



Memorandum

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
APR 07 2015 *KHWP*

DATE: March 25, 2015

TO: Mayor Teresa Jacobs
And
Board of County Commissioners

FROM: *Submitted for J. R. Daye*
J. Ricardo Daye, Director, Human Resources Division

SUBJECT: **Consent Agenda – April 7, 2015**
Revisions to the Orange County Policy Manual

CONTACTS: Pati Giambarberee, Human Resources Division
407-836-5828

Samantha Maxwell, Human Resources Division
407-836-5829

The Human Resources Division continually reviews the Orange County Policy Manual to determine areas needing revision. The proposed revisions, listed below, are being proposed due to Florida Statute updates, inconsistencies with bargaining unit contracts, and updates due to changes in current procedural practices. Additionally, some policies, such as Violence in the Workplace and Domestic Violence have been strengthened to more accurately support the County's Code of Ethics.

The most recent review has resulted in proposed changes to the following policies:

- Employment Types (101)
- Hiring (104)
- Benefits (105)
- Hours of Work (109)
- Salary Administration – Regular Employee Pay Plan (201)
- Salary Administration – Executive Employee Pay Plan (202)
- Term Leave (302)
- Holidays (307)
- Domestic Violence (310)
- Violence in the Workplace (415)
- Performance Evaluation Process (501)

A complete copy of the policies is located in the file labeled "BCC Agenda Backup" in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office. Your offices will be contacted regarding a briefing on this agenda item.

REQUESTED ACTION:

Approval of revisions to the Orange County Policy Manual: Employment Types (101), Hiring (104), Benefits (105), Hours of Work (109), Salary Administration – Regular Employee Pay Plan (201), Salary Administration – Executive Employee Pay Plan (202), Term Leave (302), Holidays (307), Domestic Violence (310), Violence in the Workplace (415), and Performance Evaluation Process (501) with an effective date of April 26, 2015.

- c Ajit Lalchandani, County Administrator
Eric Gassman, Chief Accountability Officer
George Ralls, Interim Deputy County Administrator
Randy Singh, Assistant County Administrator
Chris Testerman, Assistant County Administrator
Jim Harrison, Assistant County Administrator
Pati Giambarberree, Human Resources Administrator
Samantha Maxwell, Human Resources Analyst

Summary of Proposed Policy Revisions – Effective April 26, 2015

Policy	Current	Revised	Comments
101 Employment Types	*Severance Pay for Executive Employees may be granted for up to 90 calendar days.	*Executive employees may be granted severance pay up to six weeks in the settlement of an employment dispute.	*Revision is a result of changes to F. S.215.425 limiting severance and lump sum payouts to public sector employees.
104 Hiring	*Promoted employees serve a probationary period with due process and rights to the grievance process.	*Removed probationary period for promoted employees. *Added language outlining the background investigation for internally promoted employees. *Redefined the pre-employment process as a "screening" which will include a drug test. *Added language to defined background process for current employees when applying for promotion or lateral transfer	*Probationary period for promotions was removed since due process is required for any employees who have successfully completed the new hire probation. *Language made the pre-employment screening process encompass the drug test in addition to any background investigation warranted for the position.
105 Benefits	*No language addressing personal leave sell back upon entry to DROP.	*Added reference to eligibility to sell back personal leave hours upon DROP enrollment.	*Added language for employee clarification. *Accrual rate and maximum accrual does not change.
109 Hours of Work	*Contained language specifying that Holiday Pay would count toward the calculation of overtime.	*Inserted language eliminating the inclusion of Holiday Pay to the calculation for overtime.	*Non-worked holiday pay will no longer count toward the calculation of time for FLSA overtime. Only hours worked will be included in the calculation for overtime. <i>*Changed in conjunction with 307 - Holidays</i>
201 Salary Administration – Regular Employee Pay Plan	*Contains language defining the approval process for annual salary increase approval, promotions, transfers, reassignments, special pay adjustments.	*Updated language defining the approval process for annual salary increase approval, promotions, transfers, reassignments, special pay adjustments.	*Processing guidelines for employee actions will be included in the Operational Regulations.

Summary of Proposed Policy Revisions – Effective April 26, 2015

Policy	Current	Revised	Comments
201 Salary Administration (continued)	<ul style="list-style-type: none"> *Pay Plan is approved biennially by the BCC *Outlined manner by which employees received increases. *Department Directors have authority to approve salary changes. 	<ul style="list-style-type: none"> *Pay Plan approved annually by the BCC. *Salary increases approved within budgetary constraints. *Removed language that gave the Department Directors approval authority for salary changes in promotion, transfer, and reassignment. 	<ul style="list-style-type: none"> *Updated language: Prior to 2009 the BCC approved the budget biennially. *Language did not reference budgetary concerns. *Changes to employee salaries that occur through promotion, transfer, reassignment, special pay adjustments or annual salary increases are outlined in the Operational Regulations approved by the County Administrator.
201 Salary Administration (continued)	<ul style="list-style-type: none"> *Referenced annual lump sum for employees over the maximum of the pay range. *Acting Pay may be awarded by Department Directors up to the minimum of the acting pay range or 5%, whichever is greater 	<ul style="list-style-type: none"> *Added language referencing lump sum payment of salary increases must be approved by the BCC. *Acting pay may be awarded at a rate of 7 1/2% or to the minimum of the pay range *Promotional increase to 7 1/2% or to the minimum of the pay range. 	<ul style="list-style-type: none"> *Leaves lump sum payments to the discretion of the BCC when approving salary increases. *Acting pay/Promotional increase changes aligns with bargaining unit contracts.
201 Salary Administration (continued)	<ul style="list-style-type: none"> *Shift differential rates are outlined in policy with three shifts defined: Shift 2 - \$0.35 hrly (3:00pm - 11:00pm), Shift 3 - \$0.50 hrly (11:00pm - 7:00 am), Exempt Employee \$14.00/\$20.00 weekly (24 or more hours per week in Shift 2 or Shift 3). 	<ul style="list-style-type: none"> * Revised criteria to qualify for shift differential and limited the number of hours paid when reaching the threshold. Established a 12-hour shift differential for employees normally scheduled to work 12 or more hour days (6:00pm - 6:00am) with a rate of \$0.50 hrly. *Revised criteria to pay exempt employees at a rate of \$40.00 per pay period when 40 or more hours in a pay period are worked between 6:00pm – 6:00am. *Included temporary employees in eligibility for shift differential. 	<ul style="list-style-type: none"> *Revised Shift Differential for Exempt employees to limit to only hours worked between 6:00pm and 6:00am; must work 40 or more hours in pay period (current policy paid for hours within a work week and in any shift zone) *Temporary employees included as current practice pays shift differential.

Summary of Proposed Policy Revisions – Effective April 26, 2015

Policy	Current	Revised	Comments
202 Salary Administration - Executive Employee Pay Plan	*Contains language defining the biennial salary adjustment, range movement, job classification placement, lump sum payments, and special pay adjustments and acting pay.	*Language reflects changes made to 201 Salary Administration – Regular Employees. *Changed reference to Executive Classification and Pay Plan to Administrative Pay Plan.	*Updated language to coincide with 201 – Regular Employees. *Executive Classification and Pay Plan is more commonly referred to as the Administrative Pay Plan.
302 Term Leave	*Current language states term leave may be used for subsequent illness related to previous use of term for up to 12- months.	*Removed language referencing the use of term leave for subsequent illness.	*Language no longer needed due to Family and Medical Leave Act Federal Regulations which allow the use of leave when deemed appropriate by the employee's medical provider.
307 Holidays	*Contained language specifying that Holiday Pay would count toward the calculation of overtime.	*Inserted language eliminating the inclusion of Holiday Pay to the calculation of overtime.	*Non-worked holiday pay will no longer count toward the calculation of time for FLSA overtime. Only hours worked will be included in the calculation for overtime. <i>*Changed in conjunction with 109 - Hours of Work</i>
310 Domestic Violence	*Language limited to Florida Statutory requirements	*Strengthened language for supervisors to be more supportive when an employee is a victim of a domestic violence dispute *Defined domestic violence in Operational Regulation pursuant to Florida Statute.	*Policy was enhanced to support the initiative of Orange County to lessen Domestic Violence.
415 Violence in the Workplace	*Limited definition of violent actions and workplace definition	*Expanded definition of violent acts and workplace area.	*Policy was enhanced to support the initiative of OC to lessen Domestic Violence making employee accountable for work behaviors.
501 Performance Evaluation Process	*Currently titled: Performance Evaluation Process *Encouraged annual completion of performance evaluation	*Changed title to: Employee Performance *New language directs supervisors to conduct performance evaluations annually.	*Strengthen language directing supervisors to conduct annual performance evaluations.

101 Employment Types

POLICY:

The County achieves its mission and provides its services through the employment and/or appointment of qualified individuals. An employee may be appointed to fill an administrative position, hired to fill a regular (full or part-time) position, or employed in a temporary capacity. Additional terms and conditions of employment may be detailed in an employment agreement that is consistent with these policies.

101.1 Administrative Employment (Appointed)

Several positions are appointed and are filled by individuals employed directly by an elected official of the County. These employees serve at the pleasure of the appointing official and are exempt from these policies unless otherwise specified by a particular policy and/or Executive Order. Approved administrative positions are paid from regular salary accounts. Executive employees are covered by these policies, but are exempt from Probationary Period, Layoff and Recall and the Discipline/Grievance Process (other than EEO/discrimination claims) policies of this Manual. Appointed employees fall within one of the following categories:

Executive Employees

Executive employees include the County Administrator, Deputy County Administrators, Department Directors, Deputy Department Directors, Division Managers, the County Attorney, Deputy County Attorney and the Executive Director and General Manager of the Convention Center. Employees in these positions are appointed and reappointed annually and are expected to communicate the organization's philosophy to employees in other classifications.

At the Mayor's discretion, executive employees who are not reappointed or whose reappointment is not approved by the Board as required by the County Charter may be given severance pay up to an amount equal to that which the employee the amount that would have been earned in a ninety (90) calendar day six week period, but only if that severance pay represents settlement of an employment dispute at the Mayor's discretion. The ninety (90) calendar days severance amount may be paid over the course of the severance period (up to six weeks), or may be paid in a lump sum. The severance period would begin upon written notification to the employee of the severance. Executive employees may continue to receive County subsidized health insurance coverage during the severance period not to exceed ninety (90) calendar days (up to six weeks from notification) or until a lump-sum payment is made.

Executive employees are subject to termination at any time, with or without cause, at the discretion of the County Mayor. When terminated by the County Mayor without cause, executive employees may receive the same severance pay and health insurance benefit as set forth above for non-reappointment. Executive employees are expected to give the County Mayor no less than forty-five (45) days written notice before resignation.

Mayor/Commission Staff

Mayor/Commission Staff are those employees appointed to serve at the pleasure of the County Mayor or an individual County Commissioner. All Mayor and Commission Staff employees are entitled to membership in the Florida Retirement System, accrual of Personal and Term Leaves and other County sponsored benefits in accordance with established regulations and Executive Order Number ~~92-004~~ 06.003, but are exempt from all other Orange County policies.

101.2 Regular Employment

Regular employees may include full-time and part-time employees, those hired to share a position budgeted for six months or more, and those employees hired under an employment agreement. Regular employees receive full benefits. Continuous County service of a regular employee is established from the most recent date of hire. The service date may be adjusted as provided under other policies. Approved regular positions are paid from regular salary accounts.

Full-Time Regular Employees

Full time employees are those employees scheduled to work thirty-five (35) or more hours per work week unless otherwise defined for a specific job classification, i.e. Head Start Teacher.

Part-Time Regular Employees

Part time regular employees are those employees scheduled to work less than thirty-five (35) hours per week but not less than twenty (20) hours per week. Part time employees receive benefits with the exception of stand-by pay.

101.3 Temporary Employment

Temporary employment provides the ability to staff a position that is not continuously budgeted and will not be authorized for more than six (6) months, and/or requires work to be performed intermittently or on an as-needed basis. The general terms and conditions of the specific Temporary Employment assignment are detailed in an employment agreement established and mutually endorsed by the hiring authority and the Temporary Employee. (Employees filling temporary positions do not receive benefits such as holiday pay, medical coverage, personal leave, term leave and other paid benefits.)

There are four (4) categories of Temporary Employment:

A. Casual Employment

Casual Employment is established by departments/divisions to meet work demands that exist for no more than six (6) consecutive months. Casual employment positions are paid from an account other than regular salary accounts and work a regular schedule for a specific number of hours for a specific length of employment. Casual employment may be used to temporarily replace a regular employee. Examples of positions typically staffed by casual employees are Lifeguards and Summer Recreation Leaders.

B. Casual Employment-FRS Eligible

Casual Employment-FRS Eligible is established by department/divisions to meet ongoing work demands that necessitate working less fewer hours per week than what is required of a regular budgeted part-time position. Work demands must not exceed

nineteen (19) hours per week. There is no limitation on the length of employment. FRS contributions are paid from the first day of employment. Casual Employment-FRS Eligible positions are paid from an account other than regular salary accounts.

101.3 Temporary Employment (Continued)

C. On-Call Employment

On-Call employment is established by departments/divisions to meet fluctuating workload demands. On-call positions are paid from an account other than regular salary accounts and employment is intermittent and ceases when the workload diminishes. Under normal circumstances, the on call employee will not be called and scheduled to work more than one-thousand and two-hundred (1,200) hours in a fiscal year. Examples of positions typically staffed by on-call employees are Event Set-up Worker, Event Utilities Technician (Prime Timers at Convention Center) and Substitute Teacher.

D. Student Internships

Student internships are a form of temporary employment established by departments/divisions for students enrolled in accredited academic college, high school or vocational programs. Student interns are paid from an account other than regular salaries. There is no limitation on the number of hours eligible interns may work.

PROPOSED

104 Hiring

POLICY:

Orange County Government strives to attract, recruit and select the best-qualified candidates for employment. Employment decisions are based on job-related factors and comply with the County's commitment to quality, diversity and excellent customer service. Through the selection and recruitment process, Orange County Government maintains a competent and diverse workforce. Hiring and appointing authorities may give first consideration to qualified individuals currently employed by the Board of County Commissioners and the Comptroller's Office.

Due to the requirements of some positions, it may be necessary to recruit employees from outside the local area. When this is necessary, reasonable reimbursement of travel or moving expenses may be authorized as specified in the County's Administrative Regulations.

~~Orange County Government is a Drug-Free Workplace. All new employees are subject to the successful completion of a pre-employment physical and background investigation screening. Orange County Government is a Drug-Free Workplace and all newly hired employees are subject to a drug screen at the time of initial employment.~~

Employees must comply with U. S. Selective Service requirements within six (6) months of initial hire. Failure to comply will result in separation from County employment.

Newly hired employees must sign up for direct deposit of County issued payroll checks prior ~~within the first pay period after~~ to their first day of work.

104.1 Probationary Employees

Newly hired employees serve a six (6) month probationary period or longer if specified by the position description. This period may be extended for not more than ninety (90) calendar days if recommended by the Department Director and approved by the Orange County Human Resources Division Director. Probationary employees have no rights to a predetermination hearing and no access to the Grievance Process for disciplinary actions.

~~Promoted employees serve a six (6) month probationary period. Promoted employees who have successfully completed six (6) months employment with the County have rights to a predetermination hearing and access to the Grievance Process for disciplinary actions.~~

104.2 Employment Background Screening

~~New employees are subject to the successful completion of a pre-employment physical and background investigation. The type of background investigation screening conducted will be determined by the nature and potential risk level of the position being filled based on the following criteria:~~

Level one (1) - Those positions identified by individual departments as not being considered high risk or potentially high liability positions.

Level two (2)- Those positions identified by individual departments as handling money, drugs, chemicals or other controlled substances as well as working with or near children.

104.2 Employment Background Screening (*Continued*)

In addition, positions that involve Public Safety (Firefighters and Corrections Officers), those involved in inventory control and access to Information/Technology Systems or other positions determined to be of a sensitive nature capable of causing higher than average liability to the County. Level two (2) positions may require a polygraph and/or psychological examination prior to hiring.

Additionally, those employees already employed by Orange County who seek a promotion or lateral transfer into a position determined to be of a higher risk level than the one they are currently occupying must undergo and successfully complete a background screening appropriate to the position they seek. If unsuccessful in the completion of the background screening, employees cannot be promoted or laterally transferred for the current hiring process. Employees may not be selected for promotion or lateral opportunities until able to successfully complete the background screening for either Level I or II.

Depending upon the background screening results an employee may be subject to disciplinary action up to and including termination. Additionally, unsuccessful background screening results involving drugs requires an employee to submit to a drug test and possible periodic follow-up testing for 12-months from the date of the background screening completion.

PROPOSED

105 Benefits

POLICY:

All Regular, Executive, and Mayor/Commission staff employees working twenty (20) or more hours per week are entitled to a variety of benefits including medical, dental, vision, disability, life, retirement, holidays and paid leave.

The County offers additional benefits and programs including but not limited to:

- Direct Deposit
- Educational Assistance
- Deferred Compensation
- Credit Union
- Military Leave
- Jury Duty Leave
- Bereavement Leave
- Leave Bank
- Discount Cards
- Employee Assistance Program
- Medical Flexible Spending Account

Regular part-time employees are entitled to the same County benefits as regular full-time employees unless otherwise stated in policy.

Leave accrual and holiday benefits are earned based on the number of hours regularly worked and paid leave hours for the pay period based on the established leave accrual plan. Holiday benefits are paid in accordance to the number of hours normally scheduled to work on the day of the holiday. scheduled to work per week.

Employees in a leave without pay status are not covered by County benefits unless otherwise stated in these policies. Group insurance may be continued under Consolidated Omnibus Budget Reconciliation Act (COBRA). There may be exceptions as required by the Family and Medical Leave Act (FMLA) and Workers Compensation laws. (See Section 300 for Leave Policies)

105.1 Survivor Benefits

Upon death of the employee, regardless of length of service, Personal, Term Leave, and Sick Leave (Old) balances are paid at one-hundred percent (100%) and will be disbursed in accordance with Florida law.

105.2 In-the-Line of Duty Death

The deceased employee's spouse and children are eligible for continued coverage in the County's medical, dental and vision plans. The County will pay the medical premiums as long as conditions of eligibility are met. The County will pay dental and vision premiums for one (1) year.

105.3 Non-In-the-Line of Duty Death

The deceased employee's spouse and dependents are eligible for continued coverage in the County's group insurance plan under the guidelines of COBRA.

105.4 Leave Stretching During School Breaks

Employees of Head Start who are unemployed during the school break periods will be allowed to use a part of their accrued personal leave to fund the employee portion of health insurance premiums during this period. The County will continue to pay the County's portion of the health insurance premiums during this period. If an employee has no personal leave balance, the employee may make personal payment for their portion of the premium to the Payroll Department by each respective pay date. This policy only applies to the Head Start Division.

105.5 Educational Assistance

Employees are encouraged to continue their formal academic education in areas that shall enhance their contribution to County service. When funding is available the Educational Assistance Program reimburses full-time regular, executive, and Mayor/Commission staff employees for tuition expenses which have been paid by employees upon the successful completion of pre-approved coursework and training. This growth opportunity is intended to mutually benefit the County and the employee through enhancement of job performance and future potential. The Board of County Commissioners determines funding for the Educational Assistance Program annually. Employees receiving tuition reimbursement must remain employed by the Orange County Board of County Commissioners for twelve (12) months following the date of the most recent date of completion or the employee must repay the amount of reimbursement. No reimbursement is required if separation is due to layoff, involuntary termination or non-reappointment. Some departments (i.e. Corrections) may have more stringent guidelines based on Florida State Statutes regarding repayment.

105.6 Florida Retirement System/DROP

Eligible employees are covered by the Florida Retirement System (FRS). The County and eligible employee are required, by the State, to contribute specified amounts to the retirement fund. Regular eligible employees can review plan descriptions regarding information on contribution, creditable and continuous service, designation of beneficiary, normal retirement requirements, Deferred Retirement Option Program (DROP), and disability and death benefits at the Florida Retirement System Website or the Human Resources Division.

109 Hours of Work

POLICY:

The County's standard work week is forty (40) hours. Management is authorized to establish the time and duration of work as required by the operational needs of the County.

109.1 Non-Exempt Employees

Employees in non-exempt job classifications are paid on an hourly basis.

Non-exempt employees shall receive overtime pay in compliance with the Fair Labor Standards Act (FLSA).

Management will determine the scheduled work hours, meal periods and break periods.

Breaks may be given at management's discretion.

Overtime

Overtime may be necessary when non-exempt employees are required to work additional hours to complete work assignments or to meet deadlines. Management shall determine the need for overtime.

Overtime is paid at a rate of one and one-half (1 1/2) times the regular rate of pay for all hours worked in excess of forty (40) in a work week. When an employee does not work on a holiday but receives holiday pay, these hours are not considered as time worked to determine if an employee has satisfied the minimum hours per week required to be eligible for premium overtime pay.

109.2 Exempt Employees

Employees in job classifications exempt from overtime payment are compensated by a regular salary on the basis that extended work hours may be required to accomplish work assignments. Such employees are expected to work a minimum of their regularly scheduled work hours per pay period. Any additional hours worked will not be compensated.

201 SALARY ADMINISTRATION — REGULAR EMPLOYEE PAY PLAN

POLICY:

The Board of County Commissioners shall approve the Regular Employee classification and Pay Plan on a biennial basis, and shall be authorized to approve adjustments to the minimum, midpoint and/or maximum rates of the salary grades.

The Board of County Commissioners assigns the County Administrator the responsibility of fairly and equitably administering the Regular Employee Pay Plan.

201.1 JOB CLASSIFICATION PLACEMENT IN SALARY RANGE

All job classification assignments and reassignments must be within the existing ~~classification and pay plan~~ approved by the Board of County Commissioners.

The Human Resources Division shall be responsible for making recommendations to the Board of County Commissioners for market adjustments to the minimum, midpoint and maximum rates of the salary grades.

The salary grade assignment for new job classifications reassignment of existing job classifications and job classification deletions shall be an administrative function under the authority of the Human Resources Division.

201.2 MOVEMENT THROUGH THE SALARY RANGE

Changes to employees' salary may occur through promotion, transfer, reassignment, reclassification, special pay adjustment or annual salary increase.

~~Department Directors~~ The County Administrator or their designees shall have the authority to approve salary rates up to the maximum rate of the job classification's assigned salary range for existing employees and new hires.

~~Department Directors or their designees shall have the authority to set salaries for employees who are promoted to new positions up to 10% above the employee's current salary rate, or the minimum of the new pay grade (whichever is greater).~~

~~Department Directors or their designees shall have the authority to set salaries for employees who are laterally transferred up to 5% above the employee's current salary rate.~~

201.3 PAY ABOVE ASSIGNED SALARY GRADE MAXIMUM RATE

The County Administrator only shall have the authority to approve pay rates above the assigned pay range maximum.

201.4 ANNUAL SALARY ADJUSTMENTS INCREASES

The Board of County Commissioners may approve salary increases within budgetary constraints established each fiscal year. The granting of salary increases are always subject to the availability of adequate funds.

~~Employees who are hired prior to September 15th of each fiscal year and who are meeting performance standards shall be eligible to receive an annual salary adjustment to their base pay up to the maximum rate of their assigned salary grade. This adjustment will be effective the first full pay period in October of the next fiscal year. Once employees reach the maximum rate of their salary grade range, they are no longer eligible to receive annual adjustments to their base pay.~~

201.5 ANNUAL LUMP-SUM PAYMENTS

Employees who have reached the maximum rate of their salary grade range (no longer eligible to receive annual increases to their base pay) may be eligible to receive an annual lump-sum payment equal to the amount of base pay increase awarded that year calculated as a percentage of the employee's annualized base pay.

Upon approval by the Board, Employees whose base pay rates are nearing the maximum rate of their salary range will receive an annual adjustment in base salary up to the range maximum. If the amount of the percentage increase to base rate is less higher than the base maximum base pay increase for the year, the employee will receive an increase up to the maximum base pay plus an additional annual lump- sum payment that together with the increase in base pay equals up to the approved total base pay increase % total (base pay adjustment plus lump sum payment) approved by the Board.

~~The Lump Sum Payment will be disbursed on the first full pay period of October.~~

201.6 SPECIAL SALARY PAY ADJUSTMENT

~~Department Directors with t~~ The County Administrator's may approve ~~may request~~ base salary increases ~~or lump sum awards~~ when a legitimate need arises (significant job change, market driven, internal equity, significant project assignments, degree or training completion).

201.7 PROMOTIONAL INCREASE/ACTING PAY

For promotions and acting pay, employees' rates of pay may be adjusted by 7 ½% or to the minimum of the new pay grade, whichever is greater.

A promotion is defined as the advancement of an employee from one job classification to another classification with a higher maximum salary rate. The promoted employee's pay rate shall be equal to or greater than the minimum of the new pay grade but may not exceed the maximum of the amount of the pay grade established for the new job classification.

An employee Department Directors may be awarded acting pay of 5% or to the minimum of the salary grade (whichever is greater) when it is anticipated that the position will be

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vacant for a period of more than fourteen (14) calendar days. Acting Pay is approved by the County Administrator or their designee.

Non-exempt employees working in an acting capacity in an exempt position will be treated as non-exempt and will be paid for all hours worked to include overtime premium, calculated based upon the higher acting pay rate.

Paid time off to include holidays, personal leave and term leave taken while an employee is receiving acting pay will be paid at the higher acting pay rate.

201.8 CALL BACK PAY

Call back pay compensates regular, non-exempt employees who are called to report to work on an unscheduled basis. An employee (excluding employees on stand-by) who is off duty and is called to report to work on an unscheduled basis is eligible for call back pay, if the reporting time is more than four (4) hours before the start of the employee's next regular shift. When an employee is on duty and directed or assigned to continue or remain at work, the extra work time is considered as scheduled work, and the employee is not eligible for minimum call back pay.

An employee eligible for call back pay is paid for the actual hours worked or a minimum of three (3) hours straight time pay, whichever is greater.

201.9 SHIFT DIFFERENTIAL

All exempt and non-exempt regular employees and temporary employees may shall be eligible to receive shift differential, for hours worked within designated time zones and meeting eligibility criteria. as follows:

Non-Exempt Employees: Regularly scheduled shifts of less than 12-hours

Second Shift Differential:

To qualify for second shift differential pay, the following criteria must be met:

- Four or more hours of the shift must be worked between the hours of 3:00pm and 11:00pm

Those employees meeting the above criteria who work half or more of their regularly scheduled hours between 3:00pm and 11:00 pm will receive thirty-five cents (\$0.35) per hour or any portion thereof in increments of 1/10th of an hour in addition to their regular rate of pay as a second shift differential for all only those hours worked in the second shift zone.

Third Shift Differential:

To qualify for third shift differential pay, the following criteria must be met:

- Four or more hours of the shift must be worked between the hours of 11:00 pm and 7:00 am.

Those employees meeting the above criteria who work half or more of their regularly scheduled hours between 11:00 pm and 7:00 am will receive fifty cents (\$0.50) per hour or any portion thereof in increments of 1/10th of an hour in addition to their regular rate of pay as a third shift differential for all for only those hours worked in the third shift zone.

Non-Exempt Employees: Regularly scheduled shifts of 12-hours or more

To qualify for 12-hour evening shift differential pay, the following two criteria must be met:

- Four or more hours of the shift must be worked between the hours of 6:00 pm and 6:00 am

Those employees meeting the above criteria will receive fifty cents (\$0.50) per hour or any portion thereof in increments of 1/10th of an hour in addition to their regular rate of pay for all only those hours worked in the 12-hour or more shift zone.

Exempt Employees

To qualify for shift differential pay, exempt employees scheduled to work and have worked a minimum of forty (40) hours per pay period between the hours of 6:00 pm and 6:00 am will be eligible for shift differential in the amount of forty dollars (\$40.00) for each qualifying pay period. ~~Those employees who work twenty four (24) or more hours in one week between the hours designated as shift differential for non-exempt employees will be eligible to receive \$14.00 per week for second shift and \$20.00 per week for third shift differential.~~

Non-Exempt Employees

~~Those employees who work half or more of their regularly scheduled hours between 3:00 p.m. and 11:00 p.m. will receive \$0.35 per hour in addition to their regular rate of pay as a second shift differential for all hours worked.~~

~~Those employees who work half or more of their regularly scheduled hours between 11:00 p.m. and 7:00 a.m. will receive \$0.50 per hour in addition to their regular rate of pay as a third shift differential for all hours worked.~~

~~Shift differential shall not apply to call back or stand-by hours.~~

Exempt Employees

~~Those employees who work twenty four (24) or more hours in one week between the hours designated as shift differential for non-exempt employees will be eligible to receive \$14.00 per week for second shift and \$20.00 per week for third shift differential.~~

201.10 STAND-BY PAY

A stand-by duty assignment requires the non-exempt employee to be immediately available for work due to the likelihood of an urgent situation arising during off-duty

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time. Stand-by assignments may include nights, weekends and holidays.

Non-exempt employees assigned to stand-by duty are eligible to receive two (2) hours of straight-time pay for regular workdays (24-hour period) and for regularly scheduled days off.

Stand-by pay is not considered as time worked for the purpose of calculating overtime pay. Employees receiving stand-by pay will be paid for actual hours worked when called to report to work, but are not eligible for minimum call back pay.

PROPOSED

202 Salary Administration – ~~Executive Employee~~ Administrative Pay Plan

POLICY:

The Board of County Commissioners shall approve the Administrative ~~Executive Classification~~ and Pay Plan ~~on a biennial basis~~, and shall be authorized to approve adjustments to the minimum, midpoint and/or maximum rates of the salary grades within the plan.

The Board of County Commissioners assigns the County Administrator the responsibility of fairly and equitably administering the Administrative ~~Executive Classification and Pay Plan~~ for Executive employees.

The Administrative ~~Executive~~ Pay Plan does not cover Mayor/Commission staff.

202.1 Job Classification Placement in Salary Range

The Human Resources Division, at the County Administrator's request, shall be responsible for making recommendations to the Board of County Commissioners for market adjustments to the Administrative ~~Executive~~ Pay Plan salary ranges.

202.2 Movement through the Salary Range

The County Administrator shall recommend to the Board of County Commissioners salary rates for newly hired or promoted Executive employees up to the maximum of the assigned salary pay grade range ~~maximum~~.

The Board of County Commissioners shall approve salary rates for all newly hired or promoted Executive employees, during the appointment process.

202.3 Annual Salary Increases ~~Adjustments~~

The Board of County Commissioners may approve salary increases within the budgetary constraints established each fiscal year. The granting of salary increases are always subject to the availability of adequate funds and implementation guidelines. Executive employees hired prior to September 15th of each fiscal year and who have been approved by the Board of County Commissioners for appointment or reappointment, shall be eligible to receive an annual salary adjustment to their base salary up to the maximum of their assigned salary range. This adjustment shall be effective the first full pay period which begins on or after October 1st of the next fiscal year.

~~Once an Executive employee reaches the maximum rate of the assigned salary grade, the employee is no longer eligible to receive an annual salary adjustment to base pay.~~

202.4 Annual Lump-sum Payments Intentionally Left Blank

~~Executive employees who have reached the maximum rate of their assigned salary range (and are no longer eligible to receive an annual increase to their base salary) may be eligible to receive an annual lump-sum payment equivalent to the amount received by regular non-bargaining employees.~~

202.5 Special Salary Pay Adjustment

The County Administrator has the authority to approve base salary increases ~~or lump-sum awards~~ for Executive employees should a legitimate need arise. The Board of County Commissioners must approve a special salary pay adjustment for the County Administrator or County Attorney.

202.6 Acting Pay

The County Mayor may award acting pay to a qualified County executive or regular employee to exercise the powers and perform the duties of the County Administrator during the County Administrator's absence or vacancy of the position.

The County Administrator shall have the authority to award acting pay to an employee designated to perform the duties of a Deputy County Administrator, Department Director, or Division Manager during such executive's absence or vacancy of the position.

PROPOSED

302 Term Leave

POLICY:

Term Leave is paid time off for an employee's inability to work the equivalent or more of their normally scheduled workweek (normally forty (40) hours) due to illness or injury after exhausting any applicable Sick Leave (Old) balances.

Eligible employees accrue Term Leave at the rate of two and thirty-one tenth (.0231) hours per paid-regular hour or paid leave hour. The use of Term Leave may be subject to submission of a doctor's verification of illness or injury at the discretion of management. ~~Upon submittal of written documentation from a medical practitioner, Term Leave may be used for subsequent absences directly related to the original illness or disability, which required the use of Term Leave. Treatment must be within a twelve (12) month period following original use of Term Leave and must be in increments of no less than one-tenth (1/10th) of one (1) hour, six (6) minutes).~~

Upon separation from County employment, employees with ten (10) or more years of continuous service are paid for twenty-five percent (25%) of the unused accrued Term Leave balance unless separation is due to the death of the employee, then Term Leave will be paid out at one-hundred percent (100%) regardless of length of service.

Upon exhaustion of Term Leave balance, accrued personal leave balances may be accessed.

The Board of County Commissioners may enter into reciprocal agreements with other Orange County agencies to define guidelines for continuous service, employee transfer and pay out of accrued Term Leave balances.

307 Holidays

POLICY:

The Board of County Commissioners designates and observes certain days each year as holidays. Eligible employees on the active payroll are entitled to the following paid holidays:

New Year's Day
Martin Luther King, Jr. Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve Day
Christmas Day
Floating Holiday

With management approval, the Floating Holiday may be used at the employee's discretion. An employee must satisfactorily complete the initial six (6) months of employment to be eligible for the Floating Holiday.

A holiday that occurs on a Saturday or Sunday will be observed the preceding Friday or following Monday.

Holiday pay is paid at the employee's regular rate of pay for the number of hours normally scheduled on the workday. Regular, non-exempt employees working on a designated holiday will also receive pay for hours actually worked at a rate of one and one-half (1 1/2) times the regular hourly rate of pay.

If a holiday is observed on a day that is a regularly scheduled workday the employee may receive an alternate day off within the same workweek as a substitute holiday at management's discretion.

Temporary, non-exempt employees authorized to work on an observed County holiday will receive pay for hours worked at a rate of one and one-half (1 1/2) times their regular hourly rate of pay.

Employees on Sick (Old), Personal, or Term Leave when officially designated holidays occur do not have the day of the holiday charged against accrued leave.

Holiday pay will not be included as hours worked in calculating the hours needed for overtime.

310 Domestic Violence

POLICY:

The County ~~acknowledges the need to~~ is committed to reducing the incidence and severity of domestic violence, to protect and support employees experiencing ~~victims of~~ domestic violence, and to provide ~~them with support.~~ guidance to supervisors on addressing the occurrences of domestic violence and its effects on the workplace.

Domestic violence will not be tolerated in the workplace and any threatening behaviors or violent actions occurring in the workplace by a non-employee shall be promptly reported to the appropriate authorities.

In accordance with Section 741.313, Florida Statutes, an employee who has been employed by the County for three (3) months or longer is eligible for Domestic Violence Leave if that employee, or a family or household member of that employee, is the victim of domestic violence.

Upon exhaustion of all applicable leave balances, eligible regular full and part-time employees may use up to three (3) days of unpaid leave in any twelve (12) month period when a domestic violence-related issue impacts the employee's life.

Domestic violence-related incidents include:

- Seeking an injunction for protection ~~against~~ domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- Obtaining medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence;
- Obtaining services, as a result of any act of domestic violence, from victim-services organizations including, but not limited to, a domestic violence shelter or program or a rape crisis center ~~as a result of the act of domestic violence~~;
- Making the employee's home secure from the perpetrator of the domestic violence or ~~to~~ seeking new housing to escape the perpetrator;
- Seeking legal assistance in addressing issues arising from any ~~the~~ act of domestic violence or ~~to~~ attending and preparing for court-related proceedings arising from an ~~the~~ act of domestic violence.

415 Violence in the Workplace

POLICY:

Orange County is committed to providing a safe and secure workplace for all employees, and will not tolerate any acts or threats of violence in the workplace, associated with the workplace, or affecting work conducted at the workplace. Orange County does not tolerate threats or acts of violence in the workplace or on County property. Violations of this policy may will result in a recommendation for immediate removal from the workplace, disciplinary action up to and including termination of employment, and/or criminal prosecution.

For purposes of this policy, workplace violence is defined as ~~Violations of the policy includes,~~ but is not limited to, the use of physical force, threatening behavior, or acts of aggression, harassment or intimidation, against another individual or individuals, that occurs in or that is associated with or that affects work being conducted at the workplace, irrespective of whether that use is exhibited or communicated in a physical, verbal, non-verbal, written or electronic manner, or any acts or threats of violence in any form or manner, whether verbal or non-verbal. Workplace violence may involve other forms of violence including, but not limited to, domestic violence, sexual violence, repeat violence, dating violence and stalking.

For purposes of this policy, the workplace includes, but is not limited to, the buildings, parking lots, and surrounding perimeters of those buildings and parking lots (whether open to the public, gated or secured), that are on County property, and/or that may be occupied or utilized by County employees for work-related duties and/or where County business is conducted. The workplace also includes the County's electronic and computer based networks.

501 Employee Performance Evaluation Process

POLICY:

The Performance Evaluation process ~~encourages~~ supports periodic communication between supervisors and employees, holds employees accountable for meeting defined performance and work habit objectives, and provides employees opportunities to receive feedback for developmental purposes.

Management is responsible for the timely and equitable assessment of the performance and contribution of staff members. Management is ~~encouraged~~ directed to provide employees with written evaluation and feedback on their performance on an annual basis, at least once annually.

Employees are expected to meet performance requirements for their assigned responsibilities in order to be eligible for authorized salary adjustments. ~~Prior to withholding authorized salary adjustments, management must document and discuss any performance deficiencies with the employee. As part of this process, it is recommended that management establish a written action plan with the employee to redirect performance.~~

Employees failing to meet performance standards outlined in the action plan may be subject to disciplinary action up to and including termination.

PROPOSED