



## Board of Directors Meeting

May 10, 2012

### JWB Human Resources Policies Revisions

#### Item IV.A.

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**Recommended Action:** Information Only

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#### **Background:**

JWB's personnel policies have not been comprehensively reviewed since May 2009. JWB staff, Colleen Flynn, general counsel and Susan Collins of Certigy Inc., JWB's human resources consultants have reviewed the policies and are recommending changes designed to:

- Reflect best practices in risk management, employee relations and human resources practices
- Clarify policies that are unclear or open to several interpretations
- Incorporate changes in state or federal legislation that effect JWB policies
- Align JWB policies to better meet changing workforce and external environment needs

The JWB Board will be asked to approve the revised policies at the June 2012 meeting.

#### **Significant Policy Modifications:**

Many of the changes in the proposed 2012 Human Resources Policies are relatively minor in nature including

- Reordering similar policies to be grouped together, e.g. all policies related to insurance benefits
- Streamlining entries such as citing current Florida Retirement System (FRS) requirements and legislation rather than attempting to include all provisions of the legislation
- Eliminating inaccurate or obsolete language such as "appointing authority" rather than "hiring authority"
- Updating policies such as the FMLA (Family and Medical Leave Act) to reflect specific amendments such as Military Family Leave Entitlements.

However, there are eight significant changes that represent changes at the policy level. These are described below.

**Provisional Period.** In the current policies, the provisional period is six months with a possible extension to 12 months. The new policies recommend a standard 90-day provisional period with

a possible extension to six months. This policy brings JWB in line with standard employment practice. Furthermore, 90 days is the provisional period during which a terminated employee is not eligible for unemployment. The shorter period encourages closer performance management of new employees and longer-term employees who have transferred into new positions; allowing developmental conversations to begin earlier and have greater positive impact.

**Leave of Absences and Accrued Time.** Currently, when employees are out of work on FMLA, short-term disability or administrative leave, they continue to accrue sick leave, annual leave and are eligible for holiday pay and personal leave. The new policy does not allow for accrual of additional leave or holiday pay while an individual is on any type of extended leave. Leave would continue to accrue during periodic use of annual leave (e.g. vacations) and sick leave and during the use of intermittent FMLA. Not accruing additional leave while on leave is standard HR practice.

**Short-Term Disability.** JWB currently self-insures for disability. Employees can receive two-thirds of their pay for up to 26 weeks. Eligibility is determined and managed by JWB. In FY10-11, JWB spent \$14,889 on short-term disability payments. So far, in this fiscal year, JWB has expended \$16,225 on short-term disability payments. In order to better predict the cost of short term disability, to transfer responsibility for determining eligibility to a third party and thus, reduce risk exposure; it is recommended that JWB purchase short-term disability coverage from an insurance carrier. JWB has received estimates from seven insurance carriers for coverage similar to what is currently self-insured. Those estimates range from \$16,128 to \$20,844 per year.

**Sick Leave Pool.** The proposed policies recommend eliminating the sick leave pool. The current pool has not been used since 2006 and requires JWB to carry the value of the hours in the pool as a liability. With accrued leave, short-term disability and long-term disability available to employees, there is no need for the pool. There are currently 1,073.46 hours in the pool with a value of \$36,203.38. Of these hours, 561.96 hours are attributable to 22 current staff with a value of \$14,884.03. Although the current policy states that a contribution to the pool is an irrevocable donation, we are recommending that the employees currently in the pool, receive a cash amount for their hours in the pool based on the sick leave buy back formula. The total amount of the buy back would be in the \$6,500 range. This would allow for an equitable payout to employees and would remove the liability from JWB's books.

**Telecommuting Program.** The revised policies recommend eliminating this program. Having employees routinely telecommuting does not meet JWB's business needs. The current policies and practices enable supervisors to allow for temporary, infrequent telecommuting when a situation warrants that option. This has been and will continue to be available in cases such as the JWB network being down, building repairs or renovations being made, work on special projects etc.

**Smart Phone Stipend.** The new policies replace the current Cellular Phone Policy with a Smart Phone Stipend Program. The new program provides a taxable reimbursement to eligible employees who use their Smart Phones on JWB business. Employees will purchase their own devices, be responsible for maintenance, replacement and service plans. As a result of this policy change, JWB will eliminate the purchase and maintenance of Blackberries. The policy

outlines the issues related to public records access and maintains a policy that all employees conduct business in a way that honors those requirements.

**Professional Development.** JWB is committed to the professional development of staff in order to better serve JWB's constituencies. The current policy is somewhat confusing and provides some barriers to employees who are seeking undergraduate degrees. In the proposed policy, employees can receive support for professional development (assuming available resources) in two categories:

1. Degree programs and courses for academic credit. Degree programs may be at the undergraduate or graduate level; however, all graduate level programs must be job related to be considered for reimbursement. Individual courses not leading to a degree must be job related. Undergraduate courses required for degree completion, but not job related, may be considered for reimbursement. The current policy does not allow for this reimbursement.
2. Professional Development Workshops or Courses. In order to be considered for reimbursement and/or release time, these courses must be job related.

**Appearance Code.** JWB has added a brief appearance code to the policies. In lieu of prescribing all possible forms of acceptable and unacceptable dress and appearance, JWB has chosen to require that employees dress professionally and appropriately for their work. This acknowledges that with multiple roles and responsibilities, employees may need to dress differently in various situations.

FOR REVIEW ONLY

JUVENILE WELFARE BOARD  
HUMAN RESOURCES POLICIES

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## DEFINITIONS

For the purpose of these Personnel Policies and as used herein, the following words and terms shall have the meaning indicated unless the context clearly indicates otherwise:

- **Abuse** - violations and circumventions of departmental or agency regulations which impair the effective and efficient execution of operations.
- **Anniversary Date** - the date of employment, promotion, or the date of an employee's last merit pay increase or, as may be provided for elsewhere in these personnel rules, the date of demotion or pay grade change.
- **Classification Plan** - the orderly and systematic arrangement of individual positions and duties into classes of work based upon common factors, the similarity in the levels of work responsibility and difficulty, and the nature of the work performed. Such classes, when grouped, shall form comprehensive and understandable definitions of several types of work.
- **Compensatory Time** - time off given to a non-exempt employee in place of overtime pay within the same work week.
- **Demotion** - the change of an employee from one job classification to another job classification for which the maximum step is lower, or the change of an employee from the present pay rate to a lower pay rate in the same grade.
- **Department Director** - supervise multiple functions or groups of people and the managers or heads of departments.
- **Employee in a Non-Pay Status** - any employee in the JWB who is not receiving wages from JWB for a period of time (i.e. on unpaid Leave of Absence).
- **Employing Unit** - there is one employing unit (e.g. Coordinated Child Care of Pinellas, Inc.) within JWB, an agency wherein an employee is working and that employee is under the JWB personnel system.
- **Executive Director** - Chief Executive Officer appointed by the JWB Board and serving at their pleasure.
- **Exempt Employee** - an employee, who meets the criteria for exempt employee status provisions of the Fair Labor Standards Act, is not entitled to overtime pay.
- **Extended Illness** - any illness that might qualify an employee for JWB short-term disability.

- **Family Member** - your spouse, parent, child(ren), sibling; step-parent, step-child, step-sibling, grandchild, grandparent, parent-in-law, son/daughter-in-law, your domestic partner who regularly resides with you, your domestic partner's parents and children, and/or a dependent person regularly residing within your household.
- **Fraud** - any dishonest act or conduct involving bad faith, dishonesty, lack of integrity to include: forgery or alteration of any document, misappropriation of funds, supplies, improper handling or reporting of money or financial transactions, profiting by self or others as a result of inside knowledge, destruction or intentional disappearance of records, furniture, fixtures, or equipment, accepting or seeking anything of material value from vendors or persons providing services or materials to the JWB for personal benefit, and/or any similar or related irregularity.
- **Full-Time Employee** - an employee who has regularly scheduled work periods of at least forty hours per week.
- **Grant Worker** - a regular employee hired for a specific grant and limited term.
- **Grievance** - any discontent or dissatisfaction dealing with the following employment areas: (a) any alleged violation of the Personnel Policy; (b) any established departmental rule; or (c) any matter relating to an employee's working conditions, which an employee believes is unfair, unjust or inequitable. The grievance process is open to regular employees only.
- **Harassment** - Unwelcome conduct or advances that affect a term or condition of employment that is sufficiently severe or pervasive. Harassment may be present in many forms such as actions, words, physical touching, jokes, emails, display and pictures, among others.
- **Immediate Supervisor** - that employee officially designated as responsible for assignment, direction, review and evaluation of the work of employees. This individual will ordinarily be responsible for recommendations to hire, terminate, and discipline the employees under his/her supervision and the quantity, quality, and timeliness of the supervised employees' work.
- **Introductory Period** - an employee's initial 90 days of employment with JWB.
- **Job Classification** - a group of duties and responsibilities assigned by competent supervision requiring the full-time or part-time employment of one person. Each such job classification shall have a job title, a job description, a pay grade, and where possible and practical, an appropriate test to determine the fitness of interested applicants.
- **Job Profile** - a written description of the essential characteristics of a job classification and the factors and work requirements that distinguish it from other job classifications.

The job profile shall outline the nature of work involved, illustrative tasks performed, knowledge, abilities, physical requirements, and skills needed, and the experience and training desired or mandatory for the job classification.

- **Job Title** - a definite descriptive designation for a job classification.
- **JWB** - Juvenile Welfare Board (JWB) of Pinellas County.
- **Layoff** - the dismissal from employment due to a shortage of work or funds or because of changes in organization.
- **Merit Pay Increase** - an increase in the salary of a provisional or regular employee by the advancement of such persons to a higher pay rate within the same pay grade as set forth in the pay schedule.
- **Non-Exempt Employee** - an employee who meets the criteria for non-exempt status Fair Labor Standards Act, who is entitled to overtime pay at the rate of 1.5x their hourly rate for hours worked more than 40 hours in a single work week.
- **Normal Workweek** - the normal workweek shall be forty (40) hours.
- **Part-Time Employee** - Regularly scheduled work periods of at least 25 hours but less than 40 hours per week.
- **Pay Grade** - a salary range with a minimum and maximum pay bracket and competitively to compensate an employee for assigned work under the specific job classification.
- **Pay Grade Change** - an increase or decrease in the pay grade established for a specific job classification, ensuring that a fair, equitable, and competitive pay grade is currently in effect.
- **Pay Plan** - a formal schedule of pay for all classes of work. The schedule shall set forth as to each class the beginning rates, the maximum, and such intermediate rates of pay as may be necessary to provide for internal values of work between classes and fairly reflect external or prevailing rates of pay on similar or like kinds of work outside the Pay Plan. In addition, the Pay Plan shall reflect the economic conditions of the area, the JWB's ability to pay, and difficulties experienced in recruitment.
- **Pay Rates** - those rates of pay, from minimum to maximum, that comprise each pay grade.
- **Position** - an approved budgeted personnel allocation.



- **Position Reclassification** - the change of a job classification due to a permanent change in or an increase or decrease in the assigned duties and responsibilities of the position, or to correct inequities created by the reclassification of other positions.
- **Provisional Period** – the period starting from the date of hire or change of position that allows for the mutual evaluation of the persons performance by the supervisor. This timeframe is usually 90 days and may be extended to six months for new hires and persons promoted. The Executive Director may reduce either of these periods as appropriate.
- **Promotion** - the change of an employee’s status from one job classification to a higher job classification.
- **Regular Employee** - an employee who has satisfactorily completed a provisional employment period. All future references to “employee” in these policies, unless otherwise qualified, refer only to regular and provisional employees.
- **Reinstated Employee** – a re-employed former employee who performed satisfactorily when previously employed and who is eligible for rehire to fill a vacant position and who will benefit the agency.
- **Retired Employee** - (a) Florida Retirement System Pension Plan. An employee leaving JWB will be considered retired if awarded “regular retirement benefits” or “early retirement benefits” or is approved to receive “disability retirement” benefits as defined in accordance with Florida Statutes Chapter 121. (b) Public Employee Optional Retirement Plan (FRS Investment Plan). An employee leaving JWB will be considered retired if he or she elects to begin receiving benefits and:
  - (a) Meets the age and service requirements to qualify for normal retirement as set forth in Florida Statutes 121.021 as may be amended; or
  - (b) Has attained the age specified by s.72(t)(2)(A)(i) of the Internal Revenue Code as may be amended and has six years of creditable service.
  - (c) For new members first enrolled after July 1, 2011 changes have been made to the retirement system and are addressed in section IV Benefits O.

In the event that this definition conflicts with State or Federal law, State and/or Federal law will supersede this definition.

- **Sexual Harassment** - unwelcome, one-sided attention, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that comes from supervisors, bosses, co-workers, clients, or other individuals in the workplace and which unreasonably interferes with an individual’s job performance or creates an intimidating, hostile, or offensive working environment.

- **Suspension** - the separation of an employee with or without pay for a temporary or fixed period of time.
- **Temporary Employee** - employment in a position which has an expected duration of not more than (6) six months. In the event the project has not been completed after the initial (6) six month period the Executive Director may extend the temporary status for up to an additional (6) six month term. Applicable federal, state and local statutes and regulations cover temporary employees. Temporary employees are not eligible for other employee benefits established by the JWB.
- **Transfer** - the change of an employee from one position to another within the same job classification.
- **Transitional Employee** - regular full-time employee selected to work out of normal position for a specific period and for a specific purpose. Employee retains the right to return to his/her original position at the end of the transitional period. Upon return to original position, the employee's salary will be adjusted to his/her original base salary, plus adjustments he/she would be reasonably considered to have received had he/she remained in his/her original position. These would include, but not be limited to, across-the-board adjustments received by all employees in the original position and differential merit increases calculated on the original base. All benefits will continue.
- **Waste** - the unnecessary incurring of costs because of inefficient practices, systems or controls.

## **I. GENERAL POLICIES**

### **A. Policy Reviews**

The Juvenile Welfare Board of Pinellas County (JWB) is responsible for the establishment, amendment, and/or repeals of personnel policies and shall review such policies no less frequently than every other fiscal year. The contents of these policies are presented as guidelines of JWB's current policies and procedures, and they will be changed and updated by JWB when necessary, at its discretion. The contents are not intended to create a contract between JWB and any employee. JWB is not bound to any specific procedures, policies, benefits, working conditions, or privileges of employment or definite period of employment. As an employee, you are completely free to leave JWB at any time you choose, and JWB has the same right to end the employment relationship at any time and without advanced notice.

### **B. Administration**

The Executive Director is appointed by the JWB Board of Directors and serves at their pleasure and subject to the provisions of any employment contract. He/she is responsible for the implementation of the personnel policies, and may delegate authority for specific functions at his/her discretion as provided for in these policies. Unless otherwise stated, the Executive Director has the authority to execute all personnel actions authorized in these policies subject to budgetary constraints and applicable federal and state laws or administrative regulations. The Executive Director or his/her designee may make an exception to policy if extraordinary circumstances are present in individual situations and a request for exception to policy is made in writing.

### **C. Personnel and Diversity Committee (PDC)**

Employees of the JWB personnel system elect PDC members. The PDC shall meet no less frequently than quarterly and shall elect its own chairperson.

1. The purpose of the PDC shall be to:
  - a. Develop a yearly plan and identify strategies and resources that promote cultural inclusion.
  - b. Build good communication among employees and, with administration, to express employees' concerns and needs.
  - c. Recommend changes in procedures and practices which they believe would improve the productivity and competency of JWB employees.

- d. Suggest constructive ways of improving working conditions.
- e. Be a part of building positive morale and attitude of JWB employees.
- f. Act as a liaison to administration. The PDC Chairperson shall communicate frequently with the JWB Executive Director regarding the work of the PDC Committee.
- g. Report at their respective staff meetings the work of the Committee.
  - 1. Reasonable staff support shall be provided to the PDC to assist in the discharge of its responsibilities.
  - 2. The JWB Executive Director may directly participate in the PDC at his/her discretion. If the Executive Director does not participate directly in the PDC on a regular basis, he/she shall make all reasonable efforts to respond to any requests from the PDC for participation on selected issues. The JWB Executive Director will attend at least one PDC meeting per year. PDC Chairperson will ensure that these meetings are scheduled.
  - 3. A member of the PDC shall attend meetings of the JWB Board where actions that fall within the scope of the Committee's charge are considered. If no member of the PDC can attend, the PDC shall designate another employee to represent him or her at the meeting.
  - 4. Service on the PDC shall be considered a regular work activity and the Committee may meet for reasonable periods during regular working hours. Immediate supervisors shall make every effort to facilitate an employee's participation.
  - 5. The PDC will develop bylaws that will be the basis for operations. All employees will be provided a copy of the bylaws. The Executive Director must approve the PDC bylaws and any changes made to them.

#### **D. Workplace Violence**

JWB strictly prohibits the use of violence in the workplace and views such actions very seriously. The possession of weapons in the workplace, threats, threatening or menacing behavior, stalking acts, or violence against employees, visitors, guests, or other individuals by anyone on JWB property will not be tolerated. Violations of this policy will lead to disciplinary action up to and including termination of employment and the involvement of appropriate law enforcement authorities as needed.

**E. Victims of Domestic Violence**

1. Any employee may, with the approval of the Executive Director, request leave as defined by Florida Statue 741.313 in order to:
  - a. Seek an injunction for protection against domestic violence or an injunction for protection in a case of repeat violence, dating violence, or sexual violence;
  - b. Obtain medical care, mental health counseling, or both for the employee or a family household member to address physical or psychological injuries resulting from the act of domestic violence;
  - c. Obtain services from a victim-services organization, including, but not limited to, domestic violence shelter or program or rape crisis center as a result of the act of domestic violence;
  - d. Make the employee's home secure from the perpetrator of the domestic violence or to attend and prepare for court-related proceedings arising from the act of domestic violence;
  - e. 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;
2. The employee must request leave with appropriate advance notice of the leave as required by JWB policy with sufficient documentation of the act of domestic violence. This requirement of advance notice is waived, 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.
3. The employee must first exhaust all available annual, personal, and sick leave. Additional leave may be paid at the discretion of the Executive Director.

**F. Equal Employment Opportunity**

1. JWB does not discriminate, and shall not tolerate discrimination against any person because of race, color, religion, sex, national origin, citizenship, disability, marital status, veteran status, sexual orientation, age, or genetic information in any aspect of employment opportunity. JWB's policy of equal employment opportunity and nondiscrimination extends to recruitment, employment, advancement and promotion, compensation and benefits administration, training and development, and other personnel actions. JWB provides reasonable accommodation to individuals with disabilities and/or bona fide religious practices as required by law.

To implement this program for equal employment opportunity and advancement, the JWB shall:

- a. Recruit, hire, and promote for all positions without regard to race, color, religion, sex, national origin, citizenship, disability, marital status, veteran status, sexual orientation age, or genetic information
- b. Base decisions on employment and promotion solely upon an individual's qualifications and valid requirements of the position being filled, (and further the principle of equal employment opportunity) and,
- c. Ensure that all other personnel actions such as compensation, benefits, transfers, layoffs, terminations, recall from layoff, company-sponsored training and development, education, tuition assistance, and social and recreational programs will be administered without regard to race, color, religion, sex, national origin, citizenship, disability, veteran status, marital status, sexual orientation age, or genetic information
- d. JWB maintains compliance with the Federal Genetic Information Non-Discrimination Act of 2008 (H.R. 493), which makes it illegal for health insurance companies, group health plans, and most employers to discriminate against employees on the basis of genetic information.

#### **G. Anti-Harassment/Anti-Retaliation Policy**

1. Each employee is entitled to work in an environment that is free from verbal or physical conduct that unreasonably harasses, disturbs, or interferes with an employee's work performance or that creates an intimidating, offensive, or hostile work environment.
2. All JWB employees are expected to avoid any activity which harasses or disrupts the work of their co-workers, subordinates, or the general public. Any verbal or physical conduct which harasses another worker, subordinate, or members of the general public with whom they may have contact, because of that person's race, national origin, religion, sex, disability, age, sexual orientation, veteran status, genetic information or any other category protected by law is prohibited. In particular, sexual harassment is strictly forbidden.
3. Any sexually harassing or offensive conduct, whether by managers, supervisors, employees, or non-employees who enter the JWB's workplace, is prohibited.

Such prohibited conduct includes, but is not limited to:

- unwanted physical contact or offensive conduct of a sexual nature, including flirtations, advances, or propositions;

- verbal harassment about an individual's sex, sexual interest, sexual innuendos, and offensive jokes or descriptions of personal sexual conduct;
  - demeaning, degrading, or insulting comments about a person's physical appearance;
  - displaying in the workplace photos or other media which are demeaning, insulting, intimidating, or sexually suggestive;
  - demeaning, insulting, sexually suggestive, or otherwise offensive written, recorded, or electronically transmitted messages.
4. An employee who experiences any of the prohibited conduct mentioned above, or who believes they may be experiencing such conduct, or has witnessed such conduct, must report or complain about such conduct as soon as possible, either verbally, in writing, or both, to his/her supervisor or department head. There will be no retaliation for the reporting of such conduct.
  5. Should an employee feel uncomfortable with reporting the prohibited conduct mentioned above to their superior or department head, he/she may report it to the HR Department. Employees also remain free to report such activity to outside agencies authorized by law to investigate unlawful employment activities, such as the EEOC or other local agencies.
  6. Reports of violations of JWB's anti-harassment/anti-retaliation policy will be treated seriously and investigated promptly. Any supervisor or administrative official who has received a complaint of harassment/sexual harassment or retaliation, informally or formally, and does not take action to determine the validity of the complaint and does not report it to Human Resources, will be subject to disciplinary action ranging from a written reprimand up to and including dismissal.
  7. At a minimum, once a JWB becomes aware of a complaint of harassment under this policy, it may be recommended that no further contact take place between the alleged harasser and the complainant until an investigation has been concluded. However, no adverse action will be taken against the complainant in order to accomplish this separation.
  8. To ensure fairness to all parties, an investigation may include the taking of oral and written statements from all parties involved and any witnesses. Any alleged harasser will be provided with the opportunity to respond to allegations of harassment. To the extent possible, the investigation will be conducted in a confidential manner. Additionally, any refusal by an employee to participate in a harassment investigation by the designated JWB official will be considered a violation of this policy and may result in disciplinary action.
  9. Results of the investigation will be reported to the complainant and the alleged harasser.

10. Any employee who knowingly files a false complaint of harassment or retaliation against another employee shall be subject to disciplinary action ranging from a written reprimand up to and including dismissal.
11. Violations of this policy may result in disciplinary action, up to and including termination.

#### **H. Drug Free Workplace**

1. All individuals who conduct business for JWB or who are conducting business on JWB's property are expected to adhere to the procedures for a drug-free workplace. This includes, but is not limited to, executive management; managers, supervisors, full-time and part time employees, JWB independent contractors, and vendors.
2. JWB strives to provide a safe and drug free work environment for their employees and therefore has established the following:

JWB explicitly prohibits:

- The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on JWB or consumer premises or while performing an assignment.
  - Being impaired or under the influence of legal or illegal drugs or alcohol away from JWB premises, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk JWB's reputation.
  - Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from JWB's premises, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk, JWB's reputation.
  - The presence of any detectable amount of prohibited substances in the employee's system, while on the premises of the agency, or while on JWB business. "Prohibited substances" include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription or not legally prescribed to the employee.
3. Prescription drugs prescribed by the employee's physician may be taken during work hours. The employee should notify the supervisor if the use of prescribed drugs will affect the employee's work performance.
  - If a supervisor observes significant changes in an employee's work performance or demeanour, the supervisor should counsel the employee



privately in concert with Human Resources (and/or department head). In the event the employee is considered impaired, (ruling out any problems that may have been caused by legally prescribed drugs) the employee should be sent home or to a medical facility by taxi or other safe transportation. A supervisor or other employee may accompany the employee. Any impaired employee should not be allowed to drive, whether or not caused by legally prescribed drugs.

- If an employee is found with the presence of alcohol or illegal drugs in his/her system, in possession of, using, selling, trading, or offering for sale illegal drugs or alcohol during working hours, he/she will be subject to disciplinary action that may include one or more of the following: Oral/written reprimand, suspension with pay, suspension without pay, mandated counseling or dismissal. (JWB Personnel Policies X. Discipline).
4. Employees must notify the JWB Executive Director in writing of any arrest or formal charge or arrest for violation of criminal drug statutes no later than five days after such an incident and thereafter, must report the resolution of such charge/arrest.

## **I. Employment of Family Members**

Family members of current employees generally are considered for employment based on their qualifications. However, where the hiring or employment of an employee's relative would result in the types of prohibited employment relationships identified below, JWB will not accept or consider such applications for employment. This policy applies to hiring, transfer, promotions, and employment decisions affecting all jobs.

### **1. Prohibited Employment Relationships**

The hiring of a family member is prohibited if:

- a. A supervisory/subordinate relationship exists between a family member, significant other/domestic partner and an employee. If a direct supervisory or managerial relationship would be established, family members of a current employee cannot be considered as candidates for an open position.
- b. There is an actual conflict of interest or the appearance of a conflict of interest. Generally, this bars the hiring or employment of an employee's family member in any position that has an auditing or control relationship to the employee's job.

## **2. Marriages or Relationships between Employees**

Employees who marry or establish a close, personal relationship may continue in their current positions as long as a prohibited employment relationship is not created. If one of the prohibited situations does occur, attempts will be made to find another position within the agency to which one of the employees can transfer. All practical efforts will be made to arrange such a transfer at the earliest possible time. If accommodations of this nature are not feasible, one of the employees must resign.

## **3. Enforcement of Policy**

All questions and issues relating to employment of a family member situation or concern should be addressed to the Human Resource Department. Employees who become subject to this policy's provisions due to marriage or commencement of a close, personal relationship must inform their supervisor as soon as practicable. All decisions and personnel actions taken as a result of this policy must be reviewed and approved by the Executive Director.

## **J. Family and Medical Leave Act**

JWB complies with the provisions of the Family and Medical Leave Act of 1993 and the National Defense Authorization Act for FY 2010 (NDAA), Public Law 111-84, Section 565 which amends the Military Family Leave Entitlements of the Family and Medical Leave Act ("FMLA"). JWB will only be obligated to provide leave under FMLA so long as it is a covered employer meaning it employs 50 employees within a 75 mile radius in 20 or more workweeks in the current or preceding calendar year. Should JWB no longer be covered by the FMLA no leave pursuant to the FMLA will be granted to employees and employees will have no legal rights under the FMLA. Under the FMLA, an employee is eligible for up to 12 weeks unpaid leave under certain circumstances or up to 26 weeks for specific military related critical events in a 12 month period as set forth below:

### **1. Eligible Employees**

Employees who have been employed for at least 12 months and have worked at least 1,250 hours during the preceding 12-month period are eligible for unpaid FMLA leave. If eligible for all FMLA leave, an employee must first use all of his or her accrued unused annual leave, personal leave, and sick leave, if any. The remainder of the leave period will then consist of unpaid leave. The total FMLA leave will run concurrent with paid and unpaid periods.

### **2. Leave Period**

An eligible employee is entitled to take up to 12 weeks of FMLA qualifying leave (or 26 weeks for military caregiver leave) in any 12-month period. The 12-month

period shall be a rolling 12-month period measured backward from the date leave is used. Entitlement to leave for the birth or placement of a child for adoption or foster care will expire 12 months from the date of birth or placement.

### **3. Reasons for Leave**

A. An employee who meets the applicable eligibility requirements will be granted a total of up to 12 weeks of unpaid leave for the following reasons:

- i. The birth of the employee's child and in order to care for that child;
- ii. The placement of a child with the employee for adoption or foster care;
- iii. To care for a spouse, child, or parent who has a serious health condition;
- iv. Serious health condition that renders the employee incapable of performing the functions of his or her job; or,
- v. Qualifying exigencies (as set forth by law) arising out of the fact that the employee's spouse, son, daughter or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

If a husband and wife both work for JWB, leave by both employees is limited to a total of 12 weeks, if the leave is taken for the birth or placement of a child or to care for a parent with a serious health condition. However, if the leave is taken by either spouse to care for the other, who is seriously ill and unable to work, to care for a child with a serious health condition, or for his or her own serious illness, then each employee is eligible for 12 weeks of leave.

B. An employee who meets the applicable eligibility requirements for FMLA and is the spouse, son, daughter, parent, next or next of kin of a covered service member will be granted a total of up to 26 weeks of unpaid leave for military caregiver leave as follows:

- i. To care for a covered service member with a serious injury or illness;
- ii. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness;

iii. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

iv. The “single 12 month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by JWB for other types of FMLA leave.

v. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the “single 12 month period.” Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.

#### **4. Application for Leave**

Employees must give at least 30 days’ notice to his/her supervisor for foreseeable circumstances. Such circumstances would include surgery, adoption, or birth of a child. If the 30-day notice is not feasible, then the employee must provide notice as soon as possible. An employee requesting FMLA leave must complete and return the application for family and medical leave which is available from Human Resources. The completed application must state the reason, the duration, and the starting and anticipated ending date of the leave.

#### **5. Certification Requirements**

##### **A. Serious Health Condition Leave**

The application for leave based on the “serious health condition” of the employee or the employee’s spouse, child, or parent, must be accompanied by a “Medical Certification Statement” completed by the health care provider, which is available from the Human Resources Department. The certification must state the date on which the serious health condition commenced, probable duration of the condition, and the appropriate medical facts regarding the condition. If an employee is requesting leave to care for a spouse, child, or parent with a serious health condition, the medical certification must state an estimate of the amount of time the employee will need. If the employee has a serious health condition, the medical certification must state that the employee cannot perform the functions of his or her job. JWB will require medical certification to be submitted prior to or when an employee’s leave begins or within fifteen (15) days after the leave starting date. In addition, re-certification of medical necessity may be required every thirty (30) days.

## **B. Military Family Leave**

Employee's request for military leave will require appropriate certification as follows:

- i. Leave for a qualifying exigency must be supported by a copy of the covered military member's active duty orders and certification providing appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party;
- ii. Leave to care for a covered service member with a serious injury or illness must be supported by a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order or Invitational Travel Authorization issued to any member of the covered service member's family.

## **6. Notification of Leave Assignments**

After receiving notice from the employee regarding the need to take FMLA leave the immediate supervisor and the HR delegate will discuss the leave requirements with the employee and will issue a memorandum specifying all the conditions and requirements related to the leave.

## **7. Intermittent or Reduced Leave**

Employees may not take intermittent or reduced leave in case of birth or placement of a child, unless JWB agrees. In the case of serious health conditions, leave may be taken intermittently or on a reduced leave schedule, when medically necessary. Employees are expected to make a reasonable effort to schedule intermittent leave, so as not to disrupt the operations of JWB.

## **8. Return from Leave**

JWB will require an employee taking FMLA leave to report every thirty (30) days on his or her status and intent to return to work upon completion of the leave. Employees returning from leave for their own serious health condition are required to provide certification from a health care provider, indicating that the employee is able to resume work with no limitations. Employees, who do not return to work upon the expiration of FMLA leave, will be treated as having voluntarily terminated their employment, unless another type of leave has been requested.

## **9. Restoration to Employment**

An employee who completes FMLA leave will be returned to the same position held when the leave began or to a position equivalent in pay, benefits, and other terms and conditions of employment. However, the highest paid 10 percent of employees are not guaranteed reinstatement if reinstatement will cause JWB

economic injury. In such a case, JWB will notify the employee as soon as it determines that reinstatement is not available. JWB cannot guarantee that an employee will be returned to his or her former job.

10. **While** on FMLA leave an employee does not accrue any annual, sick and/or personal leave, and is not entitled to paid holidays.

#### **K. Whistleblower Act**

Employees of JWB who report certain violations of law or policy are protected from retaliation by the "Whistle-blower's Act": Sections 112.3187 – 112.3188, Florida Statutes.

##### **1. Employees and Persons Protected:**

- a. This policy protects employees and persons who disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by any agency or federal government entity; and who refuses to participate in any adverse action prohibited by this policy.
- b. No remedy or other protection under this policy applies to any person who has committed or intentionally participated in committing the violation or suspected violation for which protection under this policy is being sought.

##### **2. Actions Prohibited:**

- a. JWB shall not dismiss, discipline, or take any other adverse personnel action against an employee for disclosing information pursuant to the provisions of this policy.
- b. JWB shall not take any adverse action that affects the rights or interests of an employee in retaliation for the employee's disclosure of information under this policy.
- c. The provisions of this policy shall not be applicable when an employee discloses information known by the employee to be false.
- d. Nature of information disclosed under this policy must include:
  - A violation or suspected violation of a law, policy, rule, or regulation committed by an employee of the JWB in which the violation creates and presents a substantial and specific danger to the public's health, safety, or welfare; or

- An act or suspected gross mismanagement, malfeasance, gross waste of public funds, or gross neglect of duty committed by an employee of the JWB.

Complaints concerning the above must be submitted to the immediate supervisor first, then to the JWB Human Resources Department in writing, on the JWB Whistle Blower Complaint Form. The Human Resources Department will investigate the complaint and submit his/her findings to the JWB Executive Director for final action. Staff who submit a complaint will, to the extent possible, remain anonymous, unless the complaint is known to be false when submitted.

#### **L. Fraud**

1. JWB's Fraud, Waste and Abuse Policy is established to facilitate the development of internal controls that will provide for the detection, prevention, and reporting of fraud, waste and abuse directed against JWB. It is the intent of this policy to promote awareness of the potential for fraud, waste and abuse throughout the JWB, and to provide guidelines and assign responsibility for the development of adequate internal controls and systems, (to include such things as the recording inventory of JWB property).
2. It is the policy of the JWB to ensure compliance with the principles of right and wrong which govern the conduct of JWB employees, and vendors with JWB. This policy is intended to communicate the JWB desire to eliminate opportunity for unethical practices, while creating an environment in which employees and citizens are comfortable and encouraged to report abuses and/or fraudulent behavior.
3. The Florida Whistle-blower's Act protects employees from retaliatory or adverse personnel action for disclosing certain information including, but not limited to, violations of laws, which create and present a substantial and specific danger to the public's health, safety, or welfare and suspected acts of gross mismanagement or gross waste of public funds. These protections are detailed in Sections 112.3187-112.31895 of the Florida Statutes.

#### **M. Background Check**

1. JWB conducts reference and background checks on all job applicants as a condition of employment, and on current employees. As defined in this Policy, "job applicants" are the finalists for any position and may or may not include current JWB employees. Background screening is conducted in accordance with the Level II standards set forth in Chapter 435, Florida Statutes. Personnel will be required to be rescreened every five (5) years.

2. JWB participates in E-Verify. Federal law requires all employers to verify the identity and employment eligibility of all persons hired to work in the United States. JWB will provide Social Security Administration (SSA) and, if necessary the Department of Homeland Security (DHS), with information from each new employee's Form I-9 to confirm work authorization.
3. JWB will ensure that all background and criminal checks are conducted in compliance with respective federal and state laws, and the Fair Credit Reporting Act.

#### **N. Wellness Policy**

1. JWB promotes a healthy lifestyle and provides employees with education and access to relevant activities through its Wellness program. The Wellness program encourages healthy eating, physical activity, and sustainable group activities. It is designed to make employees aware of, and make choices toward taking responsibility and control over their own health.

Events and activities may include:

- Health and Nutrition Clinics
- Health Risk Assessments and periodic health screenings
- Employee Challenges and Community Races
- On/Off site fitness classes
- Worksite lactation accommodations

#### **P. Effective Date**

1. These policies are effective upon the date of their adoption and supersede any personnel policies previously adopted by the JWB.
2. Availability of Personnel Policies: Each current regular or provisional employee shall receive a copy of these policies upon adoption. Thereafter, each provisional employee shall receive a copy at the time of his/her hiring. To ensure availability to all employees, these policies will be posted to the internal JWB intranet and maintained as appropriate.



## II. CLASSIFICATIONS

### A. Market Reference Point Compensation and Compensation Plans (MRPCP)

1. JWB shall adopt, and comprehensively review at least every three years, an agency-wide MRPCP, which establishes the Market Reference Point (MRP) and the salary range of each position authorized by the JWB. The MRP is the average market pay for each position as determined by use of various salary surveys which meet established quality standards. The review may involve an outside consultant.
2. The MRPCP shall include position profiles, current compensation structure, the JWB's pay philosophy, regional and industry-related market competitiveness of JWB salaries, the internal equity of salaries paid to comparable JWB positions, and ongoing maintenance and administration of the compensation system.
3. Subject to JWB approval, additional job titles may be added to the MRPCP independent of the comprehensive review.
4. Working out of position – from time-to-time it may become necessary for employees to temporarily perform duties assigned to a job title in a higher pay range.
5. Temporary pay adjustments may be considered for employees working outside their classification:
  - a. When the outside assignment constitutes a majority of their work assignment; and,
  - b. When the outside assignment has unexpectedly been extended for a period greater than sixty (60) days; or,
  - c. When the outside assignment is first identified as extending for a period that will be greater than sixty (60) days.
6. Subject to a determination of appropriateness by the Executive Director, a temporary pay adjustment can be applied prospectively or retrospectively from the point that the employee has been determined to be eligible for such an adjustment.
7. Unless otherwise noted, all pay ranges described herein, are available to part-time employees at the part-time employee's proportion of full-time employment.

**B. Contractual Services**

Services which need to be performed, but are not considered a part of the normal function or an inherent responsibility JWB, may be contracted out to independent contractors. Independent contractors are not considered employees of JWB and are not eligible for employee benefits or covered by federal, state, or local statutes or regulations governing employment. A formal contract is required between the parties stipulating the work to be performed, the remuneration for contracted services, the time period covered.

**C. Transfer**

Employees may change or transfer from one position to another within the same job category. If an employee wishes to transfer to a position in the same pay range with a different job title, he/she must meet at least the minimum requirements for that position.

1. Requests for transfer will be given priority consideration; however, requests for transfer do not automatically take precedence over other applications.
2. Approval of any transfer request rests with the Executive Director.
3. Transferees may be required to serve a provisional employment period.
4. Transfers do not initiate pay adjustments.
5. Management-initiated transfers shall be subject to the same provisions as cited for employee-initiated transfers in this section.

**D. Promotions**

In those situations where a position is vacant and a promotional opportunity has been determined to be in the best interest of JWB, notice of the promotional opportunity shall be posted for not less than three working days. Transfer may also fill positions so posted. In those cases where the position is not vacant, the individual filling the position may be promoted and the position re-titled without posting the position, if that individual is qualified.

1. If, after posting, a current employee applies for the promotional opportunity and is not qualified, or the Executive Director decides it is in the best interest of JWB to expand the pool of applicants, the position may be publicly advertised or filled from the pool of active applicants, which have previously sought employment with JWB.

2. Applicant resumes/applications will be kept on file for three months and may be considered for positions for which they are qualified.
3. Applications from employees received after public announcement and initiation of recruitment will be considered in the same manner as all other applicants.
4. Criteria to be considered in promotion shall include qualifications for the proposed position, demonstrated capability to meet job requirements, and past performance.
5. Unless waived by the Executive Director, employees who are promoted, shall be required to serve a provisional period of employment, of not less than thirty (90) days and not more than 6 months.
6. If an employee who has been promoted fails to successfully complete the required period of provisional employment (as assessed by the appropriate manager), he/she may be eligible to return to the job title and pay range of his/her former position, contingent upon the availability of a vacant position in the appropriate job title and pay range and at the discretion of the Executive Director.
7. The pay of an employee who is returned to a former job title and pay range shall consist of the base pay at the time of promotion, plus any market adjustment(s) paid since the date of promotion. In no case shall the adjusted pay exceed the maximum of the range.

#### **E. Movement to Position of Lower MRP/Voluntary Demotion**

1. Voluntary Movement to a Position of Lower MRP
  - a. An employee may request in writing movement to a position of lower MRP. Such a request shall be permanently filed in the employee's personnel record.
  - b. An employee may request movement to a position of lower MRP that is vacant.
  - c. The Executive Director must approve voluntary movement to a position of lower MRP.
  - d. The employee who voluntarily moved to a position of lower MRP shall have his/her salary adjusted to the same proportionate position in the pay range of the position as he/she held in the pay range of the previous position.

**F. Involuntary Demotion**

An employee may be involuntarily demoted due to JWB needs.

1. An employee shall be advised in writing of the demotion action. Such notice shall be permanently filed in the employee's personnel record.
2. The involuntarily demoted employee shall have his/her pay adjusted to the same proportionate position in the pay range of the new position as he/she held in the pay range of the previous position.
3. An involuntarily demoted employee will be placed on provisional employment status.

### **III. COMPENSATION**

For purposes of computing years of service, the employee's anniversary date shall be their date of initial employment as a provisional employee adjusted for any period of non-employment or any leave of absence in excess of 30 calendar days.

#### **A. Pay Periods**

Employees are paid biweekly. If a scheduled payday falls on a holiday, pay will be distributed on the working day preceding the holiday.

#### **B. Merit Pay**

1. The compensation of each regular employee will be reviewed annually. Based upon an evaluation of the employee's performance during the previous year, the availability of funds and the limitations of established pay ranges, the employee's pay may be adjusted.
  - a. Adjustments in the employee's pay are not obligatory and are made at the discretion of the Executive Director. In no case may an employee's base pay be reduced based on performance, unless that employee has also been demoted as provided for in these policies.
  - b. Pay adjustments are based on consideration of the quality and quantity of the work performed by the employee, his/her contribution to a positive and productive work environment, and his/her personal representation to the public in a fashion that enhances the public understanding and acceptance of the role, function, and competence of the JWB.
  - c. Performance is recognized with an adjustment to the employee's base pay or a one-time merit payment, subject to the availability of resources anticipated during the coming fiscal year.
  - d. The evaluation of the performance of all employees for these purposes shall be due on November 30 of each fiscal year.
  - e. Provisional (new hire) employees are not eligible for a merit payment.
  - f. Approved merit pay adjustments shall be made for all eligible employees retroactive to October 1.
  - g. All merit pay adjustments shall be approved by the Executive Director.

- h. If an employee has completed a period of provisional employment for any purpose within the 12 months prior to October 1, any merit increase shall be adjusted in the following manner, prior to being added to the employee's base pay:

<b>Provisional Employment Completed the Previous:</b>	<b>Proportion of Merit Added to Base:</b>
October-November	12/12
December-January	10/12
February-March	8/12
April-May	6/12
June-July	4/12
August-September	2/12

### **C. Market Survey**

1. JWB will annually conduct market surveys to ensure the continued comparability of the JWB Market Reference Point Compensation Plan (MRPCP) with other governmental agencies and private sector entities in the Tampa Bay market.
  - a. Market data adjustments are made at the discretion of JWB.
  - b. Any market survey data gathered outside the Tampa Bay area shall be secured from organizations with comparable missions, and shall be adjusted for differences in geography and other relevant data.
  - c. Those employees whose pay exceeds the maximum of the established pay range at the adoption of these policies or for any reason thereafter, shall not be eligible to receive a base pay adjustment until their pay is within the established pay range for the position.
  - d. Market pay adjustments may be applied to the minimum and maximum of each pay range in the MRPCP or individual positions within the range.
  - e. Subject to the availability of resources it is the goal of JWB that the fully competent employee should reach or exceed the market rate established for his/her position by his/her third year of placement in that position.

### **D. Longevity Payments**

It is the policy of JWB that tenure with the organization of an employee who continues to meet performance standards should be recognized in one-time-only monetary and non-monetary ways.

1. Those employees at the maximum of their pay range shall be awarded annual longevity payments to recognize their contributions to JWB.
  - a. Employees who have completed at least 10 years of employment shall be eligible for a longevity payment of \$450 (subject to required deductions) or a proportionate share thereof for less than full-time employment on the employee's anniversary date.
  - b. Employees who have completed at least fifteen (15) years of employment shall be eligible for a longevity payment of \$750 (subject to required deductions) or a proportionate share thereof for less than full-time employment on the employee's anniversary date.
  - c. Employees who have completed at least twenty (20) years of employment shall be eligible for a longevity payment of \$1,000 (subject to required deductions) or a proportionate share thereof for less than full-time employment on the employee's anniversary date.
  - d. Employees who have completed at least twenty five (25) years of employment shall be eligible for a longevity payment of \$1,500 (subject to required deductions) or a proportionate share thereof for less than full-time employment on the employee's anniversary date.

**E. Overtime**

1. Non-exempt employees may not work overtime unless an immediate supervisor or such other person as the Executive Director has authorized the overtime in advance except in emergency circumstances.

2. All non-exempt employees subject to the provisions of the Fair Labor Standards Act shall be compensated for any hours worked in excess of forty (40) hours in a consecutive 7-day workweek at one and one-half times their normal rate of compensation. Only actual time worked (for example, this does not include any time off for holidays, vacations, personal, and sick time) will be included in the calculation of hours for overtime purposes.

**F. Safe Harbor Policy**

JWB follows the guidelines set forth by the Fair Labor Standards Act and it is JWB's policy to prohibit improper deductions to be taken from exempt employees' salaries. In the event that an employee feels an improper deduction has been taken from his/her salary; he/she should contact Human Resources. In the event that it is determined that an improper deduction has been taken from an exempt employee, JWB will reimburse the employee for the amount of the improper deduction and will continue to make a good faith commitment to comply in the future with the Fair Labor Standards Act. In the event that an improper deduction is taken, status as an exempt employee will not be changed.

**G. Compensatory Time**

1. Employees may be required to utilize earned compensatory time at the convenience of JWB.
  - a. As set forth above, employees in non-exempt classifications are not permitted to work overtime without prior consent. In the event that an employee has worked forty (40) hours before the close of the regularly scheduled hours within a workweek, the employee may be given time off for the remainder of the workweek at the discretion of his or her supervisor. For instance, if a non-exempt employee has worked 10 hours per day Monday, Tuesday, Wednesday, and Thursday, an employee may be given Friday off as compensatory time for the extra hours worked Monday through Thursday or paid overtime for hours worked more than forty (40) hours in that workweek. An employee may be required to take compensatory time off to minimize business costs. A non-exempt employee is not permitted to carry over compensatory time from workweek to workweek.
  - b. Employees in exempt classifications are salaried employees and are expected to work as long as necessary to fulfill their job responsibilities. If, however, circumstances arise which require considerable extra work time, time off may be granted at the discretion of the Executive Director, however, such time shall not accrue for exempt employees and hours worked over forty (40) hours in a workweek are not compensable.



## **IV. BENEFITS**

The following benefits are available to all regular, full-time and part-time employees (working 25 hours or more), at the part-time employee's proportion of full-time employment.

### **A. Annual Leave**

Employees shall schedule annual leave at the convenience of JWB, and with the approval of their immediate supervisor.

All regular employees hired subsequent to January 10, 1985, and regularly working twenty-five (25) to forty (40) hours per week shall be eligible to accrue annual leave. The hours per biweekly pay period below are accrued based on an employee working forty (40) hours in a work week. For employees working at least 25 hours but fewer than 40 hours in a work week, accrued leave hours will be pro-rated.

- 1 year up to 3 years of service – 3.69 hours per biweekly pay period
- 3 years up to 5 years of service – 4.92 hours per biweekly pay period
- 5 years up to 9 years of service – 5.54 hours per biweekly pay period
- 10 years or more – 6.15 hours per biweekly pay period

1. No more than 30 days (240 hours) of annual leave may be accumulated.
2. If an employee becomes ill or incapacitated while on annual leave and requires documented medical intervention, he/she may transfer some of their annual leave to sick leave with the approval of his/her immediate supervisor, and based upon written medical evidence regarding the onset of the illness or injury.
3. Accumulated annual leave must be utilized with FMLA, pursuant to the terms set forth in the section titled Family and Medical Leave.
4. Upon separation due to his/her death, unless previously designated in writing to JWB by the employee, any reimbursement for accrued annual leave will be paid to the beneficiary (ies) of the employee's JWB paid life insurance.

### **B. Sick Leave**

1. Sick leave is provided to employees to compensate for absences due to a medical condition, illness, and FMLA reasons.
  - a. All employees regularly scheduled to work forty (40) hours per week are eligible for sick leave at the rate of 3.69 hours per biweekly pay period, and pro-rated for regular employees working at least 25 hours but less than 40 hours in a workweek.

- b. Sick leave begins accruing upon date of employment and may be utilized at any time thereafter.
- c. Employees hired prior to January 10, 1985 shall be eligible to accrue up to 960 hours of sick leave. Employees who have accumulated sick leave in excess of this limit, pursuant to prior personnel policies, shall retain the hours accrued as of the effective date of these policies (January 10, 1985), but shall not accrue additional sick leave until their accumulated sick leave has fallen below the maximum accumulation level. Employees hired subsequent to January 10, 1985 shall be eligible to accrue up to 520 hours (three months) of sick leave.
- d. Documentation of a medical condition may be required by the supervisor of an employee prior to returning to work if he/she: has been absent on sick leave for three or more consecutive working days, has been absent on sick leave for 10 of any 30 working days or for any continued intermittent absence.
- e. If a regular employee has utilized less than 24 hours of sick leave in the preceding fiscal year, he/she is eligible on October 1 to convert a maximum of 24 hours of sick leave minus the number of sick leave hours used (if any) to additional, non-accruable personal leave days for the current fiscal year. The following equation will be used to determine the amount of hours to convert:  
$$(24 \text{ Hours of Sick Leave}) - (\text{Number of Hours Used}) = \text{Number of Hours to Convert.}$$
- f. Employees are responsible for initiating requests for all leave conversions of sick to personal leave within the first 10 working days of October.
- g. Upon voluntary termination a regular employee is eligible for reimbursement at a rate, not less than the average straight time pay received by the employee during the last three years, or the final regular rate received by the employee, whichever is higher. If previously involuntarily demoted, the employee shall be reimbursed at the rate of pay as of the date of separation.

- h. The following chart reflects the sick leave payout schedule upon employee termination.

<b>Years of Employment</b>	<b>% of Accrued Sick Leave</b>
1-2	5
3	10
4	15
5	20
6	25
7	30
8	35
9	40
10+	50

- j. Accumulated sick leave must be utilized concurrent with FMLA, pursuant to the terms set forth in the section denoted Family and Medical Leave.

### **C. Employee**

1. A provisional employee begins earning annual and sick leave immediately upon employment. Those who begin work on other than the first day of the pay period, shall earn leave in proportion to the actual days worked within their first pay period.
2. Provisional employees may utilize annual leave after 6 months of employment with approval of their immediate supervisor. They may utilize accrued sick leave during the provisional period.

### **D. Annual/Sick Leave Cash Out**

1. Employees with less than 10 years of service may elect to receive the cash equivalent for up to forty (40) hours of annual or sick leave. In order to cash out annual leave, the employee must have taken a minimum of forty (40) hours of annual leave during the twelve (12) months prior to requesting the cash out. Sick leave can be cashed out at the designated exchange rate; depending on years of service (see page 25 in these policies for clarification). The employee sick leave balance must remain at no less than sixty four (64) hours. Employees meeting all criteria may elect to cash out a combination of sick and annual leave, not to exceed 40 hours.
2. Employees with 10 years of service or more may elect to receive the cash equivalent of up to eighty (80) hours of annual or sick leave. In order to cash out annual leave an employee must have taken forty (40) hours of leave in the previous twelve (12) months. In order to cash out sick leave, the employee's sick leave balance must remain at no less than sixty four (64) hours. Employees meeting all criteria may elect to use a combination of sick and annual leave, not to exceed 80 hours.

3. Requests for payments must be submitted to Human Resources prior to the last payroll period in the months of January and August.

#### **E. Annual Leave/Sick Leave During Extended Absence**

1. Employees utilizing non-intermittent FMLA or other leaves of absence are not eligible to accrue annual leave, personal, sick leave, or paid holidays during the period of their absence.

#### **F. Holidays**

JWB observes the following holidays:

<b>Holidays</b>	<b>Dates</b>
New Year's Day	January 1
Martin Luther King Day	3 <sup>rd</sup> Monday in January
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 <sup>st</sup> Monday in September
Veterans' Day	November 11
Thanksgiving	4 <sup>th</sup> Thursday in November and following Friday
Christmas	December 25 plus day before or after

If a holiday falls on Saturday, the holiday will be observed the Friday before the holiday. If a holiday falls on Sunday, the holiday will be observed on the Monday following the holiday.

#### **G. Personal Days**

A regular employee is entitled to two personal leave days annually, available October 1 of each fiscal year. An employee who moves from provisional to regular employee status is entitled to receive two personal leave days. The personal leave days must be utilized within the same fiscal year they are awarded and will not accrue. Use of personal leave days must be approved by the supervisor prior to use except in the case of an emergency. If prior approval cannot be obtained due to an emergency, the supervisor must be notified as soon as possible.

#### **H. Bereavement Leave**

Any employee shall be granted leave with pay, up to three full workdays, to attend the funeral of a family member (family member defined in the Definitions section).

#### **I. Military Leave**

Employees will be granted military leave as required by federal, state, and local law, including, but not limited to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

## **J. Jury Duty**

JWB recognizes jury duty as a civic responsibility and an opportunity for meaningful service. Employees who receive a summons to serve on jury duty must submit a copy of the summons to the Human Resources Department. Absence for jury service will be counted as paid administrative leave.

1. JWB will continue to pay employees on jury duty their normal rate of pay for the period they are on jury duty; however, an employee will not be compensated for more than eight hours in any one day or for more than forty hours in any week. When a summons is received, the employee should notify the court issuing the summons that they are employed and that their employer will continue to pay them while on jury duty. Time paid for jury duty does not count towards overtime. If the employee is paid by the court for their service, the check must be endorsed over to the JWB Finance Department.
2. **JWB** expects employees to provide sufficient notice of required jury duty as soon as a summons is received, so as to help plan for the possible absence from work.
3. If selected to serve, employees are required to come to work whenever the court schedule permits. Employees are required to bring in a confirmation or certificate of attendance from the court stating time and date(s) of jury duty service.
4. Either the employee or JWB may ask the court to excuse the employee from jury duty if necessary. JWB may ask for release from jury duty if the absence would cause serious operational problems for JWB.
5. JWB follows the FLSA and Florida law with respect to leave for jury duty. Employees will not be terminated or retaliated against for serving on a jury. Non-exempt employees will not be paid for jury duty. Exempt employees' pay will not be docked if an exempt employee misses part of a workweek for jury duty. However, JWB will offset any amount received by exempt employees as jury fees from regular weekly salary. If an exempt employee misses an entire workweek or multiple workweeks for jury duty they will not be paid.

## **K. Administrative Leave – Voluntary**

Any voluntary administrative leave shall be documented in a written agreement signed by the employee and JWB Executive Director, which may or may not involve pay depending on the circumstances of the leave.

**Voluntary Leave Without Pay**

1. A regular employee may request leave without pay for any reasonable purpose. Such leave may be granted at the sole discretion of the Executive Director but not until all annual leave and personal leave have been used.
2. An employee on leave without pay shall not accrue annual, sick, or personal leave, or be paid holiday pay during the period of his/her leave.
3. JWB may continue to provide the employee's medical insurance while the employee is on leave without pay, however, said employee will be requested to reimburse JWB for his/her coverage. It is the employee's responsibility to pay for dependent and dental coverage.

**L. Involuntary Administrative Leave****1. Involuntary Administrative Leave With Pay**

In situations where an employee is demonstrating inappropriate workplace behavior or an inability to do their job, the Executive Director, at his/her discretion, may place any employee on administrative leave for any reason with pay.

**2. Involuntary Administrative Leave Without Pay**

A. The Executive Director, at his/her discretion may place an employee on administrative leave without pay for any reason including but not limited to the following:

1. In situations involving questions of physical or mental health, an examination of the employee by a physician designated and approved by JWB may be required.

2. Upon a finding that an employee is capable of performing his/her assigned duties and does not pose any workplace threat, the employee shall be returned to his/her original status.

3. Upon a finding that an employee is incapable of performing his/her assigned duties or that the employee poses a safety threat in the workplace, the employee if eligible may be placed on FMLA leave for up to 12 weeks, may be placed on unpaid administrative leave or may be terminated as appropriate and legal under the circumstances.

4. Accrued sick and annual leave may be used by the employee to ensure compensation and benefits which otherwise would have been lost due to this action.

5. Failure to pursue appropriate treatment may constitute grounds for dismissal.

6. It is the employee's responsibility to advise JWB in a timely fashion of their status.

7. JWB shall be responsible for initial fees and related costs when it designates the physician who initially examines an employee pursuant to the provisions of this subsection. Employee may be responsible for subsequent fees and costs.

#### **M. Declared Local or National Emergency**

1. Pinellas County is vulnerable to a variety of hazards that threaten its communities, businesses, and the environment. The JWB Comprehensive Disaster & Emergency Management Plan establishes the framework to ensure that the JWB will be adequately prepared to deal with these emergencies. The plan is available to all employees via the intranet and will be reviewed annually with employees.

- a. In the event an employee is unable to report to work due to a local emergency, it is the employee's responsibility to contact his/her immediate supervisor to secure permission to be absent from work. If the immediate supervisor cannot be reached, the employee shall attempt to secure permission from the JWB official with the authority to approve the leave request.
- b. Non-essential employees, who do not report for work because of official notification of emergency conditions, shall be regarded as present for duty for compensation purposes at their normal rate and may be eligible for administrative leave as approved by Executive Director
- c. Employees required to work during emergency conditions shall be paid as follows:
  - Non-exempt employees shall be paid at a rate of double their hourly rate.
  - Exempt employees shall receive, in addition to their regular salary, compensation as may be determined by the Executive Director in his or her sole discretion subsequent to the emergency.
- d. Employees, who are physically unable to return to a designated work site due to emergency conditions, will be granted administrative leave as authorized by the Executive Director.
- e. Employees, who are permitted to remain home and make emergency repairs caused by natural disasters, will be regarded as being on annual leave or

voluntary leave without pay. Any deviation must be by the authority of the Executive Director. Employees have a responsibility to be aware of and educate themselves with all JWB Safety procedures. Manuals are located in all departments, in addition to the Human Resources Department

#### **N. Administrative Leave – Building Closure**

In the event it becomes necessary to close the JWB building, employees will be paid administrative leave for the hours of their approved work schedule during the period the work site is closed. Employees on annual or sick leave during said closure must continue to use that leave, unless called into service. If employees are scheduled to begin annual or sick leave on the date of closure, administrative leave will be used on that day and during the building closure. Administrative leave will not count towards overtime. There will be a pre-selected number of employees who will be designated to perform work during a building closure. Those employees will be identified in the Comprehensive Disaster and Emergency Management Plan.

#### **O. Insurance**

All insurance benefits are offered at the sole discretion of JWB and may be changed or discontinued at any time. Employees are required to contribute their portion of premiums via payroll deductions. HR will annually distribute information regarding benefit costs.

##### **1. Life**

A paid term life insurance policy equal to his/her annual pay is provided for each employee. Additional life insurance may be purchased by the employee.

##### **2. Health**

A group health insurance policy is available for each person regularly scheduled to work 25 hours a week or more. Employees must pay their portion of the employee contribution. Coverage for dependents (as defined by the current health insurance policy) may be obtained at the employee's option and expense.

##### **3. Dental**

A dental insurance program is available to full and part-time employees (working a minimum of 25 hours per week) and their dependents at their expense.

##### **4. Short Term Disability**

JWB will provide short-term disability insurance for full and part-time employees (working a minimum of 25 hours per week) employees who have



completed their provisional periods. This insurance is intended to assist employees unable to work due to extended illness or disability for up to 26 weeks. Eligibility criteria are set forth by the policy and are determined solely by the insurance carrier.

#### **5. Long Term Disability**

Long-term disability insurance is available by JWB to benefits eligible employees at their expense.

#### **6. Workers' Compensation**

Employees are covered by Workers' Compensation Insurance. All work related injuries or illness must be reported to the immediate supervisor and the Human Resources Department within 24 hours of the incident. Failure to timely report a work related injury or illness may jeopardize eligibility for Workers' Compensation benefits.

For employees who have sustained a work related injury, JWB seeks to minimize the potential loss of employee productivity and limit lost workdays by providing meaningful work on a modified work assignment basis if available

#### **7. COBRA**

In the event that an employee is terminated or opts to resign from JWB, such employee may elect healthcare plan continuation rights under the Consolidated Omnibus Budget Reconciliation Act (COBRA) unless the termination is for "gross misconduct".

#### **8. Cancer Insurance**

Cancer insurance may be purchased by benefits eligible employees for themselves and their family.

#### **9. Vision Insurance**

Vision insurance may be purchased by benefits eligible employees for themselves and their family.

#### **10. Retirement**

- a. **Social Security:** All employees are covered by Social Security Federal Insurance Contributions Act (F.I.C.A.).

- b. **Florida Retirement System (FRS):** Effective July 1, 2011 all provisional and regular employees must participate in the Florida Retirement System (FRS) in accordance with current laws. All FRS regulations and mandates apply to JWB employees.

### **11. Deferred Compensation**

Employees are eligible to participate in an optional deferred compensation program.

### **12. Credit Union**

Employees are eligible to join the Pinellas County Employee Federal Credit Union.

### **13. Employee Assistance Program**

JWB supports an employee assistance program to assist employees and their eligible dependents to resolve problems such as emotional distress, family problems, alcoholism, and drug abuse, recognizing these problems may adversely affect employees' personal health, family, and job performance.

## **V. WORKING CONDITIONS**

### **A. Scheduled Workweek**

The scheduled workweek is forty (40) hours in length. Normal office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. For payroll purposes, the workweek begins at 12:01 a.m. Sunday morning and ends at 12:00 midnight.

### **B. Record Keeping**

Time Sheets – All non-exempt employees are required to contemporaneously record all hours worked and certify the accuracy of the recorded hours. Falsification of time sheets is grounds for immediate dismissal.

### **C. Flexible Work Schedule**

The Executive Director may approve a flexible work schedule for an employee as long as a valid reason is provided and such flexible hours are consistent with the maintenance of an effective and efficient working environment. All requests for flexible work schedules, including reduced lunch hour or breaks, in order to arrive late or leave early must be in writing and must be part of an approved flexible work schedule. Any such approved flexible work schedule is subject to review,

re-evaluation, and revision by the Executive Director and may be terminated and/or revised if it is determined that continuation is inconsistent with the need for an orderly and efficient operation. Supervisors may approve an occasional flexible work schedule.

#### **D. Alternative Work Schedule**

The purpose of this policy is to support the creation of alternative work schedules instead of a traditional fixed 8 hour per day schedule. The policy intends to reduce the number of hours and miles employees spend traveling to and from work and help the employee balance work and personal responsibilities. Individual employees may be permitted to work alternative schedules with the consent of their supervisor and the approval of appropriate management. Approval of alternative work schedules for individual employees will be based upon consideration of the employee's job performance, special needs, employee's attendance and timeliness, and any disciplinary issues. Certain positions may not be eligible for an alternative work schedule due to business needs or the job duties assigned to the position. Every employee working an alternative work schedule shall do so in accordance with a written agreement, approved by the employee and the immediate supervisor.

#### **E. Appearance Code**

As JWB is a public agency, it is important that employees dress and conduct themselves in a manner that positively reflects on the agency's professionalism.

#### **F. JWB Smart Phone Stipend Program Policy**

##### **1. Overview**

The cellular phone stipend program is designed to provide a taxable allowance to reimburse employees for the business use of the wireless device. The allowance will not be considered part of the employee's base salary or be considered for the calculation of retirement benefits. Employees will be responsible for monthly service charges and maintenance of the plan and related phone equipment and accessories. The stipend will not fund the cost or replacement of the device, and is not intended to pay for the entire monthly bill because the wireless device will also be available for personal use.

Access via voice and/or access to information technology systems via a wireless device render the employee more productive and/or the service the employee provides more effective, and the cost of mobile communications service is therefore warranted.

## **2. Stipend Eligibility Requirements**

To qualify for the stipend:

- a. The employee must have a business need for the wireless device based the following criteria as certified by their department supervisor and approved by the JWB Executive Director or designee:
- b. The employee's job requires that they work regularly in the field and need to be immediately accessible.
- c. The employee's job requires that they be immediately accessible outside of normal business hours and/or the employee is responsible for critical infrastructure and needs to be immediately accessible at all times.
- d. The employee travels and needs to be accessible or have access to information technology systems while traveling.
- e. The employee's personal Smart Phone device must be on the Smart Phone Compatibility list to qualify for the stipend program.
- f. The employee must agree in writing to comply and remain in continuous compliance, with the provisions of these Policies.
- g. All costs related to the purchase and usage of the personal wireless device is the responsibility of the employee. These costs include, but are not limited to, shipping, taxes, insurance, accessories, 3<sup>rd</sup> party software, and overages.
- h. The employee must maintain an active cellular/smartphone phone data plan for the durations of the stipend and agrees to connect JWB email to the personal device.
- i. Personal wireless device numbers are public records (unless otherwise exempt or confidential pursuant to Florida Law) and will be available for use of the employee's department/operation for the duration of the stipend.
- j. The employee must inform their supervisor immediately if their wireless device plan is terminated and the stipend payment will be immediately terminated. Stipend payments will be immediately terminated whenever an employee receiving a cellular phone stipend terminates employment.
- k. Receipt of a stipend payment pursuant to this Policy does not constitute approval for overtime or in any way effect employees' assigned hours or work. These matters are governed by other JWB policies.

## **3. Monthly Stipend Payments**

- a. The Monthly Stipend amount will be approved by the Executive Director. Users receiving this stipend must use devices on the Smart Phone Compatibility list.
- b. To initiate, update, or terminate the stipend, the employee must submit an Authorization Form to their supervisor for approval. If an employee receiving the stipend transfers to another department, the transferring department head must submit a Transfer/Termination form to the employee's new department

for completion and approval. If the new department determines the employee no longer has a business need for a wireless device, the employee's stipend reimbursement will cease.

- c. If the employee is approved to receive the stipend and chooses to carry a wireless device that requires 3<sup>rd</sup> party software in order to access the JWB email system, they will not be reimbursed for the additional cost of the 3<sup>rd</sup> party software.

#### **4. Exceptions**

Any other variations/exceptions to this policy must be approved by the requesting department's director.

#### **5. Asset Control**

All costs related to the purchase and usage of the cellular phone is the responsibility of the employee. Lapses in payments or problems with service will not involve, or be the responsibility of, the JWB.

#### **6. Public Records**

Generally, any written (including electronic) communication made or received Pursuant to law or in connection with the transaction of the official JWB business which is used to perpetuate, communicate or formalize knowledge is a public record as defined by Chapter 119, Florida Statutes (subject to certain statutorily defined exemptions). JWB is required by law to maintain public records in accordance with the General Records Schedule for State and Local Government Agencies. The law is unsettled on text messages or instant messages, and the Attorney General of the State of Florida has requested the Florida Department of State to determine that these communications are public records and to develop a retention schedule of these communications. Therefore, until judicially or legislatively determined otherwise, conducting JWB business via text messaging, instant messaging or PIN messaging on personal cellular phones or smart phones is strictly prohibited, as it does not comply with public records requirements. All emails related to official JWB business must be sent and/or received through JWB's email system. Employees may not send or receive any email related to JWB business other than through a JWB email account. Violation of this policy will result in disciplinary action up to and including termination.

#### **G. Equipment /Tools**

Employees in possession of JWB equipment such as iPads, laptops, etc., are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or (at any time) upon request, the employee must return the JWB equipment, or expect to bear the cost of a

replacement. Such reimbursement will be made through payroll deductions, so long as the deduction does not violate FLSA. The cost of the unreturned equipment at termination will be deducted from the final paycheck in accordance with FLSA.

#### **H. Reimbursement of Work Expenses**

1. Employees are reimbursed for mileage incurred on official JWB business, consistent with applicable Florida Statutes and JWB policies and procedures.
2. Some employees may be required to have access to an automobile as a condition of employment. The employee is responsible for maintaining a valid driver's license and adequate liability insurance at his/her expense.
3. JWB shall establish written procedures for reimbursement of business-related expenses; these expenses should be submitted on a regular basis in the form and detail required by JWB.
4. Responsibility for submission of requests for reimbursement rests with the employee. Requests for reimbursement should be submitted quarterly in a format, content, and detail prescribed by JWB and approved by the employee's immediate supervisor.
5. Employees may be required to assume the costs of personal and business expenses incurred in the course of completing work assignments that are not, by Statute or policy, reimbursable by JWB.

### **VI. HIRING PRACTICES**

- A. All offer letters shall include pay, position, exempt/non-exempt status, starting date, and any special conditions under which the employment is offered.
- B. A copy of the employment letter and the original with the candidate's signature accepting the terms of employment, shall be kept in the employee's personnel record.
- C. The Executive Director may hire a candidate at any point within the salary range from the minimum of the pay range for the position up to the maximum range.
- D. Orientation – All employees shall receive an orientation to the mission, history, organization, functioning of the JWB, the functions of their JWB organizational unit, and specific position, employee benefits, and personnel policies and procedures shall be provided within 90 days of the beginning date of employment.

- E. The starting date of employment shall be the employee's anniversary date for computation of longevity-based benefits.
- F. If the new employee is appointed to a position in which he/she has previously been employed as a temporary employee for at least 487.5 hours, the Executive Director may grant a credit of up to 50 percent of the time worked toward an adjusted anniversary date, after a successful period of provisional employment.
- G. Documentation of previous employment, education, or other information the employee provided in his/her resume, application for employment, or during the employment interview may be required to be provided at the employee's expense as a condition of continued employment.
- H. Failure to provide required documentation or evidence of falsification or misrepresentation of any information shall constitute grounds for dismissal.
- I. All newly appointed employees begin their assignment in a "Provisional Employment" status as this is their introductory period. The purpose of the provisional employment introductory period is to allow both the employee and JWB to assess the compatibility of the employee's knowledge, skills, judgment, quantity and quality of work, work habits, and interpersonal relationship skills with JWB staff and its organizational mission.
  - 1. The provisional employment introductory period shall be for ninety (90) days and no more than six (6) months.
  - 2. The provisional employee shall not receive credit toward the completion of a required period of provisional employment for any voluntary administrative leave granted during the provisional employee period.
  - 3. During the employee's provisional employment period, he/she may be terminated at any time with or without cause and likewise, he/she may terminate the employment at any time with or without cause.
  - 4. At the successful conclusion of the provisional employment period, the employee's immediate supervisor shall recommend to the Executive Director that the employee be granted regular employee status.

#### **K. Employee Personnel Records**

The Executive Director shall designate a custodian of personnel records who shall be responsible for ensuring records maintenance and security.

1. Personnel records shall include: records of employee qualifications, evaluations, personnel and compensation decisions, disciplinary actions, and such other material as may be appropriate.
2. Personnel records are public under Florida Statute 119. If access to personnel records is requested, the custodian of the records shall:
  - a. Advise the employee of the request for examination of his/her personnel file and his/her right to be present at the time the record is examined.
  - b. Make reasonable efforts to schedule a time mutually agreeable to the requestor and the employee for examination of the personnel record.
  - c. The custodian of the personnel records shall be present throughout any outside examination of the personnel record to assure that no material is removed, added, or altered in the course of an examination.

## **VII. PERFORMANCE EVALUATION**

### **A. Definition**

Performance evaluations are the means by which an employer and an employee periodically assess, in a systematic fashion, the degree to which previously established key responsibilities and performance standards have been met. Key responsibilities and performance standards for the future adequacy of position profiles and personal and organizational development goals are also appropriately addressed in performance evaluations.

### **B. Evaluation Time Frames**

Each employee shall be formally evaluated annually for the purposes cited below. Supervisors should endeavor to meet with employees at least every three months in order to discuss key responsibilities and performance standards. An employee may also be evaluated at other points in time as determined appropriate by JWB.

1. An employee shall be evaluated against performance standards in November annually.
2. The November evaluation shall focus on performance demonstrated in the past year with a specific recommendation regarding merit pay adjustments from their supervisor.



**C. Provisional Status**

At the conclusion of the required provisional employment period, an evaluation shall be completed by the immediate supervisor with a specific recommendation for retention or termination. Provisional employment evaluations that have been completed within sixty (60) days of the routine November evaluations, may serve the purpose of a routine evaluation. The provisional employment evaluation shall be supplemented to assure adequate consideration of the subject matter to which the routine evaluation is addressed.

**D. Format**

Evaluations shall be completed in writing in standard format(s). Evaluations are to be completed by the employee's immediate supervisor. Other individuals who regularly exercise an assigned coordination role in the employee's day-to-day work activity may formally or informally provide input into the employee's evaluation.

**E. Final Authority**

Following consultation with the employee evaluations must be approved by the Executive Director.

**F. Employee Involvement**

The evaluation process should actively involve both the employee and the immediate supervisor to strengthen not only the employee's performance, but also the overall capability of the JWB.

1. The employee shall receive a copy of the proposed evaluation for discussion with the immediate supervisor. To the extent appropriate, all or part of the content of this discussion, may at the discretion of the immediate supervisor, be incorporated into the final evaluation.
2. The employee shall sign the final evaluation indicating only that he/she has read the document. The employee may at that time or any time within 10 calendar days file a written comment covering any points with which he/she disagrees. The statement shall become a part of the evaluation.
3. The immediate supervisor shall sign the evaluation and any written statement submitted by the employee, such signature indicating that he/she has read the statement.
4. The employee shall receive a signed copy of his/her evaluation.

### **G. Location of Evaluation**

Written performance evaluations become a permanent part of the employee's personnel record.

### **I. Complaint Process**

Appeals related to the evaluation process shall be consistent with the regular complaint process.

## **VIII. PROFESSIONAL DEVELOPMENT**

JWB is committed to professional development and creating an environment in which learning, through a variety of vehicles is encouraged and supported by full or partial reimbursement and/or release time for attendance as monetary resources and organizational needs allow. The Executive Director is responsible for assurance that these resources are reasonably distributed among all employees consistent with the mission and needs of the JWB.

### **A. Professional Development Activities**

1. The employee's immediate supervisor shall regularly review conference attendance and staff development activities.
2. All classifications of employees are eligible for participation in professional development, subject to available resources. Preference shall be given to full-time, regular employees in all classifications. Professional development activities may be encouraged or required of employees to strengthen their effectiveness in the assigned work area, or professional development activities can be voluntary and relate to the achievement of mutually compatible (JWB and employee) career objectives.

### **B. Professional Development Categories**

#### **1. Assigned Work Activity**

Employees are eligible for participation only when proposed activities have been identified in an approved career development plan or for work-related training. The employee may be eligible for attendance on agency time and agency reimbursement of identified costs. Participation is dependent upon meeting the following criteria:

- a. Participation must be initiated by the supervisor
- b. Professional development activities must be included in the employee staff development plan

- c. The activity must be directly related to current or anticipated work assignments
- d. The request must be approved by the Executive Director

## **2. Employee Career Interest**

Employees may participate in learning activities associated within areas of their personal interest and career development. JWB values learning however, JWB cannot support, through either release time or reimbursement of costs, personal career interest activities. Employees are responsible for their own preparation and time but may request a flexible schedule to meet their goals. Approval of the flexible schedule is at the discretion of the supervisor.

## **3. Degree Programs and Course for Academic Credit**

Employees enrolled in degree programs may receive some financial assistance and/or release time. JWB reserves the right to limit the number of credit hours of course study that an employee may be realistically enrolled in without reducing productivity. Courses must not interfere with job responsibilities and may be taken during work hours only with the prior approval of the supervisor.

Degree programs may be at the undergraduate or graduate level. However, graduate programs must be job related to be considered for reimbursement.

Individual courses not leading to a degree must be job related to be considered for reimbursement.

All degree programs and/or academic credit courses must be taken at an accredited college or university.

## **C. Application Procedure**

The supervisor must submit a written request to the Executive Director for employee participation in professional development activities justifying the relevance to their current or anticipated work assignments unless they are required as part of an undergraduate or graduate degree program.

Once approved by the Executive Director the employee must complete an application due to the HR department no later than 30 days prior to class commencement. The application must contain all costs associated with the professional development activity.

#### **D. Reimbursable Expenses**

Allowable course costs include, but are not limited to, registration fees, tuition, lab fees, certain travel costs, testing and books. Excluded costs include, but are not limited to, school supplies, entrance physicals, travel and other costs incidental to attendance.

##### **Reimbursement Limits**

Requests for reimbursement of approved professional development activities must be supported by adequate documentation and approved by the supervisor and ED prior to the beginning of the development activity. The Executive Director within his or her sole discretion will determine the amount, if any, for reimbursement to the applicant. Employees are not guaranteed reimbursement of any amount for professional development activities as such reimbursement is dependent on the available of JWB funds and other criteria as set forth below and in the discretion of the Executive Director.

Employees who are eligible for reimbursement of identified expenses in an approved professional development activity need to provide proof of passing grade or course certification to the Human Resource Department after completion.

The cost of courses, professional licenses and certifications unsuccessfully completed or dropped is the sole financial responsibility of the employee.

If the employee is receiving financial aid from any other source, it must be applied to the identified costs prior to application of JWB resources.

If expenses for professional development activities have been paid by JWB, the employee must reimburse JWB in full should he/she terminate his/her employment at a time less than one year after the final reimbursement for the professional activity.

If the employee terminates employment with JWB during the course of the professional development activity, unless otherwise waived by the Executive Director, the employee forfeits JWB support of the activity.

The Executive Director may authorize the maximum allowable reimbursement, if the employee is unable to satisfactorily complete the course due to physical or accidental disability, maternity leave, JWB-initiated action, or being involuntarily called into active military service.

**E. Records**

Records shall be maintained for all regular work time allocated to formal conference, staff training, and professional development activities.

**F. Professional Organization Affiliation**

Employees are encouraged to affiliate with and actively participate in appropriate professional organizations; however, the costs of such affiliations are borne by the employee. In those situations where an organization membership is required to secure materials necessary or desirable for program operations, a membership shall be entered in the name of the Executive Director and all materials received pursuant to that membership shall become the property of JWB.

The Executive Director may make exceptions to this policy where the ongoing class assignment has a direct relationship to the employee's work assignment.

**IX. DISCIPLINE****A. Counseling and Disciplinary Actions****1. Philosophy**

- a. The Senior Manager is responsible for the proper and efficient operation of his/her department and for enforcing all policies and procedures. It is the responsibility of all employees to observe the policies and procedures of JWB and of the department in which they work.
- b. Counseling or disciplinary action may be imposed upon an employee for conduct or actions that interfere with or prevent the effective and efficient performance of a department or organization. The purpose of any disciplinary action is to effect correction of employee conduct rather than be solely punitive.
- c. The type and severity of disciplinary action shall be related to the gravity of the offense, the employee's record of any previous disciplinary action, length of service, and actions taken in similar cases both within the department and in other departments. Any adverse action taken must be based on cause supported by sufficient evidence, be consistent with other such actions taken throughout the agency, and be fair given the circumstances.

## **2. Authority for Disciplinary Action**

Generally, the Executive Director is authorized to apply such disciplinary measures as may be appropriate and necessary.

## **3. Reasons for Disciplinary Action**

Any of the following violations may be sufficient grounds for counseling and/or disciplinary action, ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation. These offenses are illustrative and not all-inclusive:

- a. Willful neglect in the performance of the duties of the position to which the employee is assigned.
- b. Disregard for or frequent violations of policies and regulations, including safety rules.
- c. Willful misuse, misappropriation, negligence, destruction of JWB property or conversion of JWB property to personal use or gain.
- d. Willful theft of time through falsification of time records for self or a co-worker.
- e. Frequent tardiness or absence from duty without prior approval.
- f. Violation of any reasonable or official order, refusal to carry out lawful, and reasonable directions given by a proper supervisor, or other acts of insubordination.
- g. Use of intoxicating beverages and/or substances to excess or abuse of narcotics, drugs (legal or illegal) or other controlled substances that interfere with job performance or the efficiency of JWB service.
- h. Consuming alcoholic beverages, or the use of narcotics, drugs (legal or illegal) or other controlled substances while performing JWB job duties.
- i. Criminal, dishonest or other conduct, which interferes with effective job performance or has an adverse effect on the efficiency of JWB service, or is detrimental to the image of JWB.
- j. Disclosure of privileged information or using such for private gain.

- k. Incompetent or unsatisfactory performance of duties.
- l. Conviction of a crime.
- m. Knowingly giving false statements to supervisors, other officials, or the public.
- n. Any conduct, on or off duty, which reflects unfavorably on JWB as an employer; including, but not limited to disparaging the organization, board members, executives or managers, policies or practices verbally or in writing.
- o. Membership in any organization that advocates the overthrow of the government of the United States by force or violence.
- p. Making a false statement in an application or in any other document used to obtain employment.
- q. Acceptance of gratuities to the extent prohibited in Chapter 12 Florida Statutes (Part III).
- r. Political activity violation.
- s. Refusal to sign the Loyalty Oath.
- t. Any other conduct or action of such seriousness that disciplinary action is considered warranted.
- u. Threats of physical violence or actual physical violence perpetrated on JWB property or related to the performance of JWB business.
- v. Pervasive intimidating or bullying behavior that affects the productivity and/or morale of a co-worker(s) or visitor(s).
- w. Failure to comply with Level II background screening requirements as set forth in Chapter 435, Florida Statutes.

#### **4. Types of Disciplinary Actions**

Disciplinary action should only be taken to the extent necessary to correct the problem involved. Ordinarily, disciplinary action will be progressive beginning with the least severe action that may be reasonably expected to be effective. Disciplinary action does not necessarily need to begin with the least severe intervention, nor does it require progressing in the level or order listed below.

JWB reserves the right to by-pass progressive discipline and proceed immediately to termination. Types of disciplinary action from least severe to most severe are:

- a. Oral counseling
- b. Written reprimand
- c. Job in Jeopardy
- d. Suspension
- e. Reduction in pay
- f. Demotion
- g. Dismissal

#### **5. Procedures for Disciplinary Action**

##### **a. Oral Reprimand**

1. Whenever grounds for disciplinary action exist and the supervisor determines that the incident, action, or behavior of the employee is such that more severe disciplinary action is not immediately necessary, the supervisor should orally counsel to the employee privately his/her observation of the problem and provide direction for correcting the situation.
2. When an oral counseling is given, the supervisor should ensure the employee's personnel file is documented to show the date and nature of the counseling. The employee should be advised that the reprimand will be documented in the personnel file and that he/she may submit comments for the file.
3. Depending on the circumstances or seriousness of the offense, normally no more than three oral reprimands should be given to any employee for the same type of offense, after which a more severe type of disciplinary action should be taken. Whenever possible, however, sufficient time for improvement should be allowed before further and/or more severe action is taken. The timeframe should be made clear to the employee and included as a notation in the employee's file.



**b. Written Reprimand**

1. When the supervisor determines a written reprimand is appropriate and necessary, the reprimand shall be addressed to the employee, in the form of a memo, and shall include the charge, the specific behavior and the dates of the behavior (where appropriate) that support the charge, the warning that continuance of this behavior will result in more severe disciplinary action, direction for correcting the behavior, any circumstances affecting the severity of the discipline, and advise on right of appeal through the grievance procedure.
2. A copy of the reprimand signed by both the supervisor and employee shall be included in the employee's official personnel file and the employee shall have the opportunity to submit a written response to be included in the file.
3. Refusal of the employee to sign the written reprimand shall be noted by the supervisor on the document.

**c. Job in Jeopardy**

If the employee's job performance does not meet expected standards, they may be placed in "Job in Jeopardy" status.

1. An employee is placed in "Job in Jeopardy" status by the immediate supervisor, with the approval of the Executive Director, and the employee shall be advised of this action in writing. The written notice shall identify the employee's deficiencies as well as the specific corrective actions necessary, if dismissal is to be avoided.
2. The "Job in Jeopardy" notice shall become a permanent part of the employee's personnel record and shall be signed by the employee and the Executive Director, indicating only that he/she has read the document. The employee shall be provided a copy of the notice.
3. The duration of "Job in Jeopardy" status shall be no less than thirty (30), nor more than ninety (90) calendar days but may be extended in the sole discretion of JWB.
4. Upon the expiration of the "Job in Jeopardy" status, the employee may either be returned to his/her original status or the immediate supervisor may determine that the employee's performance has not improved sufficiently and recommend termination or demotion of the employee. On rare occasions, when a constructive purpose can be served, the Executive Director may approve an internal transfer of the employee. Such transfers will initiate a new provisional period.

**d. Suspensions****1. Suspension with Pay**

In certain circumstances, the Executive Director may determine that, even though a suspension without pay may not be appropriate, it is nonetheless necessary to relieve the employee of his/her duties and remove him/her from the worksite. In such a case, a suspension with pay may be given for up to five workdays, or longer should the situation dictate.

**2. Suspension Without Pay**

The Executive Director may suspend an employee without pay in and provided it does not violate the Fair Labor Standards Act in the following situations:

- **Investigation**

Whenever the Executive Director has reason to believe that an employee may have committed a serious violation or offense, but sufficient evidence is not yet available to make a proper evaluation and determination of appropriate final action. The appointing authority may suspend an employee for up to seven calendar days pending an investigation.

- **Disciplinary Action**

When the Executive Director determines that suspension is an appropriate corrective action for a violation, an employee may be suspended for up to 30 calendar days. Ordinarily, an initial suspension for a particular offense will not exceed three to five workdays depending on the seriousness of the offense. A 30-day suspension would normally be imposed only for the most serious and flagrant of offenses, or as the last in a series of progressively more severe suspensions.

- **Employees Charged with Misdemeanor or Felony**

When an employee has been charged with a crime classified as a misdemeanor or felony, the Executive Director shall review the nature of the employee's offense; make a determination of the impact of the alleged crime on the ability of the employee to perform the duties of his/her position in a satisfactory manner. If appropriate, the employee may be suspended until disposition of the charge or charges. Should an employee be charged with a Level II disqualifying offense, the

employee will be suspended and will not be able to return to work until the charges have been resolved in accordance with Chapter 435, Florida Statutes.

### **3. Notice to Employee**

On or before the effective date of the suspension, the supervisor will provide the employee with a written statement setting forth the reasons for the suspension, the effective dates of the suspension, and the date the employee must return to work. The statement shall also include the charge, the specific behavior, the dates of the behavior that support the charge (where appropriate), the warning that continuance of this behavior will result in more severe disciplinary action, direction regarding assistance in correcting the behavior, any circumstances affecting the severity of the discipline, the employee's right to respond to the charge within three calendar days, and advice on the right of appeal.

### **4. Emergency Suspension**

If an emergency exists which makes immediate suspension of an employee necessary before management concurrence can be obtained, in order to preserve the health and safety of the employees or others, to continue vital services to the public, or to continue a JWB function without serious disruption, a supervisor may make such an immediate suspension. Emergency suspension shall be carried out in the presence of two or more managers and appropriately documented and signed by each manager witnessing the suspension conference.

### **5. Restoration to Active Duty**

At the end of the period of suspension, the employee shall be returned to active duty at previous salary rate unless other disciplinary action affecting the position and/or salary has been taken. If the suspension has been found to be inappropriate or too severe, the employee shall be given back pay for part or all of the suspension period.

### **6. Reduction in Pay**

Whenever the Executive Director, having obtained the required concurrences, determines that an employee's performance or conduct is of such nature that it can best be recognized and/or corrected through a reduction of pay within grade, the employee shall be advised in writing of such action, setting forth the reasons for such action, the extent of the reduction and the effective date. The statement shall include the specific deficiencies in performance or conduct; previous warning, counseling

and attempts to correct that were ineffective; the employee's right to respond to the intended action within three calendar days; and advice on the right of appeal.

#### **7. Demotion**

The Executive Director may determine that demotion of an employee to a position in a lower pay grade is a proper action to correct a situation. In such a case, the Executive Director, after obtaining the required concurrences, shall furnish the employee with a statement of the reasons for such action and the effective date, at least three days prior to the proposed date of the action. The statement shall fully set forth the reasons for the proposed demotion; previous warning, counseling and attempts to correct the problem; the employee's opportunity to respond within three calendar days; and notification of the employee's right to appeal.

#### **8. Dismissal**

An employee may be dismissed when all reasonable attempts at corrective action have been ineffective, or when the seriousness of, and the circumstances surrounding the offense, leave dismissal as the only feasible alternative. Refer to section IX. 4. Dismissal.

### **X. SEPARATION**

#### **A. Voluntary Separation**

1. Employment with JWB is "at-will", meaning JWB or the employee may terminate employment for any reason, not prohibited by federal, state or local law, at any time. No employee, with the exception of the Executive Director, has a contractual employment agreement.
2. Any employee voluntarily terminating his/her employment with JWB shall provide sufficient notice of their intent to terminate, which is to assure the orderly transition of responsibilities and acquisition of alternative capabilities. Support staff shall provide a minimum of two weeks' notice, professional staff a minimum of one month, and executive staff a minimum of two months, except in exigent circumstances.
3. Employees who have provided appropriate advanced notice of termination may use annual leave only to the extent that utilization prior to the termination date does not disrupt requirements for an orderly transition. The employee shall receive a lump sum payment for accrued but unused annual leave for which he/she may be eligible and any accrued but unused sick leave reimbursement for

which he/she may be eligible on his/her termination date at the rate determined by tenure ( IV. Benefits). Personal Leave days have no cash value.

- a. An exit interview will be scheduled for the terminating employee. The objective of the interview is to receive ideas to improve operations or constructive criticism of organizational practices.
- b. Exit interviews will be held with the HR Department or a member of the management staff who has not been responsible for the terminating employee's direct supervision. The employee has the right to refuse an exit interview.
- c. Upon separation of employment, or (at any time) upon request, the employee must return all JWB property including equipment, ID badges and keys.
- d. An employee who is absent from work for more than three consecutive days without prior approval must notify their supervisor of the reason for their absence and may be required to provide supportive documentation. If you are absent for three or more consecutive days and you fail to notify the supervisor you will be deemed to have abandoned your job and voluntarily resigned.
- e. An employee absent for medical/health reasons may be required to provide a physician's note supporting the dates of absence.

## **B. Involuntary Termination**

A regular employee may be involuntarily terminated (dismissed) for unsatisfactory job performance, chronic or excessive absenteeism or tardiness, misconduct, insubordination, misappropriation of funds or other breach of trust, repeated violation of agency policies and procedures, inability or unwillingness to perform assigned duties, or any other reason. This list of terminal offenses is not all-inclusive and JWB may terminate employees for other reasons not prohibited by federal, state, or local law, regulation or ordinance.

## **C. Dismissal – Termination**

1. A written notice of termination, signed by the Executive Director, may be provided to the employee. The notice shall provide the effective date of the termination.
2. An employee may be required to leave immediately, or at any time thereafter, as determined by the Executive Director.

#### **D. Discontinuance of Position**

JWB may choose, or be required by reduced resources, reorganization, or other circumstances to discontinue positions.

- a. If an employee's position has been discontinued, he/she may be offered a vacant position for which he/she is qualified. That position may be in the same or a lower pay range.
- b. If no comparable or appropriate position is available, or the employee refuses to accept an available position, the employee shall be terminated.
- c. JWB will, to the extent feasible, provide as much notice as possible to terminated employees due to position discontinuance.
- d. When several employees of comparable classifications are considered for reassignment due to discontinuance of position(s), both seniority and individual qualifications shall be considered in the assignment decision.

#### **E. Reinstatement**

Any regular JWB employee who has voluntarily terminated employment may be rehired.

- a. Reinstatement of a former regular employee is not obligatory and occurs at the sole discretion of the Executive Director.
- b. The provisional employment period for a reinstated employee may be waived at the discretion of the Executive Director. The reinstated employee's anniversary date and benefits may be adjusted to reflect their prior service.

#### **F. Reference Checks**

Employees separating from JWB employment will be asked to sign an authorization of release of information regarding their employment history that will be kept on file.

1. All requests for references from JWB employees must be referred to the JWB Human Resource Department. The business or agency requesting the information, the name of the representative, as well as the questions asked and answers given will be recorded and placed in the employee record. Requests for personal references/letters of recommendation will be reviewed by the JWB Human Resource Department prior to being provided to the former employee. Actions taken inconsistent with these policies become the individual's responsibility and will not represent an official action of JWB.

2. JWB personnel records are public records subject to the provisions of Ch.119, Florida Statutes (the Sunshine Law) and access to these records cannot be denied, irrespective of whether the former employee executed an authorization under the provisions of this section.

## **XI. COMPLAINT RESOLUTION PROCEDURE**

### **A. Availability**

The complaint resolution is available only to regular employees and all future references to "employee" in this section are so limited.

### **B. Rights and Responsibilities**

Employees and their immediate supervisors are encouraged to discuss a potential complaint prior to its formalization. The immediate supervisor shall make no statements or take any action which might reasonably be construed as coercive or attempting to abridge the right of the employee to formalize his/her grievance or otherwise exercise his/her rights under the provisions of this section.

### **C. Content**

A complaint shall be filed in writing and state the facts of the situation including the alleged mistreatment, deficiency, or misinterpretation; location, where appropriate; applicable JWB policy or procedure; and any supporting documentation, and as appropriate, the specific relief sought.

### **D. Steps in Complaint Process**

1. A complaint shall first be presented by the employee to his/her immediate supervisor within 30 working days of the initial or most recent occurrence giving rise to the complaint. The supervisor shall respond in writing within 15 working days of submission.
2. If the complaint has not been resolved to the satisfaction of the employee, he/she may, within the 10 working days following receipt of the immediate supervisor's response, present his/her grievance to the next level of supervision.
3. Each succeeding level of supervision shall have up to 15 working days to respond in writing. The employee, if still dissatisfied with the response, may continue to present the grievance to succeeding levels of supervision, however, each presentation must be made within 10 working days of receipt of the written response.
4. The Executive Director has the final decision on an employee's conflict resolution.

## **XII. CONFLICT OF INTEREST AND POLITICAL ACTIVITY**

### **A. Purpose**

The allocation and administration of public funds require the promotion and maintenance of both the substance and appearance of objectivity and integrity. Employment with the JWB obligates the employee to accept certain restriction on non-work involvement and community service that may not be present with other employers.

### **B. Conflict of Interest**

Employees shall disclose to JWB all actual or potential outside employment, board memberships, appointments, or activities that may possibly constitute or reasonably be presumed to constitute a conflict of interest, compromise of objectivity, or restrict job performance.

1. Employees may not serve on the governing board of any agency that is an applicant for or in receipt of JWB funding.
2. Employees shall promptly terminate or decline any employment, board memberships, appointments or activities deemed by the Executive Director to constitute a real or perceived conflict of interest, compromise of objectivity, or interference with their ability to perform the duties of their position in a timely and/or efficient fashion.
3. If at any time an employee engaged in a previously approved employment, board membership, appointment or activity becomes aware of any change in the circumstances and/or conditions, which justified the original approval of the activity or any new condition or circumstance that may constitute or give rise to the perception of conflict of interest or compromise of integrity, the employee shall immediately notify the Executive Director. The Executive Director shall then review the situation to determine the appropriateness of the employee's continued involvement.

### **C. Political Activities**

Employees of JWB are subject to all Florida Statutes applicable to political activity by local government employees.

1. Knowledge of, and compliance with applicable statutes is the responsibility of the individual employee whether or not such information is made available to him/her by JWB.



**D. Ethics Policy**

All Employees must comply with Chapter 112 (Part III) of the Florida Statutes. Additionally, it is the policy of JWB that its employees uphold the highest standards of ethical, professional behavior. To that end, employees shall dedicate themselves to carrying out the mission of this organization and shall:

1. Hold paramount the safety, health and welfare of the public in the performance of professional duties.
2. Act in such a manner as to uphold and enhance personal and professional honor, integrity and the dignity of your profession.
3. Treat with respect and consideration all persons, regardless of race, religion, gender, sexual orientation, maternity, marital or family status, disability, age or national origin.
4. Engage in carrying out JWB's mission in a professional manner.
5. Build professional reputations on the merit of services and refrain from competing unfairly with others.
6. Recognize that the chief function of JWB at all times is to serve the best interests of its Children and Families of Pinellas.
7. Respect the structure and responsibilities of the Board of Directors, provide them with facts and advice as a basis for their making policy decisions, and uphold and implement policies adopted by the board of directors.
8. Keeps the community informed about issues affecting it.
9. Conduct organizational and operational duties with positive leadership exemplified by open communication, creativity, dedication, and compassion.
10. Exercise whatever discretionary authority they have under the law to carry out the mission of the organization.
11. Serve with respect, concern, courtesy, and responsiveness in carrying out the organization's mission.
12. Demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all activities in order to inspire confidence and trust in such activities.
13. Avoid any interest or activity that is in conflict with the conduct of their official duties.

14. Respect and protect the privileged information to which they have access in the course of their official duties.
15. Strive for personal and professional excellence and encourage the professional development of others.

**E. Disciplinary Actions**

Failure of an employee to strictly adhere to the provisions of this section will subject the employee to disciplinary action and may constitute grounds for dismissal.

**F. Applicability**

The provisions of this section are also applicable to all temporary employees and contract personnel.

**EMPLOYEE ACKNOWLEDGEMENT**

The employee handbook describes important information about JWB. I understand that I should consult management or the designated HR representative if I have any questions that are not answered in the handbook. I also understand that a copy of this signed form will be kept in my personnel file.

I became an employee at JWB voluntarily. I understand and acknowledge that there is no specified length to my employment at JWB and that my employment is at will. I understand and acknowledge that "at will" means that I may terminate my employment at any time, with or without reason or advance notice. I also understand and acknowledge that "at will" means that JWB may terminate my employment at any time, with or without reason or advance notice, as long as it does not violate federal, state or local laws.

I understand and acknowledge that there may be changes to the information, policies, and benefits in the handbook without prior notice to employees. The only exception is that JWB will not change or cancel its employment-at-will policy. I understand that JWB may add new policies to the handbook as well as replace, change, or cancel existing policies. I understand that handbook changes can only be authorized by the Executive Director.

I understand and acknowledge that this handbook is not a contract of employment or a legal document. I have received the handbook and I understand that it is my responsibility to read and follow all of the policies contained in this handbook.

I understand that my first 90 days of employment are an introductory/probationary period and that the introductory/probationary period may be extended in JWB's sole discretion. I understand that JWB or I may terminate the employment relationship during the introductory period and/or anytime thereafter, with or without cause and with or without prior notice. The successful completion of the introductory period, however, does **not** mean that I am guaranteed employment for any specific duration, nor does it change the at-will status of regular employment

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

## Summary of Proposed Changes from 2009 Personnel Manual

Issue	Edit	Page #
<b>Table of Contents</b>	Sections IX. Discipline and X. Separation were changed in the order of how they appear in the policies as reflected in the table of contents. Minor changes to these sections will be reflected below.	
<b>DEFINITIONS:</b>		
Clarified definition of Compensatory time	Terminology of “non-exempt” and time period of “within the same work week”	i
Clarified definition of “ Exempt Employee”	“added verbiage for clarification	i
Clarified definition of “Extended Illness”	Addition of the word “qualify”	i
Clarified definition of “Grant Worker”	Added the term of “limited term” as it defines specific grants	ii

Added definition of "Harassment"	"Unwelcome conduct or advances that affect a term or condition of employment that is sufficiently severe or pervasive. Harassment may be present in many forms such as actions, words, physical touching, jokes, emails, display and pictures, among others."	ii
Added language to the definition of "Non-Exempt employee"	Defining what the hours worked are and the overtime rate payable	iii
Clarified definition of "Part-time Employee"	"Regularly scheduled work periods of at least 25 hours but less than 40 hours per week."	iii
Deletion of verbiage in the definition of "Pay Grade Change:	Deletion of the phrase....this is also known as reallocation	iii
Clarified definition of "Provisional Employee"	Deleted some verbiage and added....is usually 90 days and may be extended to six months.	iv
Clarified definition of "Reinstated Employee"	"A re-employed former employee who performed satisfactorily when previously employed and who is eligible for rehire to fill a vacant position and who will benefit the agency."	iv
Clarified definition of "Retired Employee" based upon new FRS legislative changes	Provided updated information regarding legislative changes made to the State Retirement system effective July 2011 (i.e. years of service, age, average final compensation).	iv
Added language to the definition of "Temporary Employee"	"In the event the project has not been completed after the initial six- month period the Executive Director (OHD) may extend the temporary status for up to an additional six month term. Applicable federal, state, and local statutes and regulations cover	v

	temporary employees. Temporary employees are not eligible for other employee benefits established by the JWB.”	
Deletion of verbiage from the definition of “Transfer”	Total rework of the definition, much simpler	v
<b>I. GENERAL POLICIES</b>		
A. Reviews	Addition of....JWB is not bound to any specific procedures, policies, benefits, working conditions, or privileges of employment or definite period of employment. As an employee, you are completely free to leave JWB at any time you choose, and JWB has the same right to end the employment relationship at any time and without advanced notice.	1.
B. Administration	Deletion of previous category known as “Applicable Policies	1
F. Equal Opportunity 1. d	Addition .... Discriminate on the basis of genetic information.	4
G. Anti-Harrassment/Anti-Retaliation Policy	Rearrangement of Lettering/Section; broadened definition from sexual harassment; added verbiage for clarification throughout section	4 - 6
H. Drug Free Workplace	Renamed “Criminal Acts” to “Drug Free Workplace.” Verbiage changed from “contracted employees” to JWB independent contractors and vendors.”	6
J. Family and Medical Leave 1. Eligible	Re-organized the content and added National Defense Reauthorization Act language.	8 - 12

Employees	Significant change in verbiage for clarification.	
J. Family and Medical Leave #10.	Addition of #10...accruing of leave	12
M. Background Checks	Clarification of Background checks and the addition of E-verify	13-14
N. Wellness Policy	Added Wellness Policy that promotes a healthy lifestyle and provides employees with education and access to relevant activities.	14
P. Effective Date	Addition of "intranet" and deletion of "Knowledge Share Site"	14
<b>II. CLASSIFICATIONS</b>		
B. Contractual Services	Rework of entire section and the deletion of "Limited Term Employment"	16
C. Transfers	Added verbiage..... Employees may change or transfer from one position to another within the same job category.	16
D. Promotions	Deleted "Trainees" section from the section	16
E. Movement to Position of Lower MRP. Voluntary Demotion	Deletion of category definition and reworking of entire section	17
F. Involuntary Demotion	Small verbiage changes	18
<b>III. COMPENSATION</b>		
C. Market Survey b	Small verbiage changes	20
E. Overtime, I	Addition of..... Non-exempt employees may not work overtime unless an	22
F. Safe Harbor	Addition of "Safe Harbor Policy	22

<b>IV. BENEFITS</b>		
A. Annual Leave	Addition of .....All regular employees hired subsequent to January 10, 1985, and regularly scheduled to work twenty -five (25) forty (40) hours per week shall be eligible for annual leave based on a forty (40) hour workweek. Hours will be pro-rated for part-time employees	23
Sick Leave Pool	Eliminated from proposed revised policies (p. 22 of 2009 policies.)	
E. Annual Leave/Sick Leave During Extended Absence	Added "Employees utilizing non-intermittent FMLA or other leaves of absences are not eligible to accrue annual leave, personal, sick leave, or paid holidays during the period of their absence.	26
H. Bereavement Leave	Deletion of "Employee Assistant Program" Section	26
K. Administrative Leave-Voluntary	Added verbiage.....which may or may not involve pay depending on the circumstances of the leave.	27
L. Involuntary Leave	Reworking of entire section	28-29
I, M. Declared Local or National Emergency	Added minor verbiage and also added "Employees have a responsibility to be aware of and educate themselves with all JWB Safety procedures. Manuals are located in all departments, in addition to the Human Resources Department	29-30
O. Insurance	Addition of section definition rework of entire section including having short -term disability eligibility "determined solely by the insurance carrier."	30 -31
<b>V. WORKING CONDITIONS</b>		



E. Appearance Code	Addition of entire section	33
F. Smart Phone Stipend Program	Eliminated previous cellular phone policy and replaced with Smart Phone Program Policy.	33-36
Telecommuting Program	Eliminated from proposed revised policies (p. 31 of 2009 policies.)	
<b>VI. HIRING PRACTICES</b>		
J. Employee Personnel Records	Deletion of "d", addition of FL Statue # 119	38
<b>VII. PERFORMANCE EVALUATION</b>		
C. Provisional Status	Reworked the Evaluation time frame	39
F. Employee Involvement	Deletion of Supervisory Evaluation section, #5	39
<b>VIII. PROFESSIONAL DEVELOPMENT</b>		
Entire section has been re-written and re-organized		
<b>IX. DISCIPLINE</b>		
4, Types of Disciplinary Actions	Definition clarification and addition of c. Job in Jeopardy	47
<b>X. SEPARATION</b>		
B. Involuntary Termination	Reworked definition of section	51
D. Discontinuance of Position	Deletion of section pertaining to "No employee shall have the right to claim any position with the same or lower pay range if that position is currently occupied....."	52
<b>Employee Acknowledgement</b>	Added; outlines receipt of policies and understanding of JWB prerogatives.	58