

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

HEATHER MAXWELL,

Plaintiff,

v.

**WALTON COUNTY, FLORIDA,
THE WALTON COUNTY BOARD
OF COUNTY COMMISSIONERS,
COMMISSIONER MICHAEL
BARKER, in his individual capacity,
COMMISSIONER DANNY
GLIDEWELL, in his individual
capacity,**

Defendants.

Case No: 3:22-cv-19907

JURY TRIAL DEMANDED

**COMPLAINT FOR DAMAGES, DECLARATORY RELIEF AND
ATTORNEYS' FEES AND DEMAND FOR JURY TRIAL**

COMES NOW Plaintiff Heather Maxwell (“Maxwell”), by and through her undersigned counsel, and files this Complaint for Damages, Declaratory Relief and Attorneys’ Fees and Demand For Jury Trial against Defendants Walton County, Florida (the “County”), the Walton County Board of County Commissioners (“BCC”), Commissioner Michael Barker (“Barker”), in his individual capacity, and Commissioner Danny Glidewell (“Glidewell”), in his individual capacity, respectfully showing the Court as follows:

NATURE AND SUMMARY OF THE ACTION

1. This action arises in the context of a former employment relationship between Maxwell and the County.

2. Maxwell faithfully served the County as an Assistant or Acting County Attorney from 2017 to 2021 without ever receiving a reprimand, negative performance review/evaluation or corrective counseling.

3. In July 2021, after directly rebuffing romantic overtures of Commissioner William “Boots” McCormick (“McCormick”), and days later disclosing and complaining about same and other improper acts described herein to the Acting County Attorney, then-Chairman of the BCC Commissioner Trey Nick (“Nick”), and the County Administrator, Maxwell was terminated the following day as a result of prior unlawful involvement and conspiracy of Commissioners Barker and Glidewell (and very likely McCormick) for pretextual reasons in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (“Title VII”), 42 U.S.C. §§ 1983, 1985, the United States Constitution, and in direct and blatant contravention of the County and the BCC’s own written policies.

4. Indeed, just days after Maxwell rebuffed McCormick’s romantic advances, Barker and Glidewell engaged in an intentional concerted effort (very likely with the involvement of McCormick), to discriminatorily and retaliatorily

terminate Maxwell's employment. Specifically, in direct contravention of County and BCC policies and regulations detailed herein, and in likely violation of Florida's Sunshine Law, Barker and Glidewell improperly instructed County Administrator Larry Jones ("Jones") to terminate Maxwell. Although Maxwell learned of this unlawful scheme and complained about same, disclosing relevant circumstances set forth herein, the County nonetheless brazenly effectuated her termination the very next day on July 20, 2021, via a written termination letter containing no explanation whatsoever of the purported reasons for her termination. The reasons for the termination provided by the County and BCC subsequently during the EEOC investigation process and otherwise are blatantly false and pretextual and do not adhere to the County and BCC's own written policies.

5. Moreover, prior to being subjected to and rebuffing McCormick's inappropriate romantic overtures, Maxwell was subjected to numerous other uncomfortable actions by BCC Commissioners, indicative of the arrogant above-the-law, callous, "good ole' boy" environment fostered by certain current BCC Commissioners that Maxwell and others have endured.

6. Such circumstances, further detailed herein, included an instance in or around late February/early March 2020 when a current Commissioner called Maxwell late at night saying he had a bad problem. The Commissioner then

proceeded to drop off a completely nude, married (to another), and intoxicated female former Walton County employee at Maxwell's residence for her to take care of.

7. The same Commissioner further engaged in inappropriate conduct towards Maxwell just days before Maxwell's unlawful termination by sending racially derogatory text messages to Maxwell and other County representatives while the group was on a County business trip using the "N-word" and comparing African Americans to "monkeys."

8. Maxwell files this action to remedy the unlawful treatment and adverse employment action suffered by her which culminated in her being unlawfully, discriminatorily, and retaliatorily terminated by Defendants for pretextual reasons in violation of Title VII, 42 U.S.C. §§ 1983, 1985, the United States Constitution, and the County and BCC's own policies that the BCC was previously admonished for not following by a Walton County Grand Jury. Maxwell seeks all compensatory damages and pay allowed by law in addition to punitive damages that would punish Defendants for their knowing, intentional, willful, and reckless disregard of clearly established constitutional and statutory rights. Maxwell further seeks declaratory relief pursuant to 28 U.S.C. § 2201-2202 that the practices of Defendants described in this Complaint exist and that they are unlawful, an award of costs and attorneys'

fees under 42 U.S.C. § 1988, and such other relief as this Court deems just and proper.

THE PARTIES, JURISDICTION, AND VENUE

9. Plaintiff Maxwell is a female citizen of the State of Florida and a resident of Okaloosa County, Florida. At all material times, Maxwell was employed by the County as an Assistant or Acting County Attorney. Maxwell is a member of a protected class, female, and submits herself to the jurisdiction of this Court.

10. Defendant Walton County is a political subdivision of the State of Florida, governed by its Constitution and Florida Statutes. Art VII, Sec. 1, Fla. Const; Ch. 125, Fla. Stat. At all material times, the County has been an “employer” as that term is used and defined under applicable law.

11. At all times relevant to Maxwell’s claims, the County employed fifteen (15) or more employees for each working day in at least twenty (20) or more calendar weeks, including Maxwell.

12. Defendant BCC is the governing body of Walton County and serves as the legislative branch of the County Government. The BCC consists of five (5) elected County Commissioners which at all material times and presently include Commissioners McCormick, Barker, Glidewell, Nick, and Tony Anderson (“Anderson”).

13. Defendant Barker has, at all material times, been a Walton County resident and Commissioner and presently serves as the Chairman of the BCC. At all times relevant to Barker's acts and omissions as alleged in this Complaint, Barker acted under the color of law. He is subject to liability under 42 U.S.C. §§1983, 1985. Barker is sued in his individual capacity.

14. Defendant Glidewell has, at all material times, been a Walton County resident and Commissioner. At all times relevant to Glidewell's acts and omissions as alleged in this Complaint, Glidewell acted under the color of law. He is subject to liability under 42 U.S.C. §§1983, 1985. Glidewell is sued in his individual capacity.

15. This Court has jurisdiction over all causes of action herein pursuant to 28 U.S.C. § 1331 because the claims asserted arise under the Constitution, laws, or treaties of the United States.

16. Jurisdiction to grant a declaratory judgment is conferred by 28 U.S.C. §§ 2201-02.

17. Venue in this action is proper in this Court pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims herein occurred in the Pensacola Division of the United States District Court for the Northern District of Florida.

CONDITIONS PRECEDENT

18. Maxwell has satisfied all conditions precedent to filing this action, including filing a Charge of Discrimination for sex discrimination and retaliation on November 16, 2021, with the United States Equal Employment Opportunity Commission (“EEOC”) within 180 days of the last discriminatory and /or retaliatory act(s) and receiving a Notice of Right to Sue (“Notice”) dated July 8, 2022, and received by Maxwell thereafter. A true and accurate copy of the Notice is attached hereto as **Exhibit A**. This action was filed timely within ninety (90) days thereafter.

FACTUAL ALLEGATIONS

Maxwell’s Employment With the County and Outstanding Legal Performance

19. After graduating from The University of Florida, Fredric G. Levin College of Law, Maxwell was admitted to the Florida Bar in 2007 and has, at all material times, remained a Member in Good Standing of the Florida Bar.

20. Maxwell first became employed by the County in or about November of 2017 in the position of Assistant County Attorney. At all times during Maxwell’s employment, Maxwell faithfully and diligently performed her duties to the County and BCC.

21. As Assistant County Attorney, Maxwell assisted the County Attorney in providing legal counsel to the BCC and to County staff by drafting pleadings and

discovery, providing legal opinions to the BCC and to County Departments and Divisions, reviewing contracts and other legal documents, drafting ordinances and resolutions, attending hearings, and performing other duties as required by the County Attorney.

22. Former County Attorney Sidney Noyes (“Noyes”) was Maxwell’s supervisor from August of 2017 through Noyes’s resignation as County Attorney in March of 2021.

23. Because of Maxwell’s outstanding performance, Noyes appointed Maxwell to serve as Acting County Attorney twice during Maxwell’s tenure with the County during periods of maternity leave taken by Noyes – first from December of 2017 through March of 2018, and again from June to July of 2020.

24. Throughout her employment with the County, Maxwell was never disciplined or reprimanded, nor did she ever receive any poor performance evaluations or corrective counseling concerning her work. To the contrary, even the County and BCC in its Statement of Position submitted in response to the Charge of Discrimination filed by Maxwell admitted:

Walton County does not dispute that for the majority of her employment Maxwell was a very responsible, capable, and competent Assistant County Attorney. Maxwell’s single evaluation demonstrates a high level of performance and confidence by the then-County Attorney Sidney Noyes in Maxwell’s abilities. Maxwell’s performance and abilities ultimately resulted in WCBOCC naming Maxwell as the

interim County Attorney, leading to an increase in Maxwell's compensation during the period of time Maxwell had that additional responsibility.

(Italics added).

25. The lack of any performance or disciplinary issues on the part of Maxwell is further supported by the Affidavit testimony attached hereto as **Exhibit B** of former Deputy County Administrator Tonia “DeDe” Hinote (“Hinote”). See **Exhibit B** (“Hinote Aff.”), Pars. 12, 17.¹

¹ Hinote was terminated by the BCC in early 2022 based on allegations of misuse of her County-issued credit card. Ironically, several months later a major scandal broke where the same Commissioners (including the individual Defendants here) that terminated Hinote were investigated and found by the Walton County Clerk’s Office to have engaged in similar credit card misuse on a significantly larger scale. Video and written stories concerning these matters to provide context can be found at:

<https://www.nwfdailynews.com/story/opinion/2022/07/21/walton-county-commission-facing-credit-card-controversy-opinion/10072398002/>

<https://www.nwfdailynews.com/story/news/politics/government/2022/07/06/all-walton-commissioners-violated-credit-card-policy-audit-finds/7791582001/>

<https://www.cbs42.com/regional/florida-news/florida-commissioners-fire-back-at-accusations-of-misusing-taxpayer-funded-credit-cards/>

The County and BCC’s Powers, Limitations, and Policies Relative to Maxwell

26. The baseless justifications provided to date for Maxwell’s termination by Defendants as discussed further herein are pretextual as evidenced, in part, by Defendants’ failure to follow their own numerous applicable policies set forth as follows:

27. Throughout Maxwell’s employment with the County, the BCC and its Commissioners had no authority to terminate her employment. In fact, BCC written policies mandate that:

Scope of Authority and Responsibility

No Walton County BCC Commissioner, acting on their own individual authority, shall hire, transfer, raise the pay of, demote or terminate the employment of any Walton County BCC employee other than their respective aides or executive assistants.

(italics added). Walton County Board of County Commissioners Human Resources Policy Manual (“BCC Policy Manual”), Sec. 1, p. 5, a true and accurate copy of which is attached hereto as **Exhibit C**.

28. Further, pursuant to the Walton County Personnel and Policy Manual (Walton Co. Policy Manual’):

AUTHORITY OF COMMISSIONERS

No commissioner, acting on his or her own individual authority, may hire, transfer, raise the pay of, demote or terminate the employment of any county employee other than their respective aides or executive

assistants. Such actions can only be accomplished after the approval of the appropriate Division Director or the County Administrator in accordance with established personnel policy.

(italics added). Walton County Policy Manual, Ch. 25, p.27, a true and accurate copy of which is attached hereto as **Exhibit D**.

29. At all times material hereto, the BCC had direct hiring and termination authority over only three (3) County employees, the County Administrator, the County Attorney, and the Tourist Development Council (“TDC”) Executive Director. See <https://www.co.walton.fl.us/112/Commissioners>. As described herein, BCC Commissioners were improperly and intimately involved in the termination of Maxwell for discriminatory and retaliatory reasons.

30. Further, pursuant to the BCC Policy Manual:

Dismissal for Unsatisfactory Service

Prior to any proceedings to dismiss an employee, the department director shall contact the Director of HR and review that employee’s personnel file. A department director may recommend dismissal of any employee for just cause. Just cause shall include, but not limited to, negligence, incompetence, or inefficiency in the performance of assigned duties; repeated and/or gross substandard performance of assigned duties; insubordination; violation of rules, regulations, and policies; conduct unbecoming a public employee; unauthorized use, possession, or under the influence of alcohol or drugs while on duty; or conviction of a crime. County Administration and the Director of HR shall approve all terminations for cause prior to the termination occurring.

(italics added). BCC Policy Manual, Policy 12.3, p. 135.

31. Moreover, the Walton Co. Policy Manual contains policies in Ch. 11 regarding disciplinary actions, including a progressive discipline policy, stating, in pertinent part:

It is the policy of Walton County to: 1) Provide a well-defined system of discipline that sets forth standards of conduct and specific guidelines for disciplinary actions and which will be applied to all employees equitably, without bias or prejudice.

Section C – Application of Disciplinary Action

- 1) Although internal consistency in administering discipline is desirable, numerous factors should be considered in determining the appropriate level of discipline to be assessed at each successive step.*
- 2) Some of the factors involved include time intervals between offenses, effectiveness of prior disciplinary actions, willingness to improve, overall work performance, job attitudes, and disciplinary actions previously taken with other comparable employees for similar offenses.*
- 3) Some infractions may be more serious in one case, because of the employee's responsibilities than in another case.*
- 4) A repetition of the same offense or other serious offenses indicates that more severe disciplinary measures should be administered.*
- 5) Certain offenses are of such a serious nature that immediate discharge upon first offense is applicable. Prior to any action to dismiss an employee, the department director will contact the Human Resources Director and review that personnel file.*
- 6) When circumstances permit, department directors are encouraged to pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented for inclusion in the employee's human resources file.*
- 7) Incidents of misconduct may differ in individual cases from somewhat similar incidents, and the county retains the right to treat each incident on an individual basis without creating a precedent for cases that arise in the future.*

8) These provisions are not to be construed as a limitation upon the retained rights of the County, but are to be used as a guide.

(italics added). Walton Co. Policy Manual, Ch. 11, pp. 19-20.

32. Additionally, the Walton Co. Policy Manual specifically mandates there be a pre-disciplinary hearing in County disciplinary actions above a written reprimand, which Maxwell was never afforded:

When a supervisor has determined that an employee's actions may require discipline above a written reprimand, a pre-disciplinary hearing will be scheduled and the employee notified in writing at least 24 hours in advance. At the hearing, the supervisor explains the charges and the type of disciplinary action being considered. The employee will be given an opportunity to offer any contrary evidence, explanation and/or comments. The employee is notified of the decision after management discusses and decides upon the appropriate disciplinary action.

(italics added). Walton Co. Policy Manual, Ch. 12, Sec. B, p. 21.

33. These policies and procedures were not even remotely followed by Defendants or afforded to Maxwell in her discriminatory and retaliatory termination detailed below.

34. Further notable is the fact that in 2015 a Walton County Grand Jury (the "Grand Jury") was impaneled to, in part, review the operations and policies of the Walton County Government including the BCC. As part of the Grand Jury's Report, the BCC was admonished relative to Commissioners' involvement in hiring and firing decisions of employees for which they had no authority over, failure to follow

progressive discipline policies of the County, and disparate treatment afforded to certain employees who had certain personal relationships with Commissioners. The Report recommended the reprimand of a Commissioner and the County Administrator and stated:

...every person in County government should strictly adhere to the policies of the Human Resources Department including those dealing with the hiring and firing of employees.

County Commissioners **should not be** involved in the day to day operations of the County.

(emphasis added). A full copy of the pertinent section of the Report follows:

INVOLVEMENT OF COUNTY COMMISSIONER IN DAY TO DAY COUNTY OPERATIONS

We have heard substantial testimony regarding the role of a County Commissioner in the day to day operations of County government. Numerous witnesses have testified that the role of the Commission is to set policy and establish a budget. As a group, the Commission has authority over the County Administrator, County Attorney, and the Director of the Tourist Development Council. Many witnesses have stated that individually, Commissioners have little or no authority. Despite these limitations, evidence indicates that a particular Commissioner is very involved in directing the day to day operations of County government. Witnesses have testified that this is greater here than in other locations where they have worked.

Of particular concern are the actions of County Administrator Larry Jones and District Five Commissioner Cindy Meadows. Evidence we have heard indicates that both Commissioner Meadows and Administrator Jones became directly involved in the hiring and firing of Planning Department employees. Evidence before us indicates that in these instances the ordinary chain of command was not followed and direct supervisors were given little or no input in the decision-making process.

Evidence indicates that in one case an applicant with a connection to Commissioner Meadows was hired for a position with little input from the department supervisor. Despite having no experience in this position, the employee was hired at a higher salary than others who were already working in the identical position. In a second situation, a planning department employee was terminated with little or no input from the department director and without following the County's progressive disciplinary procedures. Evidence indicates that Commissioner Meadows wanted this employee terminated and that Larry Jones directly ordered the termination.

We have also heard testimony regarding Commissioner Meadows' involvement in a code enforcement issue that resulted in normal procedures not being followed.

For these reasons, we believe County Administrator Larry Jones and Commissioner Cindy Meadows should be reprimanded for their failure to follow proper procedures in the hiring, firing, and direction of County employees. We also believe that every person in County government should strictly adhere to the policies of the Human Resources Department including those dealing with the hiring and firing of employees.

County Commissioners should not be involved in the day to day operations of the County.

35. As shown further herein, Defendants have, as a matter of continued custom and practice, wholly failed to follow their own written policies and regulations concerning the discriminatory and retaliatory termination of Maxwell given certain Commissioners' direct and unlawful involvement in Maxwell's termination and Defendants' utter disregard for their own policies and procedures contrary even to the admonishment of the BCC just years prior by the Grand Jury.

**Noyes is Forced Out By Barker and the BCC and Adkinson is Appointed
Despite Concerns of Conflicts of Interest**

36. Shortly after Barker's election to the BCC in 2020, Barker discontinued legal meetings with Noyes (a female) and Maxwell that were routinely held to review agenda items before upcoming BCC meetings. Barker recommenced these legal meetings once Clay Adkinson ("Adkinson") and the Adkinson Law Firm ("Adkinson Firm") were appointed as Acting County Attorney as described below.

37. Upon information and belief, after attending a Zoom hearing in the Walton County Administration Conference Room at which Noyes and Maxwell were in attendance, Barker made derogatory statements to Jones about Noyes' physical appearance and informed Jones that the BCC was going to terminate Noyes' employment as County Attorney.

38. Noyes resigned from her position as County Attorney in February of 2021 after having continual conflicts involving Barker and Glidewell and after learning from Jones about Barker's intent to have her terminated.

39. During a February 16, 2021, BCC special meeting, immediately following the BCC accepting Noyes resignation notice, Nick suggested appointing Adkinson and the Adkinson Firm as Acting County Attorney.

40. Glidewell, Barker, and McCormick all agreed with Nick regarding appointing Adkinson and the Adkinson Firm as Acting County Attorney, leading Maxwell to believe this appointment had been previously discussed and agreed upon amongst the BCC members in potential violation of Florida's Government-in-the-Sunshine Law, § 286.011, Fla. Stat. (2022), and Article I, Section 24 of the Florida Constitution, ("Sunshine Laws").

41. The potential appointment of Adkinson and the Adkinson Firm was not noticed on the BCC special agenda, there had been no prior public discussion regarding the appointment, and, upon information and belief, the County Attorney position had not been previously advertised as vacant, as prescribed by County policy.

42. Adkinson and the Adkinson Firm were officially appointed as Acting County Attorney by a four (4) to one (1) vote of the BCC on February 23, 2021, with

Anderson dissenting out of conflict-of-interest concerns regarding Adkinson and the Adkinson Firm's representation of certain clients that could be potentially averse to the County.

43. Adkinson became Maxwell's supervisor in March of 2021 and remained so until her pretextual and unlawful termination in July of 2021.

44. Upon information and belief, Adkinson had and has long-standing personal relationships with Nick, Barker, Glidewell, and McCormick.

Inappropriate Incidents Involving Commissioners Preceding Events Directly Leading to Maxwell's Termination

45. On several occasions throughout her employment, BCC Commissioners engaged in actions placing Maxwell in very uncomfortable positions.

46. For example, in or around late February/early March of 2020, a current Commissioner called Maxwell late at night saying he had a bad problem. The Commissioner then proceeded to drop off a completely nude, married (to another) and intoxicated female former Walton County employee at Maxwell's residence for her to take care of.

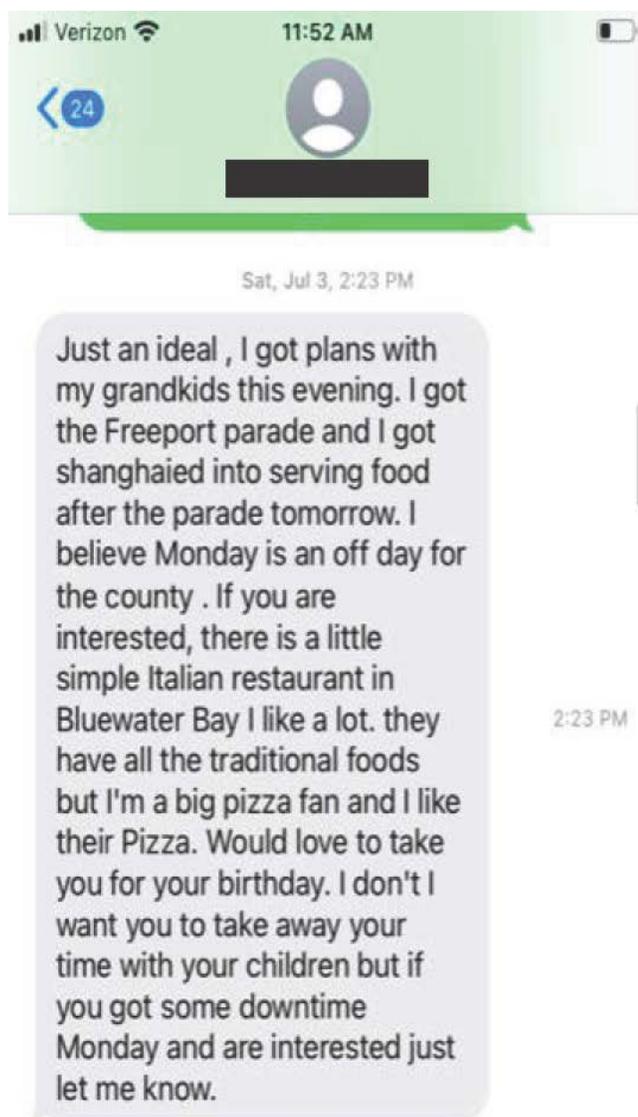
McCormick Begins His Romantic Pursuit of Maxwell Which is Rebuffed

47. On or about June 28, 2021, Maxwell traveled to Orlando, Florida, for a conference with fellow County employees and BCC members, including

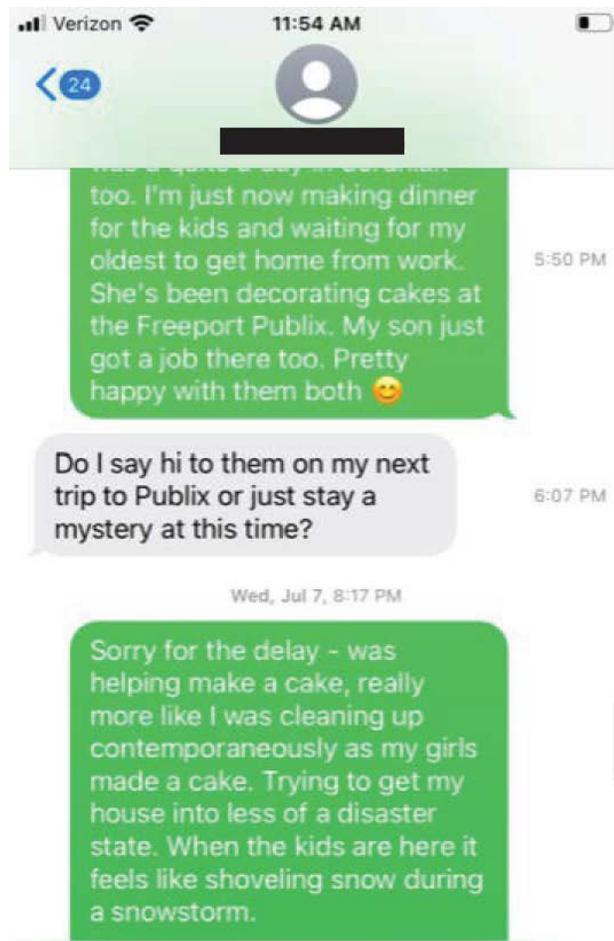
McCormick. During this trip to Orlando, over friendly conversation, McCormick bought several cocktails in the hotel lobby for Maxwell.

48. After returning home from the conference, on July 2, 2021, Maxwell began receiving text messages from McCormick. Maxwell quickly realized that McCormick wanted a relationship of a romantic nature with her as the text messages that follow indicate:





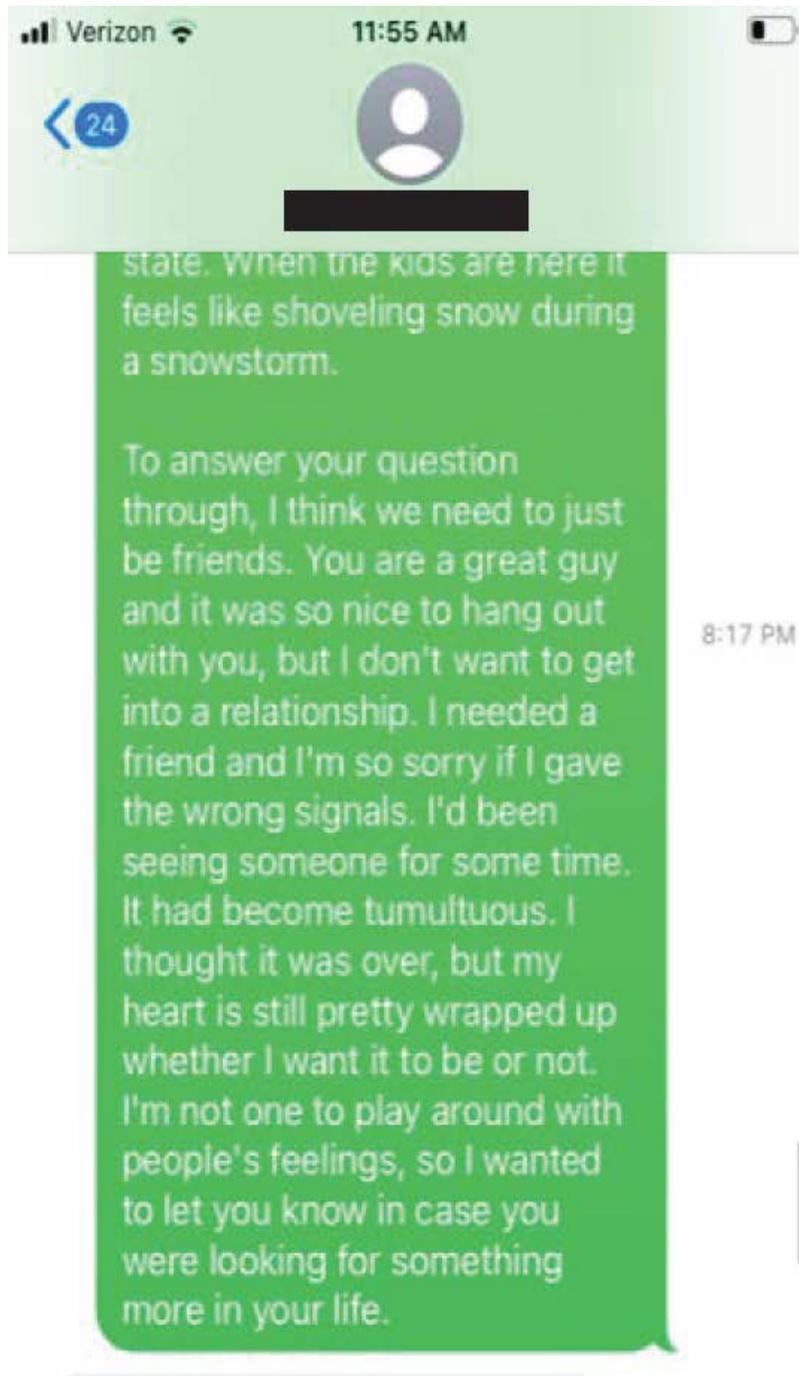
49. Maxwell responded to such messages with caution, in attempt to be cordial, but by July 7, 2021, it became apparent to Maxwell that McCormick’s romantic interest in her was undeterred as he asked her in a text message about staying a “mystery” to Maxwell’s children:



50. Maxwell was fearful her acknowledgement or rejection of McCormick's advances would be communicated to Barker and/or Glidewell and that it would draw their ire and place Maxwell's employment with the County in jeopardy. Specifically, Maxwell was aware that Barker had been previously forced to resign as a Captain with the Walton County Sherriff's Office because of sexual harassment issues described in more detail below.

51. Notwithstanding Maxwell's concerns, on July 7, 2021, realizing the importance of maintaining professionalism and to ensure that there was no

confusion, Maxwell communicated to McCormick, with great trepidation, that she had no intention of becoming romantically involved with him:



Barker and Glidewell Conspire and Take Unlawful Actions to Unlawfully Terminate Maxwell's Employment in Retaliation for Being the Recipient of and/or Rebuffing McCormick's Romantic Advances

52. On July 8, 2021, the day after clearly rebuffing McCormick's romantic advances, Maxwell traveled to Washington D.C. on County business.

53. During this trip, the same current Commissioner that had dropped the intoxicated, naked female former Walton County employee off at Maxwell's residence the prior year for her to take care of, engaged in further inappropriate conduct towards Maxwell by sending racially derogatory text messages to Maxwell and others while the two were in Washington D.C. on County business, using the "N-word" and comparing African Americans to "monkeys".

54. Upon returning home from the Washington D.C. trip on July 12, 2021, Maxwell received an unsolicited phone call from Hinote in which Hinote informed Maxwell that she may be terminated when she returned to the office from her trip. (Hinote Aff., Par. 11).

55. Specifically, Hinote informed Maxwell that while she was in Washington D.C. (just days after rebuffing McCormick's advances), Barker and Glidewell directed Jones to terminate Maxwell. (Hinote Aff., Par. 9).

56. Such unlawful actions were taken by Barker and Glidewell because of Maxwell's gender and in retaliation for Maxwell rebuffing of McCormick's

romantic advances. Upon information and belief, McCormick disclosed his romantic pursuit of Maxwell to Barker and Glidewell and, likely, Maxwell's rebuffing of same. McCormick either requested Barker and Glidewell's actions or such actions were taken by Barker and Glidewell on their own volition.

57. Notably, Barker, Glidewell and McCormick are, upon information and belief, close friends and undisputedly worked together as Walton County Sherriff's Deputies for many years.

58. Barker's actions with regard to Maxwell were done with specific intent and knowledge of the unlawful nature of such actions given prior similar acts by him.

59. Specifically, in 2010, Barker was forced to resign from his position as a Captain with the Walton County Sherriff's Office pursuant to an Internal Affairs Investigation or he would have been fired. The Investigation sustained that Barker, who had been place on administrative leave, had an inappropriate relationship with a subordinate female employee in his chain of command and caused a second female employee who initially reported the relationship to be subject to an investigation, claiming she had lied about the relationship (which in fact was true). As stated in the investigation summary:

"She then went on to tell Lt. Maddox that Captain Michael Barker had sent her inappropriate texts messages just prior to her demotion. She said she 'had never turned him down because he had always reminded me that he was the boss'. She said that was the first time she turned him down and she was demoted a couple of days later. She also added that she felt they went on a "witch hunt" to demote her by compiling insignificant occurrences that normally wouldn't merit a demotion."

(Internal Affairs Report IA# 10-21: 08/18/10)

"██████████ showed me texts on her personal cellphone from Captain Barker's personal cell phone number. She said they stayed at the Days Inn in Crestview, Florida on two occasions and they went to Mount Cheaha State park for a weekend trip. I was able to corroborate that he was at those locations through receipts and other documentation. I was not able to prove that she was there when he was there with him other than she knew the room numbers and the general timeframe of when he was there."

(Internal Affairs Report IA# 10-21: 08/18/10)

"I advised Captain Barker, in a letter, that an internal complaint of improper conduct had been filed against him and he was made aware of the alleged allegations from ██████████ on August 5, 2010. He was subsequently placed on administrative leave. Captain Barker proffered his resignation on August 6, 2010, thus I was unable to compel him to provide me a statement".

(Internal Affairs Report IA# 10-21: 08/18/10)

"Based on the resignation of Michael Barker, the additional policy violations have been administratively closed. The Inappropriate Relationship violation was sustained because there were corroborative materials available prior to his resignation; Ms. ██████████ was consulted and is in agreement with this disposition."

(Internal Affairs Report IA# 10-21: 08/18/10)

60. In a Memorandum drafted by Undersheriff Bill Chapman following the investigation, Chapman stated:



MICHAEL A. ADKINSON, JR., SHERIFF
Office of the Sheriff, Walton County

Memorandum

Re: Internal Affairs Case 10-21
Subject: Michael Barker
August 18, 2010

While reviewing Internal Affairs Complaint 10-21, I am reminded that supervisors have a responsibility through their daily actions and interactions to model compliance with all policies. Executive Staff members have a greater responsibility and, even more so, should strive against the perception of impropriety. Given the information obtained during this investigation, I find there are sufficient violations of Department Policy, that if Michael Barker had not resigned, I would have terminated his employment with this Agency. This complaint has been closed due to the resignation of Michael Barker on August 6, 2010.

Respectfully,


W. N. (Bill) Chapman
Undersheriff

A true and accurate copy of the Summary and Excerpts surrounding the investigations is attached hereto as **Exhibit E**.

61. With the knowledge of Barker's past similar conduct and upon information and belief that in pressuring Jones to terminate her employment, Barker

and Glidewell were violating Sunshine Laws², violating prohibitions against County Commissioners directing day to day operations of the County, violating County personnel policies, and discriminating and retaliating against Maxwell for being the recipient of and/or rebuffing McCormick's romantic advances, Maxwell sought assistance from the undersigned Firm to disclose these circumstances to appropriate County and/or BCC officials.

62. On or about July 14, 2021, the undersigned Firm communicated with Adkinson to discuss the circumstances of Maxwell's employment.

63. On July 19, 2021, the undersigned met with Adkinson, Nick, and Jones and fully disclosed and complained on behalf of Maxwell the relevant facts and circumstances set forth herein including, but not limited to, Maxwell's rebuffing of McCormick's romantic advances and Barker and Glidewell's improper involvement in unlawful efforts to terminate Maxwell's employment.

64. Despite these disclosures and complaints, the County and BCC nevertheless summarily terminated Maxwell's employment the following day on July 20, 2021, via a letter (the "Termination Letter"), attached hereto as **Exhibit F**,

² It is fully expected that written discovery and depositions in this matter will reveal and confirm numerous Sunshine Laws violations by the BCC Commissioners and other bad actors in this case. Maxwell fully reserves the right to amend or seek leave to amend this Complaint to add such claims as provided for in §286.011(4), Fla. Stat.

which simply stated, “Please be advised that your employment with the Walton County Board of Commissioners is terminated, effective immediately.”

65. The termination letter did not provide *any* explanation or reasons for Maxwell’s termination and the County and BCC failed to follow the numerous applicable policies set forth above with respect to progressive discipline, review of Maxwell’s personnel file, determination of just cause or affording a pre-disciplinary hearing. Instead, Barker and Glidewell’s improper and unlawful efforts to terminate Maxwell because of her gender and rebuffing of McCormick’s romantic advances were summarily effectuated.

66. The County and BCC only offered an explanation regarding Maxwell’s pretextual termination when it was forced to do so in its Statement of Position (“SOP”) in response to Maxwell’s Charge filed with the EEOC, attached hereto as **Exhibit G**.

67. In its SOP, the County and BCC first alleged:

During Maxwell’s absence [at an out-of-town conference that began Thursday July 8, 2021], it became apparent that Maxwell had not completed discovery responses to written discovery associated with a significant land use litigation matter in which Maxwell was representing Walton County. When Maxwell requested assistance from Adkinson, Adkinson learned that little or no work had been undertaken to complete the discovery responses before the deadline for same. While not unusual if there has been an extension request, there was no indication that Maxwell had sought an extension, or started the process

of gathering the responsive materials or completing the written responses. As a result, Adkinson, through significant effort, completed the discovery responses in a manner to avoid sanctions or unnecessary expense to the County.

(Ex. G, p. 3) (italics added).

68. The discovery responses at issue were due on July 12, 2021. Maxwell sent an email to Adkinson on or about July 7, 2021, before leaving for the conference requesting assistance from Adkinson due to his familiarity, and the lack of her familiarity, concerning a particular land use issue in Walton County that the discovery requests pertained to. Although she no longer has access to this County email, Maxwell believes that in asking for assistance from Adkinson, she suggested she would and could secure an extension for the response, if necessary, should Adkinson request her to do so.

69. Upon information and belief, Adkinson never responded to Maxwell, and instead planned to and has used these circumstances to pretextually justify Maxwell's termination. It is very well known that extensions to respond to discovery are extremely commonplace in litigation because of workloads, and that such extensions are routinely granted by opposing counsel and the relevant court. It would not therefore be uncommon at all that a lot of work on a particular discovery request would not have been completed leading up to a due date for a particular discovery request if no unreasonable extensions had been previously requested. Notably, the

County, which has sole access to the correspondences relevant to these discovery requests, did not include same in its SOP for the Commission's review. Adkinson failed to provide Maxwell any prior instruction, oversight, or guidance whatsoever regarding this or any other lawsuit under Adkinson's charge.

70. The only other alleged legitimate reason proffered for Maxwell's termination in the SOP is a vague reference to Adkinson allegedly learning of "consistent lack of performance" by Maxwell from staff (Ex. G, p. 3), without any supporting documentation, statements or identity of such alleged staff members supporting same.

71. Notably, from the time of Noyes' departure through the date of Maxwell's termination, Maxwell reported only to Adkinson, and any non-lawyer staff would have no qualification or basis for assessing Maxwell's performance as an attorney for the County. Adkinson and Maxwell had very little interaction in the time frame between Adkinson's appointment as Acting County Attorney in March of 2021 and Maxwell's termination in July of 2021. To reiterate, as admitted by the County, Maxwell had been an exemplary employee under the former County Attorney and otherwise, and there is no evidence that Adkinson ever had any issue with Maxwell's performance until immediately following her rejection of

McCormick's romantic overtures on July 7, 2021. The unlawful efforts to terminate her began just days later.

72. At no time whatsoever prior to her termination was Maxwell ever counseled, reprimanded, or provided any criticism for her work performance by Adkinson or anyone else. The County and BCC has not named *any* employees or staff that allegedly had any issue with Maxwell's performance, nor has it shown any documentary evidence relating to same because none exists.

73. Thus, the County and BCC in its SOP pointed to what we now know is an approximate two (2) day period between July 7 and July 9, 2021, upon which the alleged reasons for Maxwell's termination are based. These assertions are pretextual and notably allegedly occurred on or after the date Maxwell rebuffed McCormick's advances. Adkinson never counseled, reprimanded, or took any other actions toward Maxwell regarding these alleged performance issues. Instead, these allegations of poor work performance were only first raised when the County and BCC was forced to reply to Maxwell's Charge of discrimination. They are pretextual.

74. Moreover, Maxwell was not provided any of the progressive discipline procedures, employment reviews or pre-disciplinary hearing procedures mandated by County and BCC policies that have been provided to other similarly situated male employees that had not been subjected to and rebuffed the romantic

advances of a sitting County Commissioner and improperly and unlawfully targeted for discriminatory and retaliatory termination by other Commissioners and a County Attorney closely allied in wrong deeds with such Commissioners.

75. Notably, the County and BCC's lack of credibility in this matter is made even more evident by several other blatantly untrue statements the County and BCC made to the EEOC.

76. First, the County falsely asserted in their SOP (Exhibit G, p. 3) that:

At no time did Adkinson or Jones meet with any County Commissioners to address Maxwell's separation. Further, neither Adkinson or Jones was aware of any information from Maxwell to indicate that Maxwell made any form of complaint related to either her employment or the County's operations.

(italics and emphasis added).

77. It is expected that Hinote will testify in this matter, consistent with her attached Affidavit (Exhibit B), that Jones (and possibly Adkinson) indeed met with at least with Barker and Glidewell concerning terminating Maxwell, and that, in fact, Barker and Glidewell specifically directed Jones to terminate Maxwell. Accordingly, the assertion by the County and BCC that no such meeting took place is completely false information provided to the EEOC.

78. Furthermore, it is indisputable that both Adkinson *and* Jones met with the undersigned and Maxwell on July 19, 2021, after Maxwell learned of her

possible termination on July 12, 2021, from Hinote and retained the undersigned. *Also* in attendance at this meeting was Nick. During this meeting Adkinson and Jones had separate private conversations with Nick concerning Maxwell and her possible termination. Also, during this meeting Maxwell did complain of the romantic overtures to Maxwell from McCormick that had begun following an out-of-town conference attended by Maxwell and McCormick that concluded on or about July 2, 2021. Thus, the County's assertion to the EEOC that "at no time" did the County Commissioners consult with Adkinson and Jones regarding Maxwell's termination (which occurred on July 20, 2021, after the above-described events per the termination letter, Exhibit F)³ is simply not true.

79. Also completely false is the statement by the County and BCC to the EEOC that neither Adkinson nor Jones were aware of any information from Maxwell to indicate that Maxwell made any form of complaint related to her employment. To the contrary, Adkinson and Jones were **specifically** informed of such at the July 19, 2021, meeting by the undersigned, the day *before* Maxwell was terminated.

80. Second, the County's SOP (Exhibit G, p.3) that:

³ It is telling that Maxwell's termination letter contains no mention of the reason(s) for termination contrary to the assertions of poor performance the County formally raised for the first time in its Statement of Position in a sloppy effort to legitimize the reasons for said discriminatory and retaliatory termination.

*Following her separation, Adkinson did become aware of what appeared to be inappropriate text messages Maxwell received from another County official, **but at no time before the decision to proceed with Maxwell's termination** was Adkinson aware of the nature or content of such messages.*

is also completely untrue. (italics and emphasis added). Adkinson was clearly aware of the text messages **before** Maxwell's termination. The undersigned first contacted Adkinson regarding Maxwell on July 14, 2021. During the call with Adkinson, the undersigned informed Adkinson of the existence of the text messages and the romantic nature of same. Such indeed was the impetus for Adkinson, Nick, and Jones to eventually meet with the undersigned and Maxwell. During this meeting on July 19, 2021, Maxwell, Adkinson, Jones, and Nick were made aware of the nature and content of the text messages which were absolutely and specifically discussed. Thus, the County's statement above is wholly false as Maxwell was not terminated until July 20, 2021, per Exhibit F.

81. Of note, less than a month after Maxwell's termination, Stan Sunday ("Sunday"), former Deputy County Administrator for the County, was (allegedly wrongly) accused of far worse offenses than Maxwell. Unlike Maxwell, Sunday was given the opportunity to resign from his position on August 6, 2021, and continue to be employed, via paid leave, and be paid his approximately \$150,000 salary, including all benefits, until September 23, 2022. Copies of documents related to

Sunday's termination, notably including Barker and Glidewell's improper involvement in same, are attached hereto as **Exhibit H**. See also <https://www.nwfdailynews.com/story/news/local/2021/08/11/mismanagement-blamed-walton-county-loses-another-key-employee/5538833001/>

COUNT I – RETALIATION
IN VIOLATION OF TITLE VII

(AGAINST THE COUNTY AND BCC)

82. Maxwell incorporates Paragraphs 1-81 herein by reference as if fully set forth herein.

83. The County is an employer as defined in Title VII.

84. Maxwell is an employee as defined in Title VII.

85. Maxwell engaged in a protected activity under Title VII by rebuffing McCormick's romantic advances.

86. Maxwell suffered a materially adverse employment action when the County terminated her employment on July 20, 2021.

87. The County was aware of Maxwell's statutorily protected activity within the meaning of Title VII when it subjected her to the adverse employment action of termination.

88. The adverse employment action was a direct and proximate result of the protected activity in which Maxwell engaged in.

89. The County subjected Maxwell to adverse employment action because of her statutorily protected activity within the meaning of Title VII.

90. In taking adverse employment action against Maxwell because of her statutorily protected activity, the County intentionally discriminated against Maxwell with respect to the compensation, terms, conditions, or privileges of her employment.

91. As a proximate result of such intentional discriminatory acts by the County, Maxwell has suffered damages.

92. The County's conduct alleged herein was purposeful with malice or reckless indifference to Maxwell's protected rights.

93. As a direct result of the County's actions, Maxwell has suffered lost wages, future income, opportunities for advancement, and other pecuniary and non-pecuniary damages (including emotional harm) in amounts to be determined at trial.

COUNT II– SEX DISCRIMINATION
PURSUANT TO TITLE VII

(AGAINST THE COUNTY AND BCC)

94. Maxwell incorporates Paragraphs 1-81 herein by references as if fully set forth herein.

95. As described above, the County terminated Maxwell because of her sex in violation of Title VII.

96. The County deprived Maxwell of her right to employment through its discriminatory conduct.

97. The County is an employer as defined in Title VII.

98. Maxwell is an employee as defined in Title VII.

99. Maxwell is a member of a protected class as a female.

100. The County took adverse employment actions against Maxwell, including terminating her employment without justifiable cause and for pretextual reasons.

101. Maxwell was imminently qualified to do her job as Assistant County Attorney for the County, having practiced for eleven (11) years prior to this position and given that she provided outstanding performance during her tenure with the County including being named as Acting County Attorney twice and never receiving any reprimands, negative performance reviews or counseling.

102. Maxwell at all times performed her duties owed to the County faithfully and in accordance with the standard set forth by the County.

103. The County treated similarly situated male employees of the County more favorably than Maxwell.

104. The County terminated Maxwell's employment because of her gender in violation of Title VII.

105. The County's conduct alleged herein was purposeful with malice or reckless indifference to Maxwell's protected rights.

106. As a direct result of the County's actions, Maxwell has suffered lost wages, future income, opportunities for advancement, and other pecuniary and non-pecuniary damages (including emotional harm) in amounts to be determined at trial.

**COUNT III – GENDER DISCRIMINATION AND RETALIATION IN
VIOLATION OF § 1983
FOURTEENTH AMENDMENT EQUAL PROTECTION**

(AGAINST THE COUNTY AND BCC)

107. Maxwell incorporates Paragraphs 1-81 herein by references as if fully set forth herein.

108. 42 U.S.C. §1983 protects against the “deprivation of rights, privileges, or immunities secured by the Constitution and laws” by persons acting under the color of law.

109. Maxwell is a female and part of a protected class under the Equal Protection Clause.

110. The County and BCC are “persons” within the meaning of 42 U.S.C. §1983.

111. The County is a political subdivision of the State of Florida. The BCC is the governing body of the County and the legislative branch of County

government. The County and the BCC are liable under 42 U.S.C. § 1983 because a custom, practice, or policy of the County and BCC caused the violations of Maxwell's constitutional rights, and/or because County and BCC officials with final policymaking authority violated Plaintiff's constitutional rights. See *Monell v. Dep't of Social Servs.*, 436 U.S. 658 (1978).

112. Although she had a history of positive performance evaluations and exemplary work performance, Maxwell was terminated from her position on July 20, 2021. This termination was motivated in whole or in part by Maxwell's gender and in retaliation for Maxwell's protected activity in rebuffing McCormick's romantic advances and complaining about same.

113. The County and BCC's retaliatory and discriminatory practices have caused Maxwell harm, including severe emotional distress and lost wages and benefits.

114. The County and BCC acted under color of law when it directly deprived Maxwell of her equal protection rights by intentionally discriminating against her because of her sex and retaliated against her for engaging in protected activity.

115. As a direct and proximate result of the County and BCC's unlawful actions, Maxwell has suffered damages in amounts to be determined at trial.

116. Accordingly, the County and BCC have violated Maxwell's rights as protected by 42 U.S.C. § 1983.

COUNT IV – SECTION 1983 AND EQUAL PROTECTION
CLAUSE OF THE FOURTEENTH AMENDMENT

(AGAINST BARKER)

117. Maxwell incorporates Paragraphs 1-81 herein by references as if fully set forth herein.

118. 42 U.S.C. §1983 protects against the “deprivation of rights, privileges, or immunities secured by the Constitution and laws” by persons acting under the color of law.

119. Maxwell is a female and part of a protected class under the Equal Protection Clause.

120. Barker is a “person” within the meaning of 42 U.S.C. §1983.

121. Barker as a BCC Commissioner is an official with final policymaking authority of the County. Barker is liable under 42 U.S.C. § 1983 because a custom, practice, or policy of the County and BCC caused the violations of Maxwell's constitutional rights, and/or because County and BCC officials with final policymaking authority violated Plaintiff's constitutional rights. See *Monell v. Dep't of Social Servs.*, 436 U.S. 658 (1978).

122. Although she had a history of positive performance evaluations and exemplary work performance, Maxwell was terminated from her position on July 20, 2021. This termination was motivated in whole or in part by Maxwell's gender and in retaliation for Maxwell's protected activity in rebuffing McCormick's romantic advances and complaining about same.

123. Barker's retaliatory and discriminatory practices have caused Maxwell harm, including severe emotional distress and lost wages and benefits.

124. Barker acted under color of law when he directly deprived Maxwell of her equal protection rights by intentionally discriminating against her because of her sex and retaliated against her for engaging in protected activity.

125. As a direct and proximate result of Barker's unlawful actions, Maxwell has suffered damages in amounts to be determined at trial.

126. Accordingly, Barker has violated Maxwell's rights as protected by 42 U.S.C. § 1983.

**COUNT V – SECTION 1983 AND EQUAL PROTECTION
CLAUSE OF THE FOURTEENTH AMENDMENT**

(AGAINST GLIDEWELL)

127. Maxwell incorporates Paragraphs 1-81 herein by references as if fully set forth herein.

128. 42 U.S.C. §1983 protects against the “deprivation of rights, privileges, or immunities secured by the Constitution and laws” by persons acting under the color of law.

129. Maxwell is a female and part of a protected class under the Equal Protection Clause.

130. Glidwell is a “person” within the meaning of 42 U.S.C. §1983.

131. Glidwell as a BCC Commissioner is an official with final policymaking authority of the County. Glidwell is liable under 42 U.S.C. § 1983 because a custom, practice, or policy of the County and BCC caused the violations of Maxwell’s constitutional rights, and/or because County and BCC officials with final policymaking authority violated Plaintiff’s constitutional rights. See *Monell v. Dep’t of Social Servs.*, 436 U.S. 658 (1978).

132. Although she had a history of positive performance evaluations and exemplary work performance, Maxwell was terminated from her position on July 20, 2021. This termination was motivated in whole or in part by Maxwell’s gender and in retaliation for Maxwell’s protected activity in rebuffing McCormick’s romantic advances and complaining about same.

133. Glidwell’s retaliatory and discriminatory practices have caused Maxwell harm, including severe emotional distress and lost wages and benefits.

134. Glidwell acted under color of law when he directly deprived Maxwell of her equal protection rights by intentionally discriminating against her because of her sex and retaliated against her for engaging in protected activity.

135. As a direct and proximate result of Glidwell's unlawful actions, Maxwell has suffered damages in amounts to be determined at trial.

136. Accordingly, Glidwell has violated Maxwell's rights as protected by 42 U.S.C. § 1983.

COUNT VI – CIVIL CONSPIRACY IN VIOLATION OF §1985

(AGAINST BARKER AND GLIDEWELL)

137. Maxwell incorporates Paragraphs 1-81 herein by references as if fully set forth herein.

138. Defendants Barker and Glidwell engaged in a conspiracy and unlawful agreement to deprive Maxwell of her constitutional and statutorily protected right to not to suffer adverse employment actions on the basis of her gender and retaliation for engaging in protected activity.

139. This conspiracy was motivated by animus with respect to Maxwell's gender and her rebuffing of McCormick's romantic advances.

140. The purpose of the conspiracy was to obtain Maxwell's termination from the County on a pretextual basis, knowing that the true motivation was gender discrimination and retaliation in violation of federal law.

141. The purpose and effect of the conspiracy was part of the same effort by all Defendants' effort to deprive Maxwell of the substantive rights provided by the Fourteenth Amendment to the U.S. Constitution and by 42 U.S.C. § 1983 as alleged above.

142. Accordingly, Barker and Glidewell have violated Maxwell's rights as protected by 42 U.S.C. § 1985.

143. As a direct and proximate result of the County's unlawful actions, Maxwell has suffered damages in amounts to be determined at trial.

WHEREFORE, Maxwell respectfully requests that the Court:

- a. Enter judgment in her favor against Defendants on all Counts;
- b. Declare pursuant to pursuant to 28 U.S.C. § 2201-2202 that the practices described in this Complaint exist and that they are unlawful;
- c. Award Plaintiff front pay and back pay with interest and other job benefits, including the value of health benefits, sufficient to redress all of the economic harms that she has suffered;

d. Award Plaintiff compensatory damages in an amount to be proven at trial sufficient to redress the harms that she suffered, including physical and emotional distress, humiliation, embarrassment, loss of income, and mental anguish;

e. Award Plaintiff appropriate punitive damages in an amount to be proven at trial that would punish Defendants for their knowing, intentional, willful, and reckless disregard of clearly established federal constitutional and statutory rights as alleged herein;

f. Award Plaintiff's reasonable attorneys' fees including under 42 U.S.C § 1988 and all taxable costs of this action; and

g. Award such other and further relief in any form that this Court deems just and proper under the facts and circumstances as proved at trial.

DEMAND TRIAL BY JURY

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial on all issues triable by a jury.

Respectfully submitted this 6th day of October 2022,

**HALL, GILLIGAN, ROBERTS
& SHANLEVER, LLP**

/s/ David A. Roberts

David A. Roberts

Florida Bar No. 0041629

Brian S. Abrams

Georgia Bar No. 611649

Pro Hac Vice Application to be Submitted

M. Hannah Marshall

Florida Bar No. 1035576

4987 East County Highway 30-A

Seagrove Beach, Florida 32459

Phone: (850) 468-4856

Facsimile: (866) 864-9312

droberts@hgrslaw.com (primary)

hmarshall@hgrslaw.com (secondary)

ssweeney@hgrslaw.com (secondary)

Attorneys for Plaintiff

EXHIBIT A



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Miami District Office
100 SE 2nd St, Suite 1500
Miami, FL 33131
(800) 669-4000
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 07/08/2022

To: Ms. Heather Maxwell
c/o David A. Roberts, Esq.
Hall Gilligan Roberts & Shanilever, LLP
4897 East County Highway 30-A
Seagrove Beach, FL. 32459

Charge No: 425-2022-00367

EEOC Representative and email: FLORENCIO OCAMPO
Acting State & Local Coordinator
florencio.ocampo@eeoc.gov

DETERMINATION OF CHARGE

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated your charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By:Roberto Chavez
07/08/2022

Roberto Chavez
Acting Director

Walton County
c/o Jason C. Taylor, Esq.
Krizner Group
1550 Village Square Boulevard, Suite 3
Tallahassee, FL 32309

Please retain this notice for your records.

Enclosure with EEOC Notice of Closure and Rights (01/22)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court **under Federal law**. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)*

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your request for the charge file promptly to allow sufficient time for EEOC to respond and for your review. Submit a signed written request stating it is a "FOIA Request" or a "Section 83 Request" for Charge Number 425-2022-00367 to the District Director at Roberto Chavez, 100 SE 2nd St Suite 1500

Miami, FL 33131.

You can also make a FOIA request online at <https://eeoc.arkcase.com/foia/portal/login>.

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA Requests and Section 83 Requests, go to:
<https://www.eeoc.gov/eeoc/foia/index.cfm>.

EXHIBIT B

AFFIDAVIT OF DEDE HINOTE

My name is Tonia “Dede” Hinote, I have been first duly sworn, and I hereby state the following:

1. I am over the age of eighteen (18) years old.
2. I am competent to testify to the facts in this Affidavit.
3. I was employed by the Walton County, Florida (the “County”) for a period of approximately thirty (30) years.
4. From September 2013 through October 2014, I served as Interim Deputy County Administrator.
5. In October 2014 I was permanently hired into the position of Deputy County Administrator by Larry Jones (“Mr. Jones”) who, at the time, was the County Administrator.
6. During my tenure as Deputy County Administrator, I worked with Heather Maxwell (“Ms. Maxwell”) from approximately November 2017 until her termination in July 2021.
7. Ms. Maxwell worked for the County as its Assistant County Attorney the entire time that I worked with Ms. Maxwell.
8. On or about July 12, 2021, I attended individual meetings with the members of the Board of County Commissioners (the “BCC”), Danny Glidewell (“Commissioner Glidewell”), Michael Barker (“Commissioner Barker”), William “Boots” McCormick (“Commissioner McCormick”), and the Interim County Attorney, Clay Adkinson (“Mr. Adkinson”) in preparation for the July 13, 2021, BCC meeting.
9. After my meetings with the BCC members, I learned that Commissioner Glidewell and Commissioner Barker directed Mr. Jones in an earlier meeting with Mr. Adkinson to terminate Ms. Maxwell from her position as Assistant County Attorney.

10. I additionally learned that Mr. Jones had already instructed the County's Human Resources personnel to "start the paperwork" on Ms. Maxwell's termination and/or disciplinary action..

11. After I learned of Ms. Maxwell's possible termination, I contacted Ms. Maxwell to warn her of her potential termination as I believed it was the right thing to do.

12. At the time I learned of Ms. Maxwell's possible termination, I did not believe she had any disciplinary issues during her employment with the County.

13. The day after I contacted Ms. Maxwell about her possible termination, I contacted the other Deputy County Administrator, Stan Sunday ("Mr. Sunday"), and explained to him that I warned Ms. Maxwell about her possible termination.

14. I explained to Mr. Sunday that I informed Ms. Maxwell of her possible termination as a professional courtesy as I believed that Mr. Jones being told to terminate Ms. Maxwell was wrong.

15. Mr. Sunday recommended that I speak with Mr. Jones about my conversation with Ms. Maxwell and I did.

16. Mr. Jones explained to me that he would be the one to terminate Ms. Maxwell's employment because the Interim County Attorney, Clay Adkinson, did not believe it was his responsibility to terminate Ms. Maxwell.

17. During my conversation with Mr. Jones, I recommended that the County properly document Ms. Maxwell's alleged performance issues, if any, because at the time of her possible termination I did not believe she had any documentation in her personnel file supporting her termination.

18. After Ms. Maxwell was in fact terminated, it was made clear to me by Mr. Jones and some of the County Commissioners by their words and actions, that they were not happy with me telling Ms. Maxwell about her termination.

FURTHER AFFIANT SAYETH NAUGHT.

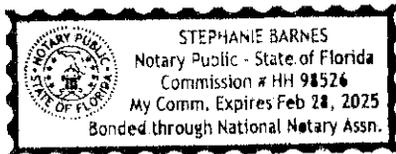
Executed this 22 day of June 2022.

Dede Hinote
Tonia "Dede" Hinote

STATE OF FLORIDA
COUNTY OF Walton

BEFORE ME, the undersigned, personally appeared Dede Hinote, who is personally known to me or who has produced DL as identification and who executed the foregoing document and states that he has read and is familiar with the contents of the foregoing and same are true and correct.

WITNESS my hand and official seal this 22 day of June, 2022.



Steph Barnes

EXHIBIT C

Walton County Board of County Commissioners

Human Resources Policy Manual



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Section I Human Resources Introduction

Guiding Principles

Florida Law requires all Walton County Board of County Commissioners' employees to take an Oath of Loyalty as a condition of employment. It is illegal for the Walton County Board of County Commissioners, hereinafter referred to as the "Walton County BCC", to issue a paycheck to any employee who has not signed a loyalty oath.

The Walton County BCC, believing it to be in the public interest and of most benefit to the employees of the Walton County BCC, has an established policy:

- That fair and equitable treatment of all employees shall be maintained in all areas of personnel matters.
- That the administration of Walton County BCC services shall be conducted with integrity and concern for the individual employee.
- That the public interest shall be best served by having a personnel system that recognizes individual worth and applies objective and equitable policies, procedures, and practices.
- That the Walton County BCC, or their designee, shall review the qualifications of everyone making application for employment and extend offers of employment that is in the best interest of Walton County.
- That the Walton County BCC encourages, when feasible, the advancement and training of present employees to prepare for furtherance of career and personal goals.
- The Walton County BCC and all within their employment shall comply with all state and federal EEO statutes and regulations.
- The purpose of this manual is to set forth policies and guidelines relative to employee benefits and procedures under the Walton County BCC. It provides employees with sufficient understanding of their privileges and benefits, as well as their duties and responsibilities.

These policies are intended to cover most human resources problems and actions which may arise. Those not specifically covered shall be interpreted by the Director of Human Resources (HR) with the guidance of County Administration. Such interpretations shall be in keeping with the intent of these policies. If any chapter, section or other portion of these policies or procedures is found to be invalid by a duly constituted authority, it shall not affect the validity of the balance of these policies and procedures.

Nothing contained in these policies, or in any other materials or information distributed by Walton County BCC, creates a contract of employment, guarantee of continued employment or benefits between any employee and the Walton County BCC. All employees who do not have a written employment contract with the Walton County BCC for a specific, fixed term of employment are employed at will, for an indefinite period.

Revisions

Policy revisions, changes, or terminations may be initiated by any County Commissioner, County Administration, or any division director and shall become effective upon adoption by the Walton County BCC.

Americans with Disabilities Act Statement

It is the intent of Walton County BCC to comply with the mandates of the Americans with Disabilities Act as amended in 2008. In that regard, qualified individuals with disabilities are encouraged to apply for positions and the Walton County BCC shall reasonably accommodate such individuals, both in any pre-employment testing and/or with respect to the job which they apply. In circumstances where a disabled individual is the most qualified for a position, with or without a reasonable accommodation, that individual shall be selected. It is primarily the responsibility of the disabled applicants and employees to call to the Walton County BCC's attention any need for a reasonable accommodation in testing or with respect to the position the individual seeks or holds.

Employees who believe they have not been afforded their rights under the Americans with Disabilities Act as amended in 2008 may file a complaint by contacting the HR Department.

While the Walton County BCC cannot make all requested accommodations, it shall work with the employees to define reasonable terms and supply such terms to the employee. If the employee cannot perform the essential functions with the requested accommodation, the employee may be separated from the Walton County BCC.

Breastfeeding Accommodation

We recognize the needs of new mothers and provide a reasonable unpaid break time for employees needed to express breast milk for their nursing child for up to one year from the child's date of birth. We provide private office space that shall shield the employee from view and shall be wholly free from coworker or public intrusion. If such need arises, simply contact the Human Resource (HR) Department and necessary breaks and corresponding office space shall be provided.

Religious Expression

The Walton County BCC works diligently to respect the recognized religious beliefs of its entire workforce. As such, it welcomes any requests for accommodations because of recognized beliefs that do not create an undue hardship on the Walton County BCC's ability to properly fulfill its mission. An employee merely needs to codify the request for a religious accommodation and present it to the employees' supervisor or to the HR Department for consideration and corresponding action. Examples of accommodations include using paid leave or leave without pay, allowing an exception to the dress and appearance code which does not impact safety or uniform requirements, or for other aspects of employment.

Code of Ethics

All Walton County BCC employees shall be aware of, and comply with Section 112:311, *Florida Statutes (6)* which currently provides in part: "It is declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered with respect hereto regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern."

Employees shall not, either directly or indirectly, use their official position within the Walton County BCC or information obtained in connection with their employment for private gain, for themselves or others.

Employees shall not accept any gift, favor, or service from any member of the public, including but not limited to Christmas and/or birthday gifts in an amount that exceeds an estimated value of \$25.00. Employees shall not accept any gift, favor, or service with the understanding that it was provided to him/her to obtain special treatment. Elected and appointed officials of the Walton County BCC are subject to the state of Florida Statute for acceptance of gifts.

No employee shall make any false statement, certification, or recommendation of any employment under any provision of these policies, or in any manner, commit or attempt to commit any fraud preventing the impartial execution of the provisions of these policies, with regard to employment, promotion, or transfer.

Conflict of interest rules shall be in accordance with the established laws of the state of Florida. No Walton County BCC employee shall transact any business in their official capacity with any business entity of which that employee is an officer, agent, or member, or in which they hold a material interest. If an employee is uncertain as to whether they may be in violation of this policy, clarification may be obtained from the HR Department. Walton County BCC Administration may at any time, require a statement of disclosure from any employee if they have reason to believe that said employee may be in violation of this policy. The HR Department shall be responsible for investigating any alleged incident of conflict of interest and when needed, the Walton County BCC's legal counsel may interpret Sections 112.311-112.326, *Florida Statutes*. If a violation of this policy is found, appropriate disciplinary action up to and including termination may be initiated.

Employees shall not conduct personal business while in a Walton County BCC uniform while on duty.

Employees shall not consume or be under the influence of alcoholic beverages while on duty or while in a Walton County BCC uniform, nor shall they use, be under the influence of, consume or possess illegal substances while on duty, in a Walton County BCC uniform or while on Walton County BCC property at any time. It is the intent of the Walton County BCC to create and maintain a drug-free workplace for all Walton County BCC employees, in accordance with the Drug-Free Workplace Act of 1988. (**see Policy 2.2 – Drug Free Workplace**).

Any violation of the provisions of this policy shall be subject to review and appropriate disciplinary action. If the employee has any doubt as to the application of the policy as it relates to their position,

the possible violations should be discussed with their department director, who shall either approve or forbid the activity, or refer the question to the HR Department.

All Walton County BCC employees must abide by a code of wholly ethical communications with peers, supervisors, employees, vendors, and citizens. Ethical communication enhances human worth and dignity by fostering truthfulness, fairness, responsibility, personal integrity, and respect for self and for others. As such, the following rules should be expressly followed to avoid violating such code:

- Communicate all concerns regarding another's behavior directly with the individual. Sharing such concerns with others that do not have a legitimate reason to know such concerns may quickly amount to gossip- one of the most damaging practices in any workplace.
- Avoid argumentative tones and comments. Employees should state their position clearly and factually in a normal tone, allowing the other individual an opportunity to share their position, and inviting open discussion regarding both such positions.
- Always act with integrity. It is critical that employees never engage in deceit, exaggeration, or express dishonesty when dealing with other individuals. While some communication may be extremely difficult to have, employees are always expected to provide them in a candid, but respectful, manner.
- Respect issues of confidentiality. Employees of the Walton County BCC may be faced with topics of great confidentiality at times and, as such, must avoid sharing any such information with anyone not intended to be part of such confidentiality. This procedure speaks only to issues of confidentiality related exclusively to the Walton County BCC's purpose and mission and should not be interpreted to include gossip, personal information, and other topics not related to Walton County itself.
- Any employee found violating any portion of this procedure may be subject to disciplinary action, up to and including termination.

Scope of Authority and Responsibility

No Walton County BCC Commissioner, acting on their own individual authority, shall hire, transfer, raise the pay of, demote or terminate the employment of any Walton County BCC employee other than their respective aides or executive assistants.

It is all Walton County BCC employees' responsibility to protect the Walton County BCC's trademarks and brand. Consistency in the use of our brand strengthens our value and our ability to be instantly recognized by our citizens and other stakeholders. Our logo shall only be used in strict accordance with this policy and the graphics requirements of the approved brand. Our logo shall not be altered or combined with any other mark or element. Our logo shall appear prominently on all official communication and marketing materials such as brochures, letterhead, and business cards.

Any use of the Walton County BCC logo, trademark or brand in print and electronic materials including email and social media shall conform to our brand requirements.

The Walton County BCC logo shall not be used on commercial merchandise except as expressly approved by County Administration. The Walton County BCC logo shall not be used in any way that states or implies endorsement of a commercial product or service, gives a false impression, is misleading, or could cause confusion regarding the Walton County BCC's relationship with any person or entity.

Neither the Walton County BCC name or logo shall be used in any manner that could adversely affect our image or standing in the community. Such proscribed uses include, but are not limited to, the use of our logo in connection with alcoholic beverages, cigarettes or other tobacco products, sexually oriented products or services, religious products, political parties or organizations, gaming or games of chance, and firearms.

The Walton County BCC expects their employees to respect all copyright and other intellectual property laws—for the protection of the county as well as the employees. Proper respect for the laws governing copyright, fair use of copyrighted material owned by others, trademarks, and other intellectual property, including our own logo, copyrights, trademarks, and brands is critical to continued employment

Definitions

Appointment	The selection of an applicant to fill a vacant position.
At Will Employment	Employment which may be terminated at any time and for any or no reason and which does not create an enforceable expectancy of continued employment or a property right in any aspect of employment.
The Board	The legislative branch of the Walton County Government consisting of five elected Commissioners.
Board Appointments	The County Administrator and the County Attorney shall be appointed by and serve at the pleasure of the Walton County BCC.
Class	A specific group of positions which are so similar in duties and responsibilities that they justify common treatment in selection, compensation, and other employment processes and the same descriptive title may be used to designate all positions in the same class regardless of the department in which they are located.
Classification Plan	A document which formally describes the concepts, rules and regulations, and class specifications utilized in the classification and reclassification of County positions.
Continuous Employment	Employment which is uninterrupted except for authorized leave of absences or suspensions.
Conviction	Situation where employee is adjudicated guilty of a crime, pleads guilty to a crime or where adjudication is withheld by a court, but sentence is imposed (even if sentence is suspended).
County Administration	Employees of the Walton County BCC responsible for the administration of county operations including the County Administrator & Deputy County Administrator.
County Administrator	Person appointed by the Walton County BCC to be responsible for the administration of all County departments and for the proper administration of all affairs within the jurisdiction of the Walton County BCC.
Department Director	Employee with the responsibility for the operations of an entire county Department.
Employee	An individual employed by the Board of County Commissioners of Walton County, Florida.
Exempt Employee	An employee classified as exempt in accordance with the Fair Labor

	Standards Act and who is ineligible for overtime compensation.
Full Time Employee	An employee who works a normal forty-hour work week and is hired for an indefinite period.
Grievance	A formal complaint made by an employee when they feel the application of a rule, policy or procedure has been applied unjustly, or when some condition of employment is believed to be unfair or unjust.
Immediate Family	For purposes of bereavement leave, immediate family shall include the employee's legal spouse, and the parents, grandparents, siblings, children and grandchildren of either the employee or the spouse.
Insubordination	The unwillingness or refusal to perform assigned work or deliberate failure to comply with written or verbal instructions from a proper supervisory authority, or disrespectful, insolent, or abusive language or action toward a supervisor.
Involuntary Termination	Dismissal from employment with Walton County for unsatisfactory service or misconduct.
May	The term "may" shall be interpreted as permissive.
Nonexempt Employee	An employee classified as nonexempt in accordance with the Fair Labor Standards Act and who is eligible for overtime compensation.
Part Time Employee	An employee who works less than a 30-hour work week and is hired for an indefinite period.
Pay Grade by	A grouping of classes for compensation purposes based on responsibility, difficulty, and relative worth of the work as determined by consideration of all the factors bearing upon the proper payment and compensation for such services.
Pay Plan	A document which formally describes the procedures and the pay schedule for compensating employees for work performed.
Pay Schedule	An official table of rates and complete salary ranges for occupational classes within Walton County service.
Position Description	A written statement of the typical duties, responsibilities and qualification requirements of all jobs included in the same class.
Reclassification	The changing of a position description due to change in the duties and responsibilities of the position.

Regular Employee	An employee who has successfully completed their initial training period.
Seasonal Employee	An employee hired to fill a position related to a special project or program for a pre-defined period or for the duration of the project of program.
Shall	The term “shall” will be interpreted as mandatory.
Temporary Employee	An employee hired either full or part time for a specified, limited period.
Training Period	The initial six-month period after an employee is hired or transfers to a new position.
Volunteer	Any person performing services for Walton County without receiving compensation or benefits for such services. Volunteers must comply with the conduct rules of these policies, but are not eligible for any compensation or benefits set forth in these policies.
Voluntary Termination	Dismissal from employment with Walton County for resignation, retirement, or death.
Walton County BCC	All employees of Board of County Commissioners for Walton County, Florida.

Section II Conduct

Policy 2.1 – General Conduct

It is the policy of the Walton County BCC that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with county operations, discredits the Walton County BCC, or is offensive to citizens or coworkers shall not be tolerated.

Employees are always expected to conduct themselves in a positive manner to promote the best interests of the Walton County BCC. Appropriate employee conduct includes:

- Treating all visitors and coworkers in a courteous manner.
- Refraining from behavior or conduct that is offensive, undesirable, or which is contrary to the Walton County BCC's best interests (including conduct outside of work while in clothing or vehicles that identify or imply the individual is or may be a Walton County BCC employee and may be on duty).
- Reporting to management suspicious, unethical, unsafe, or illegal conduct by coworkers or suppliers.
- Reporting to management any threatening or potentially violent behavior by coworkers.
- Cooperating with all Walton County BCC investigations.
- Complying with all Walton County BCC safety and security regulations.
- Wearing clothing appropriate for the work being performed.
- Performing assigned tasks efficiently and in accord with established quality standards.
- Reporting to work punctually as scheduled and being at the proper workstation, ready for work, at the assigned starting time.
- Giving proper advance notice whenever unable to work or report on time.
- Smoking only at times and in places not prohibited by Walton County BCC rules or local ordinances.
- Eating meals only during meal periods and only in the designated eating areas.
- Maintaining cleanliness and order in the workplace, work areas, and Walton County BCC owned vehicles.

The following conduct are examples of prohibited behavior or actions, and individuals engaged in such conduct shall be subject to discipline, up to and including termination:

- Engaging in threatening acts of workplace violence.
- Engaging in any form of sexual or other harassment.
- Reporting to work under the influence of alcohol, illegal drugs, or narcotics or using, selling, dispensing, or possessing illegal drugs or narcotics on Walton County BCC premises.
- Disclosing trade secrets or confidential Walton County BCC information.
- Falsifying or altering any Walton County BCC record or report, such as an employment application, medical reports, production records, time records, expense accounts, absentee reports, or shipping and receiving records.

- Stealing, destroying, defacing, or misusing Walton County BCC property or another employee's or citizen's property.
- Misusing Walton County BCC communications systems, including electronic mail, computers, Internet access, and telephones.
- Refusing to follow management's instructions concerning a job-related matter or being insubordinate.
- Failing to wear assigned safety equipment or failing to abide by safety rules and policies.
- Soliciting or distributing in violation of Walton County BCC policies.
- Smoking where prohibited by local ordinance or Walton County BCC rules.
- Using profanity or abusive language.
- Sleeping on the job without authorization.
- Gambling, playing pranks or engaging in horseplay.
- Wearing improper attire or having an inappropriate personal appearance.
- Use, sale, distribution, or possession of alcoholic beverages or drugs on Walton County BCC premises, in a Walton County BCC uniform, or in a Walton County BCC owned vehicle.
- Assault or battery of a fellow employee or citizen.
- An employee's failure to report their misdemeanor or felony arrest to management.
- An employee's failure to report their suspended required license to management.

The above examples of impermissible behavior described above, are not intended to be an all-inclusive list. At County Administration or the department director's discretion, any violation of the Walton County BCC's policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action. The Walton County BCC reserves the right to determine the appropriate level of discipline and is not required to proceed through any specific series of action. Questions about this policy should be directed to the HR Department.

Policy 2.2 – Drug Free Workplace

The Walton County BCC is committed to maintaining a drug-free workplace. All employees are covered by the Federal Drug Free Workplace Act of 1988 and shall sign and acknowledge a *Drug Free Workplace Policy Agreement*. Employees are prohibited from being under the influence of alcohol or illicit drugs during work hours and being under the influence of legal drugs to the extent that normal faculties are significantly impaired on the job. Employees are prohibited from manufacturing, using, possessing, or distributing illicit or controlled substances during work hours. Section 112.0455, *Florida Statute*

Employees may be sent for drug testing as follows:

- Pre-employment if the position is a safety sensitive position.
- When there is reasonable suspicion to believe that they are using or have used illegal drugs
- When there is a report of drug use, from a reliable and credible source
- When an employee is arrested for any drug related offense
- Post – accident when there is any reported accident that causes personal injury, physical damage, or any accident involving a Walton County BCC vehicle or Walton County BCC owned equipment.

Any employee who refuses to submit to a test for drugs or alcohol pursuant to this policy shall be presumed, in the absence of clear and convincing evidence to the contrary, to be under the influence and may forfeit eligibility for all Workers' Compensation medical and indemnity benefits and shall be terminated.

Employees who violate the Walton County BCC's Drug Free Workplace Policy by failing a drug test, being under the influence, using or distributing drugs on the job are subject to disciplinary action, up to and including termination of employment. Candidates who violate the Walton County BCC's Drug Free Workplace Policy shall be excluded from employment with the Walton County BCC for one (1) year from date of violation.

Policy 2.3 – Outside Employment

Employment with the Walton County BCC shall take precedence over any outside or secondary employment. No employee shall engage in any outside employment or activity which interferes in any way with the full performance of job duties, or which reflects discredit on the Walton County BCC and its work force. Without specific written authorization, no employee is permitted to engage in outside employment during their typical working hours with the Walton County BCC or to use Walton County BCC equipment or resources for such outside employment. Notice of outside employment should be submitted to the HR Department for approval. No regular status employee may receive payment for services from any other public or private organization receiving Walton County BCC connected local, state and/or federal financial support.

Employees who desire to accept outside employment in addition to their regular Walton County BCC position shall inform their respective supervisor and/ or their department director of the nature and extent of outside employment. The department director shall partner with the Director of HR to determine whether such employment conflicts with the duties and responsibilities of said Walton County BCC employee. If the department director and Director of HR determines there is no conflict with the duties and responsibilities of Walton County BCC employee, then the employee may be allowed employment outside of the Walton County BCC as a secondary job.

Failure to notify the department director of outside employment prior to accepting may result in disciplinary action up to termination.

Policy 2.4 – Vehicle Use

It is the policy of the Walton County BCC that all possible measures be taken to ensure the safety of its employees, the public, and county property.

Operation of County Vehicles

- It is necessary for many Walton County BCC employees to use county owned vehicles to carry out their duties. It is always essential that these vehicles be used with utmost care.
- Walton County BCC employees are permitted to use county owned vehicles for the performance of their official duties only. Anyone under the age of 18 years old or non-paid interns/ volunteers are banned from operating any county owned vehicle.
- No employee shall use or allow the use of a county owned vehicle of any kind for other than officially approved activities. Misuse shall not be tolerated and may be grounds for disciplinary action up to and including termination.
- Any employee driving a county owned vehicle outside Walton County shall obtain written prior approval from their supervisor. At the discretion of the Department Director or County Administration, designated employees on twenty-four (24) hour call, may be allowed at the end of a workday to drive their Walton County BCC assigned vehicle from their work location to their home within Walton County. Any employee who resides outside of Walton County must receive written approval from their Department Director or County Administration prior to taking the Walton County BCC owned vehicle from the work location to their home outside Walton County.
- Employees who are not subject to twenty-four (24) hour call may park their Walton County BCC vehicle at the nearest Walton County BCC owned facility at the end of the workday.
- Anyone other than a Walton County BCC employee riding in a county owned vehicle must be doing so in the conduct of official Walton County BCC business.
- Any employee driving a Walton County BCC owned vehicle shall have on their person the necessary valid driver's license.
- Any employee who loses their privilege to drive a vehicle, (has their driver's license suspended or revoked) must notify their department director and the HR Department immediately. Failure to do so may result in disciplinary action up to and including termination.
- When driving is a job requirement, loss of the privilege to drive a vehicle may result in dismissal from employment. A valid driver's license shall be exhibited by any employee upon demand of his/her superior, and a record of the license number shall become a permanent part of the employee's personnel file.
 - It is mandatory that all county owned vehicles be equipped with seat belts and that they be used when the vehicle is in operation.
 - All mechanical defects or malfunctions should be reported as soon as possible to the employee's department director or designated representative.
 - All county equipment must always be operated in a conscientious and safe manner.
 - If a county owned vehicle is involved in an accident, the employee shall notify the Police or Sheriff's department and his/her supervisor immediately. The supervisor shall notify the HR Department and promptly comply with the post-accident drug test procedures and complete necessary first report of injury forms for worker's compensation.

If a county owned vehicle incurs any damage while under the charge of a particular employee, that employee will be responsible for reporting the damage immediately and may be responsible for paying the deductible amount toward repair.

Any employee whose duties include the operation of a county owned vehicles who is cited for Driving Under the Influence (D.U.I.), Driving While Intoxicated (D.W.I.) or for any other serious moving violation will be considered to have an unacceptable driving record and their continued employment may be terminated.

If an employee receives a traffic citation while operating a county owned vehicle, the employee shall be responsible for paying any fine or penalty.

Reports of unsafe or improper use of Walton County BCC vehicles shall result in disciplinary action up to and including termination.

The Walton County BCC promotes the safe use of cellular phones by encouraging drivers to follow common sense tips to ensure their wireless phone is not a distraction. It is even more important to pay attention to the road and make driving safety your first priority; do not use a cellular phone when driving. Walton County BCC employees are not permitted to text or allow their wireless phone to distract them while operating a Walton County BCC owned vehicle in accordance with section 316.305, *F.S.*, Florida Ban on Texting While Driving Law.

Policy 2.5 – Dress Code

The purpose of the policy is to further insure the safety and personal hygiene of each employee by reducing the risk of injury and/or illness through exposure as well as the issue of appropriate dress and grooming. Exceptions will be made for legitimate medical and/or religious reasons where appropriate.

No visible forms of jewelry may be worn in the facial area to include, but not limited to the nose, tongue, cheek, lip, and eyebrow.

Employees are required to conceal tattoos which could be sexually harassing, racially, religiously, or ethnically offensive.

The determination of specific, appropriate employee dress and personal appearance standards are the responsibility of the department director with guidance from the HR Department.

Employees not meeting the standards of this policy or the departmental operating procedures may be subject to disciplinary action, which may include requiring the employee to leave the premises. Exempt employees shall be required to use available annual leave and nonexempt employees shall be required to use leave without pay for time missed because of failure to comply with the policy.

If uniforms are issued by the Walton County BCC, they should be worn to work. If an employee terminates employment, they are required to turn their county issued uniforms to their supervisor.

Dress Code for Meetings

Employees are expected to dress in a professional manner when attending meetings for official Walton County BCC business.

Dress Code for Travel

Employees are expected to use their best judgement when dressing for a travel day when attending conferences or training that require overnight travel.

Casual Days

At their discretion, department directors may allow employees to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear clothing that is inappropriate for the workplace, including ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.

Any disputes concerning this policy shall be referred to the HR Department, which shall be responsible for determining if an employee's dress and appearance are appropriate, reasonable and in compliance with Walton County BCC policy.

Policy 2.6 – Conflict of Interest

No Walton County BCC employee or elected official shall have a direct or indirect financial, personal, business, or other interest that conflicts, or appears to conflict, with public duties and responsibilities or engage in financial, personal, business, or other transactions as a result of relying on information obtained through employment. Chapter 112.311, *Florida Statutes*, provides penalties for conflict of interest violations. Any outside personal economic relationship which affords present or future financial benefits to an employee, their family, or to individuals with whom they have business or financial ties, may be considered a conflict of interest requiring an evaluation by the County Administrator, Finance Director, and/ or County Attorney. Walton County BCC employees and vendors are required to disclose any potential conflict to the Finance Director and/ or Clerk of Court.

Policy 2.7 – Personal Activities during Work Time

Personal activities must be accomplished before work, during lunch or after work, not on Walton County BCC time, and not in Walton County BCC owned vehicles or using Walton County BCC owned property. If an employee has an emergency and needs to accomplish a personal task during their work shifts, the employee's supervisor is to be made aware of the situation and the employee shall be charged PTO for the time away from work per **Policy 7.5 – Paid Time Off**.

Policy 2.8 – Communication and Technology

Telephones, cellular phones, voice mail systems, fax machines, tablets, and computers, including electronic mail systems (e-mail) and Internet are provided for Walton County BCC business use and excessive personal, including use for outside employment, is prohibited.

Also prohibited is use of any of these systems to transmit or receive inappropriate messages, to access inappropriate information, or to harass or annoy another party. Inappropriate messages and information include but are not limited to, those that are for personal benefit and those involving discriminatory, hostile, suggestive, obscene, or otherwise unsuitable language and downloading of software onto the Walton County BCC's computers.

Internet Service/Access: The Walton County BCC believes in empowering their staff with resources necessary to complete their work as well as grow in their current positions. Therefore, we do not limit employee access to the internet as there are many resources such as state and local government websites as well as research sites that provide valuable tools to the staff.

It is the responsibility of each individual employee to utilize these resources in an effective, ethical, and lawful manner. Improper use of these resources could result in the immediate termination of internet service for the employee by his/her supervisor or approving authority and the employee may be subject to disciplinary action, up to and including, termination.

The IT Department monitors internet activity. Any improper use is reported to the employee's department director.

As an employee of a government organization, all messages, web pages, files, and other documents accessed using internet services are subject to public records requests.

Email: The Walton County BCC uses email to manage internal affairs and communications daily. These records are subject to public records disclosure unless explicitly exempt by law.

All email users are responsible for the content of the messages they send. Each message should be courteous, professional, businesslike, and written in language and tone acceptable for general public review. Messages should never be transmitted that would create an atmosphere of discomfort for another person or that may be perceived as harassment.

Email Security: Users are responsible for the security and maintenance of their local area network password. To maintain security, passwords will be changed as prompted by network administrators. Users will not disclose their passwords to others or record/post their password where it can be viewed by others.

Email Access by Management: Management reserves the right to monitor and review all email content without the consent of the employee.

While emails generated for incidental personal purposes may not qualify as public record(s), Walton County BCC employees should not consider any email to be immune from review by management.

Personal Responsibility: Email, unless specifically exempted by Florida Statute, is a public record.

Retention of email is a responsibility of both the sender and the receiver. Email messages originating within the Walton County BCC are the responsibility of the originator. Therefore, email that is received from a sender within the Walton County BCC may be assumed to have been retained by the sender and may therefore be deleted. The receiver must retain email that originates outside the Walton County BCC and falls under the definition of a public record listed above. In addition, the receiver is responsible for assigning the appropriate retention tag to all email messages.

Retention: Each employee using the e-mail system is responsible for understanding this policy, applying the appropriate retention tag, and determining whether e-mail messages are personal, transitory, and/or public records. Each employee is responsible for the appropriate retention of e-mail.

Guidelines for the proper retention of documents as well as the destruction of documents are outlined by the Florida Department of State. Most of the records for the Walton County BCC fall under General Records Schedule GS11.

Message management: Senders and receivers are responsible for the periodic deletion of personal and transitory messages so that the e-mail system is not overburdened.

Privacy: E-mail users should have no expectation of privacy in the content of their e-mail. All e-mail, whether personal, transitory, or public record, is subject to inspection by the Walton County BCC Administration. Minor personal use is acceptable, but Walton County BCC e-mail systems shall not be used for private business.

Violations: Violation of this policy may result in disciplinary action, up to and including termination, in accordance with Walton County BCC policies.

- If someone demands a password, refer them to the IT Department.
- If an account or password is suspected to have been compromised, report the incident to the IT Department and immediately change all passwords.

Any employee found to have violated, this policy will be subject to disciplinary action, up to and including termination of employment.

It is the policy of the Walton County BCC that nonexempt employees shall work only their schedule unless they are provided with specific, prior approval for a schedule change or overtime. Reading, sending, or otherwise working on emails during off work hours constitutes work and is strictly prohibited without such prior approval. Employees violating this policy are subject to discipline, up to and including termination.

Policy 2.9 – Social Media

The purpose of the Social Media Policy is to ensure the proper use of Walton County BCC social sites, web-based marketing, and technologies by establishing guidelines for County owned social media and marketing tools.

This policy establishes the policy of the Walton County BCC concerning the use of “social media” as defined herein, which shall apply to all Walton County officers, employees, agents, volunteers, and contractors in making any communication through social media on behalf of the Walton County BCC or pertaining to Walton County business. Policies governing the creation and use of personal social media pages, sites, platforms, or profiles by Walton County BCC employees are also set out herein.

The Walton County BCC’s website at www.co.walton.fl.us shall remain the primary and predominant Internet presence. The appropriate Walton County BCC uses of social media as tools fall generally into two categories:

- As channels for disseminating time-sensitive information as quickly as possible (example: emergency information)
- As marketing or outreach channels which increase the ability to broadcast messages and goals to the widest audience possible

“County Social Media Site” shall mean any Social Media that is established, endorsed, or funded by the Walton County BCC, its officers, employees, agents, volunteers, or contractors and used to conduct Walton County BCC business. The term County Social Media shall include and encompass Social Media sites established by individual members of the Walton County Board of County Commissioners and/or other public officials acting in an official or public capacity but shall not include personal Social Media sites of members of the Walton County Board of County Commissioners and other public officials.

“Social Media” shall mean and include blogs, websites, Facebook profiles/pages, Twitter feeds, Instagram feeds, NextDoor pages, LinkedIn pages, YouTube pages, and similar platforms available for the dissemination of information and viewing by the public.

Creation and use of Walton County Social Media Sites

- Only Walton County BCC employees who have been authorized in writing by their department directors or by County Administration may create a Walton County BCC Social Media Site or otherwise communicate via Social Media on behalf of the Walton County BCC.
- Except as provided herein, no Walton County BCC officer, agent, employee, volunteer, or contractor may create, manage, administer, or communicate through Social Media on behalf of the Walton County BCC or any of its departments.
- Once created, the Walton County BCC’s Public Information Department must be added as a site administrator.

Designation of Page Administrator(s)

- Each Walton County BCC Social Media Site shall have at least one individual designated by the applicable department director or by County Administration, who shall be responsible for the administration, updating, and maintenance thereof (the “Page Administrator”).
- Each Page Administrator shall be required to undergo training covering topics related to the administration of the Walton County BCC Social Media Site, including but not limited to this

policy, state public records laws, and the First Amendment. Such training shall be administered by a legal professional from the Office of the County Attorney for the Walton County BCC or other qualified person.

Walton County Social Media Sites

- Postings on any official Walton County BCC social networking site must not violate any federal, state, or municipal laws. For example, they may not
 - Reveal information about ongoing investigations
 - Discuss deliberative materials
 - Violate the regulatory process
 - Circumvent Public Records & Open Meetings Laws
 - Violate privacy, confidentiality, or copyright
 - Violate other legal issues that may not apply
- An authorized employee shall post the following on a Walton County BCC Social Media Site:
 - The Walton County BCC Department's name.
 - Approved/official Walton County BCC logo or approved official secondary logos.
 - A Walton County BCC e-mail address or Walton County BCC telephone number for contact purposes.
 - Official department information, resources, calendars, events, and news.
- Walton County BCC Social Media Sites may not be used for the following:
 - To communicate political advertisements or electioneering communications concerning an issue, referendum, or other matters that may be subject to the vote of the electors, except for electioneering communications limited to solely factual information in accordance with Section 106.113, *Florida Statutes*.
 - To communicate personal opinions unless approved in writing by County Administration.
 - To communicate information unrelated to Walton County BCC actions or business, or any form of slanderous or unlawful information.
- When using social networking sites, Walton County BCC postings will:
 - Use appropriate language and not use discriminatory slurs, personal insults, obscenity, profanity, rudeness or engage in any communication that is not acceptable in the county's workplace.
 - Demonstrate proper consideration for others' privacy.
 - Not post topics that are considered objectionable or inflammatory.
 - Not comment on business partners, their competitors' practices, or services, or use such as part of content added to a site.
 - Not post material that could be construed as promoting private commercial interests
- Employee, agent, volunteer, or contractors personal e-mail addresses shall not be used when setting up Walton County BCC Social Media Sites. If necessary, the Walton County BCC's Information Technology (IT) Department will create a unique e-mail address for Social Media use. A Social Media site user ID and password may only be given to an employee, agent, volunteer, or contractor who has been authorized to use that department's social media page.
- At the discretion of the Page Administrator and County Administration, Walton County BCC Social Media Sites may be structured to allow for two-way communication between the Walton County BCC and the public. Where two-way communication is permitted, members of the public may be allowed to post comments and other content which relates to the general

purpose and subject matter of the site. In the event a Page Administrator elects to allow for two-way communication, the strict terms of use below shall be posted on the Walton County BCC Social Media Site. Posting or communication from the public shall not be removed from any social media page or website allowing for same unless such material specifically violates the policies that apply to BCC postings. Any removed posts or public communication shall be maintained separately to address future issues.

An important goal of the Walton County BCC is to support the distribution of information to members of the public, and to do so with a level of transparency that encourages trust in government. The use of social media enhances the Walton County BCC's ability to do this, particularly through social networking sites. This page will be used for the distribution of Walton County government information. It is not intended to provide a forum for contact by the public for issues or questions they have regarding the Walton County BCC or its services. Members of the public who have specific questions or need assistance should contact the Walton County BCC directly via phone or email.

All comments, opinions, advice, statements, or other information contained in any posts or transmitted by any third party are the responsibility of the author of that message and not that of the Walton County BCC. The Walton County BCC will not be held responsible for the views of individuals who comment on The Walton County BCC's social media sites. It is not the intent of the Walton County BCC to provide a venue or forum for the expression and/or postings of unlimited comments, videos, or links simply for the convenience of the public.

Walton County BCC Social Media Sites are not monitored 24/7. The Walton County BCC reserves the right to monitor and remove any content at any time for any reason at its sole, subjective discretion. Comments, discussion posts, wall posts, and any other user-posted content that is deemed inappropriate by the Walton County BCC will be removed from the page. Advertisements posted for anything not sanctioned by The Walton County BCC will be deleted.

The Walton County BCC expects that users will not post materials that fall into the following categories, and will remove postings that are:

- Obscene, vulgar, sexually explicit, or otherwise offensive language/content, or links to such material
- Threats of any kind, particularly toward any other user or the Walton County BCC, its members, and employees
- The advocating of criminal acts or other illegal behavior
- Material that has the potential to compromise public safety or the safety of law enforcement personnel
- Remarks that disparage or discriminate against anyone based upon their sex, race, creed, religious views, national origin, sexual orientation, disability, etc.
- Remarks that may be considered libel, made toward any person or organization
- Anything that is clearly off the intended topic of discussion
- Information that is clearly inaccurate, unverified, and purposefully designed to mislead others
- Campaigning of any type, political or otherwise
- Links to other third-party sites or advertisements
- Any form of solicitation; and
- Any other language/material deemed inappropriate or offensive.

All content on the Walton County BCC social media pages, to include user comments, is considered property of the Walton County BCC, and is subject to disclosure under the Florida's Public Records Act. Comments posted on Walton County BCC social media pages are not considered private and are available for viewing by anyone accessing said pages. We urge you to protect your privacy and not list any personal or sensitive information about yourself when commenting on a post. The Walton County BCC does not and cannot guarantee your privacy when using social media sites. Users should familiarize themselves with, and abide by, the terms and conditions set forth by the social media site when using the application.

If, in the opinion of the Walton County BCC monitors' judgment, an individual continually posts inappropriate material, the Walton County BCC may exercise its right to block that individual from posting content on any Walton County BCC social media site.

- Use of Walton County BCC Social Media Sites must not interfere with an employee's performance of his/her responsibilities or compromise the functionality of the division or county network.
- If available within the particular social media platform, profanity filters shall be enabled on each Walton County BCC Social Media Site.
- Page Administrators shall utilize best efforts to direct any request for county assistance or action to the appropriate resource, including the Walton County BCC website, a county e-mail address or the county's customer service line.

Retention of Records

In accordance with Chapters 119 and 257, *Florida Statutes*, all communications made through Social Media regarding Walton County BCC business by county officers, agents, and employees, volunteers, or contractors and comments by the public on Walton County BCC Social Media Sites are public records and must be stored according to the retention schedule established by the Department of State.

Abuse of Walton County BCC Social Media Sites

Inappropriate use or abuse of Walton County BCC Social Media Sites may subject employees, agents, volunteers, or contractors to disciplinary action, up to and including termination.

Employee Use of Social Media Sites

- The Walton County BCC takes no position on employees' decisions to participate in the use of social media networks. In general, employees who participate in social media are free to publish personal information without restriction by the Walton County BCC. However, employees must avoid posting information that could harm the Walton County BCC using the guidelines listed below.
- Walton County BCC officers, employees, agents, volunteers, and contractors may create and utilize personal, non-county social media sites subject to the following:
 - Each person is solely responsible for the content published on their personal social media site.
 - Use of personal social media sites must be restricted and scheduled so as not to infringe upon a Walton County BCC employee, agent, volunteer, or contractor's county duties and work productivity.
 - Use of personal Social Media sites on Walton County BCC equipment is prohibited.

- Employees are prohibited from disclosing confidential Walton County BCC information on any social media network.
- Employees are prohibited from making statements about the Walton County BCC, their co-workers, partners, or agents that could be considered as unlawfully harassing, threatening or defamatory.
- Employees are prohibited from sharing any communication that engages in personal or sexual harassment, unfounded accusations, or remarks that could contribute to a hostile work environment based on protected class (racial, sexual, religious, etc.) as well as any behavior not in accordance with the Walton County BCC's other policies and objectives.
- Personal social media sites/pages shall not be represented as official Walton County BCC Social Media sites/pages.
- The Walton County BCC's name, telephone numbers, e-mail addresses, and logos may not be posted on a personal social media site/page. However, an employee may list the Walton County BCC as their employer and/or use their Walton County BCC title for identification purposes. Walton County BCC employees that choose to identify themselves as such must affirmatively state in a conspicuous place and manner that the views expressed online do not represent the views of the Walton County BCC.
- Communications on personal social media sites regarding Walton County BCC business or the duties and responsibilities of an elected official, employee, agent, volunteer, or contractor may be considered a public record under the definitions in *Florida Chapter, Chapter 119*. It is the sole responsibility of the officers, agents, employees, volunteers, and contractors who utilize personal social media sites to capture and save any communications received on the social media sites which relate to official Walton County BCC business and provide such communications to the public records custodian for the Walton County BCC so that such communications may be retained according to the retention schedule established by the Department of State.

Sunshine Law Requirements for Commissioners or Board Members Utilizing Walton County BCC or Personal Social Media

The Walton County BCC and members of other public boards, councils and public bodies who use the Walton County BCC Social Media Sites or personal social media sites must exercise caution to comply with Chapter 286, *Florida Statutes*. Pursuant to the requirements of Chapter 286, *Florida Statutes*, Members of the Board and other public boards, councils and bodies must not engage in an exchange or discussion of matters with other members of the same board, council, or public body via social media on matters that will foreseeably come before that board, council, or other public body.

Policy 2.10 – Workplace Harassment

It is the policy of the Walton County BCC to promote a productive work environment and shall not tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another employee's work performance or that creates an intimidating, offensive, or hostile environment.

- Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment shall be tolerated, including harassment for the following reasons: age, race, color, sex, gender expression or orientation, religion, national origin, marital status, gender identity, sexual orientation, disability, or any other protected status in accordance with the requirements of all federal, state, and local laws. Special attention should be paid to the prohibition of sexual harassment.
- Each department director and supervisor have a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No department director or supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances shall affect the employee's terms or conditions of employment.
- Other sexually harassing or offensive conduct in the workplace, whether committed by department directors, supervisors, non-supervisory employees, or non-employees, is also prohibited. This conduct includes:
 - Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions.
 - Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references.
 - Demeaning, insulting, intimidating, or sexually suggestive comments about an individual.
 - The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs.
 - Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages (such as email, instant messaging, and Internet materials). Any of the above conduct, or other offensive conduct, directed at individuals because of their age, race, color, sex, gender identity, expression or orientation, religion, national origin, marital status, disability, pregnancy, or military status is also prohibited.
- Any employee who believes that a department director's, supervisor's, other employee's, or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or file a complaint about the situation as soon as possible. The report or complaint should be made to the employee's supervisor; or to the department director or Director of HR if the complaint involves the department director or supervisor.
- Complaints of harassment shall be handled and investigated under the Walton County BCC's Dispute Resolution Policy (**Section XI – Dispute Resolution**) unless special procedures are considered appropriate. All complaints of harassment shall be investigated promptly and in an impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to all parties involved.
- Any employee, supervisor, or department director who is found to have violated the Workplace Harassment Policy will be subject to appropriate disciplinary action, up to and including

termination. The Walton County BCC prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about harassment.

Harassment is a form of offensive behavior in which a person targets another employee(s) relating to an individual's age, race, color, sex (including same-sex sexual harassment), religion, national origin, gender identity or expression, or sexual orientation, or disability. It constitutes discrimination and is illegal under federal, state, and local laws.

For the purposes of this policy, "sexual harassment" is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

This policy applies to all employees of the Walton County BCC working at all locations. All employees have an obligation to report sexual harassment—even if they are not the victim.

All workers, including supervisors and managers, shall be subject to discipline, up to and including termination for any act of sexual harassment they commit.

Examples of Prohibited Conduct

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
- Unwelcome sexual advances, propositions, or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.

- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- Sexual, discriminatory displays or publications anywhere in the workplace by our employees.
- Retaliation for sexual harassment complaints.

Responding to Violations of this Policy

If an employee believes that they have been subject to sexual harassment or any unwelcome sexual attention, they may address the situation directly and immediately to the harasser, if possible. If the inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the alleged harasser directly, they should report the incident to their own supervisor or manager. If the inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the situation with the supervisor or manager, they should report the incident to the Director of HR. If the Director of HR is not available or the employee is uncomfortable addressing the situation with the Director of HR, the employee may report the incident to the Walton County BCC Attorney.

It is important to report all concerns of sexual harassment or inappropriate sexual conduct to the Director of HR or a supervisor/manager as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

Employees who violate this policy are subject to disciplinary action up to and including termination. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment. Employees who violate this policy may also be subject to civil damages or criminal penalties.

All inquiries, complaints and investigations are treated discreetly. Information is revealed strictly on a need-to-know basis. Information contained in a formal complaint is closely contained. All information pertaining to a sexual harassment complaint or investigation is maintained by the Director of HR in secure files. The Director of HR can answer any questions relating to the procedures for handling information related to sexual harassment complaints and investigations to complainants and respondents.

Federal, state, and local laws prohibit punishing job applicants or employees for asserting their right to be free from discrimination, harassment, or inappropriate sexual conduct. Asserting these rights is called "protected activity," and it can take many forms. For example, it is unlawful to retaliate against applicants or employees for:

- Filing or being a witness in a complaint, investigation, or lawsuit
- Communicating with a supervisor or manager about employment discrimination, including harassment
- Answering questions during an employer investigation of alleged harassment
- Refusing to follow orders that would result in discrimination
- Resisting sexual advances, or intervening to protect others
- Requesting accommodation of a disability or for a religious practice

Participating in a complaint process is protected from retaliation under all circumstances. Other acts to oppose discrimination are protected as long as the employee was acting on a reasonable belief that something in the workplace may violate federal, state, and/or local laws addressing the employment relationship, even if they did not use legal terminology to describe it or is ultimately incorrect about the issue, provided the employee has made complaint in good faith.

Engaging in protected activity, however, does not shield an employee from all discipline or discharge. Employers are free to discipline or terminate employees if motivated by non-retaliatory and non-discriminatory reasons that would otherwise result in such consequences.

Policy 2.11 – Nepotism/ Employment of Relatives

Chapter 112.3135, *Florida Statutes* severely restricts the employment of relatives (in the same political subdivision) of public officials. “Public Officials” is defined as including any employee with authority to make recommendations for the appointment, employment, etc. The statute definition of “relative” is as stated in Chapter 112.3135, *Florida Statutes*. Compliance with the statute is mandatory and penalties are provided. The Walton County BCC confirms that all employees of the Walton County BCC shall comply with the statute in its employment practices.

Any Walton County BCC employee who exercises jurisdiction or control may not employ, promote, or advocate for employment or promotion any individual who is a relative. An individual shall not be employed or promoted into a position within the Walton County BCC if such a position is made by a group in which a family relationship occurs. A family relationship includes father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Policy 2.12 – Workplace Personal Relationships

The Walton County BCC prohibits romantic or sexual relationships between management or other supervisory employee and their staff (an employee who reports directly or indirectly to that person) because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others or, at a later date, by the staff member as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation or coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. This policy applies to all employees without regard to the gender of the individuals involved.

If any supervisory or management employee enters a consensual relationship that is romantic or sexual in nature with a member of their staff (an employee who reports directly or indirectly to them), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the department director. Although the parties may feel that what they do during non-working hours is their business and not the business of the office, because of potential issues regarding "quid pro quo" harassment, this is a mandatory requirement. This requirement does not apply to employees who do not work in the same department or parties who do not supervise or otherwise have management responsibilities over others.

Once the relationship is made known to the department director, the department director with support from the Director of HR will review the situation considering all the facts (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both parties need to be moved to another job or department. That decision will be based on which move will be least disruptive to the organization.

If it is determined that one or both parties must be moved, but no other jobs are available for either party, one or both parties may be terminated.

Workplace Personal Relationship Matrix

Position	Rule
County Admin / Director	No employees allowed within their department
Manager / Supervisor	No employees directly reporting to them and shall not be involved in employment decisions
HR Director	No employees allowed to work for Walton County BCC
HR Department	HR employee shall not be involved in any employment process or function

Policy 2.13 – Tobacco Free Workplace

The Walton County BCC complies with the *Florida Clean Indoor Air Act (Florida Statute 386.201-386.2125)*. As a result, no employee, vendor, customer, or other person shall smoke including the use of e-cigarettes within our indoor working areas. Anyone intending to smoke must utilize the designated outdoor area during approved breaks. Tobacco use is prohibited within all county owned vehicles.

All infractions of such policy should be immediately reported to your supervisor. Any employee found violating such policy shall be disciplined, up to and including termination.

Employees may contact the HR Department for information regarding the effects of smoking and the availability of smoking cessation programs.

Policy 2.14 – Solicitation

Unrestricted solicitation on Walton County BCC owned or leased property interferes with the normal operations of the organization, is detrimental to discipline and efficiency on the part of employees, is annoying to the public and poses a threat to the organization's security.

No employee or other person may solicit or be solicited during working hours or in work areas.

No employee shall distribute literature to an employee in that employee's work area or during that employee's working hours.

The Walton County BCC maintains bulletin boards to communicate only official Walton County BCC information to employees and to post notices required by law. These bulletin boards are for the posting of Walton County BCC information and notices only, and only persons designated by the department director or County Administration may place notices on or take down material from the bulletin boards.

Policy 2.15 – Safety

It is the policy of the Walton County BCC to promote safety on the job. The health and wellbeing of our employees is foremost among our concerns. For this reason, employees shall follow common sense safety practices and correct or report any unsafe condition, defective tool, or equipment to their supervisor. Each employee is expected to assist the Walton County BCC in maintaining safe working conditions. Safety is a state of mind and requires constant vigilance and common sense. Safety is everyone's responsibility. Remember: SAFETY FIRST.

All accidents and incidents – including those which do not involve serious injury or those involving citizens – must be reported immediately to the employee's supervisor.

- Accident - an unintended and unplanned event that results in personal injury or property damage. When an accident occurs, the employee is required to submit to a post-accident substance test.
- Incident - an event that does not result in personal injury but may result in property damage that should be reported. When an incident occurs, the employee may be required to submit to a post-accident substance test.

Hazardous and Toxic Materials

If an employee's position requires them to use hazardous or toxic materials, they are expected to comply with all federal, state, and local laws and regulations concerning their safe handling and disposal. Departments that use hazardous or toxic materials are required to have access to the Material Safety Data Sheets and all emergency numbers in case of an emergency or for information purposes. Employees shall familiarize themselves with proper handling and safety procedures. Any questions should be referred to the employee's supervisor, department director, the Training Manager, or the HR Department.

Workplace Injuries

The Walton County BCC strives to provide a workplace that is free from any known health or injury hazards. Employees can assist the county by bringing forward any health or safety concerns. Employees may speak with their supervisor, department director or the HR Department about any issues related to safety without fear of reprisal or retaliation. Employees may also receive periodic training on workplace safety and responsible handling of hazardous substances.

If an employee sustains a job-related injury or illness, it must immediately be reported to their supervisor or division director and the HR Department. This reporting requirement applies to all injuries, no matter how small or insignificant it may appear initially. The Walton County BCC wants to ensure that any injured employee receives prompt and appropriate medical attention. Additionally, the Walton County BCC complies with all federal and state regulatory standards regarding workplace injuries and illnesses. As such, we must make a timely record of any workplace injuries or illnesses. We also are responsible for workers' compensation insurance for employees which provides for medical coverage, disability coverage and loss of work time compensation due to a work-related injury.

Employees may report work-related injuries and illnesses without any concerns of adverse employment action or retaliation by the Walton County BCC.

Policy 2.16 – No Scavenging

The Walton County BCC is responsible for the operation of the Walton County Landfill. Once material has passed over the weigh scale it becomes property of the landfill and is subject to this policy.

All Walton County BCC employees are prohibited from:

- Scavenging, salvaging, receiving, or removing any material delivered to the landfill for disposal or recovery.
- Selling for personal gain any material received at the landfill that could be recovered and sold through the recycling program or otherwise used for the benefit of Walton County.
- Transporting for personal use, benefit, or sale of any salvaged or recovered material in a county vehicle.
- Placing salvaged material in a personal vehicle while that vehicle is located on county property.
- Entering the landfill after working hours, or while otherwise not on duty, to engage in salvaging.

Any Walton County BCC employee found in violation of this policy will be terminated from county employment and may be subject to criminal prosecution.

Policy 2.17 – Whistleblower and Retaliation

The Walton County BCC is committed to providing a workplace and citizen service arena in which there is open discussion of operations and practices. Accordingly, anyone who has reason to believe the Walton County BCC is violating or not complying with state or federal statutes, rules or regulations is encouraged to report the concern to County Administration, any member of County management, HR Department, or to any County Commissioner.

The report shall be investigated and even if determined not to be misconduct, fraud, or abuse, the individual making the report shall not be retaliated against. There shall be no punishment, retaliation, or any other type of discrimination for reporting problems.

No Retaliation

No employee who, in good faith, reports a violation of the Code of Ethics shall suffer harassment, retaliation, or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the Walton County BCC prior to seeking resolution outside the organization.

Reporting Violations

The Walton County BCC operates with an open-door policy and suggests that employees share their questions, concerns, suggestions, or complaints with someone who can address them properly. In most cases, an employee's management team is in the best position to address an area of concern. However, if an employee is not comfortable speaking with their management team or the employee is not satisfied with the response, the employee is encouraged to speak with the HR Department. The management team is required to report suspected violations of the code of conduct to County Administration, who has specific and exclusive responsibility to investigate all reported violations. For suspected fraud, or when an employee is not satisfied or is uncomfortable with following the organization's open-door policy, individuals should contact the Director of HR directly.

NOTE: Florida's "Whistle-blower's Act" provides protection against retaliatory action to those reporting information. See F.S. 112.3187 to 112.31895 for detail.

Policy 2.18 – Employee Confidentiality Agreement

Confidentiality is a prime consideration at the Walton County BCC

- Communication of personal information regarding any Walton County BCC business must be regarded as confidential. Any records including but not limited to such things as patient's medical records, telephone conversations, family history, diseases or illness, county finances, and other matters must never be communicated beyond the scope of professional and para-professional personnel who require such information.
- Information regarding the practice, policies, types of cases, internal problems, etc., should not be discussed with other employees, family members, personnel of other organization, news media, or the general public except by those individuals who are directed to communicate such information at the appropriate times.
- This policy concerning confidentiality shall emphasize that any infringement will be considered a violation of this policy leading to disciplinary action up to and including termination.

Policy 2.19 – Gifts and Gratuities

The Walton County BCC employees are prohibited from soliciting or accepting cash or gratuities of any amount from any person or entity doing business with the Walton County BCC. Additionally, unless specifically permitted by this policy, county employees are also prohibited from accepting any and all non-cash gifts, including materials, meals, services, travel, entertainment, attendance at a charitable or similar event as a guest at no cost or at unreasonably discounted prices from person or entities proposing to do or actually doing business with the Walton County BCC. The only exceptions to this policy are as follows:

- Holiday business gifts of value totaling less than twenty-five dollars (\$25) in any single year that are for the shared departmental use or consumption
- Occasional meals in connection with actual business
- Awards or gifts provided by the Walton County BCC in express and open recognition of an employee's contributions

All unpermitted gifts must be immediately declined, returned, or discarded. Employees must report to their supervisors and the HR Department before the end of each month regarding all gifts received during the month. Employees found in violation of this policy will be subjected to immediate disciplinary action, up to and including termination of their employment.

Policy 2.20 – Political Activity

The law does not prohibit a state or local officer or employee from voting as desired or from expressing an individual opinion on political subjects and candidates. The law also does not prohibit an employee from voluntarily engaging in political management or campaigning. What is prohibited generally is coercing other employees to engage in such activity, and improper use of official authority or influence.

An employee may not:

- Take any part in a political campaign while on duty.
- Use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
- Directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

Chapter 99.012, *Florida Statute*, or its successor in function places some restrictions on certain county employees qualifying for public office. Walton County BCC employees not affected by F.S. 99.012, may seek any elected position (municipal, county, state or federal) without resigning or taking a leave of absence, providing campaigning does not interfere with their normal job performance.

The Walton County BCC does not permit solicitation or distribution by non-employees at any time on property owned or leased by the Walton County BCC. Additionally, the Walton County BCC prohibits solicitation and distribution by any employee or non-employee during work time. This includes all types of distribution and solicitation such as requests for charitable giving, endorsement of political campaigns, the sale of goods for the benefit of children or partners, and all other similar behaviors. Employees violating such expectation will be subjected to immediate disciplinary action, up to and including termination of their employment.

Policy 2.21 – Disclosure of Arrest

Anyone known to be violating a local, state, and/or federal law on Walton County BCC owned property or at a county-supported function will be subject to referral for prosecution to the appropriate law enforcement agency.

All employees are required to self-report the following information to their immediate supervisor or the HR Department within forty-eight (48) hours:

- Any arrests or charges that are considered a felony or misdemeanor, other than a minor traffic violation
- Any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation

For purposes of this policy a minor traffic violation is defined as a noncriminal violation that may require community service hours but is not punishable by incarceration and for which there is no right to trial by jury. Criminal traffic violations, including driving under the influence of alcohol and/or drugs, are not minor and must be reported.

Any employee in violation of the reporting requirements of this policy may be subject to disciplinary action up and including termination of their employment.

Policy 2.22 – Driver’s License

Employees driving on behalf of the Walton County BCC shall possess and maintain a valid driver’s license. All new employees shall undergo a driver’s license check through the state agency in which the driver’s license was issued. The HR Department will verify all employee’s driver’s license a minimum of twice per year and all employees who are required to maintain a commercial driver’s license once per month.

Employees are required to provide the HR Department with a current driver’s license prior to the expiration of the driver’s license within their file.

Employees shall immediately inform his/her immediate supervisor in the event the driver’s license is denied, expired, suspended, revoked, or restricted. The immediate supervisor must then immediately contact the HR Department and restrict the employee from operating a county owned vehicle.

Any employee found in violation of this policy will result in disciplinary action up to and including termination of employment.

Policy 2.23 – Equipment Usage

The Walton County BCC has made a tremendous investment in our facilities and equipment to better serve the citizens of Walton County and to make our jobs easier. Equipment such as laptop, cell phone, PowerPoint projectors, MIFI, etc., may be assigned to employees to facilitate their service to Walton County.

Except for the property/equipment specifically assigned to employees for such purposes, no other property or equipment may be removed from the premises without the express permission of County Administration.

An employee's computer may be the most valuable item assigned to them. As well as being expensive to replace physically, your computer may contain valuable and sensitive data.

An employee shall not use the equipment assigned to them to conduct work for yourself or another entity.

Equipment assigned to employees is subject to monitoring. There should not be any expectation of privacy with respect to the use of such equipment. Additionally, employees may be asked to surrender the equipment with no notice for a variety of reasons including routine maintenance.

Requirements for safeguarding equipment assigned to employees includes protecting it from theft. Some general guidelines are:

- Employees shall always remove equipment from a vehicle when the vehicle is parked in a public location such as a restaurant or hotel.
- Never leave equipment in a vehicle overnight.
- Do not remove any inventory or property marking tags.
- Do not remove or disable any protective software.
- Use strong passwords to protect the information stored on your computer.
- Use an uninterruptible power supply, when possible, so that blackouts, brown-outs, and electricity spikes don't harm your equipment.
- Do not place liquids, magnets, or hot items near your equipment.
- If equipment assigned to you needs repair, report it to your supervisor immediately.

Employees are responsible for the safekeeping of any Walton County BCC owned equipment or property that is in their possession. Careless disregard for proper care and safekeeping may result in disciplinary action up to and including termination of employment.

An employee who has been provided Walton County BCC property or equipment such as tools, vehicles, materials, uniforms, etc., is expected to exercise reasonable care in the use and preservation of such equipment and to observe all safety precautions while carrying out the assigned work.

Walton County BCC property shall be used exclusively for the benefit of Walton County and in accordance with the directives of County Administration, Department Directors, and supervisors. Personal or other non-county use of Walton County BCC owned vehicles, materials, supplies, tools, or

any other county property is not permitted. Violations may result in prosecution, or other disciplinary action up to and including termination of employment.

All operators of Walton County BCC owned vehicles and equipment must hold a valid and appropriate license. Employees are required to inform their supervisors of any change of status in their license. Suspension or revocation of an employee's license may necessitate the demotion or discharge of an employee assigned to the operation of county owned vehicles and equipment.

Policy 2.24 – Civic Responsibilities

The Walton County BCC encourages each of our employees to accept their civic responsibilities. As a good corporate citizen, we are pleased to assist you in the performance of your civic duties.

Jury Duty

Any employee who is summoned for jury duty or subpoenaed as a witness when personal litigation is not involved, shall be granted leave time off with pay, upon presentation of a summons or subpoena. If an employee is called to jury duty, they are to notify their supervisor immediately so they can plan the department's work with as little disruption as possible. Employees who are released from jury service before the end of their regularly scheduled shift or who are not asked to serve on a jury panel are expected to call their supervisor as soon as possible and report to work if requested.

Any employee who is required to attend court as a witness or party due to personal litigation or criminal charges are not entitled to leave time off with pay and any time off approved by the Department Director is without pay unless the employee utilizes available PTO.

Voting

The Walton County BCC wants every employee to have the opportunity to vote in every election. Generally, there shall be sufficient time to vote either before or after an employee's scheduled shift. However, if the employee foresees a problem reaching the polls prior to them closing, they should notify their supervisor so that leave time off without pay can be granted.

Policy 2.25 – Social Events

The Walton County BCC culture seeks to be inclusive and permit all employees to participate in all social gatherings that occur within the workplace. Events such as birthday parties, retirement celebrations, and other like events represent opportunities to fellowship and further develop the culture of the Walton County BCC. As such, no employee shall initiate or organize a social gathering or function without inviting all employees to attend. Simultaneously, no employee should ever feel pressured to participate in such an activity and simply needs to express their lack of interest in such participation to those organizing such an event.

Policy 2.26 – Workplace Violence

The Walton County BCC strives to provide a safe and secure workplace for all employees. Threats, threatening behavior or acts of violence against employees, visitors, or other individuals by anyone on county property shall not be tolerated. These violations of policy shall be subjected to immediate disciplinary action, up to and including termination of their employment, and may lead to arrest and prosecution, as determined by the appropriate law enforcement agency.

Prohibited Conduct

The Walton County BCC shall not tolerate any type of workplace violence committed by or against employees. The following list of behaviors, while not all inclusive, provides examples of conduct that is prohibited:

- Causing physical injury to another person
- Making threatening remarks
- Stalking
- Use of e-mail to threaten, intimidate, or cause fear
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress
- Intentionally damaging employer property, property of another employee or property of any other person or entity
- Possession of any weapon, including a firearm, while on Walton County BCC property, in Walton County BCC owned, leased, or rented vehicle while performing Walton County BCC business. This prohibition shall not apply to anyone legally certified to carry weapons in the performance of their lawfully duty or those employees who meet the private vehicle storage requirements of Section 790.251, *Florida Statutes*. In keeping with the protections granted by the 2nd Amendment of the United States Constitution and Florida law, employees may carry concealed firearms on duty if properly licensed by the State of Florida or a Florida approved reciprocal state, and in strict compliance with provisions and restrictions set out in Chapter 790.06, *Florida Statutes*, reciprocal state's license regulations and any federal law or rule with the exception of employees whose job requires them to supervise state or county inmates. Employees may not leave any weapon in an unoccupied Walton County BCC vehicle.
- Committing acts motivated by, or related to, sexual harassment or domestic violence

Reporting and Investigating Threats or Incidents

- If the incident constitutes an emergency, CALL 9-1-1. After 9-1-1 is contacted, contact department director or supervisor. In instances that are not emergency situations, contact a supervisor, manager, department director and HR Department.
- If possible, separate the parties involved in the altercation. If the parties cannot be separated, or if it would be dangerous to do so, CALL 9-1-1.
- Contact the appropriate department director. The department director, together with the HR Department, will assess and investigate the incident and take appropriate action.
- In instances that involve emergency situations or criminal activity, the Director of HR will contact County Administration and the appropriate law enforcement agency for assessment and, if advisable, investigation and prosecution.

Policy 2.27 – Professional Development

Memberships in Clubs and Civic Organizations

The Walton County BCC encourages employees to participate in the activities of certain community clubs and civic organizations.

Employees are encouraged to seek membership in community clubs and civic organizations where membership will promote the Walton County BCC's interests and enhance its image in the community. However, employees who participate in clubs or community organizations may not allow their activities to interfere with job performance, harm, or conflict with the Walton County BCC's interests.

The Walton County BCC may identify certain community organizations in which it wants to be represented and then designate the employees that it will sponsor for membership in them. Employees who are designated for membership act as Walton County BCC representatives in the organization and are expected to promote Walton County's interests.

Employee participation in club and civic organization activities may not be considered hours worked for pay purposes unless it is at the Walton County BCC's request or under its direction and control.

The Walton County BCC will normally consider the following factors when selecting organizations for representation and designating employees to sponsor for membership:

- The nature and purpose of the club or organization
- The potential benefit to Walton County, including the enhancement of the employee's leadership and organizational skills
- The cost to the Walton County BCC
- The extent to which the Walton County BCC is already represented in the club or organization
- The employee's job responsibilities, length of service, and overall qualifications for membership

The Walton County BCC may review periodically its representation in community organizations and its sponsorship of employees for membership and will make changes as it considers appropriate.

Trade and Professional Associations

The Walton County BCC encourages employees to participate in certain trade and professional associations.

Employees are encouraged to participate in trade and professional associations that promote the Walton County BCC goals, individual skills development, and professional recognition. However, employee participation in those associations must not conflict with the Walton County BCC's interests.

The Walton County BCC may identify certain trade and professional associations in which representation is desirable and then designate the employees that it will sponsor for membership. Employees who are designated for membership act as county representatives in the association and are expected to promote its interests and to participate accordingly.

Employee participation in trade and professional association activities may not be considered as hours worked for pay purposes for employees classified as nonexempt under the Fair Labor Standards Act unless participation is at the Walton County BCC's request or under its direction and control.

Department directors are responsible for coordinating representation in trade and professional associations. The following factors normally will be considered in selecting associations for representation and in designating employees to be sponsored for membership:

- The nature and purpose of the association
- The potential benefit to Walton County, including enhancement of Walton County's reputation and the development of the employee's leadership and organizational skills
- The cost to the Walton County BCC
- The extent to which the Walton County BCC is already represented in the association
- The employee's job responsibilities, length of service, and overall qualifications for membership

Department directors are responsible for planning, budgeting, and approving the expenses of their employees' participation in association activities. The Walton County BCC may pay or reimburse the approved expenses of employees sponsored for membership in trade and professional associations according to Florida Statutes.

Employees must have their department directors advance approval before soliciting or accepting any official position in a trade or professional association. If the employee receives approval, the department director also should determine the extent of compensation that the employee will receive for association activities conducted during working time. Additionally, the department director should decide the extent that the employee may be reimbursed for expenses incurred in performing official duties.

Employees are encouraged to contribute articles, present papers, and give talks to trade and professional associations. However, employees must obtain prior approval from County Administration and/ or the Walton County Legal for any communication that might represent the Walton County BCC's position or involve any information that is confidential.

Policy 2.28 – Rest Breaks and Meal Periods

Rest Breaks

Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) should receive, unless job conditions do not permit, a rest break of fifteen minutes at approximately the middle of every four hours of work not interrupted by a meal period.

Supervisors are responsible for scheduling the time for nonexempt employees' rest breaks and should consider the workload and the nature of the job performed. Whenever necessary, the frequency and time of rest periods may be changed.

Time spent on rest breaks of fifteen minutes or less, shall be compensated as working time, and nonexempt employees are not required to show rest breaks on their time sheets. However, employees are expected to be punctual in starting and ending their breaks and may be disciplined for tardiness.

Employees who choose to remain at work during rest breaks are not entitled to arrive later than the scheduled starting time or leave before the normal quitting time and shall not receive extra pay for the time worked.

Rest breaks may be taken in designated non-work areas. Employees shall not leave the Walton County BCC's premises during rest breaks unless approved in advance by their department director.

Employees on rest breaks may not interfere with other employees who are continuing to work.

Meal Periods

Full-time employees are allowed a meal period near the middle of the workday. In departments operating on single shifts, the meal period may be sixty minutes or less. In departments operating on two or three shifts, the meal period may be sixty minutes or less, depending on operating requirements.

Part-time employees scheduled to work more than five consecutive hours during any workday will receive a meal period of the same duration as full-time employees in their department.

Supervisors are responsible for balancing workloads and scheduling meal periods and should take into consideration the workload and the nature of the job performed. Whenever necessary, the duration and time of meal periods may be changed.

Employees required to work more than ten hours in any workday will be allowed a second meal period no later than six hours after returning from their first meal period.

Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) shall not be compensated for their meal periods unless they are required to work during their meal period. Nonexempt employees must record meal periods on their timesheets.

Employees on meal periods are not permitted to interfere with other employees who are continuing to work.

Section III
Recruitment, Selection, & Appointment

Policy 3.1 – Recruitment, Selection, & Appointment Purpose

The Walton County BCC is committed to recruiting, selecting, and retaining the highest caliber of employees to continue the mission of Walton County. The Recruitment, Selection, and Appointment Plan is designed as an effective and efficient method for talent acquisition and retention of employees in Walton County. The HR Department is tasked with the facilitation of all aspects of recruitment, selection, and appointment to the benefit of the hiring department and hiring manager.

Policy 3.2 – Equal Employment Opportunity

The Walton County BCC is committed to providing equal opportunity in all of our employment practices, including selection, hiring, promotion, transfer, and compensation to all employees and qualified applicants without regard to age, race, color, sex, gender expression or orientation, religion, national origin, marital status, gender identity or expression, or sexual orientation, disability, or any other protected status in accordance with the requirements of all federal, state, and local laws.

It is the policy of the Walton County BCC to provide equal employment opportunity without regard to race, color, disability, sex, national origin, political affiliation, religious action, or any other protected category. The Walton County BCC is fully committed to assuring equal opportunity and equal consideration to all applications and employees in personnel matters. This includes recruitment, screening, selection, hiring, training and development, compensation, evaluation, scheduling, job assignments, promotion, transfer, demotion, discipline, dismissal, and benefits.

Policy 3.3 – Reasonable Accommodation of Disabilities

In accordance with applicable law, the Walton County BCC shall provide reasonable accommodations upon request to otherwise qualified individuals with a legally recognizable disability, to the extent that the reasonable accommodation does not constitute an undue hardship to the Walton County BCC or pose a direct threat of substantial harm to the health or safety of the individual or anyone else. Individuals who believe they need a reasonable accommodation should submit a request to the HR Department. The Walton County BCC reserves the right to request medical or other supporting documentation to the extent permitted by applicable law.

Policy 3.4 – Employment and Staffing

The HR Department shall be responsible for:

- Conducting recruitment programs for individual positions or groupings of positions within their agencies in accordance with Florida Statutes and applicable rules.
- Announcing positions, distributing employment applications, and accepting employment applications for positions in accordance with applicable rules.
- Selecting individuals for specific positions in accordance with applicable rules.
- Determining applicant eligibility in accordance with applicable rules.
- Documenting recruitment, eligibility determination, and selection activities in accordance with applicable rules.
- Giving preference in employment consideration to eligible veterans and spouses of veterans in accordance with Chapter 295, *Florida Statute* and Florida Administrative Code Chapter 55A-7.
- Informing applicants of the employment process and distributing employment applications and other recruitment information.
- Responding to general applicant inquiries and referring applicants to appropriate agencies and resources.

Department directors have the responsibility to determine whether an applicant is technically qualified for the open position and meets the other job-related criteria necessary to perform the job. The decision whether to hire the applicant is to be made by the department director, but must also have the approval of the Director of HR.

Policy 3.5 – Types of Employment

Board Appointments

The County Administrator, the County Attorney, and the Tourist Development Council Executive Director shall be appointed by and serve at the pleasure of the Walton County BCC. Individual Commissioner Aides shall be appointed by and serve at the pleasure of their respective commissioner. Such employees are eligible for all Walton County BCC benefits as set forth in the Human Resources Policy Manual. The County Administrator, the County Attorney, and the Tourist Development Council Executive Director shall be approved by the Board of County Commissioners and bound by the terms set forth in their executed contracts. Any additional board appointments shall be approved by the Board of County Commissioners at their discretion.

Regular Full-Time

An employee occupying a permanent, budgeted position that requires thirty (30) or more hours of work per week. Such employees are eligible for all Walton County BCC benefits as set forth in the Human Resources Policy Manual.

Part-Time

An employee occupying a permanent, budgeted position that requires less than thirty (30) hours of work per week. Such employees are not eligible for health insurance benefits but are eligible for certain other benefits as set forth in the Human Resources Policy Manual.

Temporary (with or without Benefits)

An employee hired to fill a full or part-time position related to a special project or program for a pre-defined period of time or for the duration of the project or program not to exceed six (6) consecutive months.

Seasonal

An employee hired to fill a part-time position related to a special project or program for a pre-defined period or for the duration of the project or program not to exceed six (6) consecutive months. Seasonal employees are not eligible for benefits.

Policy 3.6 – Competitive Process

It is the policy of the Walton County BCC to be an equal opportunity employer and to hire individuals based on their qualifications and ability to do the job. All positions which a department intends to fill shall be announced either internally, externally, or both.

Department directors and supervisors who need to fill a job opening or want to add a new job position should submit an employment requisition to HR Department for approval. All requisitions will be reviewed and approved by the Director of HR, but those for a new job position will be evaluated in greater detail and approved by County Administration.

The Walton County BCC may attempt to fill job openings above entry level by promoting from within if qualified internal applicants are available.

Any candidate for employment must fill out and sign an employment application form to be considered for hiring.

The HR Department will consider requests for accommodation of disabilities and religious beliefs and will determine what, if any, accommodation will be made.

All applications are screened for qualifications. Only applicants determined to meet all minimum qualifications shall be considered for available job openings. These applicants shall be referred to the hiring manager by HR Department.

The department director has the responsibility to determine whether an applicant is technically qualified for the open position and meets the other job-related criteria necessary to perform the job. The final decision whether to hire the applicant shall be made by the department director, but must also have the approval of the Director of HR. Starting rates of pay shall be in accordance with **Policy 5.3 – Starting Rate Policy** and **Policy 8.2 – Promotion Policy**.

Interviews shall be conducted in accordance with **Policy 3.6 – Interview Process Policy**. Applicants not chosen as a finalist will be notified via the email provided on the application. These applications will remain on file electronically in accordance with Florida Records Retention requirements.

Policy 3.7 – Interview Guidelines

All appointments shall be made on the basis of merit by a competitive interview process, which may include, but not restricted to, any or all of the following: oral interview, written test, performance test, evaluation of training and experience, education, length of time in present position, and any other applicable criteria which will fairly measure the relative abilities of individuals competing in examinations.

Reasonable accommodations will be provided in the interview process when requested by any job applicants who requests them.

A minimum of three (3) candidates and a maximum of six (6) candidates are to be interviewed per each open FTE position. When interviewing for a department director or management position the hiring manager may select to interview a maximum of ten (10) candidates when two (2) levels of interviews are required. Any exception to this process shall be approved in advance by the Director of HR.

The interview panel may be comprised of three (3) or more members to include the position supervisor, department director or exempt-level department designee, and an exempt-level employee outside the hiring position's department. Prior approval by the Director of HR is required for all non-Walton County BCC employee panel members. A second interview may be required at the request of the interview panel, department director, Director of HR, or County Administration.

Following an interview, the HR Department will make available, upon request, the results in accordance with Chapter 119, *Florida Statutes*.

Policy 3.8 – Processing New Hires

Following a decision to hire the applicant, the HR Department will make an offer of employment, which shall include any necessary contingencies or disclaimers. The HR Department will determine whether the applicant has the legal right to work in the United States and, where appropriate, conduct credit, personal reference, driving record, and criminal conviction checks. A prior conviction, taken by itself, will not necessarily disqualify an applicant. If the applicant accepts the offer and a medical examination is required, the HR Department shall arrange it.

If the background or any other subsequent investigation discloses any misrepresentation on the application form or information indicating that the individual is not suited for employment with the Walton County BCC, the applicant shall be refused employment or, if already employed, may be terminated. Any candidate who returns a positive drug screen shall be prohibited from employment with Walton County BCC for one (1) year from the date of the drug screen results.

The HR Department is responsible for orientation of new employees and the processing of their employment forms; the department director or supervisor is responsible for any necessary department specific job training.

Policy 3.9 – Background Checks

The Walton County BCC must be able to employ individuals that are trustworthy and able to properly interact with key organizational partners. Employees agree, by signing the acknowledgment provision verifying agreement to this handbook, that the Walton County BCC may conduct occasional criminal, employment, driving and educational backgrounds on employees as it deems necessary to conduct its operation in a profitable and legal manner. The Walton County BCC reserves the right to take any and all action it deems necessary to act upon the results of such ongoing screening.

Policy 3.10 – Training Period

All employees shall serve a training period before their status is considered permanent. The training period will be considered an integral part of the examination process and will be utilized for evaluation of an employee's performance and adaptability to the position, and for separating from employment an employee who does not meet the appointing authority's expectations.

Training Period (Initial Employment)

When a person is initially employed to fill a position on a regular full-time or part-time basis, they shall be given a training period. This period shall be considered the "working test" portion of the employment process and they must pass this period of observation and evaluation successfully. The initial training period shall be six (6) months for all employees based on any continuous employment whether it is full-time or part-time.

Training Period (Extended)

An employee may be placed on an extended training period due to a disciplinary action or documented work performance deficiencies for a specified period at management's discretion. Any employee placed on an extended training period will not be eligible to be paid any annual leave if termination occurs prior to the end of the extended training period.

Training Period (Promoted)

Employees who are promoted may serve a new training period of up to six (6) months. If at any time during the training period the employee does not satisfactorily perform to the standards of their new classification, they may be subject to demotion to previous position or termination.

Training Period (Demoted)

Any employee who is granted a voluntary demotion or who is involuntarily demoted due to performance deficiencies may serve a new training period of up to six (6) months. If at any time during the training period the employee does not satisfactorily perform to the standards of their new classification, they may be subject to termination.

Reclassification

Employees who are affected by an upward or downward position reclassification may not have to serve a new training period.

Policy 3.11 – Temporary Employee

A temporary appointment may be made for a special project or other work of a temporary or transitory nature that will not exist beyond six (6) consecutive calendar months and is not renewable. Temporary appointments may exceed six (6) months when needed to replace or supplement employees incapacitated by workers' compensation injuries. A temporary appointment which exists for any part of a month is considered to be in existence for the entire month. At the point the temporary appointment has been identified as lasting longer than six (6) months Walton County will begin paying retirement in accordance with the *Florida Administrative Code Chapter 60S – 1.004*.

Policy 3.12 – Veteran’s Preference

As a public employer, the Walton County BCC is committed to providing preference to all veterans during hiring, retention, and promotion.

Chapter 295, *Florida Statutes* sets forth the requirements for public employers to provide preferences in employment, retention, and promotion to eligible veterans, spouses of veterans, and other veterans’ preference eligible individuals. Individuals who qualify for this preference are as follows:

- A disabled veteran who has served on active duty in any branch of the U.S. Armed Forces, has received an honorable discharge, and has established the present existence of a service-connected disability that is compensable under public laws administered by the U.S. Department of Veterans Affairs; or who is receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans Affairs and U.S. Department of Defense.
- The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of a person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.
- A wartime veteran as defined in s. 1.01(14), who has served at least one day during a wartime period. Active duty for training may not be allowed for eligibility under this paragraph.
- The unremarried widow or widower of a veteran who died of a service-connected disability.
- The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions, as verified by the U.S. Department of Defense.
- A veteran as defined in s. 1.01(14), F.S. Active duty for training may not be allowed for eligibility under this paragraph.
- A current member of any reserve component of the U.S. Armed Forces or the Florida National Guard.

Veterans must have been honorably discharged as indicated on their DD214 to be eligible for preference. Eligible applicants who meet the requirements for the position are guaranteed preference at every step through-out the hiring process.

Applicants who wish to claim Veterans’ Preference, must meet the following criteria at the time of application:

- Submit a copy of your DD-214, Certificate of Discharge or Separation from Active Duty, or other official documents (to include military discharge papers, or equivalent certification from the DVA listing military status, dates of service, and discharge type) issued by the branch of service.
- Possess the minimum qualifications necessary to the discharge of the duties involved. The rule defines “minimum qualifications” to mean a “specification” of the kinds of experience, training, education and/or licensure or certification that provides “appropriate job-related evidence that an applicant possesses the minimum required knowledge, skills, and abilities necessary to the discharge of the duties involved.”
- Certain positions are exempt from Veterans Preference as designated in *Section 110.205(2), F. S.*

Policy 3.13 – Contract Positions

Contract position applications are accepted year-round and are intended to fulfill short-term or sporadic needs of the Walton County BCC and are therefore hired based on applicant meeting qualifications. Contract positions may be hired using a non-competitive process of employment.

Policy 3.14 – Federally Funded Positions

The Walton County BCC may employ individuals based on funds being available from the federal government. At the time these funds become unavailable the Walton County BCC may or may not terminate employment. Federally funded positions may be hired using a non-competitive process of employment.

Policy 3.15 – Internship Positions

The Walton County BCC may allocate funding for a Walton County Internship Program to provide vocational and college students the opportunity to obtain practical work experience in a public sector environment. The intent of this program is to expose vocational, undergraduate, and graduate students to the inner workings of Walton County government and spark their interest in future career opportunities within the Walton County BCC. Unpaid interns are prohibited from operating Walton County BCC owned motor vehicles.

The Walton County BCC may use students and other similar applicants for flexible staffing purposes, as allowed by law. Minor applicants generally will be required to provide a certificate of age. The HR Department shall handle the assignment of students to special temporary or part-time jobs that are part of training programs.

Policy 3.16 – Volunteer Positions

The Walton County BCC fully encourages the use of volunteers to supplement the regular employee workforce. The Walton County BCC recognizes these individuals as contributing a valuable service to Walton County, while receiving a worthwhile and fulfilling experience. It is further recognized that the success of having a volunteer program is dependent on having the commitment and support of the Walton County BCC, each county department, and its management staff. Volunteers are prohibited from operating county owned motor vehicles unless approved prior by County Administration or the department director and Director of HR and the volunteer has completed all pre-employment screening processes.

Policy 3.17 – Personnel Records

The Walton County BCC shall utilize a personnel records system that is as complete, accurate, and functional as practicable within operational constraints. The HR Department is responsible for the maintenance and improvement of all the Walton County BCC's personnel records system.

The Walton County BCC respects the privacy of its employees and, in this regard, will keep all information in its personnel files confidential, to the limited extent permitted under Florida law. The personnel records of employees are public records and are open to inspection and copying by anyone who desires access to these files, as provided in Chapter 119, F.S. If you believe you qualify for an exemption from the Public Records Law, please contact the HR Department to have your records properly flagged.

The Walton County BCC shall not be liable, to any degree, for any incorrect withholding of deductions, erroneous designations of beneficiaries, or loss of employee benefits, if an employee has failed to notify the HR Department with accurate and current information for his/ her personnel file.

After initial establishment of the employee's personnel record by the HR Department, each department will be responsible for forwarding official employment records to the HR Department including all disciplinary actions.

Employment records shall be retained based on the General Records Schedule for State and Local Government Agencies as established by the Florida Department of State.

Each employee is responsible for notifying the HR Department to update information contained in his/ her personnel file in order to maintain accurate employee information such as: name; current residential and/ or mailing address; current telephone number; emergency contact; dependents eligible for family insurance coverage and beneficiary designations; copies of required certificates, diplomas, transcripts, and other education records; payroll deduction authorizations; arrests and/ or convictions; driver's license status; any other pertinent information previously provided to the Walton County BCC.

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Section IV Classification Plan

Policy 4.1 – Purpose

The Walton County BCC shall maintain a classification plan applicable to all regular positions. The HR Department, with direction from County Administration as necessary, will be primarily responsible for administration of the plan. In administering the plan, the HR Department may conduct studies, review, and revise position descriptions, develop forms and procedures, and take other necessary and appropriate steps.

The HR Department shall periodically review each position or class of positions as to the work performed by the position or class, the level of difficulty, the degree of responsibility and the appropriate wage or salary to ensure that the classification plan remains current and uniform. When circumstances dictate, the HR Department should recommend to County Administration, additions, deletions, changes, and reclassifications to the plan.

The HR Department shall also be responsible for maintaining a record of those positions within the classification plan that are authorized to be filled.

The Classification Plan is the foundation upon which a comprehensive human resources program is built. The Classification Plan is used:

- As a guide in recruiting and examining candidates for employment
- To provide a systematic arrangement and inventory of positions
- To determine appropriate salary ranges
- To provide uniform terminology of jobs
- To aid in perfecting and revising organizational structure, clarifying lines of authority, and identifying responsibility

Policy 4.2 – Class Specifications

Each class specification lists the minimum requirements or qualifications needed to perform the job such as education, work experience, and other qualifications.

Class specifications are descriptive and explanatory and are not necessarily inclusive of all duties performed. They are designed to indicate the types of duties and level of responsibilities assigned to the class. Employees can be required to perform duties that are not included within their job description.

The Director of HR shall maintain a master set of all approved class specifications which shall constitute the official Classification Plan. The official copy shall show all amendments to the original plan. The copies of the specifications may include the date of adoption and/or the last revision of the class specification.

Policy 4.3 – Position Titles and Descriptions

The title of an official class position shall be used to designate the position in all budget estimates, payrolls, and other official records, documents, vouchers, and communications in connection with all human resources processes.

Each position shall have a written description consisting of a statement describing the nature of the work, the essential duties and functions of the position, and the required knowledge, skills, training, abilities, experience, and qualifications for the position.

Position descriptions are intended to be representative of the positions in the class and to provide illustrations of the responsibilities and duties of the position. Position descriptions should not be interpreted as restricting a supervisor from assigning other pertinent duties to an employee.

Policy 4.4 – Classification of New Positions

Department directors shall promptly notify the HR Department of the need for new positions and allow sufficient time for a review and recommendation concerning the request. To the extent feasible, actions that may result in the establishment of new positions may be processed as part of the normal budget cycle. Each department Director is responsible for obtaining board approval for any additional FTEs.

Department directors proposing a new position shall provide the HR Department with a description of the duties, responsibilities, skills, knowledge, abilities, qualifications, and other information necessary to properly classify the position utilizing the Position Questionnaire provided by the HR Department.

Following the HR Department's review of the request for a new position together with any other pertinent information, County Administration, if they determine it to be in the Walton County BCC's best interests, may approve the update to the Walton County BCC Classification Plan.

Policy 4.5 – Reclassification of Positions

The Director of HR shall recommend changing the classification of existing positions when it is determined that the position is incorrectly classified. Such action is called reclassification and must be reviewed and approved by County Administration. If an employee has facts that indicate that his/her position is improperly classified, the employee may request the Director of HR review the classification of the position, with the knowledge of their department director. Such request shall be submitted in writing and shall contain a statement of justification. For this or any other type of request for reclassification from any source, the HR Department may investigate actual or suggested duties of the position and reclassify the position to the appropriate location within position control if warranted. Reclassification may occur as the result of the conditions described below.

- The position was incorrectly classified and there has been no substantial change in duties from those in effect when the position was originally categorized. If the position is occupied at the time of reclassification, the employee shall be entitled to serve therein and retain the corresponding status after the position is reclassified.
- There has been a substantial change in the duties and responsibilities associated with a position since it was classified to a particular grade. If the position is assigned a higher pay grade than the current position, such action is considered an upgrade for the position. If the position is occupied at the time of an upgrade, the incumbent may be reclassified, but does have to meet the minimum qualifications of the new position if they are changed. A salary adjustment may be granted in accordance with **Policy 5.6 – Pay Upon Promotion or Demotion**.

Policy 4.6 – Position Control

All positions in the Walton County BCC are established and maintained through a budget each fiscal year in accordance with established budget and accounting procedures. The establishment of additional positions not approved through the budget process shall be coordinated through the HR Department and will be accomplished at the discretion of County Administration upon approval of the Board. Changes to position allocations that do not result in an increase in the current approved budget of a department may be authorized by County Administration.

Policy 4.7 – Abolishment of Positions

Whenever there is justification for abolishing a position such as lack of work, reorganization, lack of funds, or other reason, the department director shall make such recommendation to the Director of HR. The Director of HR shall review and present such recommendations to County Administration for approval. In no case shall a position be abolished as means of terminating an employee.

Policy 4.8 – Maintenance of the Classification Plan

Each time a department is substantially reorganized, the department director shall submit new Position Questionnaires for all affected positions to the HR Department.

The HR Department may require department directors to submit a Position Questionnaire at any time when there is reason to believe there has been a change in duties and responsibilities of one or more positions.

Any change in the Classification Plan, such as establishing new positions, abolishing positions, reclassifying positions, or pay grade changes for positions require review by the Director of HR and the approval of County Administration.

Annually, the Director of HR may review the Classification Plan with County Administration to determine if changes are warranted.

Section V Compensation Plan

Policy 5.1 – Purpose

The Compensation Plan is designed as a fair and equitable method for payment of employees of the Walton County BCC. The Compensation Plan shall establish a basic salary schedule as approved by the Walton County BCC. The salary ranges shall include minimum and maximum rates of pay for all positions included in the Classification Plan. In addition to the basic salary schedule, the Compensation Plan consists of two (2) salary components that shall be used to adjust employee compensation. These two (2) mechanisms include market adjustments and performance awards.

Nonexempt Plan

Walton County BCC compensates nonexempt employees based on a pay grade plan.

Exempt Plan

Walton County BCC compensates exempt employees on a salary range-based system.

Policy 5.2 – Nonexempt Pay Grade Plan

The Nonexempt Pay Grade Plan is based on a step-plan system. Every employee within a nonexempt position is placed on step within the Nonexempt Pay Grade Plan that coincides with their position within the classification plan.

- All Nonexempt Employee pay rates shall coincide with the position grade assigned per the Walton County BCC Classification System Section IV of the Human Resources Policy Manual
- All Nonexempt Employees who receive an adjustment in pay whether an increase or decrease shall be moved to a current step of the position grade.

Policy 5.3 – Exempt Pay Range Plan

The Exempt Pay Range Plan is based on a pay band system. Every employee within an exempt position is placed within the pay band on the Exempt Pay Range Plan that coincides with their position within the classification plan.

- All Exempt Employee pay rates shall coincide with the position grade assigned per the Walton County BCC Classification System Section IV of the Human Resources Policy Manual
- No Exempt Employee's pay rate shall exceed the position pay range maximum without approval from County Administration

Policy 5.4 – Market Adjustment

The market adjustment is the cost-of-living adjustment (COLA) and is the component that is used to ensure that the salary structure is adjusted to reflect changes in the wage index. This review is done annually as a part of the budget process and if approved, will normally take effect on October 1. The review is based upon information provided by the HR Department, the Office of Management and Budget, and County Administration, with approval by the Walton County Board of County Commissioners.

Employees who have been employed less than six (6) months may receive a prorated COLA adjustment with the approval by the Board.

Policy 5.5 – Starting Rate for New Employees

In most cases, a new employee shall be paid the minimum rate of pay for the position. Exceptions may be granted based on experience and qualifications with the approval of the department director and the Director of HR. The minimum rate for each position is based upon the assumption that a new employee meets the minimum qualifications stated in the class specifications.

Nonexempt Employees

New employees shall be hired in at the minimum hourly rate on the Nonexempt Employee Grade Pay Plan. At the recommendation of the hiring manager and approval of the division director new employees may receive step credits at the rate of one (1) step for every three (3) years of verifiable professional work experience. Any exception to this rule must be approved by the Director of HR with guidance from County Administration.

Exempt Employees

Exceptions may be granted based on previous experience and qualifications of the applicant with the approval of the department director and the Director of HR up to the established mid-range of the pay range. Any amount more than twenty (20) percent must be approved by the Director of HR with guidance from County Administration.

Policy 5.6 – Pay Upon Promotion or Demotion

Promotion:

Absent an exception approved by the Director of Human Resources or County Administration, a promoted employee shall receive a salary increase to at least the minimum rate of the position to which the promotion is made. If the employee’s training, experience, or other qualifications are substantially above those required for the position; a starting salary may be granted above the minimum rate, not exceeding ten (10) steps for nonexempt positions or twenty (20) percent for exempt positions, subject to the approval of the department director and the Director of HR, provided the increase does not exceed the maximum rate for the position to which the promotion is made.

Demotion:

Absent an exception approved by County Administration, a demoted exempt employee shall receive a decrease in salary of five (5) percent for each Position Pay Range level the employee is demoted or the maximum rate of the position to which the demotion is made depending on the lesser rate. A nonexempt employee who is demoted will move to their current step within the new Position Pay Grade on the Nonexempt Step Plan.

	Position Pay Grade	Position Pay Range	
		223	
		222	
		221	
		220	
		219	
		218	
		217	
		216	
		215	
		214	
		213	
		212	
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	113		
	112		
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	110		
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	108		
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	103		

Policy 5.7 – Temporary Work at Higher Classification

An employee may be required to work at a higher classification on a temporary, incidental, or emergency basis and may do so at the discretion of the department director or County Administration. Any such temporary assignment shall not affect the employee's eligibility for normal merit advancements. Documentation of employee temporary assignments should be included in the personnel records.

- Nonexempt employees may receive a temporary pay rate increase not to exceed Five (5) Steps on the Nonexempt Step Plan at the request of the department director and approval by the Director of HR.
- Exempt employees may receive a temporary pay rate increase not to exceed Ten (10) percent of their base pay rate at the request of the department director and approval by the Director of HR.

At the end of the temporary assignment the employee shall be returned to their previous pay rate minus any annual or merit increases.

Policy 5.8 – Incentive Pay

It is the intent of the Walton County BCC to encourage the professional development of its employees. One way in which the Walton County BCC rewards professional development is through incentive pay for achieving certain certifications that are related to the employees' current position within the organization.

At the request of the employee's supervisor and the approval by the department director and the Director of HR employees who obtain a professional certification, license, or credential may receive incentive pay based on the following guidelines. A copy of the certification must be submitted to the HR Department prior to the increase in salary.

Nonexempt Employees

- Shall receive one (1) step per certification earned

Exempt Employees

- Shall receive up to a two (2) percent annual salary increase per certification earned

Some examples of certifications (not all inclusive):

- Class A or B Driver's License
- Inmate Supervisor Certification
- Florida Association of Code Enforcement Certifications
- Professional in Human Resource Certification

Policy 5.9 – Overtime Pay

Exempt Employees

- Executive, professional, and administrative, as defined in the Fair Labor Standards Act, are normally exempt from overtime except during emergencies or disasters. All department directors are included in this exemption. When a state of emergency has been declared or in the opinion of County Administration with direction of the Board, exempt employees may be authorized for overtime pay.

Nonexempt Employees

- All nonexempt employees will be paid overtime compensation after forty (40) hours of work in a seven (7) day work week. The Walton County BCC work week starts on Saturday and runs through the following Friday. Nonexempt employees shall receive one and one half (1½) their regular hourly rate of pay for all hours worked more than forty (40) per work week.

General Requirements

- Overtime is to be avoided except during peak loads or in emergencies. Employees are strictly prohibited from working overtime without permission in advance from their supervisor.
- Overtime hours must be submitted on the time sheet and should include the total number of hours and the date the overtime was worked.

Policy 5.10 – Merit Pay Increase

To be eligible for a merit increase, an employee must be employed with at least six months of continuous service before merit award date.

An employee whose pay is at the maximum step of the grade scale or the maximum of the salary band may not be granted an increase that would cause the base pay to exceed the maximum of the grade or range for that position without the OMB Director and County Administration approval.

Determination of Merit Increase

Supervisors and managers shall recommend merit-based pay increase for the following reasons:

- To retain an employee
- To reward an employee's performance beyond the annual increase
- Additional duties added to employee current position
- Major re-evaluation of current position
- Status change from PT to FT
- Lateral transfer at the Walton County BCC's request

Review and Approval of Request

Prior to approval the department director, the OMB Director, and/ or the Director of HR will

- Review the reason for the request
- Review the employee's previous performance
- Confirm funding within the budget
- Consider previous similar requests throughout the Walton County BCC for consistency

Increase Rates

Nonexempt Employees

Request is not to exceed ten (10) steps on the Step Plan

Exempt Employees

Request is not to exceed twenty (20) percent increase to annual salary

Policy 5.11 – Additional Pay Types

Call Back Pay

Nonexempt employees who have completed their regularly scheduled workday and who are called back to work shall receive either two hours call back pay at their regular hourly rate of pay or pay for the actual time they spend working when called back; whichever is greater.

Holiday Additional Pay

This type of pay applies to nonexempt employees who work within departments that require employees to regularly work holidays. Nonexempt employees who are scheduled and work on a Walton County BCC approved holiday shall receive an hourly rate at one and a half their normal hourly rate. Employees are required to work their scheduled day prior to and after the scheduled holiday to receive holiday pay.

Location Pay

Nonexempt employees who are scheduled to work at locations determined by the department director and the Director of HR to require additional compensation shall be paid an additional hourly wage. The rate of the additional Location Pay shall be determined by the department director, the OMB Director, and the Director of HR with the approval of County Administration.

Standby Pay

Nonexempt employees placed on twenty-four-hour standby after normal duty hours shall earn one hour pay at the straight time rate for every day they are on standby, plus pay for all hours physically worked. Employees on standby are not entitled to call back pay.

Weekend Pay

This type of pay applies to nonexempt employees who work within departments that require employees to regularly work weekends. Nonexempt employees who are scheduled to work on Saturday and/or Sunday regularly shall be paid an additional hourly wage. The rate of the additional Weekend Pay shall be determined by the department director, the OMB Director, and the Director of HR with the approval of County Administration.

Policy 5.12 – Timesheet Violations

It is a violation of the Walton County BCC's policy for any employee to falsify their own payroll record or to alter another employee's payroll record without their approval. It is also a violation of Walton County BCC policy for any employee or manager to instruct another employee to falsely report hours worked or to alter another employee's payroll record to under or over report hours worked (or to fail to report any such misconduct). Report any violations of this policy immediately to your supervisor and the HR Department. It is not a violation of the Walton County BCC's policy for a supervisor, manager, or department director to make accurate corrections to a payroll record to ensure compliance with county policies.

Nonexempt employees shall not work any hours outside of their normal workday unless their supervisor has authorized the unscheduled work. Employees shall not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless authorized to do so and that time is recorded on their payroll record. Employees are prohibited from performing any "off-the clock" work. "Off-the-clock" work means work performed but not reported on biweekly payroll records. Any employee who fails to report or inaccurately reports any hours worked may be subject to disciplinary action, up to and including termination.

Policy 5.13 – PTO Pay Upon Termination of Employment

Voluntary Termination

Employees who voluntarily resign, retire or who are laid off for lack of work or funding, will be paid for up to 240 unused Paid Time Off (PTO) hours earned by them prior to the date of their separation, provided that all Walton County BCC owned equipment and uniforms are returned to the Walton County BCC and the employee is not otherwise indebted to the Walton County BCC.

Involuntary Termination

Employees who are involuntarily terminated (except for layoffs as referenced above) may not be paid for any accrued Paid Time Off (PTO) annual leave earned, and such accrued PTO will be considered forfeited upon termination. Department directors, with the prior approval of County Administration, may authorize an exception to this policy and permit payout of accrued PTO when an employee is involuntarily dismissed, not to exceed 240 unused PTO hours, where the department director and the Director of HR deem it appropriate under the circumstances.

Employees whose employment with the Walton County BCC is terminated for any reason, whether voluntarily or involuntarily, shall not be paid for any unused sick leave accrued hours. However, employees hired prior to 11/5/2021 can include any accrued sick hours to reach their maximum PTO payout based on their years of service.

Subject to any limitations imposed by applicable law, final pay may be withheld until all Walton County BCC owned property issued to the employee has been returned or accounted for to the satisfaction of the department director.

Exceptions

Employees hired prior to 10/01/2021 who voluntarily resign, retire or who are laid off for lack of work or funding, will be paid for unused Paid Time Off (PTO) earned by them prior to the date of their separation, based on the chart below, provided that all Walton County BCC owned equipment and uniforms are returned to Walton County and the employee is not otherwise indebted to the Walton County BCC.

5.99 years or less	Up to 240 hours
6 to 12.99 years	Up to 320 hours
13 to 19.99 years	Up to 400 hours
20 years or greater	Up to 500 hours

Any exception to this policy shall be approved by the Walton County BCC prior to execution of a PTO payout at termination.

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Section VI Benefits

Policy 6.1 – Purpose

The Walton County BCC is committed to providing its employees a variety of benefits that will allow the Walton County BCC to recruit and retain a diverse workforce. Some benefits are provided to employees at no cost while others are offered at reduced costs at the benefit of the employee.

Policy 6.2 – Group Insurance

All regular full-time employees are eligible for group insurance benefits as provided by the Walton County BCC. Dual employed family members on the insurance plan may not be paid for one to opt out of the plan.

Employees who terminate their employment have the option, at the time of their termination, of retaining their health insurance as set forth in the current health insurance benefit plan, under the COBRA law. Health insurance may also be retained under the provision of COBRA when a covered employee no longer qualifies for coverage due to a reduction in work hours.

Employees who retire from employment with the Walton County BCC or any covered constitutional office will have the option of continuing their medical insurance at the rate set forth by the Walton County BCC and their current insurance provider. If the retired employ opts out of this coverage at time of retirement or later in the future, they may not have the opportunity to rejoin the medical insurance provided by the Walton County BCC. Please refer to the Employee Benefit Guide or contact the HR Department for additional information.

Policy 6.3 – Retirement

Walton County BCC employees may be eligible to participate in the Florida Retirement System (FRS). Complete and up-to-date information on retirement is available; contact the HR Department and/or FRS directly.

Employees who are not eligible to participate in the Florida Retirement System (FRS) may elect to contribute 3% of their gross income to the Mission Square 401(b) account. That payment shall be accomplished through a payroll deduction each pay period. If the employee elects to make such a contribution, the Walton County BCC shall contribute to that employee's Mission Square 401 (b) account a percentage equal to that which the Walton County BCC contributes to the FRS Investment Plan minus any administrative fees required by the FRS Plan for its regular employees.

Policy 6.4 – Tuition Reimbursement

OVERVIEW

It is the intent of the Walton County BCC to encourage the professional development of its employees. This policy identifies the criteria that must be met for an employee to qualify for tuition reimbursement for work-related educational classes.

SCOPE

This policy applies to all permanent full-time employees of the Walton County BCC who have been employed for at least one year, consecutively, successfully completed six months of the training period; met performance standards for the past six months; and have not had any disciplinary procedures in the past six months.

PROVISIONS

General Rule

An employee is eligible for reimbursement for tuition of classes attended at a regionally accredited college or university, which are related to the employee's current job or those that could be applicable for employment opportunities within Walton County. No costs other than tuition will be reimbursed.

Eligibility

Before enrolling in an eligible course, the employee must obtain approval from the department director by submitting a Tuition Reimbursement Request for the course and for tuition reimbursement. The department director will forward each approved request to the HR Department where the Tuition Reimbursement Committee made up of the HR Director, the Finance Director, and the Training Manager will determine if the course meets the criteria. All potential reimbursement requests are subject to the availability of funds at time of pre-approval.

Employees are eligible for reimbursement not to exceed \$1,000 per fiscal year, based upon the availability of funds.

Employees requesting reimbursement are responsible for obtaining approval from their departmental director and the HR Director prior to the first day of the course for which they are seeking reimbursement.

Reimbursement Procedures

The employee must initially pay all costs (courses covered by grants and scholarships that cover full tuition costs are not eligible for tuition reimbursement) associated with the tuition of the approved course(s).

After successful completion of the course, the employee must submit to the HR Department proof of payment and proof of final course grade within thirty (30) days of course completion in order to update the previously submitted Tuition Reimbursement Request to request payment.

After approval by the HR Director, documents will be forwarded to the Finance Department for processing.

Reimbursement shall be as follows:

- Grade "A" (+/-) or "Pass" in Pass/Fail classes – 100% of paid tuition
- Grade "B" (+/-) - 90% of paid tuition
- Grade "C" (+/-) – 75% of paid tuition
- Lower than a "C" – no reimbursement

Employees, who participate in the Tuition Reimbursement Program will be obligated to remain employed with Walton County BCC for a minimum of two (2) years after completion of the last class attended for which they were reimbursed. Employees who voluntarily resign or terminate employment for any reason, prior to the expiration of the two (2) year period, shall repay Walton County BCC 100% of the monies received by the employee from the Tuition Reimbursement Program. Any balance due at time of resignation will be automatically withheld and deducted from employee's final payroll check.

Policy 6.5 – Travel Expenses

Walton County BCC employees shall use county owned vehicles for all county business and travel if possible. Attempts to use a county owned vehicle shall be exhausted before proceeding with private vehicle use.

Walton County BCC employees shall be entitled to reimbursement for the use of their private vehicles and for expenses which they may incur while performing travel in conduct of Walton County BCC business.

Mileage reimbursement rates for travel by privately owned vehicles shall be paid in accordance with the IRS optional standard mileage rate.

Department directors traveling out of Walton County shall receive prior approval from County Administration.

Department directors shall approve travel outside of Walton County for their department employees.

Policy 6.6 – Worker’s Compensation

All Walton County BCC employees are covered by and are entitled to the benefits of the Florida Workers’ Compensation Law.

All Walton County BCC employees who sustain an injury arising out of or while performing their duties while working are responsible for immediately reporting the accident to their supervisor, contacting the HR Department, and completing a “First Report of Injury Form.”

The First Report of Injury Form, completed by the employee and signed by the supervisor and/or department director, and the Supervisor’s Accident/Incident Investigation Report Form, completed by the employee’s supervisor, should be forwarded to the HR Department within 24 hours.

Policy 6.7 – Employee Assistance Program (EAP)

The Walton County BCC is committed to maintaining and strengthening our most important resources – our employees. In support of this tradition, the Walton County BCC has initiated an Employee Assistance Program (EAP). We recognize that many kinds of personal and emotional problems which often affect job performance can be resolved more readily if they are properly identified, diagnosed, and appropriately treated. Problems included under this program are marital, child or other family problems, persistent anxiety, substance abuse, stress problems, financial, or other distractive concerns. The establishment of the EAP will provide a confidential short-term counseling and referral service for eligible employees and their immediate family members. This EAP reflects the Walton County BCC's concern for the well-being of its employees as well as its dedication to the effective accomplishment of its goals.

The Walton County BCC encourages their employees who are experiencing problems to take it upon themselves to seek assistance from the EAP. For more information on the EAP, contact the HR Department.

Section VII
Attendance and Leave

Policy 7.1 – Purpose

The Walton County BCC is committed to its employees and providing them with a work life balance that is beneficial to both the employee and the Walton County BCC.

Policy 7.2 – Attendance Standards

Each Walton County BCC employee plays an important role in completing the mission of the Walton County BCC. Therefore, each employee is expected to be at their work location on time each day. Absenteeism or tardiness, even for good reasons, is disruptive to county operations and interferes with our ability to satisfy our customers' needs. Excessive absenteeism or tardiness can result in discipline up to and including termination.

When absence is due to illness, the Walton County BCC reserves the right to require appropriate medical documentation.

Attendance

Employees are expected to be present for work when they are scheduled to work.

Employees are expected to report for work on time and complete their regularly scheduled workday.

If an employee must be absent or late, it is the employee's responsibility to notify their supervisor; notifying another employee within the department is not sufficient. This notification must be given as soon as the employee knows he/she will be tardy or unable to work. Acceptable forms of notification include verbal phone calls and emails. Texting, absent unusual circumstances, is not acceptable for notification purposes. Notification of absence must be provided no later than one (1) hour prior to the starting time of the employee's workday. Employees must make every attempt to notify their supervisor that they will be late prior to the start of the employee's scheduled work shift.

Employees who fail to report to duty without contacting their supervisor may be disciplined, up to and including termination.

Employees who fail to report for duty without contacting their supervisor for three (3) consecutive workdays shall be considered resigned and terminated for job abandonment.

Employees are required to record their actual work in accordance with the Fair Labor Standards Act.

Employees working overtime without prior authorization shall be subject to disciplinary action, up to and including termination.

Punctuality

Employees are considered tardy if they fail to report to their assigned work location at their scheduled time, including returning from breaks or lunch.

An employee who abuses tardiness to the point it becomes excessive shall have disciplinary action taken to correct the behavior.

If an employee who has received disciplinary action continues to abuse this standard, they shall be subject to further disciplinary action, up to and including termination.

Flexibility in the regular workday is permitted providing operational efficiency is maintained, and an employee has approval from their division director.

Policy 7.3 – Disaster Emergency Work Assignment

This policy establishes the framework for which employees may be assigned for work in preparation for, in response to, and/ or recovery from, the impacts of a wide variety of disasters or emergency situations that could adversely affect the health, safety and/or general welfare of community.

This policy becomes active in whole, or in part, as determined by County Administration when any natural, technological, or other emergency or disaster requires employees to be assigned duties for direct support to Walton County.

Emergency Essential Employees who fail to report to their work assignment may be subject to disciplinary action up to and including termination.

Upon determination that there no longer exists a threat to the health, safety, or general welfare of the community, or there is no longer a need to provide resources to support other jurisdictions under mutual aid agreements, County Administration may deactivate this policy in whole or part. Upon deactivation of this policy in whole or in part, employees affected by the deactivation shall be required to return to their normal duties and responsibilities, and eligibility for additional emergency or disaster compensation will cease.

The need to provide emergency services may supersede other Walton County BCC operations. During an emergency or disaster, employees may be temporarily assigned to duties other than the essential functions of their position and/or assigned to work at different job sites.

SCOPE

This policy applies to all permanent full-time or part-time employees of the Walton County BCC who have been employed for at least six months.

DEFINITIONS

Emergency Leave Time off with pay during regularly scheduled working hours when Walton County BCC offices are closed, and employees are released from duty due to an emergency or disaster.

Emergency Pay Non-director-level exempt and nonexempt employees, who are designated by their department directors to work during emergencies when county offices are closed will be compensated based on the employee's straight-time hourly rate; if more than 40 hours are worked during the normal work week, time and one-half the regular straight-time will be paid for all such hours worked.

PROVISIONS

All Walton County BCC employees have an emergency management obligation to be available for working assignments before, during, and after disasters and/ or emergencies. Employees will be notified and trained or instructed in their emergency disaster assignments annually. Employees are required to report, either by phone or in person, to their department's designated contact point prior to and immediately after a disaster and/ or emergency to receive work assignments. Assignments will typically

include clean-up, repair, answering citizen phone lines, manning Emergency Operations Center (EOC), and working at community distribution centers or comfort stations. Because these assignments are essential to the recovery of the community after an emergency or disaster, failure to respond or be available for assignment will be considered cause for disciplinary action, up to and including termination of employment.

Emergency pay will begin when Walton County BCC offices are officially closed and County Administration, releases employees; or when emergency conditions warrant. Emergency pay will be paid continuously for all hours worked until the emergency ends or until normal business hours resume, whichever comes first.

Exempt and nonexempt county employees who are designated by their department directors to work during emergencies will be compensated for time worked at their normal rate plus the essential worker pay rate regardless of the number of hours worked during the pay period. In accordance with the Fair Labor Standards Act, employees required to be on site and available for duties will be paid at applicable pay rates. Employees on site for personal convenience or safety who are not working will not be paid.

If a county owned vehicle is not available for use by an employee assigned to disaster or emergency duties under this policy, the employee will be eligible for mileage reimbursement for use of a personal vehicle from the location of his/her usual work assignment to the location of the disaster or emergency assignment.

Exempt and nonexempt employees, who are released from duty by County Administration during normal work hours, will be compensated at their usual rates of pay for their regularly scheduled hours. Employees who are released from duty and already on official leave during this time will not be charged leave and will receive their usual rates of pay for the same number of hours as the other employees who are released from duty. Employees participating in out-of-town, work-related activities do not qualify for emergency pay or emergency leave, unless environmental circumstances warrant and authorized by County Administration.

Due to the Emergency Management obligation of all Walton County BCC employees, employees placed on alert during an emergency or disaster are not entitled to stand-by pay, unless they are otherwise on routine stand-by.

Exempt employees are required to submit exception reports to document time worked for which emergency pay is payable; however, exempt employees are not required to submit exception reports for emergency leave.

Policy 7.4 – Holidays

The Walton County BCC approves the Walton County BCC employee holiday schedule annually.

Those eligible for paid holidays are all permanent employees who have that date as a regularly scheduled workday. To receive pay for the observed holiday, an employee shall have been present and/or on approved paid leave, on the workday before and after the holiday.

If holiday falls on regular scheduled off day the employee's supervisor may schedule them an additional day off within the pay period.

Policy 7.5 – Paid Time Off (PTO)

The Walton County BCC’s Paid Time Off (PTO) program allows eligible employees to be paid for time off for any purpose deemed necessary.

- PTO must be requested by the employee and approved by the supervisor before the leave can be taken.
- Begin accruing PTO at the beginning date of employment but shall not be permitted to use PTO until thirty (30) days of employment.
- Employees shall be allowed to maintain a balance of up to 1000 hours at the end of the calendar year
- Up to 240 hours of PTO paid when employment voluntarily ends (**see Policy 5.13 – PTO Pay Upon Termination of Employment**)
- No employee shall be allowed to use PTO that has not already been earned
- No employee shall earn PTO during a leave of absence without pay, a suspension without pay, or when the employee is otherwise in a non-pay status.

PTO shall be accrued based on the following schedule for permanent employees:

Years of Service	Accrual Rate per Hour	Accrual Rate per 80 hours pay period	Annual PTO Accrual (based on 2080 hours)
0 – 4.99 years	0.1000	8	208 hours
5 – 9.99 years	0.1125	9	234 hours
10 – 14.99 years	0.1250	10	260 hours
15 or more years	0.1500	12	312 hours

Employees hired prior to 11/6/2021

- Annual leave accrued prior to 11/06/2021 shall be converted to PTO
- Sick leave shall stop accruing on 11/05/2021
- Sick leave earned prior to 11/06/2021 shall be used in its entirety prior to utilizing any PTO for all time off
- Up to 500 hours (based on years of service) of PTO shall be paid to employee when employment voluntarily ends based on years of service with the Walton County BCC
- If an employee does not have 500 hours of PTO accrued at termination, any additional hours may be drawn from sick leave balance not to exceed 500 total hours

Leave for Less Than One Day

Leave requests shall be completed by any regular nonexempt employees for all times absent from work. For time entry purposes, exempt employees absent from work more than half their scheduled workday shall report PTO for the missed hours. Department directors are not required to complete a leave request for time less than one full day of absence unless required by their direct supervisor.

Duration of Leave

PTO shall be limited to fourteen (14) consecutive calendar days unless approved in advance by the department director and Director of HR.

Policy 7.6 – Bereavement Leave

A maximum of three (3) regularly scheduled and consecutive workdays with pay may be granted to a full-time permanent employee when a death in the employee's immediate family occurs.

Immediate family is defined as the employee's spouse, parents, or grandparents of either, children or grandchildren of either, guardians of either, brothers or sisters of either, or relatives residing in the same household.

The employee shall notify their supervisor and/ or department director of the need for bereavement leave prior to using it.

Employees must notify their supervisor of the deceased relative's name and relationship to the employee. Evidence of death and funeral attendance may be required.

Department directors may authorize additional days off without pay or allow employee to utilize available PTO based on individual circumstances.

Abuse of bereavement leave shall result in disciplinary action up to and including termination.

Policy 7.7 – Family and Medical Leave (FMLA)

Eligible employees may take up to 12 weeks of unpaid, job-protected leave each year for specified family and medical reasons.

Employee Eligibility

To be eligible for family or medical leave, the employee must:

- have worked at least 12 months for the Walton County BCC
- have worked at least 1,250 hours for the Walton County BCC over the previous 12 months
- work at a location where there are at least 50 employees within 75 miles

Conditions Triggering Leave

- Family and medical leave must involve one or more of the following reasons:
- For the birth of a child, to care for a newly born child, or placement of a child with the employee for adoption or foster care.
- To care for an immediate family member (spouse, child, employee's parent, or domestic partner) with a serious health condition.
- Because of the employee's own serious health condition which makes the employee unable to perform the functions of the employee's job.

Duration of Leave

Eligible employees may receive up to 12 work weeks of unpaid leave during any "rolling" 12-month period, measured backward from the date of any family or medical leave. Family and medical leave involving the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

An employee may take family and medical leave intermittently -- which means taking leave in blocks of time, or by reducing your normal weekly or daily work schedule -- whenever it is medically necessary to care for a seriously ill family member, or because you are seriously ill and unable to work. Intermittent leave is not permitted for birth of a child, to care for a newly born child, or placement of a child for adoption or foster care.

Depending on the purpose of the employee leave request, they may choose (or the Walton County BCC may require) to use accrued paid leave, if available, as a substitute for some or all of the family and medical leave.

Military Caregiver Leave

Effective immediately, up to 26 weeks of military caregiver leave may be taken to care for a spouse, child, parent or next of kin who is a "covered serviceman" with a serious injury or illness. A covered service member may be either a current service member or a veteran of the Armed Forces, provided the discharge was anything other than dishonorable and occurred within the past five years.

For a current service member, 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 their office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the service member's active duty and that were aggravated by service in the line of duty on active duty.

For a veteran, a serious injury or illness is one that was incurred by the veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:

- a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
- a physical or mental condition for which the veteran has received a Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater. (The rating may be based on multiple conditions).
- a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
- an injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers

Qualifying Exigency Leave Additionally, close family members of military personnel (defined as spouse, child, or parent) may take up to twelve (12) weeks of job protected leave, if eligible, if the member of the military's is on covered active duty or called to covered active duty.

For members of the regular Armed Forces, "Covered Active Duty" means duty during deployment of the member with the Armed Forces to a foreign country.

For members of the reserve components of the Armed Forces (members of the National Guard and Reserves), "Covered Active Duty" means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

Maintenance of Health Benefits

If an employee and/or their family participate in a group health plan, the Walton County BCC shall maintain coverage under the plan during approved family and medical leave. This coverage shall be provided based on the coverage under the plan before the leave was taken and on the same terms as if the employee had continued to work. Where appropriate, you must make arrangements to pay your share of health plan premiums while on leave.

In some instances, the Walton County BCC may recover premiums it paid to maintain health coverage for an employee and family.

Job Restoration

Upon returning from a family and medical leave, the employee shall be restored to their original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. In

addition, use of family and medical leave shall not result in the loss of any employment benefit that an employee has earned or were entitled to before using family and medical leave.

Notice and Medical Certification

When seeking family and medical leave, an employee must provide:

- 30 days advance notice of the need to take family and medical leave if the need is foreseeable.
- Medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member. Second or third medical opinions and periodic recertifications at the Walton County BCC's expense may also be required.
- Such periodic reports as deemed appropriate during the leave regarding your status and intent to return to work.
- Medical certification of fitness for duty before returning to work if the leave was due to your serious health condition.

When leave is needed for a planned medical treatment for an employee's own serious health condition or that of an immediate family member, the employee shall try to schedule treatment so that it will not unduly disrupt the Walton County BCC's operation. Employees who fail to provide information to, or otherwise cooperate with the Walton County BCC in administering this policy, may have their leave delayed and/or be subject to discipline up to and including termination as permitted by law.

Other Employment

The Walton County BCC prohibits an employee from outside employment during an employee's leave period. An employee engaging in outside employment while on an approved leave result in disciplinary action, up to and including termination of employment.

Exceeding FMLA Leave

Any employee who exceeds their FMLA entitlement may be subject to termination of employment.

Non-Contractual Nature of This Policy

The duration of leave, availability of benefits, opportunity for job restoration, and other rights and privileges associated with FMLA Leave are limited by the requirements of applicable state and federal law. No express or implied contractual rights should be inferred from this policy. The Walton County BCC reserves the right to modify this or any other policy as necessary, at its sole discretion.

Policy 7.8 – Military Leave of Absence

The following information is intended to be used as a guide for a Military Leave of Absence. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) is detailed and lengthy; the provisions contained therein shall apply to all Walton County BCC employees.

Employees are eligible for military leave of absence when they are assigned (volunteered or ordered) to active or inactive duty in connection with U.S. Reserve Forces or the National Guard. A copy of the member's official orders shall be submitted with as much advance notice as possible.

Policy 7.9 – Domestic Violence Leave

Any employee who has worked for the Walton County BCC for a minimum of three (3) months is entitled to take three (3) days of unpaid leave if they or a member of their immediate household have been the victim of domestic violence and need to engage in any of the following activities:

- to seek an injunction for protection against domestic violence or repeat of sexual violence,
- to obtain medical care or mental health counseling for the employee or the household member to address issues resulting from domestic violence,
- to obtain services from a victim services organization,
- to make the employee's home secure from the perpetrator of domestic violence or to relocate to a new location to escape the perpetrator, or
- to seek legal assistance to address issues that arose from the domestic violence or to attend or prepare for a court related proceeding relating to an act of domestic violence. Employees must provide appropriate advance notice to their supervisor of the need for leave unless they are prevented from doing so because of imminent danger. All employees must first exhaust any available annual paid time off leave before being eligible to use domestic violence leave.

The Walton County BCC may require the employee to provide documentation such as police report, court notice, etc.

Policy 7.10 – Paid Time Off Bank (PTOB)

This policy establishes a plan for allowing participating full-time regular employees who have been employed for a minimum of one (1) year of service to a source of additional leave upon depletion of their personally accrued PTO and/ or sick leave.

Administration of the Paid Time Off Bank

The Benefits Coordinator shall be the administrator along with a committee comprised of four additional employees who are responsible for the oversight and approval of the PTOB.

Membership and Participation

- All full-time regular employees who have successfully completed their training period and have completed one (1) year of service are eligible for membership
- The employee's PTO balance must be a minimum of 100 hours
- The employee shall be required to contribute 10 hours of PTO to join the PTOB
- The employee must contact the HR Department to join upon first becoming eligible or during the annual open enrollment period.
- Participation in the PTOB is always voluntary and a participating employee may withdraw from the PTOB at any time by given written notice, however no contributions shall be returned
- Failure to meet the above guidelines shall result in the employee waiting until the next available open enrollment period

Maintenance of the Paid Time Off Bank

- The PTOB shall be considered depleted when less than 500 hours remain on deposit
- When the PTOB is depleted, each participating employee, with prior notification, shall contribute 10 PTO hours
- If the participating employee's PTO balance is less than 10 hours at the time, the PTOB is depleted, that employees shall be removed from the PTOB and not allowed to rejoin until the next annual open enrollment

Use of the Paid Time Off Bank

- The PTOB Committee shall review all requests on a case-by-case basis and shall consider past PTOB usage by the requesting employee
- Employees requesting PTO from the PTOB shall deplete all their PTO and Sick Leave bank prior to withdrawal
- Prior to receiving PTO from the PTOB, there shall be a minimum two (2) week waiting period from the beginning of the leave and/or notification being received in the HR Department
- To make an informed decision, a medical certification and/ or a release of medical information signed by the employee shall be provided to the committee to review the request for PTOB hours for each new illness or disability
- A participating employee may use up to 480 hours of PTO from the PTOB during any calendar year due to a continuing illness or disability

- An employee has the right to appeal any denial of PTOB use by the committee to County Administration

Discontinuation of the Paid Time Off Bank

The Walton County BCC may at any time discontinue the PTOB.

All hours remaining in the PTOB at time of the repeal of this policy shall be apportioned among and returned to the remaining members of the PTOB.

Policy 7.11 – Sick Accrual Buy Back Program

This policy establishes a program for allowing the Walton County BCC to allocate part of the annual budget to buy back accrued Sick Leave from regular Walton County BCC employees.

Participation

- All full-time regular employees who have successfully completed their training period and have completed one (1) year of service are eligible to participate
- The employee's Sick Leave Accrual balance must be a minimum of 80 hours after the buyback
- Employees shall be allowed to allocate up to 40 hours per year for the Walton County BCC to buyback
- The employee can allocate up to Forty (40) hours to be bought back by the Walton County BCC
- The employee shall submit the request in writing to the HR Department
- Funding shall be approved in advance by the Walton County Board
- Any employee who participates in the buyback program shall be subject to a four (4) week waiting period before utilizing the PTOB within the following calendar year

Discontinuation of the Sick Accrual Buy Back Program

Annual the Walton County BCC shall decide whether to allocate funding to the program.

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Section VIII
Changes in Position

Policy 8.1 – Purpose

The Walton County BCC provides their employees with a workplace that promotes rewarding employees with advancements.

Policy 8.2 – Promotions

All permanent full-time and part-time employees after successfully completing their training period of (6) six months of employment, shall be eligible for promotion or transfer to another department with the approval of both department directors and the Director of HR. Inter-departmental transfers may be approved before the initial training period is completed at the department director's discretion with the approval of the Director of HR.

Employees desiring a promotion and/or transfer to another position shall apply for a posted position by completing an application on the Walton County BCC Career Portal prior to the job posting end date.

Veteran's preference in promotion will be given in accordance with Chapter 295, *Florida Statutes*. Eligibility for preference in promotion shall apply only to a Veteran's first promotion after reinstatement or re-employment, without exception.

When an employee is promoted to a higher position, the employee shall be paid at a rate based on the guidelines set in **Policy 5.6 – Pay Upon Promotion or Demotion** and taking into consideration the circumstances surrounding, and the reasons for, the promotion. An employee receiving a promotion shall be required to serve a new training period pursuant to **Policy 3.9 – Training Period** based on the request of the department director.

Policy 8.3 – Demotions

A position may be filled by the demotion of an employee in accordance with the provisions of these rules and regulations. A demotion may be the result of reclassification of a position, disciplinary action or at the request of the employee.

When an employee is demoted to a lower position, the employee shall be paid at a rate based on the guidelines set forth in **Policy 5.6 – Pay Upon Promotion or Demotion** taking into consideration the circumstances surrounding, and the reasons for, the demotion. An employee receiving a demotion shall be required to serve a new training period pursuant to **Policy 3.9 – Training Period**. If a demotion is based on performance, said employee shall be required to serve a new training period.

Policy 8.4 – Transfers

The Walton County BCC encourages employee transfers for the purpose of increasing job knowledge and skills in preparation for advancement within the organization. Post-training period, permanent employees may apply for transfers to regular Walton County BCC positions. Employees should utilize the Walton County BCC Career Portal to locate and apply for open county positions.

Section IX Performance Management

Policy 9.1 – Purpose

The performance evaluation program is intended to inform employees how well they are performing their work and how they can improve their work performance. The program is also intended to:

- Be used as a guide for determining performance-based pay increases.
- Be considered in selecting employees for promotion.
- Provide essential information for employee career development.
- Be used to transition an employee from training to regular status.
- Be used in determining whether an employee's work is deficient as to warrant corrective action, up to and including dismissal.

Policy 9.2 – Evaluation Program

The HR Department shall be responsible for the establishment and administration of a performance evaluation program for all employees of the Walton County BCC. The performance evaluation shall be administered in a standard written form or electronically as prescribed by the Director of HR.

Policy 9.3 – Evaluation Periods

Training Period Reviews

All permanent part-time and full-time employees shall be evaluated at the end of their initial six (6) month or extended training period.

Annual Reviews

- Exempt employees shall be evaluated annually between August 1st and August 31st
- Nonexempt full-time and part-time employees shall be evaluated annually between September 1st and September 30th.
- Any performance increase shall become effective the first pay period of the following budget year cycle as approved by the Walton County Board.

Policy 9.4 – Evaluation Review Process

The performance evaluation shall be prepared by the employee's immediate supervisor and subsequently reviewed and approved by the department director prior to administering.

Supervisors shall provide feedback on the evaluation forms for them to be considered complete.

The evaluator shall discuss each performance evaluation with the employee.

The employee, supervisor and department director shall approve the evaluation.

If an employee disagrees with any statement in an evaluation, they may comment in the form of a written rebuttal of the performance evaluation and attach it to the performance evaluation.

Performance Evaluations are not subject to the grievance policy.

Policy 9.5 – Evaluation Processing

Completed evaluations shall be forwarded to the HR Department for processing by the last day of the month in which it is due.

Performance Evaluations Forms shall be maintained in the employee's permanent personnel record.

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**Section X
Discipline**

Policy 10.1 – Purpose

It is the policy of the Walton County BCC to:

Provide a well-defined system of discipline that sets forth standards of conduct and specific guidelines for disciplinary actions and which will be applied to all employees equitably, without bias or prejudice.

The HR Department is designated as the official repository of all employee records. All disciplinary actions taken shall be forwarded to the HR Department for inclusion in the employee's personnel files.

Policy 10.2 – General Provisions

It is the intent of the Walton County BCC that discipline should be characterized as corrective and constructive rather than punitive and that disciplinary actions be utilized as an element of an overall program to educate and motivate employees to exhibit behavior that will contribute to individual growth and development and to the successful operation of the Walton County BCC.

- Any Walton County BCC employee may be disciplined.
- The need for disciplinary action may arise because of different kinds of actions on the part of the employee, such as, but not limited to:
 - Failure to perform their job in a satisfactory manner, that is, unsatisfactory performance as to one or more of the requirements of the job
 - Infraction of established rules, regulations, policies, and procedures
 - Offenses or misconduct which violate general rules of behavior or are specifically prohibited by law
 - Being convicted of a felony or a misdemeanor
 - Being absent three (3) consecutive days without approval and without prior notification to the employee's supervisor or division director
 - Excessive tardiness or absences
 - Incompetence, inefficiency, negligence, or failure to follow orders
 - Abuse, misuse or theft of public property, equipment facilities or supplies
 - Willfully making false statements to supervisors, the Board, or to the public
 - Falsification of records or misrepresentation of uniform, badge, or position
 - Violation of departmental rules, safety work habits, personnel or policy regulations, safety rules or county ordinances
 - Possession, or use of alcoholic beverages or narcotic drugs (not prescribed by a physician) during working hours on Walton County BCC owned property or vehicles
 - Reporting to work under the influence of alcoholic beverages or narcotic drugs (whether prescribed by a physician) or any other drug, which affects the employee's ability to carry out their duties
 - Acceptance of gratuity in violation of the Walton County BCC policy and/ or Florida Statutes of Conduct and Ethics
 - Political activity prohibited by law
 - Violation of State and/or Federal Statutes and regulations pertaining to public employees
 - Refusal to work overtime when necessary
 - Conduct that is disruptive, insubordinate, antagonistic, offensive, or injurious to the Walton County BCC whether in relation to co-workers, other employees, superiors, elected officials, or general workers
 - Failure to promptly report injuries or accidents through proper channels to supervisors
 - When required by the job description, failure to maintain a valid driver's license
 - Any gambling activity of any kind while on duty or while on Walton County BCC owned property
 - Smoking in Walton County BCC owned buildings or vehicles

Policy 10.3 – Application of Disciplinary Actions

Although internal consistency in administering discipline is desirable, numerous factors should be considered in determining the appropriate level of discipline to be assessed at each successive step. Some of the factors involved include time intervals between offenses, effectiveness of prior disciplinary actions, willingness to improve, overall work performance, job attitudes, and disciplinary actions previously taken with other comparable employees for similar offenses.

Some infractions may be more serious in one case, because of the employee's responsibilities than in another case.

A repetition of the same offense or other serious offenses indicates that more severe disciplinary measures should be administered.

Certain offenses are of such a serious nature that immediate discharge upon first offense is applicable. Prior to any action to dismiss an employee, the department director shall contact the Director of HR and review that personnel file.

When circumstances permit, department directors are encouraged to pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented for inclusion in the employee's personnel file.

Incidents of misconduct may differ in individual cases from somewhat similar incidents, and the Walton County BCC retains the right to treat each incident on an individual basis without creating a precedent for cases that arise in the future.

These provisions are not to be construed as a limitation upon the retained rights of the Walton County BCC but are to be used as a guide.

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Section XI
Dispute Resolution

Policy 11.1 – Purpose

It is the policy of the Walton County BCC that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution procedure. The Walton County BCC shall attempt to resolve promptly all disputes that are appropriate for handling under this policy including grievances, reports of misconduct, reports of harassment, and reports of sexual harassment. Failure to follow all timelines within the policy will forfeit the employee's right to the grievance policy. This policy does not apply to County Administration or department directors.

Policy 11.2 – Grievances

If an employee believes a rule, policy, practice, or procedure has been applied unjustly, the following procedure may be used to resolve such concerns. The Walton County BCC has special grievance procedures to resolve such complaints. To use these procedures, the employee must have completed their training period and have attained permanent status.

It is the responsibility of supervisory and management employees to hear and consider any valid employee grievance, and take necessary corrective action when indicated, or provide a reasonable explanation as to why the complaint is not justified.

Each employee has the responsibility to ensure any grievance filed is reasonable, based upon factual information, and not abuse the purpose and intent of the system

Exceptions

The following areas of personnel administration are considered management prerogatives and shall not be subject to grievance; however, employees are encouraged to discuss any concern with their department director:

- Scheduling and assigning work, work hours and workstations
- Establishing work standards and quality
- Size of workforce and reorganizations
- Reductions to the work force
- Appropriations and budgets
- Scope of work within job classification except when an assignment is clearly determined not to be within the job classification
- Performance evaluations
- Salary scales and rates of pay falling within officially established ranges
- The right to discipline
- The missions of the Walton County BCC

Policy 11.3 – Process for Filing a Complaint

Employees who feel they have an appropriate dispute should proceed as follows:

Step One

Promptly bring the complaint to the attention of the immediate supervisor. If the dispute involves the supervisor, then the employee may proceed directly to step two. The supervisor should investigate the complaint, attempt to resolve it, and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the dispute and proposed resolution for the employee's personnel file.

Step Two

Appeal the decision to the department director or the HR Department if dissatisfied with the supervisor's decision or if complaint involves supervisor. This appeal or initial dispute notification must be made within seven (7) calendar days in writing. The department director shall within fourteen (14) calendar days confer with the employee, the supervisor, and other appropriate parties, investigate the dispute and then issue a written, final, and binding decision.

Step Three

Appeal the decision to the Director of HR or County Administration within seven (7) calendar days of receiving the written decision from the department director or the HR Department.

Policy 11.4 – Internal Investigation Procedure

The following procedure for investigating and resolving claims of misconduct, sexual harassment, or other forms of illegal/improper harassment prohibited by this policy.

All employees have been informed as to the policy concerning illegal/improper harassment or misconduct. All incidents, reports or complaints of sexual harassment or misconduct should be filed or reported to the HR Department immediately. All such complaints, once filed, shall be investigated, and handled exclusively by the Director of HR, or his designee, in consultation with County Administration and/ or the County's Attorney, unless otherwise specifically provided in this procedure. However, an employee disciplined because of a finding of sexual harassment or misconduct or filing a willful or intentional bad faith claim of sexual harassment misconduct shall be entitled to file a grievance in accordance with applicable policy.

Because of the extremely sensitive nature of these types of problems and the potential "spill-over effect" on the job future and personal lives of all involved, the following procedures are established.

When a complaint of illegal/improper harassment is made against an employee or person doing business with the Walton County BCC:

- A complaint file will be opened by the Director of HR which will be separate from the personnel file of the employee involved. The file shall be confidential to the extent allowed by Florida law and will be available only to County Administration, for the specific case, and:
 - The County Attorney
 - Investigators, if any (until the investigation is completed) assigned the specific case by the Director of HR
 - Outside council, if obtained
- Investigators assigned to handling the complaint will not discuss any aspect of the investigation with anyone, except those persons who have access to the file as provided in Paragraph 1 above and then only upon request or as necessary to complete the investigation
- The investigators will be charged with the responsibility of gathering information relevant to the complaint. The identity of persons interviewed will remain confidential except to those persons enumerated in Paragraph 1 above unless otherwise directed by County Administration or required by law.
- The investigation will be supervised by the County Attorney or the Deputy County Attorney.
- Upon completion of the investigation the investigators will make a verbal report to County Administration.
 - A record of the decision of County Administration will be made in the separate file and the parties will be advised of the decision.
 - If the decision involved written discipline a copy of the actual notice of disciplinary action will be placed in the employee's personnel file.

- If the person against whom the claim was made is exonerated or no disciplinary action other than oral reprimand is taken, no entry will be made in the personnel file. In such instance, the complaint investigation shall clearly state whether there was no merit to the complaint or that it was insufficiently serious to warrant discipline more severe than oral reprimand. If any oral reprimand was given, the next level supervisor shall prepare a memo explaining the oral reprimand. The complaint investigation file will not be disclosed to anyone other than as provided in Paragraph 1 above unless disclosure is required by law.

Policy 11.4 – Resolution

The Walton County BCC shall seek to obtain resolution for any internal investigations as quickly as possible. Once the investigation is complete all parties involved shall be notified of completion.

Section XII Separation

Policy 12.1 – Purpose

The Walton County BCC is committed to providing long-term careers to their employees. However, when employees need to leave the Walton County BCC either through retirement, voluntary, or involuntary separations, the Walton County BCC is committed to streamlining the process.

Policy 12.2 – Voluntary Separation

Resignation

An employee wishing to leave the Walton County BCC service in good standing shall provide a written notice of resignation to their supervisor stating the date and reason for their resignation. The resignation should be submitted at least fourteen (14) calendar days based on the employee's schedule prior to the date of leaving. The supervisor may waive the required fourteen (14) calendar days based on the employee's schedule if extenuating circumstances exist. Failure to provide proper notice may cause denial of reemployment rights and/or forfeiture of payment of any unused PTO accruals. All Department Directors or positions reporting directly to County Administration shall be required to provide a written notice of resignation at least thirty (30) days prior to the date of leaving to receive any unused PTO accruals.

Resignation without notice

- An employee who, without valid reason, fails to report to work for three (3) consecutive workdays without authorized leave shall be separated from the Walton County BCC.
- An employee who fails to give a minimum of fourteen (14) calendar days or two (2) calendar weeks' notice of resignation shall be considered resignation without notice.

Absent extenuating circumstance, an employee who resigns without notice shall forfeit all PTO accruals and shall not receive a payout.

Retirement

Walton County BCC employees are covered under the Florida Retirement System. Employees who are considering retirement should contact the HR Department at least ninety (90) days prior to the month that they want to begin receiving retirement benefits to initiate the retirement process. Employees who retire are eligible for re-hire subject to FRS re-employment restrictions and approval of the Walton County BCC.

Death

Separation shall be effective as the last day paid prior to the employees' death or the date of death if it was paid. All compensation due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse, or to the estate of the employee as determined by law or by executed form in the employee's personnel file.

Policy 12.3 – Involuntary Separation

Dismissal for Unsatisfactory Service

Prior to any proceedings to dismiss an employee, the department director shall contact the Director of HR and review that employee's personnel file.

A department director may recommend dismissal of any employee for just cause. Just cause shall include, but not limited to, negligence, incompetence, or inefficiency in the performance of assigned duties; repeated and/or gross substandard performance of assigned duties; insubordination; violation of rules, regulations, and policies; conduct unbecoming a public employee; unauthorized use, possession, or under the influence of alcohol or drugs while on duty; or conviction of a crime. County Administration and the Director of HR shall approve all terminations for cause prior to the termination occurring.

Employment during the training period shall be terminated at any time during the training period for not meeting the performance standards set forth for the position.

End of Season / Contract

Seasonal and temporary employees shall be terminated at the end of the season, when project is completed, or prior to six (6) months of employment, whichever dates comes first.

Policy 12.4 – Layoff / Reduction in Force

When the Walton County BCC or County Administration determines that a lack of work or funding exists to support a position, the decision may be made to lay off employees as the Walton County BCC deems necessary. Such action shall be taken to support the most cost effective and efficient action possible, without regard to an employee's sex, gender identity or orientation, race, color, national origin, age, marital status, or disability.

Policy 12.5 – Return of Property

By executing the acknowledgment form attached to the Human Resources Policy Manual, the employee accepts and understands that it may be utilized as an enforceable promissory note. If the employee fails to return any equipment, money, credit cards, or other property assigned to the employee during employment, the Walton County BCC may first withhold the value of such amount from any final compensation due to the employee including paychecks, paid time off accrual, or any other such earned benefit. If such compensation does not exist or is insufficient to offset the value of the property due, the employee understands and agrees that the Walton County BCC has legal entitlement to such property and shall be responsible for such value and the cost of all attorney fees and costs expended in pursuing such property.

Policy 12.6 - Exit Interview

The Walton County BCC HR Department shall attempt to collect data as to the reason(s) why employees leave employment with the Walton County BCC. The separating employee shall be contacted to complete a voluntary exit interview after separation. This information will be used for the purpose of determining the causes and possible solutions relating to turnover among county personnel.

EXHIBIT D

Walton County Personnel and Policy Manual



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Section A – Purpose

The Board of County Commissioners hereinafter referred to as the BCC, believing it to be in the public interest and of most benefit to the employees of the County, has an established policy:

- 1) That fair and equitable treatment of all employees will be maintained in all areas of personnel matters.
- 2) That the administration of County services will be conducted with integrity and concern for the individual employee.
- 3) That the public interest will be best served by having a personnel system that recognizes individual worth and applies objective and equitable policies, procedures and practices.
- 4) That the BCC, or their designee, will review the qualifications of everyone making application for employment and extend offers of employment that is in the best interest of Walton County.
- 5) That the BCC encourages, when feasible, the advancement and training of present employees to prepare for furtherance of career and personal goals.
- 6) The BCC and all within their employment will comply with the state and federal EEO statutes and regulations.
- 7) The purpose of this manual is to set forth policies and guidelines relative to employee benefits and procedures under the Board. It provides employees with sufficient understanding of their privileges and benefits as well as their duties and responsibilities.

Revisions

Policy revisions may be initiated by any Commissioner, County Administrator, Deputy County Administrator, or Division Director and will become effective upon adoption by the BCC.

Chapter 1 – AMERICANS WITH DISABILITIES ACT STATEMENT, HARASSMENT POLICY AND EQUAL OPPORTUNITY PLAN

Section A – Americans With Disabilities Act Statement

It is the intent of Walton County to comply with the mandates of the Americans with Disabilities Act as amended in 2008. In that regard, qualified individuals with disabilities are encouraged to apply for positions and the County will reasonably accommodate such individuals, both in any pre-employment testing and/or with respect to the job applied for. In circumstances where a disabled individual is the most qualified for a position, with or without a reasonable accommodation, that individual will be selected. It is primarily the responsibility of the disabled applicants and employees to call to the County's attention any need for a reasonable accommodation in testing or with respect to the position the individual seeks or holds.

Employees who believe they have not been afforded their rights under the Americans with Disabilities Act as amended in 2008 may file a complaint by contacting the Human Resources Director.

Section B – Harassment Policy

The Walton County BCC, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

1) Discrimination

It is a violation of the Walton County BCC's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, marital status, or any other protected status.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

This prohibition applies to all employees, vendors, and customers of the County. No county employee is expected to tolerate any conduct prohibited by this policy from anyone while at work or engaged in County business. The County does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

2 - Prohibition Against Harassment

As mentioned in the overall statement above, the County prohibits discrimination or harassment on the basis of race, national origin, color, religion, sex, genetic information, age, physical or mental disability, marital status, political affiliation, or protected activity. Such prohibited harassment includes, but is not limited to, the following examples of offensive conduct:

- a. Physical conduct such as assault, inappropriate touching, or blocking normal movement;
- b. Retaliation for making or threatening to make harassment reports to the County, or for participating in an investigation into harassment allegations;
- c. Verbal conduct such as threats, epithets, derogatory comments, or slurs;
- d. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
- e. Written communications containing statements that may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or caricatures.

If you feel that you or any of your fellow employees have experienced unlawful harassment on the job, please file a complaint by contacting the Human Resources Director or any suitable member of management.

2) Prohibition Against Sexual Harassment

Walton County is opposed to and will not tolerate sexual harassment in the workplace. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual;
- c. Such conduct has the purpose of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

If you feel that you or any of your fellow employees have experienced sexual harassment on the job, please file a complaint by contacting the Human Resources Director or the County Administrator, or designee, who will discuss the matter. Such report should be made as soon as possible after the incident, or, if a series of incidents is involved, as soon as possible after the latest occurrence. The complaint may be made verbally or in writing. If such report is first made verbally, then it will be the responsibility of the Human Resources Director or his/her designee to document the same in writing and to have the same signed in his/her presence by the complainant. The Human Resources Director or designee shall forthwith begin an investigation of such written complaint. Every effort will be made to resolve such complaint to the satisfaction of both parties.

Confidentiality will be maintained to the greatest extent possible while still allowing for full, complete and adequate investigation. Because of the importance of the investigation, the matter cannot be kept absolutely confidential. Communications will be made to others only on a limited "need to know" basis. There will be no retaliation against any employee for filing a complaint of sexual harassment.

Section C – Prohibition Against Retaliation

Walton County strictly prohibits retaliation against any employee by another employee or by the County through the actions of its supervisors and managers. Employees are protected against retaliation for:

- 1) Reporting harassment;
- 2) Filing, testifying, assisting, or participating in any manner in any investigation, proceeding or hearing conducted by the County or a government enforcement agency.

Section D – Equal Opportunity Plan

It is the policy of the BCC to provide equal employment opportunity without regard to race, color, disability, sex, national origin, political affiliation, religious action or any other protected category. The BCC is fully committed to assuring equal opportunity and equal consideration to all applications and employees in personnel matters. This includes recruitment, selection, hiring, compensation, and benefits. In the implementation of this policy, the County will aggressively seek personnel for all job levels within the organization through upgrading and recruitment from minority group members and women.

Section E – Workplace Violence

General Statement

Walton County strives to provide a safe and secure workplace for all employees. Threats, threatening behavior or acts of violence against employees, visitors, or other individuals by anyone on county property will not be tolerated. These violations of policy will lead to disciplinary action which may include dismissal, and may lead to arrest and prosecution, as determined by appropriate law enforcement authorities.

Prohibited Conduct

The County will not tolerate any type of workplace violence committed by or against employees. The following list of behaviors, while not all inclusive, provides examples of conduct that is prohibited:

- 1) Causing physical injury to another person;
- 2) Making threatening remarks;
- 3) Stalking;
- 4) Use of e-mail to threaten, intimidate or cause fear;
- 5) Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- 6) Intentionally damaging employer property, property of another employee or property of any other person or entity;
- 7) In keeping with the protections granted by the 2nd Amendment of the United States Constitution and Florida law, employees may carry concealed firearms on duty if properly licensed by the State of Florida or a Florida approved reciprocal state, and in strict compliance with provisions and restrictions set out in Chapter 790.06 Florida Statutes, reciprocal state's license regulations and any federal law or rule with the exception of employees whose job requires them to supervise state or county inmates. Employees may not leave any weapon in an unoccupied county vehicle. Possession of any weapon, including a firearm, while on county property, in a county owned, leased, or rented vehicle while performing county business is prohibited unless the employee possess a valid license to carry a concealed weapon issued under section 790.06, Florida Statutes or Florida approved reciprocal state. This prohibition shall not apply to anyone legally certified to carry weapons in the performance of their lawfully duty or those employees who meet the private vehicle storage requirements of Section 790.251, Florida Statutes.
- 8) Committing acts motivated by, or related to, sexual harassment or domestic violence.

Reporting and Investigating Threats or Incidents

- 1) If the incident constitutes an emergency, CALL 9-1-1. After 9-1-1 is contacted, contact department or division management immediately. In instances that are not emergency situations, contact a supervisor or manager.
- 2) If possible, separate the parties involved in the altercation. If the parties cannot be separated, or if it would be dangerous to do so, CALL 9-1-1.
- 3) Contact the appropriate department director. The department director, together with the Human Resources Director, will assess and investigate the incident and take appropriate action.
- 4) In instances that involve emergency situations or criminal activity, the Human Resources Director will

contact the County Administrator or Deputy County Administrator and the appropriate law enforcement agency for assessment and, if advisable, investigation and prosecution.

CHAPTER 2 – CLASSIFICATION PLAN

Section A – Purpose

The Classification Plan is the foundation upon which a comprehensive human resources program is built. The Classification Plan is used:

- 1) As a guide in recruiting and examining candidates for employment;
- 2) To provide a systematic arrangement and inventory of positions;
- 3) To determine appropriate salary ranges;
- 4) To provide uniform terminology of jobs; and
- 5) To aid in perfecting and revising organizational structure, clarifying lines of authority and identifying responsibility.

Section B – Class Specifications

- 1) Each class specification lists the minimum requirements or qualifications needed to perform the job such as education, work experience, and other qualifications.
- 2) Class specifications are descriptive and explanatory and are not necessarily inclusive of all duties performed. They are designed to indicate the types of duties and level of responsibilities assigned to the class. Employees can be required to perform duties that are not included within their job description.
- 3) The Human Resources Director shall maintain a master set of all approved class specifications which shall constitute the official Classification Plan. The official copy shall show all amendments to the original plan. The copies of the specifications may include the date of adoption and/or the last revision of the class specification.

Section C – Class Titles

The title of an official class position shall be used to designate the position in all budget estimates, payrolls, and other official records, documents, vouchers, and communications in connection with all human resources processes.

Section D – Classification of New Positions

- 1) The Human Resources Director shall create new class specifications for positions upon receipt of the prescribed forms indicating a statement of duties, responsibilities, and requirements of such positions from the department director. Whenever a new position is created, a Job Description Questionnaire must be submitted to the Human Resources Director to describe in detail the duties of such position. A desk audit and/or interview with the incumbent or department director may be required by the Human Resources Director after a new position is created and occupied, in order to verify that the position has been appropriately allocated.
- 2) The Human Resources Director reviews and recommends approval or disapproval to the Deputy County Administrator all proposed position creations, allocations, reallocations, and abolishment.

Section E – Reclassification of Positions

The Human Resources Director shall recommend changing the classification of existing positions when it is determined that the position is incorrectly classified. Such action is called reclassification and must be reviewed and approved by the County Administrator or Deputy County Administrator. If an employee has facts that indicate that his/her position is improperly classified, the employee may request the Human Resources Director to review the classification of the position, with the knowledge of his/her department director. Such request shall be submitted in writing and shall contain a statement of justification. For this or any other type of request for reclassification from any source, the Human Resources Director shall thereupon investigate actual or suggested duties of the position and reclassify the position to its appropriate grade if warranted. Reclassification may occur as the result of the conditions described below.

- 1) The position was incorrectly classified and there has been no substantial change in duties from those in effect when the position was originally categorized.

If the position is occupied at the time of reclassification, the employee shall be entitled to serve therein and retain the corresponding status after the position is reclassified.

- 2) There has been a substantial change in the duties and responsibilities associated with a position since it was classified to a particular grade.
 - a) If the position is assigned a higher pay grade than the current position, such action is considered an upgrade for the position. If the position is occupied at the time of an upgrade, the incumbent may be reclassified, but does not have to meet the minimum qualifications of the new position if they are changed. A salary adjustment may be granted in accordance with the promotional increase policy.

Section F – Position Control

All positions in the County are established and maintained through a budget each fiscal year in accordance with established budget and accounting procedures. The establishment of additional positions not approved through the budget process shall be coordinated through the Human Resources Department and will be accomplished at the discretion of the County Administrator upon approval of the Board of County Commissioners. Changes to position allocations that do not result in an increase in the current approved budget of a department may be authorized by the County Administrator.

Section G – Abolishment of Positions

Whenever there is justification for abolishing a position such as lack of work, reorganization, lack of funds, or other reason, the department/division director shall make such recommendation to the Human Resources Director. The Human Resources Director shall review and present such recommendations for approval by the County Administrator. In no case will a position be abolished as means of terminating an employee.

Section H – Maintenance of the Classification Plan

- 1) Each time a unit or department is substantially reorganized, the department director will submit new Job Description Questionnaires for all affected positions to the Human Resources Director.
- 2) The Human Resources Director may require department directors to submit Job Description Questionnaires at any time when there is reason to believe there has been a change in duties and responsibilities of one or more positions.
- 3) Any change in the Classification Plan, such as establishing new positions, abolishing positions, reclassifying positions, or pay grade changes for positions require the prior review by the Human Resources Director and the approval of the Deputy County Administrator.

Annually, the Human Resources Director shall review the Classification Plan with Administration to determine if changes need to be made.

CHAPTER 3 – COMPENSATION PLAN

Section A – Purpose

The Compensation Plan is designed as a fair and equitable method for payment of employees in the County. The Plan shall establish a basic salary schedule as approved by the Board. The salary ranges shall include minimum and maximum rates of pay for all positions included in the Classification Plan. In addition to the basic salary schedule, the Compensation Plan consists of two (2) salary components that shall be used to adjust employee compensation. These two (2) mechanisms include market adjustments and performance awards.

Section B – Market Adjustment

The market adjustment is the cost of living adjustment (COLA) and is the component that is used to ensure that the salary structure is adjusted to reflect changes in the wage index. This review is done annually as a part of the budget process and if approved, will normally take effect on October 1. The review is based upon information provided by Human Resources, the Office of Management and Budget, and the County Administrator or designee, with approval by the BCC.

Section C – Starting Rates for New Employees

- 1) In most cases, a new employee shall be paid the minimum rate of pay for the position. Exceptions may be granted based on experience and qualifications with the approval of the department director, the Human Resources Director, and the Deputy County Administrator.
- 2) The minimum rate for each position is based upon the assumption that a new employee meets the minimum qualifications stated in the class specifications.

Section D– Promotional Increases

- 1) Policy
 - a) When an employee is promoted to a position in a higher grade, the employee's salary will increase at least to the minimum or hiring salary of the new grade. If an employee is at or above the minimum salary, a maximum of a ten percent (10%) increase may be recommended by the department director and approved by the Human Resource Director and the Deputy County Administrator.
- 2) Procedures for Determining Promotional Increase
 - a) The appropriate hiring authority shall recommend an increase within the standards stated in the policy. The promoted employee's most recent performance evaluation shall accompany the request and be submitted to the Human Resources Director for review and final approval.
 - b) The decision regarding a promotional increase shall reflect the promoted employee's experience and qualifications in comparison with other employee's backgrounds in the same job.

Section E – Effects of Demotion

When an employee is demoted to a lower position, the employee shall be paid at a rate that is within the approved range for the lower position. The rate of pay shall be set by the Human Resources Director, and the Department Director taking into consideration the circumstances surrounding, and the reasons for, the demotion. An employee receiving a demotion will be required to serve a new probationary period pursuant to the Probationary Policy. If a demotion is based on performance, said employee will be requested to serve a new probation.

Section F – Employee Transfers (Lateral)

The BCC encourages employee transfers for the purpose of increasing job knowledge and skills in preparation for advancement within the organization. Post-probationary, regular employees may apply for transfers to regular BCC positions. Employees should contact Human Resources to complete a transfer form.

Section G – Temporary Work at a Higher Classification

An employee may be required to work at a higher classification on a temporary, incidental or emergency basis and may do so at the discretion of the Division Director or County Administrator. Any such temporary assignment shall not affect the employee's eligibility for normal merit advancements. Documentation of employee temporary assignments should be included in the personnel records. The employee may receive a temporary salary increase not to exceed 10% at the discretion of the County Administrator or Deputy County Administrator while working at a higher classification.

Section H – Overtime/Compensatory Time/Call Back Pay and Stand-By

- 1) Overtime Compensation
 - a) Exempt Employees
Executive, professional, and administrative, as defined in the Fair Labor Standards Act, are normally exempt from overtime except during emergencies or disasters. All department directors are included in this exemption. When a state of emergency has been declared or in the opinion of County

Administrator with direction of the Board, Exempt employees may be authorized for overtime pay.

b) Non-Exempt Employees

All hourly/non-exempt salaried employees will be paid overtime compensation after 40 hours of work in a seven (7) day workweek. Unless overtime is given in the form of compensatory time off as provided below, hourly employees shall receive time and one half (1½) their regular rate of pay for all hours worked in excess of 40 per workweek.

c) General Requirements

1. Overtime is to be avoided except during peak loads or in emergencies. Employees are strictly prohibited from working overtime without permission in advance from their supervisor.
2. Overtime hours must be submitted on the time sheet and should include the total number of hours and the date the overtime was worked.

2) Compensatory Time

Exempt employees are not eligible to earn or accrue compensatory time. All non-exempt hourly employees may be granted compensatory time off in lieu of overtime at the rate of one and one-half (1½) times the actual hours worked, subject to the following:

- a) Compensatory time may only be accrued pursuant to an understanding between the department director and the employee prior to the actual performance of work;
- b) Compensatory leave must be used prior to use of annual leave or sick leave.
- c) Employees may choose to receive payment for accrued compensatory time upon the employee's separation of employment or upon entry into the Florida State Retirement System Deferred Retirement Option Program (DROP);
- d) Compensatory time off will be allowed within a reasonable period of time after requesting its use, so long as it does not unduly disrupt the operations of the department;
- e) For record keeping and reporting purposes, compensatory time off earned and taken must be accounted for in the payroll system by entries on biweekly time reports.

3) Violations and Reporting Procedures

- a) It is a violation of the County's policy for any employee to falsify a time sheet or to alter another employee's time sheet. It is also a violation of County policy for any employee or manager to instruct another employee to falsely report hours worked or to alter another employee's timesheet to under- or over-report hours worked (or to fail to report any such misconduct). Report any violations of this policy immediately to the Human Resources Director or designee. It is not a violation of the County's policy for a timekeeper, supervisor or other management official to make accurate corrections to a time card or time sheet in order to ensure compliance with county policies.
- b) Non-exempt employees must not work any hours outside of their scheduled work day unless their supervisor has authorized the unscheduled work. Employees must not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless authorized to do so and that time is recorded on their time card or timesheet. Employees are prohibited from performing any "off-the clock" work. "Off-the- clock" work means work performed but not reported on biweekly timesheets. Any employee who fails to report or inaccurately reports any hours worked may be subject to disciplinary action, up to and including dismissal.
- c) Exempt/Salaried employees must claim leave on their timesheets if they work less than 4 hours of an 8 hour workday or less than 5 hours of a 10 hour workday.

CHAPTER 4 - EMPLOYMENT, VACANCIES AND PROMOTIONS/TRANSFERS

The selection of all employees will be based upon proper and legal consideration of the following criteria in no order of importance:

- 1) Qualifications;
- 2) Previous work history;
- 3) Objectives to provide affirmative action for equal employment opportunity;
- 4) Experience;
- 5) Ability to successfully represent Walton County BCC's cultural goals and objectives, written or otherwise.

Preference is given to certain veterans and spouses of veterans as provided by Chapter 295, Laws of Florida.

Section A – Announcing of Vacant Positions

- 1) Job Vacancy Postings
 - a) Upon a department's request, the Human Resources Department will distribute a Job Vacancy for posting, for a minimum of fourteen (14) calendar days, to all county departments.
 - b) Prior to transferring internally, County employees will be required to complete an Internal Transfer Form and submit it to the County Human Resources Department prior to the closing date of the position.
 - c) After the final date to apply, and in accordance with the County's program of Affirmative Action for Equal Opportunity, the Human Resources Director or designee will contact interested employees and schedule an interview, if appropriate, or advise the employee of the Human Resources Director's decision.
 - d) At the discretion of the Human Resources Director or designee, applications of the apparently qualified interested County employees will be referred to the department. County employees should be given consideration before outside applicants.
 - e) All vacant County positions will be advertised internally and/or externally concurrently and for fourteen (14) calendar days. If necessary, the position may be posted for longer than 14 days.
 - f) If a comparable position has filled within the prior (60) days, the department director (with approval from the Human Resources Director) may elect to forego a posting of the comparable vacancy and select a qualified applicant from the prior group or groups of qualified internal or external applicants.
 - g) Upon a conditional offer, background, driver's license checks and reference checks will be conducted on the selected candidate. For all positions requiring college degrees, the candidate must request that an official sealed, transcript be mailed directly from the educational institution to the Human Resources Department as part of the pre-employment process. Until the official transcript is received by Human Resources, the offer of employment will remain conditional.
 - h) At the close of all interviews, the department director shall make a recommendation to the Human Resources Director and explain the criteria and basis for their selection. The Human Resources Director will examine the department's selection and recommend a decision. When the department director and the Human Resources Director do not concur in their recommendations, the respective Deputy County Administrator will review the recommendations and make a final decision.

Section B – Filing of Applications

- 1) All applications for positions shall be made on a standard form prescribed by the Human Resources Director. The application form shall request details covering training, experience, and other pertinent information.
- 2) Applicants claiming veteran's preference must indicate it on the application and provide necessary documentation.
- 3) All applications shall be signed by the applicant attesting to the truth of all statements contained in the application form (this includes online submissions). An electronic signature is sufficient. Any false statement or misrepresentation by an applicant may be cause for denying employment consideration or for discharge from County employment if discovered at any time after being employed.
- 4) Applications will be accepted only for positions that are posted, during the posting period. A completed application form and proof of education and training will be required for each position applied for.
- 5) It is the objective of Walton County to provide consideration to internal candidates for their proven qualities as County employees.

Section C – New Employees

All new employees must report to the Walton County Human Resources Department to complete all required employment forms, prior to reporting for duty. The employee must bring his/her social security card and driver's license to meet I-9 requirements. Walton County participates in E-Verify.

Section D – Employment of Relatives

Florida Statutes, Chapter 112.3135, severely restricts the employment of relatives (in the same political subdivision) of public officials. "Public Officials" is defined as including any employee with authority to make recommendations for the appointment, employment, etc. The statute definition of "relative" is as stated in Florida Statute 112.3135. Compliance with the statute is mandatory and penalties are provided. The BCC confirms that Walton County will comply with the statute in its employment practices.

Moreover, one family member shall not have supervisory authority over the other. (Walton County Resolution 2000-75, 1/27/01)

Section E – Promotion/Transfer

- 1) All full-time and part-time employees after successfully completing the initial probationary period of (6) six months of employment, shall be eligible for promotion and/or transfer to another department with the approval of both department directors. Inter-departmental transfers may be approved before the initial probationary period is completed at the director's discretion.
- 2) Employees desiring a promotion and/or transfer to another position may apply for a posted position by completing a Walton County Transfer Form and submitting it to the Human Resources Department prior to the final date to apply.
- 3) Veteran's preference in promotion will be given in accordance with Chapter 295, Laws of Florida. Eligibility for preference in promotion shall apply only to a Veteran's first promotion after reinstatement or re-employment, without exception.

Section F – Demotions

A position may be filled by the demotion of an employee in accordance with the provisions of these rules and regulations. Demotion may be the result of reclassification of a position, disciplinary action or at the request of the employee.

Section G – Probationary Period

Objective

All employees shall serve a probationary period before their status may be considered permanent. Any probationary period shall be considered an integral part of the examination process and shall be utilized for evaluation of an employee's performance and adaptability to the position, and for separating from employment an employee who does not meet the appointing authority's expectations.

- 1) Probationary Period (Initial Employment) – When a person is initially employed to fill a position on a regular full-time or part-time basis, they shall be given a probationary period. This period shall be considered the "working test" portion of the employment process and they must pass this period of observation and evaluation successfully. The initial probationary period will be six (6) months for all employees based on any continuous employment whether it is full-time or part-time.
- 2) Probationary Period (Extended) – An employee may be placed on an extended probationary period due to a disciplinary action or documented work performance deficiencies for a specified period of time at management's discretion. Any employee placed on an extended probationary period will not be eligible to be paid any annual leave if termination occurs prior to the end of the extended probationary period.
- 3) Probationary Period (Promoted, Demoted, or Reclassified) – An employee may be placed in a probationary status, at the discretion of the department director, due to a change in their job title or classification.
- 4) Dismissal During Probationary Period – At any time during any probationary period, the appointing authority may remove an employee when deemed to be in the best interest of the County.

Section H – Regular Appointment

An employee given an original probationary appointment shall be given a regular appointment upon satisfactory completion of the probationary period.

Section I – Temporary Appointment

A temporary appointment may be made for a special project or other work of a temporary or transitory nature that will not exist beyond six (6) consecutive calendar months and is not renewable. Temporary appointments may exceed six (6) months when needed to replace or supplement employees incapacitated by workers' compensation injuries. A temporary appointment which exists for any part of a month is considered to be in existence for the entire month. At the point the temporary appointment has been identified as lasting longer than six (6) months the County will begin paying retirement in accordance with the Florida Administrative Code Chapter 60S – 1.004.

CHAPTER 5 – DRUG FREE WORKPLACE

Walton County is committed to maintaining a drug-free workplace. All employees are covered by the Drug-Free Workplace Act of 1988 and will sign and acknowledge a Drug Free Workplace Summary Sheet. Employees may be sent for drug testing as follows:

- a) Pre-employment if the position is a safety sensitive position such as a truck driver or equipment operator.
- b) When there is reasonable suspicion to believe that they are using or have used illegal drugs; or
- c) When there is a report of drug use, provided by a reliable and credible source; or
- d) Post –accident when there is any mishap or accident involving a County vehicle and/or caused by, or contributed to by an employee in which injury to a person or persons.

CHAPTER 6 – EMPLOYEE PERFORMANCE

Section A – Purpose of Evaluations

The performance evaluation program is intended to inform employees how well they are performing their work and how they can improve their work performance. The program is also intended to:

- 1) Be used as a guide for determining merit pay increases;
- 2) Be considered in selecting employees for promotion;
- 3) Provide essential information for employee career development;
- 4) Be used to transition an employee from probationary to regular status;
- 5) Be used in determining whether an employee's work is deficient as to warrant corrective action, up to and including dismissal.

Section B – Evaluation Program Policy

The Human Resources Director shall be responsible for the establishment and administration of a performance evaluation program for all employees of the Board. The performance evaluation shall be administered in a standard written form or electronically as prescribed by the Human Resources Director.

Section C – Evaluation Periods

- 1) Probationary Reviews – All part-time and full-time employees shall be evaluated at the end of their initial or extended probationary period.
- 2) Annual Reviews – All full-time and part-time employees shall be evaluated annually on their anniversary dates or the adjusted anniversary dates.

Section D – Evaluation Review Process

- 1) Evaluations shall be prepared by the immediate supervisor of each employee and reviewed by the

- appropriate department director.
- 2) Supervisors must provide feedback on the evaluation forms in order for them to be considered complete.
- 3) The evaluator shall discuss each performance evaluation with the employee.
- 4) The employee, supervisor and department director shall sign the evaluation.

Section E – Evaluation Processing

- 1) Completed evaluations shall be forwarded to the Human Resources Department for processing at least 14 days prior to the effective date.
- 2) Performance Evaluation Forms will be maintained in the employee’s permanent human resources record.

CHAPTER 7 –LEAVE

Section A – Holidays

- 1) Observed Holidays
 - a) The Board of County Commissioners approves the holiday schedule annually.

Those eligible for paid holidays are full-time probationary or regular employees who have that date as a regularly scheduled workday. In order to receive pay for the observed holiday, an employee must have been present and/or on approved paid leave, on the workday before and after the holiday.

Section B – Annual Leave (Vacation)

- 1) Accrual of Annual Leave
 - a) Employees classified as Full-Time, or Regular, earn the annual leave benefit. Continuous service is calculated from the date of original employment, with leave being accrued from that date. Annual leave cannot be taken until earned and per-approved through the appropriate supervisor. Employees regularly scheduled to work 40 hours per week (2080 hours per year) or 80 hours per two (2) weeks accrue annual leave based on years of service as follows:

<u>Years of Service</u>	<u>Leave Accrued Per Year</u>
0<5	Up to 104 hours annual leave per year
5<8	Up to 130 hours annual leave per year
8+	Up to 160.16 hours annual leave per year

- 2) Request for Leave

Leave request forms, properly executed for paid and unpaid leave time, must be turned in a minimum of seven (7) days in advance of the leave date. In the event of an emergency situation, the supervisor will handle the leave request on a case-by-case basis. All requests for paid leave must be signed by the employee and approved by the Division Director. The Board of County Commissioners Chairman shall approve all leave and travel requests for the County Administrator, County Attorney, and TDC Executive Director. Exempt employees must claim leave on their timesheets if they work less than 4 hours of an 8 hour workday or less than 5 hours of a 10 hour workday.

- 3) Payment for Unused Annual Leave

- a) One (1) year of service is required before any employee leaving the employment of the County can be paid for annual leave. Any employee leaving the employment of the County will be paid for their annual leave accrued, up to a maximum of 120 hours. In the event of a death of a County employee, the death payment of annual leave shall be made to the spouse or family as provided by Florida Statutes, Chapter 232.15 and in accordance with BCC policy.
- b) Continuous Service

- i) Continuous service is defined as including those periods when an employee is on authorized paid leave. Employees on authorized leave (military, medical, or other) are credited for the leave time in determining the length of service for advancement to the higher accrued level.

Section C: Sick Leave

- 1) Paid sick leave is a benefit extended to provide the security of continued pay within certain limitations. Paid sick leave provides for a genuine need of the employee and is not an automatic entitlement to days off with pay. The employee shall call the supervisor or other designated employee prior to or at the beginning of the work day or work shift, when sick and unable to work.
- 2) Definition
 - a) Sick leave is defined as:
 - b) Illness, injury, incapacitation, or quarantine of the employee or immediate family.
 - c) Routine medical, dental, or optical examinations that cannot be scheduled for the employee any time other than working hours.
 - d) Part-time employees do not accrue sick leave.
- 3) Request for Sick Leave
 - a) A request for sick leave will be submitted to the immediate supervisor. If prior approval is not requested, an employee must call their immediate supervisor for approval, within one-half (1/2) hour after the beginning of the work shift.
 - b) Any sick leave taken must be reported on biweekly time sheet.
- 4) Unused Sick Leave
 - a) Standard Sick Leave Payout Policy
 - i) Upon separation, the employee may receive pay for one-half of their sick leave accrued up to a maximum payment of one hundred twenty (120) hours. Employees who are terminated for cause may not receive pay for sick leave.
- 5) Medical Certification

For the following reasons, a medical certification signed by a licensed physician is required by the employee's department director to substantiate a request for sick leave:

- a) Any period of absence (due to illness) for three or more consecutive days requires a doctor's note.
- b) To support a request for FMLA leave.
- c) A fitness for duty report to return to work from leave when applicable.

Section D – Sick Leave Pool

1) Purpose

The purpose of the sick leave pool is to permit eligible employees to pool portions of their sick leave benefits to members who have exhausted their leave.

2) Eligibility

- a) In order to be eligible for membership in the sick leave pool, an employee must:
 - i) Be a full-time employee; and
 - ii) Have completed six (6) months of employment with the Board prior to application for membership; and
 - iii) Have a minimum of 48 hours of accumulated sick leave at the time of application for membership.
 - iv) Must have exhausted all sick and annual leave hours before hours from the sick leave pool can be used.

- b) Eligible employees can apply to join the sick leave pool during the annual open enrollment period.
 - i) All employees should contact Human Resources for the enrollment form and for more information on the sick leave pool.
- c) The County Human Resources Director shall serve on the sick leave pool committee and along with the Benefits Coordinator and the Director of Finance.
- d) The maximum hours available for use in the sick leave pool is 1040.

3) Abuse of Sick Leave Pool Policy

Alleged abuse of the sick leave pool shall be investigated by the Human Resources Director, and, if warranted, the participating employee shall repay all sick leave credits drawn from the pool and may have his/her membership in the pool canceled by majority vote of the committee. In addition, the employee may be subject to disciplinary action.

Section E – Bereavement Leave

- 1) A maximum of 24 regularly scheduled and consecutive work hours with pay will be granted to a full-time employee when a death in the family occurs.
- 2) Immediate family is defined as the employee's spouse, parents or grandparents of either, children of either, guardians of either, brothers or sisters of either, or relatives residing in the same household.
- 3) You must notify your supervisor/department director of this bereavement leave so that your time will not be docked.
- 4) Evidence of death and funeral attendance may be required.

Section F – Family and Medical Leave Act (FMLA) Leave

The following information is intended to be used as a guide for FMLA leave. The Family and Medical Leave Act of 1993 as amended in 2008 is detailed and lengthy; all provisions contained therein shall apply to Walton County employees.

Pursuant to the Family and Medical Leave Act of 1993 (FMLA), the Walton County BCC shall grant Family and Medical Leave to eligible employees. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months. Please contact the Human Resources Department for more details on the FMLA policy.

Section G – Military Leave of Absence

The following information is intended to be used as a guide for military leave of absence. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) is detailed and lengthy; the provisions contained therein shall apply to Walton County employees.

- 1) Employees are eligible for military leave of absence when they are assigned (volunteered or ordered) to active or inactive duty in connection with U.S. Reserve Forces or the National Guard. A copy of the member's official orders should be submitted as much in advance of the leave as possible.

CHAPTER 8 – BENEFITS

Section A – Insurance

All regular full-time employees are eligible for group insurance benefits as provided by the Board. Dual employed family members on the insurance plan may not be paid for one to opt out of the plan.

Employees who terminate their employment have the option, at the time of their termination, of retaining their health insurance as set forth in the current health insurance benefit plan, under the COBRA law. Health insurance may also be retained under the provision of COBRA when a covered employee no longer qualifies for coverage due to a reduction in work hours.

Section B – Travel Expenses

- 1) Walton County employees should use County issued vehicles for county business and travel if at all possible. Attempts to use a County issued vehicle should be exhausted before proceeding with private vehicle use.
- 2) County employees shall be entitled to reimbursement for the use of their private vehicles and for expenses which they may incur while performing travel in conduct of County business.
- 3) Mileage reimbursement rates for travel by privately owned vehicles will be paid in accordance with the IRS optional standard mileage rate.
- 4) Department director travel out of the County must receive prior approval of the County Administrator or Deputy County Administrator.
- 5) Department directors can approve out of County travel for their employees.

Section C – Workers' Compensation

- 1) All county employees are covered by and are entitled to the benefits of the Florida Workers' Compensation Law.
- 2) All employees who sustain an injury arising out of, or in the course of, performing their duties with the County are responsible for immediately advising their supervisor and completing a "First Report of Injury Form."

The First Report of Injury Form, completed by the employee and signed by the supervisor and/or department director, and the Supervisor's Accident/Incident Investigation Report Form, completed by the employee's supervisor, should be forwarded to the Human Resources Department within 24 hours.

Section D – Retirement

- 1) Walton County BCC employees may be eligible to participate in the Florida Retirement System (FRS). Complete and up-to-date information on retirement is available; contact the Human Resources Department and/or FRS directly.
- 2) For those employees who are not eligible to participate in the Florida Retirement System (FRS), that employee may elect to contribute 3% of their gross income to an International County Managers Association (ICMA) 401(b) account. That payment shall be accomplished through a payroll deduction each pay period. If the employee elects to make such a contribution, the County will contribute to that employee's ICMA account a percentage equal to that which the County contributes to FRS for its regular employees.

Section E – Employee Assistance Program (EAP)

Walton County is committed to maintaining and strengthening our most important resources – our employees. In support of this tradition, the Board has initiated an Employee Assistance Program (EAP). We recognize that many kinds of personal and emotional problems which often affect job performance can be resolved more readily if they are properly identified, diagnosed and appropriately treated. Problems included under this program are marital, child or other family problems, persistent anxiety, substance abuse, stress problems, financial, or other distractive concerns. The establishment of the EAP will provide a confidential short-term counseling and referral service for eligible employees and their immediate family members. This EAP reflects the County's concern for the well-being of its employees as well as its dedication to the effective accomplishment of its goals.

The County encourages an employee who is experiencing problems to take it upon themselves to seek assistance from the EAP. For more information on the EAP, contact Human Resources.

CHAPTER 9 – POLITICAL ACTIVITIES

- 1) The law does not prohibit a state or local officer or employee from voting as desired or from expressing an individual opinion on political subjects and candidates. The law also does not prohibit an employee from voluntarily engaging in political management or campaigning. What is prohibited generally is coercing other employees to engage in such activity, and improper use of official authority or influence.

- 2) An employee may not:
 - a) Take any part in a political campaign while on duty.
 - b) Use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
 - c) Directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes.
- 3) Florida Statutes 99.012 or its successor in function places some restrictions on certain county employees qualifying for public office. County employees not affected by F.S. 99.012 may seek any elected position (municipal, county, state or federal) without resigning or taking a leave of absence, providing campaigning does not interfere with their normal job performance.

CHAPTER 10– TIME SHEETS

- 1) Time sheets will be prepared for all employees.
- 2) Inaccurate timesheets will result in paychecks being delayed.
- 3) Time sheets must be written in ink or electronically printed; no other will be accepted.
- 4) At the end of each pay period, the supervisor will check for accuracy.
- 5) The supervisor will sign all time sheets for employees under his/her supervision and employees will sign for themselves.

CHAPTER 11 – DISCIPLINARY ACTIONS

Section A – Policy

It is the policy of Walton County to:

- 1) Provide a well-defined system of discipline that sets forth standards of conduct and specific guidelines for disciplinary actions and which will be applied to all employees equitably, without bias or prejudice.

The Human Resources Department is designated as the official repository of all employee records. All disciplinary actions taken will be forwarded to the Human Resources Department for inclusion in the respective personnel files.

Section B – General Provisions

- 1) It is the intent of the County that discipline should be characterized as corrective and constructive rather than punitive and that disciplinary actions be utilized as an element of an overall program to educate and motivate employees to exhibit behavior that will contribute to individual growth and development and to the successful operation of county government.
- 2) Any County employee may be disciplined.
- 3) The need for disciplinary action may arise as a result of different kinds of action on the part of the employee, such as, but not limited to:
 - a) Failure to perform his/her job in a satisfactory manner, that is, unsatisfactory performance as to one or more of the requirements of the job;
 - b) Infraction of established rules, regulations, policies and procedures.
 - c) Offenses or misconduct which violate general rules of behavior or are specifically prohibited by law.
 - d) Being convicted of a felony or a misdemeanor.
 - e) Being absent three (3) consecutive days without approval and without prior notification to the supervisor or division director.
 - f) Excessive tardiness or absences.
 - g) Incompetence, inefficiency, negligence, or failure to follow orders.
 - h) Abuse, misuse or theft of public property, equipment facilities or supplies.

- i) Willfully making false statements to supervisors, the BCC, or to the public, or falsification of records or misrepresentation of uniform, badge or position.
- j) Violation of departmental rules, safety work habits, personnel or policy regulations, safety rules or County ordinances.
- k) Possession, or use of alcoholic beverages or narcotic drugs (not prescribed by a physician) during working hours on County property or in a County vehicle.
- l) Reporting to work under the influence of alcoholic beverages or narcotic drugs (whether or not prescribed by a physician) or any other drug, which affects the employee's ability to carry out their duties.
- m) Acceptance of gratuity in violation of County policy and of Florida Statutes of Conduct and Ethics.
- n) Political activity prohibited by law.
- o) Violation of State and/or Federal Statutes and regulations pertaining to public employees.
- p) Refusal to work overtime when necessary.
- q) Conduct that is disruptive, insubordinate, antagonistic, offensive or injurious to the County whether in relation to co-workers, other employees, superiors, elected officials or general workers.
- r) Failure to promptly report injuries or accidents through proper channels to supervisors.
- s) When required by the job description, failure to maintain a valid driver's license.
- t) Any gambling activity of any kind while on duty or while on County owned property.
- u) Smoking in County buildings and/or County vehicles.

Section C – Application of Disciplinary Action

- 1) Although internal consistency in administering discipline is desirable, numerous factors should be considered in determining the appropriate level of discipline to be assessed at each successive step.
- 2) Some of the factors involved include time intervals between offenses, effectiveness of prior disciplinary actions, willingness to improve, overall work performance, job attitudes, and disciplinary actions previously taken with other comparable employees for similar offenses.
- 3) Some infractions may be more serious in one case, because of the employee's responsibilities than in another case.
- 4) A repetition of the same offense or other serious offenses indicates that more severe disciplinary measures should be administered.
- 5) Certain offenses are of such a serious nature that immediate discharge upon first offense is applicable. Prior to any action to dismiss an employee, the department director will contact the Human Resources Director and review that personnel file.
- 6) When circumstances permit, department directors are encouraged to pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented for inclusion in the employee's human resources file.
- 7) Incidents of misconduct may differ in individual cases from somewhat similar incidents, and the county retains the right to treat each incident on an individual basis without creating a precedent for cases that arise in the future.
- 8) These provisions are not to be construed as a limitation upon the retained rights of the County, but are to be used as a guide.

CHAPTER 12 – GRIEVANCE PROCEDURE

Section A – Policy

Grievances

A grievance is defined as a formal complaint made by an employee when they feel the application of a rule, policy or procedure has been applied unjustly, or when some condition of employment is believed to be unfair or unjust.

If an employee believes a rule, policy or procedure has been applied unjustly, the following procedure may be used to resolve such concerns. The County has special grievance procedures to resolve such complaints. In order to use these procedures the employee must have completed their probationary period

and have attained permanent status. Employees covered by a collective bargaining agreement shall follow the procedure set forth in the agreement.

The following areas of personnel administration are considered management prerogatives and will not be subject to grievance:

- 1) Scheduling and assigning work, work hours and work stations.
- 2) Establishing work standards and quality.
- 3) Size of workforce and reorganizations.
- 4) Reductions to the work force.
- 5) Appropriations and budgets.
- 6) Scope of work within job classification except when an assignment is clearly determined not to be within the job classification.
- 7) Performance evaluations.
- 8) Salary scales and rates of pay falling within officially established ranges.
- 9) The right to discipline.
- 10) The missions of the County.

It is the responsibility of supervisory and management employees to hear and consider any valid employee grievance, and take necessary corrective action when indicated, or provide a reasonable explanation as to why the complaint is not justified.

Each employee has the responsibility to ensure any grievance filed is reasonable and based upon factual information and not abuse the purpose and intent of the system.

Section B - Disciplinary Actions

Pre-Disciplinary Hearings

When a supervisor has determined that an employee's actions may require discipline above a written reprimand, a pre-disciplinary hearing will be scheduled and the employee notified in writing at least 24 hours in advance. At the hearing, the supervisor explains the charges and the type of disciplinary action being considered. The employee will be given an opportunity to offer any contrary evidence, explanation and/or comments. The employee is notified of the decision after management discusses and decides upon the appropriate disciplinary action.

CHAPTER 13 –APPEAL PROCEDURE

Appeal Procedures (Employment Action)

For appeals concerning terms or conditions of employment or discipline up to and including a written reprimand, the decision of the director or division director is final and non-appealable.

For appeals concerning suspension with or without pay, demotion, involuntary reduction in pay or disciplinary probation, an employee who feels that he/she has a legitimate appeal shall first discuss it on an informal basis with their immediate supervisor. The employee should allow the supervisor sufficient time to review the matter and offer a response.

If the informal resolution process fails, the employee shall submit to the supervisor a written appeal, stating the facts of the complaint and the relief requested. The supervisor may have a meeting with the employee to discuss the appeal. The supervisor shall communicate a decision in writing to the employee within seven (7) calendar days following receipt of the written appeal.

If the appeal remains unresolved and the employee desires additional review, the employee shall submit it in writing to the division director within seven (7) working days after receipt of the supervisor's decision. The division director may have a meeting with the employee to discuss the appeal. The division director will provide a written response to the employee within seven (7) calendar days following receipt of the appeal.

If the appeal is not resolved by the division director and the employee desires additional review, the employee shall submit it in writing to the Human Resources Director within seven (7) calendar days after receipt of the division director's decision. The employee and the division director will meet with the Human Resources Director to discuss the grievance. The Human Resources Director may request additional information at this time including obtaining statements from other pertinent sources. The Human Resources Director will provide a written response to the employee within seven (7) days following receipt of the appeal.

If the appeal is not resolved by the Human Resources Director and the employee desires additional review, the employee shall submit it in writing to the County Administrator or their designee within seven (7) calendar days after receipt of the Human Resources Director's decision. The Human Resources Director will make arrangements for the employee to meet with the appropriate level of Executive staff or their designee and be given the opportunity to explain his/her position. After considering all the information, the County Administrator or their designee shall make a decision which shall be final. The County Administrator or their designee will provide a written response to the employee within seven (7) calendar days following receipt of the appeal.

Time Limits

Failure to initiate an appeal within the time limits indicated prohibits the employee's eligibility to participate in appeals process.

Failure at any step by the supervisor/department head of this procedure to communicate the decision of an appeal within the specified time limit shall permit the employee to proceed to the next step.

The number of days indicated at each step should be considered as a maximum and every effort should be made to expedite the process. However, the time limits specified in any step of this procedure may be extended, in any specific instance, by mutual written agreement.

General Provisions

If an appeal arises from the action of an official higher than the supervisor, the appeal may be initiated at the appropriate level/step, by submitting the appeal within the established time limit.

If an appeal meeting is held during the work hours of any required participant, such participant shall be excused without loss of pay for that purpose. Attendance at appeals meetings outside regular working hours shall not be deemed time worked.

The filing or pendency of any appeal under the provisions of the section shall in no way operate to impede, delay, or interfere with the right of the County to take the action complained of, subject to the final disposition of the appeal.

An employee who resigns from County employment forfeits the right to initiate or to process an appeal under the provisions of this section.

Nothing in this section shall be construed to prevent or discourage informal discussion between an employee and his/her supervisors on matters of concern to the employee.

The appeals procedure only applies to current employees for issues related to discipline.

CHAPTER 14– SEPARATIONS

All employees separating their employment will personally go to the Human Resources Department to process out. An employee may be separated from the service of Walton County by any one of the methods as described below.

Section A – Types of Separation from County Service

Separations and/or terminations from positions in the County service shall be designated as one of the

following types:

- 1) Resignation;
- 2) Layoff or Reduction in Force;
- 3) Disability;
- 4) Loss of License or Other Requirements;
- 5) Dismissal or Unsatisfactory Service Separation;
- 6) Retirement;
- 7) Death

CHAPTER 15 -Communications and Technology Policy

Telephones, cellular phones, voice mail systems, fax machines, tablets and computers, including electronic mail systems (e-mail) and Internet are provided for Walton County business use and personal use is prohibited.

Also prohibited is use of any of these systems to transmit or receive inappropriate messages, to access inappropriate information, or to harass or annoy another party. Inappropriate messages and information include but are not limited to, those that are for personal benefit and those involving discriminatory, hostile, suggestive, obscene, or otherwise unsuitable language and downloading of software onto the County's computers.

Internet Service/Access: The BCC believes in empowering the staff with resources necessary to complete their work as well as grow in their current positions. Therefore, we do not limit employee access to the internet as there are many resources such as state and local government websites as well as research sites that provide valuable tools to the staff.

It is the responsibility of each individual employee to utilize these resources in an effective, ethical, and lawful manner. Improper use of these resources could result in the immediate termination of internet service for the employee by his/her supervisor or approving authority, and will be subject to disciplinary action.

The IT Department does monitor internet activity. Any improper use is reported to the employee's director.

As an employee of a government organization, all messages, web pages, files, and other documents accessed using the Internet services are subject to Public Records Requests.

Email: The BCC uses email to manage internal affairs and communications on a daily basis. These records are subject to public records disclosure unless explicitly exempt by law.

All email users are responsible for the content of the messages they send. Each message should be courteous, professional, businesslike, and written in language and tone acceptable for general public review. Messages should never be transmitted that would create an atmosphere of discomfort for another person or that may be perceived as harassment.

Email Security: Users are responsible for the security and maintenance of their local area network password. In order to maintain security, passwords will be changed as prompted by network administrators. Users will not disclose their passwords to others or record/post their password where it can be viewed by others.

Email Access By Management: Management reserves the right to monitor and review all email content without the consent of the employee.

While emails generated for incidental personal purposes may not qualify as public record(s), BCC employees should not consider any email to be immune from review by management.

Personal Responsibility: Email, unless specifically exempted by Florida Statute, is a public record. Retention of email is a responsibility of both the sender and the receiver. Email messages originating within the BCC are

the responsibility of the originator. Therefore, email that is received from a sender within the BCC may be assumed to have been retained by the sender and may therefore be deleted. The receiver must retain email that originates outside the BCC and falls under the definition of a public record listed above. In addition, the receiver is responsible for assigning the appropriate retention tag to all email messages.

Retention: Each employee using the e-mail system is responsible for understanding this policy, applying the appropriate retention tag, and determining whether e-mail messages are personal, transitory, and/or public records. Each employee is responsible for the appropriate retention of e-mail.

Guidelines for the proper retention of documents as well as the destruction of documents are outlined by the Florida Department of State. Most of the records for BCC fall under General Records Schedule GS11.

Message management: Senders and receivers are responsible for the periodic deletion of personal and transitory messages so that the e-mail system is not overburdened.

Privacy: E-mail users should have no expectation of privacy in the content of their e-mail. All e-mail, whether personal, transitory, or public record, is subject to inspection by BCC Administration. Minor personal use is acceptable, but BCC e-mail systems should not be used for private business.

Violations: Violation of this policy may result in disciplinary action, including termination, in accordance with the policies and guiding principles.

CHAPTER 16 – SOCIAL MEDIA POLICY

The purpose of the Social Media and Digital Marketing Policy is to ensure the proper use of County social sites, web based marketing and technologies by establishing guidelines for County owned social media and marketing tools.

The term social media encompasses a broad spectrum of online activities which can evolve on a daily basis. Social networking on Twitter, Facebook, LinkedIn, Google+, Vine, Snapchat, YouTube, Flickr, blogs and other platforms, as well as those not in existence at the time of the adoption of these guidelines, leave a virtual footprint – one that is immediate and is not easily erasable.

Publicly posted information must be professional as it reflects on Walton County, its elected officials, employees, volunteers, programs, policies and services. County social media accounts are not a substitute for or a replacement of available public information, or a platform for the expression of political speech and policy opinion or for the communication on any subject matter unrelated to the programs, regulations and services of the County.

All social media communications messages that are composed, sent or received on the County's IT equipment or used in official County business or representing Walton County, are the property of Walton County and are subject to public disclosure. Walton County reserves the right to not publish any posting or to remove it. All postings will be preserved as public record.

The County's website of www.co.walton.fl.us shall remain the primary and predominant Internet presence. The appropriate County uses of social media as tools fall generally into two categories:

- As channels for disseminating time-sensitive information as quickly as possible (example: emergency information).
- As marketing or outreach channels which increase the ability to broadcast messages and goals to the widest audience possible.

Social media content submissions should meet the goals and expectations of the County as a whole. Departments may not develop separate social media networks and all new sites must be approved by the County Administrator and County Attorney before they are created. Content should fall within the parameters of County policies and state and federal law, including copyright laws.

Postings on any official County social networking site must not violate any federal, state or municipal laws. For example, they may not”

- Reveal information about ongoing investigations
- Discuss deliberative materials
- Violate the regulatory process
- Circumvent Public Records & Open Meetings Laws
- Violate privacy, confidentiality or copyright
- Violate other legal issues that may not apply

All content on the county’s social media sites are subject to the public records law, Chapter 119, Florida Statutes.

When using social networking sites, County postings will:

- Use appropriate language and not use discriminatory slurs, personal insults, obscenity, profanity, rudeness or engage in any communication that is not acceptable in the county’s workplace.
- Demonstrate proper consideration for others’ privacy.
- Not post topics that are considered objectionable or inflammatory.
- Not comment on business partners or their competitors’ practices or services or use such as part of content added to a site.
- Not post material that could be construed as promoting private commercial interests.

CHAPTER 17 – WHISTLEBLOWER PROTECTION POLICY

The Board of County Commissioners is committed to providing a workplace and citizen service arena in which there is open discussion of operations and practices. Accordingly, anyone who has reason to believe the County is violating or not complying with state or federal statutes, rules or regulations is encouraged to report the concern to the County Administrator, any member of County management, or to a County Commissioner.

Any staff member, volunteer, vendor, or member of the public who reports suspected misconduct, fraud, or abuse will not be retaliated against for making the report.

The report will be investigated and even if determined not to be misconduct, fraud, or abuse, the individual making the report will not be retaliated against. There will be no punishment, retaliation or any other type of discrimination for reporting problems.

There are several ways to make a report:

- Submit the report verbally or in writing to the County Administrator; or
- Submit the report verbally or in writing to any member of management;

NOTE: Florida’s “Whistle-blower’s Act” provides protection against retaliatory action to those reporting information. See F.S. 112.3187 to 112.31895 for detail.

CHAPTER 18 – CONFLICT OF INTEREST

No employee or official shall have a direct or indirect financial, personal, business or other interest that conflicts, or appears to conflict, with public duties and responsibilities or engage in financial, personal, business, or other transactions as a result of relying on information obtained through employment. Florida Statutes, Chapter 112.311, provides penalties for Conflict of Interest violations. Any outside personal economic relationship which affords present or future financial benefits to an employee, his family, or to individuals with whom he has business or financial ties, may be considered a conflict of interest requiring an evaluation by the County Administrator and Finance Director. County employees and vendors are required to disclose any potential conflict to the Finance Director.

CHAPTER 19 – OUTSIDE EMPLOYMENT

Employment with Walton County will take precedence over any outside or secondary employment.

No employee shall engage in any outside employment or activity which interferes in any way with the full performance of job duties, or which reflects discredit on the County and its work force. Notice of outside employment should be submitted to Human Resources for approval. No regular status employee may receive payment for services from any other public or private organization receiving county connected local, state and/or federal financial support.

CHAPTER 20 – PERSONAL ACTIVITIES DURING WORK TIME

Personal activities must be accomplished before work, during lunch or after work, not on County time, and not in County vehicles. If an employee has an emergency and needs to accomplish a personal task during County time, the employee's supervisor is to be made aware of the situation and the employee will be charged for annual leave or sick leave.

CHAPTER 21 – LOYALTY OATH

Florida Law requires all County employees to take an Oath of Loyalty at the time they are hired. It is illegal for the County to issue a pay check to employees who have not signed a loyalty oath.

CHAPTER 22 – DRESS CODE AND APPEARANCE

The purpose of the policy is to further insure the safety and personal hygiene of each employee by reducing the risk of injury and/or illness through exposure as well as the issue of appropriate dress and grooming. Exceptions will be made for legitimate medical and/or religious reasons where appropriate.

No visible forms of jewelry may be worn in the facial area to include but not be limited to the nose, tongue, cheek, lip and eyebrow.

Employee are required to conceal tattoos which could be sexually harassing, racially, religiously or ethnically offensive.

The determination of specific, appropriate employee dress and personal appearance standards are the responsibility of management.

An employee not meeting the standards of this policy or the departmental operating procedures may be subject to disciplinary action, which may include requiring the employee to leave the premises. Employees will be required to use available Annual Leave and non-exempt employees will be required to use Leave without Pay for time missed because of failure to comply with the policy.

If uniforms are issued by the county, they should be worn to work. If an employee terminates employment, they should turn their county issued uniforms to their supervisor.

CHAPTER 23 – VEHICLE USE POLICY

It is the policy of Walton County that all possible measures be taken to ensure the safety of its employees, the public, and county property.

Operation of County Vehicles

- 1) It is necessary for many county employees to use county vehicles to carry out their duties. It is essential that these vehicles be used with utmost care and discretion at all times.
- 2) County employees are permitted to use county owned vehicles for the performance of their official duties only.
- 3) No employee shall use or allow the use of a county vehicle of any kind for other than officially approved activities. Misuse will not be tolerated and may be grounds for disciplinary action up to and including

recommendation for discharge.

- 4) Any employee driving a county vehicle outside the county shall obtain written prior approval from his or her supervisor. At the discretion of the BCC or their designee, designated employees on twenty-four (24) hour call, may be allowed at the end of a workday to drive their County assigned vehicle from their workstation to their home within Walton County.
- 5) Employees who are not subject to twenty-four (24) hour call will park their County vehicle at the nearest County facility at the end of the workday.
- 6) Anyone other than a county employee riding in a county vehicle must be doing so in the conduct of county business.
- 7) Any employee driving a county vehicle shall have on his/her person the necessary valid driver's license.
- 8) Any employee who loses their privilege to drive a vehicle, (has their driver's license suspended or revoked) must notify their department director and Human Resources immediately. Failure to do so may result in disciplinary action. When driving is a job requirement, loss of the privilege to drive a vehicle may result in dismissal from employment. A valid driver's license shall be exhibited by any employee upon demand of his/her superior, and a record of the license number shall become a permanent part of the employee's human resources file.
- 9) It is mandatory that all county vehicles be equipped with seat belts and that they be used with the vehicle is in operation.
- 10) All mechanical defects or malfunctions should be reported as soon as possible to the employee's department.
- 11) All county equipment must be operated in a conscientious and safe manner at all times.
- 12) If a county vehicle is involved in an accident, the employee shall notify the Police or Sheriff's department and his/her supervisor immediately. The supervisor will notify human resources and risk management and promptly comply with the post-accident drug test procedures and complete necessary first report of injury forms for worker's compensation if applicable.
- 13) Written reports of all county vehicle accidents will be placed in the human resources file of the employee(s) involved in the accident.

CHAPTER 24 – GENERAL CONDUCT

No employee shall engage in criminal, infamous, dishonest, immoral, or other conduct injurious or prejudicial to the County work force or the general public.

CHAPTER 25 – AUTHORITY OF COMMISSIONERS

No commissioner, acting on his or her own individual authority, may hire, transfer, raise the pay of, demote or terminate the employment of any county employee other than their respective aides or executive assistants. Such actions can only be accomplished after the approval of the appropriate Division Director or the County Administrator in accordance with established personnel policy.

EXHIBIT E

**SUMMARY & EXCERPTS
OF
WALTON COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT MEMORANDUM
INTERNAL AFFAIRS UNIT
AUGUST 2010
I.A. #10-21
&
I.A. #09-29**

Captain Mike Barker in June of 2009 was the Director of Walton County Emergency Operation Center ("EOC").

On June 26, 2009, an employee (referred to hereafter as "Employee "A") of the EOC alleged in a meeting at the EOC, that she had been sexually discriminated against by Captain Mike Barker. As a result, on June 26, 2009, an Internal Complaint was filed against Captain Barker. (See WCSO Internal Complaint)

On June 30, 2009, Employee "A" of EOC stated to a Deputy Sheriff that Captain Mike Barker was having an affair with another married EOC employee (Employee "me too") under Barker's supervision. Employee "A" said the source of the information on Barker was the husband of Employee "me too". Her allegation was reported to Captain Barker. (Letter of July 01, 2009).

On June 30, 2009, an Internal Complaint was filed against Employee "A" who had alleged sexually discrimination against Captain Barker and who also had stated Captain Barker was having an affair with another EOC employee, Employee "me too". The official Internal Affairs Compliant from the Walton County Sheriff's Department states:

"It has come to my attention that EOC employee [REDACTED] told Deputy Josh Sconiers that Capt. Mike Barker was having an inappropriate relationship with a married woman. This information was determined to be a lie. I am requesting an investigation into [REDACTED] actions"

(WCSO Internal Complaint 06/30/09)

On July 2, 2009, Employee "A" had a meeting with Undersheriff Chapman and Walton County HR Director Byrd to discuss her treatment by Captain Barker, the subject of the alleged sexual discrimination claim. At the end of that meeting- Employee "A" was informed that an IA (Internal Affairs) investigation had been initiated against her regarding her allegation that Captain Barker was having an affair with another EOC employee (Employee "me too"). Upon being informed, she was being investigated:

"██████████ was very upset regarding the IA investigation and stated that she would be submitting a resignation from her position as Special Services Coordinator. Undersheriff Chapman told ██████████ that he was not requesting her resignation at this time, just that an IA investigation be conducted into her action."

(See HR memo 07/02/09)

"██████████ submitted a voluntary resignation on July 2, 2009 at 10:22 a.m., which was accepted effective immediately."

(See HR memo 07/02/09)

On August 3, 2010, Employee "me too" advised a Lt. with the Sheriff's office "that she was sexually harassed by Captain Mike Barker". An interview was conducted on 08/04/10 and Employee "me too" stated as reported in the official Internal Affairs Report from the Walton County Sheriff's Department:

"...Captain Barker forced her to enter into a sexual relationship by using his authority as her supervisor. She alleges this relationship continued, off and on, for over a year up until she was demoted as Lead Communications Officer. She alleges that her demotion was a result of her refusing to continue the sexual relationship. An administrative investigation was opened on August 5, 2010 to determine the facts of this allegation."

(Internal Affairs Report IA# 10-21: 08/18/10)

"██████████ said that Captain Barker began to text her shortly after he was promoted to captain over the Communications Division. She alleged that he invited her on dates and eventually to his house. She said their relationship progressed to a romantic/sexual relationship. She said she would go on trips with him and stay at his house on the weekends. She said she believes she was demoted because she refused to have sex with him anymore."

(Internal Affairs Report IA# 10-21: 08/18/10)

"She then went on to tell Lt. Maddox that Captain Michael Barker had sent her inappropriate texts messages just prior to her demotion. She said she 'had never turned him down because he had always reminded me that he was the boss'. She said that was the first time she turned him down and she was demoted a couple of days later. She also added that she felt they went on a "witch hunt" to demote her by compiling insignificant occurrences that normally wouldn't merit a demotion."

(Internal Affairs Report IA# 10-21: 08/18/10)

"[REDACTED] showed me texts on her personal cellphone from Captain Barker's personal cell phone number. She said they stayed at the Days Inn in Crestview, Florida on two occasions and they went to Mount Cheaha State park for a weekend trip. I was able to corroborate that he was at those locations through receipts and other documentation. I was not able to prove that she was there when he was there with him other than she knew the room numbers and the general timeframe of when he was there."

(Internal Affairs Report IA# 10-21: 08/18/10)

"I advised Captain Barker, in a letter, that an internal complaint of improper conduct had been filed against him and he was made aware of the alleged allegations from [REDACTED] on August 5, 2010. He was subsequently placed on administrative leave. Captain Barker proffered his resignation on August 6, 2010, thus I was unable to compel him to provide me a statement".

(Internal Affairs Report IA# 10-21: 08/18/10)

"Based on the resignation of Michael Barker, the additional policy violations have been administratively closed. The Inappropriate Relationship violation was sustained because there were corroborative materials available prior to his resignation; Ms. [REDACTED] was consulted and is in agreement with this disposition."

(Internal Affairs Report IA# 10-21: 08/18/10)

“Exhibits:

1. Three General Order Acknowledge Sheets
2. [REDACTED] Notice of Proposed Discipline, Letter of Suspension, and Demotion Letter
3. Two Receipts from Days Inn
4. Receipt from Mount Cheaha State park
5. Copy of text Messages
6. [REDACTED] Oath/Perjury Form
7. [REDACTED] Oath/Perjury Form
8. [REDACTED] Administrative Rights Form
9. Audio Recording of Interview with [REDACTED]
10. Audio Recording of Interview with [REDACTED]

(Internal Affairs Report IA# 10-21: 08/18/10)

Employee “A” resigned to end an investigation of her based on allegedly lying about an affair between Captain Barker and EOC Employee “me too” under his supervision. Captain Barker knew this was a travesty since he WAS having an affair with Employee “me too” and therefore the allegation against Employee “A” was without merit. He chose covering his misdeeds over the truth and the duty he owed an employee working under his supervision by not stopping an investigation he knew was unfounded.

As to the Employee “me too” – she testified under oath and supplied extensive evidence. Captain Barker resigned almost immediately to avoid having to give sworn testimony concerning his inappropriate conduct. Captain Barker’s resignation ended the Internal Affairs Investigation but not before there was sufficient evidence to fire him if he had not resigned and to conclude the investigation with a finding: *“The inappropriate relationship violation was sustained....”*.



WALTON COUNTY SHERIFF'S OFFICE
INTERNAL COMPLAINT

WCSO
01/2008

INFORMATION RECEIVED BY Undersheriff Bill Chapman		DATE June 26, 2009	
COMPLAINT RECEIVED BY			
<input type="checkbox"/> MAIL		<input type="checkbox"/> TELEPHONE	
<input checked="" type="checkbox"/> IN PERSON		<input type="checkbox"/> OTHER	
NAME OF COMPLAINANT Undersheriff Bill Chapman		COMPLAINANT ADDRESS (INCLUDING CITY, STATE, AND ZIP) WCSO	
TELEPHONE NO.		CELL PHONE NO.	WORK NO.
LOCATION OF OCCURRENCE Walton County EOC		DATE June 30, 2009	TIME
SUBJECT(S)			
NAME OF SUBJECT		ADDRESS	TELEPHONE NO.
1	Captain Mike Barker		
2			
NAME OF WITNESSES AND/OR PERSONNEL INVOLVED		ADDRESS	TELEPHONE NO.
1	[Redacted]		
2			
3			
4			
5			
COMPLAINANT INTERVIEWED BY			
DETAILS OF COMPLAINT			
<p>It has come to my attention that EOC employee [Redacted] has verbally stated to Capt. Mike Barker that she has been sexually discriminated against by him because her county vehicle was taken away and her pay reduced. I am requesting an investigation into [Redacted] accusations.</p>			

Bill Chapman
Undersheriff (Printed)

Bill Chapman
Signature of Undersheriff

7/6/09
Date



WALTON COUNTY SHERIFF'S OFFICE
INTERNAL COMPLAINT

WCSO
01/2009

INFORMATION RECEIVED BY Josh Sconiers		DATE June 30, 2009	
COMPLAINT RECEIVED BY			
<input type="checkbox"/> MAIL <input type="checkbox"/> TELEPHONE <input checked="" type="checkbox"/> IN PERSON <input type="checkbox"/> OTHER			
NAME OF COMPLAINANT Undersheriff Bill Chapman		COMPLAINANT ADDRESS (INCLUDING CITY, STATE, AND ZIP) WCSO	
TELEPHONE NO.		CELL PHONE NO.	WORK NO.
LOCATION OF OCCURRENCE Walton County EOC		DATE June 30, 2009	TIME
SUBJECT(S)			
NAME OF SUBJECT		ADDRESS	TELEPHONE NO.
1	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
2			
NAME OF WITNESSES AND/OR PERSONNEL INVOLVED		ADDRESS	TELEPHONE NO.
1	Deputy Josh Sconiers	WCSO	
2	XXXXXXXXXX		
3	Lt. Keith Chamblee		
4			
5			
COMPLAINANT INTERVIEWED BY			
DETAILS OF COMPLAINT			
It has come to my attention that EOC employee XXXXXXXXXX told Deputy Josh Sconiers that Capt. Mike Barker was having an inappropriate relationship with a married woman. This information was determined to be a lie. I am requesting an investigation into XXXXXXXXXX actions.			

Bill Chapman
Undersheriff (Printed)

Bill Chapman
Signature of Undersheriff

7/6/09
Date

July 2, 2009

At 9:30 a.m. on the above date a meeting was held at the request of ██████████ Special Services Coordinator with Undersheriff Chapman. Also present at this meeting was Sharon Byrd, Human Resources Director, Walton County Sheriff's Office. Ms. ██████████ stated that in May she had verbally requested to use forty hours of annual leave in August, 2009. Ms. ██████████ was told by her supervisor, that because of the pending transition of EOC coming under the direction of the Walton County Sheriff's Office, the request would have to be approved by the Sheriff's Office. Ms. ██████████ submitted the request to Lt. Chamblee and Captain Barker and the request was denied, because her absence would be in the height of hurricane season.

Undersheriff Chapman informed Ms. ██████████ that he would not override the Captain's decision and her request to use forty hours annual leave in the month of August, 2009 was denied. Ms. Byrd instructed Ms. ██████████ that the usage of annual leave was subject to supervisor's approval.

Undersheriff Chapman also discussed with Ms. ██████████ several incidences that had recently occurred involving her and other staff members of the Walton County Sheriff's Office. Undersheriff Chapman informed Ms. ██████████ that he would be ordering an IA investigation regarding these incidences. Ms. ██████████ denied making any statements to other staff members regarding ██████████, Lead Communications Officer with the Walton County Sheriff's Office. She stated that she had told Deputy Sconiers because he was the supervisor of that employee. Ms. ██████████ also stated that ██████████, husband of ██████████ had come in her office and stated to her that, "he would like to kick his ass".

Ms. ██████████ was very upset regarding the IA investigation and stated that she would be submitting a resignation from her position as Special Services Coordinator. Undersheriff Chapman told Ms. ██████████ that he was not requesting her resignation at this time, just that an IA investigation be conducted into her action.

Ms. ██████████ submitted a voluntary resignation on July 2, 2009 at 10:22 a.m., which was accepted effective immediately.

Submitted by:

Sharon Byrd
Human Resources Director



WALTON COUNTY SHERIFF'S OFFICE
Investigative Report Memorandum
INTERNAL AFFAIRS UNIT

Memorandum Date: August 18, 2010
TO: Undersheriff Bill Chapman
Complaint Number: I.A. 10-21
Classification: Improper Conduct
Complaint Against: Captain Michael Barker
Complainant: [REDACTED]
Date Initiated: August 5, 2010
Final report date: August 18, 2010

Inspector Assigned:

Donald W Clark
Inspector (Signature)

Donald W Clark
Print Name

Case Approved:

Audie Rowell
Internal Affairs Commander

Audie Rowell
Print Name

Case Approved

Bill Chapman
Undersheriff

W.N. Chapman
Print Name

**WALTON COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS UNIT**

Predication Overview:

On August 3, 2010, Lt. Bruce Maddox reported that Communication Officer [REDACTED] advised him that she was sexual harassed by Captain Michael Barker. An initial interview was conducted on Ms. [REDACTED] on 8/4/10 by Inspector Donald Clark. Ms. [REDACTED] alleged Captain Barker forced her to enter into a sexual relationship by using his authority as her supervisor. She alleges this relationship continued, off and on, for over a year up until she was demoted as Lead Communications Officer. She alleges that her demotion was a result of her refusing to continue the sexual relationship. An administrative investigation was opened on August 5, 2010 to determine the facts of this allegation.

Investigative Note:

This report is a summary of the statements given by those individuals interviewed. A synopsis of the relevant information is contained herein.

Investigation:

On August 3, 2010, Lt. Bruce Maddox provided Undersheriff Bill Chapman a memorandum titled "Possible Harassment Report." The memo stated that he was approached on July 30, 2010 by [REDACTED] in, a Communication Officer with the Sheriff's Office, whom requested to speak with him privately. Ms. [REDACTED] showed Lt Maddox numerous text messages that were from "Michael" on the display. Lt Maddox said she stated she had a relationship with "him" before, but the reason she did was because she wanted to keep her job. Ms. [REDACTED] went on to say that at the time she refused him, she was demoted.

I was given the memorandum on the afternoon of August 3, 2010. I immediately made contact with Ms [REDACTED] advised her that I had received the memo from Lt Maddox and I wanted to talk to her further about the situation. She advised me that she was in Mobile, Alabama attending the funeral of a family member. She said she would be returning the next day and I scheduled our interview that evening when she returned to work.

Pursuant to IA Policy, I interviewed [REDACTED] in the Internal Affairs' Office at 6:00 pm on August 4, 2010. I advised [REDACTED] the reason I asked her to come and speak with me and she acknowledged she understood. I read Ms [REDACTED] the standard Internal Affairs "Administration of Oath/Perjury Warning" form and she signed it with answering that she understood.

I asked Ms [REDACTED] to first start with telling me her conversation with Lt Bruce Maddox and then we would discuss the events that led up to now. She went on to say that she talked to Lt Maddox about an incident involving her ex-husband and that she felt she should have been afforded an Internal Investigation after

**WALTON COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS UNIT**

her demotion. [REDACTED] became very upset and began to cry. She said she believed she didn't receive the investigation because of the incidents that had occurred to her would be brought to light. She also stated she felt like she would have lost her job if she requested it.

Note – It was later determined that the "incidents" Ms [REDACTED] was referring to was that the alleged relationship between her and Captain Michael Barker would have been revealed if there would have been an investigation.

Note- The "Internal Investigation" Ms [REDACTED] was referring to is the Agency's grievance process explained in General Order 2-7. Ms [REDACTED] was under the impression that the "investigation" was automatically done after a demotion.

She then went on to tell Lt Maddox that Captain Michael Barker had sent her inappropriate texts messages just prior to her demotion. She said she "had never turned him down because he had always reminded me that he was the boss." She said that was the first time she turned him down and she was demoted a couple of days later. She also added that she felt they went on a "witch hunt" to demote her by compiling insignificant occurrences that normally wouldn't merit a demotion.

Ms [REDACTED] said that Captain Barker began to text her shortly after he was promoted to Captain over the Communications Division. She alleged that he invited her on dates and eventually to his house. She said their relationship progressed to a romantic/sexual relationship. She said she would go on trips with him and stay at his house on the weekends. She said she believes she was demoted because she refused to have sex with him anymore.

Note – I reviewed Ms [REDACTED] personnel file and I found the notice of discipline that led to her demotion. She was accused of violating General Order 2-8 5B (3 and 23). Ms [REDACTED] admitted during my interview that she did do what she was accused of but she felt the discipline was more than what she should have received. I also found that she was demoted for "failure to satisfactorily complete your probationary period as Lead Communication Officer."

Ms [REDACTED] showed me texts on her personal cell phone from Captain Barker's personal cell phone number. She said they stayed at the Days Inn in Crestview, Florida on two occasions and they went to Mount Cheaha State Park for a weekend trip. I was able to corroborate that he was at those locations through receipts and other documentation. I was not able to prove that she was there with him other than she knew the room numbers and the general timeframe of when he was there.

Pursuant to IA Policy, I interviewed Lt Kelth Chamblee in the Internal Affairs' Office on August 5, 2010. I read Lt Chamblee the Oath/Perjury Warning and the Administrative Rights form. I asked him if he had any knowledge of Captain

**WALTON COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS UNIT**

Barker having an inappropriate relationship with [REDACTED]. He said he did not have any knowledge nor did he see any signs that would have led him to believe there was an inappropriate relationship.

I advised Captain Barker, in a letter, that an internal complaint of Improper conduct had been filed against him and he was made aware of the alleged allegations from Ms [REDACTED] on August 5, 2010. He was subsequently placed on administrative leave. Captain Barker proffered his resignation on August 6, 2010 thus I was unable to compel him to provide me a statement. As a member of the Executive Staff, Captain Barker has helped craft and taken part in numerous discussions regarding his authority as a supervisor, conduct standards, and harassment in the workplace. Captain Barker signed that he read and understood General Order 2-8, Conduct Standards, Discipline, and Regulations, on June 15, 2009. This General Order covers all of the improper conduct that was alleged by Ms [REDACTED].

Status of Investigation:

Upon notification of this inquiry, Michael Barker resigned. Consequently, this inquiry is closed. [REDACTED] was consulted and agrees with this disposition. This case will be sent to the Undersheriff for his review.

Conclusion:

- Based on the information gathered during this investigation, I find that the allegation against Michael Barker for Inappropriate Relationship is **Sustained**.

General Order 2-8, Conduct Standards, Discipline, and Regulations, Section 5-B (12) states:

Inappropriate Relationships: In order to maintain a professional work environment and reduce the perception of favoritism, sexual harassment, or inappropriate conduct, any member who enters into any intimate or romantic relationship with any supervisor, subordinate, or co-worker employed by the Walton County Sheriff's Office will be required to report the relationship immediately to their Supervisor who will forward to the Sheriff via the chain of command.

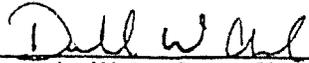
Michael Barker had an inappropriate relationship by failing to report his romantic relationship with [REDACTED] to his supervisor [REDACTED] fell directly under Michael Barker's chain of command. This allegation was corroborated by text messages sent from his personal cell phone to Ms [REDACTED] personal cell phone and receipts from the Days Inn, in Crestview, Florida.

**WALTON COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS UNIT**

Based on the resignation of Michael Barker, the additional policy violations have been administratively closed. The Inappropriate Relationship violation was sustained because there were corroborative materials available prior to his resignation. Ms [REDACTED] was consulted and is in agreement with this disposition.

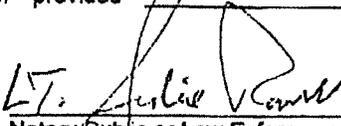
I, the undersigned, do hereby swear, under penalty of perjury:

- That I have read the foregoing document and, to the best of my knowledge, information, and belief, the facts stated therein are true and accurate; and
- That, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes.


 Inspector Walton County Sheriff's Office Internal Affairs Unit

STATE OF FLORIDA
COUNTY OF WALTON

Sworn to (or affirmed) and subscribed before me this 18 day of AUG, 2010, by Inspector Donald Clark with the Walton County Sheriff's Office Internal Affairs Unit, who is personally known to me or provided _____ as identification.


 Notary Public or Law Enforcement Officer

My Commission Expires:

Witness List

1. [REDACTED]
2. Keith Chamblee

Exhibits:

1. Three General Order Acknowledge Sheets
2. [REDACTED] Notice of Proposed Discipline, Letter of Suspension, and Demotion Letter
3. Two Receipts from Days Inn
4. Receipt from Mount Cheaha State Park
5. Copy of Text Messages
6. [REDACTED] Oath/Perjury Form
7. [REDACTED] Oath/Perjury Form
8. [REDACTED] Administrative Rights Form
9. Audio Recording of Interview with [REDACTED]
10. Audio Recording of Interview with [REDACTED]



MICHAEL A. ADKINSON, JR., SHERIFF
Office of the Sheriff, Walton County

Memorandum

Re: Internal Affairs Case 10-21
Subject: Michael Barker
August 18, 2010

While reviewing Internal Affairs Complaint 10-21, I am reminded that supervisors have a responsibility through their daily actions and interactions to model compliance with all policies. Executive Staff members have a greater responsibility and, even more so, should strive against the perception of impropriety. Given the information obtained during this investigation, I find there are sufficient violations of Department Policy, that if Michael Barker had not resigned, I would have terminated his employment with this Agency. This complaint has been closed due to the resignation of Michael Barker on August 6, 2010.

Respectfully,

A handwritten signature in black ink, appearing to read "W. N. Chapman". The signature is fluid and cursive, written over a horizontal line.

W. N. (Bill) Chapman
Undersheriff

Cc: IA file

EXHIBIT F



WALTON COUNTY, FLORIDA
Board of County Commissioners
Larry D. Jones, County Administrator

William "Boots" McCormick, District 1
Danny Glidewell, District 2
Mike Barker, District 3 *Vice-Chair*
Trey Nick, District 4, *Chairman*
Tony Anderson, District 5
P.O. Box 1355 DeFuniak Springs, FL 32435
Phone: 850-892-8155 Fax: 850-892-8454
www.co.walton.fl.us

July 20, 2021

Heather Christman (Maxwell)
44 Dolphin Circle
Freeport FL 32439

Delivery by Email to: drobotts@hgrslaw.com (Mr. David Roberts attorney for Ms. Christman (Maxwell))

In re: Notice of termination of employment

Ms. Christman,

Please be advised that your employment with the Walton County Board of County Commissioners is terminated, effective immediately.

Sincerely,


Larry Jones
County Administrator

LJ/mdb

EXHIBIT G

THE KRIZNER GROUP

AN EMPLOYMENT LAW BOUTIQUE

1550 VILLAGE SQUARE BOULEVARD, SUITE 3, TALLAHASSEE, FLORIDA 32309
JTAYLOR@THEKRIZNERGROUP.COM ■ (850) 386-3747 ■ FAX (850) 907-1246 ■ WWW.THEKRIZNERGROUP.COM

February 7, 2022

Via E-mail Only – Brandon.Meeks@fchr.myflorida.com

Brandon Meeks
Employment Investigator
Florida Commission on Human Relations
4075 Esplanade Way, Room 110
Tallahassee, FL 32399

Re: FCHR No. 2022-32259
EEOC No. 425-2022-00367
Kelly Payne v. C.W. Roberts Contracting, Inc.

Dear Mr. Meeks:

Please accept the following as the responsive position statement submitted on behalf of the Walton County Board of County Commissioners (“WCBOCC” or “Walton County”) in this matter. It is WCBOCC’s understanding that the Florida Commission on Human Relations (“FCHR”) is investigating the Charge of Discrimination that Heather Maxwell (“Maxwell”) submitted and that it is not necessary to submit any materials to the Equal Employment Opportunity Commission (“EEOC”) at this time. Please let me know if you learn that any filing with the EEOC is also required.

The Charge of Discrimination (“Charge”) indicates that Maxwell is alleging that she suffered sex or gender discrimination and retaliation during her employment and leading to her separation from WCBOCC. WCBOCC asserts that there is no meaningful support for Maxwell’s claims of race discrimination.

Walton County is a subdivision of the State of Florida, responsible for providing multiple forms of services to approximately 64,000 citizens. Within Walton County, the County Attorney’s Office provides many different forms of legal services and advice to the County in all aspects of County operations.

As with all divisions of Walton County, all operations and actions addressing County matters, citizen services, or employees, including those performed by the County Attorney’s office, are

Brandon Meeks
February 7, 2022
Page 2

conducted with the highest level of integrity and professionalism. WCBOCC has a strict documented policy prohibiting discrimination or unequal treatment in any form, including retaliation for reporting such actions. Employees are made aware of those prohibitions and the process for reporting violations through the personnel handbook and introductory materials. See Exhibit No. 1, Personnel Handbook Excerpt.

Maxwell is aware of those policies and processes both through her review of the policies above, as well as her extensive involvement in a number employment discrimination claims as the Assistant County Attorney. See Exhibit No. 2, Maxwell Acknowledgement Form. Maxwell also participated in regular training as to the issues of harassment and discrimination in the workplace. See Exhibit No. 3, Training Acknowledgment Form.

Factual Background

Maxwell (formerly Heather Christman) began her employment with WCBOCC as the Assistant County Attorney on or about November 6, 2017. As the Assistant County Attorney, Maxwell had significant responsibility and authority in managing legal matters and litigation for Walton County. This included both proper oversight of matters primarily addressed by outside counsel to Walton County, as well as activities to directly represent or advise the County in such concerns. Work related to the management of outside counsel included effective communication and, when needed, participation in legal matters, to ensure the Walton County Administrator and County Commissioners were properly informed. Such work could include participation in litigation events, such as depositions, mediation, hearings, and trial; assistance with written discovery and discovery production; and providing sufficient information to the Walton County Commissioners on a regular basis to allow the County sufficient knowledge to determine how best to proceed.

When Maxwell performed direct representation of Walton County, she acted as the legal representative of the County in administrative and civil proceedings, performing the typical duties of an attorney in all aspects of addressing claims regarding many different issues and different forms of litigation. Similar to the management of the outside counsel matters, Maxwell was responsible for properly informing the County Administrator and Commissioners of the developments in the matters for which she was responsible.

Walton County does not dispute that for the majority of her employment Maxwell was a very responsible, capable, and competent Assistant County Attorney. Maxwell's single evaluation demonstrates a high level of performance and confidence by the then-County Attorney Sidney Noyes in Maxwell's abilities. Maxwell's performance and abilities ultimately resulted in WCBOCC naming Maxwell as the interim County Attorney, leading to an increase in Maxwell's compensation during the period of time Maxwell had that additional responsibility.

The issues that led to Maxwell's separation occurred over period of time in 2021. The discovery of particular issues with Maxwell's work performance led current interim County Attorney Clay Adkinson ("Adkinson") to request separation of Maxwell effective July 20, 2021. Adkinson became aware of specific concerns related to Maxwell's performance during Maxwell's attendance at an out of town conference in the summer of 2021.

Brandon Meeks
February 7, 2022
Page 3

During Maxwell's absence, it became apparent that Maxwell had not completed discovery responses to written discovery associated with a significant land use litigation matter in which Maxwell was representing Walton County. When Maxwell requested assistance from Adkinson, Adkinson learned that little or no work had been undertaken to complete the discovery responses before the deadline for same. While not unusual if there has been an extension request, there was no indication that Maxwell had sought an extension, or started the process of gathering the responsive materials or completing the written responses. As a result, Adkinson, through significant effort, completed the discovery responses in a manner to avoid sanctions or unnecessary expense to the County.

In the process of addressing the discovery response issue, Adkinson also learned from staff in the County Attorney's Office of a consistent lack of performance by Maxwell. Specific actions that were not completed included failing to file notices of participation (Notices of Appearance) in Walton County cases. County Attorney staff also confirmed what appeared to be a significant lack of activity or involvement in the cases in which the County was a party. This, in turn, led to significant communication issues and a failure to properly keep the County Administrator and County Commissioners informed as to the status of legal and litigated matters.

Given what Adkinson believed to be a significant and consistent level of poor performance, Adkinson discussed separation of Maxwell with County Administrator Larry Jones ("Jones"). When presented with the information related to Maxwell's recent performance, Jones agreed that separation was appropriate. Maxwell and her counsel met with Jones and Adkinson when it became apparent that separation was being considered. Ultimately, Jones issued a termination letter to Maxwell dated July 20, 2021, informing Maxwell of Maxwell's separation from the County. See Exhibit No. 4, Maxwell Termination Letter.

At no time did Adkinson or Jones meet with any County Commissioners to address Maxwell's separation. Further, neither Adkinson or Jones was aware of any information from Maxwell to indicate that Maxwell made any form of complaint related to either her employment or the County's operations.

Following her separation, Adkinson did become aware of what appeared to be inappropriate text messages the Maxwell received from another County official, but at no time before the decision to proceed with Maxwell's termination was Adkinson aware of the nature or content of such messages. At no time did any superior to Maxwell at Walton County determine to separate Maxwell based on any alleged report or due to the text messages Maxwell received.

The facts of this situation do not support Maxwell's claim of discrimination or retaliation and, therefore, Walton County requests the FCHR issue a determination of No Cause in this matter.

Applicable Legal Standard

Maxwell's claims do not meet the legal requirements to support racial discrimination. As an initial matter, Maxwell has not specifically identified any meaningful direct evidence of racial discrimination either in the personnel actions the TDC took or the manner in which she was treated,

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including any direct statements. Accordingly, WCBOCC asserts no proper evidence of direct discrimination or an overall discriminatory workplace has been presented. In the event Maxwell provides any more specific information during this investigation, the County requests an opportunity to particularly address such claims.

The claim of sex or gender discrimination requires Maxwell to meet a four prong test to first establish a prima facie case. Valenzuela v. GlobeGround N. Am., LLC, 18 So. 3d 17, 22 (Fla. 3d DCA 2009). Maxwell has to demonstrate (1) she is a member of a protected class; (2) she was qualified to do the job; (3) she was subjected to an adverse personnel action; and (4) the employer treated similarly situated employees outside the protected class more favorably. Id. For the purposes of the fourth element, Maxwell is required to demonstrate that similarly situated employees must have reported to the same supervisor, must have been subject to the same standards governing performance evaluation and discipline, and must have engaged in conduct similar to the plaintiff, without such differentiating conduct that would distinguish the comparator's conduct or the appropriate discipline for it. Id.

The County does not dispute that Maxwell can meet the first and third elements of a prima facie case of gender discrimination. She is a member of a protected class due to her gender and was subject to the adverse personnel actions of her separation.

Maxwell's Charge fails to establish her burden because she cannot meet either the second or the fourth element of a claim of gender discrimination. Maxwell did not remain qualified for her position based on her actions demonstrating either an inability or unwillingness to properly perform her job duties and comply with the policies of Walton County.

Additionally, Maxwell does not identify any specific comparator to support her claims of dissimilar treatment. This is in part due to the fact that no other employee took the actions Maxwell did that led to her termination. Maxwell has not presented, and the WCBOCC does not possess, any documentation or information to indicate any other similarly situated employees committed the same performance failures that Maxwell did.

For the purposes of the comparator element of Maxwell's prima facie burdens, Maxwell is required to demonstrate that any alleged comparators are similarly situated in all material aspects. Lewis v. City of Union City, Ga., 918 F.3d 1213, 1220-21 (11th Cir. 2019). The factors the 11th Circuit has required to demonstrate that employees are similarly situated include that the employees reported to the same supervisor, have been subjected to the same standards governing performance evaluation and discipline, and engaged in conduct similar to the plaintiff, without such differentiating conduct that would distinguish the comparator's conduct or the appropriate discipline for it. Lewis, 918 F.3d at 1218, 1227-28.

To establish retaliation, Maxwell must demonstrate that she (1) made a protected expression; (2) suffered an adverse employment action; and (3) the two events are not unrelated. Thomas v. Cooper Lighting, Inc., 506 F.3d 1361, 1364 (11th Cir. 2007).

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Without specificity, Maxwell alleges that she was aware of alleged improper actions, but has presented no claim or evidence to support that either Adkinson or Jones had any awareness of any protected disclosure by Maxwell. Moreover, specifically in terms of what Maxwell claims to have knowledge of, such information would be associated with her duties and obligations as the Assistant County Attorney. Maxwell does not, however, assert that she sought to disclose any of the alleged protected knowledge she possessed or that either Adkinson or Jones had any knowledge of such a potential disclosure before the decision to terminate Maxwell was made.

Therefore, for the above reasons, Maxwell falls short of meeting her burden to demonstrate a prima facie case with regard to either gender discrimination or retaliation and a determination in Walton County's favor is appropriate.

Assuming the FCHR believes Maxwell is able to establish a prima facie case of discrimination, there is no information to demonstrate that the basis for any action against Maxwell is false or pretextual and her claim must fail. Combs v. Plantation Patterns, 106 F.3d 1519, 1537 (11th Cir.1997) (stating that a defendant proffering legitimate, non-discriminatory reasons for its actions need not "persuade the court that it was actually motivated by the proffered reasons... it is sufficient if the employer's evidence raises a genuine issue of fact as to whether it discriminated against the plaintiff.").

In evaluating an employer's stated reasons for its actions, the person or entity conducting the inquiry is not to second-guess an employer's business judgment, and a plaintiff is not allowed to recast an employer's proffered nondiscriminatory reasons or substitute his business judgment for that of the employer. Chapman v. AI Transp., 229 F. 3d 1012, 1030 (11th Cir. 2000) (en banc). Indeed, an "employer may [take an employment action] for a good reason, a bad reason, a reason based on erroneous facts, or for no reason at all, as long as its action is not for a discriminatory reason." Nix v. WLCY Radio/Rahall Communications, 738 F.2d 1181, 1187 (11th Cir. 1984).

It is important that "[t]he inquiry into pretext centers upon the employer's beliefs, and not the employee's own perception of his performance." Holifield v. Reno, 115 F.3d 1555, 1564-65 (11th Cir. 1997). Therefore, "[w]here an employer produces performance reviews and other documentary evidence of misconduct and insubordination that demonstrate poor performance, an employee's assertions of his own good performance are insufficient to defeat summary judgment in the absence of other evidence." Id.

WCBOCC has obtained and detailed substantial evidence to demonstrate that it had a concrete basis for its actions in separating Maxwell. The events that led to Maxwell's separation cannot be reasonably disputed. It appears both from documentation related to cases involving Walton County and the reports of staff working with Maxwell that Maxwell was not performing the work required of the Assistant County Attorney. Maxwell's actions (or lack of actions) are well documented and support the decision to separate Maxwell before the County faced any significant liability or losses. Given the serious nature of the omissions, progressive discipline related to such issues is neither required nor appropriate.

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Maxwell does attempt to establish that she was the victim of more general discrimination in the form of the text messages she documents, but she does so without any specifics and based on an undefined time period. She also does not state she made any form of complaint about the alleged treatment. Walton County has no record of any such complaint. In evaluating whether there is discrimination or harassment in the workplace, courts have required that the complaining party demonstrate that the workplace is “permeated with discriminatory intimidation, ridicule and insult,” that is sufficiently severe and pervasive to alter the conditions of employment and create an abusive working environment. Barrow v. Georgia Pacific Corp., 144 Fed. Appx. 54, 58 (11th Cir. 2005).

Based on the plain evidence above and the legal standard governing her claims, Maxwell’s claims must fail. Maxwell cannot support her claims under either the burden shifting standard of McDonnell Douglas or the concept of a convincing mosaic of evidence. Therefore, her Charge should be dismissed with a finding of no cause by the FCHR.

Conclusion

Maxwell falls well short of the threshold she must meet to demonstrate that any action taken against her was discriminatory based on her sex or gender or that she faced any form of retaliation. Instead, the documentation related to Maxwell’s claim and employment establishes that there has been no illegal discrimination and no report of illegal discrimination and that Maxwell’s separation does not exemplify any illegal motivation.

There is no basis for a determination that discrimination occurred in this matter and the County requests the FCHR conclude the same and dismiss this charge. Should Maxwell present any additional information in an effort to support her claims, WCBOCC requests the opportunity to address such information prior to the conclusion of this investigation and provide any additional evidence to support its actions.

Please contact me if you have any questions regarding the above or the attached materials. Thank you for your consideration.

Yours sincerely,

s/ Jason C. Taylor
Jason C. Taylor

JCT

Attachments (as stated above)

cc: Clay Adkinson, Acting County Attorney, Walton County BOCC, Human Resources
Director (via e-mail only)

EXHIBIT H

GUILDAY LAW

ROBERT D. FINGAR***
THOMAS J. GUILDAY
GEORGE W. HATCH, III*
SARAH FINNEY KJELLIN°
WILLIAM R. SICKLER°°
MARY K. SIMPSON**
ELIZABETH M. VAN DEN BERG
ALEXANDER S. WHITLOCK

OF COUNSEL
FRANCES CASEY LOWE, P.A.°
H. MICHAEL MADSEN
JAKEN E. ROANE

August 2, 2021

* BOARD CERTIFIED CONSTRUCTION LAWYER
** BOARD CERTIFIED CIVIL TRIAL LAWYER
*** CERTIFIED CIRCUIT CIVIL &
APPELLATE MEDIATOR
° ALSO ADMITTED IN GA
°° ALSO ADMITTED IN AL

Clay Adkinson, Esq.
County Attorney (acting), Walton County
c/o Adkinson Law Firm, LLC
P.O. Box 1207
DeFuniak Springs, FL 32435
Via E-Mail: clay@adkinsonlaw.com

A MEMBER OF
 THE HARMONIE GROUP

RE: Whistle-blower Complaint by Stan Sunday

Dear Mr. Adkinson:

This law firm has been retained to represent Stan Sunday, Deputy Administrator for Operations for Walton County. Mr. Sunday is a dedicated, long-term employee who has worked with Walton County for over thirty-two years with no negative disciplinary history whatsoever. Mr. Sunday, by and through the undersigned, is exercising his rights under section 112.3187, Florida Statutes, to report suspected violations of law, gross mismanagement, and malfeasance on behalf of Walton County and, specifically, Commissioners Danny Glidewell and Michael Barker. The details of the suspected violations are set forth below:

I. Relevant Facts.

On July 26, 2021, Mr. Sunday, along with Larry Jones and Dede Hinote, met with the various County Commissioners for the purpose of briefing them on the agenda items for the July 27 Board of County Commissioners (“BCC”) meeting. At the conclusion of the individual meetings with Commissioners Barker and Glidewell, Mr. Jones was asked to stay while Mr. Sunday and Ms. Hinote were excused. After being excused in identical fashion from back-to-back meetings, Ms. Hinote stated, “something’s going on, that worries me.”

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“Something” was indeed going on. Upon Mr. Jones’ return from Commissioner Glidewell’s office, he sought out Mr. Sunday and stated, “Boy they are after your ass,” while confirming the “they” to which he was referring was Commissioners Barker and Glidewell. Mr. Jones further stated that Commissioners Barker and Glidewell told him to “get rid of” Mr. Sunday or they would.

Mr. Jones relayed to Mr. Sunday the three “reasons” provided by Commissioners Barker and Glidewell for seeking his removal, which included (1) Mr. Sunday allegedly attempting to cover up an incident involving Bobby Martin¹, (2) Mr. Sunday was hated by all of the directors that report to him, and (3) Mr. Sunday was hated by Commissioners Barker and Glidewell. This is particularly noteworthy in that both commissioners provided three identical reasons using, as confirmed by Mr. Jones, nearly verbatim language. It should also be noted that Mr. Jones was unable to articulate any actions taken by Mr. Sunday that would constitute “covering up” Mr. Martin’s conduct. Mr. Jones then presented Mr. Sunday with the options of resigning, attempting to meet with Commissioners Barker and Glidewell to “talk them down,” or termination. Mr. Sunday requested time to consider his options at that point.

Subsequently, at the end of the regularly scheduled BCC meeting on July 27, 2021, Suzanne Harris spoke during the public comment period and asked the acting County Attorney, Clay Adkinson if two commissioners could go to the County Administrator and direct the firing of a County employee. Mr. Adkinson confirmed that such action would not be proper. Commissioner Glidewell was visibly furious and just glared at Mr. Sunday during the time Mrs. Harris was speaking. It was clear by this time that Commissioners Barker and Glidewell were aware Mr. Sunday would not be resigning and might even lodge some type of complaint.

After the BCC meeting concluded, Mr. Sunday again inquired of Mr. Jones as to what he was alleged to have done to “cover up” Mr. Martin’s actions. Mr. Jones stated that he was not sure while repeating the same baseless allegation that Mr. Sunday supposedly knew about it, did nothing about it, and allegedly tried to cover it up. Mr. Sunday then

¹ The full details of this incident(s) are being omitted from this whistle-blower complaint for the sake of clarity and brevity. However, for context it should be noted that, upon learning of the incident in question, Mr. Sunday instructed Mr. Martin to report the incident to Nathan Kervin, the Walton County Human Resources Director. Additionally, Mr. Kervin was not within Mr. Sunday’s chain of command and so Mr. Sunday could not have had any impact on any subsequent investigation. Finally, Mr. Sunday met with the person tasked with investigating the incident to provide a statement regarding his knowledge of the issues.

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inquired about the findings and conclusions of Gary Mattison's² investigative report. It was at this point that Mr. Jones stated that no such report existed. Mr. Sunday then reconfirmed to Mr. Jones that he had cooperated fully with Mr. Mattison's investigation and that the only time Mr. Sunday and Mr. Mattison had met about Mr. Martin's conduct was during a July 15, 2021, meeting at which Mr. Jones was present.

The motivation for Commissioners Barker and Glidewell to seek to remove Mr. Sunday became clear when Mr. Jones disclosed additional information about his private meeting with Commissioner Glidewell on July 26. During the course of that improper meeting, Commissioner Glidewell told Mr. Jones that Mr. Mattison needed to be in Mr. Sunday's job. Mr. Jones also disclosed that he and Mr. Mattison were meeting with Commissioner Glidewell later that evening.

Mr. Sunday subsequently asked to take a portion of his annual leave. Mr. Jones approved the request and allowed Mr. Sunday to use leave to cover July 28-30. Despite this, however, Mr. Jones attempted to contact Mr. Sunday numerous times via both text and telephone on July 30 to request a meeting. Mr. Jones indicated that the meeting could take place anywhere, including the office, Mr. Sunday's home, or "somewhere." Mr. Sunday responded via text message to remind Mr. Jones that he was on approved leave and that he would be unable to meet until Monday.

Mr. Sunday suspected that the meeting was for the purposes of Mr. Jones following through on the improper demand by Commissioners Barker and Glidewell to terminate him. Mr. Sunday therefore also notified Mr. Jones that he would be receiving correspondence from the undersigned requesting to be present at any meeting between Mr. Sunday and Mr. Jones. Mr. Jones then emailed Mr. Sunday placing him on paid administrative leave until further notice. Perhaps in confirmation of Mr. Sunday's suspicions, your office has now corresponded to indicate that Mr. Sunday can either resign or be terminated without providing any basis for this improper ultimatum.

II. Improper Conduct by Commissioners Barker and Glidewell.

The facts set forth above are clear evidence of impropriety on the part of Commissioners Barker and Glidewell. The actions of Commissioners Barker and Glidewell violate the County's own policies and procedures included in the Walton County Personnel and Policy Manual approved by the BCC on May 23, 2017, ("Policy") as follows below.

² Mr. Mattison, and aide to Commissioner Nick, was tasked with investigating Mr. Martin's conduct, including the interviewing of witnesses and the like.

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First and foremost, the Policy includes a general purpose section regarding the treatment of employees. The Policy sets forth that “fair and equitable treatment of all employees will be maintained in all areas of personnel matters.” The actions set out above stand in stark contrast to this Policy. Here, two commissioners have improperly colluded in an effort to terminate an employee over whom they have no direct authority and who has an exemplary employment record merely because they do not like him.

Second, the Policy makes clear that the commissioners do not have the authority to “hire, transfer, raise the pay of, demote or terminate the employment of any county employee **other than their respective aides or executive assistants.**” (Chapter 25 – Authority of Commissioners) (Emphasis supplied.) Mr. Sunday is the Deputy Administrator for Operations for Walton County over whom Commissioners Barker and Glidewell have no authority in relation to personnel matters. In the absence of this authority, Commissioners Barker and Glidewell have instead threatened Mr. Jones’ employment (over which they do have some limited control) if he does not “get rid of” Mr. Sunday. This is a clear misuse of public office constituting gross mismanagement and malfeasance. Moreover, such actions by the commissioners is an improper interference with the day-to-day operation of the County.

Third, the Policy defines the County’s overarching policy regarding disciplinary actions regarding employees in Chapter 11, Section A. Section A states that “[i]t is the policy of Walton County to: (1) Provide a well-defined system of discipline that sets forth standards of conduct and specific guidelines for disciplinary actions and which will be applied to all employees equitably, without bias or prejudice.” Here again, the actions of Commissioners Barker and Glidewell violate the County’s Policy. Mr. Sunday has not been provided any negative evaluation, been disciplined, or received any other formal negative review during the entirety of his 32-plus year career with the County. To the extent any such material now appears in Mr. Sunday’s employment file, it has not been placed there in accordance with the procedures set forth in Chapter 6, Sections A-E.

III. Mr. Sunday is Protected from Retaliation by Florida Law and Walton County’s Whistleblower Protection Policy.

As stated above, Mr. Sunday is exercising his rights under both section 112.3187, Florida Statutes, and Walton County’s own Policy. Mr. Sunday requests that you appoint an **independent** investigator to conduct a thorough investigation of the issues raised. This should go without saying, but it would be inappropriate for Commissioners Barker or Glidewell to be directing the investigation. It would be similarly inappropriate for Mr.

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Mattison or Mr. Jones to be directing the investigation given their direct involvement in the matter.

Finally, your office has sent correspondence wherein Mr. Jones conveyed a demand for Mr. Sunday's resignation by 4pm CDT today or he will be terminated. This demand is improper and constitutes retaliatory conduct on the part of Mr. Jones against Mr. Sunday for this complaint. It is clear that Mr. Jones' ultimatum is a blatant effort to remove Mr. Sunday before any complaint could be filed through the appropriate channels. Mr. Jones was fully aware of the possibility of such a complaint based on the improper nature of the circumstances, the fact that the conduct was made public at the BCC meeting, and Mr. Sunday's having retained counsel. Mr. Jones is now seeking to avoid the appearance of retaliation by taking the adverse employment action in advance of receiving the complaint. We demand that this threat of termination be withdrawn and the above conduct be properly investigated.

Sincerely,



Mary K. Simpson
William R. Sickler

cc: Larry Jones (jonlarry@co.walton.fl.us)

August 6, 2021

Larry Jones
County Administrator
76 North 6th Street
DeFuniak Springs, FL 32433

Letter of Resignation

Dear Mr. Jones:

I am hereby tendering this letter of resignation from my position with Walton County based upon the following conditions. Upon formal acceptance of this resignation by the County Administrator on behalf of the County, by way of execution below, the terms and conditions herein will become binding on both the County and myself and my resignation will be irrevocable in nature. Further, I shall only be an employee of the County for the sole purpose of receipt of payments and/or benefits, as described below. The following terms, which I understand are consistent with what the County has done in other resignation scenarios, are:

- I will be paid for all of my accrued, and to be accrued, vacation and sick leave time. My accrued time for vacation and sick leave is presently at 2154.99 hours. I will remain on administrative leave through August 9, 2021, with pay, and commencing on August 10, 2021, will take continuous, uninterrupted leave time against my accrued, and to be accrued, vacation and sick time and shall be paid for said leave.

- My official end-date of employment will be on September 23, 2022. I will not, at any time or in any way from the execution of this agreement through and including September 23, 2022, act, function, or otherwise engage in any work as a County employee arising from my current position. In accordance with this provision, the County shall not be liable for any workers compensation or similar claims arising out of my current employment that have not been brought by me as of the date of this letter. Further, I waive any claims regarding the hiring process related to any future application to the Board of County Commissioners or the departments thereunder.
- From August 10, 2021, through September 23, 2022, I will receive all pay and benefits afforded to County employees consistent with my current position's salary as it is in effect during each pay period during that time, along with health insurance, life insurance, retirement (in Senior Management Class), any pay increases applicable to exempt employees, and continued accruals of leave time and all benefits. This is consistent with what any other employee on leave would receive.
- Along with, or as part of, my final payment on September, 23, 2022, I will receive an additional lump sum payout of the remainder of my then-accrued vacation and sick leave. Assuming I have not accepted other employment prior to September 23, 2022, that additional lump sum payment has been calculated to be, at that time, 133.95 hours. If, however, I have accepted other employment prior to

September 23, 2022, the following paragraph would control the calculation of then-accrued leave time.

- If I accept any employment at any time prior to September 23, 2022, I will immediately notify the County, and my official end-date will be set as the date my new employment begins so long as there is not a delay of more than 30 days from the date of acceptance to the date the employment begins. Otherwise, the official end-date shall be the 30th day after the date of acceptance. A lump sum of all remaining unpaid vacation and sick leave, calculated at full value for each remaining day, and any then accrued benefits would be paid to me and no further payments or benefits would be due beyond that payment.
- The County agrees to provide me a neutral or better employment recommendation, if so requested.
- I will return all County property by the end of business on August 9, 2021, and understand that I will no longer be entitled to any access of any County building, computer system, vehicle, equipment, or services or location, beyond that to which any ordinary member of the public is entitled, and will not hold myself out as a County employee thereafter. Further, I will be afforded an opportunity to retrieve my personal items and affects from my office at such a time and date to be coordinated with Nathan Kervin, Director of Human Resources.

- I agree and acknowledge that my current position will be treated as open, and the County may, in its sole discretion, choose to fill that position at any time following receipt of this letter. The County filling this position will in no way impact the terms herein.
- I will fully and completely, without any reservations, forever release the County from any and all claims related and unrelated to my employment arising out of any circumstances or events having occurred prior to the official-end date of my employment as described above, and shall forever waive any and all rights to bring or pursue any and all claims against the County which are in any way related to those circumstances or events predating the date of this agreement whether in my capacity as an employee of the County or as a private citizen. This section is not intended to waive any claims arising out of any personal injury, property damage, or wrongful death caused by the County arising after the date of this agreement. This release and waiver shall broadly apply and extend individually and collectively to all those persons and entities that are part thereof or associated with the County, to include all past, present and future officials (elected, appointed, or hired), representatives, employees, officers, directors, attorneys, agents, and contractors.
- The County agrees that, consistent with my being considered an employee of the County solely for the purposes of receiving the above-referenced payments,

it shall not be permitted to take any adverse employment action against me in the future arising out of my current employment with the County.

- The County and I shall each agree not to disparage the other in any way.

I acknowledge and agree that I have had opportunity to consult with legal counsel of my choosing in drafting and executing this document.

Based upon your representation that you are authorized to enter into this agreement on behalf of Walton County based upon your authority as County Administrator, and that the agreement does not require Board approval, I am agreeable to this being handled and accepted by our respective signatures below. By signature below, Walton County agrees that this letter constitutes a binding agreement between myself and Walton County.

Sincerely,

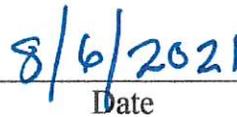


Stan Sunday

Accepted by:



Larry Jones
County Administrator
On behalf of Walton County



Date