submit all required estimates to the Human Resources Division in accordance with this policy and understand that failure to do so will result all or part of my expenses being ineligible for reimbursement. I understand that this is a taxable benefit and that the appropriate withholdings will be calculated at time of processing.

I understand that requests for relocation reimbursement must be submitted to the County within six months of my date of employment, unless other written approval has been granted.

This Agreement does not in any way constitute an employment contract between myself and the Collier County Board of County Commissioners.

Print Name

Signature

Date

Human Resources Representative

Date

RELOCATION EXPENSES
CMA 5346 Attachment 1

COLLIER COUNTY GOVERNMENT
REQUEST FOR AUTHORIZATION OF RELOCATION EXPENSES

REQUEST: Name: _____ Request Date: _____
Division: _____ Department: _____
Position Title: _____ Pay Grade: _____
Annual Salary: \$ _____ Monthly Salary: \$ _____
Billing Cost Center: _____ Maximum Reimbursement*: \$ _____

Justification for reimbursement of relocation:

**Not to exceed one month salary*

Employee is relocating from (City, State): _____

Estimated Mileage to new residence: _____

This request is necessary for the following reasons (please check all that apply):

- ☐ Skilled professional, technical or supervisory role ☐ Hard to Fill
☐ Limited local applicant pool ☐ Time Vacant (enter in months) _____
☐ Other (please specify): _____

Relocation allowance for:

☐ Employee and/or ☐ Family

Check all that apply:

- ☐ House hunting trip
☐ Movement of household goods
☐ Storage of household goods and personal effects for one month or less
☐ Transportation/travel expenses for movement of employee and dependents to new location.

Recommended mode of transportation for household goods and personal effects:

Three quotes to be provided to Human Resources in advance of costs being incurred

☐ Common carrier ☐ Rental Vehicle ☐ Either

Department Approvals:

Division Director: _____ Date: _____

Department Head: _____ Date: _____

FINAL APPROVAL: ☐ The above request is not approved.

☐ The above request is approved for an amount not to exceed: \$ _____

Human Resources Director: _____ 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; Revised: September 1, 2017)]

§ 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 Division Director but not including contract employees are stated in CMA 5351, Discipline.

§ 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.
 - (1) Level One: The employee should reduce his/her concerns to writing for presentation to his/her Division 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 Division Director to the Human Resources Director. The Division 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 Division Director prepares

COMMITMENT TO FAIR TREATMENT

his/her answer. If the employee is dissatisfied with the Division Director's answer or the answer is not received within the specified time period, the employee may appeal the action to the Department Head as provided in Level 2.

- (2) Level Two: The employee may appeal by submitting the original document, the Division Director's response and any additional comments to his/her Department Head 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 Division Director's response. The Department Head 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 Department Head 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 Department Head'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 Division Director level and equivalent and contract employees are not eligible to use this procedure.
 - (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

COMMITMENT TO FAIR TREATMENT

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 Division. 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 Division 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 Division is responsible for maintaining the currency of this Instruction.

§ 5350-5. Reference.

Collier County Personnel Ordinance, Ordinance No. 2001-50: Commitment to Fair Treatment

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; Revised September 1, 2017)]

§ 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 Division Director. Division Directors, as well as Fire Chiefs; Chief – EMS; Deputy Department Heads; Department Heads; County Attorney; Deputy County Attorney; Deputy County Manager; Executive Coordinators 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 Division 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 Division 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 Division Director, who

DISCIPLINE

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 Division 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 Division 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 Division 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.

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

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- (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 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 Division Director and the assigned HR Generalist. Final decisions regarding discipline are the responsibility of the Department Director. The signatures of the Supervisor, Division 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 Division 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 Division.
- (3) **Suspension:** An employee may be suspended without pay by his/her immediate supervisor with the prior approval of the Division Director and upon consultation with the assigned HR Generalist. Suspensions may be recommended for reasons provided in the Code of Ethics/Standards of Conduct¹ 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 Division 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, Division Director, and Human Resources Director or his/her designee before it is issued to the employee. The supervisor and/or the Division 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 Division 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

¹. Editor's Note: See CMA 5311, Code of Ethics and Anti-Fraud, and CMA 5311.1, Standards of Conduct.

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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 Conduct. As noted in the Code of Ethics/Standards of Conduct,² 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 Division 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 Division 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 Division Director or the Human Resources Division 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 Division. 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

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

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Resources Director or his/her designee and will usually be a Department Head, Division 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 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

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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 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

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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.
 - (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

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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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[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; Revised: August 16, 2019)]

§ 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 – See CMA 5904
- Sick Leave Bank Program
- Vacation Leave
- Vacation Sell Back Program – See CMA 5301
- Compensatory Leave
- Paid Holidays
- Bereavement Leave
- Military Leave/Civil Duty Leave
- Personal Leave
- Service Award Leave
- Administrative Leave

Other Paid and Unpaid Absences

- Emergency Pay
- Community Service
- Workers' Compensation
- Domestic Violence Leave
- Paid Personal Leaves 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

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taken without pay.

- (b) When an employee officially begins and ends an approved leave of absence from the County (Military, Workers' Compensation or personal), whether paid or unpaid, in addition to the employee submitting a Request for Leave Form to their division, all required documentation regarding the leave of absence should be submitted to the Human Resources Division for processing. In certain cases, Human Resources staff will initiate these documents for processing and will communicate the status to the appropriate parties, including the Division Director.
 - (c) All leaves of absence with pay shall be recorded on the daily attendance records and noted on payroll forms. Division Directors are responsible for maintaining records, verifying compliance with this procedure, and monitoring its application.
 - (d) An employee may 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.
- (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 Collier County 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, seasonal, variable-hour and intern employees do not receive sick leave accrual nor is service as a temporary employee credited upon transfer to regular full- or part-time employment. These employees will retain their original date of hire when transferred to regular employment but will receive

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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 fifteen-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] Regular employees who submit a leave request and get supervisory approval may take up to one hour of paid time per occurrence (inclusive of travel time to/from the work location) for appointments at the County's MedCenter without incurring sick leave. Any time beyond this first hour will be recorded as sick leave, subject to availability. This does not include visits with Emotional Wellness staff or to participate in the Telehealth program. Employees may be required to provide proof of attendance for MedCenter appointments to management.
 - [d] 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, step-mother, step-father, step-brother, step-sister, biological, foster or adopted children or a close relative living with the employee.)
 - [e] Employees who apply for and are approved to use Family Medical Leave (FMLA) to care for the serious illness and/or disability of a qualified family member (employee's spouse, child, or parent, as provided by law) are permitted to use accrued sick leave with no restrictions for the duration of FMLA leave period only.
 - [f] 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 sick leave as a new employee. In the event of service breaks of fewer than 30 days, the employee's sick leave balance at the time of separation will be reinstated, unless the employee was eligible to be paid for sick leave under the provisions of this CMA.
- [3] Review of Sick Leave Usage:

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- [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 Division 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. All medically-related documents may not be retained in the department/division and must be forwarded to Human Resources for inclusion in the confidential medical file.
- [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 Division Director must notify the Risk Management Division 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.

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- [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**

Years of Service	% Paid at Separation
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] 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 eligible 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

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this practice, as well as CMA 5904, Retiree Health Insurance Premium Subsidy Program.

(f) Retiree Health Insurance Premium Subsidy Program – See CMA 5904

(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 Division 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:

Sick Leave Used During Year	Incentive
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 Division 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 Sick 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. Information regarding the Retiree Health Insurance

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Premium Subsidy Program can be found under CMA 5904.

- (h) Sick Leave Bank Program - 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.

- [1] Eligibility Requirements: To join the Sick Leave Bank, an employee must meet the criteria listed below.

- [a] An employee must contribute at least eight hours of accrued leave in order to participate in the Sick Leave Bank program.

- [b] Be a Regular Full-time or benefits eligible Regular Part-time employee who has Short Term Disability Benefit coverage from the County.

- [c] Successfully completed his/her initial six-month probationary period.

- [2] Requesting Sick Bank Hours: There is a six-month waiting period after joining the Sick Leave Bank before an employee can apply for leave hours. To request hours from the Sick Leave Bank Program, the following conditions must be met:

- (a) Must be a member of the Sick Leave Bank for at least six months.

- (b) May not be receiving payments from Workers' Compensation.

- (c) Application Process: In order to receive time from the Sick Leave Bank, an employee must do the following:

- (1) Apply and be approved to receive short-term disability benefits.

- (2) Must complete a Sick Leave Bank Withdrawal Form and submit it to his/her Division Director for signature and approval.

- (3) Once approved by the Division Director, the form must be submitted in writing to the Human Resources Director or his/her designee, who will review and determine the employee's eligibility based on the criteria in this instruction.

- (3) Using Sick Leave Bank Hours

- (a) If approved, the employee will receive hours from the Sick Leave Bank to supplement payments received from short-term disability.

- (b) Sick Leave Bank hours will be paid up to 26 hours per pay period at the employee's base rate of pay.

- (c) Employees who have elected the basic short-term disability (STD) coverage at 40% of their basic income will be allowed to supplement the short-term disability coverage and Sick Leave Bank coverage with hours from their leave time accruals if they so desire. Employees who have elected the select short-term disability coverage at 66 2/3% of their basic income will

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not be allowed to supplement from their leave time accruals unless they are not an active Sick Leave Bank member.

(d) Employees who are working a reduced schedule due to an illness, accident, or disability may apply for Sick Leave Bank benefits. If 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 Divisions and, if approved, the Sick Leave Bank would match the hours worked up to thirteen (13) hours per week. In addition, employees receiving medical treatments that temporarily incapacitate their ability to work a normal schedule, may apply for benefits from the Sick Leave Bank, not to exceed thirteen (13) hours per week. These requests will be handled on a case-by-case basis.

(4) Routinely, the Human Resources Division will review the Sick 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) Use of leave bank time shall not exceed ninety (90) calendar days during any rolling twelve-month period.

(6) Upon requesting hours from the Sick 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.

(7) As long as an employee is in pay status, the County will maintain its contribution to the health insurance program for the employee.

(8) Employee donations to the Sick Leave Bank will not impact their eligibility for the Sick Leave Attendance Incentive Program.

(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, seasonal, variable-hour or intern employees are not entitled to vacation benefits.

(b) **Accrual of Vacation Leave:**

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- [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:

Years of Employment	Hourly Accrual Rate
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 of 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 Collier County 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, seasonal, variable-hours or intern 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 Department Head 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.
- [2] The County must have the services of that employee for a period of time that

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would preclude the use of vacation and cause the employee's accrued leave to exceed 440 hours.

- [3] 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 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)(l), Vacation Sell Back.

(i) Scheduling Use of Vacation:

- [1] All requests for vacations must be approved by the Division Director in advance of the vacation, when possible. The Division Director shall make provisions annually for scheduling vacation in such a way that it will not impair the efficient operation of the division. The Division Director's determination of the schedule shall be final.
- [2] The Division 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 division.
- [3] A Division 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 division.
- [4] The minimum charge for vacation leave shall be in fifteen-minute units.

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[5] Vacation may not be taken until earned and recorded by payroll.

(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.
- [6] The County reserves the right to retain any monies owed for tuition assistance, training and/or education, relocation expenses, uniforms, or County issued supplies/equipment from employees separating from service.

(l) **Vacation Sell Back – See CMA 5301**

(4) **Compensatory Leave:**

- (a) Accumulated but unused compensatory time will be paid out to non-exempt employees at the end of the calendar year, if they transfer from a non-exempt to exempt position and, if applicable, upon separation.
- (b) 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.
- (c) The minimum charge for compensatory leave shall be in fifteen-minute units.
- (d) Exempt and nonexempt employees may accrue up to 240 hours of compensatory time in each calendar year.
- (e) Requests for compensatory time must be submitted in writing on the request for leave form and must be approved by the Division Director and/or the Department Head.
- (f) The County Manager, Deputy County Manager, Department Head, Division Director, or their designees, may require an employee to use accrued compensatory

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time at any time.

- (g) The County Manager may approve exceptions to the compensatory time procedure on a case-by-case basis.

(5) Holidays:

- (a) Observed/Recognized 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) Weekend Holidays: When holidays fall on a Saturday or Sunday, the Human Resources Director or his/her designee, with the approval of the County Manager's Office, will designate the day on which holiday pay will apply.

(c) Holiday Payment:

- [1] Employees will be compensated for holidays on the basis of their regular straight-time rate based on the work schedule assigned for that workday.
- [2] When the holiday falls during an employee's regular work schedule, and the employee receives paid time for his/her absence on the observed/recognized holiday, the holiday shall count as productive time when computing overtime pay for that workweek.
- [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 Division Director, it becomes necessary to require employees to work on an official (County observed/recognized) 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 division 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 Director, lose holiday pay for the number of

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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 the County observed/recognized holiday and/or the calendar holiday, he/she will be compensated for the hours worked on those days at a rate of 1 1/2 his/her hourly rate of pay.
- [5] If the County observed/recognized 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 division during that work week. 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] Regular full-time employees assigned to a 24-hour schedule will receive 12 hours of straight time pay for each of the observed/recognized holidays. This pay does not count as productive time when computing overtime pay for that work week. (See section 4 above for hours worked on observed/recognized holidays and calendar holidays)
- [7] 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).
- [8] 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 category 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 matters related to a death of an individual as covered in this section under (6) (c), as well as 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; brother; sister; biological, adopted or foster children; grandchildren; grandparents;

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aunt; uncle; niece; nephew; those who are in-laws or step-family equivalents of those family members listed above 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 individual/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 provisions outlined under the sections on vacation, personal leave or compensatory time.
- (7) Military Leave/Civil Duty Leave:
- (a) Reserve and National Guard Training: Any 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 be in accordance with the Florida Statutes. 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 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, as required by USERRA, Chap 43 of Title 38, USC. 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. If applicable to their job status, 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) Public Health and Medical Services Support: A regular-full time employee who is a member of the National Disaster Medical System (NDMS) and who is ordered to engage in annual field training or active duty, shall, upon presentation of a copy of official orders, be granted Administrative Leave with pay.

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When the NDMS is activated to provide health and other services to respond to victims of a public health emergency or to be present at locations at risk of a public health emergency (which, for example, may include activations in response to a disaster, major emergency, and special event) or when NDMS employees are activated to participate in a Federal exercise or other official training, these personnel fall under the employment and reemployment rights provisions of chapter 43, title 38 of the U.S. Code (Uniformed Services Employment and Reemployment Rights Act) (USERRA). Personnel must report back to work for the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and safe transportation home, plus an 8-hour period for rest. The Act also ensures that, for authorized activations and training, team employees are not required to take annual leave by their employers.

- (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 be 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 fifteen-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 other sections of this CMA, subject to attaining approval from the employee's Supervisor in advance. Staffing requirements and the ability to serve the public shall be considered in approving the leave request.
- (9) Service Award Leave: Eligible full- and part- time employees are provided with Service Award Leave time in accordance with County Resolution 2001-301, County Employee Service Award Program.
- (10) Administrative Leave:
 - (a) When determined to be in the best interest of the County, the County Manager, Deputy County Manager, Department Head/Deputy Department Head or the Division Director may place an employee on administrative leave with or without

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pay. This includes, but is not limited to, Federally- or State-declared emergency situations where County employees are called to provide mutual aid.

- (b) Administrative leave may be utilized for the time frame before and/or after a 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 Division Director shall coordinate this action with the Human Resources Director or designee.
- (11) 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.
- (12) Community Service:
- (a) Regular, full-time employees may, at the discretion of the Division Director and/or Department Head, 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 scheduled and noticed local community events and programs. These events include but are not limited to: volunteering at a school function, participating in structured mentoring program, working at a non-profit event.
 - (b) This leave will not be charged against any other accrued leave balance. Community service hours shall not exceed eight hours per month per employee.
- (13) Workers' Compensation Leave: It is the practice 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, and temporary) as well as volunteers/interns shall be entitled to Workers' Compensation leave benefits when a claim has been determined compensable.
- (a) Notification and Proof of Absence from Work:
- [1] Employees who are injured on the job must immediately report the injury to their supervisor, and complete the necessary electronic record keeping process through Risk Management to document the incident.
 - [2] Employees are responsible to notify their supervisor of their work status. Employees who are being treated for a claim under Workers' Compensation are required to submit to their supervisor, prior to the start of their next regularly scheduled shift, a Florida Workers' Compensation Uniform Medical Treatment/Status Reporting Form (Form DWC-25) received from the authorized treating physician. This document provides the necessary information related to the assessment of the injury, functions and job-related limitations the physician recommends.
 - [3] In accordance with CMA #5801, an employee found by the authorized treating physician to be able to work with restrictions will be provided with a temporary,

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modified “transitional” duty assignment by his/her supervisor.

- [4] If an employee is determined by the authorized treating physician to be unable to work, the employee is required to adhere to the authorized treating physician’s treatment plan, and provide their supervisor the most recent issue of the previously mentioned DWC-25 form, prior to the start of their next regularly scheduled shift. Timely notice to the supervisor is mandatory. The supervisor must then immediately notify Risk Management of the employee’s non-work status.
- [5] Failure to provide timely notice may be cause for denial of Workers' Compensation leave pay for that period of time.
- [6] More restrictive requirements may apply within specific departments/divisions. It is the employees' responsibility to be trained and follow specific guidelines as to each department's/division’s practices.
- [7] The Division Director is responsible for communicating this practice and determining that Workers' Compensation leave is properly authorized and used in accordance with these guidelines. This will include maintaining complete attendance records on any employee who has filed a Workers’ Compensation claim, including days, dates and hours of Workers' Compensation leave taken.
- [8] When leave is required relating to a compensable Workers' Compensation claim, leave shall be recorded accurately on time cards, leave slips and in the County’s timekeeping system.

(b) Missed Full Days/Shifts Due to Injury: 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 determined to be unable to work (temporarily totally disabled) by the authorized treating physician, 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) absence are without pay.

[a] Collier County allows the affected employee to use accrued leave time to remain in paid status during the waiting period, as well as during subsequent periods involving the same compensable injury when they are eligible for TTD.

[b] To initiate the process, the eligible employee must complete the County's Workers' Compensation Supplemental Selection Form and submit copies to the Risk Management Division, their division timekeeper and the Human

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Resources Division. The supplement will remain in place until the employee moves to transitional or full duty, or all his/her authorized accrued leave has been exhausted. Employees are responsible to notify the appropriate parties if they no longer wish to supplement Workers' Compensation payments.

- [3] Payment of wage loss benefits according to Florida Statutes, Chapter 440, start at 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 incurred a job-related injury/illness has been released to return to work for less than a full work day/shift 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 must work with Risk Management and the County's TPA to submit documentation 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] Employees may leave their work assignments, after notifying their supervisors, to seek medical services for work related injury/illness including, but not limited to, initial medical evaluation, doctor appointments, physical therapy, occupational therapy, diagnostic services and x-rays/scans. Employees shall be paid regular pay for the hour(s) of leave deemed by the County's Risk Management division as reasonable and customary for the services being rendered. 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 immediately following the treatment.
 - [f] The department/division may request scheduling of certain types of medical services to be performed at particular times to meet the needs of the business unit. Future appointments should then be requested of the provider by the employee to meet those needs. The employee and Supervisor should discuss any conflicts.
- (14) 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 rolling 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

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without pay. 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 Division 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.

(15) Other Leaves of Absence:

- (a) Regular full- and part-time employees may request a Leave of Absence from County service when other types of leaves do not apply to their particular situation.
- (b) Before granting a leave of absence under this section of the CMA, the County should expect that the employee will return to duty and that at least one of the following benefits will result:

- [1] increased job knowledge

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[2] retention of a desirable employee

[3] an interest of the County is served

- (c) A leave of absence, with or without pay, may be granted subject to any applicable requirements of the Americans with Disabilities Act or any other applicable state or federal laws.

[1] A leave of absence is a temporary absence from work of more than thirty (30) but not to exceed ninety (90) days. This leave shall require prior approval of the Division Director, Department Head, Human Resources Director and the County Manager or designee.

[2] 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.

- (d) Employees cannot demand a leave of absence as a matter of right. Leaves of absence under this category are granted solely at the discretion of management.
- (e) 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 an approved leave of absence shall be terminated.
- (f) While the County will make reasonable efforts to return the employee to his or her original position upon return from 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 from the date the employee qualifies to return to work, the employee may be separated from employment.
- (g) Any new employee hired to replace an employee on an approved leave of absence may 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 employees on an approved leave of absence are expected to report any change of status in the time needed for leave, or the date to return to work, to their Division Director and Human Resources representative, or the County's representative, as soon as possible.
- (i) Request for a Leave of Absence after exhausting FMLA Leave:

[1] Subject to any applicable requirements of the Americans with Disabilities Act or any other applicable state or federal laws, the County will engage in the interactive process with the employee who exhausts all approved Family Medical leave (FMLA) time to determine if additional leave can be granted.

[2] Care will be taken to determine the appropriate amount of leave time to be granted to a requesting employee, consistent with Federal, state or local law, which will then be approved by the Human Resources Director.

[3] Employees who fail to return to work at the end of the approved leave of absence

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period may be subject to termination in accordance with County policy.

- [4] An employee may remain in paid 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 unpaid status.
- (j) For a leave of absence for the employee's own illness or injury (when he/she does not qualify for FMLA leave), accumulated sick leave must be exhausted before the employee may use any other type of accumulated leave time, whether to remain fully paid or supplement disability payments. At such time as all accumulated leave time has been depleted, the employee will be moved to a leave of absence without pay status.

§ 5360-3. Currency.

The Human Resources Division 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; Revised: December 31, 2018)]

§ 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.

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; 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

FAMILY AND MEDICAL LEAVE BENEFITS

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 refers to the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the State in which the marriage was entered into.

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,

FAMILY AND MEDICAL LEAVE BENEFITS

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. Employees must contact the Third-Party Administrator to file an FMLA claim.
- (d) The Third-Party Administrator 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 to the Third-Party Administrator 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 Third-Party Administrator, in conjunction with 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 separate 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. 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 or appointments 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.

[1] If on family leave without pay, the employee will be responsible for

FAMILY AND MEDICAL LEAVE BENEFITS

continuing to make monthly contributions as determined by the Risk Management Division, if any, which are normally made by payroll deduction.

- [2] 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.
 - [3] 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 Third-Party Administrator as soon as possible. Status changes will be communicated from Human Resources to division 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 shall run concurrently with FMLA leave. Approved light duty assignments that involve intermittent leave shall be applied to an employee's available family medical leave.
 - (o) The employee must immediately contact the Third-Party Administrator when requesting family medical leave or if an FMLA-qualifying event occurs.
 - (p) 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 work weeks 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 will be reviewed by the Division Director and Department Head, with final approval being determined by the Human Resources Director or his/her designee. 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 sick leave balance, employees must use this time to remain in paid status during this absence.

FAMILY AND MEDICAL LEAVE BENEFITS

- (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.

§ 5361-3. Currency.

The Human Resources Division 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.

OUTSIDE EMPLOYMENT

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised April 1, 2006; Revised: August 7, 2019)]

§ 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 who expect to engage in any outside employment shall, before commencing any such employment, request approval by their Division Director, Department Head and the Human Resources Division in writing through submittal of a Request for Outside Employment form.
 - (a) Requests for outside employment must be renewed annually.
 - (b) Employees who fail to notify their Division Director or Department Head of outside employment may be subject to disciplinary action up to and including discharge.
- (2) Employees may engage in outside employment, including self-employment, as long as the job does not compete, conflict with or compromise the County's interest, or adversely affect an employee's job performance and the ability to fulfill all responsibilities to the County.
 - (a) Employees are prohibited from performing any services for customers on non-working time that are normally performed by County personnel.
 - (b) Employees may not use County equipment or tools to perform a non-County job.
- (3) 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.
- (4) Approval will not be granted for outside employment requests when the request involves working for an organization that does business for or with the County (contractors, suppliers and/or customers); or violates County policy or the Conflicts of Interest Law (Section §112, *Florida Statutes*).
- (4) Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If outside work activity does cause or contribute to job-related problems, such employment must be discontinued and, if necessary, normal

OUTSIDE EMPLOYMENT

disciplinary procedures will be followed to deal with the specific problems.

- (5) 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.
 - (6) Employees who have accepted outside employment are not eligible for paid leave when the absence is used to work on the outside job. Fraudulent use of leave will be cause for disciplinary action up to and including termination of employment.
- 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 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 Division 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.

REQUEST FOR OUTSIDE EMPLOYMENT

Employee Legal Name		
SAP ID Number		
County Position Title		
Start Date in County Position		
Name of Outside Employer		
Outside Employer Address	Outside Employer Phone #	
Outside Employment Position Title		
Days of week worked in outside employment		
Scheduled Hours		
Outside Employment Duties and Responsibilities		
Will this employment conflict in any way with your ability to perform in your County position, or with the provisions of the County's Code of Ethics? (CMA 5311) Yes: ☐ (if yes, please explain below. This will be reviewed to determine if approval is possible) No: ☐		

I have read, understand and will abide by the County Manager's Administrative Practice and Procedure, CMA 5380, Outside Employment.

SIGNED BY:

(Employee's Signature)

Date

APPROVED BY:

Immediate Supervisor

Date

Division Director/Chief

Date

Department Head

Date

Human Resources Division Director

Date

EMPLOYMENT OF RELATIVES/ANTI-FRATERNIZATION

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 19, 2007; Revised: August 20, 2007; Revised: January 2, 2019)]

§ 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 Department Head level and the other individual is employed within the same department. This policy includes all definitions of job status, including regular, temporary, job bankers and interns.¹

- 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 department when the other employee is a Department Head 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

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.

EMPLOYMENT OF RELATIVES/ANTI-FRATERNIZATION

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 Department Head may make a recommendation to the Human Resources Division 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 Division 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 Division 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).

EMPLOYMENT VERIFICATION

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006; Revised: January 2, 2019)]

§ 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 Division. Inquiries received by operating departments must be referred to the Human Resources Division.
- B. Information provided by the Human Resources Division 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 Division. 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 Division 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: April 30, 2018)]

§ 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. All recruitment, selection, placement, promotion, transfer, training, layoff and staffing reduction decisions will be based solely on 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 routinely 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 Division Director, Department Head or a representative from the Human Resources Division. The employee may also utilize the Commitment to Fair Treatment Procedure.

§ 5383-3. Currency.

The Human Resources Division 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 administered without regard to race, color, religion, sex, age, national origin, physical or mental handicap, or marital status.

INTERVIEW EXPENSES

[Effective Date: March 22, 1999 (Revised October 1, 2001; Revised: October 1, 2003; Revised: April 1, 2006; Revised: August 7, 2019)]

§ 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 and submitted by the hiring supervisor with approval by the Division Director, Department Head 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. Recommendations for reimbursement of interview expenses may only be considered for approval after the satisfactory completion of a telephone, online or similar first round interview. With prior approval of the County Manager's Office, multiple interview trips may be reimbursed.
- E. Reimbursement requests must be itemized on the Interview Expense Pre-Approval/Reimbursement Form and submitted to the Human Resources Division, along with all applicable receipts.
- F. Requests for payment of interview expenses must be submitted to the Human Resources Division within 60 days of the on-site interview and include all applicable information. After approval is received, the requesting division must request a Purchase Order be issued.
- G. Expenditures related to this policy shall be paid out of the requesting division's budget.

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INTERVIEW EXPENSES

- H. Travel expenses shall be consistent with the limits set forth for County employees under the U.S. General Services Administration (GSA).

§ 5384-3. Currency.

The Human Resources Division 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 EXPENSE
PRE-APPROVAL/REIMBURSEMENT FORM**

*Reimbursement of interview expenses must comply
with County Administrative Procedure 5384 - Interview Expenses*

Name:	Social Security Number:
Position Interviewed:	Date:
Dept/Div:	Cost Center #:
Travel From:	# Miles to Naples:

PRE-APPROVAL

Estimated Expenses:

Airfare	\$
Mileage	\$
Rental Car	\$
Hotel (# nights: __)	\$
Other*	\$
Total Estimated	\$

REIMBURSEMENT APPROVAL

(Please attach original receipts.)

Actual Expenses:

Airfare	\$
Mileage	\$
Rental Car	\$
Hotel (# nights: __)	\$
Other*	\$
Total Actual	\$

**If "Other" expenses please specify here:*

PRE-APPROVAL

Supervisor

Division Director

Department Head

Human Resources Director

REIMBURSEMENT APPROVAL

Supervisor

Division Director

Department Head

Human Resources Director

***After final approval by the Human Resources Director, requesting division must request a
Purchase Order for reimbursement***

RECRUITMENT AND SELECTION

[Effective Date: February 25, 1999 (Revised: October 1, 2001; Revised: October 1, 2003; Revised April 1, 2006; Revised: August 20, 2007; Revised: August 16, 2019; Revised: October 6, 2023)]

§ 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 Division 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 vacancies, including any regular, temporary, full- or part-time position, shall be made to the Human Resources Division.
- (2) Posting language must be submitted for each vacancy.
- (3) Temporary/Job Bank County Staffing:
 - (a) Temporary assistance may be required for limited periods of time to handle workloads during peak periods of high volume, extended absences, seasonal programs, or other emergencies. These will be limited to positions classified as non-exempt (hourly) in the County's Pay and Classification Plan and may not include supervisory or managerial functions.
 - (b) Departments/Divisions must recruit externally to fill for temporary/job bank workers.

B. Recruitment:

- (1) Receipt of a completed and approved Personnel Requisition is the first step to recruit for a position opening. Position opening will be advertised in accordance with the weekly deadlines set by the Human Resources Division.
- (2) Posting Bulletin:
 - (a) The Human Resources Division prepares the Posting Bulletin, which is utilized to announce job vacancies.

RECRUITMENT AND SELECTION

- (b) The posting period for new or reposted vacancies will be a minimum of seven calendar days, beginning on Friday and ending the following Thursday. Exceptions to the posting period may be granted only by the Human Resources Division Director, their designee or by the Office of the County Manager.
- (3) Advertisement:
 - (a) Position vacancies shall, when appropriate, be advertised in external print or electronic media to ensure a sufficient pool of qualified applicants.
 - (b) All advertisements posted in external publications are to be coordinated through the Human Resources Manager/representative or their designees.
 - (c) Departments/Divisions will be responsible for payment of external advertisements. When recruiting through external sources, applicants must be directed to submit applications directly through the County's website. Coordination in advance of the advertisement placement is required through the appropriate Human Resources contact.
 - (d) All advertising will include a statement that the County is an equal employment opportunity employer, provides a drug-free workplace, and provides for veterans' preference for eligible positions.
 - (e) Recommendations to fill a position will not be made until the posting period has ended.
- (4) Career Development Opportunities for Current Employees:
 - (a) For an employee to receive preference during the internal posting period, current employees (regular full- and part-time only) applying for positions outside their own division must be in their present position a minimum of six (6) months and have no suspension or demotion Behavior Action Plans on file with HR for the past six (6) months. If an employee is applying for a position within their division, only the probationary period prerequisite is waived. The Division Director and Department Head may approve exceptions, with concurrence from the Human Resources Director. Preference for internal postings does not guarantee an interview, only that a Division will receive the application for consideration if the employee meets the minimum position requirements. Employees may apply for more than one internal posting at any given time.
 - (b) Current employees (regular full- and part-time only) can apply to any external posting. To be referred for consideration, employees must have no suspension or demotion Behavior Action Plans on file with HR for the past six (6) months. Employees who have Veteran's Preference, as defined in Florida Statutes, will be referred if they meet minimum position requirements, regardless of disciplinary status. Application to an external posting does not guarantee an interview, only that a Division will receive the application for consideration if the employee meets the minimum position requirements.

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- (c) Preference is afforded based on an employee's status at the time the application is received.
- (d) Employees who are on a medical leave at the time of application must have appropriate clearance from their treating physician before participating in the interview process.
- (e) Employees may be required to use leave time for the period when they are absent from the workplace to interview for other County positions.

C. Application for Employment:

- (1) Completed applications for vacant positions (including resumes and other relevant attachments) will be accepted for authorized posted positions until the position closes.
- (2) Completed applications for any position vacancy must be made by electronic submission. Applicants requiring assistance with the process may contact the Human Resources Office at 239-252-8460.

D. Candidate Referrals and Interviews:

- (1) Screening for minimum qualifications and eligibility requirements, including equivalencies, will be completed by representatives of the Human Resources Division.
- (2) Hiring Departments/Divisions are encouraged to utilize the assistance of Human Resources staff in developing effective and valid interview and assessment activities to be consistently applied to each applicant. The Human Resources Division must coordinate the administration of various tests designed to measure a candidate's job skills, aptitude, and potential for successful work performance.
- (3) A representative of the Human Resources Division should be present for interviews at the level of Division Director or above and may be present at other employment interviews by Division request.
- (4) To ensure fairness for all candidates in the interview process, hiring Divisions should review the referred list carefully and report any conflicts of interest to Human Resources. (See CMA 5381, Anti-Fraternization and Employment of Relatives)

E. Candidate Recommendations:

- (1) All selection recommendations must be based on valid job-related criteria applied consistently to all applicants. The job description should be utilized for development of an appropriate interview and selection process. Recommendation reasons should consider, but not be limited to, the following:
 - (a) Veterans' Preference
 - (b) Previous job experience, related directly to the position for which a candidate is being considered.
 - (c) Existence of preferred qualifications, licenses and/or certifications.

RECRUITMENT AND SELECTION

- (2) The County Manager shall approve all Division Director appointments. The Board of County Commissioners shall approve the appointments of Deputy Department Heads and Department Heads.
 - (3) The hiring manager of the requesting Division shall not make any job or salary offer to an applicant. After the interviews have been completed, all documentation from the selection process must be provided to Human Resources, and the interviewer(s) will inform the applicant that further communication regarding the selection process and the applicant's status will be conducted by the Human Resources Division.
 - (4) Once the selection documentation, interview notes, other materials and recommended selection has been received by Human Resources, the following shall take place:
 - (a) The Human Resources Division Director or his/her designee will review and approve the selection, at which time a contingent offer will be extended. References and background screenings will be conducted only by the Human Resources Division.
 - (b) Upon satisfactory completion of post-offer screening, Human Resources will contact the candidate with his/her start date and finalize hiring documentation.
 - (c) If Human Resources does not concur with the recommendation of the requesting division, a representative of the Human Resources Division shall meet with the Division Director or Department Head to further discuss the qualifications of the applicant for the purpose of arriving at a consensus decision.
 - (8) Employees chosen to fill a vacancy within the County will move to their new position within 30 calendar days from the time of offer acceptance and may not be retained by their former Division beyond that period. Exceptions may be granted by the Human Resources Director based on business needs/requirements. Effective dates should correlate with the beginning of a pay period or pay week; exceptions may be granted by the Human Resources Division Director or their designee.
 - (9) External hires and rehires will be required to start on a date that corresponds with the County's New Hire Orientation process.
- F. Pay Guidelines – all position offers will be in accordance with the guidelines provided in CMA 5341, Compensation Administration.
- G. Post-Offer Screening: An offer will be extended contingent on an applicant/internal candidate passing all applicable post-offer testing.
- (1) Based on area of assignment, screening may include, but is not limited to: employment verification, motor vehicle record checks, statewide and national criminal conviction background checks consistent with requirements of federal and state law enforcement agencies, fingerprinting (for all County jobs), certification and educational checks.
 - (2) Physicals:
 - (a) Applicants for designated positions shall be required to have a post-offer physical

RECRUITMENT AND SELECTION

prior to their reporting to work.

- (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 their personal physician and/or an outside specialist in lieu of the physical being performed by the designated health provider.
 - (c) Post-offer drug testing will be coordinated by the Human Resources Division, in accordance with CMA 5312, Drug-Free Workplace Procedure. Individuals who fail post-offer drug testing will be barred from consideration for one (1) year from the date of the failed test.
- H. Veterans' Preference: Collier County complies with all requirements outlined in §295.07 of the Florida Statutes. As such, when a determination is made by a hiring panel that a Veterans' Preference-eligible candidate is not being selected, a higher level of management, having authority to overturn the initial selection recommendation, shall review and concur with the determination.
- I. Applicant Disqualification
 - (1) Incomplete applications will be disqualified from consideration. No application changes to a candidate's work history will be permitted once a submission is received by the County.
 - (2) Fraudulent conduct, false statements or omission of information by an applicant may be deemed cause for the exclusion of such application from consideration. Current employees who knowingly omit or submit false information in any application or examination may be subject to disciplinary action, up to and including discharge from County employment.
 - (3) To be considered for rehire, employees must have left County employment in good standing. Those who failed to provide sufficient notice (two weeks or more), will be disqualified from consideration for re-employment with Collier County for a period not to exceed two (2) years. An employee who was discharged or resigned in lieu of termination will be disqualified from consideration for re-employment with Collier County for a period not to exceed five (5) years. (See CMA 5322, Separation)
- J. The County Manager reserves the right to review and make exceptions to the recruitment, candidate referral, and selection guidelines, temporarily suspend and/or permanently end any related recruitment and selection components, provided the exception or change is not in conflict with federal, state and/or local laws.

§ 5385-3. Currency.

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

RECRUITMENT AND SELECTION

§ 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 Division 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.

FLEXIBLE WORKPLACE PROGRAM

[Effective Date: March 13, 2000 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 2, 2018)]

§ 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 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 Department Head or Division Director.
 - (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 responsible for being available during all business hours, for retrieving and returning phone calls.

FLEXIBLE WORKPLACE PROGRAM

§ 5386-3. Procedures.

- A. Department Heads/Division Directors or their designees 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 department/division.
- B. The flextime employee is required to be present in the office at least 3 full days/week, based on the needs of the department/division 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 and V-time 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.
 - (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.
- F. The County will pay the flextime employee for all regular scheduled 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 Department Head, Division Director or their designee is expected to institute reliable managerial controls to ensure that employees arrive and leave at their appointed time and

FLEXIBLE WORKPLACE PROGRAM

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 Department Head, Division Director or their designees.
- K. Employee abuse of this program may result in withdrawal of the program privileges or more severe disciplinary action, up to and including discharge.

§ 5386-4. Currency

The Human Resources Division 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: January 2, 2019; Revised: April 14, 2022)]

§ 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, 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 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.
- 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, Division Director, assigned Human Resources Generalist, Human Resources Labor and Employee Relations Manager or Human Resources Director.
- 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 Division 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/division, 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 forward is found to be frivolous or is used to threaten, intimidate or retaliate against

PROHIBITION OF WORKPLACE VIOLENCE

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 Division 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.

EMPLOYEE IDENTIFICATION BADGE

[Effective Date: October 1, 2001 (Revised: October 1, 2003; Revised: January 1, 2005, Revised: May 1, 2009; August 7, 2019)]

§ 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 while doing business regularly on County owned or leased property will display their employee identification badge at all times.
- C. A Director or Manager will assign the level of building access for each of their employee(s) 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. 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.
- F. 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.
- G. Employees of some departments may be required to wear specific badges due to the nature of the job.
- H. Employee ID Badges are valid for a five (5) year period from date of issuance.

§ 5389-3. Currency.

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

FINGERPRINTING/BACKGROUND CHECKS

[Effective Date: January 1, 2005; Revised: May 1, 2009; Revised: January 31, 2019]

§ 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. 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 Division. The Human Resources Generalist will work with the employee's Division 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 post-offer screening, individuals will be required to complete fingerprinting with the Facilities Management Division.
 - (3) The fingerprint records are sent to the Florida Department of Law Enforcement (FDLE) for a state of Florida background check and to the Federal Bureau of Investigation (FBI) for the national background check.
 - (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

FINGERPRINTING/BACKGROUND CHECKS

amendment in 2007, and as financial resources allow.

B. Existing Positions:

- (1) Division Directors will be notified by Human Resources of the schedule to fingerprint existing employees for screening or re-screening.
- (2) Any background check that uncovers a relevant criminal conviction will be delivered via printed hard copy to the HR Division staff. The Human Resources Director and the employee's Division Director will determine, after discussion and gathering relevant data, whether the offense warrants termination of employment or reassignment to another job description.
- (3) Once notified of their requirement to be fingerprinted/re-fingerprinted, employees must make every effort to complete his/her fingerprinting procedure within 10 workdays after receipt of notification to do so. Employees who do 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 by the Human Resources Division.
- (4) If County management 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 Division.

C. Contractors with employees or other individuals who will have access to sensitive locations and/or sensitive information:

- (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.
 - (a) 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.
 - (b) 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.
 - (c) Prior to the issuance of each formal solicitation, the project manager responsible for the contract shall work with the appropriate Procurement Division representative to develop and include text in the solicitation that references the mandated checks

FINGERPRINTING/BACKGROUND CHECKS

and provides each prospective bidder/respondent with the means for obtaining more information about these requirements prior to tendering the bid or proposal.

- (d) To the greatest extent possible, the results of these background checks should be on file in the Facilities Management Division's 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. 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 Facilities Management Division 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.
 - (a) It is the responsibility of the host division to facilitate and coordinate this procedure with the Security Section Operations Center.
 - (b) It is the responsibility of the host Division 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.
 - (c) 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.
 - (d) Contractor ID badges are valid for a one (1) year period from date of issuance. Any subsequent ID badges needed during this time for replacement due to loss or damage, will come at a \$5.00 time and material processing fee from the contractors.

§ 5390-4. Currency.

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

§ 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*.

INFORMATION SYSTEMS PROCUREMENT AND LIFECYCLE MANAGEMENT

§ 5401-1. Purpose.

§ 5401-2. Procurement and Deployment.

§ 5401-3. Ongoing Support and Maintenance.

§ 5401-4. Application Retirement.

§ 5401-5. Waivers, Mitigation and Remediation.

§ 5401-6. Currency.

[Effective Date: April 18, 1997 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 21, 2016)]

§ 5401-1. Purpose.

The purpose of this Instruction is to define a standard, efficient, and effective method for procurement and lifecycle management of information systems and services that are compatible with the agency's information architecture, supportable, interoperable, secure and comply with the County Information Technology Division (IT) standards and practices. All purchases must comply with the requirements of the County procurement ordinance and policy.

§ 5401-2. Procurement and Deployment.

- A. A completed Technical Architectural Compatibility Standards (TACS) signed by the IT Director and the procuring Operating Division Director is required prior to procurement. The current TACS form is available on the IT Division's Intranet website. All requirements must be met. Exceptions may be granted with sufficient mitigation or a waiver see **§ 5401-5. Waivers, Mitigation and Remediation.**
- B. Operating Division Director must determine permissible service levels including the maximum number of failures on an annual basis, the maximum downtime per incident and the acceptable data loss per incident in minutes.
- C. Information systems must comply with all local, state and federal laws. Health Insurance Portability and Accountability Act (HIPAA), Personally Identifiable Information (PII) and Payment Card Industry Data Security Standard (PCI DSS) requirements must be identified and addressed if applicable. PCI DSS certifications must submitted on an annual basis by the Operating Division Director.
- D. An architectural diagram must be prepared and review conducted in compliance with IT policy. Approval by the IT Division Director is required prior to procurement and deployment.

§ 5401-3. Ongoing Support and Maintenance.

- A. Systems must have an active vendor maintenance agreement that includes patches and upgrades.
- B. Systems must support platform patches within 30 days of release. If patches cannot be installed appropriate mitigations must be identified and deployed within that timeframe

INFORMATION SYSTEMS PROCUREMENT AND LIFECYCLE MANAGEMENT

by the Operating Division Director (see § 5401-5. **Waivers, Mitigation and Remediation**).

- C. Vulnerabilities identified and published by the Department of Homeland Security's United States Computer Emergency Readiness Team (US-CERT) must be mitigated by the Operating Division Director within 30 days of notice by IT (see § 5401-5. **Waivers, Mitigation and Remediation**).
- D. The Operating Division Director is responsible for submitting a completed Technical Architectural Compatibility Standards (TACS) to IT on an annual basis. All requirements must be met Exceptions may be granted with sufficient mitigation or a waiver see § 5401-5. **Waivers, Mitigation and Remediation**.

§ 5401-4. **Application Retirement.**

- A. All system components must be shut down and decommissioned when systems are retired. This includes servers, databases, storage and uninstalling associated applications on PCs.
- B. Budget inventory changes must be made at system retirement.
- C. The Operating Division Director is responsible for public records compliance for all retired system data and contacting the agency's Records Manager to determine the appropriate retention period. The operating Division Director is responsible for maintaining the systems to read the backup media including any required hardware and software and all associated costs.
- D. Operating Division Director will review retirement plan with IT to ensure compliance with this CMA.

§ 5401-5. **Waivers, Mitigation and Remediation.**

- A. Mitigation is required for systems that are not TACS compliant or require the use of older version of/or insecure components. Viable mitigation options include the use of technical controls, replacement or upgrade of the system and retiring the system.
 - a. The Operating Division Director is responsible for working with IT to develop an acceptable mitigation strategy. Scenarios involving technical controls are subject to the same review process as new systems.
 - b. The Operating Division Director is responsible for all costs, including support staff, associated with mitigation. These costs may include, but are not limited to:
 - i. Support for
 - 1. Non-standard databases
 - 2. Operating Systems
 - 3. System components
 - 4. Web servers
 - ii. Creation and maintaining development environments
 - iii. Initial and ongoing support for Firewalls and Intrusion Detection/Prevention systems and monitoring
- B. Waivers may be granted under extenuating circumstances.

CMA 5401

INFORMATION SYSTEMS PROCUREMENT AND LIFECYCLE MANAGEMENT

- a. All waivers must be reviewed by the IT Director.
 - b. The Operating Division Director may grant a waiver where the impact is limited to their division.
 - c. Department Heads may grant waivers where the impact is limited to their department.
 - d. The Information Technology Executive Committee (ITEC) will make a recommendation to grant a waiver where the impact is at the agency level with final approval by the County Manager or his designee.
- C. Remediation costs associated with a breach or system failure as the result of a waiver must be fully funded by the Operating Division Director.

§ 5401-6. Currency.

The Information Technology Division is responsible for maintaining the currency of this Instruction.

CMA # 5402

REMOTE ACCESS INSTRUCTION

§ 5402-1. Purpose.

§ 5402-4. Enforcement.

§ 5402-2. Background.

§ 5402-5. Definitions.

§ 5402-3. Policy.

§ 5402-6. Currency.

[Effective Date: January 1, 2005; Revised July 5, 2018]

§ 5402-1. Purpose.

The purpose of this Instruction is to define standards for remotely connecting to Collier County's network. This Instruction will also ensure Collier County's compliance with applicable license, copyright, local, state and federal laws and regulations.

§ 5402-2. Background.

This Instruction is required to minimize the risk that any individual device could be configured or used in a manner which could compromise the confidentiality, 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 Instruction applies to anyone that remotely connects to the Collier County network.

§ 5402-3. Instruction.

A. Requirements:

- (1) All requests for remote access will be submitted to the Information Technology (IT) Division. The request must 1st be approved by the requestor's Division Director or direct supervisor.
- (2) All trusted network connections and devices must be configured to meet the authentication and configuration requirements of the Collier County network.
- (3) Only computers owned and supported by Collier County will be permitted to connect to the Collier County network, this includes both local network access as well as remote access via VPN.
- (4) Vendors requesting access to the Collier County network will be provided a copy of all applicable instructions governing remote access and will demonstrate acceptance of those policies by signing a Third-Party Access Agreement,¹ of which a copy will be retained by the IT Division.

- (5) Anyone with remote access privileges must ensure the 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 using a 2nd network interface. Only the network interface being used in conjunction with VPN access is permitted to be connected.
- (6) All remote access clients for VPN access will be configured by IT personnel according to IT Division procedures.
- (7) It is the responsibility of the County employee, vendor or contractor who have been granted remote access to ensure that the computers used for remote 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 instructions.
- B. Any employee found to have violated this Instruction may be subject to disciplinary action, up to and including termination of employment.

§ 5402-5. Definitions.

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

HOST — Computer or another 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 Collier County Board of County Commissioners 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 Collier County Board of County Commissioners network.

1. Editor's Note: See CMA 5300, Third Party Access Instruction, and its accompanying attachments.

VPN — Virtual Private Network. An encrypted connection to the Collier County Board of County Commissioners 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
INSTRUCTION

§ 5403-1. Purpose.

§ 5403-6. Currency.

§ 5403-2. Concept.

§ 5403-3. Instruction.

§ 5403-4. Enforcement.

§ 5403-5. Definitions.

[Effective Date: January 1, 2005; July 5, 2018]

§ 5403-1. Purpose.

The purpose of this Instruction 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 Instruction applies to all non-county staff using a Collier County owned computer or workstation used to connect to Collier County's network. This Instruction 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 Instruction include all methods of direct and remote access to the Collier County network.

§ 5403-3. Instruction.

- 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 the Collier County network.¹
 - (2) The following Instructions must be reviewed by vendors, contractors, consultants, and other parties for details of protecting information when accessing the Collier

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) Computer Technology Use (CMA 5405).²
- (b) Remote Access Instruction (CMA 5402).³

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 Instruction.
- (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 computer or workstation which is connected to Collier County's network is not connected to any other network at the same time.
- (4) 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. Eastern Standard Time), unless otherwise agreed to.
- (5) Anyone making changes to any information system (including but not limited to servers, network infrastructure equipment, databases, and applications) must follow the Information Technology Division's Change Management Instructions and Procedures. Vendors, consultants and others will notify the IT Division immediately if passwords are lost, accounts are no longer required or if any attempts of intrusion are detected.
- (6) Vendors, consultants and others will notify their sponsor and the IT Division immediately when one of their staff members (who has access to the County's network) is no longer employed to ensure any access is terminated immediately.

§ 5403-4. Enforcement.

Any third party found to have violated this Instruction 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.

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 another 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 Collier County's private network, such as dial-up, VPN, PC Anywhere, etc.

TRUSTED NETWORK — A system that has the necessary controls to ensure that security instructions will not be compromised.

UN-TRUSTED NETWORK — A system with no verifiable security controls that would present a security risk to Collier County's network.

VPN (Virtual Private Network) — An encrypted connection to Collier County's network via the Internet.

§ 5403-6. Currency.

The Information Technology Division is responsible for maintaining the currency of this Instruction.

**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 Computer Technology Use Instruction and Remote Access Instruction as provided to me. I also agree to notify the Information Technology Division as soon as network access is no longer required so my access can be removed. I understand that violation of any of these instructions 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)]

§ 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

§ 5404-3. Currency.

The Information Technology Department is responsible for the currency of this Instruction.

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; Revised July 11, 2018; Revised June 7, 2019)]

§ 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, 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 instruction 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 Division who have elevated privileges and access rights for 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 instruction.
- G. **NETWORK** – The data, voice, and multimedia communication system made up of devices

COMPUTER/TECHNOLOGY USE

(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 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), PII protected by the Florida Information Protection Act (FIPA), 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, smart phones, cellular air cards, printers, telephones, public safety 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 instruction 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 Division instructions.
 - 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.

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- 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 instruction may unduly expose the network to intended or unintended risks, which may or may not result in actual losses.

- a. The Director, Information Technology may disable network access for violations of this instruction.
 - b. The severity of infractions will be assessed by the Director, Information Technology who will forward a risk / threat assessment to the supervising Division Director for use in making recommendations for disciplinary actions in accordance with CMA 5351 - Discipline.
 - c. The Human Resources Division will advise Division Directors in order to ensure consistency in the handling of employee violations of this instruction.
- 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. Passwords may be stored electronically in an IT Division encrypted removable USB drive.
 - 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.

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- 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 Director can authorize the use of shared accounts with proper authorization from the users’ management under circumstances where 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 instruction to their supervisor or the Information Technology Division 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 malware 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 malware on their own. If users believe they may have been the victim of malicious software, they must immediately inform the IT Service Desk.
- e. In order to ensure that malware 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 division, in coordination with Human Resources and Information Technology.
- b. 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,

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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.
- 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 or digital signatures (other than their own) or attach or affix a digitized image of a signature or digital signatures (other than their own) to any document or e-mail or use such image of a signature or digital signatures 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 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 Division and maintain compliance with the terms of that agreement.
- 3) Once granted access, business partners must comply with this instruction in its entirety. Business partner violations of this instruction 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 heads, division directors and the County Manager's office.

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- 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.
- 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 division 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(9)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 Human Resources Director. 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 Division are permitted on the Agency's business network. Exceptions may be authorized with written approval from the IT Director.
 - 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.

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- c. The use of personally owned computing devices is permitted but such devices will be limited to publicly available websites and internet resources. Personal owned computing devices are not managed by the IT Division and are not permitted access to the Agency's business network.
 - d. SLATE computers may be approved for purchase by the IT Division. SLATE computers must be configured and managed by the IT Division.
- 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. Encrypted 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 using unencrypted 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 Division 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, malware 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

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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 provided assistance during business hours. The IT Division 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 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.
- 4) License Compliance.
 - a. The IT Division 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 Division 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 or

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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 are 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 Division. If the encryption method relies on secret keys, the Information Technology Division must manage the storage and security of such encryption keys. The Information Technology Division 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) as identified in the Florida Information Protection Act (FIPA) (e.g. social security numbers) are specifically excluded from the public record.

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- 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 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 divisional promotion, outreach, or other public relations purposes and must be authorized by the Communications and Customer Relations Division. 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 Division 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 division is responsible for the proper archiving and retention of social media records.

§ 5405-4. Currency.

The Information Technology Division is responsible for the currency of this instruction.

USE OF VOICEMAIL/ANSWERING SYSTEMS

Effective Date: October 1, 2003 [Revised: January 22, 2019]

§ 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 Division 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 Department Heads 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.

USE OF VOICEMAIL/ANSWERING SYSTEMS

- (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 _____ Division. 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 _____ Division. 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 Division 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 _____ Division 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 _____ Division 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."

USE OF VOICEMAIL/ANSWERING SYSTEMS

- 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.

WEB PAGE MANAGEMENT

[Effective Date: May 1, 2004; Revised: January 22, 2019]

§ 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@colliercountyfl.gov) may be used if the web page contains information on how to directly contact the division 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 Division Director.

B. Web Page Roles and Responsibilities.

- (1) The IT Division is responsible for providing and operating the technical infrastructure of the Web site and ensuring its accessibility and availability.

WEB PAGE MANAGEMENT

- (2) The Communications and Customer Relations Division sets the agency's web look, feel and navigation standards; provides authoring, development and design tools, training, and support.
- (3) The Division 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 Division 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; Revised: February 8, 2019)]

§ 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 department and division staff for response, and tracking and resolving issues received in the Commissioners' and County Manager. Departments 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 Division (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 Department Head(s), and copied to the appropriate County Manager Office representative.
 - (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 issue.

AGENCY ISSUE MANAGEMENT SYSTEM (AIMS)

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 CCR, who will then refer the issue to the Department Head's designee or designated staff person.
- (4) If an issue contains several separate issues that need to be addressed by separate divisions, 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 divisions may remain as one issue.
- (5) If a department believes an issue would be more appropriately handled by another department, the designee should state so in writing and refer it back to CCR requesting the issue to be handled by the other department.
- (6) When the issue is referred, the person it is referred to is designated as the holder. The following are up to the Department Head'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 department. 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 Department Head'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

AGENCY ISSUE MANAGEMENT SYSTEM (AIMS)

must request 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 Division Director, Communications and Customer Relations for resolution.

D. Training: The Information Technology (IT) Division 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 Division is responsible for maintaining the currency of this Instruction.

CMA #5411
HYBRID REMOTE PUBLIC MEETINGS

[Effective Date: October 1, 2021 (Revised: September 5, 2023)]

§ 5411-1. Purpose.

The purpose of this Instruction is to provide for hybrid remote public meetings that may be conducted to facilitate the telephonic or remote participation of members of boards, committees, agencies, staff, consultants, and the public.

§ 5411-2. Definitions.

- A. **Access Point** - means a designated place where a person interested in attending a communications media technology proceeding may go for the purpose of attending the proceeding.
- B. **Attend** - means having access to the communications media technology network being used to conduct a proceeding.
- C. **Communications Media Technology (CMT)** – means the electronic transmission of printed matter, audio, full-motion video, freeze frame video, compressed video, and digital video by any method available.
- D. **Hybrid Remote Public Meeting** - means a public meeting conducted utilizing both in-person and remote participation via communications media technology.

§ 5411-3. Procedures.

A. Approval of Hybrid Remote Public Meetings

- (1) Conducting a hybrid remote public meeting requires the authorization of the County Manager or their designee. The County Manager or their designee is the final decision-maker on all scheduling or technical conflicts.
- (2) Prior to a board, committee, or agency staff member or consultant establishing the use of CMT for conducting hybrid remote public meetings, staff for said entity must:
 - a. Obtain authorization from the County Manager or their designee. Staff will submit to the County Manager or their designee a proposed plan for facilitating the meetings, which will include all staff responsible for or to be in attendance at the meetings; the dates, places, and times of the proposed meetings; and the manner in which the proposed meetings will be conducted. If approved,
 - b. Contact the County Attorney who will review the proposed process to assure all legal requirements can be met.
 - c. Coordinate with the Communications or Television Operations Manager and IT, when necessary, to ensure that CMT employed is appropriate for meeting facilitation and to ensure that the entity's staff are appropriately trained for its utilization.
 - d. Coordinate with the Chair and other members of the committee or board.

HYBRID REMOTE PUBLIC MEETINGS

B. Notice of a Hybrid Remote Public Meeting

A hybrid remote public meeting notice shall provide all information required by law for an in-person public meeting and shall include:

- (1) The address or addresses of all access points where an interested person may go for the purpose of attending the proceeding.
- (2) An address, e-mail address, and telephone number where an interested person may write or call for additional information.

An opportunity for remote public comment will be provided for any hybrid remote public meeting. Information on how to register in advance of the hybrid remote public meeting and the deadline for such registration for remote public comment will be included in the public meeting notice.

The public notice provided for each hybrid remote public meeting should include the following:

“Remote participation is provided as a courtesy and is at the user’s risk. The County is not responsible for technical issues.”

C. Conducting a Hybrid Remote Public Meeting

A hybrid remote meeting may be conducted for any public hearing, including quasi-judicial proceedings, provided that all legal requirements can be met.

If a quorum is physically present, the participation of an absent member by communications media technology is permissible when such absence is due to extraordinary circumstances such as illness.

An extraordinary circumstance shall be determined in the good judgment of the board or committee. Participants required to provide sworn testimony as part of a hybrid remote public meeting must be physically present.

Public access to a hybrid remote public meeting must be provided where those participating in-person are physically located. Members of the public who are participating in-person will be allowed to speak during the public comment portion of a hybrid remote public meeting.

Entity staff will ensure that individuals who will be participating remotely will be given written instructions on how to participate remotely. Remote public comment participants will be placed in a queue on a first-come, first-serve basis, and will be notified by a member of County staff when they will be permitted to speak. All speakers participating electronically must be recognized by the Chair prior to speaking, and no more than one person will speak at the same time. To facilitate the orderly conduct of the meeting, the County will “mute” or otherwise disable the lines of members of the public until such time as they are recognized to speak. All individuals participating in hybrid remote public meetings must identify themselves each time they speak.

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HYBRID REMOTE PUBLIC MEETINGS

Rules of decorum applicable to meetings of the Board of County Commissioners shall apply to all County hybrid remote public meetings. At the discretion of the Chair, participants attending remotely may be disconnected from the hybrid remote public meeting for violating the rules of decorum.

All public comment in a hybrid remote public meeting will be limited to a maximum of three (3) minutes unless the Chair, in their discretion, allows additional time. Remote participants will not be allowed to receive speaking time from another speaker or to provide speaking time to another speaker.

Individuals participating by phone will not have the benefit of visual presentations unless the meeting is televised or conducted using remote access software. Individuals participating by phone and those in attendance must keep in mind that there is a delay in the broadcast. The Chair may need to account for this as they conduct the meeting.

D. Annual Report

On October 1 of each year, each board and committee utilizing an approved hybrid remote public meeting format will provide a report to the County Manager or their designee updating contact information for their hybrid public meeting staff facilitator.

§ 5411-3. Currency.

The Communications, Government & Public Affairs Division 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)]

§ 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.¹

§ 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.

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

CMA # 5501

CELLULAR TELEPHONE / MOBILE DEVICE PROCEDURE

§ 5501-1. Purpose.

§ 5501-2. Concept.

§ 5501-4. Currency.

[Effective Date: June 12, 1996 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: December 1, 2007; Revised: January 1, 2011; Revised March 2, 2018)]

§ 5501-1. Purpose.

The purpose of this Instruction is to provide for a formal policy for the acquisition, use and management of cellular technology and other mobile devices (devices) used by County employees.

§ 5501-2. Concept.

Collier County recognizes that the communication capability afforded through devices are tools that can increase employee productivity, enhance safety in the field, and improve response times.

A. Procurement

- 1) All County-owned devices shall be purchased using an approved agreement and utilizing a sub-account under the agency master account.
- 2) Operating divisions will be responsible for ordering all devices, account management and payables using their assigned sub-account.
- 3) Device service should be ordered with SMS/MMS (text) messaging disabled unless explicitly authorized by the operating division director.

B. Management

- 1) County employees and authorized business partners using County-owned devices 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 devices. 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 device and access all data stored within devices.
- 2) All County-owned devices must be configured by the Information Technology Division.

B. Employee Responsibilities

- 1) Employees shall be responsible for the operation, condition, and security of their device while it is in their possession and, as such, shall take all necessary precautions to ensure that the device is not subjected to conditions that would adversely affect the device or for which it was not designed.

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CELLULAR TELEPHONE / MOBILE DEVICE PROCEDURE

- 2) Incidental personal use is permitted but this does not imply or authorize employees to use County-provided devices 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.

C. Text Messaging, Public Records Guidance and Etiquette

- 1) The use of text messaging must be explicitly authorized by the operating division director.
- 2) Text message archiving must be setup by IT for each authorized device at the operating divisions expense.
- 3) The operating division director is responsible for periodically auditing text message usage on authorized devices.
- 4) Text messages conducting official agency business, are considered public records and must be treated accordingly. They will be produced to support public records requests.
- 5) Any conduct using text messaging that adversely affects an employee's job performance, the performance of fellow employees or otherwise adversely affects citizens, customers, suppliers, people who work on behalf of the County Manager's Agency or the County Manager Agency legitimate business interests may result in disciplinary action, up to and including termination.
- 6) Employees should read and understand the County's Code of Ethics/Anti-Fraud CMA, Standards of Conduct and the CMAs on Prohibition of Sexual Harassment and Unlawful Harassment, and ensure text message content is consistent with these policies. Inappropriate messages, which may include text, images, photos or emoticons, are those that may include discriminatory remarks or images, harassment, threats of violence, or similar inappropriate or unlawful conduct and will not be tolerated. They may subject the employee to disciplinary action, up to and including termination.
- 7) Any message received that contains intimidating, hostile, offensive or inappropriate content should be reported immediately to management so that appropriate measures can be taken.

§ 5501-3. Currency.

The Information Technology Department is responsible for maintaining the currency of this Instruction. The Human Resources Department shall, in concert with the appropriate Division 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, Revised June 2018)]

§ 5600-1. Purpose.

The purpose of this Instruction is to provide for an accurate accounting of all County-owned property rights and to maintain an up-to-date inventory system of all land rights conveyed (whether by easement or deed) to Collier County and/or the Collier County Water-Sewer District (collectively the "County").

§ 5600-2. Background.

Pursuant to Board action of June 16, 1992, all departments and divisions shall provide support to the Real Property Management Section of the Facilities Management Division 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 Section for future reference. This information is to be kept current in preparation of a computerized mapping system that will be utilized by all County departments and divisions.

§ 5600-3. Concept.

To create a database of information pertaining to the property interests held by Collier County, and/or the Water-Sewer District, in fee or in easement, so that a current list of property will be available for future use. Once current, the information shall then be available for use by the County Manager's Office and its departments and divisions wishing to access a listing of County-owned land and property interests. The County will utilize this database and GIS mapping to plan for staff spacing requirements as well as provide adequate facilities to service the public.

§ 5600-4. Procedures.

In accordance with the County's Land Acquisition and Development Review (LADR) approved process, in all cases of a conveyance of land interests, whether by easement or deed, plat or in satisfaction of a developer commitment, a copy of such conveyance document once recorded into the Public Records of Collier County, must be forwarded to the Real Property Management Section together with a completed Land Acquisition Inventory Form. The Real Property Management Section 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 Section obtains a copy of each document once recorded.

In any instance where a division or department determines a need for real property, other than an easement interest, they must comply with the approved LADR process Standard Operating

**Collier County Government
Standard Operating Procedures**

**Process Name:
Land Acquisition and Development Internal Review Process**

**Process Manager: Real Property Management
Effective Date: 4/23/2018
Last Reviewed/Revised: 5/3/2018**

1. Purpose

- 1.1. The purpose of the Land Acquisition and Development Review (LADR) process is to ensure consistent evaluation of space requirements and efficient utilization of County properties to support the operational needs of Collier County Departments.
- 1.2. The process output is the LADR Projects List for presentation at the Corporate Business Meeting (CBM). Senior leadership will review and prioritize the Projects List to guide future acquisitions.

2. Procedures

2.1. Divisions/Department Review:

2.1.1. Space needs at the Division level may be identified through several processes:

2.1.1.1. Operational Idea

2.1.1.2. Report/Plan Recommendation

2.1.1.3. Mandate/Directive

2.1.2. Proposals are reviewed and approved by the Division Director.

2.1.3. If approved by the Division Director, the proposals are reviewed and approved by the Department Head.

2.1.4. Fully approved proposals are submitted to the LADR Team for review.

2.2. LADR Team Evaluation:

2.2.1. The team uses multiple criteria to evaluate whether a proposed project should be elevated to the LADR Projects list:

2.2.1.1. Comprehensive/Master Plan or AUIR?

2.2.1.2. Mandate or Directive?

2.2.1.3. Grant Funded?

2.2.1.4. Life/Safety Emergency?

2.2.1.5. Collocated with an existing LADR Project?

2.3. LADR Ranking Process:

2.3.1. The team uses a formal ranking process to prioritize the projects.

2.3.2. Criteria used for the ranking process include:

2.3.2.1. Approval Status:

Approval Status	Approval Rank
Evaluation Pending	5
Director	4
Department Head	3
County Manager	2
BCC	1

2.3.2.2. Funding Status:

Funding Status	Funding Rank
-----------------------	---------------------

Not Funded	3
Partially Funded	2
Fully Funded	1

2.3.2.3. Property Status:

Property Status	Property Rank
No Parcel(s) Defined	4
Parcel(s) Identified	3
Acquisition Pending	2
County Owned	1

2.3.2.4. Assessed Need:

Assessed Need	Need Rank
Other	5
Low	4
Medium	3
High	2
Master Plan/AUIR	1

2.3.3. Rankings are calculated by totaling the rank for each criterion and dividing by four.

2.3.4. Highest priority is given to those projects with the lowest ranked score.

2.4. LADR Approved Projects move to the LADR Projects list.

2.5. Projects not elevated to the LADR Project list are placed on the Short-Term Needs list.

2.5.1. The Short-Term Needs list is a holding area of potential properties to be reviewed and used at a future date as escalation criteria changes.

2.5.2. This list will be reviewed at least monthly.

2.5.3. Reminders will be sent to Division Directors to review the list.

2.5.4. A GIS storyboard and/or newsletter will be distributed quarterly to remind all stakeholders of the projects that exist in the holding area.

2.5.5. If it is determined that the Short-Term Needs list cannot provide a solution, the proposal may be resubmitted through the LADR process.

2.6. The LADR Projects list is evaluated for collocation opportunities.

2.6.1. Review Short-Term Needs list to potentially use inventory.

2.7. Collaborate with other Departments/Divisions to explore potential collocation possibilities.

2.8. Once a project is approved/finalize, a presentation is made at the Corporate Business Meeting (CBM).

2.9. The CBM prioritizes the project and plans for execution.

3. References

3.1. Annual Update and Inventory Report (AUIR)?

3.2. Growth Management Plan?

4. Related Documents

4.1. CMA #5600 “Real Property Inventory System”.

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)]

§ 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.

- 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; Revised: January 31, 2019); Revised: May 1, 2019.]

§ 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 Division 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 Division Director may, with the permission and assistance of his or her Department Head, find a temporary transitional duty assignment for the employee within another department of the same division if the Division 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.
- F. During this transitional duty assignment, the employee shall continue to receive his/her

RETURN TO WORK PRACTICE FOLLOWING A WORK-RELATED INJURY/ILLNESS

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. Divisions 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. Further, it is the responsibility of Division Directors and Supervisors to assure that injured employees under their authority attend scheduled medical appointments. Divisions will be charged for fees assessed by medical providers as a result of missed/cancelled appointments by the employee being treated for job related injury or illness.
- H. Once an employee has reached maximum medical improvement, he/she is responsible to inform his/her Supervisor and the Risk Management Division. 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 Division in association with the employee's Division Director shall attempt to find employment within the employing department. If such employment cannot be accommodated within the employing department, the Risk Management Division and the Human Resources Division 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 Division 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

RETURN TO WORK PRACTICE FOLLOWING A WORK-RELATED INJURY/ILLNESS

light-duty assignment based on the extent and duration of their 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.

- 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 Division Directors and Supervisors must submit a Notice of Injury Report (DWC-1) Form to the Risk Management Division whenever a work-related injury occurs involving a County employee whether or not medical attention is needed.
- C. **Workers' Compensation Benefits:**¹ 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.

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.

EMPLOYEE (Printed Name)

DATE

EMPLOYEE'S SIGNATURE

Distribution: Send original to Risk Management
 Send copy to designated Division Timekeeper
 Send copy to Human Resources

Issue Date: 6/3/03

PERSONAL PROPERTY LOSS

[Effective Date: October 1, 1998; (Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 31, 2019)]

§ 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) An incident report of the occurrence with all pertinent facts shall be completed in the Risk Management Division information system 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

PERSONAL PROPERTY LOSS

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) Complete an incident report in the Risk Management information system that includes a description of the occurrence with all pertinent facts 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

PERSONAL PROPERTY LOSS

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 Division 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.

NON-EMPLOYEE ACCIDENTS

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 31, 2019)]

§ 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 Division to report the incident.
- C. Supervisors shall complete an incident report in the Risk Management information system 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 Division upon the completion of its collection.

§ 5803-3. Currency.

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

LIABILITY, PROPERTY AND AUTOMOBILE DAMAGE CLAIMS REPORTING

[Effective Date: October 1, 1998 (Revised: October 1, 2001; Revised: October 1, 2003; Revised: January 1, 2005; Revised: September 24, 2010; Revised: August 7, 2019)]

§ 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 first- or third-party incident that may result in a demand for monetary damages shall be reported to the Risk Management Division. Failure to do so may result in the denial of coverage by the County's insurance carriers. A first party loss shall include but not be limited to owned and leased property (including but not limited to land, buildings and contents); automobiles; pollution and environmental releases; cyber; crime (theft of money or securities). A third-party loss shall include but not be limited to bodily injury; property damage; errors, omissions; pollution and environmental release; medical malpractice; diminution of value; or any claim for which the County may be liable to a member of the public. For purposes of this CMA, third party loss shall also include employment practices; age; gender; ADA; wrongful termination; or sexual harassment incidents.

§ 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 Division of the incident and forward documentation within 24 hours of the incident.
- C. Supervisors shall complete the appropriate incident report in the Risk Management information system and submit it to the Risk Management Division.
- 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 Division upon the completion of its collection.
- F. The Risk Management Division shall process the claim or claims pursuant to the terms of Resolution 2004-15 and the requirements of its insurance carriers.

CMA # 5804

LIABILITY, PROPERTY AND AUTOMOBILE DAMAGE CLAIMS REPORTING

§ 5804-5. Currency.

The Risk Management Division 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; Revised: January 31, 2019)]

§ 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 Division 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 Division 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 Division 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.

ELIGIBILITY TO DRIVE COUNTY-OWNED VEHICLES

- (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 Division. No notice will be sent regarding those persons whose driving records are acceptable.

- 1) The Risk Management Division 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 Division shall request a MVR on every BCC employee at least once a year.
- 3) The Risk Management Division may request a MVR on employees involved in motor vehicle accident.
- 4) The Risk Management Division may obtain a MVR upon the written request of the Division Director or Administrator.

F. Supervisor Responsibility:

- 1) Supervisors shall notify the Risk Management Division and Human Resources Division as soon as they become aware that an employee under their supervision does not meet the

ELIGIBILITY TO DRIVE COUNTY-OWNED VEHICLES

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 Division 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 Division 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 employee's supervisor and shall be copied to the Risk Management Director and the Human

ELIGIBILITY TO DRIVE COUNTY-OWNED VEHICLES

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 Division 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 Division 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)]

§ 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 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 PROCEDURES

[Effective Date: May 1, 2004 (Revised: August 1, 2006; Revised: July 1, 2007; Revised: October 1, 2008; Revised December 7, 2012; Revised January 3, 2019)]

§ 5808-1. Purpose.

The purpose of this Instruction is to provide a procedure to all Operating 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 Procurement Division to the Board of County Commissioners Operating Directors. Each Operating 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 efficiently 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 the Collier County Procurement Ordinance and Purchasing Card Manual, and to:
 - (a) Conduct County business only; the card should not be used for items specifically prohibited in Account Restrictions.
 - (b) Purchase cost effective items that meets the County's business needs.
- (2) The purchasing card is subject to the standard limits outlined in the Collier County Purchasing Card Manual, unless otherwise approved by the Director of Purchasing or designee. 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) The purchasing card may also be used, strategically, to make larger dollar purchases under the direction of the Procurement Director or designee and where it is in the best interest of the County.

B. Operating Director Responsibility:

- (1) Accountability: Operating Directors have oversight and fiduciary responsibility for purchases made with the purchasing cards assigned within their areas as well as ensuring accountability and integrity in the spending of the public's funds. The Operating Director is responsible for authorizing who uses the purchasing cards in their division, providing fiscal oversight and management of the processing of transactions in the financial system, following the Purchasing Card Manual, and ensuring the P-Card is used consistent with the County's mission, applicable laws and ethical practices.
- (2) Assets: The Operating Director (or designee) is responsible to provide to the Clerk of Courts, Finance Department, information (via the Capital Asset Transaction form) with any asset-related transaction information made with a purchasing card in accordance with CMA #5809 Managing

PURCHASING CARD PROGRAM POLICY AND PROCEDURES

Personal Property and Consumable Supplies. When assets are purchased with the purchasing card, a copy of the asset form must be completed, signed and attached to the record in the County's financial system.

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 staff in the Procurement Department. 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 #5508, Purchasing Card Policy and Procedures, the Purchasing Card Manual, and the Procurement Ordinance, and to:

[1] Conduct County business only.

[2] Purchase the most cost-effective item that meets the County's business needs.

D. Purchase Card Administrator Responsibility:

(1) The Purchasing Card Administrator has responsibility to:

(a) Oversee the contract relationship between the County and the card lending institution.

(b) Provide program training to departments, cardholders and fiscal processors.

(c) Perform periodic CMA and Procurement Ordinance compliance audits; validating compliance with County purchasing policies. If discrepancies are found, the Purchasing Card Administrator may require additional documentation from the cardholder or division. The Purchasing Card Administrator will notify the cardholder's immediate Supervisor and/or Operating Director of improper or unauthorized use of a purchasing card.

(d) Provide ad hoc reports to Operating Directors (or designees) as needed.

(e) Ensure progressive corrective steps are in place for division noncompliance, including suspension or termination of card(s) within a division and/or the entire division's purchasing card program.

§ 5808-3. Currency.

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

MANAGING PERSONAL PROPERTY AND CONSUMABLE SUPPLIES

[Effective Date: October 10, 2006; (Revised: October 1, 2008; Revised: December 15, 2014; Revised: December 1, 2020)]

§ 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 division 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 division. 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 non-consumable nature that has a normal useful life of one year or more and an acquisition value of \$5,000. 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 division 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 division from any organization, agency or person, with a normal useful life of one year or more and an acquisition value of \$5,000 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 \$5,000 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 division, section or location, and ensuring that they witness the disposal if declared scrapped or destroyed.

SCRAPPED or DESTROYED PROPERTY— Any asset that the assigned division deems to be

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obsolete, unrepairable (repair and/or maintenance costs exceed the price of a new item), or unsafe.

SURPLUS PROPERTY— Any asset that the assigned division 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 division.

§ 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 division. 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 division.
- (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 divisions 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 division to periodically conduct an inventory of all consumable items with the division'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

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operation, the property officer, with the prior, written approval of the custodian, will submit a completed Surplus Property Pre-Requisite Information Form to the Procurement Division.

C. Assets and Tangibles:

(1) Receiving:

- (a) Upon receipt and acceptance of purchased asset by the Custodial Division, the custodian will provide a Capital Asset Transaction Form to 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 Division. The Custodial Division 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 Procurement Division 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 Division shall complete and forward a Capital 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 division'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 division, 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 division to periodically conduct an inventory of all assets or tangibles within the division's possession.
- (b) Each division shall establish internal procedures governing the proper care and

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use of assets and tangibles, and procedures for the exchange/trade-in or return of that property if not required. The procedures shall be based upon the size and functions of the division and shall include, but not be strictly limited to, who is authorized to use or consume the inventoried items, how usage or consumption is tracked and the accounting and return of assets for credit at the conclusion of a project. Minimum operating procedures have been attached.

- (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 division. 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 division (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 divisions (including the transfer of items deemed surplus), the releasing division shall complete a Capital Asset Transaction Form that fully describes the item(s) being transferred and clearly identifies the releasing and receiving divisions 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 divisions the releasing division shall delete the item from its internal perpetual inventory record. Accordingly, the receiving division 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 Procurement Division, the custodian shall complete a Surplus Property Pre-Requisite Information Form and forward it to the Procurement Division for approval.
- (4) In the event that an asset or tangible is transferred to another division 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:
 - (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

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exceed the price of a new item), or unsafe, a Surplus Property Pre-Requisite 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 Procurement Division must approve the disposal of the item(s).

- (b) Once approved by the Procurement Division, the Procurement Division 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 division will forward a copy of the approved Capital Asset 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 division 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 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 Procurement 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 Manager's Agency Administrative

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Practices and Procedures.

- E. Disposition: Any division that deems an assigned asset to be surplus and no longer of beneficial use to that division shall complete a Surplus Property Pre-Requisite Form to be executed by the custodian and forwarded to the Procurement Division.

§ 5809-5. Reference.

Chapter 274, *Fla.Statute.*, the Rules of the Department of Financial services 69I-73, and the prevailing County purchasing policy.

§ 5809-6. Currency.

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

MANAGING PERSONAL PROPERTY AND CONSUMABLE SUPPLIES

***** SAMPLE ONLY *****

**COLLIER COUNTY INVENTORY CONTROL
MINIMUM OPERATING PROCEDURES
[OPERATING DEPARTMENT NAME]**

Procedure Name: Project Material Return Procedure

Purpose: To define a process to determine the disposition of excess project material.

Frequency: As needed at the completion of a County project.

Documents Used During the Procedure:

- Parts list from the project showing excess items
- Purchase Order
- Invoice
- Packing Slip

Operating Procedures:

1. Upon completion of a County project, the project manager will return any excess items to the vendor for a credit in compliance with the County's contract documents prior to final close-out. ***Returning excess project parts to the vendor is the preferred option.***
2. If the project manager, in coordination with the operating division director, deems certain excess project parts may be needed as a backup and estimates the excess parts (excluding special order items with long lead times) will be used within a nine (9) month period, the project manager will send the list of parts including the part description, quantity, unit cost and vendor to the inventory / fiscal staff. The parts will be transferred from the project cost center to the designated warehouse cost center via a journal entry and brought into asset inventory.
3. A journal entry will be executed to transfer the value of the parts from the project cost center and apply the value to the designated warehouse cost center.
4. If the excess project parts are not needed by the operating division and the vendor refuses to take the parts back and credit the division, the project manager will send a list of the excess parts including the part description, quantity, unit cost and vendor to the inventory / fiscal staff. The inventory / fiscal staff and the project manager will coordinate with the Procurement Services Division regarding the disposition of the excess parts.
5. All items being returned to the vendor, transferred from the project cost center to a warehouse cost center, or sent to surplus for disposal will be reviewed by the fiscal staff to ensure policy compliance with the CMA 5809 Managing Personal Property and Consumable Supplies.

CESSATION OF NORMAL GOVERNMENT ACTIVITIES, PERSONNEL ROLES AND RESPONSIBILITIES DURING EMERGENCIES AND EMERGENCY PAY

[Effective Date: October 1, 2003 (Revised: May 10, 2006; July 31, 2006; June 5, 2009; April 18, 2018; August 16, 2019; May 26, 2023)]

§ 5900-1. Purpose; scope.

The purpose of this Instruction is to provide for the County's practice to establish roles and responsibilities for all employees under the Board of County Commissioners Agency and the cessation of normal government activities during emergencies, as well as to outline the pay practices during these emergencies. This practice 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. County Employees: General Policies:

- (1) The County is responsible for protecting the public's health and safety during emergencies. As such, all regular full- and part-time employees are considered essential personnel and 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.
 - (a) All regular full- and part-time employees will be provided with an emergency assignment by their Division Director or designee which will fall into one of the following categories:
 1. Primary Agency Responder – employees who provide services before, during and/or after a declared emergency that protect the health, safety and welfare of residents and visitors or the County's assets. These functions include, but are not limited to:
 - (i) Building/facility/utility maintenance and preparation
 - (ii) Childcare services for agency employees
 - (iii) County Phone Bank/Emergency Call Center
 - (iv) Special Needs Clients Call Center
 - (v) Emergency Medical Services
 - (vi) Emergency Operations Center assignments
 - (vii) Logistics/staging
 - (viii) Shelter operations
 2. Secondary Agency Responder – employees who will be on standby to respond as needed before and during the declared emergency and are expected to provide services immediately following an event, as soon as the employee can safely travel to the work location. These functions include, but are not limited to:
 - (i) Safety or damage assessments
 - (ii) Department/Division response, as initiated by Division Directors, based on the need

CESSATION OF NORMAL GOVERNMENT ACTIVITIES, PERSONNEL ROLES AND RESPONSIBILITIES DURING EMERGENCIES AND EMERGENCY PAY

- (iii) Point of distribution assistance
 - (iv) Volunteer coordination
- 3. Reserve Responders – employees not in either category above will be on standby for an emergency assignment or reassignment to any area of need across the organization.
- (b) Division Managers/Supervisors will ensure that they communicate to employees, in writing, to provide emergency assignments and copy the Director of Emergency Management for EOC staff coordination each May. Employees will also be reminded of their assignment in writing by their Division prior to any storm or emergency event.
- (c) Temporary (job bank) employees and/or staff from temporary employment services agencies may be given an emergency assignment based on Division or organization needs, and assignments are given only after permanent employees have been deployed in support of the activation or emergency. These temporary employees should not be utilized in place of permanent staff.
- (d) The general nature of these responsibilities will be based on the emergency roles or temporary emergency needs assigned to County Departments and Divisions in the Collier County Comprehensive Emergency Management Plan, associated standard operating guidance documents, Continuity of Government plans 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 Department Heads, Division Directors, Managers, or Supervisors shall ensure the availability of employees to protect, secure, and recover County property, equipment, and services from the effects of an emergency and make ready all available resources to respond to the event as requested by an Incident Commander or the County Emergency Operations Center.
- (3) Department Heads have the discretion to provide emergency duty assignments to staff. Employees are required to report as assigned during a declared emergency.
 - (a) Requests to be excused from designated emergency duty assignments must be submitted for consideration each year in May on the agency's Disaster Exemption Request Form. These will be considered and if approved, approval will be provided in writing by the Division Director. Exemptions may be for an extended period or specific to a single activation event.
 - (b) If the exemption is unknown in May, a request can be submitted at the time an emergency is imminent or has been declared; these will be evaluated on a case-by-case basis by the Division Director.
 - i. If approved, the exemption will be communicated to necessary parties, including HR
 - ii. If an exemption is approved, the employee shall use available vacation,

CESSATION OF NORMAL GOVERNMENT ACTIVITIES, PERSONNEL ROLES AND RESPONSIBILITIES DURING EMERGENCIES AND EMERGENCY PAY

- sick, personal, or compensatory time, as appropriate for the reason for the leave (in accordance with CMA 5360) or be placed on leave without pay status
 - iii. It is the responsibility of the employee to immediately report any changes that may invalidate the exemption request
 - iv. If the employee transfers to another Division, it is their responsibility to submit a new exemption request for approval by the new Division Director
- (c) If an approved disaster exemption is no longer needed, it is the responsibility of the employee to notify their Division Director and Human Resources to cancel the exemption request. This will place them in an eligible status to receive an emergency duty assignment.
- (d) An employee who is designated to work an emergency duty assignment but does not report for assigned duties during a declared emergency will receive no pay and will not be eligible to use accrued leave time for the period of the scheduled assignment. Additionally, they may be subject to disciplinary action, up to and including termination of employment.
- (5) If the County is closed during a declared emergency, employees without emergency duty assignments prior to or during the emergency or who have been excused from emergency duty are subject to recall at a later time in support of the emergency.
- a) During the period when Collier County remains closed for normal business operations, these employees must call in, contact their supervisor, or report to work to the designated Division representative in accordance with Division plans no later than 24 hours after the occurrence of the incident/emergency.
 - b) If not assigned at that time, the employee must continue to call or contact their supervisor in each twenty-four-hour period to see if their services are needed.
 - c) Employees must provide a telephone number(s) where they can be reached before, during, and after the declared emergency.
- (6) Provisions will be made at the Division level to give employees sufficient time prior to an emergency event to prepare themselves and/or their families and protect their personal property. Directors and Supervisors will coordinate work schedules to make reasonable accommodations for personal and/or family protection.
- (7) Shelter at various locations will be made available to employees who are scheduled to work during an emergency. In some cases, employees' pets may be permitted at the County facility to which they are assigned. Shelter staff should come prepared with bedding, changes of clothing, toiletries, medications, food, drink, and snacks, communication device(s), chargers, and any assigned safety gear to cover a period of 72 hours. At these locations, there are no guarantees of the availability of back-up power or food services.
- (8) When deployed in support of a declared emergency and/or activation event, County employees are, at a minimum, required to wear their ID badge in a visible location

CESSATION OF NORMAL GOVERNMENT ACTIVITIES, PERSONNEL ROLES AND RESPONSIBILITIES DURING EMERGENCIES AND EMERGENCY PAY

above their waist. If available, staff are encouraged to wear County logo attire. At all times, staff members should be dressed suitably for their assignment, including proper safety gear.

- (9) County Department Heads/Division Directors shall submit an internal emergency/activation response plan or Continuity of Operations Plan (COOP) that complements the County's Comprehensive Emergency Management Plan to the Bureau of Emergency Services or the designated COOP on-line planning application on May 1 of each year, as directed by Emergency Management. These plans will include provisions for employee communications that meet the requirements of Subsection A(5) above including contingencies for telephone service outages, impassable road conditions, etc.
- B. Policy on Closing Down or Adjustments to County Operations:
- (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 Bureau of Emergency Services Division.
 - a) The County Manager's Office will communicate this decision and effective closure time to the County Constitutional Officers, the County Court Administrator, the County Health Department, school officials, Deputy County Managers, Department Heads, and Division Directors. Deputy County Managers, Department Heads and/or Division Directors will be responsible for communicating this information to staff.
 - b) This local determination will be based on best available information to continue essential government services for Collier County residents and visitors but may not align with decisions made by the Governor to declare a state of emergency for Florida, or communications from other officials about recommendations for citizens to evacuate.
 - (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 and 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 their 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

CESSATION OF NORMAL GOVERNMENT ACTIVITIES, PERSONNEL ROLES AND RESPONSIBILITIES DURING EMERGENCIES AND EMERGENCY PAY

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 including a partial activation of the Emergency Operations Center 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.

C. Emergency Pay Provisions:

- (1) Emergency pay provisions will be in effect when any natural, technological, or other emergency or activation event triggers a state of local emergency declaration by the Board of County Commissioners or Level 2 activation.
- (2) Level 2 activation may be declared when any natural, technological, or other emergency requires a state of local emergency declaration, or as indicated by the Board of County Commissioners, County Manager, Deputy County Managers or Emergency Services Director. Examples of Level 2 activation include:
 - (a) Emergency Services Division personnel have activated Emergency Operations Center (EOC) or mobile command outside the regularly scheduled workday.
 - (b) Emergency Support Functions (ESFs) in addition to Emergency Services Division personnel are working in the EOC or mobile command center.
 - (c) County Phone Bank (information hotline) has been activated.
 - (d) A request by the State Director of Emergency Management and or the Governor to provide support to the State or surrounding counties.
- (3) These pay provisions apply to employees regardless of their exempt or non-exempt status, with the exception of the County Manager, Deputy County Managers, Department Heads, bargaining-unit personnel, or as otherwise stipulated. These provisions also apply to temporary (job bank and staff from contract employment agencies) employees if they are required and assigned to work during a Level 2 activation. Overtime rules apply according to the Fair Labor Standards Act (FLSA). Shift differential may apply according to CMA 5341¹. It is the Department Head's responsibility, through the Division Directors or their designee(s), to verify any emergency hours worked and approve all payments.
 - (a) If County offices are open for normal operations, employees reassigned to

¹ Editor's Note: See CMA 5341, Compensation Administration.

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assist in emergency preparedness/response during regular work schedules will be paid at their regular hourly rate. Employees will receive pay at the rate of time and one-half for each hour worked outside their normal work schedule in preparation for or direct response to a declared emergency, regardless of whether they have worked 40 regular hours during that week.

- (b) If County offices are closed for normal operations, all employees who are available to work but are 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 to the position). Employees must call in/report to work in accordance with Subsection A(5) to qualify for pay. See Subsection C(4)(a-d), Other Pay Provisions (below), for additional clarification.
- (c) If County offices are closed for normal operations, employees assigned to work emergency duty assignments in preparation for or direct response to a declared emergency will be paid for any hours worked at the rate of time and one-half. If an employee is released prior to the end of a regular working day, any scheduled hours an employee does not work will be paid at their regular straight-time rate of pay, including shift differentials (if applicable to the position).

(4) Other Pay Provisions:

- (a) Employees who submitted and have approved leave slips to take time off (not related to the emergency/activation event) prior to the event declaration and are already off work 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. If an employee cancels leave to respond, they will be compensated based on the criteria outlined above based on actual hours worked.
- (b) During the period following a declared emergency, emergency pay provisions will continue to apply until County offices reopen for normal business operations, as determined by the County Manager. Employees, with the exception of those listed in section C(3), will be paid at the rate of time and one-half for each hour worked regardless of whether they have worked over 40 hours during that week, provided the time is in response to the declared emergency.
- (c) Employees who return to work during the period when the County is closed for normal operations but perform only their regular work assignment will be paid their regular rate of pay for worked hours.
- (d) 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.

CMA # 5900

CESSATION OF NORMAL GOVERNMENT ACTIVITIES, PERSONNEL ROLES AND RESPONSIBILITIES DURING EMERGENCIES AND EMERGENCY PAY

- D. Emergency organization: The command structure that Collier County will utilize for major emergencies is shown in the Basic Plan to the Collier County Comprehensive Emergency Management Plan (CEMP).
- E. 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 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 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. All reasonable efforts shall be made to ensure communications with the County by having available cell phones and two-way radios in working condition if assigned.
- F. 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 Bureau of Emergency Services Division 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.



Disaster Exemption Request Form

All employees are considered essential personnel and are expected to participate as assigned during an emergency period and accept duty assignments to prepare and/or respond to emergency situations. Exemptions may be granted due to a disability, serious health condition, or special need of the employee or someone in their household. If you require a disaster exemption, complete this form and submit the request to your Division Director for consideration along with the appropriate supporting documentation. Ongoing disaster exemptions are valid for a period of up to one year, ending on April 30. A new request is needed in May each year in which the employee is requesting an exemption.

Employee Name: _____ SAP ID #: _____

Division: _____

Position Title: _____

Requests to be exempt from emergency duty assignments will not be considered for any of the following reasons:

- Living in an evacuation zone
- Out-of-County residency
- Secondary employment or volunteer activities
- Care for pets

Time Period (Select One)	Select the timeframe(s) you are unavailable for a duty assignment.	List the number of days or hours unavailable for a disaster assistance role.* Indicate if this is a partial or full-day exemption with the hours that you are not available.
☐ Temporary Period Start Date: _____ End Date: _____	☐ Before the declared emergency** ☐ During the declared emergency ☐ After the declared emergency	
☐ Ongoing Period Valid for a period up to one year from date of approval and will expire on April 30. A new form must be submitted annually in May.		

*If an employee with a non-medically related disaster exemption is able to return to work earlier than expected, the employee must contact their supervisor to make arrangements. If an employee needs to be out longer than expected, the employee must contact their supervisor immediately to discuss the status. Medical leave should be coordinated through HR.

**Before the declared emergency will be dependent on Division requirements.

Employees approved for an exemption from their disaster assignment will be required to use accrued leave, if available, to remain in paid status during their absence from the County, in accordance with CMA 5900. Employees must use their accrued leave for any time that the County is closed.

All exemption requests must be supplemented by a brief statement from the employee to outline the details specific to the need to be excused from performing in a disaster assistance role. This statement **MUST NOT** include any details about the medical conditions of the employee or family member. If the request is related to a medical situation or physical limitation, appropriate supporting documentation from a medical professional must be submitted directly to Human Resources for consideration.

For the purpose of submitting an exemption request, immediate family is defined as spouse, mother, father, brother, sister, biological, adopted or foster children, grandchildren, grandparents, aunt, uncle, niece, nephew, those who are in-laws or step-family equivalents of those family members listed above, or a close relative living with the employee.

Employee Name: _____

REASON FOR EXEMPTION:		TYPE OF LEAVE REQUIRED
☐	Employee is the parent or legal guardian of child/children under the age of 18 living in the same household. Provide number of children, age(s) and relationship:	Vacation, personal, or compensatory. If the leave is not available, the employee will be placed in a no pay status.
☐	Employee is the sole caregiver for a special needs member of the employee's family. Supporting documentation of the special need is required (e.g., Certification of Health Care Provider).	Vacation, personal, or compensatory. If the leave is not available, the employee will be placed in a no pay status.
☐	Employee with special needs or documented medical conditions that would prohibit them from performing the assignment. A written statement from a medical professional that specifies the work restriction(s) is required. This also includes an employee who has been or will be approved for an <u>intermittent</u> Family Medical Leave of Absence (FMLA) which requires submission of appropriate supporting documentation from a medical professional to either The Standard or HR. Individuals approved for continuous FMLA leave are already exempt from serving in a disaster assistance role and do not need to complete this form.	Sick leave. If sick leave is not available, the employee must use other accrued leave, if available, or the employee will be placed in a no pay status.
☐	Employee has a medical situation or physical limitation that would impede their ability to perform disaster assistance assigned duties during an emergency situation; however, they are able to perform their regularly assigned job functions before, during and/or after an emergency. This requires submission of appropriate supporting documentation from a medical professional to HR.	Sick leave. If sick leave is not available, the employee must use other accrued leave, if available, or the employee will be placed in a no pay status.
☐	Employee's spouse/significant other has hurricane duty assignment in Collier County and the employee is the parent or legal guardian of child/children under the age of 18 living in the same household. Spouse/Significant Other's Department: Spouse/Significant Other's SAP#: _____ Provide number of children, age(s) and relationship:	Vacation, personal, or compensatory. If the leave is not available, the employee will be placed in a no pay status.
☐	Other: Provide details. This may require submission of documentation to HR, based on circumstances.	To be determined upon nature of the exemption.

I affirm these statements to be true. I understand that it is my responsibility to immediately report any changes that may invalidate the disaster exemption request, and that failure to do so may result in disciplinary action up to and including termination of employment. If I transfer to another Division, I understand that a new request must be submitted for approval by the new Director. **Additionally, I confirm that I understand I will need to use accrued leave time for any hours not worked while the County is closed and will enter no pay status if I do not have enough accrued leave to cover the unworked hours.**

Employee Signature: _____

I have reviewed the employee's request for an exemption and the request is: ☐ Approved ☐ Denied

Division Director Signature: _____

Return completed forms and supplemental materials to the Human Resources Office (HROperations@colliercountyfl.gov).
This form should not be retained in Division files.

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)]

§ 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 5201.¹
 - (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.

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 5351.²

§ 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.

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; Revised: January 31, 2019]¹

§ 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 or his/her representative, 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 5351.² Employees will be professional and conduct themselves in a positive manner during these procedures. Weapons, drugs, explosives or any other type of contraband may 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.

1. This CMA is an abbreviated version of the full Administrative Procedure. The full procedure is on file in the Facilities Management Division. Both versions are not subject to Florida's Public Records Law.

2. Editor's Note: See CMA 5351, Discipline.

**SECURITY SCREENING/ADMINISTRATION BUILDING
(Employee Version)**

- C. Employees and visitors shall enter the building through the security/screening area during the building's hours of operation, Monday through Friday. Only those employees approved by the County Manager, Division Administrator, Division 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 Division Director and forward the request to the Division 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) may 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 Division 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 Division 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. Security personnel may, from time to time, be authorized by the Facilities Management Director 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.
- G. 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 Division 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.

RETIREE HEALTH INSURANCE PREMIUM SUBSIDY PROGRAM

[Effective Date: April 1, 2006; Revised: October 10, 2018]

§ 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: 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 to be eligible for the subsidy, however, employees who are younger than age 55 shall be eligible for the subsidy if they qualify for the FRS pension plan without a penalty. Employees in the pension plan who have at least 15 years of continuous service with Collier County and are 55 years of age or older may take the required FRS pension reduction for early retirement, if applicable. Employees in the investment plan shall be eligible for the subsidy if they have 15 years of continuous service with Collier County and are at least 55 years of age.
 - (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

RETIREE HEALTH INSURANCE PREMIUM SUBSIDY PROGRAM

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

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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**

Years of Service	% Paid at Separation
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 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

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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.

§ 5904-3. Currency.

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

§ 5904-4. Reference.

Collier County Personnel Ordinance, Ordinance No. 2001-5; Florida Statutes, § 112.08; CMA 5360.¹

¹. Editor's Note: See CMA 5360, Leaves of Absence.

RESTRICTED NETWORK ACCESS AGREEMENT

[Effective Date: April 1, 2006; Revised July 5, 2018]

§ 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 Title	
User's Telephone Number	
User's Office and Location	

I have read the Collier County CMA 5405 Computer – Technology use 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 Division.

User Signature	
Date	
Collier County IT Division	
Date	

§ 5905-4. Currency.

The Information Technology Division 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

[Effective Date: March 28, 2006; Revised: March 31, 2008; Revised: September 17, 2010; Revised: September 1, 2017; Revised: January 31, 2019]

§ 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 or designee, be extended to 150 days.
- C. The County Manager, or designee, must approve temporary residential housing for any existing employee.
- D. Employees, contract employees, students, 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 any time for the purposes of inspection, maintenance, and/or repair.
- E. The Division 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 Division will furnish each unit with appropriate furniture.
- F. Each occupant will enter into a Use Agreement with the County.
- G. The use fee for housing under 2,000 square feet of living space, which includes rent, water service, electric service, lawn service, basic cable and furnishings, is \$25 per day for employees and imbedded contract employees. For housing over 2,000 square feet of living space the use fee will be \$35 per day. All housing for interns and students will at a rate of \$8 per day. 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

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Commissioners. A non-refundable security deposit of \$250 will only be required when pets are present. The revenues will be directed to the division owning the unit or the Facilities Management Division budget as agreed upon by both the owning Division and the Facilities Management Director.

- H. Facilities Management may, when necessary, and in the absence of a paying occupant, assign a security officer or maintenance personnel to occupy the units in order to prevent vandalism.
- I. The County Manager or designee will review and, if necessary, adjust the charges every two years, but has the authority to amend this policy as necessary at any time.

§ 5907-3. Currency.

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

§ 5907-4. Authorization.

Authority for this policy and procedures was delegated by the Board of County Commissioners on March 28, 2006.

CMA # 5909

HIPAA SECURITY FACILITY ACCESS CONTROL POLICY

§ 5909-1. Purpose.

§ 5909-3. Guidelines.

§ 5909-2. Definitions.

§ 5909-4. Currency.

[Effective: April 1, 2006]

§ 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.

- (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]

§ 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]

§ 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 5390¹) 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,² after a conditional offer of employment is made.

D. Selection:

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.

TELECOMMUTING

[Effective Date: March 1, 2007 (Revised: June 5, 2020; Revised October 2, 2020)]

§ 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, 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 Department Heads 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, including business travel outside the United States; while recuperating from an illness or injury (with appropriate documentation from the treating medical provider that they have authorized the employee to work), or while caring for a family member. Division Directors, working in conjunction with the Human Resources Division, may approve short-term telecommuting, provided that the business needs of the organization are met and measurable tasks and objectives 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.

Due to the potential for security risks with international travel, approval must be requested from the IT Division Director, who may, on a limited basis, authorize an employee to transport and utilize a temporary PC when working outside of the country. Upon return to the workplace, the temporary PC must be returned to the Information Technology Division to be re-formatted.

§ 5912-3. Conditions.

- A. Participation in the formal Telecommuting Program is voluntary and must be mutually agreed upon between the employee and the Division Director. Either party may revoke the

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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 division 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 application and 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 the Fair Labor Standards Act (FLSA). Approval for overtime must conform with a division's standard practices.
- F. Telecommuters are required to meet all telecommuting practices, are subject to the same rules and procedures as other employees and are expected to meet all established, documented performance objectives for their County position.
- 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. Employees who have demonstrated successful performance, are not currently working under an improvement plan, and who have no disciplinary action within the last six months or pending Behavior Action Plans to be issued may be considered for telecommuting. 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 a suitable work-from-home 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:

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- (1) Maintain open lines of communication with telecommuter(s).
- (2) Establish measurable goals and articulate work-from-home 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 annually 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 and agreement for telecommuting through their Supervisor to the Division 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 trial period. The decision of the Division Director is final.
- B. Rules of Operation:
 - (1) Telecommuting will not begin until a fully executed Telecommuting Agreement is in effect, the original of which will be filed in the Human Resources Division with copies provided to the requesting division, IT, Risk Management, and the employee.
 - (2) Telecommuters must be accessible by telephone and must remain within their work-from-home space during the hours agreed upon with their Supervisors (with the exception of lunch, breaks, meetings, etc.).
 - (3) Unless otherwise authorized in writing by their Division Director, Department Head, the County Manager and Human Resources Director or their designees, telecommuting employees must be available to report to the office worksite during regular working hours at the request of a Supervisor.
 - (4) Telecommuting is not a substitute for child or dependent care, and childcare cannot interfere with the performance of assigned duties.
 - (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 Department Head and County Manager, or their respective designees. Notation of the hours and days the work from home arrangement

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is in effect will be included as part of the signed Telecommuting Agreement and Appendix A, Work Schedule.

- (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) Due to tax implications for the employee and the County, employees who have been authorized to work exclusively on a remote basis must reside within the state of Florida.
- (11) Only County-issued devices may be utilized by employees approved for telecommuting arrangements. All equipment requested for a telecommuting agreement must be approved in advance by the Division Director and noted on Appendix C, Equipment List.
- (12) If equipment or connectivity to the County's network 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. The Information Technology Division has the responsibility to ensure that County-issued equipment has current software installed and all required patches are in place. Employees may be required to report to their workplace to resolve hardware or software failures and/or secure technology replacements.
- (13) Either the employee or the employer can terminate the telecommuting agreement with written notice at any time.
- (14) 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.
- (15) With reasonable notice given from their supervisor, employees must permit inspection of their home worksite from time to time by their supervisor or Risk Management to verify the safety of the environment and/or to meet other compliance requirements.
- (16) Collier County, at its discretion, reserves the right to monitor any use of network resources by employees approved to telecommute. This includes monitoring 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. Software may be installed on a County-owned computer to monitor the telecommuter's productivity. This software will be installed at the request of the employee's manager, with concurrence of the Division Director, and will be used as a management tool to validate the employee is meeting performance and productivity standards.

C. Work Hours/Schedules:

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- (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. Approval for overtime must conform with a division's standard practices.
 - (2) Any changes to working 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.
- 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. Telecommuters will check for office mail, inter-office mail, and new assignments and will ensure they stay 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, Division Directors will conduct an informal performance assessment at least once each six-month period. If a trial period is imposed, a performance assessment 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 Division) 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/Remote Office and Safety: Employees will establish an appropriate work environment within their home or alternate location approved by the employee's supervisor/director for work purposes. The County will not be responsible for any costs associated with the initial setup or upkeep of the remote office but may be consulted for ergonomics or safety advice. The remote 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 remote

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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 or remote work location.

- H. Equipment: Telecommuters and their Supervisors will jointly determine the equipment required to meet their performance objectives from the home office. The IT Division can assist in determining the appropriate equipment required. Approval or commencement of a telecommuting agreement may be contingent upon availability of such equipment. Divisions 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/remote 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/remote 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/remote location setup, repair, or troubleshooting services.
 - (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, but does not guarantee that this equipment will be available.
 - (8) Collier County does not provide or support wireless service (or required equipment) in employees' homes or remote work locations; however, to the extent reasonable, the Service Desk will assist with home wireless setup and troubleshooting.
 - (9) The County will not provide fax machines, copy machines, or telephone equipment in home/remote offices; however, a division may choose to provide a computer printer equipped with some of these options.
 - (10) Employees will immediately report loss, theft, or damage to County-owned equipment to their Supervisors.

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- I. Required Forms:
 - Telecommuting Application and Agreement.
 - Appendix A, Work Schedule.
 - Appendix B, Safety Checklist.
 - Appendix C, Equipment List

§ 5912-6. Currency.

The Human Resources Division is responsible for keeping this Instruction current.



APPLICATION AND AGREEMENT FOR TELECOMMUTING

Personal Information		County Position Information	
Employee Last Name, First, MI		Dept/Division	
		Position Title	
Employee Home Address		Hire Date	
		County Work Address	
# of Miles from County work location to home		Office Phone or County Cell #	
Is the address listed above the location from which you will work remotely?			☐ Yes ☐ No
If no, provide the address from which you are requesting to work below			
Alternate Work Location Address:			

Employee Assessment of Position Functions and Establishing a Remote Work Location			
Briefly Describe your current job duties:			
Rate each of the following job characteristics according to your current job requirements. For each, indicate whether the situation occurs: Frequently (F) , Occasionally (O) or Rarely (R)			
Controlled work schedule		Work with computer or laptop	
Receive clear and understandable work assignment objectives		Use of copier, fax and/or other office equipment	
Position requires face to face contact with customers/clients		Position requires face-to-face contact with co-workers/supervisor	
Concentration required		Work independently	
Position requires use of in-office reference materials			
Describe how your current job responsibilities will be adapted to telecommuting/remote work, including which functions you will perform while working remotely:			
Describe how you will meet your work objectives while telecommuting/working remotely:			
Describe the space in your home/remote work location that you will dedicate to performing your work:			

Supervisory Assessment for Telecommuting/Remote Work			
Rate each item below from 1-5, (with 1 being not true and 5 being completely true) related to the employee who has requested to telecommute.			
1. Position tasks do not require daily observation		10. Position handles minimal proprietary information	
2. Position tasks require minimal supervision		11. Equipment is available without creating fiscal hardship on division	
3. Position requires minimal interaction with public		12. Employee meets all eligibility criteria	
4. Position is minimally dependent on hard copy or restricted access resources		13. Employee is well established and self-motivated	
5. Position requires minimal face to face interaction with co-workers		14. Employee requires minimal supervision	
6. It is relatively easy to establish definable quality and quantity performance measurements		15. Employee has a high degree of work knowledge	
7. Position requires minimal administrative support		16. Employee is well organized and has strong time management skills	
8. Position requires considerable computer usage		17. Employee demonstrates a high level of productivity	
9. Job tasks are predictable			

In the space below, outline the plan for assessing the employee's performance and productivity while working remotely. You will be required to provide 6-month updates of this plan to your Director/Dept Head. 	
Please indicate which of the following you will require employee to perform/complete while working remotely	
Activate and use productivity software on their computer on approved telecommuting day(s)	☐ Yes ☐ No
Take part in daily Skype/Zoom/Phone call check-ins	☐ Yes ☐ No
Submit a log of daily work activities at the end of each working day	☐ Yes ☐ No
Other (Please outline requirement here)	

TELECOMMUTING CONDITIONS AND 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.

As a telecommuter/remote worker you agree to and understand:

1. This agreement is between you (the employee) and your Division Director regarding a remote work arrangement that includes work schedule, equipment and other details.
2. Telecommuting has been approved to start as of date this application and agreement are approved by all parties, and I have been notified by Human Resources that the agreement is in effect for a period up to one year. The agreement may be renewed annually if the arrangements continue to meet the division's operating requirements. I or my Division Director may terminate the agreement at any time.
3. Telecommuting is in accordance with dates approved for remote work under ***Appendix A, Work Schedule***, which may be adjusted or changed by mutual agreement.
4. An appropriate space is required within my home or alternate work location to complete my assigned job tasks. The remote work must be free of safety and fire hazards. ***Appendix B, Safety Checklist***, has been completed certifying compliance and remains part of this agreement.
5. All material and equipment issued to me for the performance of my 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. I will not use any County equipment and supplies at my home or alternate work location for personal purposes. A list of all assigned equipment with model and serial numbers, along with non-consumable supplies, is included as ***Appendix C, Equipment List***.
6. A telecommuting arrangement is voluntary, and I may request to end the arrangement at any time.
7. The Division Director may at any time change any or all of the conditions under which I am permitted to telecommute or withdraw permission to telecommute entirely.
8. I am responsible for adhering to the established remote work schedule and ensuring that all specifications in all appendices remain satisfied throughout the term of the telecommuting arrangement.
9. I will seek supervisory approval in advance for any changes in my work hours or working days and to request leave or make satisfactory arrangements to meet my scheduled work hours.
10. All County policies, practices, and procedures remain in effect for me whether I am telecommuting or working at my official worksite.
11. I will participate in any additional evaluation activities that may be undertaken as part of the telecommuting arrangement, to include electronic system monitoring if determined appropriate by my management team.
12. I will keep my Supervisor informed of my progress on assignments worked from my home worksite and to immediately notify my Supervisor of any problems which I may experience while telecommuting.
13. My time must be structured to ensure my attendance at all required meetings and division events as designated by my Supervisor, and that I am subject to recall to the official worksite at any time.
14. Telecommuting is a benefit, and I accept the responsibility to facilitate communication with any customers and/or colleagues impacted by my telecommuting. I further agree to make special efforts to stay current on division events occurring on my telecommuting days.

If Applicable:

15. I confirm that I have made adequate day-care arrangements (through a paid provider or other equivalent situation) and understand that providing childcare cannot interfere with the performance of my assigned duties.

APPENDIX A WORK SCHEDULE

The employee named in this telecommuting application and agreement is approved to work the schedule noted below									
Weekday	Starting Time	Ending Time	Mins for Lunch	Total Work Hrs	In Office	Working Remotely			
Sunday					☐	☐			
Monday					☐	☐			
Tuesday					☐	☐			
Wednesday					☐	☐			
Thursday					☐	☐			
Friday					☐	☐			
Saturday					☐	☐			

APPENDIX B SAFETY CHECKLIST

This checklist is for use by the telecommuter/remote worker in assessing the adequacy of the home working/alternate work location 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.

Criterion	Adequate	Inadequate	Not Applicable
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.	☐	☐	☐
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.	☐	☐	☐

APPENDIX C EQUIPMENT LIST

The following equipment and non-consumable supplies have been assigned to the employee and will be returned at the termination of the Telecommuting Agreement.

Equipment List

Model Number	Serial Number	Inventory Tag

Non-Consumable Supplies List

Item and Model # (if available)	Serial Number

I have read the Telecommuting Instruction (CMA), the Telecommuting Conditions and Agreement, and completed Appendix A, Appendix B and Appendix C 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 position).

Employee's Signature

Date: _____

Immediate Supervisor or Manager or Division Director

Date: _____

Department Head

Date: _____

County Manager (or designee, if agreement exceeds 3 days/week)

Date: _____

Human Resources Director

Date: _____

FINAL APPROVED COPY: HUMAN RESOURCES AND EMPLOYMENT FILE

COPIES: EMPLOYEE'S SUPERVISOR/ RISK MANAGEMENT DIVISION DIRECTOR/IT DIVISION DIRECTOR

VOLUNTEER PROGRAM

[Effective Date: May 1, 2009; Revised: June 5, 2020]

§ 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 or an occasional volunteer.

§ 5913-3. Directive.

The respective Division 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 Chapters 125 and 440, *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 for a period longer than 5 shifts or upon completion of the Bright Futures Program requirements (75 or 100 hours) is required to apply to become a "Regular Service" volunteer.

Requirements:

- Must be a minimum of 13 years of age
- If under 18, must submit written parental or legal guardian permission
Complete an electronic Volunteer Application
- Complete divisional screening or interview process
- Pass any required background checks and rescreening as may be required
- Attend Volunteer Orientation and report to a defined supervisor
- Will wear, at all times, County issued badge or other identification of volunteer status

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- Must submit a time log to his/her supervisor or designee at minimum on a monthly basis or use electronic time reporting for each volunteer occurrence/shift volunteered
- Follow all applicable CMAs

Occasional Service Volunteer

Occasional Service Volunteers provide a one-time, or short-term service, or participate in the Bright Futures program or other student-oriented volunteer requirement program (up to the maximum number of required hours). Educational field trips to visit County facilities are not considered volunteer assignments.

Requirements:

- Must be a minimum of 13 years of age
- If under 18, must submit written parental or legal guardian permission
- Will wear, at all times, County issued badge or other identification of volunteer status
- While volunteering, will be overseen 100% of the time by a County staff member
- Will attend event orientation and safety briefing and will be accountable to defined supervisor for the volunteer event time-log should be submitted to the assigned supervisor before leaving the assignment, or use electronic time reporting for the volunteer hours worked
- If a club or group assisting with special events or short-term projects, shall complete a Group Application and an individual application for all volunteers and it will be approved by the Director or delegate prior to the event
- If a club or group, a group participation roster is required and the group participation roster will serve as the time log form
- All parental approvals are obtained prior to the start of the event, as applicable

A. Volunteer Assignments:

(1) The Division is required to:

- a. Submit a request to fill a Volunteer position through the County electronic hiring system for review and advertising, including classification.
- b. Coordinate the proper background screening, as follows:
 - i. Fingerprint level (Level 2) background screening through County Facilities Management is required for all volunteers who are working with children and may not be fully supervised, or are in safety-sensitive roles whether Regular Service or Occasional Service Volunteers.
 - ii. All other Regular Service Volunteers will be Level 1 background screened via a contracted and secure third-party service, using personally identifiable information associated with the volunteer . No

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records of the SSN/PII are maintained or retained by the County avoiding the need to protect the information.

- iii. All other Occasional Service Volunteers will not be background checked, and all OSV's will be directly supervised by a County staff member.
- (2) Divisions will post Volunteer Opportunities on their websites and a link to such opportunities will also appear on the HR website.
- (3) Volunteers will be required to complete the approved application form and pass all required background screens.
- (4) Occasional Service Volunteers may involve planning for volunteer groups in which case a Group Application will be required. Any minors will have parental permission prior to the beginning of the volunteer service whether part of a group or not.
- (5) During a local emergency declaration by the Board of County Commissioners and/or a Level 2 emergency activation, all those volunteering specifically for the emergency event are to follow protocols established by the Director of the Bureau of Emergency Services.

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. Any documents collected at the Division level are to be retained by the Division after the volunteer service has ended, per General Records schedule requirements.

C. 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 Division.
- (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. If the screening uncovers prior history, the Division Director must review the results with the Security Chief in order to determine it is appropriate to permit the individual to volunteer. These checks may include, but are not limited to social security check, department of motor vehicle records, statewide and national criminal background checks, fingerprinting and educational checks. The requisitioning Division will be responsible for the costs associated with these background checks.
- (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

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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) Drug Screening/Physicals: Volunteers may be required to have a drug screening and/or physical exam prior to the commencement of his/her service, pursuant to Risk Management determination.
- (8) Fitness to serve: Divisions have the authority to determine if a volunteer does not have appropriate ability to perform the volunteer function and may decline the service of a volunteer.

§ 5913-5. Volunteer Management.

- A. Volunteers must perform assignments within the rules set by the respective Division Director. Volunteers may be excused from service if work rules are not followed.
- B. Regular Service Volunteers must comply with the intent of the Collier County CMAs, including CMA 5311.1, *Standards of Conduct*; CMA 5311, *Code of Ethics and Anti-Fraud*; CMA 5323 *Prohibition of Sexual Harassment*; CMA 5323.1 *Prohibition of Unlawful Harassment*; CMA 5324, *Solicitation*; CMA 5902, *Workplace Safety and Health*; CMA 5312 *Drug Free Workplace*; and CMA 5805, *Eligibility to Drive County-Owned Vehicles (as applicable)*. Failure to do so may result in being excused from volunteer service.
- C. The Division Director must ensure that the volunteer coordinators and volunteers are adequately trained to carry out his/her assigned functions. The Division 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 division guidelines used in managing volunteer services.
- D. The service hours of each volunteer must be tracked and reported on an annual fiscal year basis to the Division Volunteer Coordinator and the Risk Management Division.
- E. Any volunteer with no service hours for more than 12 months will be considered separated from service and will be so documented. Should such an individual wish to volunteer again, they will need to re-initiate the entire process.
- F. Annually, all volunteers requiring security screening will be rescreened. This process is to be managed by the Division.
- G. Should there be a safety-related incident regarding a volunteer, the Division is to report such incident through the Risk Management Workers' Compensation electronic tracking system and coordinate with the Risk Division within 24 hours of the incident.
- H. Should there be an illness or emergency regarding a volunteer, the protocol is:
 - a. Make them safe
 - b. Call 911, if appropriate

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- c. Contact their emergency contact
- d. Report the incident in STARS
- e. Obtain documentation to support a return to the volunteer assignment, if appropriate to the situation.

§ 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 benefits as described in Chapter 110 and Chapter 125, *Florida Statutes*.
- B. Volunteers are covered by Workers' Compensation as referenced in Chapter 440, *Florida Statutes*.

§ 5913-8. Currency.

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

§ 5913-8. References.

Chapter 110, *Florida Statutes*; Chapter 125, *Florida Statutes*; Chapter 440, *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*.

CMA 5914

UNMANNED AERIAL SYSTEM OPERATIONS

[Effective Date: August 14, 2017; Revised April 5, 2023]

§ 5914-1. Purpose.

The purpose of this Instruction is to assure the safe operation of unmanned aerial systems (UAS), also known as a drone or an unmanned aerial vehicle, and to assure that such operation is in accordance with State and Federal statutes and regulations governing their operation.

§ 5914-2. Background.

UAS's originated primarily in military applications; however, their use is rapidly expanding into the areas of commercial, scientific, recreational, agricultural, inspection, and aerial photography. On August 29, 2016, the Federal Aviation Administration (FAA) issued UAS Rule 14 CFR Part 107, which legalized the use of small unmanned aerial systems (sUAS) in the National Airspace (NAS) for public and private entities pursuant to the rules within the regulation. A small sUAS is defined as any UAS that weighs more than .55 pounds and less than 55 pounds.

§ 5914-3. Concept.

The operation of UAS's while in the course and scope of County business shall be performed safely and in accordance with all applicable laws and regulations. The operator of a UAS, known as Remote Pilot in Command rPIC (rPIC) or Remote Pilot at Controls (rPAC), shall be required to meet the minimum standards to operate UAS's and shall demonstrate the continued proficiency necessary to perform this operation. Divisions considering the outsourcing of UAS operations for the purpose of performing County business shall also assure that vendors meet or exceed the requirements of this CMA.

§ 5914-4. Directive.

Division Directors shall assure that UAS operations comport to the following minimum requirements and in accordance with the Division Concept of Operations Plan.

Approved Pilots - rPIC and rPAC Minimum Standards

The rPIC shall be the individual with responsibility for all personnel and operations related to the UAS mission. The rPAC is the individual in direct control of the UAS. These titles may encompass the same individual. The minimum requirements for UAS operation shall be applicable to both the rPIC and the Pilot at Controls. The rPIC and rPAC shall possess the following minimum qualifications:

1. The required, current licensure for the UAS being operated.
2. Knowledge of general aviation practices and procedures.
3. Knowledge of all FAA rules applicable to the operation of UAS's.
4. 20/20 corrected vision.
5. Familiarity with the operation of the applicable aircraft to include:
 - a. The completion of sufficient flight time to be familiar with all flight characteristics.
 - b. Familiarity with and installation of the latest revision of ground control software.
 - c. Emergency recovery procedures in failed link situations.
6. Familiarity with mission planning and preflight procedures.

UNMANNED AERIAL SYSTEM OPERATIONS

7. Familiarity with emergency procedures and contingency operations.
8. Familiarity with acceptable field repair and maintenance procedures prior to engaging in or assisting with same.

Unlicensed personnel shall not be permitted to operate County-owned UAS's.

Visual Observers

A Visual Observer (VO) is a person who is designated by the rPIC to assist the rPIC and/or rPAC in avoiding other air traffic or objects aloft or on the ground. A VO is not required, but if applicable, shall possess the following minimum qualifications:

1. 20/20 corrected vision.
2. Familiarity with the UAS being operated.
3. Familiarity with the construction and configuration of each UAS.
4. Familiarity with the mission plan and preflight procedures.
5. Familiarity with emergency procedures and contingency operations.
6. Familiarity with acceptable field repair and maintenance procedures.

Aircraft

In accordance with section 934.50(7), Florida Statutes, and under [Rule 60GG-2.0075, Florida Administrative Code](#), a governmental agency may only purchase or otherwise acquire a drone from a manufacturer that meets the minimum security standard requirements specified in this rule. The rPIC shall recommend the aircraft type and configuration to the Division Director for approval prior to purchase. Division Directors shall be responsible for the final approval of aircraft purchases and shall assure that the aircraft is appropriate for the Division mission. Division Directors shall also assure that mission use remains within the course and scope of County business. Aircraft shall not be used for personal, recreational, or non-business purposes.

Prior to the operation of the aircraft, the Division Director or rPIC shall contact the Risk Management Division to assure that proper liability coverage has been secured.

The aircraft shall be registered according to FAA requirements prior to operation.

UAS Operation - Safety

Mission safety shall be the primary consideration for each flight. The rPIC shall possess the authority to shut down an operation that may present an apparent or actual threat to the safety of crew, staff, or the public.

UAS Concept of Operations Plan

Each Division that engages in the operation of a UAS shall prepare a Concept of Operations Plan specific to their use. The Concept of Operations Plan shall contain specific directives related to the mission and operation of the UAS. A standardized template shall be provided by the Risk Management Division for this purpose.

CMA 5914

UNMANNED AERIAL SYSTEM OPERATIONS

Accident Reporting

All accidents shall be reported to the Risk Management Division in accordance with CMA#5804, CMA#5803, and CMA#5902. Further, accidents shall be reported in accordance with all FAA reporting requirements.

§ 5914-5. Enforcement.

Division Directors shall enforce the provisions of this directive. Employees who violate the provisions of this Instruction may be subject to disciplinary action.

§ 5914-6. Currency.

The Risk Management and Information Technology Divisions are responsible for maintaining the currency of this Instruction.

§ 5914-7. 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 from that all employees are provided safe and healthy working conditions. Safe practices, habits, and thinking are the principal objectives of a good safety program. The implementation of the County's Loss Control Program within each department will work to meet these objectives. All accidents shall be reported to the Risk Management Division in accordance with CMA#5804, CMA#5803, and CMA#5902. Further, accidents shall be reported in accordance with all FAA reporting requirements. This policy is consistent with the Federal Aviation Administration (FAA) issued UAS Rule 14 CFR, Part 107; Florida Statute 934.50 (7)(b), and Rule 60GG-2.0075, Florida Administrative Code.