



# SCOTT COUNTY GOVERNMENT

## *Scott County Fiscal Court*

### *PERSONNEL POLICIES AND PROCEDURES*

Adopted August 1994

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Revised July 2019

These personnel policies and procedures are included as Chapter 3 of the Scott County Administrative Code.

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# Introduction

## Foreword

Information included in these personnel policies and procedures, classification plan, and compensation plan are 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.

The County Judge/Executive, with the approval of the Fiscal Court, has the authority to appoint, supervise, suspend, and remove county personnel, except that (1) County fee officials (Sheriff and County Clerk) are provided a budget by the Fiscal Court and must either adopt the County policies or develop policies that apply to their office, and (2) the Jailer has responsibility for the appointment of jail personnel and for the removal of jail personnel at any time with cause. The Sheriff, County Clerk, and Jailer shall either adopt the County policies or develop and adopt policies that apply to their office.

Throughout the context of these personnel policies and procedures, Executive Authority is defined as the County Judge/Executive, County Attorney, County Clerk, Jailer, and Sheriff.

Throughout the context of these policies and procedures, “applicant” shall be defined as a person who meets the minimum qualifications for a position and who has presented a completed and signed Employment Application Form provided by the county for a specific position.

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.

All ordinances that conflict with the contents of this document are hereby repealed, except that individual Departments may have policies that differ from individual sections of these policies and procedures.

# Statement of Purpose

The Scott County Fiscal Court recognizes that a personnel system 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.

## Scope of Coverage

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

- All Elected Officials
- All Members of Boards of Commissions
- County Engineer
- Consultants, Advisors and Counsel Rendering Temporary Services
- Independent Contractors
- Temporary, Seasonal, or On-Call Employees
- Members of Volunteer Organizations

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.

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

## Statement of Equal Opportunity

The county seeks to provide equal opportunity to all its employees and applicants for employment, and to prohibit discrimination based on race, color, sex, religion, national origin, genetics, political affiliation, age, physical or mental disability or impairment, or marital status. The county promotes equal opportunity in matters of hiring, training, promotion, transfer, compensation, employee benefits, and all other terms, privileges and conditions of employment.

## Americans with Disabilities Act (ADA) Statement:

The county will not discriminate against any qualified employee or job applicant with respect to any terms, privileges or conditions of employment because of an individual's physical or mental disability. The county also will make reasonable accommodation wherever necessary for all employees or applicant with disabilities if the individual is otherwise qualified to safely perform the essential functions

of the job with or without a reasonable accommodation. This policy of nondiscrimination applies to all personnel and employment practices, including:

- Recruitment, advertising, and job application procedures.
- Hiring, upgrading, demotion, transfer, lay-off, termination, right of return from lay-off and rehiring.
- Compensation of any kind.
- Selection and financial support for training.

Applicants for employment are encouraged to make a notation on the application form to notify Human Resources if accommodation is required during the employment process.

It is the obligation of the employee or the applicant for employment to inform the employer of the disability.

## Administrative Responsibilities

These personnel policies and procedures shall be administered by the County Judge/Executive, who shall serve as Human Resources Officer.

The County Judge/Executive may delegate the authority for personnel matters. Provided that such delegation is accomplished by Executive Order, references to Human Resources Officer throughout this document shall mean either the County Judge/Executive or designee. Following the assignment of personnel responsibilities, the designee 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.

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, subject to the approval of the Fiscal Court. These memoranda shall represent the policy of the County and shall be filed with the personnel policies.

In addition to the duties set forth in these policies and procedures, the Human Resources Officer shall

- Administer the provisions of these policies and procedures:
  - It shall be the duty of the Human Resources Officer to ensure 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 list will be kept of all county personnel having a copy of these policies and procedures
    - 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
- The effective date of the change shall be noted after the word "changed" in the lower left corner of each replacement page or addition
- 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.
- Maintain current personnel records for each employee:
  - The official personnel records shall be located and maintained in the office of the Human Resources Officer. All requests for information shall be forwarded to the Human Resources Officer, who may authorize the release of information from personnel records.
  - Personnel records shall be retained in accordance with the retention schedule established by the State Archives and Records Commission.

# Employment Process

## Procedures for Filling Vacancies

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

- Policy:
  - 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 Executive Authority determines there is sufficient number of qualified current employees applying for the position. However, the Executive Authority may go outside the county service to fill vacant positions.
  - Appointment to an established position with the county shall be made only after the Executive Authority has determined that the person being considered meets all qualifications prescribed in the position description for the class in which the appointment will be made.
  - 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 reemployment.
  
- Announcement of vacant positions:
  - When a vacancy occurs within the county service, current employees shall be notified of the vacancy by posting written notices on the official bulletin board. 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 Human Resources Officer, thus indicating the employee's interest in the vacant position. The Executive Authority may fill the vacancy by either promoting current employees or employing a person from outside the service.
  - When filling vacancies from outside the county service:
    - 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 applied for, and the Employment Application Form will be considered active for a period of six months.
    - 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."
    - The Executive Authority shall consider all completed application forms from all persons who meet the minimum qualifications for the position when making appointment decisions.
  
- Application for position:

- 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.
- 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 position description.
- All Employment Application Forms must be signed and dated by the applicant.
- Certification of eligibility for position:
  - 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.
  - The qualifications of an applicant for a position shall be ascertained on the basis of one or more of the following:
    - Information the applicant supplies on the official Employment Application Form
    - Job-related tests
    - Personal interview
    - Other Information as determined by Executive Authority

Provided that a preliminary offer of employment has been made, applicants may be required to pass a job-related physical and/or psychological examination (including drug and/or alcohol tests) by a medical professional of the county's choice as a condition of employment.

After the appointment of a candidate to a position, the Executive Authority 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.

## Appointing Authority

The Executive Authority is the appointing authority for all county employees; unless otherwise authorized by Kentucky Revised Statutes, all appointments are 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 Executive Authority 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 Executive Authority.

## Employment of Relatives/Nepotism

No officer or employee shall advocate, recommend or cause the: employment; appointment;

promotion; transfer; or advancement of a family member to an office or position of employment with the County or a County agency, including any joint agency of the City and County.

No officer or employee shall supervise or manage the work of a family member.

No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or a group, and the family member benefits to no greater extent than any other similarly situated member of the class or group.

“Family member” is defined in the Scott County Code of Ethics [(Appendix D of this document) as “spouse, parent, child, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, half brother, or half sister.”

The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to the adoption of the Code of Ethics or six (6) months prior to the taking of office by a newly elected or appointed official.

## Orientation of New Employees

An orientation shall be made available by the Human Resources Officer or designee to all new employees occupying established positions during their first day of employment or as closely to the first day of employment as practical. The orientation shall consist of the following:

- An explanation of what the county expects of its employees, and what the employee can expect from the county
- An explanation of the county’s policies and procedures, including salaries/wages, employee benefits, etc.

The Executive Authority shall insure that new employees are informed of information about the employee’s on-the-job duties and responsibilities.

# Conditions of Employment

## Probation Period

All personnel initially appointed to an established position shall serve a probationary period of one (1) year. However, the probationary period may be extended up to an additional six (6) months by the Executive Authority.

An employee who has served an initial probationary period in one (1) position and moves to another position for any reason shall be on probation in the new position for one (1) year.

While on probation, a new employee, or an employee who has moved to a new position, may be dismissed at any time, with or without cause. An employee who has been dismissed during a probationary period shall have no right to file a grievance or to contest his/her dismissal.

An employee who has moved to a new position and serving a new one (1) year probationary period, may, at the full discretion of the Executive Authority

- Be returned to his/her former position
- Be appointed to another position if one (1) is available and the employee possesses the necessary qualifications
- Be dismissed from county service

If any of the above occurs, the employee shall have no right to file a grievance or to contest his/her dismissal.

Probationary employees shall be evaluated as determined by the Executive Authority, but at least quarterly during the probation period (or extension thereof). Evaluation forms shall be approved by Executive Authority. During the final month of an employee's probation period, the Executive Authority shall determine whether or not the employee satisfactorily completed the probationary period.

## Transfer

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

In the event that an employee becomes unable to perform the duties as stated in the position description, 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.

## Promotion

Each Department may develop individual promotion procedures.

Any employee occupying an established position may apply for promotion to a higher position by making the request to the Executive Authority, provided the employee is not serving an initial probation period, the employee possesses the qualifications for the position, and the position is vacant.

## Demotion

Any employee occupying an established position may request a demotion from one position to a lower position by making the request to the Executive Authority, provided the employee possesses the qualifications for the position, the employee is not serving an initial probation period, and the position is vacant.

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

Such action shall be recorded in the employee's personnel file in the Human Resources Office.

## Progressive Discipline/Uniform Disciplinary Code

For disciplinary reasons, all constitutional offices shall comply with the Administrative Code unless authorized otherwise by Kentucky Revised Statutes.

Introduction:

- 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.
- 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 Executive Authority 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.
- "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 ensure 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.

- 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.

#### General Guidelines:

- Verbal warning (reprimand):
  - In the case of minor job deficiencies and/or undesirable conduct, the immediate supervisor or Executive Authority may administer a verbal reprimand 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 and placed in the employee's personnel file at the Human Resources Office. The notice shall be retained for twenty-four months, after which time it will be destroyed if no further action is taken.
  - 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.
- Written reprimand:
  - In the case of a second minor offense or job deficiency, or a more severe first-time offense or job deficiency, the immediate supervisor, Department Director or Executive Authority may 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 months.
  - The Executive Authority shall issue a written reprimand to the employee and, if warranted, suspend or dismiss the employee. Unless otherwise authorized by Kentucky Revised Statutes, suspensions or dismissals require approval of the Fiscal Court. (See Suspensions and Dismissal below for procedures).
  - If a written reprimand is issued, the immediate supervisor, Department Director or Executive Authority 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 file in the Human Resources Office; such reprimand shall be retained for twenty-four months, after which time it will be destroyed if no further action is taken.
- Suspension:
  - This disciplinary action is administered as a result of severe infraction of rules or standards, or for excessive violations after verbal warnings, written reprimands, insufficient effort to improve job performance, or short-term loss of required licenses and/or certifications for the job class.
  - The suspension of an employee from duty shall be made as follows:
    - The Executive Authority may suspend an employee with or without pay
    - The immediate supervisor or Department Director may suspend an employee with pay until the Executive Authority acts on the suspension.
  - 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 file in the Human Resources Office; such notice shall be retained for twenty-four months, after which time it will be destroyed if no further action is taken.

- 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.
- Dismissal:
  - An employee may be dismissed when an offense or job deficiency is continually repeated, or misconduct or job deficiencies are serious enough on the first offense. Unless otherwise authorized by Kentucky Revised Statutes, final and formal discharge of an employee shall be the responsibility of the Fiscal Court upon recommendation of the Executive Authority.
  - Any disciplinary action that could involve dismissal shall require that a pre-disciplinary 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.
- Employees who feel unjustly disciplined may use the county's grievance procedure (see Appendix A). Employees will not be discriminated against in any way because of proper use of the grievance procedure.

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.

- Driving a county vehicle while under the influence of alcohol, illegal drugs, or prescription drugs which impair efficient operation of vehicle.
  - Penalty: First offense: Dismissal.
  - Discussion:
    - An employee under the care of a physician who is taking prescription medicine that may interfere with job performance shall inform his/her immediate supervisor or Executive Authority of this fact either prior to the scheduled time for reporting for work or immediately upon reporting to work. The immediate supervisor or Executive Authority may reassign the employee temporarily or direct the employee to remain at home until the medication is completed.
    - An employee who is suspected of being under the influence of alcohol, illegal drugs, or the illegal use of legal drugs shall not be allowed to operate county vehicle or motorized equipment. The employee may be requested to take a drug and/or alcohol test or may be taken home if, in the judgment of the supervisor, the employee is endangering either self or others.
    - First-time alcohol or illegal drugs offenders may be required to participate in an alcohol or drug-abuse program.
- 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.
  - Penalty:
    - First offense: eighty (80) to one hundred sixty (160) hours (or seventy (70) to one hundred and forty (140) hours for employees assigned to 35-hour

- workweek) suspension without pay. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
  - Second offense: Dismissal.
- Discussion:
  - Employees who are suspected of being under the influence of alcohol or illegal drugs while on duty shall be requested to take a drug and/or alcohol test. Employees ordered to take a “reasonable suspicion” drug and/or alcohol test shall not be allowed to return to work until the results of the drug and/or alcohol test reveals a “negative” test.
  - First-time alcohol or illegal drugs offenders may be required to participate in an alcohol or drug-abuse program.
- Stealing, theft, destruction or unauthorized use of county property
  - Penalty:
    - First offense: Suspension without pay or dismissal, depending on the severity of the offense. In the event of suspension, the length of time shall be determined by the severity of the offense. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
    - Second offense: Dismissal.
  - Discussion:
    - 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.
    - Employees shall not intentionally or negligently lose, misplace or damage county property.
- Fighting on the job
  - Penalty:
    - First offense:
      - With weapon: Dismissal.
      - Without weapon: Eighty (80) to one hundred and sixty (160) hours (or seventy (70) to one hundred and forty (140) hours for employees assigned to 35-hour workweek) suspension without pay to dismissal, depending upon circumstances. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
    - Second offense: Dismissal.
  - Discussion:
    - Fighting with a weapon, fist fights, or horseplay on the job that either causes injury or has potential of causing injury shall not be allowed.
- Insubordination, deliberate malicious behavior, misconduct which reflects on the efficient and effective performance of the job.
  - Penalty:
    - First offense: From verbal warning to written reprimand to suspension without pay for a period up to forty (40) hours (or 35 hours for employees assigned to 35-hour workweek), depending on the circumstances. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-

- four (24) hours.
    - Second offense: From forty (40) to one hundred and sixty (160) hours (or from thirty-five (35) to one hundred forty (140) hours for employees assigned to 35-hour workweek) suspension without pay or dismissal, depending on circumstances. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
    - Third offense: Dismissal.
  - Discussion:
    - Behavior which reflects an employee's refusal to be supervised, including refusal to obey work-related orders or failure to follow directions and instructions.
    - 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.
- Failure to observe safety procedures, including wearing of protective clothing and equipment.
  - Penalty:
    - First offense: From verbal warning to written reprimand, depending on circumstances.
    - Second offense: From written reprimand to suspension without pay for a period up to twenty-four (24) hours (or 21 hours for employees assigned to 35-hour workweek), depending on circumstances. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
    - Third offense: Dismissal.
  - Discussion:
    - 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.
- Any equipment accident involving more than \$500 where employee is at fault due to negligence or carelessness.
  - Penalty:
    - First offense: Verbal warning or written reprimand, depending on circumstances.
    - Second offense: From forty (40) to one hundred twenty (120) hours (or thirty-five (35) to one hundred and five (105) hours for employees assigned to 35-hour workweek) suspension without pay to dismissal, depending on circumstances. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
    - Third offense: Dismissal.
  - Discussion:
    - Employees shall operate vehicles and equipment in a safe and prudent manner, and shall obey all federal, state and local laws and regulations.
    - Employees shall become familiar with all operating procedures, and shall be responsible for the safe operation of all equipment to which they are assigned.

- Minor traffic violations in county vehicle or any equipment accident involving less than \$500 in property damage where employees are at fault due to negligence or carelessness.
  - Penalty:
    - First offense: From verbal warning to written reprimand, depending on circumstances.
    - Second offense: From written reprimand to twenty-four (24) to forty (40) hours (or twenty-one (21) to thirty-five (35) hours for employees assigned to 35-hour workweek) suspension without pay, depending on circumstances. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
    - Third offense: Dismissal.
  - Discussion:
    - Policies regarding safe operation of vehicles and equipment shall be an integral part of the process of learning the vehicle and/or equipment assigned to an employee.
- Leaving workstation without authorization.
  - Penalty:
    - First offense: From written reprimand to suspension without pay from forty (40) to one hundred twenty (120) hours (or from thirty-five (35) hours to one hundred and five (105) hours for employees who work a thirty-five (35) hour workweek), depending on circumstances. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
    - Second offense: From one hundred twenty (120) to two hundred forty (240) hours (or from one hundred and five (105) to two hundred and ten (210) hours for employees who work a thirty-five-hour workweek) suspension without pay. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
    - Third offense: Dismissal.
  - Discussion:
    - This is defined as an employee leaving the workstation without permission, satisfactory explanation or just cause.
- Absent without approved leave for any period of time.
  - Penalty:
    - First offense: Written reprimand and no pay for the time absent.
    - Second offense: From twenty-four (24) to forty (40) hours (or twenty-one to thirty-five (35) hours for employees assigned to 35-hour workweek) suspension without pay. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
    - Third offense: Dismissal.
  - Discussion:
    - 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. (See also Resignations, §3.3 E.)
- Excessive tardiness.
  - Penalty:

- First offense: From verbal warning to written reprimand, depending on circumstances.
  - Second offense: From written reprimand to twenty-four (24) to forty (40) hours (or from twenty-one (21) to thirty-five (35) hours for employees assigned to 35-hour workweek) suspension without pay, depending on circumstances. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
  - Third offense: Dismissal.
- Discussion:
  - 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.
- Abuse of sick leave.
  - Penalty:
    - First offense: Written reprimand.
    - Second offense: From twenty-four (24) to forty (40) hours (or from twenty-one (21) to thirty-five (35) hours for employees assigned to 35-hour workweek) suspension without pay. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
    - Third offense: Dismissal.
  - Discussion:
    - Sick leave is considered a self-insurance and is not intended to provide employees an extra time 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.
    - Employees may be required to provide statements from a medical professional before use of sick leave is allowed.
- Loafing on the job.
  - Penalty:
    - First offense: Verbal warning.
    - Second offense: Written reprimand to eight (8) to twenty-four (24) hours (or from seven (7) to twenty-one (21) hours for employees assigned to 35-hour workweek) suspension without pay. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
    - Third offense: Dismissal.
  - Discussion:
    - 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.
- Sleeping on the job.
  - Penalty:
    - First offense: From written reprimand to forty (40) to eighty (80) hours (or from

- thirty-five (35) to seventy (70) hours for employees assigned to 35-hour workweek) suspension without pay, depending on circumstances. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
    - Second offense: From eighty (80) to one hundred sixty (160) hours (or from seventy (70) to one hundred forty (140) hours for employees assigned to 35-hour workweek) suspension without pay. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
    - Third offense: Dismissal.
  - Discussion:
    - Employees must remain alert at all times and sleeping on the job is strictly forbidden (except for employees assigned to 24-hour shifts.)
- Failure to submit required or completed reports or forms.
  - Penalty:
    - First offense: From verbal warning to written reprimand, depending on circumstances.
    - Second offense: From written reprimand to twenty-four (24) to forty (40) hours (or from twenty-one (21) to thirty-five (35) hours for employees assigned to 35-hour workweek) suspension without pay, depending on circumstances. Suspensions for employees assigned to 24-hour shifts shall be in blocks of twelve (12) or twenty-four (24) hours.
    - Third offense: Dismissal.
  - Discussion:
    - 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.
- Other offense/deficiencies and penalties included in departmental policies and procedures and approved by the Fiscal Court.

## Resignations

An employee wishing to resign from employment with the county is requested to inform the Executive Authority of the intended resignation as soon as possible after the decision is made. The notice should be in writing and should 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). An employee's resignation and its attendant reasons, if noted, shall be recorded in the employee's personnel file.

The employment date of an employee who resigns and is reemployed will be the latest date of employment, unless specified otherwise by the Executive Authority.

Any employee who is absent from work three (3) consecutive workdays without notifying the Department Director or Executive Authority of the reason(s) for the absence will be considered to have

abandoned the job and may be terminated from employment with the county.

## Reduction-in-Force

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.

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

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

An employee occupying an established position and is laid off shall be notified of the layoff in writing. 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.

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

## 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.

If an employee retires and chooses to be covered by a health insurance plan offered by way of the Kentucky Employee's Retirement System/County Employee's Retirement System, and is then hired/rehired by the county, then the county will not be responsible for providing said employee with health insurance coverage.

## 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.

## Mandatory Retirement Age

The county does not have a mandatory retirement age.

## Examinations

If there is reasonable cause to believe that it is warranted, the Executive Authority may require any employee to submit to a physical or mental examination by a medical professional selected by the county to insure competency to complete assigned duties.

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

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

- 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.
- If it is determined by a medical professional that the disability cannot be corrected.
  - 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
  - The county will assist the employee with medical retirement proceedings.

## Political Activity

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

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.

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

## Use of County Property and Equipment

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

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.

## Respectful Workplace Policy

Scott County Fiscal Court (SCFC) is committed to ensuring that discrimination and harassment of its employees, in any form is prohibited on the basis of race, color, citizenship status, sex, age, disability, pregnancy, creed, sexual orientation, gender identity, gender expression, marital status, national or ethnic origin, religion or religious belief, veteran's status, or any other factor that is prohibited by applicable state or federal law or local ordinance. SCFC prohibits not only unlawful discrimination and harassment, but also other unprofessional and discourteous actions which affect the professional and congenial work environment.

### Discrimination

Unlawful discrimination occurs when a person (or group) is treated unfavorably or differently because of that person's (or group's) membership in a protected class listed above. In the employment context, this could include, but is not limited to decisions related to hiring, promotion, termination, training, pay increases, work schedules, etc.

### Harassment

Workplace harassment prohibited by this policy is defined as unwelcome verbal or physical conduct designed to threaten, intimidate, or coerce an employee which interferes with an individual's work performance or employment opportunities. Such behavior is prohibited whether between supervisors and employees, among co-workers, or when dealing with third parties and may consist of, but is not limited to the following:

1. Epithets, slurs, negative stereotyping, threatening, or intimidating acts,
2. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls, bulletin boards, or elsewhere on the employer's premise, or circulated in the workplace,
3. Hazing, which can include humiliation, innuendos, disparaging remarks, practical jokes, and horseplay,
4. Other behavior that creates a hostile or intimidating work environment.

### Sexual Harassment

Sexual harassment undermines the integrity of the employment relationship and interferes with the productivity of its victims and their co-workers. Inappropriate sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitutes sexual harassment when:

- Submission to such conduct is either explicitly or implicitly made a term or condition of employment,
- Submission to or rejection of such conduct by an individual is used as a 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 work environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexual oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact with another, such as patting or pinching another’s body.

Complaint Procedure

When possible, the employee should confront the person and request that the individual discontinue the behavior immediately. However, if an employee believes he/she has been unlawfully harassed or discriminated against or observes someone engaging in conduct which may violate this policy, he/she should report the incident immediately to the director of human resources. Employees are not required to complain to the person that they allege is the cause of the problem, nor are they required to complain to their supervisor or department head. However, should a supervisor or a department head receive a discrimination or harassment complaint, they shall be required to report the allegation immediately to the director of human resources and take no immediate action pending the advice of the director of human resources. All complaints will remain as confidential as possible and will be investigated in a timely manner by the director of human resources. Appropriate action will be taken as a result of the investigation.

Retaliation

Retaliation against any employee for filing a complaint under any part of this policy or for assisting in an investigation of a potential violation of this policy is strictly prohibited and shall be reported to director of human resources immediately.

Suggestion System

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

Suggestions should be submitted to the Department Director, who shall forward them to the Executive Authority 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.

Employee Handbook

A copy of the personnel policies and procedures, including revisions of the personnel policies and procedures, will be made available for all employees.

Exit Interview

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.

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

## Acceptance of Gifts and Gratuities

Employees may 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.

Violations of this policy will result in disciplinary action.

## Profit from Knowledge Based on County Employment

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

Violations of this policy will result in disciplinary action.

## 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:

Employment shall not interfere with the efficient performance of the employee's duties with the county.

Employment shall not involve the performance of duties which the employee should perform as part of the employee's duties with the county.

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.

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.

## Inclement Weather Policy

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.

Where individual circumstances exist, such as longer than average distance of travel to and from the workplace, the employee must notify the 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.

If county offices are closed, the employee shall be given the choice of charging the time to vacation leave, leave without pay, or working extra during the same pay period to make up the lost time (Ord. No. 2009-01, passed 4-10-2009)

## Residency Requirements

While the county does not have a residency requirement, employees scheduled to be on-call may be required to reside within a radius that allows reasonable response time in a safe manner. [For the purpose of this policy, “reasonable” response time shall be defined by each Department.]

## Violence in the Workplace

Threats, threatening and/or abusive behavior, or acts of violence against employees, customers, visitors, or other individuals by anyone on county property will not be tolerated. Any person who makes threats, exhibits threatening behavior, or engages in violent acts on county premises shall be removed from the premises as quickly as safety permits, and shall remain off county premises pending the outcome of an investigation. Upon completion of the investigation, the Fiscal Court will initiate an immediate and appropriate response which may include, but not be limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

Employees are responsible for notifying the Department Director or Executive Authority of any threats they witness or receive, or that they are told another person witnessed or received. Even without a specific threat, employees should report any behavior they have witnessed that they regard potentially threatening or violent or which could endanger the health or safety of an employee when the behavior has been carried out on county premises or is connected to county employment or business. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened.

Every attempt will be made to maintain the anonymity of the reporting employee. However, the information may be reported to a law enforcement agency or other governmental agencies, so strict confidentiality cannot be guaranteed.

## Computer, Information Systems and Electronic Mail Policy

This policy sets forth the county's policy on use of computers, information systems and disclosure of electronic mail messages sent or received by employees.

Electronic systems owned by the county and provided for use by its employees are intended for business purposes, and employee use for personal reasons shall be limited.

Computers, computer files, the e-mail system, facsimile machines and software furnished to employees are property of the county and intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization.

The electronic mail and other information systems including facsimile machines of the county are not to be used in a way that may be disruptive, offensive to others, or harmful to morale.

There is to be no display or transmission of sexually explicit images, messages, or cartoons, or any transmission or use of electronic communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, ethnicity, sex, genetics, sexual orientation, age, disability, or religious or political beliefs.

The county purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the employer does not have the right to produce such software for use on more than one computer.

The computers, facsimiles and e-mail system should not be used to solicit or proselytize others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.

All computer files, facsimiles and e-mail messages are records of the county, and the county reserves the right to access and disclose all computer files and messages sent over its electronic systems for any purpose except where legally prohibited.

For privacy reasons, employees should not attempt to gain access to another employee's computer files and electronic messages without the employee's express permission. However, the county reserves the right to enter an employee's computer or e-mail files if to do so would protect or serve the best interest of the county.

Employees should notify their immediate supervisor or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

## Social Networking Policy

County employees who use social networking sites, personal blogs, the world-wide web, and other mediums of electronic communication shall comply with the following:

- Employees cannot imply or infer that posted information is the opinion or position of the county.
- Employees must be clear that their comments clearly state that they are not the views of the county.
- Photographs of county property, including insignia of the county and other county property such as uniforms, vehicles, etc. shall not be posted.

County employees shall comply with this policy during both working and non-working hours.

This policy shall not apply when posting employer-approved information on official Scott County sources for electronic communication.

## Return-to-Work Policy

Provided that meaningful work is available, an employee who is unable to perform the essential functions of his/her job because of accident or illness may be allowed to return to work in another capacity on a temporary basis, subject to the following:

- The employee, along with the supervisor in the temporary capacity, shall prepare a list of duties to be performed by the employee, and the employee shall receive the approval to perform the duties on a temporary basis from a medical professional approved by the County.
- The employee shall provide an updated medical statement at 45- day intervals, and the temporary assignments shall not last longer than 180 days.

The hourly rate of pay shall not change during return-to-work assignments.

The temporary assignment shall be terminated immediately (1) upon approval by a medical professional for the employee to return to regular duties, or (2) upon determination by a medical professional that the employee will no longer be able to perform the essential functions of his/her job.

## Drug-free Workplace Policy

For the county's Drug-Free Workplace Policy, See Appendix B.

## Drug and Alcohol Testing Policy

For the county's Drug and Alcohol Testing Policy, See Appendix C

## Alternative Dispute Resolution Program

For information regarding the county's Alternative Dispute Resolution Program, see the Human Resources Officer.

# Classification Plan

## 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.

## Written Specifications

- Each class shall have a specification that includes:
  - A concise, descriptive title;
  - A description of duties and responsibilities of the class; and
  - A statement of desirable qualifications for the position.
- All positions in a class shall be sufficiently alike to permit:
  - The use of a single descriptive title;
  - A description of each of the duties in the class;
  - The same qualifications for each position;
  - The use of the same tests of competence for each position; and
  - Application of the same pay range to each position.

## Regular Review/Evaluation

The Human Resources 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.

All changes shall be made by amendment of the personnel ordinance upon the recommendation of the Executive Authority and approval by the Fiscal court.

## Reclassification

The Human Resources 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.

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

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

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

All classification changes shall be made by amendment of the personnel ordinance upon the recommendation of the Executive Authority and approval by the Fiscal court.

## Categories of Employment

All employees of the county shall be classified full-time, part-time, temporary, or seasonal:

- Full-time employee: An employee who works 35 or more hours per week on a regularly scheduled basis;
- Part-time employee: An employee who works less than 35 hours per week on a regularly scheduled basis;
- Temporary employee: An employee who works in a temporary position (CERS retirement program allows temporary appointments to last no longer than one year without participating in the retirement program, but the appointments cannot be repeated).
- Seasonal employee: An employee who works in a position of a seasonal nature (CERS retirement program allows seasonal appointments for a period up to nine (9) months without participating in the retirement program; seasonal appointments may be repeated).

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

Full-time employees in established positions shall be entitled to all benefits provided by the county; part-time employees in established positions 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 Executive Authority and approved by the Fiscal Court.

# Compensation Plan

## 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 Executive Authority; unless authorized otherwise by Kentucky Revised Statutes, all pay adjustments are subject to approval of the Fiscal Court.

## Workweek

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.

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

## Hours of Work

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

The work schedule for employees shall be established by the Department Director with the advice and approval of the Executive Authority.

## Time Sheets

Each Executive Authority shall be responsible for documenting and forwarding attendance records for all departmental employees. Records of attendance, including sick leave, vacation leave, other special leave, overtime, and other attendance records shall be maintained in the Human Resources Office.

Signed time sheets shall be forward to the Human Resources Officer at a time required by the County Judge/Executive at the end of the reporting period. Time off with pay shall be recorded and explained by submitting an Absence Report along with the time sheets.

## Call-Back Pay

Employees who are called back to work shall be compensated for a minimum of two hours at the rate of one-and-one-half times his/her regular rate of pay.

Employees who are asked to either report for work early or remain after normally scheduled working hours shall be compensated at the regular rate of pay, and overtime rates shall apply if the hours are over forty (40) hours worked during the workweek.

## Overtime

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.
  - The Kentucky General Assembly enacted legislation authorizing county governments the option to allow employees who are non-exempt from overtime requirements (hourly) to accrue compensatory time in lieu of overtime pay; however, the county has elected not to opt for compensatory time and to continue with overtime pay for employees in non-exempt classes.
  - 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.
  - The Department Director and Executive Authority 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.
  - 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.

A county employee shall not work for any other county department or agency which would or could create a possibility of overtime pay.

## Periodic Review

As determined necessary by the Executive Authority, the Human Resources Officer shall complete the following:

- Compare the salary, compensation policies, and the personnel policies and procedures of the county with those of other employers in the labor market area;
- Analyze fluctuations in the cost of living;
- 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

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

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

## Implications of Personnel Actions

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

An employee whose position is reclassified from one class to a higher class shall receive an increase in salary as determined by the Executive Authority and, unless authorized otherwise by the Kentucky Revised Statutes, approved by the Fiscal Court.

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 Executive Authority and, unless otherwise authorized by Kentucky Revised Statutes, approved by the Fiscal Court.

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.

## 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.

## Salary Increases

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

## 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 paycheck.

# Benefits

## Holidays

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.

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.

## Vacation (Annual Leave)

All regular full-time employees occupying established positions shall receive vacation leave as follows:

Years of Service	Vacation Leave earned per year in days	Vacation Leave earned <b>per year</b> in hours (35 hours/week)	Vacation Leave earned <b>per year</b> in hours (40 hours/week)	Vacation Leave earned <b>per year</b> in hours (56 hours/week)
0 to 4	12	84	96	144
4+ to 10	15	105	120	180
10+ to 15	18	126	144	216
15+	20	140	160	240

Years of Service	Vacation Leave earned per year in days	Vacation Leave earned <b>per month</b> in hours (35 hours/week)	Vacation Leave earned <b>per month</b> in hours (40 hours/week)	Vacation Leave earned <b>per month</b> in hours (56 hours/week)
0 to 4	12	7	8	12
4+ to 10	15	8.75	10	15
10+ to 15	18	10.50	12	18
15+	20	11.67	13.33	20

Vacation leave is earned on a monthly basis. Any employee who works more or less than 40 hours per week on a regular basis shall earn a prorated amount of vacation leave. An employee must be working or in a paid leave status for one half or more workdays in a month to earn vacation leave for the month. An employee may begin using vacation leave after three months of employment. If an employee is required to complete a training program upon appointment (e.g., sheriff and fire department), the employee must wait until training is completed before using vacation leave.

Requests for vacation leave must be submitted to the supervisor according to departmental procedures or as far in advance as possible using the time and attendance system. Earned vacation shall be taken at times mutually acceptable to the employee and the supervisor. A vacation leave request should be at least one hour. A leave request exceeding two weeks must be approved by the appropriate executive authority. Vacation leave should normally be utilized during the calendar year it is earned. The calendar year begins on January 1 and ends on December 31. Unused vacation leave may be carried forward into the next calendar year; however, any balance in excess of the current annual accrual rate will be forfeited.

Upon separation of employment, a staff member may be eligible to receive payment for vacation leave that has been accrued but not used with the following stipulations;

1. The employee must provide the required period of notice as listed in the resignation of employment policy,
2. An employee who abandons a position is not eligible,
3. An employee who is involuntarily terminated for any reason other than position elimination or layoff is not eligible,
4. Lastly, an eligible employee shall not be compensated for any unused vacation leave that exceeds the staff member’s current annual accrual rate.

The human resources office will maintain records of leave accrual, usage and balances.

## Sick Leave

Employees shall be allocated sick leave benefits as follows:

Hours Worked Per Week	Hours of Sick Leave Per Month
35 hours	7 hours
40 hours	8 hours
24 hour shifts	12 hours

Accrued sick leave 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 (grandparent, parent, spouse, child, step-child or other relative who is domiciled in the employee's household). All foreseeable leave for such purposes shall require prior approval of the Executive Authority. When an employee takes sick leave, the Executive Authority 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.

The Department Director or Executive Authority may require a statement from a medical professional to substantiate a request for sick leave for the following reasons:

- To justify 24 hours or more of consecutive absence (21 hours for employees who work a 35-hour workweek)
- To support a request for sick leave during a period when the employee is on vacation leave
- 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
- To ensure that the employee is capable of performing required duties following an injury or illness.

Sick leave may be accrued up to a maximum number of hours as follows:

Hours Worked Per Week	Maximum Accruals
35 hours	840 hours
40 hours	960 hours
24 hour shifts	1440 hours

Employees shall not be paid for unused sick leave credit upon termination of employment; however, the county will purchase up to the maximum accruals identified above 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. However, if an employee's participation date in CERS is on or after January 1, 2014, then sick leave cannot be used in CERS toward retirement.

When a former employee is reemployed, the Fiscal Court shall determine whether the person shall receive any unused sick leave credit from the previous employment period.

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

Sick leave taken shall be limited to the current amount accrued.

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

## Leave Sharing Program

An employee who has accrued a sick leave balance of more than eighty (80) hours may request that the Department or Agency for which the employee works make available for transfer a specified amount of his or her sick leave or vacation time balance to another named employee authorized to receive said leave under subsection 2 below. However, the employee may not request a transfer of an amount of leave that would result in reducing his or her sick leave balance to less than eighty (80) hours.

The Executive Authority, with approval of the head of the Department or Agency involved, may permit an employee to receive leave under this section if all of the following are met:

- A. The employee or a member of his or her immediate family suffers from a medically certified illness, injury, impairment, or physical or mental condition that has caused, or is likely to cause, the employee to go on leave for at least ten (10) consecutive working days;
- B. The employee's need for absence and use of leave are certified by a licensed practicing physician;
- C. The employee has exhausted his/her accumulated sick leave and annual leave balances;
- D. The employee has been on leave without pay for a minimum of 80 hours (or 120 hours for employees assigned to 24-hour shifts and 70 hours for employees who work a 35-hour workweek); and
- E. The employee has complied with administrative code governing the use of sick leave.

The Fiscal Court shall determine the amount of leave, if any, which an employee within his or her Department or Agency may receive under subsection 2 above.

With the approval of the Fiscal Court, leave may be transferred from an employee of one Department or Agency to an employee of another Department or Agency.

While an employee is on leave transferred under this policy, he or she shall be deemed a county employee and shall receive the same treatment with respect to salary, wages and employee benefits.

Any leave transferred under this section which remains unused shall be returned to the employees who transferred the leave when the Fiscal Court finds that the leave is no longer needed and will not be needed at a future time in connection with the illness or injury for which the leave was transferred to an employee in his Department or Agency

## Family and Medical Leave

All employees of the county who have completed one year of service and who worked a minimum of twelve hundred and fifty (1250) hours during the preceding twelve months shall be allowed up to twelve (12) weeks of leave time during a twelve month period for the following reasons:

- For the employee to deal with personal serious medical condition that prevents performance of assigned duties.
- For the birth and care of a newborn child.
- For placement with the employee of a son or daughter for adoption or foster care.
- In order to care for an immediate family member (spouse, child or parent) with a serious condition.
- For qualifying exigencies arising out of the fact that the employee's spouse, child or parent is on active duty or called to active duty status as a member of the National Guard or Reserves in support of a contingency operation.
- To serve as caregiver for an injured member of the Armed

Forces who suffered an injury or illness while on active duty that may render him/her unable to perform required duties:

- This option lasts for twenty-six (26) weeks.
- This option applies to relatives who may serve as caregiver in addition to spouse, child or parent.

A serious medical condition is defined as an illness, injury or impairment, or physical or mental condition that involves either:

- Inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
- Continuous treatment by a health care provider, including:
  - A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of inactivity relating to the same condition; or prenatal care; or
  - Any period of incapacity relating to pregnancy or for
  - Any period of incapacity or treatment for chronic serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity; or
  - A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective; or
  - Any absence to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.

The following conditions shall apply:

- Employees seeking to use FMLA leave are required to provide a thirty (30) day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If the reason for needing FMLA leave is foreseeable less than thirty (30) days in advance, the employee must provide notice as soon as practicable (either the same or next business day). When the need is not foreseeable, the employee must provide notice to the employer as soon as practicable, but no later than the beginning of the workday during the first day absent.
- Employees must provide sufficient information to the county to reasonably determine whether the FMLA may apply to the leave request.
- When it is determined that requested leave applies to FMLA leave, the county will notify the employee of the decision and request proper documentation if not previously provided by the employee.
- While on family and medical leave, an employee shall use accrued sick leave, then accrued vacation leave, and the remaining time shall be leave without pay.
- The employee shall be allowed to return to the same position or an equivalent position with equivalent benefits and pay, provided the employee is capable of performing required duties of the position upon returning from family and medical leave.
- Accrued benefits shall not be forfeited; however, the employee shall not accrue benefits or longevity during the time on leave without pay status.
- The county will continue to pay the employer portion for health insurance costs during the twelve (12) weeks covered by the FMLA. In the event the employee does not return to work following Family and Medical Leave, the employee shall reimburse the county for all insurance costs

incurred while the employee was on leave without pay status during the FMLA leave.

For continuing medical conditions, the employee is entitled to the twelve work week leave in each year of employment (the employee's first day of absence shall be considered the beginning of the year of employment for Family and Medical Leave purposes); for birth or adoption, the leave option expires one year after the event.

## On-Duty Disability Leave

Any personal injury arising from and in the course of employment with the county shall be reported to the immediate supervisor or Executive Authority immediately; in no instance shall the report be made later than 24 hours after the occurrence.

Any employee who suffers injury or illness as a result of service-connected accident or illness shall be compensated at the negotiated rate with the worker's compensation insurance company. The county shall continue to pay the employee until workers' compensation insurance becomes effective without time being deducted from the employee's accrued sick leave. In the event an employee is absent for the length of time required for the workers' compensation insurance payment to pay from the first day absent, the employee shall reimburse the County for the pay while off work due to the illness or injury. After workers' compensation begins paying the employee, he/she shall be removed from the County's payroll until returning to work.

Employees shall continue to accrue sick leave and vacation leave while on disability leave due to service connected accident or illness for a period of six months after the accident or illness, provided the employee continues to be employed by the county.

The county shall continue to contribute the employer's share of health insurance for the first twelve months.

- During the first twelve months, the employee is responsible for contributing his/her share of the health insurance payment prior to the month covered. In the event the insurance payment is not paid by the end of the month before the month to be covered, the County shall issue a COBRA letter and the employee shall be removed from the county's health insurance coverage.
- After a period of twelve months on workers' compensation, the employee shall be required to pay the full amount of insurance coverage, including the amounts paid by both the employee and the employer, before each month to be covered in order to continue health insurance coverage. If an employee fails to pay the full amount due for health insurance prior to the month to be covered, the County shall issue a COBRA letter and the employee shall be removed from the county's health insurance coverage.
- Employees on workers' compensation insurance shall be responsible for paying for any supplemental insurance plans that require payment to be deducted from the employees' paycheck prior to the time the payment is due; the county will not make the payment unless the employee has paid for the plans in advance.

## 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 Executive Authority.

## Bereavement (Funeral) Leave

In the event of death in the immediate family, employees occupying established positions may be granted paid funeral leave of up to twenty-four hours [twenty-one (21) hours for employees who work a thirty-five (35) hour workweek]; the length of each individual leave shall be determined by the employee's department director and Executive Authority.

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

With advance written approval of the Executive Authority, additional 40 days absent shall be charged to vacation leave, then sick leave, then time off without pay.

## Leave without Pay

The Executive Authority, subject to approval of the Fiscal Court, may authorize a special leave of absence without pay for employees occupying established positions for a period and for any purpose deemed beneficial to the County service.

While on leave without pay, employees shall not accrue benefits provided by the County and shall be responsible for paying the employer and employee portion of insurance costs prior to the month to be covered in order to continue with the insurance benefits. [This section does not apply to employees receiving workers' compensation insurance for a period up to twelve months.]

## 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.

## Notification of Absence

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

## Emergency Leave

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

## Military Leave

KRS 61.394 requires that any employee of the Commonwealth of Kentucky 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 from their respective duties without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders as specified in this section. In any one (1) federal fiscal year, any employee, while on military leave, shall be paid his/her salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued. KRS 61.396 extends the provisions of KRS 61.394 to officers and employees of counties, municipalities, school districts or other political subdivisions of the state.

- After consultation with the Commonwealth of Kentucky Department of Personnel, the language is clarified as follows:
  - The 21 calendar days is interpreted as 15 working days.
  - The policy applies to training for which “competent” orders have been issued (i.e., summer camp, responding to disasters such as Katrina, etc.), and does not apply to weekend training requirements.
  - Employees who are on active duty and unable to attend the “summer camp” shall accrue the training days in compliance with KRS 61.394 and shall not be compensated for the days.

In the event an employee is called to active military duty (for reasons other than those identified in KRS 61.394), the provisions of Title 38, United States Code, Chapter 43 – Employment and Reemployment Rights to Members of the Uniformed Services - shall apply. Employees shall be separated from the county payroll and shall not accrue benefits during the period of active duty.

## Civil Leave

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.

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

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.

## Insurance

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

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

Health Insurance: The County will make available medical benefits for employee and dependent coverage. The medical insurance coverage and the amounts paid by the county and its employees are determined annually by the Fiscal Court. (See Human Resources Officer for specific information.)

Life Insurance: A life insurance policy shall be provided for all employees in established full-time positions. (See Human Resources Officer for specific information.)

## Retirement

All employees who qualify are required to join the County Employees Retirement System. The county and all participating employees contribute amounts as determined by CERS. (See Human Resources Officer for specific information.)

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

## Travel Policy

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.

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

# Definitions

ABSENCE WITHOUT LEAVE: An unapproved absence from work.

ALLOCATE: To allocate a position means assigning the position to an appropriate class on the basis of similarity of work and level of responsibility performed in the position.

ANNIVERSARY DATE: The date occurring one year from the date of employment.

APPEAL: The right to appear before the legislative body and be heard on matters of discrimination, unfair practices, or other rights of applicants or employees under these policies.

APPLICANT: An individual who meets the minimum qualifications for a position and who has submitted a completed and signed Employment Application Form provided by the employer for a specific position.

APPOINTING AUTHORITY: The Executive Authority, subject to approval of the Fiscal Court.

APPOINTMENT: The selection or assignment of a candidate to a position.

CLASS: A group of positions sufficiently similar as to duties performed; level of responsibility; minimum requirements of training, work experience, and such other characteristics that the same title, the same examination for selection, and the same rate of compensation may be applied to each position in the group.

CLASSIFICATION PLAN: The act of assigning all organizational duties and responsibilities to classes.

CLASSIFY: The assignment of a position to an appropriate classification.

COMPENSATION: Salary or wages and benefits earned by or paid to an employee.

COMPENSATION (PAY) PLAN: The system of assigning each class to an appropriate pay grade with a minimum and maximum rate of pay based on the duties and responsibilities of the class.

DEMOTION: The movement of an employee from a position in one class to a position in another class having a lower minimum starting salary and with less discretion and/or responsibility.

DEPARTMENT: A work unit organized by functional area.

DEPARTMENT DIRECTOR: The staff person appointed to direct the daily activities of a department of the county. Elected officials may be both a Department Director and the Executive Authority.

DISABLED: Any person who has or is regarded as having a physical or mental impairment which substantially limits one or more of the person's major life functions, has a record of such impairment, or is perceived as having such an impairment. This definition does not include an individual who is a current alcohol or drug abuser whose use of alcohol or drugs prevents the individual from performing the essential duties of the job in question or would constitute a direct threat to the safety of the individual or others.

DISCIPLINE: Any effort to instruct or punish an employee concerning inappropriate conduct and behavior requiring redirection. Types of discipline may include counseling, warnings, reprimands, suspensions, demotions, and/or dismissals.

DISMISSAL: An involuntary separation of an employee.

ELIGIBLE: A person who qualifies for consideration for appointment by meeting the minimum requirements and attaining at least a passing score on any required examinations.

EMPLOYEE: A person appointed to a full-time or part-time position established by the Fiscal Court.

ESTABLISHED POSITION: The position(s) within each class established by ordinance of the Fiscal Court.

EXAMINATIONS: Methods used to determine eligibility of applicants for employment, including but not limited to written, oral, physical, or performance tests; ratings of training and experiences; or any combination.

EXECUTIVE AUTHORITY: For the purpose of Chapter 3 of the Scott County Administrative Code, Executive Authority shall refer to the County Judge/Executive, County Attorney, County Clerk, Jailer and/or Sheriff.

FULL-TIME EMPLOYEE: An employee who works thirty-five (35) or more hours per week on a continuing basis.

GRIEVANCE: Dissatisfaction expressed in writing concerning disciplinary matters or conditions of employment.

HOUSEHOLD: Those persons who share an employee's residence.

HUMAN RESOURCES OFFICER: The official designated to administer the human resources function for the county.

LEAVE OF ABSENCE: An approved absence from work.

MANAGEMENT: The management team; namely the Department Director, the County Judge/Executive, elected Constitutional Officers, and the Fiscal Court unless specific reference is made to a particular level of management.

MERIT INCREASE: A pay increase granted to an employee in recognition of work performance.

MINIMUM QUALIFICATIONS: The minimum requirements as to education and work experience that qualify an applicant to be considered for examination and appointment to a position with the county.

NEPOTISM: Favoritism shown or patronage granted to relatives.

PART-TIME EMPLOYEE: An employee who works on a continuing basis, but works less than thirty-five (35) hours per week.

PERFORMANCE EVALUATION: The method of evaluating each employee on a periodic basis as to the employee's job performance.

PERSONNEL OFFICER: See HUMAN RESOURCES OFFICER.

POSITION: An office or post in a department involving duties and responsibilities requiring the services of one person. A position can be full-time or part-time.

POSITION DESCRIPTIONS: A written statement of the duties, responsibilities and qualification requirements that are assigned to a classification.

PROBATIONARY EMPLOYEE: An employee who initially enters a position via initial appointment, promotion, transfer, demotion, etc. A probationary employee may have fewer benefits and privileges than other employees (see policies and procedures).

PROMOTION: The advancement of an employee from a position in one class to a position of another class having a higher minimum salary and carrying a greater scope of discretion and responsibility.

REALLOCATION: The assignment of a position to a different class.

REASSIGNMENT: The assignment of an employee from one position to another position within the same classification.

RECLASSIFIATION: The assignment of an existing position from one class to a different class due to a significant change in duties and responsibilities.

REDUCTION-IN-FORCE: Separation from employment due to lack of work, lack of funds, abolishment of the position, or for other material changes in duties or organization in accordance with established policy.

RESIGNATION: The voluntary termination of an employee.

SALARY INCREMENT: An increase in salary within the salary range prescribed for the class by the Pay/Classification Plan.

SEPARATION: The end of employment with the county.

SERIES: A number of classes related to each other in terms of work within the same occupational field (i.e., Clerk, Clerk Typist, Secretary, etc.)

SUSPENSION: An involuntary leave of absence.

TRANSFER: A movement of any employee from one position to another having the same salary range and the same level of responsibility within the classified service.

VACANCY: An unoccupied position.

# Appendix A: Grievance Procedure

## County Employees:

- Unless an employee or employee group is procedurally covered otherwise by state or federal law, any employee of the county who occupies an established full-time or part-time position and 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:
  - The aggrieved employee shall present the grievance to the immediate supervisor within three working days of its occurrence or knowledge of its occurrence (except that grievances may be submitted directly to the Executive Authority if the grievance is against the immediate supervisor). 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 immediate supervisor shall attempt to adjust the matter and shall respond to the employee in writing or other means within three working days.
    - 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 the specific law, policy, rule, regulation, procedure, condition of employment, past practice or agreement that was involved and how it was violated.
    - Any employee who feels that he/she has been subjected to harassment or discrimination shall not file a grievance but shall file a complaint directly with his/her Executive Authority or the County Attorney.
    - Group grievances crossing departmental lines shall be forwarded directly to the County Attorney.
    - An investigation may be conducted at any level of grievance by the recipient of the grievance.
  - If the grievance remains unresolved, it may be presented by the aggrieved employee to the employee's Executive Authority within three working days after receiving the immediate supervisor's response. The Executive Authority may agree with the immediate supervisor and return the grievance without further action or may conduct a more extensive investigation into the grievance; the Executive Authority shall respond to the employee in writing or other means within thirty working days after receiving the grievance.
  - If the grievance remains unresolved, it may be presented by the aggrieved employee to the Fiscal Court within three working days after receiving the Executive Authority's response. The Fiscal Court may (1) agree with the Executive Authority and return the grievance without further action, (2) conduct a more extensive investigation into the grievance, and/or (3) schedule a hearing. The decision of the Fiscal Court shall be final.
- If a hearing is held at any level, either the county or the aggrieved employee may be represented by Counsel and may request witnesses to appear at the hearing.
- If requested, probationary, temporary and seasonal employees will be advised of their rights to file grievances by the Human Resources Officer.

Person(s) Outside County Employment:

- If any person or persons outside the county employment feel(s) aggrieved by an act or decision of the county legislative, executive, administrative, supervisory, or other officers or employees in conflict with the Americans with Disabilities Act, the grievance shall be processed in accordance with the following procedure:
  - 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.
  - 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.
- 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 \_\_\_\_\_

Response of \_\_\_\_\_ Date \_\_\_\_\_

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 \_\_\_\_\_

Response of \_\_\_\_\_ Date \_\_\_\_\_

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

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Use additional sheet(s) to continue grievance.

# Appendix B: Drug-Free Workplace Policy

## Policy Statement:

- 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:
  - "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.
  - "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.
  - "Criminal Drug Statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any Controlled Substance.
  - "Employee" means any individual on the payroll of the Scott County Fiscal Court working on a full- or part-time basis.
- Prohibited Employee Conduct and Penalties:
  - 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.
  - 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 shall:
    - Take appropriate action against such employee, up to and including termination from employment; or
    - 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.
  - Failure of any employee to report such convictions shall be cause for immediate dismissal from employment.
  - Employees reporting to work on medication prescribed by their personal physician that impairs their job performance must immediately notify their supervisors of such. They should indicate via a note from a medical professional how the medication would affect the performance of their duty and/or health and safety of others. Appropriate steps should be taken by supervisors to alleviate any hazards.
- Drug-Free Awareness Program:
  - The Scott County Fiscal Court hereby establishes a drug-free awareness program to inform employees about:
    - The dangers of drug abuse in the workplace; and
    - Available drug counseling, rehabilitation and employee assistance programs.
  - 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.

- **Drugs with Potential for Abuse:**
  - Barbiturates (Nembutal, Scona, 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.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.

- **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 \_\_\_\_\_

# Appendix C: Drug and Alcohol Testing Policy

## I. Statement of Philosophy

- a. **Drug and Alcohol in the Workplace.** The objective and purpose of the Scott County Fiscal Court Drug and Alcohol Policy is to ensure a safe drug-free and alcohol-free working environment for the employees and citizens we serve. It is our intention to prohibit drug use and alcohol misuse in the workplace. Unless indicated otherwise in specific sections and sub-sections, this policy applies to all employees; however, those employees who hold a CDL in accordance with the provisions, requirements and regulations of the Federal Highway Administration (FHWA) Drug and Alcohol Rule (49 CFR Part 682, and Subpart 40) shall be in a separate pool for testing purposes.
- b. **Employment Terms** Any employee who receives a positive result from one or both of the testing procedures (alcohol and drugs) will be subject to the penalties imposed by the County's Progressive Disciplinary Policy which may range from a thirty (30) day suspension (with mandatory professional counseling for the problem) to immediate dismissal. The employee must submit to retesting before resuming employment. Compliance with this policy is a condition for initial and/or continuing employment with the County.

## II. Scope

- a. **Employees Subject to Testing:** Unless indicated otherwise in specific sections and sub-sections, all parts of this document shall apply to all County employees; however, employees who occupy safety-sensitive positions (employees who are required to hold a commercial driver's license in order to perform the essential functions of the job) shall be in a separate pool for testing purposes.
- b. **Alcohol.** This policy prohibits any alcohol use or misuse that could affect employee performance, including:
  - i. Use while on-the-job.
  - ii. Use during the four (4) hours immediately before reporting for work.
  - iii. Reporting for duty or remaining on duty with an alcohol concentration of 0.02 or greater.
  - iv. Possession of alcohol.
  - v. Use during eight (8) hours following an accident, or until the employee undergoes a post-accident test.
  - vi. Refusal to take a required test.
- c. **Controlled Substances** – This policy prohibits the use or misuse of any drug use that could affect employee performance, including:
  - i. Use of any drug, including but not limited to marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), methamphetamine, methadone, barbiturates and benzodiazepines except by doctor's prescription, and then only if the doctor has advised the employee that the drug will not adversely affect the employee at work.
  - ii. Testing positive for drugs.

iii. Refusal to take a required test.

All employees will inform his/her immediate supervisor, department director, or Executive Authority of any therapeutic drug use prior to performing any work activities.

### III. Qualifications for Employment and Prohibited Conduct

- a. **Pre-Employment/Pre-Duty Testing (CDL employees only):** All employees who are required to possess and maintain a commercial driver's license will be required to submit to and pass a urine drug test as a condition of employment. Job applicants who are denied employment because of a positive test may reapply for employment after six months. Offers of employment are made contingent upon passing any required job-related medical review, including the drug test. Applicants who have received firm employment offers are to be cautioned against giving notice at their current place of employment or incurring any costs associated with accepting employment with the County until after the medical clearance has been received. All new employees shall be on a medical clearance probationary status for thirty (30) days, contingent upon medical clearance for illicit controlled substance usage as well as other conditions explained in the personnel policies. Under no circumstances may an employee perform a safety-sensitive function until a confirmed negative result is received. Drug testing for new employees shall follow the collection, chain-of-custody and reporting procedures as set forth in CFR 49 Part 40.
- b. **Post-Accident (all Employees):**
- i. Currently, federal regulations place the burden of compliance with post-accident alcohol and drug testing regulations on the driver. Therefore, all drivers are required to provide a breath test and a urine specimen to be tested for the use of controlled substances "as soon as practicable" after an accident. The driver shall remain readily available for such testing or may be deemed by his/her Executive Authority to have refused to submit to testing. No alcohol may be consumed for eight (8) hours after the accident or until a test is conducted. If the driver is seriously injured and cannot provide a specimen at the time of the accident, he/she shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his/her system.
  - ii. An accident is defined by FHWA regulations as an accident that results in the death of a human being or bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or if one of the vehicles involved requires towing. Except for a fatality accident, verification of the driver's responsibility in the above accident scenario must be established by a citation to the driver.
  - iii. Adherence by drivers to post-accident specimen collection requirements is a condition of continued employment.
  - iv. The County reserves the right to require a drug and/or alcohol test following any accident.
- c. **Random Testing (CDL Employees only):** The County will conduct random testing for all employees covered by FHWA requirements (CDL holders) as follows:
- i. A selection process that removes discretion in selection from any supervisory personnel will be adopted by the County Judge/Executive. This process will select

- covered drivers through the use of a random-selection program.
- ii. The random testing will provide for alcohol testing of a number of employees equal to at least ten percent (10%) of the total number of CDL holders annually, and for drug testing a number equal to at least fifty percent (50%) of all CDL holders annually.
  - iii. The random testing will be reasonably spaced over any twelve (12) month period.
  - iv. If drug and/or alcohol treatment is required, the Human Resources Officer will be responsible for designating the appropriate substance abuse professional who will diagnose the problem and recommend treatment. The cost of such treatment shall be the responsibility of the employee.
  - v. The employee's successful completion of the approved treatment program is a condition of continued employment in a position requiring a CDL in order to perform the essential functions of the job.
  - vi. All supervisors will receive training to assist them in identifying alcohol and drug use behavioral characteristics.
- d. Reasonable Suspicion (all Employees):** If an employee is having work performance problems or displaying behavior that may be alcohol or drug-related, or is otherwise demonstrating conduct that may be in violation of this policy where immediate management action is necessary, a supervisor (with the concurrence of the Human Resources Officer) will require that employee to submit to a breath test or urinalysis. The following conditions are signs of possible alcohol or drug use (not all-inclusive):
- i. Abnormally dilated or constricted pupils
  - ii. Glazed stare - redness of eyes (sclera)
  - iii. Flushed face
  - iv. Change of speech (i.e. faster or slower)
  - v. Constant sniffing
  - vi. Increased absences
  - vii. Redness under nose
  - viii. Sudden weight loss
  - ix. Needle marks
  - x. Change in personality (i.e. paranoia)
  - xi. Increased appetite for sweets
  - xii. Forgetfulness - performance faltering - poor concentration
  - xiii. Borrowing money from coworkers or seeking an advance of pay or other unusual display of need for money
  - xiv. Constant fatigue or hyperactivity
  - xv. Smell of alcohol
  - xvi. Slurred speech
  - xvii. Difficulty walking
  - xviii. Excessive, unexplained absences
  - xix. Dulled mental processes
  - xx. Slowed reaction rate

Supervisors must take action if they have reason to believe one or more of the above listed conditions is indicated, and that the substance abuse is affecting an employee's job performance or behavior in any

manner. A supervisor observing such conditions will take the following actions immediately:

- Maintain observation of the employee until the situation is resolved.
- Secure the Human Resources Officer's concurrence to observations; job performance and County policy violations must be specific.
- After discussing the circumstances with the supervisor, the Human Resources Officer will arrange to observe or talk with the employee. If he/she believes, after observing or talking to the employee that the conduct or performance problem could be due to substance abuse, the employee will immediately be required to submit to a breath and/or urine test. If the employee refuses to submit to testing for any reason, the employee will be informed that continued refusal is considered the same as testing positive.
- Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline or suspension from duties. All confiscated evidence will be receipted for with signature of both the receiving supervisor, as well as the employee.
- If, upon confrontation by the supervisor, the employee admits to use but requests assistance, the Human Resources Officer will arrange for assessment by an appropriate substance abuse professional. Returning to work is conditional upon completing the substance abuse professional's treatment guidelines and return to work testing. The cost of such treatment shall be the responsibility of the employee.
- The Human Resources Officer, Executive Authority, or Department Director must have received required training, including one hour of training relating to drug abuse and one hour of training relating to alcohol abuse, prior to ordering a reasonable suspicion test.
  - e. **Return-to-Duty Testing (all Employees):** Before an employee returns to duty after engaging in conduct prohibited by this policy and Part 382 Subpart B (FMCSR), the employee shall undergo a return to duty alcohol test with a result of less than a 0.02 BAC or receive a confirmed negative result from a controlled substance urinalysis test. Costs for this test shall be the responsibility of the employee.
  - f. **Follow-up Testing (all Employees):** Following successful completion of any approved treatment program, the employee will be required to submit to at least six (6) random drug tests during the first year (at employee's expense), and follow-up testing may be conducted for up to sixty (60) months. Failure to adhere to this condition is grounds for immediate dismissal. Costs for this test shall be the responsibility of the employee.

#### IV. Alcohol Testing Methodology/Testing

- a. **The Breath Alcohol Test** - This test will be conducted either on site or at a prearranged location by a qualified Breath Alcohol Technician according to CFR 49 Part 40 procedures. Refusal to complete and sign the testing form or refusal to provide breath will be considered a positive test, and the employee will be removed from the workplace until problem is resolved.

#### V. Specimen Collection Procedures

- a. **Urine Specimen Collection (49 CFR Part 40 Requirements)** - Specimen collection will be conducted in accordance with applicable state and federal law. The collection procedures will be designed to ensure the security and integrity of the specimen provided by each

employee and those procedures will strictly follow federal chain-of-custody guidelines. Moreover, every reasonable effort will be made to maintain the dignity of each employee submitting a specimen for analysis in accordance with these procedures.

## **VI. Testing Methods**

- a. Appropriate Laboratory, Certified by the Federal Department of Health and Human Services** - As required by FHWA regulations, only a laboratory certified by U.S. Department of Health and Human Services (DHHS) to perform urinalysis for the detection of the presence of controlled substances will be retained by the County. The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance, and scientific analytic methodologies.

## **VII. Confidentiality and Recordkeeping**

- a. Confidentiality and Access to Records.** - Under no circumstances, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee. Employees are entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substance tests.
- b. Maintenance and Disclosure Records Concerning EBTs and BATs** - Collection of breath and urine samples must always be documented and sealed with a tamper-proof sealing system in the presence of the employee, to ensure that all tests can be correctly traced to the employee. Drug test analysis from the DHHS approved laboratory will be forwarded directly to the alcohol and drug program administrator. Alcohol test results will be forwarded to the alcohol and drug program administrator for confidential recordkeeping.

**VIII. Employee Assistance Provider (EAP)** – The Human Resources Officer shall assist employees with obtaining an EAP when their services are required.

## **IX. Consequences of Positive Tests**

- a.** All employees who test positive for either alcohol or drug presence shall be suspended work until cleared to return to work by the Substance Abuse Professional. A Return-to-Duty test shall be required prior to the employee receiving clearance to return to work.
- b.** Disciplinary actions for a first positive test range from suspension without pay to termination, depending upon the circumstances involved. A second positive test shall result in immediate termination from employment with the County. During the first twelve months after returning to work, the employee must have a minimum of six (6) Follow-Up tests conducted on a random basis.
- c.** If allowed to return to work, an employee shall be on probationary status for the following twelve months, during which time

## **X. Record Keeping and Reporting**

- a. Recordkeeping** - All negative drug tests and alcohol tests with results below 0.02 must be retained for one (1) year. Records detailing collection procedure and training must be kept for two (2) years. All records dealing with tests results of alcohol results above 0.02

and all refusals to be tested must be retained for five (5) years. All drug test records from positive tests and all refusals to be tested must be retained for five (5) years.

- b. Annual Reporting** – The County shall maintain an annual summary, on a calendar year basis, of the following information:
- i.** The total number of controlled substance tests administered;
  - ii.** The number of controlled substance tests administered in each category (i.e. pre-employment, post-accident, reasonable suspicion, random);
  - iii.** The total number of individuals who did not pass a controlled substance test;
  - iv.** The total number of individuals who did not pass a controlled substance test by testing category;
  - v.** The disposition of each individual who did not pass a controlled substance test;
  - vi.** The number of controlled substances tests performed by a laboratory that indicated evidence of a prohibited controlled substance or metabolite in the screening test in a sufficient quantity to warrant a confirmatory test;
  - vii.** The number of controlled substance tests performed by a laboratory that indicated evidence of a prohibited controlled substance or metabolite in the confirmatory test in a sufficient quantity to be reported as a “positive” finding;
  - viii.** The number of controlled substance tests that were performed by a laboratory that indicated evidence of a prohibited controlled substance in a sufficient quantity to be reported as a “positive” by substance category.



**SCOTT COUNTY FISCAL COURT  
OBSERVED BEHAVIOR REASONABLE SUSPICION RECORD**

**Alcohol test must be administered immediately following a reasonable suspicion determination**

Employee's Name: \_\_\_\_\_  
Date Observed: \_\_\_\_\_ Time Observed: \_\_\_\_\_  
(From.....To) (From.....To)

Complete Address of Incident: \_\_\_\_\_  
\_\_\_\_\_

*Mark items that apply and describe specifics*

1) APPEARANCE: normal\_\_\_\_sleepy\_\_\_\_tremors\_\_\_\_clothing\_\_\_\_cleanliness\_\_\_\_

**Description:** \_\_\_\_\_

2) BEHAVIOR: normal\_\_\_\_erratic\_\_\_\_irritable\_\_\_\_inappropriate gaiety\_\_\_\_  
mood swings\_\_\_\_lethargic\_\_\_\_

1) **Description:** \_\_\_\_\_

3) SPEECH: \_\_\_\_\_

**Description**

4) BODY ODORS: \_\_\_\_\_

**Description**

5) INDICATIONS OF THE CHRONIC AND WITHDRAWAL EFFECTS OF CONTROLLED SUBSTANCES:

YES \_\_\_\_\_ NO \_\_\_\_\_

**Explain:** \_\_\_\_\_

6) OTHER OBSERVATIONS FOR REASONABLE SUSPICION: \_\_\_\_\_

**WITNESSED BY:**

\_\_\_\_\_  
Signature and Title Preparation Date and Time

\_\_\_\_\_  
Signature and Title Preparation Date and Time

**ALCOHOL AND CONTROLLED SUBSTANCE  
EMPLOYEE'S CERTIFIED RECEIPT**

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**EMPLOYEE'S NAME**

**DEPARTMENT**

This is to certify that I have been provided educational materials that explain the requirements of Subsection 382.601 and my employer's policies and procedures with respect to meeting the requirements. The materials include detailed discussion of the following checked items:

- \_\_\_1) The designated person to answer questions about the materials.
- \_\_\_2) The categories of employees subject to part 382
- \_\_\_3) Sufficient information about the workplace and periods of the workday that compliance is required.
- \_\_\_4) Specific information concerning prohibited conduct.
- \_\_\_5) Circumstances under which an employee will be tested.
- \_\_\_6) Test procedures, employee protection and integrity of the testing procedures, and safeguarding the validity of the test.
- \_\_\_7) The requirement that tests are administered in accordance with Part 382.
- \_\_\_8) An explanation of what will be considered a refusal to submit to a test and the consequences.
- \_\_\_9) The consequences for Part 382 Subpart B violations including removal from safety-sensitive functions and Subsection 382.605 procedures.
- \_\_\_10) The consequences for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- \_\_\_11) Information on the effects of alcohol and controlled substances use on:
  - an individual's health
  - signs and symptoms of a problem
  - work
  - available methods of intervening
  - personal life when a problem is suspected
- \_\_\_12) Optional information: \_\_\_\_\_

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**Applicant's Signature**

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**Date**

---

**Authorized Employer Representative**

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**Date**

# Appendix D: Code of Ethics

ORDINANCE NO. 94-014

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF A CODE OF ETHICS FOR ELECTED AND APPOINTED COUNTY OFFICIALS AND EMPLOYEES OR CANDIDATES FOR PUBLIC OFFICE IN SCOTT COUNTY, KENTUCKY

WHEREAS, the Scott County Fiscal Court has the authority pursuant to KRS Chapter 65, to enact an ordinance establishing a Code of Ethics to guide the conduct of elected and appointed officers and employees of Scott County, including members of the Fiscal Court, Sheriff, County Attorney, County Clerk, Jailer, Coroner, Surveyor, Constable; and

WHEREAS, public office and employment are a public trust and government has a duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties; and

WHEREAS, it is the purpose of this ordinance to provide a method of assuring that standards of ethical conduct for local government officers and employees shall be clear, consistent, and uniform in their application, and to provide local officers and employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF SCOTT COUNTY, KENTUCKY, AS FOLLOWS:

## I: DEFINITIONS

- A. "Business associate: includes the following:
  - 1) A private employer;
  - 2) A general or limited partnership, or a general or limited partner within the partnership;
  - 3) A limited liability company, member or manager/member within the limited liability company.
  - 4) A corporation that is family-owned or in which all shares of stock are closely held, and the shareholders, owners, and officers of such a corporation;
  - 5) A corporation, business association, or other business entity in which the county government officer or employee serves as a compensated agent or representative.
- B. "Business organization" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, limited liability company, or any legal entity through which business is conducted for profit;
- C. "Candidate" means an individual who seeks nomination or election to a county government office. An individual is a candidate when the individual:
  - 1) Files a notification and declaration for nomination for office with a county clerk or the Secretary of State; or
  - 2) Is nominated for office by a political party under KRS 118.105, 118.115, 118.325, or

118.760.

- D. "County government agency" means any board, commission, authority, nonstock corporation, or other entity formed by the county government or a combination of local governments.
- E. "County government employee" means any person, whether compensated or not, whether full-time or part-time, employed by or serving the county government or county government agency who is not a county government officer, but shall not mean any employee of a school district or school board, nor shall it mean any volunteer who is not serving on a county board or agency.
- F. "County government officer" means any person, whether compensated or not, whether full-time or part-time, who is elected to any county government office; or any person who serves as a member of the governing body of any county government agency or special taxing or non-taxing district.
- G. "Family member" means a spouse, domestic partner, parent, child, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, half-brother, half-sister, or step-parent.
- H. "Immediate family" means spouse, domestic partner, parents or step-parents, and/or any dependents as claimed on the preceding years' income tax return.
- I. "Non-Publicly Traded Securities" shall include shares or interests in corporations, partnerships and limited liability companies.
- J. The terms "he", "his" and "him" as used in this Ordinance shall be construed to encompass and include both genders.

## II: STANDARDS OF CONDUCT

- A. No county government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;
- B. No county government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence or judgment;
- C. No county government officer or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;
- D. No county government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, political contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office as governed by the Kentucky Revised Statutes;
- E. No county government officer or employee shall be prohibited from giving or receiving an award publicly presented in recognition of public service, commercially reasonable loans made

in the ordinary course of the lender's business, or reasonable hosting, including travel and expenses, entertainment, meals, or refreshments furnished in connection with public events, appearance, ceremonies, or fact finding business, public relations, site evaluations or economic development trips related to his or her county government duties;

- F. No county government officer or employee shall be prohibited from accepting gratuity for solemnizing a marriage;
- G. No county government officer or employee shall use, or allow to be used, his public office or employment or any information not generally available to the members of the public which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any organization with which he is associated or anyone else;
- H. No county government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves;
- I. No county government officer or employee shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group;
- J. No elected county government officer shall be prohibited from making an inquiry for information or providing assistance on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to, or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefore; and
- K. Nothing shall prohibit any county government officer or employee, or member of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests.

### **III: NEPOTISM**

After the effective date of this ordinance, a family member of a county officer shall not be initially employed or appointed to a position in a county governmental agency in the same agency in which the officer serves. This provision shall not apply to a public officer's family members who, on the date of the officer's election or appointment, have been employed for at least six months in the same county in which the officer serves.

### **IV: FINANCIAL DISCLOSURE**

- A. The following individuals shall be required to file a financial disclosure statement:
  - 1) The Scott County Judge/Executive, Scott County Fiscal Court members, Scott County Attorney, Scott County Clerk, Scott County Constables, Scott County Coroner, Scott County Sheriff, Jailer, and County Surveyor.
  - 2) Candidates who have filed for the offices enumerated in subsection (1) above, in this section.
  - 3) All county and jointly appointed members of the Georgetown-Scott County Joint Planning and Zoning Board and the Scott County Board of Adjustments;

- 4) Scott County Treasurer
  - 5) Department Heads
- B. The Statement of Financial Disclosure should include the following information:
- 1) Name, address, telephone number of filer, title of filer's public office or office sought, and occupation of filer and spouse.
  - 2) Creditors names and addresses (not including family members) to whom the officer, candidate, nominee, employees, appointee or member of his or her immediate family, separately or together, owe \$20,000.00 or more during the preceding calendar year, excluding, however, debt from a commercially regulated financial institution or entity;
  - 3) Offices or Directorships held by the officer, candidate, nominee, employees, appointee or members of his immediate family during the preceding calendar year;
  - 4) Non-Publicly Traded Securities valued at \$5,000.00 or more owned by the officer candidate or member of his immediate family, during the preceding calendar year.
  - 5) Source of Income of officer, candidate, and spouse listing name and address of each source, during the preceding calendar year.
  - 6) Real Estate, location and type (commercial, residential, agricultural) excluding the primary residence, which an officer, candidate or member employee of his immediate family had an interest of five thousand (\$5,000.00) or more during the preceding calendar year.
  - 7) Gifts and/or Honoraria, listing the name and address source, having an aggregate fair market value of \$200.00 or more, from any single source received by an officer, candidate or members of his immediate family during the preceding calendar year, excluding gifts from or between family members.
  - 8) Disclosure, as set out hereinabove, is not to be construed as to require any officer, candidate, nominee, employee, appointee or members of their immediate families to disclose any specific dollar amount nor the names of individual clients or customers or businesses listed as sources of income.
- C. The Statement of Financial Disclosure shall encompass the requirements outlined in Section IV A & B. The Statement of Financial Disclosure shall be provided to the persons required to file the disclosure as follows:
- 1) The Scott County Clerk's Office shall supply the Statement of Financial Disclosure to all candidates for office at the time the individual files to run for an elected office. All candidates shall file a Statement of Financial Disclosure with the Ethics of Commission on or before March 1<sup>st</sup> of the year in which they are a candidate for office. "Filing" of the Statement of Financial Disclosure shall be considered completed as of the date of the postmark on the envelope, if the form is mailed, or if emailed, the date the email is received. The Ethics of Commission shall inform the County Attorney's Office of those candidates who have not returned the fully complete Statement of Financial disclosure form by March 1<sup>st</sup>. The County Attorney's Office will send a Letter of Non-Compliance to those persons.
  - 2) It shall be the duty of the office of the Judge Executive to send out to all persons required to file a Statement of Financial Disclosure Form, other than those persons who are required to file solely by reason of their candidacy for office, by May 15 of each year. The Statement of Financial Disclosure Form shall be returned to the Ethics Commission by July 1<sup>st</sup> each year/ The Ethics Commission shall inform the Judge Executive's Office of those persons who have not returned the fully completed Statement of Financial Disclosure

Form by the deadline. The Ethics commission shall make this notification to the Judge Executive's Office within thirty (30) days after the deadline has passed.

- D. The Statement of Financial Interests shall be signed, dated and verified by the individual required in Section A above. Signing a fraudulent Statement of Financial Interest shall be a Class A misdemeanor.
- E. All pay and benefits shall be withheld until a non-complying individual is in compliance with the filing requirements. Candidates or members of immediate families of any person required to disclose in Section A above, who fail to comply with these filing requirements may be fined \$25.00 for each day they are in non-compliance, up to a maximum total civil fine of \$500.00.
- F. A Statement of Financial Interests shall be subject to the law pertaining to open records. Those individuals who have timely filled his/her Statement of Financial Disclosure may be identified on the County's website.
- G. The Statement of Financial Disclosure shall be submitted to the County Ethics Commission. Any person who fails or refuses to submit shall be guilty of a civil offense and may be subject to a civil fine to be imposed by the Ethics Commission in an amount not to exceed \$25.00 per day, up to a maximum total civil fine of \$500.00.
- H. After review and acceptance by the Scott County Ethics Commission all Statements of Financial Disclosure will be filed annually with the Scott County Clerk's Office. This shall be done no later than December 31 of each year. The Scott County Clerk Shall retain the forms for a minimum of four (4) years.

#### **V: COUNTY ETHICS COMMISSION**

- A. The County Ethics Commission shall consist of five (5) members; the Commission member selected as Chairperson shall be a citizen member. The members shall be appointed by the County Judge/Executive with the approval of the Fiscal Court. Members shall receive no compensation but may be reimbursed for all necessary expenses. The terms of members shall be staggered and no longer than four (4) years.
- B. Power and Duties:
  - 1) The Commission shall have jurisdiction over the administration of this code and enforcement of the civil penalties prescribed by this Code including maintenance of the Statement of Financial Disclosure until the time for the forms are annually filed with the office of the Scott County Clerk. The Statement of Financial Disclosure shall be available for public inspection, whether the forms are in the possession of the Ethics omission or the Scott County Clerk's Office once the forms are completed and accepted by the commission.
  - 2) The Commission may receive and initiate complaints, initiate investigations on its own motion; and conduct investigations, inquiries, and hearings concerning any matter covered by this code.
  - 3) The Commission may administer oaths and issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the Commission.
  - 4) The Commission may render advisory opinions whether or not a given set of facts and circumstances constitute a violation of any provision of this code.
  - 5) The Commission shall prescribe and provide forms for reports, statements, notices, and other documents required by this code.

- 6) The Commission shall determine whether the required statements and reports have been filed and, if filed, whether they conform to the requirements of this code. The Commission shall promptly give notice to the filer to correct or explain any omission or deficiency.
  - 7) The Commission may retain private counsel at the expense of the county if the county attorney has an actual or potential conflict.
- C. Complaint procedure; preliminary investigations.
- i. Upon a complaint signed under penalty of perjury by any person, or upon its own motion, the Commission shall investigate any alleged violation of this code.
  - ii. Not later than ten (10) days after the Commission received the complaint, the Commission shall initiate a preliminary inquiry into any alleged violation of this code.
  - iii. Within thirty (30) days of the commencement of the inquiry, the Commission shall forward a copy of the complaint and a general statement of the applicable law to the person alleged to have committed a violation.
- 2) All Commission proceedings and records relating to a preliminary investigation shall be confidential except where in conflict with the Kentucky Open Records Act and Open Meeting Act:
- The Commission may turn over to the Commonwealth's attorney or county attorney of the jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings.
- 3) The Commission shall afford a person who is the subject of a preliminary investigation an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations in the complaint.
  - 4) If the Commission determines in the preliminary investigation that the complaint does not allege facts sufficient to constitute a violation of this code, the Commission shall immediately terminate the inquiry and notify in writing the complainant and the person alleged to have committed a violation.
  - 5) If the Commission, during the course of the preliminary investigation, finds probable cause to believe that a violation of this code has occurred, the Commission shall notify the alleged violator of the finding, and the Commission may, upon majority vote:
    - i. Due to mitigating circumstances such as lack of significant economic advantage or gain by the alleged violator, lack of significant economic loss to the county, or lack of significant impact on public confidence in government, reprimand, in writing, the alleged violator for potential violations of the law and provide a copy of the reprimand to the County Judge Executive.
    - ii. Initiate an adjudicatory proceeding to determine whether there has been a violation.
  - 6) Any person who knowingly files with the Commission a false complaint of misconduct on the part of any elected or appointed official or other person shall be guilty of a Class A misdemeanor.
- D. Adjudicatory proceedings; action by Commission; appeal.
- 1) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall apply to

all Commission adjudicatory hearings. All testimony in the Commission adjudicatory proceeding shall be under oath. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, and to be represented by counsel and any other due process rights, privileges, and responsibilities of a witness appearing before the courts of the Commonwealth of Kentucky. All witnesses shall be entitled to be represented by counsel.

- 2) Any person whose name is mentioned during adjudicatory proceedings of the Commission and who may be adversely affected thereby may appear personally before the Commission on the person's own behalf, with or without attorney, to give a statement in opposition to such adverse mention or file a written statement of that opposition for incorporation into the record of proceeding.
- 3) All adjudicatory proceedings of the Commission carried out pursuant to the provisions of this section shall be public, unless the members vote to go into executive session in accordance with KRS 61.180.
- 4) Within thirty (30) days after the end of an adjudicatory proceeding in pursuant to the provisions of this section, the Commission shall meet in executive session for the purpose of reviewing the evidence before it. Within thirty (30) days after completion of deliberations, the Commission shall publish a written report of its findings and conclusions.
- 5) The Commission, upon a finding pursuant to an adjudicatory proceeding that there has been clear and convincing proof of a violation of this code, may:
  - i. Issue an order requiring the violator to cease and desist the violation.
  - ii. Issue an order requiring the violator to file any report, statement, or other information as required by this code.
  - iii. In writing, publicly reprimand the violator for potential violations of the law and provide a copy of the reprimand to the County Judge Executive.
  - iv. Issue an order requiring the violator to pay a civil penalty of not more than five hundred dollars (\$500.00).
- 6) The Commission may refer to the county attorney or Commonwealth's attorney for prosecution evidence of criminal violations of this code.
- 7) Findings of fact or final determinations by the Commission that a violation of this code has been committed, or any testimony related to the Commission's findings of fact or final determinations, shall not be admissible in criminal proceedings in the courts of the Commonwealth of Kentucky. Evidence collected by the Commission may be used in a criminal proceeding if otherwise relevant.
- 8) Any person found by the Commission to have committed a violation of this code may appeal the action to the Scott Circuit Court. The appeal shall be initiated within thirty (30) days after the date of the final action of the Commission by filing a petition with the court against the Commission. The Commission shall transmit to the clerk of the court all evidence considered by the Commission at the public hearing. The court shall hear the appeal upon the record as certified by the Commission.

## **VI: SEVERABILITY**

If any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this ordinance shall continue in full force and effect.

**VIII; CONFLICTING ORDINANCES REPEALED**

All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Scott County, Kentucky, held on the 13<sup>th</sup> day of November, 2017.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Scott County, Kentucky held on the 28<sup>th</sup> day of December, 2017.

THIS ORDINANCE NO. 17-03 shall become effective upon passage and publication.

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GEORGE LUSBY  
Scott County Judge/Executive

ATTESTED TO:

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STACY HAMILTON  
Fiscal Court Clerk