

# Scott County Fiscal Court

## Personnel Policies and Procedures

## CHAPTER 3: PERSONNEL POLICIES AND PROCEDURES

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## PERSONNEL POLICIES AND PROCEDURES\*

### § 3.1 Statement of Purpose

The Scott County Fiscal Court recognizes that a personnel system which is designed to ensure the recruitment and retention of a competent, productive work force is essential to both effective and efficient local government. These personnel policies and procedures have been developed in order to achieve optimum efficiency, economy and equity in the pursuit of the county's goals and the utilization of its human resources.

#### A. Scope of Coverage.

1. The following officers and employees are explicitly exempted from coverage, unless otherwise specified:

- a. All elected officials;
- b. All members of Boards or Commissions;
- c. County Engineer;
- d. Consultants, advisors and counsel rendering temporary services.
- e. Independent contractors;
- f. Temporary, seasonal or on-call employees occupying non-established positions\*\*; and
- g. Members of volunteer organizations.

2. All employees not explicitly exempted from coverage of these personnel policies and procedures shall be subject to its provisions unless indicated otherwise in the contents of these personnel policies and procedures.

3. Individual sections of these personnel policies and procedures may apply to personnel defined in Section 1 above, provided the provision is specifically stated in the section.

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\* Information included in these personnel policies and procedures, classification plan, and compensation plan is not intended to represent a contract between any employee and the county, and may be changed by the Fiscal Court without notice. The term "established position" indicates the positions in each class created by ordinance. The classes and/or number of positions in each may be changed by the Fiscal Court without notice, and employees occupying the positions may be affected by such changes.

\*\*Established positions are defined as those positions, either full-time or part-time, established by ordinance of the Fiscal Court.

#### B. Equal Employment Opportunity:

The County provides equal employment opportunity to all employees and applicants for employment regardless of their race, color, sex, religion, age, national origin, political affiliation, disabling condition, or service in the uniformed services, in accordance with applicable law. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

#### C. Administrative Responsibilities:

These personnel policies and procedures shall be administered by the County Judge/Executive, who shall serve as Personnel Officer. The County Judge/Executive may delegate the authority for personnel matters; provided that

such delegation is accomplished by Executive Order, references to Personnel officer throughout this document shall mean either the County Judge/Executive, or the Administrative Assistant/Deputy Judge on behalf of the County Judge/Executive. Following the assignment of personnel responsibilities, the Administrative Assistant/Deputy Judge shall have the authority to carry out the duties and responsibilities required within this document, including the implementation and administration of these policies and procedures.

1. These policies and procedures are intended to cover most personnel problems, actions and issues which may arise. Those not specifically covered shall be interpreted by the County Judge/Executive; such interpretation shall be in concert with the spirit and letter of these policies and procedures. In addition, the County Judge/Executive may write administrative memoranda to interpret or clarify existing policies; these memoranda shall have the force of policy, and shall be filed with the personnel policies.

4. In addition to the duties set forth in these policies and procedure, the Personnel officer shall:

a. Administer the provisions of these policies and procedures:

(1) It shall be the duty of the Personnel Officer to insure that the policies and procedures reflect all subsequent amendments or additions made by the Fiscal Court. Changes to these policies and procedures shall be made in the following manner:

(a) A list will be kept of all county personnel having a copy of these policies and procedures;

(b) Immediately upon official amendment or addition, the change or change(s) shall be written in a manner and format consistent with these personnel policies and procedures;

(c) The effective date of the change shall be noted after the word "changed" in the lower left corner of each replacement page or addition; and

(d) A memorandum explaining the change(s) with the change(s) or addition(s) attached shall be distributed to all personnel assigned custody of a copy of the personnel policies and procedures.

b. Maintain current personnel records for each employee:

(1) The official employee records shall be located and maintained in the office of the County Judge/Executive. All requests for information shall be forwarded to the County Judge/Executive, who shall authorize the release of information from personnel files.

(2) In the event that a department maintains a separate employee folder, the department shall not consider the departmental folder for disciplinary purposes and shall not use the folder for giving information if requested, but may provide the information to the County Judge/Executive.

(3) Personnel records shall be retained in accordance with the retention schedule established by the State Archives and Records Commission.

### § 3.2 Employment Process

A. Procedures for Filling Vacancies:

1. The procedures for filling vacancies in established positions, including newly-established positions, shall be set as follows:

a. Policy:

(1) Vacancies in higher positions may be filled as far as practical by promotion from lower classes. To accomplish this, closed competition may be held when the County Judge/Executive determines there is

sufficient number of qualified current employees applying for the position. However, the county may go outside the county service to fill vacant positions.

(2) Appointment to an established position with the county shall be made only after the County Judge/Executive has determined that the person being considered meets all qualifications prescribed in the class specification for the class in which the appointment will be made.

(3) This policy shall apply to current employees who request a transfer or promotion to a vacant position as well as new applicants for employment or re-employment.

b. Announcement of vacant positions:

(1) When a vacancy occurs within the county service, current employees shall be notified of the vacancy by posting written notices in the county building and on official bulletin boards throughout the county. Notices shall include position title, salary, summary of duties, position qualifications, and the time limit for applying. Employees who wish to apply for the position must present a written statement of interest to the Personnel officer, thus indicating the employee's interest in the vacant position. The County Judge/Executive may fill the vacancy by either promoting current employees or employing a person from outside the service.

(2) When filling vacancies from outside the county services:

(a) The county's open application policy allows persons interested in employment with the county to complete an Employment Application Form at any time, regardless of whether or not vacancies exist. The applicant must indicate the position(s) applied for and the Employment Application Form will be considered active for a period of six months.

(b) All vacancies to be filled by someone from outside the county service may be advertised minimally in the county newspaper of record. Advertisements shall include such information as where to apply, deadlines for application, compensation for the position, summary of duties of the position, and position qualifications. All written announcements of vacant positions shall contain the following statement: "An Equal Opportunity Employer."

(c) The County Judge/Executive shall consider all completed application forms from all persons who meet the minimum qualifications for the position when making appointment decisions.

c. Application for position:

(1) Employment Application Forms supplied by the county and completed by applicants shall include information about the applicant's training and experience, and such additional information as required to effectively evaluate the applicant's ability to perform the duties required by the position.

(2) No person may be appointed to a position unless verified information on an official Employment Application Form indicates that the person meets the qualifications for the position as set forth in the class specification.

(3) All Employment Application Forms must be signed and dated by the applicant.

d. Certification of eligibility for position:

(1) In order to be considered eligible for the vacant position, candidates must meet the necessary and desirable requirements of the position, including, but not limited to, knowledge, skills, abilities, education, and training. Applicants may be required to submit proof of education, training and other documentation as deemed necessary.

(2) The qualifications of an applicant for a position shall be ascertained on the basis of one or more of the following.

(a) Information the applicant supplies on the official Employment Application Form;

(b) Written, performance or physical tests or examination, substance abuse, or any additional test which may be required;

(c) Psychological evaluation;

(d) Personal interview;

(e) Information and evaluations supplied by references given by the applicant;

(f) Other information as determined by County Judge/Executive.

2. When it is determined to be necessary in the discretion of the County Judge/Executive, a more extensive background investigation may be conducted prior to actual appointment of the applicant.

3. Provided an offer of employment has been made, applicants may be required to pass a job-related physical examination by a medical professional of the county's choice as a condition of employment.

4. After appointment of a candidate to a position, the County Judge/Executive may create an eligibility list of the remaining top candidates. If the county needs to fill the same position within one year, or if a position in the same job classification with the same knowledge, skills, abilities, education and training requirements becomes available within one year, a candidate may be selected from the eligibility list to fill the vacant position without advertising the vacancy.

B. Appointing Authority:

The County Judge/Executive is the appointing authority for all county employees, subject to approval of the Fiscal Court. However, if there is a tie vote in the Fiscal Court in the selection of any officer or employee to be selected by the Fiscal Court, and a deadlock continues for fifteen (15) days, the County Judge/Executive shall have the facts of the matter entered upon the minutes of the Fiscal Court, and the Fiscal Court shall be given a final opportunity to select the officer or employee just prior to appointment by the County Judge/Executive.

§ 3.3 Conditions of Employment

A. Probation:

1. All personnel initially appointed to an established position shall serve a twelve-month probation period. However, the probation period may be extended up to an additional six months by the County Judge/Executive upon recommendation of the Department Director and consent of the employee.

2. An employee who has served an initial probationary period in one classification and moves to another classification for any reason shall be on probation in the new class for twelve months.

3. While on probation, a new employee may be dismissed at any time without notice or right of appeal. An employee who has served an initial probation period and moves to another classification for any reason may, at the discretion of the County Judge/Executive and without right of appeal, be reinstated to the employee's former position, be appointed to another position (provided the position is vacant and the employee possesses the qualifications required in the class specification), or separated from the county service.

4. Probationary employees shall be evaluated at least quarterly during the probation period. during the final month of an employee's probation period, the Department director shall inform the County Judge/Executive whether or not the employee satisfactorily completed the probation period.

B. Transfer:

1. Any employee occupying an established position may request a transfer from one position to a comparable position by making the request to the County Judge/Executive, provided the employee possesses the qualifications for the position, the employee is not serving an original probation period, and the position is vacant.

2. In the event that an employee becomes unable to perform the duties as stated in the class specification, the employee may be transferred to a vacant position lieu of separation from the County service, provided the employee meets the qualifications for the position, and the position is vacant.

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Cross reference:

See announcement of Vacant Positions, § 3.2 A.1.(b), for transfer procedures

C. Promotion:

Any employee occupying an established position may apply for promotion to a higher position by making the request to the County Judge/Executive, provided the employee possesses the qualifications for the position and position is vacant.

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Cross Reference:

See announcement of Vacant Positions, § 3.2 A.1.(b), for promotion procedures

D. Disciplinary Action:

1. Introduction:

a. The policy of the county is to be fair and consistent in the administration of its rules, regulations and procedures, including this disciplinary action policy. When problems arise, emphasis is on improvement and/or correction rather than punishment. However, willful, continued or inexcusable breaches of employment rules, regulations and procedures must be dealt with firmly in accordance with a uniform policy which applies to all employees.

b. Standard ranges of penalties and uniform administration of actions for various types of work deficiencies and undesirable conduct for all employees are outlined below. Each Department Director shall insure that the policy is being followed; each supervisor shall understand and follow the policy as written; each employee shall be responsible for understanding this policy.

c. "Ranges" are recommended as penalties for many of the offenses or deficiencies. This is necessary due to the degrees of severity for any offense or deficiency. For example, absent without approved leave could vary from being late to work by five minutes to being absent for days without informing anyone of the reason for the absence. Every effort shall be made to insure that the policy is administered fairly within all departments to the extent that similarities exist within separate departments; however, it is the responsibility of the department to administer the policy fairly and consistently for all employees within the department.

d. In the event that any part or parts of this policy is in conflict with the Kentucky Revised Statutes, the statutes shall supersede only the part(s) of this policy that are in conflict.

## 2. General Guidelines:

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NOTE: For the purpose of this policy, job deficiencies and/or undesirable conduct which have "verbal warning" as the recommended corrective action for the first offense shall be defined as "minor" job deficiencies and/or undesirable conduct.

### a. Verbal counseling

(1) In the case of minor job deficiencies and/or undesirable conduct, the immediate supervisor shall administer a verbal reprimand without rancor and explain the actions necessary to correct the problem as soon as possible after knowledge of the minor job deficiency or undesirable conduct. The date of the reprimand and a detailed description for the reason thereof, along with any comments the employee may have made, shall be noted. Keep these documents in a secure place in your department for future reference but do not forward them to the personnel department. Verbal counseling is intended to be informal rather than formal disciplinary action.

### b. Written warning.

(1) In the case of a second minor offense or job deficiency, or a more severe first-time offense or job deficiency, the immediate supervisor shall prepare a report setting forth the exact form and nature of the offense or job deficiency; the report shall include any previous verbal warnings, written reprimands or disciplinary actions during the previous twenty-four month.

(2) After reviewing the report, the Department Director shall either issue a written reprimand to the employee or recommend suspension or dismissal to the County/Judge Executive.

(a) If suspension without pay or dismissal is recommended, a copy of the report shall be forwarded to the County Judge/Executive.

(b) If a written reprimand is issued, the immediate supervisor or Department Director shall explain the written reprimand to the employee, obtain the employee's signature on the written reprimand, and place the reprimand in the employee's personnel folder at the central personnel

office; such reprimand shall be retained for twenty-four months, after which time it will be destroyed if no further action is taken upon written request of the employee.

c. Suspension.

(1) This disciplinary action is administered as a result of severe infraction of rules or standards, or for excessive violations after employee counseling, verbal warnings, written reprimands, insufficient effort to improve job performance, or short-term loss of required licenses and/or certifications for the job class.

(2) Suspension with or without pay shall be made only by the County Judge/Executive, except that the immediate supervisor or Department Director may suspend an employee with pay until the County Judge/Executive acts on the suspension.

(3) Employees suspended without pay shall be notified of the suspension within five working days after the time of suspension. The notice shall include the duration of the suspension (if known), and a copy of the notice shall be placed in the employee's personnel folder in the central personnel office; Suspensions of one (1) through four (4) days may be removed from the employees official personnel file at the end of twenty-four (24) months upon written request of the employee. Suspensions of five (5) days or more will be retained in the employees official personnel file indefinitely.

(4) Employees suspended without pay for a period of thirty calendar days or longer shall forfeit fringe benefits, including accrual of sick and vacation leave and the county's contribution to any insurance benefits, during the suspension.

d. Dismissal:

(1) Where an offense or job deficiency is continually repeated, or misconduct or job deficiencies are serious enough on the first offense, the Department Director may recommend dismissal of an employee. Final and formal discharge of an employee shall be the responsibility of the Fiscal Court, upon recommendation of the County Judge/Executive.

(2) Any disciplinary action that could involve dismissal shall require that a predisciplinary hearing be offered the employee. If the hearing is held, both the employee and the county shall have the opportunity to be represented by Counsel and call witnesses as necessary.

e. Demotion or transfer:

(1) In the event an employee becomes unable to perform the duties as stated in the class specification, the employee may be transferred or demoted in lieu of taking any disciplinary action, provided the employee meets the qualifications for the position, and the position is vacant.

(2) Such action shall be recorded in the employee's personnel folder in the central personnel office.

f. Grievance Procedure.

Employees who feel unjustly disciplined may use the county's grievance procedure; employees will not be discriminated against in any way because of proper use of the grievance procedure.

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Cross Reference:

See Grievance Procedure, Appendix A

3. Offense/Deficiency and Penalty:

The offenses and deficiencies identified in this section are not intended to be comprehensive; however, offenses and deficiencies not included may be compared with those included in this section for guidance regarding penalties.

a. (1) Driving a county vehicle while under the influence of alcohol, illegal drugs, or prescription drugs which impair efficient operation of vehicle.

(2) Penalty:

(a) First offense: Dismissal.

(3) Discussion:

(a) An employee under the care of a physician who is taking prescription medicine which may interfere with job performance shall inform the supervisor of this fact either prior to leaving home or immediately upon reporting to work. The supervisor may reassign the employee temporarily, or direct the employee to remain at home until the medication is completed.

(b) An employee who is suspected of being under the influence of alcohol or illegal drugs shall not be allowed to operate county vehicle or motorized equipment. The employee may be requested to take a breathalyzer or blood test, or may be taken home if, in the judgment of the supervisors, the employee is endangering either self or others.

b. (1) Manufacturing, possession, distribution, use or dispensation of alcohol or illegal drugs on the job (including lunch period) or reporting for work under the influence of alcohol or illegal drugs.

(2) Penalty:

(a) First offense: 10-30 days\*  
suspension without pay.

(b) Second offense: 30-60 days  
suspension without pay.

(c) Third offense: Dismissal

(3) Discussion:

(a) Employees who are suspected of being under the influence of alcohol or illegal drugs while on duty may be requested to take a breathalyzer or blood test, or may be taken home if, in the judgment of the supervisor, the employee is endangering self or others.

(b) First-time alcohol or illegal drug offenders may be required to participate in an alcohol or drug-abuse program.

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Cross Reference:

See Drug-Free Workplace Policy, Appendix B

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\*For the purpose of this section with specific reference to disciplinary action, a day shall be defined as the regular work period (including 24 consecutive hours for Fire Department Personnel assigned to 24-hour shifts).

c. (1) Stealing, theft, destruction or unauthorized use of county property.

(2) Penalty:

- (a) First offense: Suspension without pay.
- (b) Second offense: Dismissal.

(3) Discussion:

(a) County owned property shall be used only for official purposes, except that property may be used for personal use of either the employees or the general public with the permission of the County Judge/Executive.

(b) Employees shall not intentionally or negligently lose, misplace or damage county property.

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Cross Reference:

See Use of County Property and Equipment, § 3.3 (L)

d. (1) Fighting on the job.

(2) Penalty:

- (a) First offense:
  - (i) With weapon: Dismissal.
  - (ii) Without weapon: 10-20 days suspension without pay to dismissal, depending upon circumstances
- (b) Second offense: 20-30 days suspension without pay to dismissal, depending on circumstances.
- (c) Third offense: Dismissal.

(3) Discussion:

(a) Fighting with a weapon, fist fights, or horseplay on the job which causes injury or has potential of causing injury shall not be allowed.

e. (1) Insubordination, deliberate malicious behavior, misconduct which reflects on the efficient and effective performance of the job.

(2) Penalty:

- (a) First offense: Verbal warning, written reprimand or 1-5 days suspension without pay, depending on the circumstances.
- (b) Second offense: 5-20 days suspension without pay or dismissal, depending on the circumstances.
- (c) Third offense: Dismissal.

(3) Discussion:

(a) Behavior which reflects an employee's refusal to be supervised, including refusal to obey work-related orders or failure to follow directions and instructions.

(b) Failure to follow instructions, poor decision-making which leads to redoing work, work that is not error-free on a consistent basis, application of poor judgment, lack of timeliness and not meeting deadlines, and a pattern of incorrect work to the point that the operation of the unit is disrupted or effectiveness and efficiency is impaired.

f. (1) Failure to observe safety procedures, including wearing of protective clothing and equipment.

(2) Penalty:

- (a) First offense: Verbal warning to written reprimand, depending on the circumstances.
- (b) Second offense: Written reprimand to 1-3 days suspension without pay, depending on the circumstances.
- (c) Third offense: 3-15 days suspension without pay, depending on the circumstances.
- (c) Fourth offense: 10-30 days suspension without pay to dismissal, depending on the circumstances.

(3) Discussion:

(a) Includes removal or destruction of safety devices, failure to keep equipment and work areas clean, failure to report unsafe working conditions, failure to observe safety procedures, failure to wear safety clothing.

g. (1) Any equipment accident involving more than \$500.00 where employees are at fault due to negligence or carelessness.

(2) Penalty:

- (a) First offense: Verbal or written reprimand, depending on the circumstances.
- (b) Second offense: 15 days suspension without pay to dismissal, depending on the circumstances.
- (c) Third offense: 30 days suspension without pay to dismissal, depending on the circumstances.
- (d) Fourth offense: Dismissal.

(3) Discussion:

(a) Employees shall operate vehicles and equipment in a safe and prudent manner, and shall obey all federal, state and local laws and regulations.

(b) Employees shall become familiar with all operating procedures, and shall be responsible for the safe operation of all equipment to which they are assigned.

h. (1) Minor traffic violations in county vehicle or any equipment accident involving less than \$500.00 in property damage where employees are at fault due to negligence or carelessness.

(2) Penalty:

(a) First offense: Verbal warning to written reprimand, depending on the circumstances.

(b) Second offense: Written reprimand to 3-5 days suspension without pay, depending on the circumstances.

(c) Third offense: 5-15 days suspension without pay.

(d) Fourth offense: Dismissal.

(3) Discussion:

(a) Policies regarding safe operation of vehicles and equipment shall be an integral part of the process of leasing the vehicle and/or equipment assigned to an employee.

i. (1) Leaving work station without authorization.

(2) Penalty:

(a) First offense: Written reprimand or 5-15 days suspension without pay, depending on the circumstances.

(b) Second offense: 15-30 days suspension without pay.

(c) Third offense: Dismissal.

(3) Discussion:

(a) This is defined as an employee leaving the work station without permission, satisfactory explanation or just cause.

j. (1) Absent without approved leave.

(2) Penalty:

(a) First offense: Written reprimand and no pay for the time absent.

(b) Second offense: 3-5 days suspension without pay.

(c) Third offense: 10-20 days suspension without pay.

(d) Fourth offense: Dismissal.

(3) Discussion:

(a) Employees who fail to either report for duty or to notify the supervisor of the absence prior to the normal time to report for duty shall be considered absent without approved leave.

k. (1) Excessive tardiness.

(2) Penalty:

- (a) First offense: Verbal warning to written reprimand, depending on the circumstances.
- (b) Second offense: Written reprimand to 3-5 days suspension without pay, depending on the circumstances.
- (c) Third offense: 5-15 days suspension without pay.
- (d) Fourth offense: Dismissal.

(3) Discussion:

(a) This includes a pattern of tardiness which interferes with the operation of the unit such as more than five minutes late in reporting to work, returning from lunch, or returning from other non-work activities.

(b) The first offense is considered when an employee is tardy two times during the same day period; the employee shall be counseled and issued a verbal warning and, if continued, further disciplinary action shall be taken.

l. (1) Abuse of sick leave.

(2) Penalty:

- (a) First offense: Written reprimand.
- (b) Second offense: 3-5 days suspension without pay.
- (c) Third offense: 10-15 days suspension without pay.
- (d) Fourth offense: Dismissal.

(3) Discussion:

(b) Sick leave is considered a self-insurance, and is not intended to provide employees an extra day off with pay each month. Employees who use sick leave for other than intended purposes shall be subject to disciplinary measures, and abuse may be detected by excessive use, absent on Friday or Monday, absent before or after 3-day weekends, and overall failure to accrue sick leave benefits.

(b) Employees may be required to provide statements from a medical authority before use of sick leave is allowed.

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Cross Reference:

See Sick Leave, § 3.6 (C)

m. (1) Loafing on the job.

(2) Penalty:

- (a) First offense: Verbal warning.
- (b) Second offense: Written reprimand

- to 1-3 days suspension without pay.
- (c) Third offense: 3-10 days suspension without pay.
- (d) Fourth offense: Dismissal.

(3) Discussion.

(a) Loafing is defined as loss of productivity by excessive personal conversation with other employees or phone conversation, taking excessive breaks, engaging in activities which are not assigned to the employee which causes employee to neglect assigned duties and responsibilities.

n. (1) Sleeping on the job.

(2) Penalty:

- (a) First offense: Written reprimand or 5-10 days suspension without pay, depending on the circumstances.
- (b) Second offense: 10-20 days suspension without pay.
- (c) Third offense: 20-30 days suspension without pay.
- (d) Fourth offense: Dismissal.

(3) Discussion:

(a) Employees must remain alert at all times, and sleeping on the job is strictly forbidden (except for sworn Fire personnel assigned to Fire Stations).

o. (1) Failure to submit required or completed reports or forms.

(2) Penalty:

- (a) First offense: Verbal warning to written reprimand, depending on the circumstances.
- (b) Second offense: Written reprimand to 3-5 days suspension without pay, depending on the circumstances.
- (c) Third offense: 5-15 days suspension without pay.
- (d) Fourth offense: Dismissal.

(3) Discussion:

(a) Reports and forms shall be defined as any report or form that is a part of the employee's responsibility. In addition to timeliness and completeness, the accuracy of the reports or forms shall be maintained.

p. Other offense/deficiencies and penalties included in departmental policies and procedures and approved by the Fiscal Court.

E. Resignations:

1. An employee wishing to resign from employment with the county shall inform the Department Director of the intended resignation as soon as possible after the decision is made. The notice shall be in writing, and shall

include the effective date of the resignation. Unless approved in advance, failure to give two weeks notice may be cause for denying future employment with the county and may be cause for the county's refusal to give a recommendation if contacted by other employer(s).

2. An employee's resignation and its attendant reasons, if noted, shall be recorded in the employee's personnel file.

3. The employment date of an employee who resigns and is re-employed will be the latest date of employment, unless specified otherwise by the County Judge/Executive.

4. Any employee who is absent from work three (3) consecutive work days without notifying the Personnel Officer or Department Director of the reason(s) for the absence will be considered to have abandoned the job and may be terminated from employment with the county.

F. Layoff:

1. The county may lay off an employee or employees because of lack of work or funds. The order of layoff shall be determined by the needs of the county.

2. Consideration for layoff shall be given to length of service in a class, length of service with the county, and the performance employees being considered for layoff.

3. Temporary, seasonal and probationary employees shall be laid off before employees occupying established positions within affected class(es).

4. An employee occupying an established position who is laid off shall be notified of the layoff in writing at least one week in advance of the layoff, or the employee shall receive one week's pay. The notice shall explain the reason(s) for and duration of the layoff (if known), and a copy of the notice shall be placed in the employee's personnel file.

5. An employee who has a satisfactory record of service and is laid off shall be eligible for re-employment in another position, provided the employee meets the qualifications for the position and that the position is vacant.

G. Re-employment:

An employee who previously resigned from the County with a satisfactory employment record or who was laid off because of lack of work or funds may apply for employment in another position, provided the employee meets the qualifications for the position, and the position is vacant.

H. Loss of Job Requirement:

Any employee who is unable to perform required duties because of loss of a necessary license or other non-medical requirement may be transferred to another position (provided the employee meets the qualifications for the position and the position is vacant), or separated from the county service at the discretion of the Appointing Authority.

I. Mandatory Retirement Age:

The county does not have a mandatory retirement age.

J. Examinations:

1. If there is reasonable cause to believe that it is warranted, the County Judge/Executive may require any employee to submit to a physical or mental examination by a medical doctor or psychiatrist/psychologist selected by the county to insure competency to complete assigned duties.

2. The county shall pay the costs (including necessary travel costs) for required examinations.

3. If it is determined by a medical professional that an employee is unable to perform required duties, the following action shall be taken:

a. If the disability is correctable, the employee shall be allowed a length of time to have it corrected as advised by the medical professional, including the use of sick leave, vacation leave, and leave without pay. If the employee fails to follow the steps toward recovery as specified by the medical professional, the employee shall be subject to disciplinary action, up to and including termination from employment with the county.

b. If it is determined by a medical professional that the disability cannot be corrected:

(1) An attempt will be made to place the employee in another position which the employee can perform, provided the employee meets the qualifications for the position, and the position is vacant; or

(2) The county will assist the employee with medical retirement proceedings.

K. Political Activity:

1. No employee, as a condition of employment or continued employment, shall be required to contribute to or campaign for a candidate for political office.

2. No employee of the county shall engage in political activity during the employee's assigned duty hours, while in uniform, or while on county premises.

3. Questions relating to political activity should be directed to the appropriate county official for response and/or resolution in advance of the activity contemplated.

L. Use of County Property and Equipment:

1. County owned equipment shall be used only in the performance of official county business, except with permission from the County Judge/Executive, county owned equipment may be used for personal use by either employees or the general public. The person signing out the equipment shall be held responsible for the return of the equipment and its condition upon return.

2. Any employee responsible for county property or the operation of county equipment shall comply with applicable laws or policy and/or manufacturers' guidelines regarding the equipment.

M. Prohibition of Harassment:

## Policy

Each individual employed by the County has the right to be free from harassment because of age, race, religion, national origin, disability, sex or other protected status. Sexual harassment may include:

- requests for sexual favors;
- unwelcome physical contact;
- sexual explicit language or gestures;
- uninvited or unwanted sexual advances, including suggestive comments;
- unwelcome sexual innuendos or sexually oriented “kidding” or “teasing”; and an offensive overall environment, including the use of vulgar language, the presence of sexual explicit photographs or other materials, and the telling of sexual stories.

Harassment can come from superiors, fellow employees, and third parties such as vendors. Men as well as women can be victims of sexual harassment. The County cannot stress enough that it will not tolerate any form of harassment, whether based on sex, race, national origin, religion, age, disability or any other protected category. The County will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual’s work performance that creates an intimidating, hostile, or offensive working environment, or otherwise is harassing. No employee or manager has the authority to suggest that an employee will receive a job benefit or detriment in exchange for an agreement or refusal to submit to sexual overtures.

All employees are responsible for reporting incidents of sexual harassment. Supervisors in particular have a special obligation to report harassment of which they become aware, by immediately contacting their elected department official.

Upon learning of any incidents of alleged harassment, the County will conduct a prompt investigation into the matter. Confidentiality will be guarded to the extent possible, although it may be necessary to discuss the allegations in order to conduct a thorough and fair investigation. While the investigation is being conducted, the County may take other steps to eliminate the possibility of any harassment occurring while the investigation is continuing.

If the investigation reveals that prohibited harassment occurred or probably occurred, then the County will take appropriate and effective steps to prevent the harassment from occurring again, including but not necessarily limited to taking disciplinary action against the responsible employee. Discipline can include counseling, suspension without pay and termination. If the harassment continues despite prior discipline, the responsible individual will be terminated immediately. The County strictly prohibits any form of retaliation against any employee who, in good faith, reports sexual harassment, assists in making a sexual harassment complaint, or cooperates in a sexual harassment investigation. Retaliation of this type provides a separate basis for discipline, up to and including termination of employment.

### Complaint Procedure for Complaints of Harassment and Other Types of Discrimination

The County cannot respond to sexual or other harassment of which it is unaware, nor can the County respond to mere rumors. Thus, it is imperative for an employee with a concern involving potential sexual or other harassment to promptly make use of the complaint procedure in this policy. Employees should report harassment *before* it becomes severe or pervasive.

An employee may make an harassment complaint by contacting any supervisor, or any County official. Anyone who is aware of harassment prohibited by this policy, whether or not they are the victim of the harassment,

must promptly report it.

If, at any point in this process, the employee is not satisfied with the disposition of the complaint, an immediate appeal may be taken by submitting a written complaint to appropriate department elected official. This should be done within 5 days.

N. Suggestion System:

1. Employees are encouraged to submit suggestions that could allow the county to operate more efficiently and effectively.

2. Suggestions should be submitted to the Department Director, who shall forward them to the County Judge/Executive along with recommendations for approval or disapproval. Employees who submit suggestions that are approved will receive recognition at the Fiscal Court meeting following implementation of the suggestion.

O. Employee Handbook:

A copy of the personnel policies and procedures are available for all employees. It shall be the responsibility of the employee to request a copy of the policies and procedures through the Department Director.

P. Exit Interview:

1. Employees departing employment with the county are encouraged to participate in an exit interview. This will enable the administration to obtain information regarding why the employee resigned, forwarding address (if necessary), and any required information.

2. The departing employee shall turn in any keys, uniforms, and other county property not previously turned in during the exit interview.

Q. Acceptance of Gifts and Gratuities:

1. Employees shall not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom the employee has official relationships on business of the county. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. It is particularly important that employees guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion.

2. Violations of this policy will result in disciplinary action.

R. Profit from Knowledge Based on County Employment:

1. An employee shall not use the confidential knowledge gained while on official duty for the county for personal profit.

2. Violations of this policy will result in disciplinary action.

S. Outside Employment:

Outside employment is defined as any paid employment performed by an employee in addition to employment with the county. The following criteria shall apply:

1. Employment shall not interfere with the efficient performance of the employee's duties with the county.
2. Employment shall not involve a conflict of interest or conflict with the employee's duties.
3. Employment shall not involve the performance of duties which the employee should perform as part of the employee's duties with the county.
4. Employment shall not occur during the employee's regular or assigned working hours unless the employee is on vacation leave, compensatory leave, or leave without pay.
5. Any employee accepting outside employment shall make arrangements with the outside employer to be relieved from duties when called for emergency service by the county.

T. Inclement Weather Policy:

1. In the event of weather conditions which may jeopardize employee safety in traveling to and from work, county offices may be closed at the direction of the County Judge/Executive or designee. Employees will be notified of this action.
2. Where individual circumstances exist, such as longer than average distance of travel to and from the work place, the employee must notify their immediate supervisor, and may exercise personal judgment in not reporting for work. If county offices are not subsequently closed, the employee shall charge the time to vacation leave or leave without pay.

U. Drugfree Workplace Policy:

See Appendix B.

§ 3.4: Classification Plan

A. Allocations:

In the county's classification plan, each established position shall be assigned to an appropriate class on the basis of the duties and responsibilities of the position; a class may include one or more positions.

B. Written Specifications:

1. Each class shall have a specification that includes:
  - a. A concise, descriptive title;
  - b. A description of duties and responsibilities of the class; and
  - c. A statement of desirable qualifications for the position.
2. All positions in a class shall be sufficiently alike to permit:

- a. The use of a single descriptive title;
- b. A description of each of the duties in the class;
- c. The same qualifications for each position;
- d. The use of the same tests of competence for each position; and
- e. Application of the same pay range to each position.

C. Regular Review/Evaluation:

1. The Personnel Officer shall review the duties and responsibilities of each class on a regular basis. After reviewing the duties and responsibilities, the reclassification of positions, the creation of new classes, or the abolition of existing classes may be recommended.

2. All changes shall be made by amendment of the personnel ordinance upon the County Judge/Executive's recommendation and approval by the Fiscal Court.

D. Reclassification:

1. The Personnel Officer shall recommend reclassification of a position after its duties and responsibilities change materially and it is no longer comparable with other positions in the class.

2. Whenever the duties of a position so change that no appropriate class for it exists, the Personnel Officer shall prepare an appropriate class specification for the position and recommend the position be assigned to the new class.

3. Reclassification of a position may not be used to avoid a restriction concerning demotion, promotion, or compensation.

4. When creating a new class, the format of existing specifications shall be maintained, including all required sections.

5. All classification changes shall be made by amendment of the personnel ordinance upon the County Judge/Executive's recommendation and approval by the Fiscal Court.

E. Categories of Employment:

1. All employees of the county shall be classified full-time, part-time, temporary or seasonal, on-call, or assigned:

a. Full-time employee: An employee who works 30 or more hours per week on a regularly scheduled basis;

b. Part-time employee: An employee who works less than 30 hours per week, but on a regularly scheduled basis;

c. Temporary or seasonal employee: An employee who works in a position which is of a temporary nature, either full-time or part-time.

f. On-call employee: An employee who has no regular schedule, but is available to work on an on-call basis, usually with very short notice; and

2. Only full-time or part-time employees may occupy established positions.

3. Full-time employees in established positions shall be entitled to all benefits provided by the county; part-time employees who work 30 or more

hours per week shall be entitled to benefits; all other employees shall not be entitled to any benefits (except those required by federal or state law) unless recommended by the County Judge/Executive and approved by the Fiscal Court.

§ 3.5: Compensation Plan

A. Pay Plan:

Levels of compensation shall be determined for county employees during the budget process. Adjustments shall be allowed for individuals during the budget year by the County Judge/Executive, subject to approval of the Fiscal Court.

B. Workweek:

1. The official workweek for each department, consisting of a continuous 168-hour period, shall begin and end at a time determined by the Department Director and approved by the County Judge/Executive.

2. The official workweek may be changed at any time, but not to avoid overtime requirements.

C. Hours of Work:

1. Department Directors shall maintain a schedule of office hours each week as recommended by the County Judge/Executive and approved by the Fiscal Court. The scheduling of hours shall be, insofar as practical, uniform within occupational groups and shall meet the reasonable needs of the public.

2. The work schedule for employees shall be established by the Department Director with the advice and approval of the County Judge/Executive.

D. Time Sheets:

1. Each Department Director shall be responsible for attendance records for all departmental employees, and shall keep complete records of attendance, including sick leave, vacation leave, other special leave, overtime, and other attendance records as may be required. A duplicate copy of these records shall be maintained in the Personnel Office.

2. Signed time sheets shall be forwarded to the Personnel Officer at a time as required by the County Judge/Executive at the end of the reporting period. Time sheets shall indicate actual hours worked each workday. Time off with pay shall be recorded and explained by submitting an Absence Report along with the time cards.

D. Overtime:

1. In order to determine whether an employee will receive overtime pay for hours worked in excess of 40 hours per week, each class shall be declared "exempt" or non-exempt" in accordance with the provisions of federal and state wage and hour laws. Employees in exempt classes shall not receive overtime pay; employees in non-exempt classes shall receive overtime pay at the rate of one and one-half times the regular hourly wages for actual hours worked in excess of 40 hours in any work week.

2. Overtime pay will be granted for actual hours worked; time off with pay (holidays, vacation leave, sick leave, jury duty, funeral leave, for example) may not be considered as hours worked for overtime pay purposes.

3. The Department Director shall be held accountable for

overtime; and shall approve all overtime in advance whenever possible; overtime shall be kept at the minimum consistent with maintenance of essential services and the county's financial resources.

4. Employees may be required to take time off from work in lieu of overtime pay, provided the time off from work is taken during the same work week in which the extra hours were worked.

E. Periodic Review:

1. The Personnel Officer shall complete the following on a scheduled basis of at least every other year;

a. Compare the salary, compensation policies, and the personnel policies and procedures of the county with those of other employers in the labor market area;

b. Analyze fluctuations in the cost of living.

c. Examine the salary/wages paid to employees to ascertain whether salaries should be raised or lowered for a particular class or classes during the succeeding twelve months; and

d. Upon the basis of the comparison, analysis and examination, recommend any necessary changes to the Fiscal Court.

2. All changes must be made by amendment of the personnel ordinance, upon approval of the Fiscal Court.

F. Implications of Personnel Actions:

1. Reclassification of an employee's position from one class to a comparable class shall effect no change in salary for the employee.

2. An employee whose position is reclassified from one class to a higher class shall receive an increase in salary as determined by the County Judge/Executive and approved by the Fiscal Court.

3. An employee whose position is reclassified from one class to a lower class shall either retain the current salary or receive a lower salary as determined by the County Judge/Executive with approval of the Fiscal Court.

4. Whenever a recommendation that a position be reclassified to a higher class is presented to the Fiscal Court, an estimate of the financial implications shall accompany the recommendation.

G. Minimum Salary;

Newly-employed personnel shall receive the entry-level salary for the class to which the position is allocated; however, appointments may be made at a salary above the entry-level in cases of unusual difficulty in filling the position, or if necessary in order to hire exceptionally qualified personnel.

H. Salary Increases:

The annual budget may include salary increases effective July 1 for the budget year; accordingly, the County Judge/Executive shall review the pay plan during the budget process and recommended adjustments shall be included in the budget proposed to the Fiscal Court.

All elected officers shall be entitled to a yearly increase in salary or

wages that is equal to the CPI-U as computed by the Government Office of Local Development for the constitutional offices and to take effect January 1, 2005.

I. Payroll Deductions:

Applicable taxes, court-ordered garnishments, and employee contributions to benefits/programs approved by the Fiscal Court and applying to all employees shall be deducted from the participating employee's pay check.

§ 3.6: Benefits

A. Holidays:

1. An annual schedule of holidays shall be adopted by the Fiscal Court and communicated to all County employees at the beginning of each calendar year. Additional holidays may be declared during the year by the County Judge/Executive and/or Fiscal Court.

2. In the event that an employee is required to work on the day the holiday is observed, the employee shall receive payment for actual hours worked in addition to holiday pay.

B. Vacation (Annual Leave):

1. All employees occupying established positions shall receive vacation leave as follows:

a. During the first ten years of continuous employment.

(1) Employees who work forty hours per week shall be allowed 80 hours vacation leave per year.

(2) Employees assigned to a 24-hour shift shall be allowed 144 hours vacation leave per year.

b. Beginning with the eleventh year of continuous employment and annually thereafter:

(1) Employees who work forty hours per week shall be allowed 120 hours vacation leave per year.

(2) Employees assigned to 24-hour shift shall be allowed 216 hours vacation leave per year.

2. Vacation leave is credited for each employee upon completion of the first year of employment, and annually thereafter.

3. Vacation leave shall be taken within one year after it is credited.

4. Requests for vacation leave shall be submitted to the Department Director in advance and approved by the Department Director. The Department Director may cancel or adjust vacation leave as required to meet the needs of the county.

5. After successful completion of the original probation period, any employee who terminates employment with the county shall be compensated for all unused vacation leave. Payment shall be at the employee's regular rate of compensation at the time of separation.

6. Employees absent because of sickness or off-duty injury or

disability may use accrued vacation leave during the time off at the request of the employee and approval of the Department Director.

7. The Personnel Officer shall insure that records are kept for vacation leave allowance, vacation leave taken, and the current accrued leave for each employee.

8. All new employees, including employees, currently in their 1<sup>st</sup> year of employment, will use anniversary date (date of hire) for vacation leave accruals and usage; current employees with more than one year of service will continue with the calendar year basis for vacation leave accruals and usage.

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Cross reference:

See § 3.6 D., Family and Medical Leave

C. Sick Leave:

1. Employees shall be allocated sick leave benefits as follows:

a. Employees occupying full-time established positions who work an average of 40 hours per week shall receive 8 hours sick leave credit for each month of service.

b. Employees assigned to 24-hour shift shall receive 12 hours sick leave following the completion of each month of service.

2. Sick leave credit may be utilized by employees when they are unable to perform their duties because of non-job related sickness or injury or when they are quarantined, or when their absence from work is required due to sickness in the immediate family (spouse, child or other relative who is domiciled in the employee's household). All foreseeable leave for such purposes shall require prior approval of the Department Director. When an employee takes sick leave, the Department Director shall be informed of the fact and the reason(s) thereof as soon as possible; failure to do so by the scheduled time to begin work may be cause for denial of sick leave with pay for the period of absence.

3. The Department Director or County Judge/Executive may require a statement from medical professionals to substantiate a request for sick leave for the following reasons.

a. To justify 24 hours of consecutive absence;

b. To support a request for sick leave during a period when the employee is on vacation leave;

c. To justify any duration if absence from duty recurs frequently or habitually, provided the employee has been notified or warned that a certificate will be requested; and/or

d. To insure that the employee is capable of performing required duties following an injury or illness.

4. Sick leave may be accrued up to a maximum of 120 days, but employees shall not be paid for unused sick leave credit upon termination of employment; however, the county will purchase up to 120 days of sick leave at an amount as determined by CERS administrators for application to an employee's retirement if the employee participates in the CERS retirement program immediately upon separation from the county service.

5. When a former employee is re-employed, the County Judge/Executive shall determine whether the person shall receive any unused

sick leave credit from the previous employment period.

6. The Personnel Officer shall insure that current and accurate records are kept for sick leave allowance, sick leave taken, and sick leave accrued for each employee.

7. Sick leave taken shall be limited to the current amount accrued unless approved in advance by the County Judge/Executive.

8. Any employee fraudulently taking sick leave may be subject to the county's disciplinary policy.

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Cross reference:

See § 3.6 D., Family and Medical Leave

9. Medical Records:

Medical records must be maintained separately from personnel files. Such records include, but are not limited to, health insurance, plan enrollment forms, health insurance claims, reports of workplace injuries, results of physical examinations, results of drug tests, hospital or doctors'

records, information about employees' physical or mental disabilities, and worker's compensations claims.

Medical records of this nature are highly confidential. The only employees who may have access to these records are:

1. The employee whose file it is.
2. Supervisors who need to be informed regarding necessary restrictions on the work or duties of an employee, and any necessary accommodations.
3. First aid and safety personnel who need to know the medical condition of an employee who may require emergency medical treatment.
4. Government officials investigating compliance with the Americans with Disabilities Act.

D. Family and Medical Leave Policy:

Purpose

The purpose of this policy is to comply with the County's obligations under the Family and Medical Leave Act of 1993.

Amount and Qualifying Reasons

Employees who have worked for the County for at least twelve (12) months and at least 1,250 hours during the prior twelve (12) months may take up to twelve (12) weeks of unpaid leave ("FM Leave" for any of the following four reasons:

- (1) Birth of a child of the employee and in order to care for the newborn child;
- (2) Placement of a child into the employee's family by adoption or by a foster care arrangement;
- (3) Care of the employee's spouse, child, step-child, parent, or grandparent who has a serious health condition; or

(4) Inability of the employee to perform the functions of the employee's position due to a serious health condition.

Any FM Leave taken by an employee during the preceding twelve (12) month period will be used to determine the amount of available leave. For example, if an employee used four weeks of leave beginning July 1, 2002, four weeks of leave beginning November 1, 2002, and four weeks of leave beginning March 1, 2003, the employee would not be entitled to any additional leave until July 1, 2003. On July 1, 2003, the employee would be entitled to four weeks of leave, and on November 1, 2003, the employee would be entitled to an additional four weeks., etc.

FM Leave for the birth and/or placement of a child into an employee's family may only be taken within the twelve (12) months after the date of the birth or placement of the child. In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted, unless both the employee and the County agree. If both spouses are employed by the County, the combined leave shall not exceed twelve (12) weeks.

#### What is a Serious Health Condition?

For the purpose of this policy, a serious health condition means an illness, injury, impairment or physical or mental condition that involves:

1. Inpatient care in a hospital, hospice or residential medical care facility including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care; or
2. Continuing treatment by a health care provider, which includes any one or more of the following:
  - A. a period of incapacity due to a serious health condition of more than three consecutive calendar days plus either two or more treatments by a health care provider or one treatment by a health care provider followed by a regimen of continuing treatment;
  - B. a period of incapacity or treatment due to pregnancy or for prenatal care;
  - C. a period of incapacity or treatment for such incapacity due to a chronic serious health condition such as asthma, diabetes or epilepsy;
  - D. a period of incapacity due to a permanent or long-term condition for which treatment may not be effective, such as Alzheimer's disease or a severe stroke; and
  - E. a period of absence due to a serious health condition to receive multiple treatments or that would result in incapacitation without multiple treatments, such as cancer requiring chemotherapy or radiation treatments.

As used above, the term "incapacity" means that the employee must be **unable** to work **at all** or **unable** to perform any of the essential functions of his or her job.

#### Intermittent Leave and Reduced Work Schedules

In the case of unpaid leave for serious health conditions, the leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary for the employee's own health or is medically necessary to provide care or psychological comfort to an immediate family member with a serious health condition. In such cases, the County has the option, in its sole discretion, to require the employee to transfer to a temporary alternative job for which

employee is qualified and which better accommodates the intermittent leave or reduced hours leave than the employee's regular job. The temporary position will have pay and benefits equivalent to those of the employee's regular job.

#### Accrued Sick Leave and Vacation Must Be Used First

In cases of leave due to a serious health condition of the employee (including pregnancy and childbirth) or an immediate family member, paid sick leave and, if needed, paid vacation leave **must** be used before taking unpaid leave. In cases of leave for the placement of a child through adoption or foster care, paid vacation must be used before taking unpaid leave. Both the paid and unpaid leave will be counted in calculating the total period of FM Leave used.

#### Notices

Employees desiring to take FM Leave must provide the County with at least oral notice sufficient to make the County aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave. When the necessity of leave is foreseeable due to the expected birth or placement of a child, the employee must provide the County at least thirty (30) days advance notice of the employee's intention to take leave. If the date of birth or placement of a child requires the employee's leave to begin in less than thirty (30) days from the date of notice to the County, the employee must provide such notice as soon as practicable.

Where the necessity for leave is due to a family member's or an employee's own serious health condition and is foreseeable based on planned medical treatment, the employee must:

1. give at least thirty (30) days' notice, or as soon as practicable if treatment starts in less than thirty (30) days; and
2. make a reasonable effort to schedule the treatment so as not to unduly disrupt the operation of the County, subject to the approval of the healthcare provider.

Where the need for leave is unforeseeable, the employee must give notice as soon as practicable under the circumstances. Except in extraordinary circumstances, notice must be given within two days of the commencement of the leave. Such notice may be given in person, by telephone, fax machine or other electronic means, and may be given by a third party if the employee is unable to do so personally. At the time notice is given, the employee must provide the County with sufficient information to enable the County to determine whether or not the reason for the requested leave is a reason for which leave may be taken under this policy. Failure to do so will result in the request for FM Leave being denied and may result in disciplinary action, up to and including discharge, for violation of the County's attendance policy.

Once the County has knowledge that the leave being taken qualifies as a FM leave absence, the County ordinarily will notify the employee orally or in writing within two business days, absent extenuating circumstances, that the absence will be counted towards the twelve (12) weeks of FM Leave. If notice is oral, it will be confirmed in writing no later than the following payday, unless the payday is less than one week after the oral notice, in which case the notice will be given no later than the subsequent payday.

#### Certification of Healthcare Provider

Any leave request based on a family member's or employee's own serious health condition must be supported by certification from a healthcare provider on a form which the County will provide. The employee must provide a copy of the certification to the County in a timely manner after the County's request for medical certification. A maximum of fifteen (15) calendar days will be allowed to provide the certification, unless circumstances make it impracticable to obtain the

certification within this period of time, and the employee has made diligent, good faith efforts to obtain the certification.

Certification from the healthcare provider must contain: (1) the date the serious health condition began; (2) the possible duration of the condition; (3) the appropriate medical facts regarding the condition; (4) if the leave is based on the care of a spouse, child or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that need will continue; (5) if the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his/her job; and (6) in the case of intermittent leave or leave on a reduced hours basis for planned medical treatment, the date the treatment is expected to be given and the duration of the treatment.

If the employee completely fails to provide the medical certification requested by the County, then the leave is not approved FM Leave. If applicable, the employee may also be subject to discipline, up to and including discharge, for violating the County attendance policy.

#### Continuation of Benefits During Leave

During FM Leave, the County will continue to pay the employee's group health and life insurance premium. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the County for health and life insurance premiums paid during the leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his/her job, the continuation of a serious health condition of the employee's family member or circumstances beyond the control of the employee.

Eligibility for other benefits while on FM Leave will be determined according to the County's established policies for providing such benefits when employees are on other forms of leave (paid or unpaid, as appropriate). During the unpaid portion of FM Leave, employees shall not accrue employment benefits such as vacation leave or sick leave. Conditions of retirement credit accrual are determined by the County Employee's Retirement System. Employment benefits accrued by the employee up to the day on which the family leave of absence begins will not be lost.

#### Employees Obligations While On Leave

The County may require an employee on FM Leave to report periodically on his/her status and the intention of the employee to return to work. The County may also require periodic re-certification of the employee's medical condition. Failure to report as requested or to obtain requested re-certification will result in disciplinary action, up to and including discharge. An employee taking leave due to the employee's serious health condition, except for intermittent leave, is required to obtain a fitness-for-duty certification at the employee's expense with regard to the condition that causes the need for FM Leave. The County will not restore an employee to the employee's original position or an equivalent position if the certification is not provided.

#### Employees Rights Upon Return to Work

Employees who return to work from FM Leave within or on the business day following the expiration of the twelve (12) weeks are entitled to return to their original job **or** an equivalent position without loss of benefits. However, pay increases conditioned upon seniority, length of service or work performed will not be granted until the approximate length of service, seniority, etc., was attained after returning to work. Employees who fail to return to work after taking twelve (12) weeks of leave within a one-year period lose their entitlement to be restored to their original job or an equivalent position **without prior notice.** Employees are responsible for keeping track of how much leave they have taken.

## E. Disability Leave

Any employee who is physically unable to work, including female employees recovering from childbirth and employees who have suffered a work-related injury, are entitled to leave in accordance with the County's Family and Medical Leave Policy. Employees who are ineligible for FM Leave may take an unpaid leave of absence under this Disability Leave Policy until such time as they are able to return to work, provided that they return to work within twelve (12) months from the date when the original leave of absence began (including any FM Leave preceding the disability leave). Employees taking leave under this policy must return to work as soon as they are able to do so. If an employee has not returned to work by the first anniversary of the date the leave of absence began, the employee's employment will **automatically terminate on the anniversary date**, as will the employment of any other employee who has been absent from work for the same period of time. Employees terminated under this policy may reapply for employment at such time as they are able to work again. Employees terminated under this provision would be eligible for COBRA benefits and must contact the Personnel Department for information and the completion of the appropriate forms.

Employees covered by this policy are required to use all accrued sick leave, vacation leave, and compensatory time, except for periods of leave covered by worker's compensation insurance.

The County will continue to pay the regular weekly salary or wages of an employee off work due to a work-related injury, until such time, not to exceed four (4) weeks, as the employee begins receiving worker's compensation income replacement benefits. Such employees shall reimburse the County for the full amount of salary or wages paid under this policy.

Any injury and/or illness arising from and in the course of employment with the County shall be reported to the Department Director immediately; in no instance shall the report be made later than 24 hours after the occurrence.

### Employees Taking Disability Leave

The County will continue to pay group health and life insurance premiums of employees on Disability Leave for a period not to exceed six (6) months. After which time, the employee shall pay both the employee's and the employer's share of the premium by the 20<sup>th</sup> of each month in order to keep any benefits in effect.

When an employee who has been on a disability leave under this policy is ready to return to work, the County will, if possible, return that employee to a position for which he or she is qualified and which resembles his or her former position as closely as circumstances permit. However, the County cannot guarantee that such an employee will be returned to the same job as before or, in fact, any job.

Employees with work-related injuries and worker's compensation are approved to receive benefits. Employees who are on approved worker's compensation leave as a result of injury or illness shall continue to receive sick and vacation time, health, dental and life insurance for a period not to exceed twelve (12) months.

Depending upon the length of the absence and the County's needs, it may be necessary for the County to fill the employee's position with either a temporary or a permanent replacement. If no suitable positions are available when the disability leave ends, the County retains the discretion to terminate the employment of the employee on leave. However, the County will use reasonable

efforts to keep a suitable position open, especially for loyal, long term employees who have demonstrated a good work ethic and have performed high quality work.

**The County will pay state incentive pay to qualified personnel while on worker's compensation or disability per the incentive guidelines.**

F. 1. Off-Duty Disability Leave:

An employee who is unable to perform required duties as a result of off-duty illness or injury shall be allowed to use all accrued sick leave, then accrued vacation leave. Further extension of leave without pay must be specifically authorized by the County Judge/Executive.

2. Pregnancy Leave:

Employees eligible for leave under the County's Family and Medical Leave Policy are eligible for pregnancy-related leave pursuant to the terms of that policy. Employees who are not eligible for FM Leave are eligible for leave on the same terms as other employees with temporary medical conditions.

G. Bereavement (Funeral) Leave:

1. In the event of death in the immediate family, employees occupying established positions may be granted paid funeral leave of up to three days; the length of each individual leave shall be determined by the employee's supervisor. The employee shall receive the normal rate of pay for any scheduled work day that occurs during this period.

2. Immediate family is defined as spouse, child, stepchild, father, mother, grandparents, grandchildren, brother, sister, current in-law of the same relation, or any relative domiciled in the employee's household.

3. Additional days absent shall be charged to vacation leave, then sick leave, then time off without pay.

H. Leave Without Pay:

The County Judge/Executive may authorize a special leave of absence for employees occupying established positions for a period and for any purpose deemed beneficial to the County service.

I. Absence Without Leave:

Absence without leave, including any time increment, that is not specifically authorized shall be deemed to be an absence without leave. Any such absence shall be without pay, and shall be cause for disciplinary action.

J. Notification:

Employees who are absent from work for any reason shall notify the immediate supervisor or Department Director of the intended absence prior to the scheduled beginning of the work period.

K. Emergency Leave:

When an employee is absent from work due to circumstances beyond control, the Department Director may, with the consent of the County Judge/Executive, grant emergency leave. Such emergency leave may be charged to accrued annual leave or may be granted on the basis of leave without pay.

L. Military Leave:

1. Any employee occupying an established position with the County who is a member of the National Guard or any reserve component of the Armed Forces of the United States, or of the Reserve Corps of the United States Public Health Service, shall be entitled to leave of absence without loss in pay for a period not exceeding fifteen calendar days in any one calendar year for the purpose of attending annual mandatory training. A request in writing for military leave shall be made to the Personnel Officer not less than two (2) weeks prior to the beginning of the leave period.

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Statutory reference:

KRS 61.394, 61.396

2. The County shall comply with federal law when employees occupying established positions are called to active duty.

M. Civil Leave:

1. When an employee is required to serve on a jury, or when required by proper authority to be a witness in job-related legal proceedings, the employee shall be compensated at the normal rate of pay.

2. Employees shall be absent from work only during the times required by the courts.

3. Employees summoned as a plaintiff or a defendant in a proceeding involving or arising from personal business shall not be entitled to leave with pay, but may use accrued vacation leave during the absence.

N. Insurance:

1. Worker's Compensation Insurance: The County will pay total costs (coverage applies to all employees).

2. Unemployment Insurance: The County will pay total costs (coverage applies to all employees).

3. Health Insurance: The County will provide medical benefits for employee and dependent coverage.

4. Life Insurance: A life insurance policy shall be provided for all employees in established full-time positions.

O. Retirement:

1. All employees who qualify are required to join the County Employee's Retirement System. The County and all participating employees contribute amounts as determined by CERS.

2. Social Security: The County and its employees contribute amounts at the rate determined by Congress (applies to all employees).

§ 3.7: Travel Policy

1. Employees will be reimbursed for actual expenditures for pre-authorized out-of-town travel expenses, including mileage, lodging and meals. All expenditures shall be within guidelines established and periodically updated by the County.

2. The request for reimbursement shall include receipts for expenditures, and shall be submitted as soon as possible upon completion of travel.

§ 3.8: Severability and Repealer

1. If any provision of these personnel policies and procedures is held invalid, such invalidation shall not affect the remainder of this ordinance or its application.

2. All ordinances that conflict with the contents of this document are hereby repealed.

GRIEVANCE PROCEDURE  
Appendix A

## GRIEVANCE PROCEDURE

### A. County Employees:

1. Unless an employee or employee group is procedurally covered otherwise by state or federal law, any employee of the County who feels aggrieved by an act or decision by the administration, supervisory personnel or other employees shall have the right to process the grievance in accordance with the following procedure:

a. The aggrieved officer or employee shall present the grievance to the Department Director within three working days of its occurrence or knowledge of its occurrence (except that grievances may be submitted directly to the County Judge/Executive if the grievance is against the Department Director). The grievance and all subsequent appeals shall be in writing, and shall set forth the reasons and grounds for the grievance with a statement of relief sought. The Department Director shall attempt to adjust the matter, and shall respond to the employee in writing or other means within three working days.

(1) The Grievance Procedure Form shall be used. Both the grievance and proposed solution to grievance sections shall be specific as to facts, names, facility involved, dates, places, etc. State specifically which law, policy, rule, regulation, procedure, condition of employment, past practice or agreement was involved and how it was violated.

(2) Group grievances crossing departmental lines shall be forwarded directly to the County Judge/Executive.

(3) An investigation may be conducted at any level of grievance by the recipient of the grievance.

b. If the grievance remains unresolved, it may be presented by the aggrieved employee to the County Judge/Executive within three working days after receiving the Department Director's response. The County Judge/Executive may conduct a more extensive investigation into the grievance, and shall respond to the employee in writing or other means within ten working days after receiving the grievance.

c. If the grievance remains unresolved, it may be presented by the aggrieved employee to the Fiscal Court within three working days after receiving the County Judge/Executive's response. The Fiscal Court may offer to schedule a hearing; if a hearing is held, either the Fiscal Court or aggrieved employee may request witnesses to appear at the hearing. The Fiscal Court may conduct a more extensive investigation into the grievance, and shall respond to the employee in writing or other means within sixty working days after receiving the grievance.

2. If a hearing is held at any level, either the County or the aggrieved employee may be represented by Counsel.

3. If requested, probationary, temporary and seasonal employees will be advised of their rights to file grievances by the Personnel Officer.

### B. Person(s) Outside County Employment:

1. If any person or persons outside the County employment, including protected class individuals, feels aggrieved by an act or decision of the County legislative, executive, administrative, supervisory, or other officers or employees, the grievance shall be processed in accordance with the following procedure:

a. The individual may request a Grievance Procedure

Form from the Office of the County Judge/Executive, complete the grievance and proposed solution to grievance sections, and forward the form directly to the County Judge/Executive. The completed Grievance Procedure Form shall be specific as to facts, names, facility involved, dates, places, etc., and received by the County Judge/Executive within the time limit as required by federal law. The County Judge/Executive may conduct an investigation, and shall respond to the grievance in writing or other means within thirty days after receiving the grievance.

b. If the grievance remains unresolved, it may be presented to the Fiscal Court within thirty days after receiving the County Judge/Executive's response. The Fiscal Court shall respond to the grievance within the time limits as required by federal law.

2. If the aggrieved person or persons is not satisfied with the decision of the County, the County Judge/Executive will advise the person or persons of the available alternatives.

GRIEVANCE PROCEDURE FORM  
Scott County Fiscal Court

TO: \_\_\_\_\_ FROM: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I wish to file the following grievance:

Proposed solution to grievance:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Response of \_\_\_\_\_:

Received \_\_\_\_\_ Signature \_\_\_\_\_ Returned \_\_\_\_\_

The attached sheet shall be completed to continue the grievance at each level.

After receiving the response from \_\_\_\_\_ on \_\_\_\_\_  
(Date)

- ( ) I am satisfied with the resolution of the grievance;
- ( ) I am dissatisfied with the resolution of the grievance, and wish to appeal the decision to the next higher level.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Response of \_\_\_\_\_:

Received \_\_\_\_\_ Signature \_\_\_\_\_ Returned \_\_\_\_\_

After receiving the response from \_\_\_\_\_ on \_\_\_\_\_  
(Date)

- ( ) I am satisfied with the resolution of the grievance;
- ( ) I am dissatisfied with the resolution of the grievance, and wish to appeal the decision to the next higher level.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Response of \_\_\_\_\_:

Received \_\_\_\_\_ Signature \_\_\_\_\_ Returned \_\_\_\_\_

Use additional sheet(s) to continue grievance.

DRUG-FREE WORKPLACE POLICY  
Appendix B

## DRUG-FREE WORKPLACE POLICY STATEMENT

### A. Policy Statement:

1. It shall be the policy of the Scott County Fiscal Court to maintain a Drug-Free Workplace in compliance with the Drug-Free Workplace Act of 1988 (PL 100-690, Title V, Subtitle D). The purpose of this Statement is to outline prohibited, on-the-job employee conduct, to make employees aware of the dangers of on-the-job use of drugs and to advise employees of available programs. Terms used throughout shall be defined as follows:

a. "Controlled Substances" means an illegal drug or controlled substance as defined in attached Schedules I-V in Section 812 of Title 21 and as supplemented from time-to-time.

b. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

c. "Criminal Drug Statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any Controlled Substance.

d. "Employee" means any individual on the payroll of the Scott County Fiscal Court working on a full- or part-time basis.

### B. Prohibited Employee Conduct and Penalties:

1. Employees shall not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol on the job, or report to work under the influence of alcohol or controlled substances.

2. Each employee shall notify the immediate supervisor via "confidential" correspondence of any conviction under a Criminal Drug Statute for a work-related violation no later than five (5) days after such conviction. Within thirty (30) days after receipt of such notice of conviction or upon determination in accordance with personnel policies and procedures of on-the-job use of alcohol or controlled substances, the executive authority of Scott County shall:

a. Take appropriate action against such employee, up to and including termination from employment; or

b. Require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by federal, state or local health, law enforcement, or other appropriate agency at the expense of the employee.

3. Failure of any employee to report such convictions shall be cause for immediate dismissal from employment.

4. Employees reporting to work on medication prescribed by their personal physician, which impairs their job performance, are to immediately notify their supervisors of such. They should indicate, via a doctor's note, how the medication would affect the performance of their duty and/or health and safety of others, and appropriate steps should be taken by supervisors to alleviate any hazards.

C. Drug-Free Awareness Program:

1. The Scott County Fiscal Court hereby establishes a drug-free awareness program to inform employees about:

- a. The dangers of drug abuse in the workplace; and
- b. Available drug counseling rehabilitation and employee assistance programs.

2. Employees should review the Drug-Free Awareness materials in Section D for further information. Additional information may be distributed and programs conducted from time-to-time.

D. Drugs with Potential for Abuse:

1. Barbiturates (Nembutal, Seconal, Amytal, Tuinal, etc.) These are central system depressants that are highly addictive both mentally and physically; they have a high potential for causing overdose reactions and severe and dangerous withdrawal complications.

2. Minor tranquilizers (Librium, Valium, etc.) These have an effect similar to barbiturates and alcohol but are less powerful in their effect and less likely to produce physical and psychological dependency, although psychological dependency is still very common among users.

3. Narcotics (Opium, Morphine, Heroin) These are drugs that act upon the central nervous system and parasympathetic nervous system to reduce pain, induce sleep and give a calming effect. They are very physically and psychologically addicting and, because of the haphazard manner in which they are manufactured and sold, frequently are used excessively.

4. Stimulants (Amphetamines, Cocaine) These are drugs that affect the central nervous system, causing increased alertness and activity and bringing on a feeling of confidence and well-being. They cause psychological dependency but their ability to cause actual physical dependency is not clear. They can have negative psychological effects when overused.

5. Hallucinogens (LSD, Mescaline, Psilocybin, PCP, etc.) These drugs act upon the central nervous system and produce changes in perception with accompanying excitement to the user. They are not likely to cause psychological or physical dependency. They are somewhat unreliable in their effect and may cause extreme anxiety reactions or panic states in some users.

6. Marijuana The active ingredient in marijuana is THC, which is sometimes classified as an hallucinogen. The actual amount of this chemical in marijuana is quite low, however, and hallucinations are rare. It generally has

an intoxicating effect and may heighten sensory perception, especially auditory perception. There are almost no observable physical effects due to marijuana use. It can produce a psychological dependence somewhat similar to caffeine and has no potential for physical dependence.

7. Volatile substances (Gasoline, Paint Thinner, Lighter Fluid, Airplane Glues, etc.) These substances act on the central nervous system and produce an intoxicating effect. They can be extremely dangerous, causing either brain damage or death from overdose.

E. Certificate of Receipt:

I, the undersigned employee of the Scott County Fiscal Court certify through my signature below that I have received a copy of the Drug-Free Workplace Policy Statement and cover letter providing that the Scott County Fiscal Court shall maintain a Drug-Free Workplace in compliance with the Drug-Free Workplace Act of 1988 (PL 100-690, Title V, Subtitle D). I have read the Drug-Free Workplace Statement and understand that the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances or alcohol is prohibited on-the-job conduct and that personnel actions as specified in the Policy Statement will be taken in the event of a violation by me. I acknowledge, by my signature, receipt of the Policy Statement and agree to abide by its terms during my employment.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date