

RESOLUTION 2008-93

RESCINDED 10-28-13

Resolution 2008 - 93

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING THE NASSAU COUNTY 1996 PERSONNEL POLICIES AND PROCEDURES.

WHEREAS, in 1996 the Nassau County Board of County Commissioners approved and adopted the Nassau County Personnel Policies and Procedures; a copy of which is distributed to each employee hired by Nassau County, Florida; and

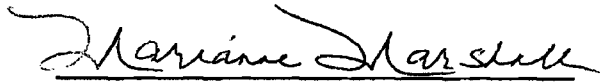
WHEREAS, the Personnel Policies and Procedures has been a significant feature for personnel administration for Nassau County; and

WHEREAS, the Personnel Policies and Procedures has been amended by the Board of County Commissioners, from time to time; and

WHEREAS, the County Coordinator has requested change to the Grievance Procedure.

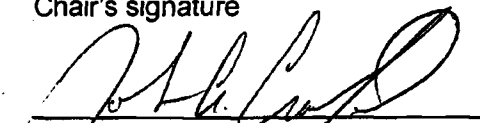
NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners, Nassau County, Florida, duly assembled in open session this 9th day of April, 2008, does hereby approve said changes attached hereto; and be it further resolved, copies of these changes shall be provided to all employees no later than May 2, 2008.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



MARIANNE MARSHALL
Its: Chair

Attest as to
Chair's signature



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:



DAVID A. HALLMAN

Proposed changes of the Personnel Policies and Procedures

Complaints, Grievances, and Appeals

~~People who work together may not always agree. Present any problems within ten (10) working days of the event and the Department Head will normally respond within 10 working days. A failure to respond should be treated as a denial of the grievance. If there is a disagreement between you and your supervisor, you may request to have that disagreement reviewed by the next highest level of County management. If the disagreement still exists, you should reduce the matter to writing within 10 working days of the event or incident giving rise to your grievance and submit it to the County Coordinator. He will then conduct an independent review of the surrounding facts and his decision is final. This grievance procedure is intended for any disagreements which might arise, including any disagreements concerning discipline and/or discharge. All parties are expected to cooperate fully in resolving grievances under this procedure.~~

A. PHILOSOPHY

1. It is the responsibility of employees of Nassau County to provide efficient and continuous service to the citizens of Nassau County. The Board of County Commissioners recognizes that employee morale is an important factor in achieving a high level of public service; and that efficient and productive operations are measured, in part, by the employee's willingness to work cooperatively with other employees, his/her supervisor, and the public.
2. The primary purpose of these rules is to provide consistency, maintain morale, provide for detection and correction of policy violations, and to limit the County's liability as to claims related to employees, and actions and inactions.

B. GENERAL DEFINITIONS

(In addition to other definitions throughout the personnel policy and procedures)

1. **Regular Employee:** A fulltime employee who has completed the probationary period.
2. **Complaint:**
 - a. A complaint is a statement of employee dissatisfaction about some action involving or affecting said employee.
 - b. Any complaint may be made verbally to the immediate supervisor. The complaint may be dealt with informally. The reply of the supervisor will normally be verbal and within a reasonable time period.

3. **Grievance:** A grievance is a complaint that has not been resolved regarding any dispute concerning the interpretation or application of the personnel policies and procedures. A Grievance Procedure has been established to fulfill the Philosophy set forth above.
4. **Adverse Actions:** An action taken for cause that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, or disciplinary dismissal. However, demotions resulting from organizational changes, reduction in work force due to lack of funds, or organizational changes and reclassification are not grievable.

C. GENERAL PROVISIONS

1. In accordance with employment laws, Nassau County Regular Employees have the right to use the Grievance Procedure without fear of retaliation, restraint, coercion, or discrimination. Reasonable attempts and procedures are set forth so that grievances can be settled equitably, fairly, and promptly.
2. If the grievant fails to submit his/her grievance to the next higher step within the prescribed time limits, the employee waives all further action as to the matter.
3. Nothing in the Grievance Procedure shall be construed to prevent discussions or meetings to clarify facts in the case or resolve the grievance within the time limits.

D. NON-GRIEVABLE AREAS

1. Issues, which are pending, or have been concluded or governed by other administrative or judicial procedures.
2. Work assignments or tasks, which are not a demotion or do not reduce salary.
3. Budget allocations, supervisor changes, and organizational structure.
4. The content or rating of a performance evaluation, except when the employee can show that he or she has been directly negatively affected by the evaluation resulting in demotion or reduction in salary.
5. The selection of an individual to fill a position through appointment, promotion, or transfer except when employee shows unlawful discrimination.
6. Adverse actions involving demotions due to organizational changes, a reduction in the work force due to lack of funds, or organizational changes and reclassification.
7. Any matter, which is not within the jurisdiction or control of the Board of Commissioners.
8. Internal security practices established by the Board.

9. Decisions, policies, practices, or resolutions, of the Board of County Commissioners, which are not job or work specific.

10. Position classifications, reclassifications, eliminations, or allocations.

E. GRIEVANCE PROCEDURE

Step 1. The employee shall present the grievance to his/her Department Head or Supervisor in writing within five (5) work days of its occurrence. The Department Head or Supervisor should meet and discuss the grievance with the employee, and reply in writing within a reasonable time period, but not to exceed five (5) work days without just cause. The burden of proof of establishing a basis for a grievance throughout the procedure rests with the employee.

Step 2. If the employee is not satisfied with the decision at Step 1, the employee may appeal the decision within five (5) work days of receipt of the decision in writing to the County Coordinator. The County Coordinator, within a reasonable time period, not to exceed five (5) work days, shall render a written decision. He/She may consult with any of the parties involved or obtain relevant information prior to making a decision as to the validity or solution. The decision shall state the grievance, and if applicable, the related policy or regulation. Copies of the decision shall be forwarded to the employee and the Department Head.

F. APPEAL PROCEDURES

1. Notice of Adverse Action:

Concurrently or in advance of an Adverse Action to reduce the employee's pay, suspend, demote, dismiss, or disciplinary measures, a Department Head or Supervisor should notify the employee in writing of:

- a. The action at issue.
- b. The basis for the action and a reasonable explanation thereof as applicable.
- c. The right of appeal by the employee.
- d. The manner in which the employee may initiate the appeal.

2. The Department Head or Supervisor should afford the employee an opportunity to present oral reasons why he/she should not be considered for an adverse action if the situation permits.

3. Time Limit for Appeal

The appeal by an employee shall be made within five (5) work days after receipt of the notice of adverse action.

4. Method of Filing Appeal

The method of filing appeal is the same as that set forth for filing a grievance.

DRUG FREE WORKPLACE

To ensure the health and safety of our employees the County maintains a comprehensive drug-free workplace policy. Employees are warned that testing for use of alcohol and illegal drugs is conducted under certain circumstances. Violations of the policy may result in disciplinary action up to and including discharge. Details are available from Supervisors, the Personnel Director, and are contained in Annex VII of the Safety Policy and Procedures.

Employees are expected to report to work free of illegal or non-prescribed drugs or controlled substances in their system or on their person. Any measurable amount can impair that person's performance. The County will not tolerate a risk that the illegal use of drugs could cause or contribute to personal injury, damage to property or reduction in employee performance.

Accordingly, personnel may be required to submit to individual testing if they exhibit signs or symptoms of alcohol or drug use. Testing will be administered through the breathalyzer or urinalysis process. Personnel involved in an injury related accident may be required to submit to blood alcohol testing.

The County will initiate random sample drug testing for certain employees on 8/1/97 (see Section IX).

Because safety is a concern, it is the responsibility of all personnel to report suspected use of drugs or alcohol by co-workers or anyone on the job.

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WAGE AND HOUR PROCEDURES

The minimum wage and overtime provisions of the Fair Labor Standards Act apply only to non-exempt personnel. Before being hired and/or appointed, all persons should be notified as to whether or not they are exempt as determined by the Board of County Commissioners. Exempt employees include those employed in executive, administrative or professional positions or in any position which may be exempt under the federal Wage and Hour law.

The following rules apply to non-exempt personnel:

1. You should not work overtime in any work week without the express approval of your immediate superior. If you do work overtime, you will be paid time and one-half your regular hourly rate. Overtime normally consists of those hours worked in excess of 40 per week, but the County reserves the right at any time to apply a different standard if such a standard is allowed by law.
2. You will be responsible for accurately maintaining your own time records. You should either punch a time card or fill out time sheets. They should be filled out on a daily basis, indicating the time you begin work, take a lunch break, and end work. Should any staff need to leave their work area during working hours for any reason not pertaining to County business, he/she should punch their time card or write in on their time sheet, upon leaving and returning. Please do not report to your work