TABLE OF CONTENTS

ARTICLE I – ORGANIZATION OF HUMAN RESOURCES SYSTEM

Section 1 –	Purpose	1
Section 2 –	Application	1
Section 3 –	Definitions	3
Section 4 –	Responsibility of Board of Commissioners	4
Section 5 –	Responsibility of County Manager	5
Section 6 –	Responsibility of Human Resources Director	5
Section 7 –	Responsibility of Department Heads	6

ARTICLE II – POSITION CLASSIFICATION PLAN

Section 1 –	Purpose	1
Section 2 –	Allocation of Positions	1
Section 3 –	Administration of the Position Classification Plan	1
Section 4 –	Amendment to the Position Classification Plan	2

ARTICLE III – PAY PLAN

Section 1 –	Purpose	1
Section 2 –	Administration of the Pay Plan	1
Section 3 –	Use of Salary Ranges	1
Section 4 –	Pay Rates in Promotion, Demotion, Transfer, and Reclassification	2
Section 5 –	Temporary Work in a Higher Class	4
Section 6 –	On Call Pay	4
Section 7 –	Call Back Pay	5
Section 8 –	Meal and Break Periods	6

Section 9 –	Exempt and Non-Exempt	6
Section 10 –	Hours Worked	7
Section 11 –	Overtime Compensation	7
Section 12 –	Offset Time	8
Section 13 –	Pay Period and Work Period	10
Section 14 –	Payroll Deductions and Employee Pay	11
Section 15 –	Educational Incentive Program	12
Section 16 –	Employee Incentive Program	12

ARTICLE IV – RECRUITING AND EMPLOYMENT

Section 1 –	Equal Employment Opportunity (EEO) Policy	1
Section 2 –	Implementation of EEO Policy	1
Section 3 –	Disability Accommodation	2
Section 4 –	Recruiting Sources	3
Section 5 –	Applications for Employment	4
Section 6 –	Disqualification	4
Section 7 –	Qualification Standards	5
Section 8 –	Selection Process	6
Section 9 –	Appointments	6
Section 10 –	Probationary Period of Employment	7
Section 11 –	Promotion	8
Section 12 –	Demotion	9
Section 13 –	Transfer	9

ARTICLE V – CONDITIONS OF EMPLOYMENT

Section 1 –	Hours of Operation and Attendance	1
Section 2 –	Gifts and Favors	1

Section 3 –	Political Activity Restricted	2
Section 4 –	Outside Employment	3
Section 5 –	Employment of Relatives	4
Section 6 –	Driving Motor Vehicles	5
Section 7 –	Seatbelt Use	5
Section 8 –	Cell Phone Use	6
Section 9 –	Computer, Internet and Email Use	8
Section 10 –	Social Media	12
Section 11 –	Confidential Information	14
Section 12 –	Fitness-For-Duty	14
Section 13 –	Unlawful Harassment	16
Section 14 –	Conflict of Interest	20
Section 15 –	Employee Concerns	21
Section 16 –	Dress Code	21
Section 17 –	Tobacco in the Workplace	22
Section 18 –	General Safety Rules and Hazard Communication	22
Section 19 –	Workplace Violence	24
Section 20 –	Alcohol and Substance Abuse	24

ARTICLE VI – LEAVES OF ABSENCE

Section 1 –	Holidays	1
Section 2 –	Holiday – When Work Required	2
Section 3 –	Holidays and Other Paid Leave	2
Section 4 –	Annual Leave	2
Section 5 –	Annual Leave – Probationary Employees	2
Section 6 –	Annual Leave – Manner of Accrual	3
Section 7 –	Annual Leave – Maximum Accrual	4

Section 8 –	Annual Leave – At Separation of Employment	4
Section 9 –	Sick Leave	5
Section 10 –	Sick Leave – Manner of Accrual	5
Section 11 –	Sick Leave – Maximum Accrual	6
Section 12 –	Sick Leave – Physician's Certificate	6
Section 13 –	Annual Leave and Sick Leave – Eligibility to Accrue	7
Section 14 –	Funeral Leave	7
Section 15 –	Administrative Leave	8
Section 16 –	Leave of Absence Without Pay	8
Section 17 –	Leave of Absence Without Pay – Continuation of Benefits	10
Section 18 –	Workers' Compensation Leave	10
Section 19 –	Military Leave	11
Section 20 –	Civil Leave	14
Section 21 –	Adverse Weather Conditions	15
Section 22 –	Family and Medical Leave	16
Section 23 –	Leave Sharing	30
Section 24 –	Time Off to Vote	32

ARTICLE VII – SEPARATION AND REINSTATEMENT

Section 1 –	Types of Separation	1
Section 2 –	Resignation	1
Section 3 –	Retirement	2
Section 4 –	Disability	2
Section 5 –	Reduction in Force	2
Section 6 –	Termination	3
Section 7 –	Death	3

Section 8 – Loss of License, Certification or Other Job Requirements 4
Section 9 – Return of County Property 4
Section 10 – Reinstatement 4

ARTICLE VIII – DISCIPLINARY ACTIONS

Section 1 – Types of Disciplinary Action 1
Section 2 – Reasons for Disciplinary Action 1
Section 3 – Reprimands 4
Section 4 – Adverse Actions 4
Section 5 – Notice of Proposed Adverse Action 5
Section 6 – Employee Response to Proposed Adverse Action 6
Section 7 – Notice of Adverse Action 6
Section 8 – Postponement for Further Investigation 7
Section 9 – Investigatory Suspension 7

ARTICLE IX – GRIEVANCE PROCEDURE

Section 1 – Grievance Procedure Policy 1
Section 2 – Grievance – Definition 2
Section 3 – Grievance Procedure 2

ARTICLE X – ADVERSE ACTION APPEAL PROCEDURE

Section 1 – Applicability 1
Section 2 – Appeal to the County Manager 1
Section 3 – Appeal to the Personnel Appeals Board 2
Section 4 – Personnel Appeals Board 3
Section 5 – Notice of Hearing 3

Section 6 – Hearing and Procedure 3
Section 7 – Decision of the Personnel Appeals Board 5

ARTICLE XI – EMPLOYEE BENEFITS

Section 1 – Retirement Benefits 1
Section 2 – Unemployment Insurance 1
Section 3 – Insurance Benefits 1
Section 4 – COBRA 1
Section 5 – Workers' Compensation 2

ARTICLE XII – PERFORMANCE APPRAISALS

Section 1 – Purposes of Performance Appraisal 1
Section 2 – Schedule for Conducting Performance Appraisals 1
Section 3 – Procedures for Conducting Performance Appraisals 2
Section 4 – Confidentiality of Performance Appraisals 3

ARTICLE XIII – EMPLOYEE RECORDS

Section 1 – Employee Records Maintenance 1
Section 2 – Access to Official Employee Records 1
Section 3 – Objections to Information in the Official Record 2

ARTICLE XIV – IMPLEMENTATION OF ORDINANCE

Section 1 – Conflicting Policies 1
Section 2 – Severability 1
Section 3 – Violations of Ordinance Provisions 1
Section 4 – Effective Date 1

INDEX

APPENDIX A – POSITION CLASSIFICATION PLAN

APPENDIX B – PAY PLAN

ARTICLE I – ORGANIZATION OF HUMAN RESOURCES SYSTEM

SECTION 1 – PURPOSE

The purpose of this Ordinance is to establish a human resources system that will recruit, select, develop and maintain an effective and responsible work force. This Ordinance is established under the authority of the Official Code of Georgia Annotated §36-1-21.

SECTION 2 – APPLICATION

All employees in the County's service shall be subject to this Ordinance, except as provided in this Section.

A. The following officials are not subject to this Ordinance:
   1. Elected Officials,
   2. County Attorney, and
   3. Members of advisory boards or commissions.

B. The County Manager and County Clerk are not subject to the following Articles and Sections:
   1. Recruiting and Employment Article (except the Equal Employment Opportunity Policy Section, and the Disability Accommodation Section),
   2. The Reinstatement Section of the Separation and Reinstatement Article,
   3. Disciplinary Actions Article,
   4. Grievance Procedure Article, and
   5. Adverse Action Appeal Procedure Article.

C. Employees of Elected Officials are employed at the will and pleasure of the Elected Official and are not subject to the following Articles and Sections:

1. Recruiting and Employment Article (except the Equal Employment Opportunity Policy Section, the Implementation of EEO Policy Section, the Disability Accommodation Section, and the Promotion Section),
2. The Reinstatement Section of the Separation and Reinstatement Article,
3. Disciplinary Actions Article, and
4. Adverse Action Appeal Procedure Article.

D. Employees of the Georgia Cooperative Extension Service shall only be subject to the following Articles and Sections:

1. The Hours of Operation and Attendance Section of the Conditions of Employment Article, and
2. The Holidays Section, and the Holidays – When Work Required Section of the Leaves of Absence Article.

E. Employees in Seasonal or Temporary Positions are not subject to the following Articles and Sections:

1. Recruiting and Employment Article (except the Equal Employment Opportunity Policy Section, the Implementation of EEO Policy Section, the Disability Accommodation Section, the Disqualification Section, the Qualifications Standards Section, and the Selection Process Section),
2. Leaves of Absence Article (except the Family and Medical Leave Section),

3. Separation and Reinstatement Article (except the Loss of License, Certification, or Other Job Requirements Section, and the Return of County Property Section),
4. Disciplinary Actions Article, and
5. Adverse Action Appeal Procedure Article.

SECTION 3 – DEFINITIONS

A. **Anniversary Date** – An employee's most recent date of employment for Spalding County service in a Regular Position.

B. **Department Head** – An employee who is the chief administrative officer of a County department with the legislated or delegated authority to make hiring decisions.

C. **Elected Official** – For purposes of applying this Ordinance to employees of an Elected Official, an Elected Official is the incumbent holding one of the following offices: Chief Magistrate Judge, Clerk of Court, Coroner, Probate Judge, Sheriff, Solicitor, State Court Judge, Superior Court Judge, and Tax Commissioner.

D. **Full-time Employee** – An employee who is scheduled to work the number of hours per Work Period designated by the Board of Commissioners as full-time.

E. **Part-time Employee** – An employee who is scheduled to work less than the number of hours per Work Period designated by the Board of Commissioners as full-time.

F. **Position** – A set of current duties and responsibilities assigned by a Department Head, requiring the full-time, part-time, seasonal, or temporary employment of one (1) person. The existence of a Position

or its identity does not depend upon it being occupied by an employee.

G. **Probationary Employee** – A person appointed to a Regular Position who has not yet completed the Probationary Period.

H. **Probationary Period** – The required period of time an employee serves upon entering County service before obtaining status as a Regular Employee.

I. **Reclassification** – The reassignment of an existing Position from one Class to another, based on changes in job content such as duty, difficulty, required skill, and responsibility of the work performed.

J. **Regular Employee** – An employee who has completed at least nine (9) months satisfactory County service, and who has been recommended for continued employment by the Department Head.

K. **Regular Position** – A Position approved by the Board of Commissioners in which the duties and responsibilities are required on a regular on-going basis and requires either the full-time or part-time employment of a person.

L. **Seasonal Employee** – A person appointed to serve in a Position for a portion of the year to meet peak or seasonal workload demands.

M. **Temporary Employee** – A person appointed to serve in a Position for a short duration, usually not to exceed four (4) months.

SECTION 4 – RESPONSIBILITY OF BOARD OF COMMISSIONERS

The Board of Commissioners shall establish the Personnel Ordinance, amend the Ordinance as necessary, and shall make and confirm appointments when so specified by law.

SECTION 5 – RESPONSIBILITY OF COUNTY MANAGER

The County Manager shall be responsible to the Board of Commissioners for the administration of the Personnel Ordinance. The County Manager shall appoint, demote, suspend, and remove all county officers and employees except those elected by the people or other county officers or employees whose appointment, suspension, demotion, or removal is otherwise provided for by ordinance or law. The County Manager shall make appointments, suspensions, and terminations in accordance with the Recruiting and Employment Article, Separation and Reinstatement Article, Disciplinary Actions Article, and Adverse Action Appeal Procedure Article of this Ordinance.

SECTION 6 – RESPONSIBILITY OF HUMAN RESOURCES DIRECTOR

The County Manager shall appoint a Human Resources Director who shall be responsible for administering the Personnel Ordinance and perform such other duties in connection with a human resources system as the County Manager shall require, such as:

A. Apply, interpret, and carry out this Ordinance and the policies adopted thereunder, as directed by the County Manager.

B. Establish and maintain official employee records of all persons in the County service, setting forth each officer and employee, Class title of Position, pay or status history, and such other records necessary to manage the human resources functions.

C. Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County.

D. Encourage and exercise leadership in the development of effective human resources administration within the various County

departments, and to make available the facilities of the Human Resources department to this end.

E. Investigate, from time to time, the operation and effect of this Ordinance and of the policies made thereunder, and report such findings and recommendations to the County Manager.

F. Make recommendations to the County Manager regarding the human resource functions, as well as revisions to the human resources system, as may be appropriate.

G. Issue and publish any necessary administrative directive, supplements, interpretations, procedures, and necessary prescribed forms and reports for any human resources matter for the proper functioning, maintenance, and documentation of the procedures established by and in accordance with this Ordinance.

All matters dealing with personnel shall be forwarded to the Human Resources Director, who shall maintain a complete system of personnel files and records.

SECTION 7 – RESPONSIBILITY OF DEPARTMENT HEADS

A Department Head, with the approval of the County Manager, may establish rules that are related to the work performed by his or her department and those rules shall have the same force and effect of the rules set forth herein.

ARTICLE II – POSITION CLASSIFICATION PLAN

SECTION 1 – PURPOSE

The Position Classification Plan assigns Positions with similar kinds of duties into Classes for similar treatment in selection, compensation and other employment processes. A Class is a Position, or group of Positions, having similar duties and responsibilities requiring similar qualifications, which can properly be designated by one (1) job title indicative of the nature of work performed, and which carries the same Salary Range.

SECTION 2 – ALLOCATION OF POSITIONS

The Human Resources Director shall ensure each Position covered by the Position Classification Plan is allocated to an appropriate Class in the Plan.

SECTION 3 – ADMINISTRATION OF THE POSITION CLASSIFICATION PLAN

The Human Resources Director, or person(s) designated by the County Manager, shall be responsible for administering and maintaining the Position Classification Plan so that it accurately reflects the duties performed by employees in the Classes to which their Positions are allocated. Elected Officials and Department Heads shall be responsible for notifying the Human Resources Director of the need for new Positions, and material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of any existing Position.

New Positions shall be budgeted only with the approval of the Board of Commissioners after which the Human Resources Director shall allocate the new Position to the appropriate Class within the existing Position Classification Plan, or

recommend that the County Manager amend the Position Classification Plan to establish a new Class to which the new Position may be allocated.

When the Human Resources Director finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing Position, the Human Resources Director shall:

A. Direct that the existing Class specification be revised,

B. Reallocate the Position to the appropriate Class within the existing Position Classification Plan, or

C. Recommend that the County Manager amend the Position Classification Plan to establish a new Class to which the Position may be allocated.

SECTION 4 – AMENDMENT TO THE POSITION CLASSIFICATION PLAN

Classes of Positions shall be added to and deleted from the Position Classification Plan based on the recommendation of the Human Resources Director to the County Manager.

ARTICLE III – PAY PLAN

SECTION 1 – PURPOSE

The Pay Plan establishes a basic salary structure of pay grades including rates of pay from minimum to maximum for Positions in the Position Classification Plan.

SECTION 2 – ADMINISTRATION OF THE PAY PLAN

The Human Resources Director shall be responsible for administering and maintaining the Pay Plan. The Pay Plan is intended to provide equitable compensation for all Positions reflecting the difference in duties and responsibilities, the rates of pay for comparable Positions in private and public employment in the area, the financial conditions of the County, and other relevant factors. The Human Resources Director shall from time to time make comparative studies of factors affecting the Pay Plan and shall recommend any changes to the County Manager for approval by the Board of Commissioners. The Pay Plan for Spalding County shall be administered in a fair and systematic manner with the goal of being externally competitive, maintaining proper internal relationships among Positions, and recognizing performance as the basis for pay increases within the established Salary Range.

SECTION 3 – USE OF SALARY RANGES

The following provisions shall govern the Hiring Rate and Pay Increments within the Salary Range:

A. **Hiring Rate** – The Hiring Rate is the minimum rate in the Salary Range paid to an employee when hired into Spalding County employment. Appointment above the Hiring Rate may be made on the recommendation of the Elected Official or Department Head with

the approval of the County Manager when deemed necessary in the best interest of the County. Appointments above the Hiring Rate shall be based on factors such as the qualifications of the applicant being higher than the minimum qualifications for the Class, a shortage of qualified applicants available at the Hiring Rate, and/or the refusal of qualified applicants to accept employment at the minimum rate in the Salary Range. Initial appointments above step six (6) must be approved by the Board of Commissioners.

B. **Job Rate** – Step one (1) is the Job Rate for each Salary Range and designates the minimum rate of pay an employee may receive for satisfactory performance. An employee is advanced to the Job Rate when the Probationary Period of employment has been completed.

C. **Pay Increments Within the Salary Range** – The Board of Commissioners may approve, subject to the availability of funds, a Pay Increment for Regular Full-time employees who have completed the initial Probationary Period and are in a Class assigned to a Salary Range. A Pay Increment may not cause an employee's pay rate to exceed the maximum rate of pay for the Salary Range.

SECTION 4 – PAY RATES IN PROMOTION, DEMOTION, TRANSFER, AND RECLASSIFICATION

A. **Promotion** – An employee who is Promoted to a Class in a higher pay grade shall receive a pay increase to the same step in the higher pay grade as the employee held in the lower pay grade, provided that the pay increase shall not exceed 20 percent of the current salary. If the same step in the higher pay grade would provide a pay increase greater than 20 percent then the employee will be placed on the next

lowest step that provides a pay increase of less than 20 percent. However, an employee who is Promoted shall receive a pay rate no lower than the Job Rate in the Salary Range of the new Class. A pay increase may not cause an employee's pay rate to exceed the maximum rate of pay for the Salary Range of the new Class.

B. **Demotion** – An employee who is Demoted to a Class in a lower pay grade shall receive a pay decrease to the same step in the lower pay grade as the employee held in the higher pay grade, provided that the pay decrease shall not exceed 20 percent. A pay decrease may not cause an employee's pay rate to be less than the Job Rate in the Salary Range of the new Class. A pay decrease may not cause an employee's pay rate to exceed the maximum rate of pay for the Salary Range of the new Class.

   If an employee is Demoted during his or her Probationary Period following a Promotion and is returned to the Class he or she held immediately prior to the Promotion, the employee shall receive a pay decrease to the step in the Salary Range of the Class he or she held immediately prior to the Promotion.

C. **Transfer** – An employee transferring from a Position in one Class to a Position in another Class assigned to the same Salary Range shall continue to be paid at the same rate.

D. **Reclassification** – When a Position is reclassified to a Class having a higher pay grade, an employee's pay rate will change in accordance with the Promotion process.

   When a Position is reclassified to a Class having a lower pay grade, an employee's pay rate will change in accordance with the Demotion process.

SECTION 5 – TEMPORARY WORK IN A HIGHER CLASS

An employee may be designated by the County Manager or Elected Official to work in a higher graded Class on a temporary or emergency basis.

A. If the employee is so designated because the Position in the higher graded Class is vacant, the employee's pay rate will change immediately upon his or her temporary appointment to the higher graded Class.

B. If the employee is so designated because the incumbent in the higher graded Class is on an approved Leave of Absence, the employee may be required to perform the duties for a period of up to 12 weeks with no increase in pay. If the employee is required to perform the duties for a period exceeding 12 weeks, the employee shall be given a temporary appointment to the higher graded Class and the employee's pay rate will change immediately following the 12th week.

An employee's pay rate will change in accordance with the Promotion process, provided that the pay increase shall not exceed 10 percent of the current salary. At the conclusion of the temporary appointment, the employee's pay rate shall return to the pay rate prior to the temporary appointment, plus any general pay increases that occurred since the temporary appointment.

A temporary appointment may not exceed six (6) months unless approved by the Board of Commissioners.

SECTION 6 – ON CALL PAY

A Department Head, with the approval of the County Manager, may establish an On Call schedule for employees in his or her department to respond to emergency situations. A department may require an employee to be On Call for the purpose of reporting to duty during the employee's off-duty hours to respond to emergency

situations. On Call time is defined as the time spent by an employee outside of normal work hours when the employee is required to be immediately reachable by cell phone or other device in the event the employee is contacted to report to duty. In accordance with the Fair Labor Standards Act (FLSA), On Call time is not considered hours worked as long as the employee's activities are not so restricted that he or she cannot use the time effectively for his or her own purposes.

On Call status will be assigned for a one (1) week period as designated by the Department Head and County Manager. One employee in a department may be assigned to On Call status during the one (1) week period. The employee assigned to On Call status may not "swap" his or her On Call status with another employee. The employee assigned to On Call status must be able to report to duty within 45 minutes of being contacted. The employee may not consume alcohol or other substances that violate the Alcohol and Substance Abuse Section of the Conditions of Employment Article while assigned to On Call status.

An FLSA Non-exempt employee assigned to On Call status will be paid $30 for the one (1) week period of On Call status. FLSA Exempt employees may not receive On Call pay.

SECTION 7 – CALL BACK PAY

An FLSA Non-exempt employee who is called back to work for an unscheduled period of time will be paid for the greater of two (2) hours or for the actual hours worked.

An FLSA Exempt employee who is called back to work for an unscheduled period of time will receive Offset Time for the greater of two (2) hours or for the actual hours worked.

An employee called back to work because of his or her own negligence (i.e., due to improper care of County equipment, failure to complete work, etc.) shall only be paid for the actual hours worked.

SECTION 8 – MEAL AND BREAK PERIODS

A bona fide Meal Period is not counted as hours worked or paid time provided the Meal Period is at least 30 minutes during which the employee is completely relieved of his or her duties. FLSA Non-exempt employees will be paid for any Meal Period during which the employee is not completely relieved from duty or that is short in duration (Meal Period of less than 30 minutes). Meal Periods should not exceed one (1) hour.

Employees may be permitted two (2) fifteen minute Break Periods each day at the discretion of the Department Head when workload and schedules permit. Break Periods may not be combined nor taken in conjunction with start time, Meal Period, or end of work time.

FLSA Exempt employees shall work the number of hours necessary to assure the satisfactory performance of duties.

SECTION 9 – EXEMPT AND NON-EXEMPT

Spalding County classifies each employee or Position as either Exempt or Non-exempt from the Overtime provisions of the FLSA.

A. An employee is Exempt if determined to be an Executive, Administrative, Professional, or other qualifying employee as defined by the FLSA.

B. Elected Officials and their appointees, as defined by the FLSA, are Exempt.

C. All other employees are classified as Non-exempt.

SECTION 10 – HOURS WORKED

Hours worked include any time an employee is required to be on duty, on County premises, at a designated workplace for the County, and all times where the employee is performing work for the County. Hours worked also include any work done on or away from the work premises, if the County has reason to believe or knows that work is being done.

Spalding County must maintain accurate records of each employee's hours worked to:

A. Meet requirements under federal and state law,

B. Ensure employees are paid correctly for hours worked,

C. Maintain accurate leave records, and

D. Allocate costs to appropriate departmental accounts.

All employees must maintain and report an accurate record of hours worked. Hours worked in a day shall be rounded to the nearest quarter hour.

SECTION 11 – OVERTIME COMPENSATION

Overtime refers to actual hours worked in excess of 40 hours in a 7-day Work Period (43 hours in a 7-day Work Period or 86 hours in a 14-day Work Period for law enforcement; 212 hours in a 28-day Work Period for fire protection). The Work Period is defined in the Pay Period and Work Period Section in this Article.

A. Employees (except for law enforcement and fire protection employees covered under Section 7(k) of the FLSA) considered Non-exempt under federal or state law who are required to work more than 40 hours during a Work Period receive Overtime pay at one and one-half times the regular hourly rate for each hour worked in excess of 40 hours in a Work Period.

B. Employees considered Non-exempt under federal or state law and who are engaged in law enforcement activities under Section 7(k) of the FLSA who are required to work more than 43 hours during a 7-day Work Period or more than 86 hours during a 14-day Work Period receive Overtime pay at one and one-half times their regular hourly rate for each hour worked in excess of 43 hours, or 86 hours, in a Work Period.

C. Employees considered Non-exempt under federal or state law and who are engaged in fire protection activities under Section 7(k) of the FLSA who are required to work more than 212 hours during a 28-day Work Period receive Overtime pay at one and one-half times their regular hourly rate for each hour worked in excess of 212 hours in a 28-day Work Period.

Paid time off, such as Sick Leave, Annual Leave, Holidays, etc., is not included as hours worked for purposes of determining or computing an employee's entitlement to Overtime pay.

A Department Head or Elected Official may adjust an employee's work schedule in order to avoid or minimize overtime hours by scheduling equivalent time off without pay prior to the end of the Work Period.

All Overtime work must be authorized in advance by the employee's Department Head, Elected Official, or designee. Reasonable efforts should be made when possible to ensure that Overtime work is evenly distributed among employees in a department.

SECTION 12 – OFFSET TIME

Offset Time is time off from work accrued by an employee who is in a pay status where the total hours of paid leave plus the total hours worked in the Work Period

exceed the Overtime threshold. A Non-exempt employee may accrue Offset Time on a straight-time hour for hour basis. An Exempt employee may accrue Offset Time on a straight-time hour for hour basis for hours worked in excess of his or her regular work schedule.

Offset Time may be initiated as determined by the County Manager or the Elected Official as a means to control salary budget expenditures. The determination of whether to initiate Offset Time will be applied on a county-wide or department-wide basis. Employees will be notified regarding the period of time that Offset Time will be utilized.

The following is an example of how Offset Time may be accrued by an employee on a 40 hour 7-day Work Period:

Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday
Sick Leave 8 Hours	Worked 8 Hours	Worked 10 Hours	Worked 8 Hours	Worked 4 Hours	Off	Worked 8 Hours

In the example, the employee was in a pay status for 46 hours (38 hours worked + eight (8) hours Sick leave). If the County elects to initiate Offset Time, the employee is paid for 40 hours (38 hours worked + two (2) hours Sick leave) and accrues six (6) hours of Offset Time (from the remaining six (6) hours of Sick leave).

The Department Head, Elected Official and employee are responsible for monitoring the time the employee is in a pay status. If it appears that the employee will accrue Offset Time in the Work Period, the following options may be used to manage Offset Time:

A. The employee's schedule may be adjusted by scheduling time off for the employee prior to the end of the Work Period to avoid accruing Offset Time.

B. If accrued paid leave was used during the Work Period, the amount of paid leave charged may be adjusted if the employee is notified and the adjustment is made prior to approval of the timesheet for the Work Period.

C. Allow the employee to accrue Offset Time.

If Offset Time is not initiated by the County Manager or Elected Official, the employee may be paid for all hours in pay status.

An employee shall not accrue more than 240 hours of Offset Time. A Non-exempt employee with an Offset Time balance greater than 240 hours, as of the effective date of this Section, may retain the accrued Offset Time in excess of 240 hours until the excess hours are used. Offset Time should be used by an employee prior to other paid leave as long as it does not result in the employee forfeiting Annual leave.

A Non-exempt employee may carry accrued Offset Time from one calendar year to the next. An Exempt employee may not carry accrued Offset Time from one calendar year to the next. An employee will not be paid for accrued Offset Time when the employee separates from employment.

SECTION 13 – PAY PERIOD AND WORK PERIOD

A Pay Period is a period of 14 consecutive calendar days (336 hours) beginning with the first shift that includes the 9:00 a.m. hour on Tuesday and continuing through the shift that ends immediately prior to 9:00 a.m. the following second Tuesday. Each bi-weekly paycheck will cover one (1) Pay Period.

A. The regular Work Period for employees is a period of seven (7) consecutive calendar days (168 hours) beginning with the first shift that includes the 9:00 a.m. hour on Tuesday and continuing through

the shift that ends immediately prior to 9:00 a.m. the following Tuesday.

B. The regular Work Period for employees engaged in law enforcement activities under Section 7(k) of the FLSA is either:

1. A period of 14 consecutive calendar days (336 hours) beginning with the first shift that includes the 9:00 a.m. hour on Tuesday and continuing through the shift that ends immediately prior to the 9:00 a.m. the following second Tuesday, or
2. A period of seven (7) consecutive calendar days (168 hours) beginning with the first shift that includes the 9:00 a.m. hour on Tuesday and continuing through the shift that ends immediately prior to 9:00 a.m. the following Tuesday.

C. The regular Work Period for employees engaged in fire protection activities under Section 7(k) of the FLSA is a period of 28 consecutive calendar days (672 hours) beginning with the first shift that includes the 9:00 a.m. hour on Tuesday and continuing through the shift that ends immediately prior to the 9:00 a.m. the following fourth Tuesday.

Because the nature of the work varies across Spalding County, starting, quitting, meal and break times vary according to the needs of a particular department. Employees are expected to observe the hours set by the Department Head or Elected Official.

SECTION 14 – PAYROLL DEDUCTIONS AND EMPLOYEE PAY

Only payroll deductions specifically mandated or authorized by federal or state act, or authorized by the Board of Commissioners, may be deducted from an employee's pay.

Each employee is responsible for reviewing his or her pay each Pay Period to verify he is she has been paid correctly. Employee questions about earnings, deductions or hours should be directed to the Human Resources department.

SECTION 15 – EDUCATIONAL INCENTIVE PROGRAM

Minimum educational qualifications have been established for all Classes with the County. Educational Incentives are awarded if the employee obtains an educational level higher than the minimum requirements in accordance with the guidelines set forth in this Section.

Degrees must be in a field related to the work performed by the employee in his or her Position with the County and must be obtained while the employee is employed with the County. The Educational Incentive Program is established to award employees an increase in pay of one (1) step for successfully obtaining a four-year college degree from an accredited college or university and an increase in pay of one (1) step for successfully obtaining a Master's degree from an accredited college or university.

Upon presentation of proof of education, an increase will be recommended by the Human Resources Director and approved by the County Manager.

SECTION 16 – EMPLOYEE INCENTIVE PROGRAM

The Employee Incentive Program is designed to provide an opportunity for employees to be rewarded for recommending cost-saving improvements to County operations. The Employee Incentive Program is subject to funding by the Board of Commissioners each fiscal year.

A. **Eligibility** – Any Regular Full-time or Regular Part-time employee of Spalding County shall be eligible to participate in the Employee Incentive Program. Commissioners, the County Manager and the

Administrative Services Director are ineligible to participate in the Employee Incentive Program.

B. **Recommendation Guidelines** –

1. Recommendations shall not affect the level of service to taxpayers,
2. Recommendations shall not result in any employee being laid off,
3. Recommendations should provide for a monetary reduction in at least one (1) budget line item that can be realized within the current fiscal year of implementation, and
4. Recommendations may result in additional expenditures; however, such expenditures shall create savings greater than the amount expended after the first fiscal year of implementation.

C. **Procedure** – The employee shall complete and submit the Employee Incentive Program Suggestion form to his or her Department Head who may add additional comments and will forward the form to the County Manager. The County Manager will forward the form to the Budget Review Committee for consideration and recommendation. The Budget Review Committee's recommendation will be forwarded to the Board of Commissioners for consideration and approval.

D. **Compensation Award** – After approval by the Board of Commissioners, the employee making the recommendation shall be eligible for the following:

1. Savings between $5,000 and $20,000 (employee shall receive a $500 compensation award),
2. Savings between $20,000 and $50,000 (employee shall receive a $1,000 compensation award),

3. Savings that exceed $50,000 (employee shall receive a $1,500 compensation award).

E. **Award Presentation** – The employee incentive award shall be presented to the employee by the Chairman or his or her designee at a Board of Commissioners meeting.

ARTICLE IV – RECRUITING AND EMPLOYMENT

SECTION 1 – EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

It is the policy and practice of Spalding County to hire, train, and promote employees without discrimination because of race, religion, color, political affiliation, physical or mental disability, national origin, sex, age, genetic information or any other protected classification, except where physical or mental ability, sex, or age is a bona fide occupational qualification essential for job performance. This practice applies to all phases of human resources administration, including but not limited to, recruiting, recruitment advertising, testing, hiring, training, Promotion, Transfers, leave practices, rates of pay and benefits programs.

Any applicant for employment, employee, or former employee who has reason to believe that he or she has been discriminated against in recruitment, employment, training, Promotion, Demotion, Termination or any other term or condition of employment, as a result of race, religion, color, political affiliation, physical or mental disability, national origin, sex, age or genetic information should notify the Human Resources Director or County Manager.

SECTION 2 – IMPLEMENTATION OF EEO POLICY

All personnel responsible for recruitment, employment, Promotions and other employment decisions shall implement this EEO Policy through procedures that will assure equal employment opportunity based on reasonable performance-related job requirements. Notices with regard to equal employment matters shall be posted conspicuously on Spalding County premises in places where notices are customarily posted.

SECTION 3 – DISABILITY ACCOMMODATION

It is the policy of Spalding County to provide equitable treatment to persons having a physical or mental impairment that substantially limits a major life activity and to persons who have a record of, or who are regarded as, having such an impairment. The County will provide reasonable accommodation(s) to permit a qualified person with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

Requests for a reasonable accommodation by an applicant or employee should be made to the Human Resources Director. The Human Resources Director may request written documentation identifying the condition, how it affects the ability to perform the essential functions of the job, and what, if any, reasonable accommodations the employee believes will enable him or her to perform the essential job functions. The employee may be requested to provide information from his or her health care provider to confirm the nature of the impairment and to help identify possible accommodations.

An individual with a disability must meet the minimum qualifications for the job and must be able to perform the essential functions of the job, with or without reasonable accommodations, as outlined under the American with Disabilities Act (ADA).

If an employee is unable to perform the essential job functions of his or her current Position, with or without reasonable accommodations, an effort will be made to reassign the employee to an existing vacant Position for which the employee qualifies and can perform, with or without reasonable accommodation.

The County is not required to change the essential functions of a job, create a Position or Promote an employee with a disability as an accommodation to the

employee. If an employee declines a reasonable accommodation, the employee may be considered not qualified to perform the essential functions of the job and the Department Head or Elected Official may request a Fitness-For-Duty examination in accordance with the Fitness-For-Duty Section of the Conditions of Employment Article.

SECTION 4 – RECRUITING SOURCES

When Regular Full-time and Regular Part-time Positions are to be filled within the County, Department Heads shall notify the Human Resources Director concerning the number and Class of Positions which are to be filled. The County shall publicize these opportunities for employment, including the applicable Hiring Rate and employment qualifications. Information on job openings and hiring practices shall be provided to recruiting sources, including organizations and news media available to minority applicants. In addition, a vacancy notice shall be posted for a minimum of seven (7) calendar days at designated conspicuous sites within the departments and on the County's website. Individuals shall be recruited from a geographic area as wide as is necessary to ensure that well-qualified applicants are obtained for County service. The Human Resources Director may post a vacancy notice as either open to all applicants or open only to County employees. If a vacancy occurs within 90 calendar days after the most recent job posting closing date for the Class, the vacancy need not be re-advertised if a sufficient number of qualified applicants are on file from the most recent job posting.

Positions classified as Seasonal or Temporary may be filled by a Department Head without posting a vacancy notice.

An Elected Official may choose to follow this Section or establish his or her own procedures for recruiting.

SECTION 5 – APPLICATIONS FOR EMPLOYMENT

Employment Applications shall only be accepted during the period a vacant Position is posted. All Applications shall indicate the specific Position for which the Application is filed. Employment Applications may remain active for up to six (6) months from the date received by the Human Resources department. Employment Applications may not be accepted within a department. All referrals for interviews must come from the Human Resources department. Applications for employment in Positions within an Elected Official's department may be accepted and interviewed by the Elected Official at any time.

All Applications for Positions in Spalding County shall be made on forms prescribed by the Human Resources Director. Such forms shall request details covering education, training, experience, and other pertinent information needed to assess qualified applicants. All Applications shall be signed by the applicant attesting to the truth of all statements contained in the submitted Application form. To receive consideration, Applications must be received no later than the vacancy notice closing date. Incomplete Applications may be rejected; and falsified statements of material fact on the Employment Application form will be sufficient cause for Termination or rejection.

SECTION 6 – DISQUALIFICATION

The Elected Official, Department Head, Human Resources Director, or County Manager may reject from further consideration an Application or applicant when any of the following determinations are made:

A. The applicant does not meet the minimum qualifications or other standards established for the Position or failed to submit a completed Employment Application form. A military-issued General Education Development (GED) certificate may be accepted unless the Position

requires certification by an agency that does not accept a military-issued GED.

B. The applicant failed to submit his or her Application within the prescribed time period.

C. The applicant made false statements of material fact, or practiced deception in his or her Application.

D. The applicant has an unsatisfactory employment history of such a nature as to demonstrate unsuitability for employment with the County.

E. Applicants convicted of a felony involving a violent crime, such as, but not limited to, an assault with a deadly weapon, aggravated assault, murder, or such other felony conviction(s), are ineligible for employment with the County.

F. Applicants convicted of any other felony or misdemeanor (during the ten years prior to submitting an Application) will be considered on a case-by-case basis.

G. The applicant fails to pass a medical examination and/or drug test after a conditional offer of employment has been made.

H. The applicant is not eligible for employment in the United States.

SECTION 7 – QUALIFICATION STANDARDS

Employees shall meet the employment standards established by the Position Classification Plan and such other reasonable minimum standards as are listed on each job description or established for the Position.

Minimum qualifications shall be reviewed periodically to assure that requirements conform to the actual job performance requirements.

An Elected Official may choose to follow this Section or establish his or her own qualification standards.

SECTION 8 – SELECTION PROCESS

Elected Officials and Department Heads shall make such investigations and conduct such examinations as deemed appropriate to fairly assess the applicant's aptitude, education and experience, knowledge and skills, physical fitness and other qualifications required for Positions in the service of the County.
Applicants shall be subject to Pre-Employment drug testing in accordance with the Alcohol and Substance Abuse Section of the Conditions of Employment Article.

SECTION 9 – APPOINTMENTS

Before any commitment is made to an applicant, the Department Head shall return the applicant's completed Employment Application form to the Human Resources Director with a salary recommendation and the reasons for selecting the particular applicant over others. After investigating the qualifications and experience of the applicant, the Human Resources Director shall recommend approval or rejection of the appointment to the County Manager and determine the starting salary of the employee.
Elected Officials shall make the appointment of employees within his or her department, and the Human Resources Director will determine the starting salaries of new employees in those departments.
Employee Promotions, Transfers, or Demotions between departments require the approval of both Department Heads. If a Department Head wants to deny an employee's movement from his or her department then the Department Head must document acceptable reasons for denying such a movement. The Human

Resources Director and the County Manager will review all such denials for reasonableness.

SECTION 10 – PROBATIONARY PERIOD OF EMPLOYMENT

All employees appointed to a Regular Full-time or Regular Part-time Position shall be required to satisfactorily complete the Probationary Period prior to becoming a Regular Employee. An employee appointed or Promoted to a Regular Full-time or Regular Part-time Position shall serve a Probationary Period of a minimum of nine (9) months. An employee serving a Probationary Period following his or her initial appointment or re-employment may be Terminated at any time during the Probationary Period with or without cause.

A Regular Employee serving a Probationary Period following a Promotion shall be Demoted in accordance with the Demotion Section of this Article if found to be performing his or her assigned duties unsatisfactorily.

Before the employee completes the Probationary Period, the Department Head shall indicate in writing to the Human Resources Director:

A. That the employee's supervisor has discussed the employee's progress (accomplishments, strengths, and weaknesses) with the employee;
B. Whether or not the employee is performing satisfactory work;
C. Whether or not the Probationary Period should be extended for a period not to exceed three (3) additional months; and
D. Whether or not the employee should be retained in the present Position, or should be Terminated, Transferred, or Demoted.

At the end of the initial nine (9) month Probationary Period, the Probationary Period may be extended for up to an additional three (3) months; however, no Probationary Period of employment shall exceed more than one (1) year.

Employees of Elected Officials are employed at the will and pleasure of the Elected Official and the use or completion of any Probationary Period does not alter that status.

SECTION 11 – PROMOTION

No employee may be considered for a Promotion to a Position in a higher graded Class unless the employee has satisfactorily completed the Probationary Period of employment.

Employees selected for Promotion shall be chosen on the basis of their qualifications, and on their work records without regard to age, sex, race, color, religion, national origin, physical or mental disability, or genetic information except where physical or mental ability, sex, or age is a bona fide occupational qualification essential for job performance. Performance appraisals and work records for all applicants shall be carefully examined prior to selecting an employee for Promotion.

If a current County employee is selected for Promotion, the Department Head shall forward the employee's name to the Human Resources Director with the reason(s) for selecting the employee over other applicants. After considering the Department Head's comments, the Human Resources Director shall recommend approval or rejection of the appointment to the County Manager. Elected Officials shall forward the employee's name to the Human Resources Director with a recommendation for Class. Starting salary shall be determined in accordance with the Pay Rates in Promotion, Demotion, Transfer and Reclassification Section of the Pay Plan Article.

SECTION 12 – DEMOTION

Any Regular Employee whose work in his or her present Position is unsatisfactory, or whose personal conduct is unsatisfactory, may be Demoted, provided that the employee shows promise of becoming a satisfactory employee in another Position. Such a Demotion shall be preceded by the Notice of Adverse Action outlined in the Adverse Actions Section of the Disciplinary Actions Article. Any employee who is Demoted must complete a nine (9) month Probationary Period in the Position to which he or she is Demoted.

Employees of Elected Officials are employed at the will and pleasure of the Elected Official and may be Demoted at any time with or without cause.

SECTION 13 – TRANSFER

If a vacant Position is posted and an employee in a different Class at the same grade level is eligible for Transfer and is selected, the Department Head selecting the employee shall request the Transfer, subject to the approval of the Human Resources Director and County Manager. Elected Officials shall make the appointment of employee Transfers to or within his or her department and forward the employee's name to the Human Resources Director.

ARTICLE V – CONDITIONS OF EMPLOYMENT

SECTION 1 – HOURS OF OPERATION AND ATTENDANCE

The normal of hours of operation for Spalding County are 8:00 a.m. to 5:00 p.m. Monday through Friday. A Department Head may establish alternative hours of operation necessary for his or her department with the approval of the County Manager. An Elected Official may establish alternative hours of operation necessary for his or her department with notification to the County Manager. Other hours of operation apply to employees working in departments operating on a 24-hour basis.

Each employee is responsible for properly recording his or her attendance. Under no circumstances may an employee alter another employee's attendance record, including, but not limited to, changing or filling out another employee's time card and/or punching another employee in or out, unless specifically authorized by the Department Head in advance. Each Department Head shall be responsible for the attendance of all persons in his or her department. Violations of this Section may result in disciplinary action up to and including Termination.

SECTION 2 – GIFTS AND FAVORS

No employee shall solicit or accept for personal use, or for the use of others, any gift, favor, loan, gratuity, reward, promise of future employment, or any other thing of monetary value that might influence or appear to influence the judgment or conduct of the employee in the performance of his or her job. An employee may accept occasional unsolicited courtesy gifts (such as holiday baskets) as long as the gifts have a market value under $50, are customary in the industry, and do not influence or appear to influence the judgment or conduct of the employee in Spalding County's business.

An Elected Official may choose to follow this Section or establish his or her own policy.

SECTION 3 – POLITICAL ACTIVITY RESTRICTED

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political organizations in accordance with the Constitution and laws of the State of Georgia and in accordance with the Constitution and laws of the United States of America. However, no employee shall:

A. Engage in any political or partisan activity while on duty;
B. Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
C. Be required as a duty of employment or as a condition of employment, Promotion, or tenure in office to contribute funds for political or partisan purposes;
D. Coerce or compel contributions for political or partisan purposes by another employee of the County; or
E. Use any supplies or equipment of the County for political or partisan purposes.

County employees who work in connection with programs financed in whole or in part by federal loans or grants are subject to 5 CFR Part 151 (the Hatch Act as amended). This Act prohibits such an employee from:

A. Using his or her official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

B. Directly or indirectly coercing, attempting to coerce, command, or advise an officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose; or

C. Being a candidate for elective public office in a partisan election if the employee's salary is paid completely, directly or indirectly, by loans or grants made by the United States or a federal agency.

If any Spalding County employee seeks or accepts appointment or election to any public office that when the seeking or holding of such office would be incompatible with, or would substantially interfere with, or would create a Conflict of Interest in the discharge of his or her duties as an employee, such employee shall resign employment prior to assuming the public office if elected or appointed. If any Spalding County employee is elected or appointed to a public office in Spalding County government the employee shall resign employment prior to assuming the public office.

Any violation of this Section shall be considered misconduct and shall subject such employee to Termination or other disciplinary action.

SECTION 4 – OUTSIDE EMPLOYMENT

The work of the County shall take precedence over other occupational interests of employees. Employees must report, in writing, all Outside Employment for salaries, wages, or commission and all self-employment to the employee's Department Head and to the Human Resources Director. The Human Resources Director will report potentially conflicting employment to the County Manager. The County Manager will review such employment for possible Conflicts of Interest. The County has the right to expect that Outside Employment will not affect employee performance, attendance, or any other condition of employment

with the County. Outside work cannot be performed on the County's time and must not interfere at any time with an employee's ability to perform his or her work with maximum effectiveness and efficiency. Conflicting Outside Employment will be grounds for disciplinary action up to and including Termination.

An Elected Official may choose to follow this Section or establish his or her own procedures for Outside Employment.

SECTION 5 – EMPLOYMENT OF RELATIVES

A member of an employee's Immediate Family will be considered for employment on the basis of his or her qualifications. An Immediate Family member may not be hired, however, if employment would:

A. Create a supervisor/subordinate relationship with an Immediate Family member;
B. Have the potential for creating an adverse impact on work performance; or
C. Create either an actual Conflict of Interest or the appearance of a Conflict of Interest.

For the purpose of this Section, Immediate Family is defined as: mother, father, sister, brother, spouse, son, daughter, and step-child.

This Section should be taken into consideration when assigning, transferring, or considering any other personnel action which would create one of the above conditions.

Employees who become Immediate Family members as a result of marriage may continue employment as long as it does not create a supervisor/subordinate relationship, adversely impact work performance or create a Conflict of Interest. If the marriage creates a supervisor/subordinate relationship, adversely impacts work

performance or creates a Conflict of Interest, the employee(s) may be subject to disciplinary action up to and including Termination.

No Immediate Family member of a Commissioner will be employed by any department under the Board of Commissioners. However, if an employee's Immediate Family member is elected as a Commissioner after the employment of the employee then the employee may remain in his or her current Position.

An Elected Official may choose to follow this Section or establish his or her own procedures for employment of relatives.

SECTION 6 – DRIVING MOTOR VEHICLES

The County provides County-owned vehicles for employees to perform their assigned tasks during normal working hours. County-owned vehicles shall be used in accordance with the vehicle use policies approved by the Board of Commissioners.

Employees operating County vehicles, personal or other vehicles for County business, must possess a current valid Georgia driver's license appropriate for the vehicle being operated and must meet the County's driving standard. Employees shall observe all traffic laws, rules and regulations, and use common sense and good judgment. Employees operating emergency response vehicles must follow departmental rules for the operation of emergency response vehicles.

Accidents in a County vehicle must be reported immediately to the appropriate Department Head, Elected Official or designee.

SECTION 7 – SEATBELT USE

All employees and passengers are required to wear a seat belt when traveling in any vehicle while in the course of conducting County business. The requirement applies to business travel in a vehicle owned or leased by Spalding County, in a

rental vehicle, and in a vehicle owned by an employee when being used for County business.

An exception to wearing seatbelts will be permitted in the following circumstances:

A. Prisoners/suspects of law enforcement officers being transported for short distances in the back seat of the vehicle when restraining devices or other circumstances prevent the proper wearing of seatbelts.

B. Passengers in any motor vehicle where the manufacturer has not provided a seatbelt in the passenger's seat.

Failure to comply with this Section may subject the employee to disciplinary action, including Suspension and possible Termination.

SECTION 8 – CELL PHONE USE

The use of personal cell phones (including any digital communication device capability) shall be limited during the work day and County-owned cell phones are intended to be used for business purposes only.

A. **Personal Cell Phones** – During work time, employees are expected to exercise the same discretion in using personal cell phones as is expected using any County phone. Excessive personal cell phone usage during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are expected to make personal calls during non-work time when possible and to ensure that friends and family members are aware of the County's policy. Flexibility may be provided in circumstances that may require immediate personal phone use.

B. **County-owned Cell Phones** – Where business needs demand immediate access to an employee, the County may issue a County-

owned and serviced cell phone to an employee for work-related communications. County cell phones are for official business only. If an employee uses a County cell phone for personal business, he or she must document and reimburse the County for the cost of personal calls in accordance procedures established by the Finance department. County cell phones remain the property of the County and shall be subject to inspection or monitoring (including related records) at any time. Employees in possession of County equipment such as cell phones are expected to protect the equipment from loss, damage, or theft. Records of cell phone usage may be subject to public disclosure under the Georgia Open Records Act.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges are expected to reimburse the County for such expenses. An employee failing to reimburse the County will be considered to have left employment not in good standing and may be subject to action for recovery of the loss.

C. **Driving and Cell Phone Use** – Employees who operate a County vehicle or personal vehicle on County business are expected to refrain from using a cell phone while driving. Regardless of the circumstances, including slow or stopped traffic, employees are expected to pull off the roadway to a reasonably safe location and stop the vehicle before placing or accepting a call. If accepting a call is unavoidable and pulling off the roadway is not a safe option, employees are expected to keep the call short, refrain from discussing complicated or emotional issues, and keep their eyes on the road and other vehicles. Employees are prohibited from text messaging, reading and/or writing emails or similar distracting activities while

driving under any circumstances. Employees charged with traffic violations resulting from the use of a cell phone while driving on duty may be subject to disciplinary action and personal liability resulting from such traffic violations.

Drivers of Commercial Motor Vehicles are prohibited by U.S. Department of Transportation regulations from using hand-held cell phones while operating a Commercial Motor Vehicle.

D. **Audio or Video Recording** – Employees with personal or County-owned electronic communication devices that are camera-enabled are prohibited from using the audio and video recording functions of such devices anywhere during work hours unless authorized by a Department Head or Elected Official for a specific situation or occasion.

Violations of this Section will be subject to discipline, up to and including Termination.

SECTION 9 – COMPUTER, INTERNET AND EMAIL USE

This Section governs the use of Spalding County computer equipment, including software and data. Equipment owned or otherwise controlled by the County is authorized for employee use to perform his or her job duties. It is recognized that an employee may use personally owned computer equipment for County related business purposes and under such circumstances, the employee must comply with this Section when such equipment is used for County related business.

Employees shall exercise due care in maintaining, protecting and securing County-owned computer equipment. Equipment shall be maintained in working condition and any loss or damage of such equipment shall be immediately reported by the employee to his or her supervisor.

The safety and security of the County's computer system and resources must be considered at all times. Employees shall not share any password for any County computer with any unauthorized person, nor obtain any other user's password by any unauthorized means.

Use of any County-owned computer equipment (i.e. desktop and laptop computers, system terminals, printers, or others peripherals, or any software), is intended for County business purposes only. The County reserves the right to monitor all data, documents, electronic mail and other files at any time, with or without notice to the employee. The County Manager, Elected Official, Department Head, or designees may periodically audit the storage devices of all computers and reserve the right to remove any and all data not related to County business.

Software shall only be installed on a County-owned computer system with the approval of the County Manager, Elected Official or Department Head. All software shall comply with license agreements and be scanned for viruses prior to installation on either the County's computer networks, or any County-owned computer equipment.

Employees shall not create, install, or knowingly distribute a computer virus, Trojan horse, worm, time bomb, or other computer programming routine that is intended to damage, detrimentally interfere with, surreptitiously intercept, or expropriate any system, data, or personal information of any kind on any County computer, regardless of whether any demonstrable harm results. Employees shall immediately report all virus infections to the County Manager, Elected Official or Department Head.

For the protection of the County's computer users, all data, documents, and email shall be stored on the County's computer network servers. If any employee stores documents on a local hard disk, or any other media (such as magnetic media, optical media, flash drive, etc.) attached to either a County-owned or personal

computer, it is the employee's responsibility to maintain back-up copies of the data, documents, email messages and other files. Electronic records may be subject to public disclosure under the Georgia Open Records Act and must be maintained in accordance with the County's Records Retention policy.

A. **Internet Use** – The Internet is a useful research and communication resource that may be available to County employees for uses related to County business. This Section is intended to ensure that Internet use by County employees is consistent with all other County policies, all applicable laws, and the individual user's job responsibilities. This Section established basic guidelines for appropriate Internet use, intended in particular to prevent the misuse of Internet access. Each employee is responsible for the appropriate use of this resource. Department Heads and Elected Officials are responsible for ensuring that each employee is familiar with this Section.

   The following are specific use policies:

   1. Employee Internet access must be authorized by the appropriate Department Head or Elected Official in each County department.
   2. Access to the Internet via County equipment is intended to be used for County business. Employees cannot disrupt or interfere with the work performed by other users of the County's computer system or misrepresent the interest of the County.
   3. Limited Internet access for personal use may be permitted if it does not interfere with work responsibilities and does not disrupt the workplace.
   4. Employees may not use County equipment or resources to:

(a) Conduct a private business;

(b) Conduct political campaigning;

(c) Access sites that promote hatred or positions which are contrary to the County's policies;

(d) Access inappropriate sites such as, but not limited to, pornographic content, online gambling, and dating services;

(e) Access sites that promote illegal activity, copyright violation, or activity that violates the County's ethical standards;

(f) Use the Internet to obtain or disseminate language or material that would normally be prohibited in the workplace;

(g) Use encryption technology that has not been approved for use by the County;

(h) Distribute unauthorized "mass" emails to users;

(i) Access sites that distribute computer security exploits ("hacking" sites);

(j) Use security exploit tools ("hacking" tools) to attempt to elevate user privileges or obtain unauthorized resources;

(k) Use a County email address when posting to public forums such as blogs, social media sites, wikis, and discussion lists for personal use; or

(l) Use streaming media for entertainment that adversely affects system performance during work hours.

B. **Email Use** – All employee access to the County's email system must be authorized by the appropriate Department Head or Elected Official

in each department. Use of the email system should be for County business use only. No person shall read, alter, or delete the computer files or email of any other person without specific authorization. Employees sending Confidential Information via email should use secure and/or encrypted technology. Employees must be aware of, and at all times attempt to prevent potential County liability in their use of email and the Internet. All outgoing messages that are confidential in nature must include the following disclaimer:

> "NOTICE: This email message and all attachments transmitted with it may contain legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying, or other use of this message or attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by telephone or electronic mail, and delete this message and all copies and backups thereof."

Employees may be disciplined up to and including Termination for improper use of County-owned equipment, software, the Internet and the email system.

SECTION 10 – SOCIAL MEDIA

The purpose of this Section is to establish guidelines for employees who post information to and access personal web pages or social networking technologies. Social media can take many different forms, including text, images, audio, and

video. Social media sites typically use technologies that include, but are not limited to, blogs, message boards, podcasts, posts, wikis, and vlogs. Examples of social media applications include, but are not limited to, MySpace®, Facebook®, Twitter®, and Blogger®. Despite the fact that social media is an emerging and rapidly changing technology, the County, through this Section, seeks to establish some basic guidelines for employees who use social media technologies.

The intent of this policy is not to prohibit employees' personal expression on the Internet. However, an employee's online presence reflects upon the County, and employees should be aware that actions captured via images, posts or comments may discredit them and/or the County or adversely affect the efficiency or integrity of the County. Employees should be aware that information posted on the Internet is not secure or private, even if active steps are taken to restrict access to an employee's site. Once information has been posted on the Internet, it is generally trackable, traceable, and accessible indefinitely. Law enforcement employees, in particular, are advised that, in the event information has been posted on the Internet identifying them as a law enforcement officer, they may be ineligible for assignments in which anonymity is required.

All employees should be aware that due to the nature of their employment in the public sector, they are held to a higher standard. As a result, certain kinds of Internet postings may be detrimental to both the employee's personal and professional capacity. It is the employee's responsibility to ensure that the use of social media not interfere with the employee's work, the work of other employees, or the County's operations. Employees should exercise appropriate discretion, so as not to discredit the County or themselves as employees. Employees are expected to refrain from using ethnic slurs, personal insults, or obscenity, or using language that may be considered hateful, harassing, or bullying.

Employees may be "friends" on social media sites with other employees, at the discretion of both employees. No employee is obligated, however, to interact with co-workers through social media technologies.

It is the policy of the County that employees may not access social media technologies for personal use during work hours.

Employees may not use personal accounts on social media websites to represent the County or official County business, or include the use of the County's logo, images, or other promotional materials.

Employees may not use County-owned computers, phones, or other resources to access and post to personal social media website accounts.

Employees may not post any privileged or Confidential Information. Privileged or Confidential Information is information that is considered confidential by the Confidential Information Section of this Article.

SECTION 11 – CONFIDENTIAL INFORMATION

An employee may not directly or indirectly make use of Confidential Information acquired by virtue of employment with Spalding County in any manner except in the performance of his or her official duties. An employee may not provide to anyone or permit others to use Confidential Information except in the performance of his or her official duties.

Confidential Information is anything considered to be confidential under Georgia's Open Meetings and/or Open Records laws.

SECTION 12 – FITNESS-FOR-DUTY

Spalding County endeavors to provide a safe and productive work environment for the benefit of the employees and citizens of the County. Employees are expected to safely and effectively perform the essential functions of their job and to discuss

with their supervisor any circumstances that may affect their ability to do so. Spalding County may require an evaluation of an employee's physical or mental capabilities by a medical or mental health professional to determine his or her ability to perform the essential job functions.

A Department Head or Elected Official with a question or concern about an employee's ability to successfully perform the duties of a particular job may request a Fitness-For-Duty Exam. A Fitness-For-Duty Exam is an evaluation by a medical or a mental health professional selected by Spalding County to determine if an employee is physically or mentally able to perform the essential functions of a job. A request for a Fitness-For-Duty Exam must be job-related and consistent with business necessity and should only be initiated when:

A. An employee is returning from a long-term sickness or injury;
B. An employee claims that he or she is unable to perform certain essential functions of a job;
C. The Department Head or Elected Official believes that the employee cannot perform certain essential functions of a job;
D. The employee may pose a direct threat to self or others due to a medical and/or mental health condition; or
E. The employee's healthcare provider(s) provide incomplete or contradictory information.

A request for a Fitness-For-Duty Exam must be submitted in writing to the Human Resources Director and should include the employee's name, the specific problem(s) in work performance or safety that necessitates the Fitness-For-Duty Exam, the specific essential job function(s) that is/are impaired due to the medical and/or mental condition (including a description of the impairment), a description of observed symptoms (when, where, what and who witnessed), and any evidence

or documentation that substantiates work performance problem(s) or a direct threat.

The Human Resources Director will review the request with the Department Head, County Manager and/or Elected Official. If warranted, the Human Resources department will schedule the Fitness-For-Duty Exam and notify the Department Head or Elected Official, and the employee in writing and provide the applicable Authorization for Release of Medical Information form to the employee. The medical and/or mental health professional will provide a written report to the Human Resources Director, indicating whether the employee is fit for duty or not. If the evaluation by the medical or mental health professional concludes that the employee is not able to perform the essential functions of his or her Position, the Human Director will meet with the employee and Department Head or Elected Official to determine if there is a reasonable accommodation that will allow the employee to continue working. If a reasonable accommodation cannot be made, other options (such as finding a different Position, placing the employee on leave, or Termination of employment) may be considered and will be communicated to the employee by the Department Head or Elected Official.

SECTION 13 – UNLAWFUL HARASSMENT

Spalding County is committed to a work environment that is free from discriminatory practices, including Unlawful Harassment. It is illegal and against the policy of Spalding County for any person to harass, threaten, or intimidate an employee on the basis of race, color, religion, age, sex, disability, national origin, genetic information, or any other protected status. Spalding County will not tolerate conduct that constitutes Unlawful Harassment by its employees.

Any supervisor, agent, or employee who has harassed another employee on the basis of race, color, religion, age, sex, disability, national origin, genetic

information, or any other protected status will be subject to appropriate disciplinary action up to and including Termination.

Spalding County encourages any employee to raise questions he or she may have regarding discrimination, retaliation or harassment with the Human Resources Director or the County Manager.

Conduct that violates this Section includes, but is not limited to the following:

A. Unlawful Harassment can include, but is not limited to, creating an intimidating, hostile or offensive work environment for another on the basis of one's race, color, religion, age, sex, disability, national origin, genetic information, or any other protected status.

B. Unlawful Harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

   1. Submission to such conduct is made, directly or indirectly, a term or condition of a person's employment; or
   2. Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person.

C. Unlawful Harassment can include, but is not limited to:

   1. Verbal Harassment – Sexual innuendo, sexually suggestive comments, jokes, and/or teasing of an unwelcome nature, discussing sexual exploits, or continued requests for social or sexual contact.
   2. Physical Harassment – Unwelcome contact, touching or impeding movement.
   3. Visual Harassment – Unwelcome, derogatory or sexually suggestive posters, videos, cartoons, drawings, pictures, photographs, documents, writings, emails, staring or leering.

4. Sexual Favors – Unwanted sexual advances conditioning an employment benefit on an exchange of sexual favors.

For purposes of this Section, definitions are provided for the following terms:

A. **Unwelcome** – Used in the sense that the offended employee did not solicit or incite the conduct and regarded it as undesirable or offensive.

B. **Hostile/Offensive Work Environment** – Determined based on the particular circumstances, but shall include severe or pervasive written, verbal, or physical conduct directed toward an employee on the basis of one's race, color, religion, age, sex, disability, national origin, genetic information, or any other protected status.

C. **Reasonable Person Standard** – Based on the complainant's perspective, as long as that perspective is reasonable. In determining whether sexually offensive or other Unlawful Harassing conduct has occurred, it is no defense that the alleged harasser did not intend to harass. It is the impact on the complainant, not the intent of the alleged harasser that is evaluated. It is not a requirement that the complainant be the intended target of the offensive conduct. Witnessing offensive behavior between other employees may be grounds for complaint.

Supervisory and employee responsibilities under this Section are outlined as follows:

A. **Supervisory Responsibility** – Conduct of a harassing nature by any employee in a supervisory capacity is unacceptable and will not be tolerated. Supervisors are strictly prohibited from making any employment decision, directly or indirectly, based upon submission to, or rejection of, a request for a sexual favor. Supervisors are also

strictly prohibited from engaging in any conduct that could reasonably be construed by another employee as threatening, offensive or intimidating so as to constitute a Hostile Work Environment in violation of this Section. Any supervisor who engages in such conduct shall be subject to disciplinary action, up to and including Termination.

Each supervisor, Department Head, and Elected Official of Spalding County is responsible for maintaining a workplace free of sexual and other Unlawful Harassment. This duty includes discussing this Section with all employees and assuring them that they are not to endure insulting, degrading, or exploitative sexual or Unlawful Harassing treatment in violation of this Section, and to immediately report perceived violations of this Section.

Any supervisor or employee who retaliates against an individual or a witness for exercising his or her right to report sexual or other Unlawful Harassment shall be subject to severe disciplinary action, up to and including Termination.

B. **Employee Rights and Responsibilities** – Unlawful Harassment in the workplace will not be tolerated and any employee, who believes he or she has experienced such harassment, or has witnessed the harassment of another, has an obligation to report such conduct immediately. No employee who, in good faith, exercises the right to make a complaint of sexual or other Unlawful Harassment will be subjected to any retaliatory act or incur any penalty or adverse consequences. Any employee who knowingly makes a false statement during a sexual or other Unlawful Harassment investigation will be subject to disciplinary action, up to and including Termination.

C. **Employee Reporting Procedures** – An employee, who believes he or she has been subjected to sexual or other Unlawful Harassment, or believes he or she has witnessed such conduct, must report this immediately to his or her Department Head, Elected Official, Human Resources Director, or County Manager. Any reported allegations of harassment or retaliation will be investigated promptly and thoroughly. Complaints and investigations will be kept confidential to the extent legally possible.

It is extremely important that any Unlawful Harassment be reported immediately. Failure to report conduct in violation of this Section, or a delay in the reporting of it, may impede the County's ability to implement preventive or corrective measures when appropriate.

Any employee who interferes with or intimidates an individual or witness for exercising the right to report sexual or other Unlawful Harassment shall be subject to severe disciplinary action, up to and including Termination. The Human Resources Director shall be responsible for administering this Section.

SECTION 14 – CONFLICT OF INTEREST

Spalding County employees should refrain from relationships, activities or transactions that might be construed or interpreted as evidence of favoritism, coercion, unfair advantage, collusion, or financial benefit. Employees must disclose to his or her Department Head or Elected Official any such Conflict of Interest. The Department Head should review any Conflict of Interest and recommend a resolution to the County Manager. An Elected Official should review any Conflict of Interest and notify the County Manager of his or her decision regarding the conflict.

SECTION 15 – EMPLOYEE CONCERNS

The County Manager, Elected Officials, Department Heads, and supervisors are responsible for the day-to-day operations and activities in their respective departments. To that end, they should have the opportunity to respond to concerns raised regarding County policies and practices. Employees with a question or concern about a County policy and/or practice should first bring the matter to the attention of the appropriate Department Head, Elected Official, or County Manager.

Employee grievances should be pursued through the Grievance Procedure Article. Employees who believe that a violation of the Unlawful Harassment Section of this Article has occurred should immediately report the violation in accordance with the Unlawful Harassment Section.

SECTION 16 – DRESS CODE

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. The County's professional image is an important aspect of our organization. Whether or not an employee's job responsibilities place him or her in direct contact with County officials, state officials, legislators, or the public, employees represent the County by appearance as well as by actions. Properly attired employees help create a favorable image for the County.

No Dress Code can address all contingencies, and this Section does not attempt to itemize all current and future clothing options. The County reserves the right to interpret what is appropriate in the workplace. Clothing should be clean and maintained in a professional appearance with no holes or tears. Clothing should cover the chest, back, and midriff, and should not reveal undergarments. Good

personal hygiene is expected and facial hair should be clean and neatly trimmed. Employee identification should be worn and easily visible during work hours. Situations in which inappropriate attire is worn and/or any exceptions to the Dress Code will be addressed by the employee's Department Head in consultation with the County Manager, or by the employee's Elected Official. Employees who are improperly attired may be required to leave work to change their attire. Employees will not be compensated for the time they are away from work to change improper attire.

County issued uniforms may not be worn by employees except while on duty and while in transit from home to work and back. Exceptions may be made for wearing uniforms at other times by the Department Head, County Manager or Elected Official.

SECTION 17 – TOBACCO IN THE WORKPLACE

The County is committed to provide a safe and healthy environment for its employees, County officials, and visitors. For this reason, smoking by employees is not permitted inside County buildings, in County vehicles, or on County property.

SECTION 18 – GENERAL SAFETY RULES AND HAZARD COMMUNICATION

The County makes every reasonable effort to provide and maintain safe working conditions and information regarding chemical hazards. Employees are expected to immediately report any unsafe condition or practice that might result in an accident. All such reports should be made to the employee's supervisor, Department Head or Elected Official. Department Heads and Elected Officials should investigate reports of unsafe conditions, develop a corrective response and

report the unsafe condition and response to the Human Resources Director or County Manager.

Employees are expected to work in a safe manner, encourage others to work in a safe manner, and follow established general and departmental safety procedures. Employees are expected to:

A. Avoid all horseplay;
B. Practice good housekeeping in his or her own work area;
C. Use, adjust and repair equipment only when authorized by a supervisor;
D. Notify a supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair;
E. Use proper lifting techniques and obtain assistance to move heavy loads;
F. Not handle any chemicals, operate tools or equipment unless trained to do so;
G. Ensure containers of hazardous materials are properly labeled;
H. Report accidents, injuries, or unsafe conditions immediately;
I. Use proper safety equipment while performing various functions of the job; and
J. Wear protective clothing and high visibility reflective gear if applicable.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as traffic and parking violations, can result in disciplinary action, up to and including Termination.

SECTION 19 – WORKPLACE VIOLENCE

Spalding County does not tolerate acts of workplace violence committed by or against employees. The County strictly prohibits employees from making threats or engaging in violent acts. Prohibited conduct includes, but is not limited to:

A. Physically injuring another person;
B. Engaging in behavior that creates a reasonable fear of injury in another person;
C. Brandishing or using a weapon while on County premises or engaged in County business (does not apply to the lawful use of weapons by law enforcement employees in the performance of job duties);
D. Damaging property intentionally;
E. Threatening to injure an individual or damage property; and
F. Committing injurious acts motivated by, or related to, domestic violence or sexual harassment.

The lawful use of force by a law enforcement officer in accordance with the appropriate departmental policy is not considered prohibited conduct for purposes of this Section.

The Department Head or Elected Official should immediately investigate any reported violence, harassment, or threats committed by or against employees on County premises or during the course of employment.

An employee who commits violent acts or who otherwise violates this Section will be subject to discipline, up to and including Termination.

SECTION 20 – ALCOHOL AND SUBSTANCE ABUSE

Spalding County is committed to safeguarding the safety, welfare and property of its citizens, to providing the highest quality service, to maintaining a drug and alcohol free workplace, and to provide its employees with a safe and healthy place

in which to work. In keeping with this commitment, the use of prohibited drugs or the misuse of alcohol is prohibited for all employees.

This Section also establishes guidelines to maintain a drug and alcohol free workplace in compliance with the Drug-Free Workplace Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. An employee must report any criminal conviction for unlawful drug related activities occurring in the workplace to Spalding County within five (5) calendar days of the conviction.

This Section is intended to comply with all applicable federal regulations governing workplace anti-drug and alcohol programs for holders of a Commercial Driver's License (CDL). Specifically, the Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation (DOT) has published 49 CFR Part 382, as amended, which mandates urine drug testing and breath alcohol testing for Safety-Sensitive Positions, and prohibits the performance of Safety-Sensitive Functions when there is a Positive test result. The DOT has also published 49 CFR Part 40, as amended, which sets standards for the collection and testing of urine and breath specimens.

A. **Covered Employees** – This Section applies to all employees of Spalding County except for persons holding an elected office. A job applicant subject to Pre-Employment testing is also defined as a Covered Employee for purposes of this Section.

   This Section also applies to all persons performing Safety-Sensitive Functions who are required to have a CDL and who operate, as part of their duties, a Commercial Motor Vehicle (CMV). Under the authority of Spalding County, CDL drivers are covered by portions of this Section applicable to "all employees".

B. **Definitions** – the following definitions apply to this Section:

   1. **Accident** –

(a) For all employees:

(i) An incident involving a vehicle that results in:

a. The death of a person; or

b. Disabling Damage to one (1) or more vehicles and the vehicle(s) is/are transported away from the scene by a tow truck or other vehicle; or

c. Physical injury to a person who immediately receives medical treatment away from the scene of the Accident; or

d. A citation being issued to the employee within 32 hours of the occurrence under state or local law for a traffic violation.

(ii) An occurrence or incident that results in a person seeking, requiring and/or receiving medical treatment for an injury in connection with the occurrence or incident that may be reasonably due to the employee's negligence, failure to follow policy or procedure, or carelessness.

(b) For CDL drivers (tested under FMCSA regulations):

(i) An occurrence involving the operation of a CMV on a public road, if as a result:

a. A person dies; or

b. The Covered Employee receives a citation within 32 hours of the occurrence under state or local law for a moving traffic violation arising from the Accident, if:

i. A person suffers a bodily injury and immediately receives medical treatment away from the scene of the Accident; or

ii. One (1) or more vehicles incurs Disabling Damage as a result of the occurrence and is transported away from the scene by a tow truck or other vehicle.

2. **Adulterated Specimen** – A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

3. **Alcohol** – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.

4. **Alcohol Concentration** – Is expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.

5. **Canceled Test** –

(a) For all employees – A drug test that has been declared invalid by the Medical Review Officer. A Canceled Test is neither Positive nor Negative.

(b) For CDL drivers (tested under FMCSA regulations) – A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which 49 CFR Part 40 requires to be canceled. A Canceled Test is neither a Positive nor a Negative test.

6. **Commercial Motor Vehicle (CMV)** – Means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

   (a) Has a gross combination weight rating or gross vehicle weight of 26,001 pounds or more, inclusive of a towed unit with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds; or

   (b) Has a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more; or

   (c) Is designed to transport 16 or more passengers, including the driver; or

   (d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172).

   As defined by §40-5-142 of the Official Code of Georgia, firefighting or emergency equipment vehicles are not considered to be Commercial Motor Vehicles.

7. **Designated Employer Representative (DER)** – The individual identified by Spalding County to receive test results, related communications, and to take immediate action to remove (or cause to remove) an employee from Safety-Sensitive duties, and to make decisions in the testing and evaluation processes. In the case of employees of Elected Officials, the DER will recommend an action to the Elected Official. The Human Resources Director is the DER.

8. **Dilute Specimen** – A specimen with creatinine and specific gravity values that are lower than expected for human urine.

9. **Disabling Damage** – Damage which precludes departure of any vehicle from the scene of the Accident in its usual manner in daylight after simple repairs. Disabling Damage includes damage to vehicles that could have been driven but would have been further damaged if so driven. Disabling Damage does not include damage which can be remedied temporarily at the scene of the Accident without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that make them inoperative.

10. **Medical Review Officer (MRO)** – A licensed physician (doctor of medicine or osteopathy) responsible for receiving and reviewing laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's drug test result. An MRO reviewing drug test results of Covered Employees subject to 49 CFR Part 40 must meet the qualification requirements of that Part.

11. **Negative Test Result** – For a drug test, a Negative Result means the specimen contains no drug or the concentration of the drug or its metabolite is less than the cutoff concentration for the drug or drug class and the specimen is valid. An Alcohol Concentration of less than 0.02 Breath Alcohol Concentration (BAC) is a Negative Test Result.

12. **Non-Negative Test Result** – A urine specimen found to be Adulterated, Substituted, invalid, or Positive for drug(s) or drug metabolite(s). Non-Negative Results are considered a Positive Test or a Refusal to Test if the MRO cannot determine a legitimate medical explanation.

13. **Positive Test Result** – For a drug test, a Positive Result means the specimen contains a verified presence of the identified drug or its metabolite equal to or greater than the cutoff concentration for the drug or drug class. A Positive Alcohol Test Result means a confirmed Alcohol Concentration of 0.04 BAC or greater.

14. **Safety-Sensitive Positions** – For purposes of this Section the following are considered to be Safety-Sensitive Positions:

    (a) Positions that require the employee to operate, maintain or repair a motorized vehicle or equipment (including heavy equipment and other motorized equipment such as tractors, chain saws, and mowers);

    (b) Positions that are responsible for public safety (including, but not limited to, law enforcement officers, firefighters, emergency communication employees, correctional and detention officers, other Positions supervising inmate(s));

    (c) Medical care providers;

    (d) Positions that are responsible for supervising "minor children";

    (e) Any other Position identified by the County Manager and/or Elected Official and recommended to the Human Resources Director in which impairment caused by drug

or alcohol use would present a significant chance of harm to the employee, co-workers, or the general public as a result of inattention to duties or errors in judgment by the employee; and

(f) CDL drivers (tested under FMCSA regulations) when performing Safety-Sensitive Functions as defined by 49 CFR Part 382 to be all the time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work and includes the following:

(i) All time at a Spalding County or vendor facility, or on any public property, waiting to be dispatched;

(ii) All time inspecting, servicing, or conditioning any CMV at any time;

(iii) All time spent at the driving controls of a CMV in operation;

(iv) All time, other than driving time, in or upon any CMV;

(v) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

(vi) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

15. **Substance Abuse Professional (SAP)** – Means:

(a) A licensed physician (doctor of medicine or osteopathy); or licensed or certified psychologist, social worker, employee assistance professional; or state-licensed or certified marriage and family therapist; or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission, or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse, or by the National Board of Certified Counselors, Inc. and Affiliates/Master Addictions Counselor),

(b) With knowledge of and clinical experience in the diagnosis and treatment of controlled substance and alcohol related disorders, and

(c) Meeting the qualifications, training and continuing education requirements of 49 CFR Part 40.

16. **Substituted Specimen** – A specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

17. **Test Refusal** – The following are considered a Refusal to Test if the Covered Employee:

(a) Fails to appear for any test (except a Pre-Employment Test under 49 CFR Part 40) within a reasonable time, as determined by Spalding County, after being directed to do so by Spalding County;

(b) Fails to remain at the testing site until the testing process is complete (a Covered Employee subject to 49 CFR Part

40 who leaves the testing site before the testing process commences for a Pre-Employment Test under 49 CFR Part 40 is not deemed to have refused a test);

(c) Fails to provide a urine specimen or an adequate amount of breath for any drug or alcohol test (a Covered Employee subject to 49 CFR Part 40 who does not provide a urine specimen or an adequate amount of breath because he or she left the testing site before the testing process commences for a Pre-Employment Test under 49 CFR Part 40 is not deemed to have refused a test);

(d) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the provision of a specimen;

(e) Fails to provide a sufficient amount of urine or a sufficient breath specimen when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

(f) Fails or declines to take an additional drug test that either Spalding County or the collector has directed the employee to take;

(g) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the “shy bladder” or “shy lung” procedures;

(h) Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so);

(i) For an observed collection, fails to follow the observer's instructions to permit the observer to determine if the Covered Employee has any type of prosthetic or other device that could be used to interfere with the collection process;

(j) Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;

(k) Admits to the collector or MRO that the specimen was Adulterated or Substituted;

(l) If the MRO reports that there is a verified Adulterated or Substituted Test Result;

(m) Fails to sign the certification at Step 2 of the Alcohol Testing Form (ATF) or equivalent certification on a non-DOT alcohol testing form; or

(n) Fails to remain readily available for Post-Accident Testing following involvement in an Accident.

C. **Prohibited Substances** – Prohibited Substances addressed in this Section include the following:

1. For all employees:

(a) Prohibited Drugs – Drugs whose use, possession, or distribution is unlawful under federal or Georgia law.

The illegal use of prescription drugs that are controlled substances is also prohibited.

(b) Alcohol – Beverages or any other substances containing alcohol (including any mouthwash, medication, food, candy) such that alcohol is present in the body at an Alcohol Concentration of 0.04 or greater (0.02 for employees in Safety-Sensitive Positions) while the Covered Employee is on duty is prohibited.

The illegal use of drugs is prohibited at all times and reporting to work or being on duty while under the influence of alcohol is prohibited, therefore, Covered Employees may be tested for drugs or alcohol anytime that they are on duty.

2. <u>For CDL drivers (tested under FMCSA regulations)</u>:

(a) 49 CFR Parts 40 and 382 require that all Covered Employees be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine (PCP). (The medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds specified in 49 CFR Part 40 is a violation of this Section). The illegal use of these drugs is prohibited at all times and thus, Covered Employees may be tested for these drugs anytime that they are on duty.

(b) Alcohol – The use of beverages or any other substances containing alcohol (including any mouthwash, medication, food, candy) such that alcohol is present in the body while performing Safety-Sensitive job functions

is prohibited. An alcohol test can be performed on a Covered Employee under 49 CFR Part 382 just before, during, or just after the performance of Safety-Sensitive job functions.

D. **Prohibited Conduct** –

1. For all employees:

(a) Reporting to work or being on duty when using any prohibited drug, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the prescription drug will not adversely affect the employee's ability to safely perform the essential functions of his or her job;

(b) Possessing or consuming alcohol while on duty, or on Spalding County property, or while operating a County-owned motor vehicle;

(c) Reporting to work or being on duty while having an Alcohol Concentration of 0.04 or greater (0.02 for employees in Safety-Sensitive Positions) regardless of when the alcohol was consumed (employees should refrain from consuming alcohol within four (4) hours prior to the performance of his or her job duties or while On Call);

(d) Consuming alcohol within eight (8) hours following involvement in an Accident or until the employee undergoes a Post-Accident Alcohol Test, whichever occurs first;

(e) Unlawfully using, selling, distributing, dispensing, manufacturing, or possessing prohibited drugs or drug paraphernalia on County property, in a County vehicle, in uniform, or while on County business, either on or off duty.

2. For CDL drivers (tested under FMCSA regulations):

(a) Reporting for duty or remaining on duty requiring the performance of Safety-Sensitive Functions while having an Alcohol Concentration of 0.04 or greater regardless of when the alcohol was consumed;

(b) Consuming alcohol while performing Safety-Sensitive Functions;

(c) Consuming alcohol within four (4) hours prior to the performance of Safety-Sensitive Functions;

(d) Consuming alcohol within eight (8) hours following involvement in an Accident or until he or she undergoes a Post-Accident Alcohol Test, whichever occurs first;

(e) Reporting for duty or remaining on duty when using any Schedule I drug or substance (as defined by the U.S. Drug Enforcement Administration);

(f) Reporting for duty or remaining on duty when using a non-Schedule I drug, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in 49 CFR Part 382, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV.

Covered Employees in a Safety-Sensitive Position shall report, in writing, to the employee's supervisor, any medical use of a prohibited drug, medication, or substance that adversely affects the employee's ability to safely perform his or her job.

Spalding County shall not permit any Covered Employee to perform or continue to perform Safety-Sensitive Functions if it has actual knowledge that the employee is using alcohol or prohibited drug.

E. **Reasons for Testing** – All Covered Employees will be subject to urine drug testing and breath alcohol testing as a condition of employment with Spalding County. For CDL drivers (tested under FMCSA regulations) urine drug testing and breath alcohol testing will be conducted as required by 49 CFR Parts 40 and 382.

1. **Pre-Employment Testing** – Applicants for employment shall undergo urine drug testing prior to being hired or placed into a Position.

   (a) Offers of employment shall be extended conditionally upon the applicant passing a drug test. An applicant shall not be placed in a Position unless the applicant takes a drug test with a verified Negative Result.

   (b) A current employee in a non-Safety-Sensitive Position shall not be placed into a Safety-Sensitive Position until the employee takes a drug test with a verified Negative Result.

   (c) If an applicant fails a Pre-Employment drug test, the conditional offer of employment shall be withdrawn under the authority of Spalding County. Evidence of the absence of drug dependency from an SAP and a Negative

Pre-Employment drug test will be required prior to any further consideration for employment.

(d) If a current employee in a non-Safety Sensitive Position submits a drug test with a verified Positive Result prior to placement in a Safety-Sensitive Position, the employee will be subject to the consequences of violating this Section under the authority of Spalding County.

(e) If a Pre-Employment test is canceled, the applicant will be required to take another Pre-Employment drug test with a verified Negative Result.

(f) If a Pre-Employment test is Negative Dilute, the applicant will be required to take another Pre-Employment drug test. If the second test is also Negative Dilute the test result will be considered a Negative Result unless the MRO directs to do otherwise.

2. **Reasonable Suspicion Testing** – Covered Employees will be subject to a Reasonable Suspicion drug and/or alcohol test when there is a reason to believe that the employee is using drugs or alcohol in violation of this Section. Reasonable Suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Referrals for Reasonable Suspicion tests must be made by a supervisor trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee has violated this Section.

A Reasonable Suspicion drug and/or alcohol test can be performed any time the Covered Employee is on duty. A Reasonable Suspicion alcohol test can only be conducted on CDL drivers (tested under FMCSA regulations) just before, during, or just after the performance of a Safety-Sensitive job function.

An arrest for drug and/or alcohol related charges may be considered Reasonable Suspicion, after investigating the circumstances surrounding the arrest.

A written record of the observations which led to a Reasonable Suspicion drug and/or alcohol test shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the DER and shall be attached to the forms reporting the test results.

3. **Post-Accident Testing** –

   (a) For all employees – A Covered Employee will be required to undergo urine drug and breath alcohol testing if he or she is involved in an Accident as defined in this Section.

   (b) For CDL drivers (tested under FMCSA regulations) – A Covered Employee will be required to undergo urine drug and breath alcohol testing if he or she is involved in an Accident as defined in 49 CFR Part 382.

If a Covered Employee is subject to Post-Accident testing, he or she will be tested as soon as practicable, but within eight (8) hours after the Accident for alcohol, and within 32 hours for drugs. If an alcohol test is not performed within two (2) hours

of the Accident, the supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within eight (8) hours, or the drug test is not conducted within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

An employee subject to Post-Accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the Accident prior to submission to such test, may be deemed to have refused to submit to testing.

Nothing in this Section shall be construed to require the delay of necessary medical attention for an injured person following an Accident, or to prohibit an employee from leaving the scene of an Accident for the period necessary to obtain assistance in responding to the Accident, or to obtain necessary medical care.

In the event that Spalding County is unable to perform a drug and alcohol test (i.e., the employee is unconscious, the employee is detained by a law enforcement agency), Spalding County may use drug and alcohol Post-Accident test results administered by federal, state, or local law enforcement officials in lieu of the FMCSA or non-FMCSA test. The law enforcement officials must have independent authority for the test, the test must conform to federal, state, or local testing requirements and the results must be obtained by Spalding County.

4. **Random Testing** – Employees in Safety-Sensitive Positions will be subject to random, unannounced drug and alcohol

testing. The selection of employees for testing shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of Safety-Sensitive employees. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.

Each employee shall be in a pool from which the random selection is made. Each employee in the pool shall have an equal chance of selection each time the selection is made. Employees will remain in the pool and subject to selection whether or not the employee has been previously tested. There is no management discretion to alter or revise the selection of the individuals who are to be tested.

CDL drivers tested under FMCSA regulations will be in a separate random testing pool maintained under the FMCSA regulations. CDL drivers will not be included in the random testing pool for non-CDL Safety-Sensitive employees under this Section.

The number of Safety-Sensitive (non-CDL) employees randomly selected for drug and alcohol testing during the calendar year shall not be less than five (5) percent of the number of employees in the random testing pool. For CDL drivers (tested under FMCSA regulations) the number of employees randomly selected for DOT drug and alcohol testing during the calendar year shall not be less than the percentage rates established by DOT regulations.

An employee is required to proceed immediately to the collection site upon notification of his or her selection for random testing.

5. **Return-to-Duty Testing** – A Covered Employee who previously tested Positive on a drug or alcohol test, must test Negative for drugs, alcohol, or both and be evaluated and released by the SAP before returning to work. Following the initial assessment, the SAP will recommend an education and/or treatment program unique to the individual. A Return-to-Duty test will only be scheduled after the SAP has determined that the employee has successfully complied with the prescribed education and/or treatment.

6. **Follow-Up Testing** – A Covered Employee who returns to work after a Negative Return-to-Duty drug and/or alcohol test will be required to undergo frequent, unannounced Follow-Up drug and/or alcohol testing. The Follow-Up testing will be performed for a period of one (1) to five (5) years with a minimum of six (6) tests during the first year. The frequency and duration of the Follow-Up tests (beyond the minimum) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-Up testing should be frequent enough to deter and/or detect a relapse. Follow-Up testing is separate and in addition to any other testing an employee is subject to.

F. **Testing Requirements** – All Covered Employees are subject to urine drug testing and breath alcohol testing as a condition of employment with Spalding County.

Any Covered Employee who refuses to comply with a request for testing shall be removed from duty under this Section and will be subject to the consequences of violating this Section under the authority of Spalding County.

Any Covered Employee who is suspected of providing false information in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification that a test result has been falsified or that an employee has provided false information in connection with a test will be considered a Test Refusal and will result in the employee's removal from duty under this Section and the employee will be subject to the consequences of violating this Section under the authority of Spalding County.

G. **Drug Testing Procedures** – Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities approved by the U.S. Department of Health and Human Services (DHHS). All testing for CDL drivers (tested under FMCSA regulations) will be conducted consistent with the procedures set forth in 49 CFR Part 40. The procedures will be performed in a private, confidential manner and every effort will be made to protect the privacy of the employee being tested, the integrity of the drug testing procedure, and the validity of the test result. After the identity of the donor is confirmed using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40. Each specimen will be accompanied by a Drug Testing Custody and

Control Form (CCF) and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a DHHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not Negative, a confirmatory test will be performed. The test will be considered Positive if the amounts of the drug(s) and/or its metabolites identified by the confirmatory test are equal to or greater than the cutoff concentrations for the drug or drug class.

The test results from the laboratory will be reported to an MRO. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed Positive, Substituted, invalid, or Adulterated test result. The MRO will attempt to contact the employee to notify him or her of a Non-Negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/records as appropriate to determine whether there is a legitimate medical explanation for a Non-Negative laboratory result. If no legitimate medical explanation is found, the test will be verified Positive or Refusal to Test and reported to the DER. If a legitimate explanation is found, the MRO will report the test result as Negative to the DER and no further action will be taken. If the test is invalid without a medical explanation, a retest will be conducted under direct observation.

Any Covered Employee who questions the results of a required drug test under this Section may request that the split specimen be tested.

The split specimen test must be conducted at a second DHHS certified laboratory. The test must be conducted on the split specimen that was provided by the employee at the same time as the primary specimen. The method of collecting, storing, and testing the split specimen will be consistent with the procedures set forth in 49 CFR Part 40. The employee's request for a split specimen test must be made to the MRO within 72 hours of notice of the original specimen verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Spalding County will ensure that the cost for the split specimen is covered in order to conduct a timely analysis of the specimen. Spalding County will seek reimbursement for the split specimen test from the employee under its authority.

If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled and will direct the DER to retest the employee under direct observation.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is Negative, the split specimen will be discarded. If the primary specimen is Positive, the split specimen will be retained for testing if so requested by the employee through the MRO. If the primary specimen is Positive, it will be retained in frozen storage for one (1) year and the split specimen will also be retained for one (1) year.

H. **Observed Collections** – For all employees, including CDL drivers consistent with 49 CFR Part 40, collection under direct observation (by a person of the same gender) with no advance notice will occur if:

1. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Spalding County that there was not an adequate medical explanation for the result;
2. The MRO reports to Spalding County that the original Positive, Adulterated, or Substituted test result had to be canceled because the test of the split specimen could not be performed;
3. The laboratory reports to the MRO that a specimen was Negative Dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL and the MRO reports to Spalding County that the specimen is Negative Dilute; or
4. The drug test is a Return-to-Duty test or a Follow-Up test.

The collector must immediately conduct a collection under direct observation if:

1. Directed by the DER to do so;
2. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
3. The temperature on the original specimen was out of range; or
4. The original specimen appears to have been tampered with.

I. **Alcohol Testing Procedures** – For all employees, including CDL drivers (tested under FMCSA regulations) subject to 49 CFR Part 40, tests for breath Alcohol Concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved

Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device approved by NHTSA. If the initial test indicates an Alcohol Concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test using a NHTSA-approved EBT operated by a trained BAT. The confirmation test will be conducted at least 15 minutes after the completion of the initial test. The EBT will identify each test by a unique identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an alcohol testing form (DOT Alcohol Testing Form for CDL drivers), will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner. The procedure will be followed as prescribed to protect the privacy of the employee being tested, to maintain the integrity of the alcohol testing procedures, and validity of the test result.

An employee who has a confirmed Alcohol Concentration of 0.04 or greater will be considered a Positive alcohol test and in violation of this Section. An employee in a Safety-Sensitive Position who has a confirmed Alcohol Concentration of 0.02 to 0.039 is not considered Positive, however, the employee shall still be removed from duty for at least 24 hours under this Section and the employee will be subject to the consequences of violating this Section under the authority of Spalding County. An Alcohol Concentration of less than 0.02 will be considered a Negative test.

J. **Consequences of Violations** –

1. If an applicant for employment has a Positive Pre-Employment drug test, the conditional offer of employment will be withdrawn and the applicant will not be hired. The applicant may be considered for future employment after a one (1) year waiting period, if he or she completes a new application for employment, provides evidence of the absence of drug dependency from an SAP and has a verified Negative Pre-Employment drug test result.
2. If an employee has a Positive Pre-Employment drug test prior to being placed in a Safety-Sensitive Position covered by this Section, as soon as practicable after receiving notice of a verified Positive drug test result, the DER will contact the employee's supervisor to have the employee cease performing any work. The employee will be informed of educational and/or treatment programs available, and referred to an SAP for assessment.
3. If an employee has a Positive Reasonable Suspicion, Post-Accident, or Random drug or alcohol test covered by this Section, as soon as practicable after receiving notice of a verified Positive drug or alcohol test result, the DER will contact the employee's supervisor to have the employee cease performing any work. The employee will be informed of educational and/or treatment programs available, and referred to an SAP for assessment.
4. If the employee agrees to a referral to an SAP, he or she will be placed on a leave of absence under the Leave Without Pay

Section of the Leaves of Absence Article during the time he or she is undergoing evaluation and/or treatment. The SAP will evaluate the employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse. No employee will be allowed to return to duty without approval of the SAP. An employee who fails to accept a referral to an SAP after testing Positive for drugs or alcohol will be Terminated. An employee who fails or refuses to successfully comply with the prescribed education and/or treatment will be Terminated. Spalding County is not responsible for providing or paying for an SAP evaluation or any subsequent recommended education or treatment for an employee who has violated this Section.

5. An alcohol test result with a concentration of 0.02 to 0.039 for an employee in a Safety-Sensitive Position shall result in the removal of the employee from duty for a minimum of 24 hours. Under the authority of Spalding County, the employee will not be returned to work until another alcohol test is administered with a result of less than 0.02; such time off from duty will be treated as leave without pay and the employee may be subject to discipline under the Disciplinary Actions Article.

6. Under the authority of Spalding County –

   (a) Any Temporary, Seasonal or Probationary employee with a Positive drug or alcohol test of any kind will be Terminated.

   (b) Any employee who refuses a drug and/or alcohol test will be Terminated.

(c) Any employee who has a Positive Return-to-Duty or Follow-Up drug and/or alcohol test will be Terminated.

(d) Any employee who has a second Positive drug and/or alcohol test of any kind will be Terminated.

(e) Any employee Terminated for a Positive drug and/or alcohol test must present evidence of the successful completion of an education and treatment program from an SAP and a Negative Pre-Employment drug test prior to any consideration for re-employment. An employee Terminated for a Positive drug and/or alcohol test may not be re-employed within one (1) year after the Termination.

7. For CDL drivers (tested under FMCSA regulations), the consequences specified by 49 CFR Part 382 for a Positive test or Test Refusal are not subject to reversal by any party hearing a grievance or appeal.

K. **Education and Training** – Each Covered Employee will receive a copy of this Section and sign a statement certifying that he or she has received a copy of this Section. CDL drivers (under FMCSA) will have ready access to 49 CFR Parts 40 and 382. In addition, Covered Employees will receive information on the effects of alcohol and prohibited drug use on personal health, safety, and the work environment. The information also includes manifestations and behavioral cues that may indicate prohibited alcohol and drug use. Supervisory personnel who are in a position to determine if an employee should be administered a Reasonable Suspicion drug and/or alcohol test will receive at least 60 minutes of training on the physical,

behavioral, speech, and performance indicators of probable drug use and at least 60 minutes of additional training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

L. **Information Disclosure** – Drug and alcohol testing records shall be maintained by the DER.

1. Applicants for Employment – To be considered for employment in a Safety-Sensitive Position covered by 49 CFR Part 382, all applicants must provide consent for Spalding County to conduct a background check of the applicant's drug and alcohol testing records with previous DOT covered employer(s) over the two (2) years before the date of application or transfer. The information requested will include:

   (a) Alcohol tests with a result of 0.04 or higher Alcohol Concentration;

   (b) Verified Positive drug tests;

   (c) Refusals to be tested (including verified Adulterated or Substituted drug test results);

   (d) Other violations of DOT agency drug and alcohol testing regulations;

   (e) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT Return-to-Duty requirements (including Follow-Up tests).

   Applicants for employment in any Position not covered by 49 CFR Part 382 must disclose whether he or she failed or refused a drug or alcohol test within two (2) years before the date of

application. Applicants for employment in a Safety-Sensitive Position covered by 49 CFR Part 382 must disclose whether he or she failed or refused a Pre-Employment DOT drug or alcohol test within two (2) years before the date of application.

2. For all employees – If a third party requests information regarding a disciplinary action against a Covered Employee based on a violation of this Section, the reason given will be that the Covered Employee failed to comply with this Section. No further information will be given to the third party without the written consent of the Covered Employee except as provided below or by law:

   (a) The employee, upon written request, may obtain a copy of any records pertaining to his or her use of prohibited drugs or misuse of alcohol including records of the employee's drug and/or alcohol tests.

   (b) Records of a verified Positive drug test result, a confirmed alcohol test result, or a Test Refusal will be released to a Department Head or Elected Official on a need to know basis.

   (c) Records of an employee's drug and/or alcohol tests shall be released to the adjudicator in a lawsuit, grievance, or other administrative proceeding initiated by or on behalf of the tested individual arising from the results of the drug and/or alcohol test or Refusal to Test.

   (d) Records of an employee's drug and/or alcohol tests shall be released to the court in a criminal or civil action, in which a court of competent jurisdiction determines that

the drug or alcohol test information sought is relevant to the case and issues an order directing the production of the records.

3. For CDL drivers (tested under FMCSA regulations) – Except as provided below or by law, the results of any drug and/or alcohol test of a CDL driver (tested under FMCSA regulations) shall not be disclosed without express written consent of the tested employee:

   (a) The employee, upon written request, may obtain a copy of any records pertaining to his or her use of prohibited drugs or misuse of alcohol including records of the employee's drug and/or alcohol tests.

   (b) Records of a verified Positive drug test result, a confirmed alcohol test result, or a Test Refusal will be released to a Department Head or Elected Official on a need to know basis.

   (c) Records will be released to a subsequent employer only upon receipt of a written request from the employee.

   (d) Records of an employee's drug and/or alcohol tests shall be released to the adjudicator in a lawsuit, grievance, or other administrative proceeding initiated by or on behalf of the tested individual arising from the results of the drug and/or alcohol test or Refusal to Test. The employee will be notified in writing of any information released.

   (e) Records of an employee's drug and/or alcohol tests shall be released to the court in a criminal or civil action

resulting from an employee's performance of Safety-Sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the production of the records. The employee will be notified in writing of any information released.

(f) Records will be released if requested by the National Transportation Safety Board as part of an Accident investigation.

(g) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.

(h) Records will be released if requested by a federal, state, or local safety agency with regulatory authority over Spalding County or the employee.

ARTICLE VI – LEAVES OF ABSENCE

SECTION 1 – HOLIDAYS

The following days are designated as paid Holidays for Full-time Employees:

A. New Year's Day
B. Martin Luther King, Jr.'s Birthday
C. Good Friday
D. Memorial Day
E. Independence Day
F. Labor Day
G. Thanksgiving Day
H. Day after Thanksgiving
I. Christmas Eve
J. Christmas Day

When a Holiday falls on a Saturday, that Holiday shall be observed on the preceding Friday. When a Holiday falls on a Sunday, that Holiday shall be observed on the following Monday. The Board of Commissioners may designate other days as Holidays during the year at its discretion.

An employee may request Annual leave to be away from work on other days for religious observances. Department Heads and Elected Officials should attempt to arrange the work schedule so that an employee may be granted Annual leave if it is requested because the day is a religious observance for the employee. Annual leave should only be denied when approval of the leave would create an undue hardship for the department that cannot be resolved in any other manner.

An employee must work, or be on paid leave, on his or her regularly scheduled work day before and regularly scheduled work day after a Holiday, to be paid for the Holiday.

SECTION 2 – HOLIDAY – WHEN WORK REQUIRED

Employees assigned to fire protection activities with a 28-day Work Period shall accrue 10.75 hours per Holiday to be taken at a later date. The maximum number of Holiday hours that may be accrued is 108 hours.

Employees assigned to law enforcement activities with a 14-day Work Period, and communications employees in the Sheriff's department and E-911 department shall accrue eight (8) hours per Holiday to be taken at a later date. The maximum number of Holiday hours that may be accrued is 80 hours.

Other employees required to work on a Holiday will accrue eight (8) hours per each Holiday worked to be taken at a later date. The maximum number of Holiday hours that may be accrued is 80 hours.

If an employee accrues hours off per Holiday and separates employment with the County for any reason, any Holiday hours that have not been taken will be paid at the time of separation.

SECTION 3 – HOLIDAYS AND OTHER PAID LEAVE

A Holiday that occurs during an employee's scheduled paid leave will be paid as a Holiday and will not be charged as Annual leave, Sick leave, or other paid leave.

SECTION 4 – ANNUAL LEAVE

Full-time Employees shall accrue Annual leave in accordance with this Article. Annual leave requested by the employee requires the approval of the employee's Department Head, Elected Official, or designee prior to the leave being taken.

SECTION 5 – ANNUAL LEAVE – PROBATIONARY EMPLOYEES

Employees serving a Probationary Period following initial appointment shall accrue Annual leave but may not be permitted to take Annual leave during the

initial Probationary Period unless the denial of such leave will create an unusual hardship. Annual leave may only be taken during the initial Probationary Period with the approval of the Department Head or Elected Official.

SECTION 6 – ANNUAL LEAVE – MANNER OF ACCRUAL

The employee's anniversary date of Full-time employment shall be used for determining the accrual rate of Annual leave. Annual leave will accrue on the last day of the month and may be available for use on the first day of the following month. An employee shall accrue Annual leave at the end of the first month of Full-time employment if the date of Full-time employment occurs on or before the 15th day of the month. Full-time Employees, other than employees assigned to fire protection activities with a 28-day Work Period, shall accrue Annual leave at the following rates:

Years of Full-time Service	Hours Accrued per Month
Less than 1 year	4
1 year but less than 4 years	6
4 years but less than 10 years	8
10 years but less than 15 years	10
15 years or more	12

Employees assigned to fire protection activities with a 28-day Work Period shall accrue Annual leave at the following rates:

Years of Full-time Service	Hours Accrued per Month
Less than 1 year	5.5
1 year but less than 4 years	8
4 years but less than 10 years	11
10 years but less than 15 years	13.5
15 years or more	16

SECTION 7 – ANNUAL LEAVE – MAXIMUM ACCRUAL

Annual leave may be accrued with no maximum until December 31st of each calendar year. Annual leave in excess of the following amounts shall not be carried over to the next calendar year:

A. 240 hours for employees not assigned to fire protection activities with a 28-day Work Period.

B. 320 hours for employees assigned to fire protection activities with a 28-day Work Period.

Due to the necessity of keeping all County functions in operation, Department Heads or Elected Officials may not be able to approve an employee's Annual leave request late in the calendar year. If an employee has excess Annual leave accrued during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration in scheduling Annual leave.

SECTION 8 – ANNUAL LEAVE – AT SEPARATION OF EMPLOYMENT

An employee who separates employment from the County shall be paid for Annual leave accrued to the date of separation, not to exceed the relevant maximum carry over to the next calendar year as permitted in the Annual Leave – Maximum Accrual Section of this Article.

Accrued Annual leave shall be paid to the estate of an employee who dies while employed by the County, not to exceed the relevant maximum carry over to the next calendar year as permitted in the Annual Leave – Maximum Accrual Section of this Article. The date of death shall be used as the date of separation for purposes of determining such payment.

An employee who moves into a Position that is not eligible to accrue Annual leave shall be paid for Annual leave accrued to the date of the move, not to exceed the relevant maximum carry over to the next calendar year.

SECTION 9 – SICK LEAVE

Full-time Employees shall accrue Sick leave in accordance with this Article. Sick Leave with pay is not a right which an employee may demand but a privilege granted by the Board of Commissioners for the benefit of an employee when sick. Sick leave shall be granted to an employee absent from work for any of the following reasons: sickness, injury, disability, medical or dental examinations, or exposure to a contagious disease when continuing to work might jeopardize the health of others. Sick leave may be used for the employee or an employee's immediate family member when the employee's presence is required to care for the family member. For the purposes of Sick leave, immediate family shall include spouse, parent, child, plus the various combinations of step, in-law, and adopted relationships that can be derived from those named.

When Sick leave is foreseeable, requests to take Sick leave shall be submitted to the employee's supervisor prior to the leave. When Sick leave is not foreseeable, the employee shall notify to supervisor as soon as possible. The employee shall follow the appropriate department procedures for requesting Sick leave.

SECTION 10 – SICK LEAVE – MANNER OF ACCRUAL

Sick leave will accrue on the last day of the month and may be available for use on the first day of the following month. An employee shall accrue Sick leave at the end of the first month of Full-time employment if the date of Full-time employment occurs on or before the 15th day of the month.

Full-time Employees shall accrue Sick leave at the following rates:

A. Eight (8) hours per month for employees who are not assigned to fire protection activities with a 28-day Work Period.

B. 11 hours per month for employees who are assigned to fire protection activities with a 28-day Work Period.

The County Manager may approve a request by an Elected Official or Department Head to advance Sick leave to an employee who has exhausted his or her accrued Sick leave because of a Serious Medical Emergency as defined in the Leave Sharing Section of this Article. The amount of advanced Sick Leave may not exceed the number of hours an employee can accrue during the remainder of the current calendar year.

If an employee separates employment before the end of the calendar year in which Sick leave is advanced, the employee shall reimburse the County for any Sick leave advanced between the employee's date of separation and the end of the calendar year.

SECTION 11 – SICK LEAVE – MAXIMUM ACCRUAL

Sick leave may be accrued with no maximum until December 31st of each calendar year. Sick leave in excess of the following amounts shall not be carried over to the next calendar year:

A. 960 hours for employees not assigned to fire protection activities with a 28-day Work Period.

B. 1,277 hours for employees assigned to fire protection activities with a 28-day Work Period.

SECTION 12 – SICK LEAVE – PHYSICIAN'S CERTIFICATE

A supervisor, Department Head or Elected Official may require an employee to provide a physician's certificate to verify the medical need for the employee's

absence and/or the employee's physical capacity to resume duties for each occasion on which an employee uses Sick leave to ensure that there is no abuse of Sick leave privileges. A physician's certificate shall be required when Sick leave is used for five (5) or more consecutive work days. A physician's certificate shall be required when Sick leave is used for three (3) or more consecutive work days by employees who are assigned to fire protection activities with a 28-day Work Period. An employee may be required to authorize the physician to confirm the validity of the certificate, that he or she treated the employee and that the employee was not able to work on the date(s) of Sick leave.

The requirement for an employee to provide a physician's certificate shall not conflict with the Family and Medical Leave Act.

SECTION 13 – ANNUAL LEAVE AND SICK LEAVE – ELIGIBILITY TO ACCRUE

An employee must be in an approved pay status (hours worked or paid leave) for at least half of the employee's scheduled work days during a month in order to accrue Annual leave and Sick leave for the month.

SECTION 14 – FUNERAL LEAVE

Full-time Employees will be granted Funeral leave for up to 24 hours with pay if an employee is absent from duty as a result of a death in the immediate family. For the purposes of Funeral leave, immediate family shall include spouse, parent, child, sister, brother, grandparent, grandchild, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named. If additional leave is needed, or if leave is needed for someone other than an immediate family member, an employee may request to use Annual leave and/or Offset Time.

The Department Head or Elected Official may require reasonable proof of an employee's eligibility for Funeral leave.

SECTION 15 – ADMINISTRATIVE LEAVE

Administrative leave is leave-with-pay that is authorized by the County Manager or Elected Official to meet a County need.

A. The County Manager or Elected Official may grant an employee up to four (4) hours of paid Administrative leave for participation in a County-sponsored activity.

B. The County Manager or Elected Official may approve an employee who is a member of a voluntary emergency service organization to receive paid Administrative leave for an absence when called to respond to an emergency circumstance.

SECTION 16 – LEAVE OF ABSENCE WITHOUT PAY

A Regular Full-time, Regular Part-time, or Probationary employee may be granted a Leave of Absence Without Pay for up to 48 scheduled work hours by the Department Head. A Regular Full-time or Regular Part-time Employee may be granted a Leave of Absence Without Pay for up to one (1) year by the County Manager or Elected Official.

The employee must submit a written request for a Leave of Absence Without Pay to the Department Head or Elected Official for approval. If the leave request exceeds 48 hours the Department Head must forward the request with a recommendation for approval or denial to the County Manager.

Leave without pay shall be used for the following reasons:

A. The employee's illness or personal disability or to provide care for the employee's spouse, parent or child who is ill or disabled after accrued Sick leave, Annual leave, and Offset Time have been exhausted.

B. Continuation of the employee's education, special work that will permit the County to benefit from the experience gained or the work performed by the employee, or for other reasons deemed justified by the Department Head, Elected Official and/or County Manager after accrued Annual leave and Offset Time have been exhausted.

An employee on an approved Leave of Absence Without Pay of up to 30 calendar days will be returned to his or her former job at the end of the leave.

An employee on an approved Leave of Absence Without Pay of more than 30 calendar days is not guaranteed continuation of employment at the expiration of the leave unless provided by appropriate state or federal law. However, if possible, the employee will be returned in accordance with the following priorities:

A. The employee is placed in the former job, if available; or

B. In a comparable job at the same pay grade, if available (at the same rate of pay); or

C. In a job with a lower pay grade, if available; or

D. If no job is available at the expiration of the leave, the employee will be separated from employment.

An employee who is able to return to work prior to the expiration of the Leave of Absence Without Pay must submit a written notification to his or her Department Head at least five (5) calendar days prior to the date he or she desires to return.

An employee who fails to contact the Department Head regarding returning to work at the expiration of the Leave of Absence Without Pay will be considered to have voluntarily Resigned.

SECTION 17 – LEAVE OF ABSENCE WITHOUT PAY – CONTINUATION OF BENEFITS

An employee will cease to accrue Annual leave and Sick leave on the date the Leave of Absence Without Pay begins. Eligibility to continue participation in employee benefits while on a Leave of Absence Without Pay is determined by each benefit plan document.

An employee on a Leave of Absence Without Pay must contact the Human Resources department to pay his or her share of any insurance premiums during the first 12 weeks of leave without pay. After 12 weeks of leave without pay the employee must pay the full insurance premium, unless otherwise specified by state or federal law.

SECTION 18 – WORKERS' COMPENSATION LEAVE

An employee's paid leave is not charged for time lost from work on the day of the injury. However, the employee is expected to return to work, unless the treating physician gives the employee a statement that he or she is not able to return to work.

An employee who is temporarily disabled because of an injury or illness sustained directly in the performance of his or her work may be eligible for income benefits for time lost from work in accordance with the Georgia Workers' Compensation Act. The regular salary of an employee receiving workers' compensation income benefits shall be suspended during the period the income benefits are being paid. A Full-time Employee may elect, in writing, to use accrued Sick leave, Annual leave and/or Offset Time for the seven (7) day "waiting period" immediately following the date of injury. A Full-time Employee may elect, in writing, to use accrued Sick leave, Annual leave and/or Offset Time in lieu of receiving the weekly income benefit provided by workers' compensation.

An employee who is permanently disabled and unable to perform the essential functions of his or her Position, with or without reasonable accommodation, may be separated from employment in accordance with the Disability Section of the Separation and Reinstatement Article.

SECTION 19 – MILITARY LEAVE

Spalding County provides Military leave to employees in accordance with the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA) and Georgia law. USERRA provides guidelines for employees who elect Military leave and for the prompt re-employment of employees who left employment to perform military training or service in one of the Uniformed Services and who have completed such service under honorable conditions.

The Uniformed Services includes the Armed Forces; the Army National Guard and Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Service; and any other category of persons designated by the President in time of war or emergency. A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a Uniformed Service shall not be denied initial employment, re-employment, retention of employment, promotion, or any benefit of employment on the basis of that membership, application for membership, performance of service, application for service or obligation.

An employee is required to notify his or Department Head or Elected Official that he or she needs time off for military duty and provide a copy of his or her military orders, unless giving such notice is impossible or unreasonable.

In accordance with Georgia law (O.C.G.A. §38-2-279) an employee will receive Military leave with pay while on ordered state or federal military duty, including

but not limited to attendance at a service school conducted by the military forces of the United States, and while going to or returning from such duty or school, for up to 18 days (no more than 144 hours) in any one (1) federal fiscal year. In the event the Governor of Georgia declares an emergency and orders an employee to state active duty as a member of the National Guard, such employee will be paid for a period not exceeding 30 days (no more than 240 hours) in any one (1) federal fiscal year.

In accordance with USERRA, an employee may elect, but is not required, to use accrued Annual leave while on Military leave. An employee electing to use accrued Annual leave while on Military leave must submit the request in writing to the Human Resources department. To the extent that Military leave is taken as paid leave, an employee on Military leave will continue to accrue Annual leave and Sick leave during the paid portion of the leave. An employee does not accrue Annual leave and Sick leave while on unpaid leave.

An employee and his or her dependents are eligible to continue participation in the health and dental plan and medical flexible spending account while the employee is on Military leave by paying the employee's share of the insurance premium if the Military leave is less than 31 days. If the Military leave is longer than 31 days, the employee may continue coverage by paying the full insurance premium. The maximum period of coverage shall be the lesser of:

A. The 24 month period beginning the date the employee's leave of absence begins; or

B. The day after the date on which the person fails to return to (or apply for) a Position of employment as described in the application provision of USERRA.

If the employee cancels his or her health and dental plan while on Military leave, upon re-employment, the employee must notify the Human Resources department

within 31 days of returning to work in order to re-enroll in the health and dental plan(s) in which he or she was enrolled prior to the leave.

The employee and dependents may continue enrollment in other insurance plans by paying the monthly premium(s), subject to the provisions of each benefit plan document.

An employee, other than a Temporary employee, who is absent from work for the reason of serving in the Uniformed Services, or for the purpose of an examination to determine fitness to perform service in the Uniformed Services, whether voluntarily or involuntarily, is entitled to re-employment rights and other benefits if:

A. The employee is able to perform the essential functions of the job;

B. The periods of absence from Spalding County employment attributable to service in the Uniformed Services do not exceed a cumulative total of five (5) years, not to include those periods of service expressly exempted from this five (5) year limitation by federal law (20 CFR Part 1002.103);

C. The employee is discharged under conditions other than a character of service identified in 20 CFR Part 1002.135 that would make the employee ineligible for re-employment; and

D. The employee reports for or applies for re-employment according to the following time limits (based on the length of the current military service from which the employee is returning):

    1. Unless applicable law provides otherwise, an employee whose period of Uniformed Service is 30 days or less must report to work on the first regularly scheduled workday following eight (8) hours of rest time upon returning from the place of duty.

2. An employee whose period of Uniformed Service was from 31 days to 180 days must submit a verbal or written application for re-employment no later than 14 days after the completion of service.
3. An employee whose period of Uniformed Service was more than 180 days must submit a verbal or written application for re-employment no later than 90 days after completion of service.
4. An employee who, at the time of release from military service, is hospitalized for or recuperating from an illness or injury incurred or aggravated during the Uniformed Service must report for re-employment (if the period of military service was less than 31 days) or apply for re-employment (if the period of military service was 31 days or more) at the end of the period necessary for recovery from the illness or injury, provided the recovery period does not exceed two (2) years after completion of service.

Documentation must be provided by the employee to establish timeliness of application, and to ensure that all eligibility requirements for re-employment are met. Failure to provide documentation cannot be used as a basis to deny re-employment if the requested information is not readily available through no fault of the employee.

SECTION 20 – CIVIL LEAVE

A Full-time Employee called for jury duty; or as a court witness for the federal government, state government, or a subdivision thereof; during his or her scheduled work time, shall receive Civil leave with pay for scheduled work time

lost as a result of such duty. The employee shall provide a copy of the jury summons or subpoena to his or her supervisor.

An employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation, except that an employee appearing in court in connection with his or her official County duties must turn over any witness fees or travel allowances awarded by that court to the County.

An employee on Civil leave, will continue to accrue Annual leave and Sick leave as though on regular duty.

SECTION 21 – ADVERSE WEATHER CONDITIONS

Adverse weather affects every employee differently, so each employee must evaluate the severity of the circumstances and use his or her best judgment about safe travel between home and work. If adverse weather conditions warrant, the County Manager may, at his or her discretion, declare County offices closed for all or part of a day.

Employees are expected to report to work unless the County Manager has declared County offices closed due to adverse weather. However, an employee who determines he or she cannot report to work safely shall use accrued Annual leave, Offset Time or leave without pay in order to take leave from work because of adverse weather.

If County offices are closed because of adverse weather, employees who are absent from work due to the closing shall charge the time out of work as Adverse Weather leave with pay. An employee scheduled for Annual leave, Sick leave, Offset Time, or Holiday on a day the offices are closed due to adverse weather must use the leave as scheduled.

It is recognized that departments providing essential emergency services in health and safety will need to maintain adequate services to the public at all times. If the

County Manager delays the opening of County offices because of adverse weather, employees who are required to work prior to the delayed opening shall receive straight time pay for all hours worked prior to the delayed opening during the calendar day; in addition to the employee's regular pay. If the County Manager closes County offices early because of adverse weather, employees who are required to work after the early closing shall receive straight time pay for all hours worked after the early closing during the calendar day; in addition to the employee's regular pay. If the County Manager closes County offices for the day because of adverse weather, employees who are required to work shall receive straight time pay for all hours worked during the calendar day the offices are closed; in addition to the employee's regular pay.

SECTION 22 – FAMILY AND MEDICAL LEAVE

Spalding County has adopted this Section to implement the Family and Medical Leave Act of 1993 as amended (FMLA). Eligible Employees are entitled to family and medical leave on the terms and conditions stated in this Section and the regulations issued by the U.S. Department of Labor under the FMLA.

A. **Definitions** – For the purposes of this Section, the following definitions apply:

1. **Eligible Employee** – An individual who has been employed by Spalding County for at least 12 months, and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the requested leave.
2. **FMLA Leave** – Up to 12 weeks of leave (or up to 26 weeks of Military Caregiver Leave) that qualifies under the FMLA.
3. **Leave Year** – A 12-month period coinciding with the calendar year (January 1 – December 31).

4. **Serious Health Condition** – An illness, injury, impairment, or physical or mental condition that requires either inpatient care or continuing treatment by a health care provider and that makes the employee unable to perform the functions of the employee's job.

5. **Inpatient Care** – An overnight stay in a hospital, hospice or residential medical care facility, including a period of incapacity or any subsequent treatment in connection with the inpatient care.

6. **Continuing Treatment** – Includes any one (1) or more of the following:

    (a) A period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment; or period of incapacity relating to the same condition, that also involves treatment by a health care provider:

        (i) Two (2) or more times within 30 days of the first day of incapacity; or

        (ii) On at least one (1) occasion, which results in a regimen of continuing treatment under the supervision of a health care provider;

        (iii) Provided the in-person treatment occurs within seven (7) days of the first date of incapacity;

    (b) A period of incapacity due to pregnancy or for prenatal care;

    (c) A period of incapacity, or treatment for such incapacity, due to a chronic Serious Health Condition:

(i) Which requires periodic visits at least twice per year for treatment by a health care provider;

(ii) Continues over an extended period of time; and

(iii) May cause episodic rather than a continuing period of incapacity;

(d) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or

(e) Any period of absence to receive multiple treatments by a health care provider.

B. **Reasons for FMLA Leave** –

1. An Eligible Employee is entitled to a total of 12 weeks of unpaid leave during each Leave Year in the event of one (1) or more of the following:

(a) The birth, adoption or placement for foster care of a son or daughter of the employee and to care for such child.

(i) Leave must be taken during the 12-month period following the birth or placement, and must be taken in a single consecutive period and may not be taken intermittently or on a reduced schedule.

(ii) A husband and wife who are both eligible for FMLA and both employed by Spalding County may take a combined total of up to 12 weeks for the birth, adoption or placement for foster care of the employee's son or daughter, to care for such child.

(b) A Serious Health Condition of a qualifying family member, i.e., spouse, son, daughter or parent of the employee, if the employee is needed to care for such family member.

(c) A Serious Health Condition of the employee that makes the employee unable to perform any one (1) or more of the essential functions of his or her job.

(d) Any Qualifying Exigency arising out of the fact that an employee's spouse, son, daughter, or parent (Military Member) is on covered active duty in a foreign country or has been called to covered active duty in the Armed Forces in a foreign country or in support of a contingency operation. Qualifying Exigency leave may be taken for one (1) or more of the following circumstances:

(i) Short-notice deployment – to address any issues that may arise due to the fact that the Military Member received notice of the deployment seven (7) or fewer calendar days prior to the date of deployment;

(ii) Military events and related activities – to attend any official ceremony, program, or event sponsored by the military that is related to the Military Member's covered active duty or call to covered active duty, or to attend family support or assistance programs and informational briefings sponsored by the military;

(iii) Child care and school activities – to arrange for alternative childcare; to provide childcare on an urgent or immediate basis; to enroll or transfer a child to a new school or day care facility; and to attend meetings with school or day care staff that are made necessary by the Military Member's covered active duty or call to covered active duty;

(iv) Financial and legal arrangements – to make or update financial or legal arrangements related to the Military Member's absence while on covered active duty or call to covered active duty; and to act as the Military Member's representative with regard to obtaining, arranging or appealing military benefits;

(v) Counseling – to attend counseling sessions related to the Military Member's covered active duty or call to covered active duty;

(vi) Rest and recuperation – to spend up to 15 calendar days with a Military Member who is on short-term, temporary rest and recuperation leave during the period of deployment;

(vii) Post-deployment activities – to attend ceremonies and reintegration briefings within 90 calendar days following the termination of the Military Member's covered active duty status; and to address issues arising from the death of a Military Member while on covered active duty;

(viii) Parental care – to arrange for alternative care for a parent of the Military Member when the parent is incapable of self-care and the covered active duty or call to covered active duty necessitates a change in the existing care arrangement for the parent; to provide care for a parent of the Military Member on an urgent, immediate basis (but not on a routine, regular, or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from the covered active duty or call to covered active duty of the Military Member; to admit to or transfer to a care facility a parent of the Military Member when admittance or transfer is necessitated by the covered active duty or call to covered active duty of the Military Member; to attend meetings (other than routine or regular meetings) with staff at a care facility for a parent of a Military Member when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty of the Military Member; and/or

(ix) Other activities that Spalding County and the employee agree qualify as an exigency.

Any leave taken under one (1) or more of these circumstances will be counted as a part of the employee's total entitlement to FMLA leave for that Leave Year.

2. **Military Caregiver Leave** – An Eligible Employee whose spouse, son, daughter, parent or next of kin (as defined by the FMLA) is a Covered Servicemember may take up to 26 weeks during a single 12-month period to care for a Covered Servicemember with a Serious Injury or Illness. The 12-month period is measured forward from the date the employee's first FMLA leave to care for the Covered Servicemember begins. An Eligible Employee is entitled to a combined total not to exceed 26 weeks of leave, including any FMLA Leave other than Military Caregiver Leave, in any single 12-month period.

   (a) Covered Servicemember –

      (i) A current member of the Armed Forces, including a current member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a Serious Injury or Illness.

      (ii) A covered veteran who is undergoing medical treatment, recuperation, or therapy. A covered veteran is an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five (5) year period prior to the first date the Eligible Employee takes FMLA leave to care for the covered veteran.

(b) Serious Injury or Illness – for purposes of Military Caregiver Leave, means an injury or illness incurred by the Covered Servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

C. **Coordinating Paid Leave with FMLA Leave** – FMLA leave under this Section is generally unpaid leave. However, if an employee is eligible to accrue Annual leave, Sick leave, or Offset Time, the employee will be required to use the paid leave upon the commencement of, and concurrently with, FMLA leave (unless the employee's own Serious Health Condition is due to an on-the-job injury and the employee is receiving Workers' Compensation income benefits). Paid leave will run concurrently with and be counted toward the employee's total 12-week or 26-week period of FMLA leave.

An employee on leave that qualifies as both Worker's Compensation and FMLA leave who is offered a light duty position may elect to remain on FMLA leave without pay (and forego the light duty position and additional Workers' Compensation income benefits) or accept the light duty position. If the employee accepts light duty, then he or she retains the right to be restored to the same Position the employee held at the time his or her FMLA leave commenced or to an equivalent Position. If the employee accepts the light duty position,

then the employee's right to job restoration runs through the end of the applicable Leave Year.

D. **Intermittent or Reduced Schedule Leave** – FMLA leave may be taken intermittently or on a reduced work schedule basis. If FMLA leave is taken intermittently or on a reduced schedule basis, the employee may be required to transfer temporarily to an available alternative Position with an equivalent pay rate and benefits, including a Part-time Position, to better accommodate recurring periods of leave due to foreseeable medical treatment.

Every employee is obligated to make a reasonable effort to schedule medical treatment so as not to unduly interrupt department operations. An employee who needs an intermittent or reduced schedule leave must notify his or her Department Head, Elected Official, or designee as soon as possible. The employee shall also provide the proper medical certification form regarding the need for such intermittent or reduced schedule leave. Prior to the commencement of any intermittent or reduced schedule leave, the employee requesting the leave must advise his or her Department Head, Elected Official, or designee of the reasons why the intermittent or reduced schedule leave is necessary and of the schedule for treatment, if applicable. The employee and the Department Head, Elected Official, or designee shall attempt to work out a schedule for such leave that meets the employee's needs without disrupting the County's operations.

E. **Employee Notice Requirement** – Employees are required to provide Spalding County with sufficient information to make the County aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. Sufficient information

may include the following: that the employee is unable to perform his or her job functions; that the employee's family member is unable to perform his or her daily activities; that the employee or his or her family member must be hospitalized or undergo continuing treatment; or the circumstances supporting a Qualifying Exigency or the need for Military Caregiver Leave. When an employee seeks leave due to an FMLA-qualifying reason for which Spalding County has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for the leave and the need for FMLA leave.

If the need for leave is foreseeable, the employee is required to provide such notice to his or her Department Head, Elected Official, or designee at least 30 days before the commencement of the leave, unless impracticable to do so under the circumstances, in which case notice must be given as soon as possible, generally the same or the next work day. Failure to provide advance notice when the need for leave is foreseeable may result in delay or denial of FMLA leave.

If the leave is not foreseeable, the employee must provide notice to his or her Department Head, Elected Official, or designee of the need for leave as soon as practicable, and must follow the department's normal call-in procedures. Failure to follow the department's call-in procedures, absent unusual circumstances, may result in delay or denial of the leave.

In cases of planned medical treatment for a Serious Health Condition, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt the County's operations.

Employees are required to give additional notice as soon as practicable whenever there is a change in the date(s) of scheduled leave. The employee's health care provider must complete a fitness-for-duty certification that specifically addresses whether the employee is able to perform the essential functions of his or her job before the employee can return to work. If Spalding County has a Reasonable Safety Concern, it may also require periodic fitness-for-duty certifications prior to the employee's return from intermittent FMLA leave, up to once every 30 days. A Reasonable Safety Concern means a reasonable belief of significant risk of harm to the individual employee or others.

Upon receiving sufficient notice of an employee's need for leave that may be FMLA-qualifying, Spalding County will notify to employee of his or her eligibility to take FMLA leave with five (5) work days of the request, absent extenuating circumstances. The County will also provide the employee written notice of the employee's rights and obligations with respect to the leave and a copy of the required medical certification form.

F. **Medical Certification** – A leave to care for the employee's own Serious Health Condition, or the Serious Health Condition of a covered family member, must be supported by a medical certification completed by the health care provider for the employee or the covered family member. A Qualifying Exigency leave or a leave to care for a Covered Servicemember with a Serious Injury or Illness must also be supported by a certification. Spalding County will provide the proper certification to the employee for his or her respective leave within five (5) work days of the employee's request for leave.

The employee must return a complete and sufficient copy of the appropriate certification to Spalding County within 15 calendar days of receiving the certification, unless it is not practicable. If the employee returns an incomplete or insufficient certification, Spalding County shall advise the employee in writing what additional information is necessary to make the certification complete and sufficient. In order to cure the deficiency, the employee must return a complete and sufficient certification to Spalding County within seven (7) calendar days. If the employee fails to cure a deficiency in a certification, or fails to return a certification, within the prescribed time period, Spalding County may deny the leave.

A Spalding County representative (other than the employee's direct supervisor) may contact the employee's health care provider, with the employee's consent as required by the Health Insurance Portability and Accountability Act (HIPAA), to clarify or authenticate a medical certification submitted for leave for the employee's own Serious Health Condition or the Serious Health Condition of a family member.

If Spalding County has reason to doubt the validity of a medical certification, the employee may be required to obtain a second or third opinion at Spalding County's expense. Failure to comply with these certification requirements will result in the delay, denial or termination of leave.

Spalding County may request recertification at any time during the course of the leave for the employee's own Serious Health Condition or the Serious Health Condition of a family member if:

1. The employee requests an extension of leave;

2. The circumstances described in the previous certification have changed significantly; or
3. There is information that casts doubt on the employee's stated reason for the absence or the continuing validity of the certification.

If the employee's leave to care for his or her own Serious Health Condition or that of a family member is expected to last more than 30 days, Spalding County may require a new certification from the employee's health care provider when leave is scheduled to expire, or every six (6) months, whichever occurs earlier.

G. **Continuation of Group Health Benefits** – The employee's coverage under a group health plan will be maintained during the period of FMLA leave under the same terms and conditions as though the employee were actively working. During the leave, the employee will be required to continue to make all premium payments that he or she otherwise would have to make if actively employed. Failure to make timely premium payments will result in the termination of coverage. Where feasible, Spalding County will advise the employee concerning the necessary arrangements for such payments prior to the commencement of the leave.

H. **Return to Work / Fitness-for-Duty Certification** – Before returning to work following a medical leave due to the employee's Serious Health Condition, the employee will be required to present a fitness-for-duty certification from his or her health care provider that the employee is medically able to resume work and to perform the essential functions of his or her job.

Subject to the limitations below, an employee returning from FMLA leave will be returned to the same Position the employee held when the leave commenced or to an equivalent Position. Job restoration may be denied if conditions unrelated to the FMLA leave have resulted in the elimination of the employee's Position, or if the employee qualifies as a "key employee" as defined by the FMLA. Upon expiration of an FMLA leave, an employee who returns to work shall be returned to the same or an equivalent job, if the employee has:

1. Provided notice of the need for leave in accordance with this Section;
2. Returned proper certifications and recertifications in accordance with this Section;
3. Submitted to any second or third examination by a health care provider upon request;
4. Provided medical certification of the employee's ability to return to work and perform the essential functions of the job; and
5. Returned to work immediately upon expiration of the FMLA leave.

Failure to provide the required medical certification or to return to work immediately upon expiration of an FMLA leave may result in Termination of the employee. Failure to furnish a fitness-for-duty certification of the employee's ability to return to work and to perform the essential functions of the job may result in the delay of job restoration or the Termination of the employee.

SECTION 23 – LEAVE SHARING

Leave sharing is designed to allow employees to donate accrued unused Annual leave and Sick leave to an employee who would otherwise need to take leave without pay because of a Serious Medical Emergency. A Serious Medical Emergency is defined as an illness or injury which requires an inpatient admission in excess of 23 hours to a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care.

A. **Eligibility** – To be a recipient of leave donations, an employee must:

1. Be eligible to accrue Annual leave under the Leaves of Absence Article;
2. Have completed at least one (1) year of continuous Full-time service immediately prior to requesting donated leave;
3. Have exhausted all accrued Annual leave, Sick leave and Offset Time available to him or her;
4. Have been on a Leave of Absence Without Pay for 72 consecutive scheduled work hours; and
5. Not be receiving short-term disability benefits or Workers' Compensation income benefits.

An employee may be eligible to receive donations of leave if he or she is experiencing a Serious Medical Emergency or caring for a family member experiencing a Serious Medical Emergency. For purposes of this Section, family members include the employee's spouse, parent, son or daughter.

An employee on a leave covered by Workers' Compensation because of a Serious Medical Emergency may be eligible to receive donations

of leave under this Section if the employee elects, in writing, not to receive Workers' Compensation income benefits during the period the employee is using donated leave.

B. **Requesting Leave Donations** – A potential leave recipient must request leave donations by submitting a shared leave request form to the Human Resources Director. The potential leave recipient must provide a medical verification of the reason for the medical leave. If the request involves a family member, the request must describe the relationship of the family member to the employee and the reason the employee must be absent from work. Requests to receive leave donations will be reviewed for approval by the Human Resources Director and the County Manager. Requests will normally be approved or disapproved within five (5) work days and the requesting employee will be notified in writing.

C. **Publicity and Solicitation** – The medical condition leading to a leave recipient's request will only be disclosed to potential donors at the specific written permission of the affected leave recipient or family member. Solicitation for leave donations may not begin before the leave recipient's request has been approved by the County Manager. The Human Resources Director is responsible for coordinating the solicitation of leave donations.

D. **Donating Leave** – Leave donations will be strictly voluntary. Intimidation, coercion, reprisal, or promises to confer any benefit to leave donors is prohibited. Reports of any such activity should be directed to the Human Resources Director. An employee may not donate leave to his or her immediate supervisor. An employee may donate up to 80 hours of Annual leave, Sick leave, or a combination

of Annual leave and Sick leave in any calendar year. Donations must be in eight (8) hour increments. A donor must retain a minimum of 40 hours of Annual leave and 40 hours of Sick leave after making a leave donation. Leave donations must be made on the leave donation form and forwarded to the Human Resources department.

E. **Using Donated Leave** – A leave recipient may use up to 480 hours of donated leave in a 12 month period. The 12 month period will be measured backward from the date the employee signed the shared leave request form. Donated leave may not be:

1. Combined with periods of leave without pay to "stretch out" the donated leave;
2. Used in increments smaller than eight (8) hours; or
3. Used prior to the inpatient admission date or the date the employee signed the donation leave request form, whichever is later.

F. **Unused Donated Leave** – To the extent feasible, any unused donated leave will be restored to the donor(s) when the recipient's Serious Medical Emergency ends or the recipient separates employment. Donated leave not used within 12 months of the date the employee signed the donation leave request form will be restored to the donor(s). Unused donated leave will not be paid to or retained by the leave recipient.

SECTION 24 – TIME OFF TO VOTE

An employee is permitted time off with pay to vote in any municipal, county, state, or federal political party primary or election for which the employee is qualified and registered to vote on the day on which such primary or election is held. The

employee must request the time off at least one (1) work day in advance and the time taken off to vote must not exceed two (2) hours. The County may schedule the hours during which the employee may be absent from work to vote. If the polls open at least two (2) hours before the employee is scheduled to arrive at work or the polls close two (2) hours after the employee is scheduled to leave work, then time off to vote is not permitted.

ARTICLE VII – SEPARATION AND REINSTATEMENT

SECTION 1 – TYPES OF SEPARATION

Separations of employment from the County shall be designated as one of the following: Resignation, Retirement, Disability, Reduction in Force, Termination, or Death.

SECTION 2 – RESIGNATION

Spalding County expects an employee to give at least a two (2) week notice of intention to leave his or her job. Department Heads are expected to give at least a four (4) week notice. Resignations should be given in writing to the employee's immediate supervisor stating his or her reason(s) for resigning and the effective date.

The County may choose to accept the Resignation immediately with up to two (2) weeks pay for the notice period. An employee's failure to give at least a two (2) week notice may negatively affect consideration for re-employment with the County.

The following are considered to be a voluntary Resignation without notice:

A. Failure to report to work at the time of hire;

B. Failure to report to work on the next scheduled work day, without properly notifying the designated contact person, after expiration of an approved leave of absence; or

C. Absence of three (3) or more consecutive scheduled work days without properly notifying the designated contact person.

SECTION 3 – RETIREMENT

An employee planning to Retire should provide written notice to the employee's immediate supervisor and should contact the Human Resources department at least two (2) months prior to his or her planned Retirement date.

SECTION 4 – DISABILITY

An employee may be separated when the employee cannot perform the essential functions of the Position with or without reasonable accommodation because of a physical or mental impairment. The County will follow the Fitness for Duty Section of the Conditions of Employment Article to determine whether an employee is able to perform the essential functions of the Position.

SECTION 5 – REDUCTION IN FORCE

A Reduction in Force is an involuntary separation of an employee from the service of Spalding County which has been made necessary due to shortage of funds or work, abolishing a Position, other material changes in the duties or organization, or for related reasons which are outside the employee's control and are not related to fault, delinquency, or misconduct on the part of the employee.

Any Reduction in Force shall be conducted in accordance with the following rules:

A. Employees shall be laid off on the basis of the following three (3) factors, to be weighed in descending order: length of service with the County, overall operational impact of skill set, and documented job performance of the employee. Any deviation from the use of length of service with the County as the primary determining factor will require the Department Head to provide written explanation to the County Manager.

B. If a Regular Employee is identified to be separated due to a Reduction in Force, a Demotion to a lower Class shall be offered if a vacancy exists, provided the Regular Employee meets the minimum qualifications for the Position. If no such Position is available, the employee shall be separated due to a Reduction in Force without cause.

C. Prior to a Reduction in Force, the Department Head shall submit the names and Classes of all employees identified for a Reduction in Force to the County Manager for approval.

D. Employees identified to be separated due to a Reduction in Force shall be notified in writing by the County Manager at least 14 calendar days prior to the effective date of the Reduction in Force.

An Elected Official may choose to follow this Section or establish his or her own procedures for Reduction in Force.

SECTION 6 – TERMINATION

A Regular Full-time Employee or Regular Part-time Employee may be Terminated from employment for cause. A Probationary Employee may be Terminated at any time during the initial appointment or re-employment Probationary Period with, or without, cause. A Seasonal Employee, Temporary Employee, and employees of Elected Officials may be Terminated from employment at any time with, or without, cause.

SECTION 7 – DEATH

All compensation due for hours worked and accrued Annual leave and Holidays in accordance with the Leaves of Absence Article will be paid to the estate of the

deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

SECTION 8 – LOSS OF LICENSE, CERTIFICATION OR OTHER JOB REQUIREMENTS

An employee who is unable to perform the essential functions of his or her job because of the loss, expiration, revocation or suspension of a required license, certification or other job requirement may be Terminated.

SECTION 9 – RETURN OF COUNTY PROPERTY

At the time of separation, all records, assets and property of Spalding County held by the employee shall be returned to the Department Head, Elected Official, County Manager, or designee. The Department Head, Elected Official, County Manager or designee will notify the Human Resources department that property has been returned and the employee's final paycheck may be released. Any amount due because of unreturned property shall be paid to the County by the employee.

SECTION 10 – REINSTATEMENT

A Regular Full-time Employee who Resigns in good standing or who is separated because of Reduction in Force may be Reinstated if the employee applies for a vacant Position in accordance with the Recruiting and Employment Article and is re-employed in a Full-time Position within one (1) year of the date of separation, with the approval of the Department Head, the Human Resources Director, and the County Manager or Elected Official. For purposes of this Section, "in good standing" shall mean the employee has Resigned under the Resignation Section of this Article; has provided the expected minimum notice in writing; has worked the

notice period without unscheduled leave; and has returned all County property held by the employee.

An employee who is re-employed as a Regular Full-time Employee and whose Reinstatement is approved shall be credited with previous service for the purpose of leave accrual rates. The Reinstated employee's accrued unused Sick leave balance at the time he or she left employment will not be restored. An employee who is re-employed as a Regular Full-time Employee and whose Reinstatement is approved shall be re-employed at the Hiring Rate of the Position.

Eligibility for other benefits is determined in accordance with the Plan document(s) adopted by the Spalding County Board of Commissioners.

The County will follow the Military Leave Section of the Leaves of Absence Article for employees returning from Military leave.

ARTICLE VIII – DISCIPLINARY ACTIONS

SECTION 1 – TYPES OF DISCIPLINARY ACTION

The County advocates progressive discipline when applicable. Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity ranging from an Oral Reprimand to Termination. The action taken will depend on the degree and the circumstances of the violation and may include Oral Reprimand, Written Reprimand, Suspension Without Pay, Loss of Annual leave, Demotion, and/or Termination. An employee who fails to perform assigned duties satisfactorily or who violates established policies will be disciplined.

An Elected Official may choose to follow this Article or establish his or her own procedures for disciplinary actions. Employees of Elected Officials are employed at the will and pleasure of the Elected Official and may not Appeal an Adverse Action under this Article.

SECTION 2 – REASONS FOR DISCIPLINARY ACTION

Listed below are some of the reasons for which disciplinary action may be taken. The list is not intended to include all offenses for which disciplinary action may be taken, but does include many of the most commonly encountered offenses:

A. **Failure in the Performance of Duties**

1. Tardiness, absenteeism or being absent without approved leave.
2. Abuse or improper use of leave.
3. Inefficiency, carelessness, negligence, incompetence or failure to perform at an acceptable level of competence.
4. Discourteous treatment of the public or other employees.
5. Failure to report an Accident in which the employee was involved or was aware.

6. Disregarding safety rules or common safety practices.
7. Littering, or contributing to poor housekeeping, unsanitary, or unsafe conditions on County property.

B. **Misconduct**

1. Leaving the job or work area without approval by a supervisor.
2. Insubordination or refusal to perform assigned work or comply with written or oral instructions by a supervisor or manager.
3. Engaging in a strike, work stoppage, slow down, artificial restriction of work, or act of sabotage.
4. Sleeping or failing to remain alert on the job.
5. Use of abusive or threatening language toward employees or the public.
6. Conduct reflecting discredit on the department or County.
7. Discrimination, harassment, retaliation or creating a hostile work environment against County employees or the public in violation of federal or state law or County policy.
8. Falsifying an employment application, timesheet, expense reimbursement, or other County record, or willfully giving false or misleading statements to supervisors, officials, or the public.
9. Destroying official records or documents, or the use of an employee's official Position for personal benefit, profit, or advantage, or for other improper reasons.
10. Violating County ordinances, policies or departmental rules.
11. Conviction of, or a plea of no contest to, a crime involving moral turpitude, conviction of a felony, or conviction of a misdemeanor that would adversely affect the performance of duties.

12. Soliciting other employees or distributing literature to other employees during work hours, or otherwise interfering with the work of employees.
13. Stealing, misappropriating, or intentionally damaging property of employees, the public or the County.
14. Unauthorized use of County property, vehicles or other resources.
15. Gross misconduct, including but not limited to, fighting, physical violence, threats of physical violence, or engaging in offensive conduct or language toward the public, supervisory personnel, or other employees.
16. Using, possessing, or selling a Prohibited Substance under the Alcohol and Substance Abuse Section of the Conditions of Employment Article on County property or while on duty.
17. Unauthorized possession of weapons or firearms on County property at any time.
18. Loansharking, gambling, lottery, or any other game of chance on County property or while on duty.
19. Failing to report the loss, suspension, or revocation of any license or certification which is required for the performance of the employee's job duties.
20. Willful or negligent violation of a safety rule which results in property or equipment damage or personal injury or which endangers an employee or the public.

SECTION 3 – REPRIMANDS

A Reprimand is a formal warning to the employee that a problem exists and that it must be corrected. A Reprimand is appropriate to correct an employee's job performance problem. There are two (2) types of Reprimands; an Oral Reprimand and a Written Reprimand.

A. **Oral Reprimand** – The Department Head, County Manager, or designee will verbally explain to the employee that he or she is being Reprimanded, describe the problem and what must be done to correct it. A copy of the Oral Reprimand will be given to the employee and a copy will be forwarded to the Human Resources Director to be placed in the employee's Official Employee Record.

B. **Written Reprimand** – The Department Head, County Manager, or designee will give a written notification to the employee describing the problem and what must be done to correct it. The Written Reprimand must contain a statement describing the consequences of not correcting the problem. A copy of the Written Reprimand will be provided to the employee and a copy will be forwarded to the Human Resources Director to be placed in the employee's Official Employee Record.

SECTION 4 – ADVERSE ACTIONS

An Adverse Action is a formal action taken by the Department Head, County Manager, or designee, for cause, that results in a Disciplinary Suspension Without Pay, Disciplinary Loss of Annual leave, Disciplinary Demotion, or Disciplinary Termination. An Adverse Action is appropriate when a Reprimand fails to correct an employee's job performance problem or when an employee engages in misconduct.

A. **Disciplinary Suspension Without Pay** – An employee may be Suspended Without Pay for disciplinary reasons. The duration of the Suspension shall be indicative of the severity of the offense; however, such Suspensions Without Pay shall not exceed 168 hours.

B. **Disciplinary Loss of Annual Leave** – An employee's accrued or future accrual of Annual leave may be reduced by up to 80 hours for disciplinary reasons.

C. **Disciplinary Demotion** – An employee may be moved from a Position in a Class to a Position in another Class having a lower pay grade for disciplinary reasons, if a vacancy is available in the lower graded Position and if the employee meets the minimum qualifications to perform the work in the lower graded Position. A Disciplinary Demotion must include a decrease in salary.

D. **Disciplinary Termination** – An employee may be Terminated from employment for disciplinary reasons.

SECTION 5 – NOTICE OF PROPOSED ADVERSE ACTION

After a determination that an Adverse Action is to be taken, the following procedures for notification and response will be followed.

The Department Head, County Manager, or designee will give the employee a written Notice of Proposed Adverse Action, when possible, at least 14 calendar days prior to the effective date of the Adverse Action. The notification shall contain the following:

A. The Adverse Action being proposed;

B. The specific reason(s) for the Adverse Action;

C. The effective date of the Adverse Action; and

D. A statement informing the employee that he or she may respond to the Department Head, County Manager, or designee within seven (7) calendar days of receiving the Notice of Proposed Adverse Action.

SECTION 6 – EMPLOYEE RESPONSE TO PROPOSED ADVERSE ACTION

If the employee wants to respond to the Notice of Proposed Adverse Action, a written response must be received within seven (7) calendar days by the Department Head, County Manager, or designee who issued the Notice of Proposed Adverse Action. The employee may also request to meet with the Department Head, County Manager, or designee within (7) calendar days of receiving the Notice of Proposed Adverse Action.

SECTION 7 – NOTICE OF ADVERSE ACTION

After considering the employee's response to the Notice of Proposed Adverse Action, the Department Head, County Manager, or designee will give a written Notice of Adverse Action to the employee at least two (2) calendar days before the effective date of the Adverse Action. The notification shall contain the following:

A. The Adverse Action being taken;
B. The specific reason(s) for the Adverse Action;
C. The effective date of the Adverse Action;
D. A statement informing the employee of his or her right to Appeal the Adverse Action in accordance with the Adverse Action Appeal Procedure Article; and
E. A notice that failure to Appeal timely to the County Manager will waive all further Appeal rights.

SECTION 8 – POSTPONEMENT FOR FURTHER INVESTIGATION

If the employee responds to the Department Head, County Manager, or designee and provides new evidence, information, or mitigating circumstances, the deadline to issue the Notice of Adverse Action may be postponed to conduct further investigation into the matter.

SECTION 9 – INVESTIGATORY SUSPENSION

The Department Head, County Manager, or designee, with the concurrence of the Human Resources Director, may take immediate action against an employee by placing the employee on Investigatory Suspension with pay pending the outcome of an internal investigation. Reasons for Investigatory Suspension include, but are not limited to: when crimes of moral turpitude are alleged or committed; when an employee may be a threat to himself or herself, a co-worker or the general public; when an employee's presence may create an undue disruption in the workplace; or when potential damage to public property may exist.

An employee placed on Investigatory Suspension shall be notified in writing of the reason(s) for the Suspension. An Investigatory Suspension shall not exceed 45 calendar days. At the conclusion of the internal investigation the employee will either be returned to duty or appropriate disciplinary action may be issued.

ARTICLE IX – GRIEVANCE PROCEDURE

SECTION 1 – GRIEVANCE PROCEDURE POLICY

It is the County's policy to settle problems and differences through an orderly Grievance procedure in an effort to maintain a harmonious and cooperative relationship between the County and its employees. An employee shall have an opportunity to present his or her Grievance in good faith in accordance with this Article, free from interference, coercion, restraint, discrimination, or reprisal.
All employees involved in processing a Grievance will work diligently to ensure that all Grievances are handled fairly and expeditiously and that deadlines are met.
Every effort shall be made to resolve Grievances at the lowest possible level.
Grievances shall be resolved by making decisions that are in the best interest of the County and employee. Not every Grievance will be resolved to the employee's satisfaction, but each Grievance will be investigated and the employee will receive a response.
Supervisors are responsible, consistent with authority delegated to them, to consider and take appropriate action promptly and fairly on a Grievance. In adopting this Article, the County sets forth the following objectives:

A. To provide a procedure for an employee's Grievance to be considered fairly, and without fear of reprisal.
B. Encourage employees to express concerns about how the conditions of work affect them.
C. Help employees understand the policies, practices, and procedures which affect them.
D. Provide employees with assurance that actions are taken in accordance with policies.
E. Provide a review of how policies are carried out by supervisors.

F. Give supervisors a greater sense of responsibility in their dealings with employees.

SECTION 2 – GRIEVANCE – DEFINITION

A Grievance means a dispute concerning the terms and conditions of employment arising from any administrative decision which the employee claims violates, or fails to apply, the Personnel Ordinance, policies, or practices; or which results from a misinterpretation or misapplication thereof; or an employee claims he or she has been subject to an unsafe working condition.

The following issues are not grievable under this Article:

A. Disciplinary actions that may be Appealed under the Adverse Action Appeal Procedure Article.

B. Issues pending before or concluded by another administrative or judicial proceeding.

C. The content or rating of a Performance Appraisal.

D. Hours of work, work schedule, or work assignment.

Issues which relate to an allegation of illegal discrimination or harassment should be filed through the complaint reporting procedures described in the EEO Policy Section of the Recruiting and Employment Article or the Unlawful Harassment Section of the Conditions of Employment Article.

SECTION 3 – GRIEVANCE PROCEDURE

Any County employee who has a Grievance shall follow the Grievance procedures set forth herein.

After a Grievance has been filed by the employee at Step One, either party may request in writing to the Human Resources Director an extension of time to respond to or move a Grievance to the next step. The Human Resources Director

may grant, at his or her discretion, one (1) or more extensions for a specific length of time. Failure to process a Grievance by the employee within the time limit, or agreed-upon extension(s), will constitute termination of the Grievance.

A. **Step One** – The employee with a Grievance shall present the matter in writing to his or her immediate supervisor with ten (10) calendar days of the occurrence of the action or within ten (10) calendar days of the time the employee first learns of its occurrence, with the objective of resolving the matter informally. The supervisor should consult with any employee or other party deemed necessary to reach a correct, impartial, and equitable determination and shall respond to the Grievance in writing within ten (10) calendar days of receiving the Grievance.

   If the Grievance is against the employee's immediate supervisor and the immediate supervisor would normally hear the Grievance at Step One, the employee may submit the Grievance directly to Step Two.

B. **Step Two** – If the employee disagrees with the supervisor's decision or response or if he or she fails to receive an answer within the designated period provided in Step One, the employee may submit the Grievance in writing within ten (10) calendar days to either the Elected Official or Department Head, whichever is applicable. The Elected Official or Department Head shall hear the Grievance and render a decision in writing within ten (10) calendar days of receiving the Grievance. The Elected Official's decision regarding a Grievance shall be final.

   If the Grievance is against the employee's Department Head and the Department Head would normally hear the Grievance at Step Two, the employees may submit the Grievance directly to Step Three.

C. **Step Three** – If the employee disagrees with the Department Head's decision in Step Two, or if he or she fails to receive an answer within the designated period provided in Step Two, an employee may file the Grievance with the County Manager in writing within ten (10) calendar days following the decision reached in Step Two. The County Manager shall hear the Grievance and render a decision in writing within 21 calendar days of the receipt of the Grievance. The County Manager's decision shall be final. If the County Manager fails to respond to the Grievance at Step Three, the employee should contact the Human Resources Director who will schedule a meeting between the employee and the County Manager to hear the Grievance.

ARTICLE X – ADVERSE ACTION APPEAL PROCEDURE

SECTION 1 – APPLICABILITY

Any Regular Full-time Employee or Regular Part-time Employee who has completed his or her initial Probationary Period shall have the right to Appeal the following Adverse Actions in accordance with this Article:

A. Disciplinary Suspension Without Pay
B. Disciplinary Loss of Annual leave
C. Disciplinary Demotion
D. Disciplinary Termination

Employees of Elected Officials are employed at the will and pleasure of the Elected Official and may not Appeal an Adverse Action using the procedure in this Article.

SECTION 2 – APPEAL TO THE COUNTY MANAGER

An employee who desires to Appeal an Adverse Action must file a written Appeal with the County Manager within five (5) calendar days after the employee receives notice of an Adverse Action. An Appeal is considered timely if it is received by the County Manager, or postmarked, within five (5) calendar days after the employee receives the Notice of Adverse Action. If a timely Appeal is not filed with the County Manager, the Adverse Action will be deemed final and unappealable, and the employee shall not be entitled to Appeal the Adverse Action further.

If the employee files a timely Appeal, the County Manager shall conduct such investigation as he or she deems appropriate and shall meet with the employee, at which time the employee shall be afforded to opportunity to present his or her version of the issue(s) leading to the Adverse Action. The employee is not entitled

to present any witnesses or to have a representative present at the meeting with the County Manager. However, the employee may submit documents and written statements or affidavits from others.

The County Manager may affirm, reverse, or modify the Adverse Action, but he or she shall not increase the level of discipline set forth in the Notice of Adverse Action. The County Manager shall issue a written decision stating the reason(s) for his or her decision within 21 calendar days of receiving the written Appeal from the employee. The County Manager and the employee may agree in writing to extend the deadline for the County Manager to issue a decision in order for the County Manager to complete his or her investigation of the Appeal. If the County Manager fails to issue a written decision, the Notice of Adverse Action will be considered to be affirmed.

SECTION 3 – APPEAL TO THE PERSONNEL APPEALS BOARD

If the employee disagrees with the decision of the County Manager, or the County Manager fails to issue a written decision, the employee may Appeal to the Personnel Appeals Board. The written notice of Appeal must be filed with the Human Resources Director within five (5) calendar days of the employee's receipt of the decision of the County Manager. If the County Manager fails to issue a written decision, the employee's written notice of Appeal must be filed with the Human Resources Director within seven (7) calendar days of the due date for the County Manager's written decision. If a timely notice of Appeal is not filed, the Adverse Action will be deemed final and unappealable. An Appeal to the Personnel Appeals Board is considered timely if it is received by the Human Resources Director, or postmarked, within five (5) calendar days after the employee receives the County Manager's written decision (or within seven (7)

calendar days of the due date for the County Manager's written decision if the County Manager fails to issue a written decision).

SECTION 4 – PERSONNEL APPEALS BOARD

The Personnel Appeals Board shall be comprised of five (5) members appointed by the Board of Commissioners for 3-year terms. Members of the Personnel Appeals Board shall be residents of, or be employed in, Spalding County, but no current or former employee of Spalding County shall be eligible for appointment to the Board.

The Personnel Appeals Board may adopt such rules for selecting a Chairperson, conducting Hearings, rendering decisions, and other otherwise, as it deems appropriate as long as those rules are consistent with this Article.

SECTION 5 – NOTICE OF HEARING

The Appeal before the Personnel Appeals Board will be scheduled to be heard within 45 calendar days of the Human Resources Director's receipt of the Appellant's Appeal. The Appellant will be notified in writing by the Human Resources Director of the available date(s) for a Hearing. If the Appellant fails to respond to the notice of available date(s) the Personnel Appeals Board shall select a date for the Hearing. The Personnel Appeals Board shall notify the Appellant and the Human Resources Director in writing of the date on which the Hearing is to be held.

SECTION 6 – HEARING AND PROCEDURE

It shall be the duty of the Personnel Appeals Board to be impartial in the conduct of proceedings and in its ruling. A minimum of three (3) members of the Personnel Appeals Board shall attend the Appeals Hearing(s) and render a

decision, unless the parties mutually consent to a Hearing held or a decision rendered by fewer than three (3) members.

The Appeals Hearing shall be quasi-judicial in nature and it shall be conducted in a dignified atmosphere and in accordance with the Georgia Open Meetings law. Witnesses shall testify under oath. The Hearing is intended to receive evidence which either refutes or substantiates the Adverse Action taken which led to the Appeal. It is not a forum for the presentation of extraneous or irrelevant material or evidence. The Personnel Appeals Board shall follow accepted legal procedure insofar as it is practical. However, the Personnel Appeals Board is not bound by the technical rules of evidence and may accept affidavits and deposition testimony if it deems it appropriate to do so.

An Appellant appearing before the Personnel Appeals Board, may, if desired, be represented by legal counsel at the Appellant's own expense. The County may also be represented by counsel.

An electronic recording shall be made of all Appeals Hearings. At the request of either party, a typed transcript of the Hearing will be provided at the cost of the requesting party. Either party may have a certified court reporter, at its own expense, attend and transcribe the proceedings.

The County shall make the initial presentation of evidence. The Appellant or counsel may cross-examine the witnesses presented in support of the Adverse Action. The Appellant may present his or her case at the conclusion of the County's presentation. It is incumbent on the County to prove by a preponderance of the evidence that the Adverse Action taken which is the subject of the Appeal was for just cause.

The Personnel Appeals Board shall have the power to summon and require the attendance of any County employee at the Hearing and may require the County to produce documents for the Personnel Appeals Board's inspection and

consideration. The Personnel Appeals Board may conduct any pre-Hearing conferences it deems appropriate in order to:

A. Simplify the issues;

B. Examine the possibility of conciliation or settlement of the Appeal;

C. Identify potential witnesses and documentary evidence of either party;

D. Limit the number of witnesses and documents;

E. Obtain stipulations of fact; and

F. Address other matters which may aid in the disposition of the Appeal.

SECTION 7 – DECISIONS OF THE PERSONNEL APPEALS BOARD

The Appeal shall be decided by a majority vote of the members participating in hearing the Appeal and the Personnel Appeals Board's decision shall be final. Such vote shall be made in accordance with the Georgia Open Meetings law. The Personnel Appeals Board may affirm, reverse or modify the Adverse Action taken, but it may not impose a greater discipline than that originally imposed by the Department Head, or the County Manager in the instance of disciplinary action taken against a Department Head. The Personnel Appeals Board may also impose reasonable conditions on any employee who is reinstated, or whose Suspension, Demotion, or Termination is reversed or modified by the Personnel Appeals Board. The Personnel Appeals Board shall distribute a written decision within 21 calendar days following the conclusion of the Hearing, confirming the vote by the Personnel Appeals Board. The Personnel Appeals Board's decision shall be delivered or mailed to the Appellant, his or her counsel, and the Human Resources Director.

ARTICLE XI – EMPLOYEE BENEFITS

SECTION 1 – RETIREMENT BENEFITS

The County provides Retirement benefits for eligible employees in accordance with the Plan document(s) adopted by the Spalding County Board of Commissioners. The County participates in the federal Social Security and Medicare programs.

SECTION 2 – UNEMPLOYMENT INSURANCE

In accordance with Georgia law, local governments are covered by unemployment insurance. County employees who are separated from the County service may apply for unemployment compensation through the Georgia Department of Labor. The Georgia Department of Labor will determine the employee's eligibility for unemployment compensation.

SECTION 3 – INSURANCE BENEFITS

The County provides group health and group life insurance benefits for eligible employees in accordance with the plan document(s) adopted by the Spalding County Board of Commissioners.

SECTION 4 – COBRA

The Consolidated Omnibus Budget Reconciliation Act (COBRA) requires employer-sponsored group medical and dental plans to allow covered employees and dependents to elect to continue current medical and/or dental coverage at the employee and dependents' expense for a period of time following a qualifying loss of coverage.

Covered employees and/or dependents are notified of COBRA benefit eligibility upon employment and following a qualifying loss of coverage. Employees must notify the Human Resources department as soon as possible of an address change, qualifying event or other pertinent changes regarding themselves and their dependents.

SECTION 5 – WORKERS' COMPENSATION

In accordance with Georgia law, the County provides Workers' Compensation for all employees.

ARTICLE XII – PERFORMANCE APPRAISALS

SECTION 1 – PURPOSES OF PERFORMANCE APPRAISAL

The Employee Performance Appraisal process is designed as an objective and consistent system for providing specific feedback on job related performance to assist in decisions concerning employment activities, disciplinary action, and developmental needs. The Employee Performance Appraisal process is designed to encourage one-on-one communication and provide feedback about job duties, responsibilities and performance so that an employee has a clear understanding of what is expected and where improvement is required.

An Elected Official may choose to follow this Article or establish his or her own procedure for conducting employee performance appraisals.

SECTION 2 – SCHEDULE FOR CONDUCTING PERFORMANCE APPRAISALS

A performance appraisal should be conducted for all Regular Full-time and Regular Part-time employees on the anniversary of the employee's most recent date of employment.

For an employee in an initial Probationary status, a performance appraisal should be conducted at three (3) months and six (6) months of employment and immediately prior to completing the nine (9) month initial Probationary Period.

For an employee in a Probationary status due to a Promotion, Demotion or Transfer, a performance appraisal should be conducted at three (3) months, six (6) months, and immediately prior to completing the nine (9) month Probationary Period in the new Position.

For an employee in an Extended Probationary status, a performance appraisal should be conducted immediately prior to completing the Probationary Period.

A Department Head may postpone a performance appraisal in the following circumstances:

A. If an employee has been absent in an approved leave status for more than 30 calendar days but less than six (6) months – the performance appraisal should be completed within 90 calendar days of the employee's return to work.

B. If an employee has been absent in an approved leave status for more than six (6) months but less than one (1) year – the performance appraisal should be completed within 180 calendar days of the employee's return to work.

SECTION 3 – PROCEDURES FOR CONDUCTING PERFORMANCE APPRAISALS

Performance appraisals will be conducted using performance appraisal forms approved by the Human Resources department.

The performance appraisal form should be reviewed and signed by the employee's supervisor and/or Department Head before being reviewed with the employee. The employee should sign the formal performance appraisal form in the space provided after reviewing the performance appraisal with the supervisor. If the employee disagrees with the results of his or her performance appraisal, the employee may add comments to the performance appraisal and/or discuss the performance appraisal with the supervisor. The employee may also request a meeting with the Department Head to review and discuss the performance appraisal.

If an employee refuses to sign the performance appraisal form, the supervisor must note the employee's refusal, in writing, on the performance appraisal form. Another supervisory employee should sign the form as a witness to the employee's refusal.

The completed original performance appraisal form should be forwarded to the Human Resources department. The employee's immediate supervisor should provide a signed copy of the completed performance appraisal form to the employee.

SECTION 4 – CONFIDENTIALITY OF PERFORMANCE APPRAISALS

Employee performance appraisal documents, ratings, and final rating score are subject to disclosure under the Georgia Open Records Act.

ARTICLE XIII – EMPLOYEE RECORDS

SECTION 1 – EMPLOYEE RECORDS MAINTENANCE

Official Employee Records are necessary to administer the human resources system, and will be maintained by the Human Resources department. The County shall maintain in each employee's Official Record information that is required to conduct its business or is required by federal, state, or local law.

The Human Resources Director will determine the information to be maintained in the human resources information system. The records may be maintained on paper and/or in an electronic information system. Records will be retained in accordance with the County's Records Retention policy.

Records that contain private health information (workers' compensation records, medical information, etc.) are considered confidential, are not subject to open records requests and are maintained separately from other employee records.

SECTION 2 – ACCESS TO OFFICIAL EMPLOYEE RECORDS

Access to Official Employee Records is subject to the Georgia Open Records Act. An employee may have reasonable access to his or her Official Employee Record upon request for the purpose of examining the information and data contained in the Official Record during Human Resources department office hours. An employee may make a copy of any document in his or her Official Employee Record. The employee may be charged a reasonable fee as set by the Georgia Open Records Act.

Requests for and release of information contained in an Official Record will be made in accordance with the Georgia Open Records Act. The Human Resources Director is responsible for reviewing requests for information and determining whether the requested information is a "public record." The party requesting a

copy of information contained in an Official Record may be charged a reasonable fee as set by the Georgia Open Records Act.

A representative of the Human Resources department will be present while the information in an Official Employee Record is being reviewed.

SECTION 3 – OBJECTIONS TO INFORMATION IN THE OFFICIAL RECORD

Information perceived to be inaccurate by an employee may be so noted. The employee will be given the opportunity to provide written recommended corrections to his or her Official Employee Record. The Human Resources Director or designee will either correct the information or inform the employee why the information should remain in the Official Record. If the employee is not satisfied with the decision, the employee will be permitted to place a written statement of disagreement in the Official Record or the employee may seek the removal of such information in accordance with the Grievance Procedure Article.

ARTICLE XIV – IMPLEMENTATION OF ORDINANCE

SECTION 1 – CONFLICTING POLICIES

All policies, Ordinances, or Resolutions that conflict with the provisions of this Ordinance are hereby repealed.

SECTION 2 – SEVERABILITY

If any provision of this Ordinance or any rule, regulation, or order thereunder of the application of such provision to any person or circumstances is held invalid, the remainder of this Ordinance and the application of such remaining provisions of the Ordinance of such rules, regulations, or orders to persons or circumstances other than those held invalid will not be affected thereby.

SECTION 3 – VIOLATIONS OF ORDINANCE PROVISIONS

An employee violating any of the provisions of this Ordinance shall be subject to any civil or criminal penalty, in addition to any disciplinary action which may be imposed for the violation of the same.

SECTION 4 – EFFECTIVE DATE

This Ordinance shall be effective as of October 1, 2014.

INDEX

Alcohol Testing
- alcohol testing form (ATF) – Article V, page 34
- breath alcohol concentration (BAC) – Article V, pages 29, 30
- breath alcohol technician (BAT) – Article V, page 48
- consequences of violations – Article V, pages 49-51
- evidential breath testing device (EBT) – Article V, page 48
- National Highway Traffic Safety Administration (NHTSA) – Article V, page 47-48
- negative test result – Article V, pages 29, 43, 48
- positive test result – Article V, pages 25, 30, 43, 48, 49, 50, 51
- procedures – Article V, pages 47-48
- reasons for testing – Article V, pages 38-43
- refusal to test – Article V, pages 32-34, 52-54

Americans With Disabilities Act (ADA)
- disability accommodation – Article IV, page 2
- fitness-for-duty, reasonable accommodation – Article V, page 16
- workers' compensation, reasonable accommodation – Article VI, page 11

Anniversary
- annual leave accrual – Article VI, page 3
- definition, anniversary date – Article I, page 3
- performance appraisal schedule – Article XII, page 1

Code of Federal Regulations (CFR)
- drug and alcohol testing – Article V, pages 25, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 44, 46, 47, 51, 52, 53
- hatch act – Article V, page 2
- uniformed services – Article VI, page 13

Commercial Driver's License (CDL)
- drug and alcohol testing – Article V, page 25, 26, 27, 31, 35, 37, 38, 40, 42, 44, 47, 48, 51, 54

Commercial Motor Vehicle (CMV)
- definition – Article V, page 28
- drug and alcohol testing – Article V, page 25, 26, 28, 31, 37

Conflict of Interest
definition – Article V, page 20
disclosure of – Article V, page 20
employment of relatives – Article V, pages 4-5
outside employment – Article V, pages 3-4
political activity – Article V, page 3

Designated Employer Representative (DER)
drug and alcohol testing – Article V, page 28, 33, 40, 45, 46, 47, 49, 52

Drug Testing
consequences of violations – Article V, pages 49-51
custody and control form (CCF) – Article V, page 45
medical review officer (MRO) – Article V, pages 29, 30, 33, 34, 39, 45-47
negative test result – Article V, pages 29, 38, 39, 43, 45, 46, 49, 51
phencyclidine (PCP) – Article V, page 35
positive test result – Article V, pages 25, 30, 39, 43, 45-47, 49-54
procedures – Article V, pages 44-47
reasons for testing – Article V, pages 38-43
refusal to test – Article V, pages 30, 32-34, 44-45, 51-54
U.S. Department of Health and Human Sevices (DHHS) – Article V, pages 44-46

Equal Employment Opportunity (EEO)
policy – Article IV, page 1
reporting complaint – Article IV, page 1, Article IX, page 2

Fair Labor Standards Act (FLSA)
call back pay – Article III, page 5
exempt & non-exempt – Article III, pages 5-10
meal & break periods – Article III, page 6
offset time – Article III, pages 8-10
on call pay – Article III, pages 4-5
overtime – Article III, pages 7-8
work period – Article III, page 11

Family
employment of relatives – Article V, pages 4-5
family and medical leave act (FMLA) – Article VI, pages 19, 21, 22

funeral leave – Article VI, page 7
leave sharing – Article VI, page 30
sick leave – Article VI, page 5

Federal Motor Carrier Safety Administration (FMCSA)
drug and alcohol testing – Article V, page 25, 26, 27, 31, 35, 37, 38, 40, 41, 42, 44, 47, 51, 54

Open Meetings Act
confidential information – Article V, page 14
personnel appeals board – Article X, pages 4-5

Open Records Act
cell phone records – Article V, page 7
confidential information – Article V, page 14
electronic records – Article V, page 10
official employee records – Article XIII, pages 1-2
performance appraisals – Article XII, page 3

Probationary Employee
annual leave – Article VI, pages 2-3
definition – Article I, page 4
drug or alcohol test – Article V, page 50
leave of absence without pay – Article VI, page 8
termination – Article IV, page 7, Article VII, page 3

Probationary Period
completed, right to appeal adverse action – Article X, page 1
definition – Article I, page 4
demotion – Article III, page 3, Article IV, page 9
pay increment – Article III, page 2
performance appraisals – Article XII, page 1
probationary period of employment – Article IV, pages 7-8
promotion – Article IV, page 8

Substance Abuse Professional (SAP)
drug and alcohol testing – Article V, pages 32, 38, 43, 49-51

Uniformed Services Employment and Re-employment Rights Act (USERRA)
military leave – Article VI, pages 11-12

U.S. Department of Transportation (DOT)
drug and alcohol testing – Article V, pages 25, 42, 48, 52-53, 55

Position Classification Plan

Grade	Job Code	Job Title	FLSA Status	Workers' Comp Code	EEO-4 Occ Cat Code	Current Job Description Date
3	3401	Collection Center Attendant (Recycling)	Non-Exempt	9403	H - Serv/Maint	April-04
5	2515	Ceramic Helper (Parks & Rec)	Non-Exempt	9102	E - Parapro	April-04
6	2519	Day Camp Supervisor (Parks & Rec)	Non-Exempt	9102	E - Parapro	April-04
6	1008	Receptionist (Administration)	Non-Exempt	8810	F - Admin Sup	August-05
6	2512	Recreation Leader (Parks & Rec)	Non-Exempt	9102	E - Parapro	August-04
6	2513	Recreation Leader/Gym Supervisor (Parks & Rec)	Non-Exempt	9102	E - Parapro	April-04
7	2514	Ceramic Supervisor (Parks & Rec)	Non-Exempt	9102	E - Parapro	April-04
7	2516	Day Camp Director (Parks & Rec)	Non-Exempt	9102	E - Parapro	August-04
7	2910	Mobile Home Inspector (Tax Commissioner)	Non-Exempt	9410	C - Technician	April-04
7	1102	Office Assistant (Animal Control)	Non-Exempt	8810	F - Admin Sup	April-04
7	1531	Office Assistant (Correctional Institution)	Non-Exempt	8810	F - Admin Sup	December-08
7	2507	Office Assistant (Parks & Recreation)	Non-Exempt	8810	F - Admin Sup	June-14
7	2522	Office Assistant (Senior Citizens Center)	Non-Exempt	8810	F - Admin Sup	June-14
7	2713	Office Assistant (Sheriff Detention)	Non-Exempt	7720	F - Admin Sup	April-04
7	3003	Office Assistant (State Court Solicitor)	Non-Exempt	8810	F - Admin Sup	April-04
7	2627	School Crossing Guard (Sheriff)	Non-Exempt	7720	D - Protective Srv	April-04
8	2805	Appraisal Field Assistant (Tax Assessor)	Non-Exempt	8810	F - Admin Sup	October-10
8	1903	Magistrate Clerk I (Magistrate Court)	Non-Exempt	8810	F - Admin Sup	April-04
8	2007	Office Associate (Juvenile Court)	Non-Exempt	8810	F - Admin Sup	March-07
8	2302	Probate Clerk I (Probate Court)	Non-Exempt	8810	F - Admin Sup	April-04
8	1404	Records Clerk I (Clerk of Court)	Non-Exempt	8810	F - Admin Sup	April-04
8	2905	Tax/Tag Clerk I (Tax Commissioner)	Non-Exempt	8810	F - Admin Sup	April-04
10	3502	Accounting Technician I (Admin)	Non-Exempt	8810	F - Admin Sup	April-04
10	1309	Administrative Assistant I (Com Dev)	Non-Exempt	8810	F - Admin Sup	April-04
10	1510	Administrative Assistant I (Correctional Institution)	Non-Exempt	8810	F - Admin Sup	December-04
10	2006	Administrative Assistant I (Juvenile Court)	Non-Exempt	8810	F - Admin Sup	March-07
10	2623	Administrative Assistant I (Sheriff Administration)	Non-Exempt	8810	F - Admin Sup	April-04
10	2609	Administrative Assistant I (Sheriff CID)	Non-Exempt	8810	F - Admin Sup	April-04
10	2712	Administrative Assistant I (Sheriff Detention)	Non-Exempt	8810	F - Admin Sup	April-04
10	2615	Administrative Assistant I (Sheriff Special Ops)	Non-Exempt	8810	F - Admin Sup	April-05
10	2646	Administrative Assistant I (Sheriff Uniform Patrol)	Non-Exempt	8810	F - Admin Sup	April-04
10	2617	Administrative Assistant I (Sheriff Warrants/Civil)	Non-Exempt	8810	F - Admin Sup	April-04
10	3001	Administrative Assistant I (Solicitor)	Non-Exempt	8810	F - Admin Sup	July-99
10	2521	Bus Driver (Parks & Rec)	Non-Exempt	7380	H - Serv/Maint	August-04
10	2003	Juvenile Court Clerk (Juvenile Court)	Non-Exempt	8810	F - Admin Sup	April-04
10	2402	Legal Transcriber (Superior Court)	Non-Exempt	8810	F - Admin Sup	September-11
10	1403	Records Clerk II (Clerk of Court)	Non-Exempt	8810	F - Admin Sup	April-04
10	2904	Tax/Tag Clerk II (Tax Commissioner)	Non-Exempt	8810	F - Admin Sup	April-04
10	2647	Victim Advocate (Sheriff)	Non-Exempt	8810	E - Parapro	October-12
10	1203	Voter Registration Clerk (Elections)	Non-Exempt	8810	F - Admin Sup	July-11
11	2802	Appraisal Technician (Tax Assessor)	Non-Exempt	8810	F - Admin Sup	April-04
11	2807	Assistant Appraiser (Tax Assessor)	Non-Exempt	9410	C - Technician	January-07
11	2622	Communications Officer (Sheriff)	Non-Exempt	7720	C - Technician	April-04
11	1906	Magistrate Clerk II (Magistrate Court)	Non-Exempt	8810	F - Admin Sup	April-04
11	2304	Probate Clerk II (Probate Court)	Non-Exempt	8810	F - Admin Sup	August-05
11	2902	Tax/Tag Clerk III (Tax Commissioner)	Non-Exempt	8810	F - Admin Sup	August-04
12	3506	Accounting Technician II (Admin)	Non-Exempt	8810	F - Admin Sup	April-04
12	1701	Administrative Assistant II (911)	Non-Exempt	8810	F - Admin Sup	April-04

Position Classification Plan

Grade	Job Code	Job Title	FLSA Status	Workers' Comp Code	EEO-4 Occ Cat Code	Current Job Description Date
12	1003	Administrative Assistant II (Administration)	Non-Exempt	8810	F - Admin Sup	May-12
12	1804	Administrative Assistant II (Fire)	Non-Exempt	8810	F - Admin Sup	August-13
12	2504	Administrative Assistant II (Parks & Rec)	Non-Exempt	8810	F - Admin Sup	April-04
12	3601	Administrative Assistant II (Public Works)	Non-Exempt	8810	F - Admin Sup	April-04
12	2626	Administrative Assistant II (Sheriff)	Non-Exempt	8810	F - Admin Sup	April-04
12	2408	Administrative Assistant II (Superior Court)	Non-Exempt	8810	F - Admin Sup	April-04
12	3900	Administrative Assistant II (State Court)	Non-Exempt	8810	F - Admin Sup	April-04
12	3101	Administrative Assistant II (Water)	Non-Exempt	8810	F - Admin Sup	December-11
12	2631	Community Service Supervisor (Sheriff)	Non-Exempt	7720	D - Protective Srv	April-04
12	1205	Election Assistant (Elections)	Non-Exempt	8810	F - Admin Sup	July-11
12	2206	Human Resources/Payroll - Technician (HR)	Non-Exempt	8810	F - Admin Sup	April-04
12	1704	Telecommunicator (911)	Non-Exempt	8810	F - Admin Sup	April-06
13	2801	Appraiser - Personal Property (Tax Assessor)	Non-Exempt	9410	C - Technician	January-07
13	2804	Appraiser - Real Property (Tax Assessor)	Non-Exempt	9410	C - Technician	January-07
13	1409	Bookkeeper (Clerk of Court)	Non-Exempt	8810	F - Admin Sup	May-07
13	2906	Bookkeeper (Tax Commissioner)	Non-Exempt	8810	F - Admin Sup	August-04
13	1902	Constable (Magistrate Court)	Non-Exempt	9410	D - Protective Srv	April-04
13	1708	Lead Telecommunicator (911)	Non-Exempt	8810	F - Admin Sup	April-04
13	1310	Planning Technician (Com Dev)	Non-Exempt	8810	F - Admin Sup	April-04
13	1410	Records Clerk III (Clerk of Court)	Non-Exempt	8810	F - Admin Sup	April-04
13	2907	Tag Supervisor (Tax Commissioner)	Exempt	8810	F - Admin Sup	April-04
14	1101	Animal Control Officer (Animal Control)	Non-Exempt	8831	D - Protective Srv	April-04
14	1509	Business Manager (Correctional Institution)	Non-Exempt	8810	F - Admin Sup	August-04
14	1406	Deputy Clerk I (Clerk of Court)	Exempt	8810	F - Admin Sup	April-04
14	2702	Deputy Sheriff I - Detention (Sheriff Detention)	Non-Exempt	7720	D - Protective Srv	April-04
14	2506	Parks Maintenance Technician (Parks & Rec)	Non-Exempt	9102	H - Serv/Maint	April-04
14	3104	Utility Systems Technician I (Water)	Non-Exempt	7520	H - Serv/Maint	August-04
15	2810	Appraiser - Wingap Coordinator (Tax Assessor)	Non-Exempt	9410	C - Technician	January-07
15	2204	Assistant to Human Resources Director (HR)	Non-Exempt	8810	F - Admin Sup	April-04
15	2301	Chief Probate Clerk (Probate Court)	Exempt	8810	F - Admin Sup	August-05
15	2621	Communications Supervisor (Sheriff)	Non-Exempt	7720	C - Technician	April-04
15	2642	Coordinator, Victim Services Unit (Sheriff)	Non-Exempt	8810	C - Technician	April-04
15	1502	Correctional Officer (Correctional Institution)	Non-Exempt	7720	D - Protective Srv	August-04
15	2911	Deputy Tax Commissioner/Finance (Tax Comm)	Exempt	8810	A - Officials/Adm	April-04
15	2909	Deputy Tax Commissioner/Property (Tax Comm)	Exempt	8810	A - Officials/Adm	April-04
15	1005	Executive Secretary (Administration)	Non-Exempt	8810	F - Admin Sup	August-04
15	2004	Juvenile Probation Officer (Juvenile Court)	Non-Exempt	9410	B - Professional	August-04
15	3607	Mechanic I (Public Works)	Non-Exempt	8380	H - Serv/Maint	August-04
15	3616	Office Manager (Public Works)	Non-Exempt	8810	F - Admin Sup	April-04
15	3002	Office Manager (State Court Solicitor)	Non-Exempt	8810	F - Admin Sup	July-11
15	3902	Official Court Reporter (State Court)	Non-Exempt	8810	F - Admin Sup	August-04
15	2403	Official Court Reporter (Superior Court)	Non-Exempt	8810	F - Admin Sup	September-11
15	3602	Public Works Officer I (Public Works)	Non-Exempt	5506	H - Serv/Maint	August-04
15	3610	Service & Maintenance Officer (Public Works)	Non-Exempt	5506	H - Serv/Maint	April-08
15	1705	Shift Supervisor (911)	Non-Exempt	8810	F - Admin Sup	April-04
15	2523	Small Engine Mechanic (Parks & Rec)	Non-Exempt	9102	H - Serv/Maint	April-04
15	3903	Victim Advocate Coordinator (State Court)	Non-Exempt	8810	E - Parapro	July-11
15	1201	Voter Registration Coordinator (Elections)	Non-Exempt	8810	F - Admin Sup	August-04
15	3107	Wasterwater Treatment Plant Operator (Wastewater)	Non-Exempt	7580	G - Skilled Craft	June-09
16	1901	Chief Magistrate Clerk (Magistrate Court)	Non-Exempt	8810	F - Admin Sup	April-04
16	1528	Contract Detail Officer (Correctional Institution)	Non-Exempt	7720	D - Protective Srv	March-11

Position Classification Plan

Grade	Job Code	Job Title	FLSA Status	Workers' Comp Code	EEO-4 Occ Cat Code	Current Job Description Date
16	1503	Corrections Corporal (Correctional Institution)	Non-Exempt	7720	D - Protective Srv	April-04
16	1507	Corrections Corporal (Custodial Maintenance)	Non-Exempt	7720	D - Protective Srv	April-04
16	1514	Corrections Transport Officer (Correctional Inst)	Non-Exempt	7720	D - Protective Srv	April-04
16	1408	Deputy Clerk II (Clerk of Court)	Exempt	8810	F - Admin Sup	April-04
16	2703	Deputy Sheriff II (Sheriff Detention)	Non-Exempt	7720	D - Protective Srv	April-04
16	2602	Deputy Sheriff II (Sheriff Uniform Patrol)	Non-Exempt	7720	D - Protective Srv	April-04
16	2618	Deputy Sheriff II (Sheriff Warrants/Civil)	Non-Exempt	7720	D - Protective Srv	April-04
16	1806	Fire Apparatus/Equipment Mechanic (Fire)	Non-Exempt	7710	G - Skilled Craft	April-04
16	1807	Firefighter (Fire)	Non-Exempt	7710	D - Protective Srv	April-04
16	2636	Maintenance Technician (Sheriff)	Non-Exempt	7720	H - Serv/Maint	April-04
16	2639	Resource Officer (Sheriff)	Non-Exempt	7720	D - Protective Srv	April-04
17	3504	Accountant/Purchasing Agent (Admin)	Exempt	8810	B - Professional	May-11
17	1303	Building Inspector I (Com Dev)	Non-Exempt	9410	A - Officials/Adm	August-04
17	1304	Code Enforcement Officer (Code Enforcement)	Non-Exempt	7720	A - Officials/Adm	September-05
17	2701	Corporal (Sheriff Detention)	Non-Exempt	7720	D - Protective Srv	May-08
17	2601	Corporal (Sheriff Uniform Patrol)	Non-Exempt	7720	D - Protective Srv	April-04
17	2616	Corporal (Sheriff Warrants/Civil)	Non-Exempt	7720	D - Protective Srv	April-04
17	1506	Food Service Supervisor (Correctional Institution)	Non-Exempt	7720	D - Protective Srv	April-04
17	3608	Mechanic II (Public Works)	Non-Exempt	8380	G - Skilled Craft	May-08
17	2503	Parks & Recreation Supervisor (Parks & Rec)	Non-Exempt	9102	E - Parapro	August-04
17	2509	Parks Maintenance Detail Officer (Parks & Rec)	Non-Exempt	9102	H - Serv/Maint	April-04
17	3603	Public Works Officer II (Public Works)	Non-Exempt	5506	H - Serv/Maint	April-04
17	2809	Senior Appraiser (Tax Assessor)	Non-Exempt	9410	C - Technician	January-07
17	3609	Sign Maintenance Officer (Public Works)	Non-Exempt	5506	H - Serv/Maint	April-04
17	1707	Training Officer/CAD Coordinator (911)	Exempt	8810	C - Technician	April-04
17	3105	Utility System Technician II (Water)	Non-Exempt	7520	H - Serv/Maint	April-04
18	2502	Athletics Supervisor (Parks & Rec)	Exempt	9102	A - Officials/Adm	April-04
18	2101	Construction Foreman (Constr & Maint)	Non-Exempt	9015	G - Skilled Craft	April-04
18	2525	Parks Construction Foreman (Parks & Rec)	Non-Exempt	9102	G - Skilled Craft	June-12
18	2518	Senior Citizens Center Supervisor (Parks & Rec)	Non-Exempt	9061	E - Parapro	June-05
18	1601	Youth Education Program Assistant (Extension)	Non-Exempt	8810	B - Professional	August-04
18	1602	4-H Watershed Program Assistant (Extension)	Non-Exempt	8810	B - Professional	August-08
19	1104	Animal Shelter Supervisor (Animal Control)	Exempt	8831	D - Protective Srv	April-04
19	1307	Building Inspector II (Com Dev)	Non-Exempt	9410	A - Officials/Adm	August-04
19	1204	Elections Supervisor (Elections)	Exempt	8810	A - Officials/Adm	September-11
19	1524	Licensed Practical Nurse (Correctional Institution)	Non-Exempt	7720	C - Technician	April-04
19	2103	Maintenance Technician (Constr & Maint)	Non-Exempt	9015	G - Skilled Craft	April-04
19	3604	Public Works Officer III (Public Works)	Non-Exempt	5506	H - Serv/Maint	April-04
19	3613	Public Works Officer III (Solid Waste)	Non-Exempt	9403	H - Serv/Maint	April-04
19	3106	Utility System Technician III (Water)	Non-Exempt	7520	G - Skilled Craft	April-04
19	2005	Youth Counselor/Probation Officer (Juvenile Court)	Exempt	9410	B - Professional	April-04
20	1505	Corrections Sergeant (Correctional Institution)	Non-Exempt	7720	D - Protective Srv	April-04
20	2635	Evidence Custodian (Sheriff Special Ops)	Non-Exempt	8810	C - Technician	January-05
20	2634	Evidence Custodian (Sheriff)	Non-Exempt	8810	C - Technician	April-04
20	1517	Food Service Manager (Correctional Institution)	Exempt	7720	D - Protective Srv	April-04
20	2610	Investigator (Sheriff CID)	Non-Exempt	7720	D - Protective Srv	April-04
20	2650	Investigator (Sheriff Internal Affairs)	Non-Exempt	7720	D - Protective Srv	May-10
20	2633	Investigator (Sheriff Juvenile)	Non-Exempt	7720	D - Protective Srv	May-06
20	2629	Investigator (Sheriff Sex Offender Registry)	Non-Exempt	7720	D - Protective Srv	July-06
20	2612	Investigator (Sheriff Special Ops)	Non-Exempt	7720	D - Protective Srv	April-04
20	3605	Public Works Officer IV (Public Works)	Non-Exempt	5506	H - Serv/Maint	April-04

Position Classification Plan

Grade	Job Code	Job Title	FLSA Status	Workers' Comp Code	EEO-4 Occ Cat Code	Current Job Description Date
20	3606	Shop Supervisor (Public Works)	Exempt	8380	G - Skilled Craft	April-04
21	2605	Corporal (Sheriff CID)	Non-Exempt	7720	D - Protective Srv	April-04
21	2611	Corporal (Sheriff Special Ops)	Non-Exempt	7720	D - Protective Srv	April-04
21	1504	Corrections Counselor (Correctional Institution)	Non-Exempt	7720	B - Professional	August-04
21	1530	Corrections Training Officer (Correctional Institution)	Non-Exempt	7720	D - Protective Srv	April-07
21	1529	LPN Supervisor (Correctional Institution)	Non-Exempt	7720	C - Technician	April-04
21	2104	Maintenance Technician, Senior (Constr & Maint)	Non-Exempt	9015	G - Skilled Craft	September-12
21	2714	Sergeant (Sheriff Court Services)	Non-Exempt	7720	C - Technician	April-04
21	2706	Sergeant (Sheriff Detention)	Non-Exempt	7720	C - Technician	May-08
21	2715	Sergeant (Sheriff Training Coordinator)	Non-Exempt	7720	C - Technician	April-04
21	2604	Sergeant (Sheriff Uniform Patrol)	Non-Exempt	7720	C - Technician	April-04
21	2620	Sergeant (Sheriff Warrants/Civil)	Non-Exempt	7720	C - Technician	April-04
21	2628	Systems Administrator (Sheriff)	Exempt	8810	C - Technician	April-04
22	1810	Fire Safety Officer (Fire)	Non-Exempt	7710	A - Officials/Adm	September-05
22	2644	Helicopter Pilot (Sheriff Special Ops)	Non-Exempt	7720	B - Professional	April-05
22	2607	Sergeant (Sheriff CID)	Non-Exempt	7720	C - Technician	April-04
22	2625	Sergeant (Sheriff Juvenile)	Non-Exempt	7720	C - Technician	April-04
22	2614	Sergeant (Sheriff Special Ops)	Non-Exempt	7720	C - Technician	April-04
23	2811	Assistant Chief Appraiser (Tax Assessor)	Non-Exempt	9410	A - Officials/Adm	July-13
23	1401	Chief Deputy Clerk (Clerk of Court)	Exempt	8810	F - Admin Sup	April-04
23	2901	Chief Deputy Tax Commissioner (Tax Comm)	Exempt	8810	F - Admin Sup	September-92
23	1508	Corrections Lieutenant (Correctional Institution)	Exempt	7720	D - Protective Srv	April-04
23	2637	Crime Scene Technician (Sheriff)	Non-Exempt	7720	C - Technician	April-04
23	2520	Parks Maintenance Coordinator (Parks & Rec)	Exempt	9102	G - Skilled Craft	April-04
24	1808	Lieutenant (Fire)	Non-Exempt	7710	B - Professional	April-04
24	2608	Lieutenant (Sheriff CID)	Exempt	7720	B - Professional	April-04
24	2707	Lieutenant (Sheriff Detention)	Exempt	7720	B - Professional	April-04
24	2632	Lieutenant (Sheriff Special Ops)	Exempt	7720	B - Professional	April-04
24	2640	Lieutenant (Sheriff Warrants/Civil)	Exempt	7720	B - Professional	April-04
25	1009	GIS Coordinator (Com Dev)	Exempt	8810	B - Professional	April-04
27	3615	Assistant Public Works Director (Public Works)	Exempt	5506	A - Officials/Adm	April-04
27	1302	Building Official (Com Dev)	Non-Exempt	9410	A - Officials/Adm	August-04
27	3700	Environmental Resources Coordinator (Com Dev)	Exempt	9410	A - Officials/Adm	April-05
27	1311	Senior Planner (Com Dev)	Exempt	9410	A - Officials/Adm	April-04
28	2001	Chief Probation Officer (Juvenile Court)	Exempt	9410	A - Officials/Adm	April-04
28	1703	Communications Manager (911)	Exempt	8810	A - Officials/Adm	March-14
29	1809	Captain (Fire)	Exempt	7710	B - Professional	January-14
29	1811	Compliance Officer (Fire)	Exempt	7710	B - Professional	June-08
29	1513	Corrections Captain (Correctional Institution)	Exempt	7720	D - Protective Srv	April-04
29	1805	Fire Marshal (Fire)	Non-Exempt	7710	A - Officials/Adm	August-04
29	2501	Superintendent of Recreation (Parks & Rec)	Exempt	9102	A - Officials/Adm	July-06
29	2510	Superintendent Park Maintenance (Parks & Rec)	Exempt	9102	A - Officials/Adm	April-04
30	2645	Administrative Mgr (Sheriff)	Exempt	7720	A - Officials/Adm	January-14
30	2606	Captain (Sheriff CID)	Exempt	7720	B - Professional	April-04
30	2613	Captain (Sheriff Special Ops)	Exempt	7720	B - Professional	April-04
30	2603	Captain (Sheriff Uniform Patrol)	Exempt	7720	B - Professional	April-04

Position Classification Plan

Grade	Job Code	Job Title	FLSA Status	Workers' Comp Code	EEO-4 Occ Cat Code	Current Job Description Date
30	2619	Captain (Sheriff Warrants/Civil)	Exempt	7720	B - Professional	April-04
30	2803	Chief Appraiser (Tax Assessor)	Exempt	9410	A - Officials/Adm	March-13
30	1016	Communications System Administrator (800 MHz)	Exempt	9410	C - Technician	August-10
30	1006	Information Systems Coordinator (Administration)	Exempt	8810	C - Technician	April-04
31	1512	Chief Corrections Counselor (Correctional Inst)	Exempt	7720	B - Professional	April-04
32	1702	Communications Director (911)	Exempt	8810	A - Officials/Adm	April-04
32	2102	Director Construction & Maintenance (Const & Mnt)	Exempt	9015	A - Officials/Adm	April-04
33	1802	Battalion Chief (Fire)	Exempt	7710	A - Officials/Adm	September-13
34	1813	Deputy Fire Chief - Administration (Fire)	Exempt	7710	A - Officials/Adm	July-12
34	2710	Major (Sheriff Detention)	Exempt	7720	A - Officials/Adm	April-04
34	2641	Major (Sheriff Uniform Patrol)	Exempt	7720	A - Officials/Adm	April-04
35	1812	Deputy Fire Chief - Operations (Fire)	Exempt	7710	A - Officials/Adm	July-12
35	3103	Superintendent (Water)	Exempt	9410	A - Officials/Adm	April-04
36	1801	Assistant Chief (Fire)	Exempt	7710	A - Officials/Adm	April-04
36	1515	Deputy Warden/Care & Treatment (Correct Inst)	Exempt	7720	A - Officials/Adm	April-04
36	1501	Deputy Warden/Security (Correctional Institution)	Exempt	7720	A - Officials/Adm	April-04
38	2624	Chief Deputy (Sheriff)	Exempt	7720	A - Officials/Adm	April-04
40	1305	Community Development Director (Com Dev)	Exempt	8810	A - Officials/Adm	July-11
41	2505	Parks & Recreation Director (Parks & Rec)	Exempt	9102	A - Officials/Adm	April-04
42	1015	Assistant to County Manager (Administration)	Exempt	8810	A - Officials/Adm	March-06
43	2202	Human Resources Director (HR)	Exempt	8810	A - Officials/Adm	April-04
43	3600	Public Works Director (Public Works)	Exempt	5506	A - Officials/Adm	April-04
45	1803	Chief (Fire)	Exempt	7710	A - Officials/Adm	November-09
50	1012	Administrative Services Director (Administration)	Exempt	8810	A - Officials/Adm	April-04
53	1511	Warden (Correctional Institution)	Exempt	7720	A - Officials/Adm	April-04
55	1010	Deputy County Manager (Administration)	Exempt	8810	A - Officials/Adm	February-11
0	9028	Assistant Case Manager (Food Voucher Program)	Non-Exempt	8810	B - Professional	February-10
0	9010	Assistant Solicitor (Solicitor)	Exempt	8810	B - Professional	
0	9034	Associate Juvenile Court Judge (Juvenile Court)	Exempt	8810	B - Professional	
0	9029	Case Manager (Food Voucher Program)	Non-Exempt	8810	B - Professional	February-10
0	9025	Chief Magistrate Judge (Magistrate Court)	Exempt	8810	X - Exempt	
0	9007	Clerk of Court (Clerk of Court)	Exempt	8810	X - Exempt	
0	9004	Coroner (Coroner)	Exempt	8832	X - Exempt	
0	9000	County Commissioner (Admin)	Exempt	9410	X - Exempt	
0	9022	County Extension Agent (Extension)	Exempt	0	B - Professional	
0	9021	County Extension Coordinator (Extension)	Exempt	0	A - Officials/Adm	
0	9023	County Extension Secretary (Extension)	Non-Exempt	0	F - Admin Sup	

Position Classification Plan

Grade	Job Code	Job Title	FLSA Status	Workers' Comp Code	EEO-4 Occ Cat Code	Current Job Description Date
0	9001	County Manager (Admin)	Exempt	8810	X - Exempt	
0	9012	Day Camp Counselor (Parks & Rec)	Non-Exempt	9102	E - Parapro	
0	9024	Enrichment Program Counselor (Parks & Rec)	Non-Exempt	9102	E - Parapro	
0	9016	Enrichment Program Lead Teacher (Parks & Rec)	Non-Exempt	9102	B - Professional	
0	9017	Enrichment Program Teacher (Parks & Rec)	Non-Exempt	9102	B - Professional	
0	9013	Food Monitor (Parks & Rec)	Non-Exempt	9102	E - Parapro	
0	9014	Food Server (Parks & Rec)	Non-Exempt	9102	E - Parapro	
0	9015	Food Service Driver (Parks & Rec)	Non-Exempt	9102	H - Serv/Maint	
0	9033	Intern	Non-Exempt	8810	E - Parapro	
0	9032	Law Clerk (Superior Court)	Exempt	0	B - Professional	September-92
0	9026	Magistrate Judge (Magistrate Court)	Exempt	8810	B - Professional	
0	2524	Motor Coach Operator (Parks & Rec)	Non-Exempt	7380	H - Serv/Maint	November-09
0	9031	Office Clerk (Food Voucher Program)	Non-Exempt	8810	F - Admin Sup	April-10
0	9005	Physician (Correctional Institution)	Exempt	9410	B - Professional	
0	9019	Presiding Juvenile Court Judge (Juvenile Court)	Exempt	8810	B - Professional	
0	9008	Probate Judge (Probate Court)	Exempt	8810	X - Exempt	
0	9030	Program Tech (Food Voucher Program)	Non-Exempt	8810	F - Admin Sup	April-10
0	2511	Security Officer (Parks & Rec)	Non-Exempt	7720	D - Protective Srv	January-93
0	2517	Security Supervisor (Parks & Rec)	Non-Exempt	7720	D - Protective Srv	February-14
0	9020	Senior Judge (Superior Court)	Exempt	0	X - Exempt	
0	9006	Sheriff (Sheriff)	Exempt	7720	X - Exempt	
0	9011	State Court Judge (State Court)	Exempt	8810	X - Exempt	
0	9009	State Court Solicitor (Solicitor)	Exempt	8810	X - Exempt	
0	9018	Superior Court Judge (Superior Court)	Exempt	0	X - Exempt	
0	9002	Tax Assessor (Tax Assessor)	Exempt	0	X - Exempt	
0	9003	Tax Commissioner (Tax Commissioner)	Exempt	8810	X - Exempt	
0	9027	Tutor (After School Program)	Non-Exempt	9101	B - Professional	February-10

Pay Plan

Grade	Hiring Rate	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17	Step 18
1	15,717	16,110	16,513	16,925	17,349	17,782	18,227	18,683	19,150	19,628	20,119	20,622	21,138	21,666	22,208	22,763	23,332	23,915	24,513
2	16,728	17,146	17,575	18,014	18,465	18,926	19,399	19,884	20,381	20,891	21,413	21,949	22,497	23,060	23,636	24,227	24,833	25,454	26,090
3	17,741	18,185	18,639	19,105	19,583	20,072	20,574	21,088	21,616	22,156	22,710	23,278	23,860	24,456	25,068	25,694	26,337	26,995	27,670
4	18,752	19,221	19,701	20,194	20,699	21,216	21,747	22,290	22,847	23,419	24,004	24,604	25,219	25,850	26,496	27,158	27,837	28,533	29,247
5	19,761	20,255	20,761	21,280	21,812	22,358	22,917	23,490	24,077	24,679	25,296	25,928	26,576	27,241	27,922	28,620	29,335	30,069	30,820
6	20,772	21,291	21,824	22,369	22,928	23,502	24,089	24,691	25,309	25,941	26,590	27,255	27,936	28,634	29,350	30,084	30,836	31,607	32,397
7	21,782	22,327	22,885	23,457	24,043	24,644	25,260	25,892	26,539	27,203	27,883	28,580	29,294	30,027	30,777	31,547	32,336	33,144	33,972
8	22,792	23,362	23,946	24,544	25,158	25,787	26,432	27,093	27,770	28,464	29,176	29,905	30,653	31,419	32,204	33,010	33,835	34,681	35,548
9	23,805	24,400	25,010	25,635	26,276	26,933	27,607	28,297	29,004	29,729	30,472	31,234	32,015	32,815	33,636	34,477	35,339	36,222	37,128
10	24,815	25,435	26,071	26,723	27,391	28,076	28,778	29,497	30,235	30,991	31,765	32,559	33,373	34,208	35,063	35,940	36,838	37,759	38,703
11	25,824	26,470	27,131	27,810	28,505	29,217	29,948	30,697	31,464	32,251	33,057	33,883	34,730	35,599	36,489	37,401	38,336	39,294	40,277
12	26,834	27,505	28,192	28,897	29,620	30,360	31,119	31,897	32,695	33,512	34,350	35,209	36,089	36,991	37,916	38,864	39,835	40,831	41,852
13	27,846	28,542	29,256	29,987	30,737	31,505	32,293	33,100	33,928	34,776	35,645	36,536	37,450	38,386	39,346	40,329	41,338	42,371	43,430
14	28,858	29,579	30,319	31,077	31,854	32,650	33,466	34,303	35,161	36,040	36,941	37,864	38,811	39,781	40,776	41,795	42,840	43,911	45,009
15	29,867	30,614	31,379	32,163	32,968	33,792	34,637	35,502	36,390	37,300	38,232	39,188	40,168	41,172	42,201	43,256	44,338	45,446	46,582
16	30,877	31,649	32,440	33,251	34,082	34,934	35,808	36,703	37,621	38,561	39,525	40,513	41,526	42,564	43,628	44,719	45,837	46,983	48,158
17	31,888	32,685	33,502	34,340	35,198	36,078	36,980	37,905	38,852	39,824	40,819	41,840	42,886	43,958	45,057	46,183	47,338	48,521	49,734
18	32,898	33,720	34,563	35,428	36,313	37,221	38,152	39,105	40,083	41,085	42,112	43,165	44,244	45,350	46,484	47,646	48,837	50,058	51,310
19	33,909	34,757	35,626	36,516	37,429	38,365	39,324	40,307	41,315	42,348	43,406	44,492	45,604	46,744	47,913	49,110	50,338	51,597	52,886
20	34,920	35,793	36,688	37,605	38,545	39,509	40,496	41,509	42,547	43,610	44,701	45,818	46,964	48,138	49,341	50,575	51,839	53,135	54,463
21	35,931	36,829	37,750	38,694	39,661	40,653	41,669	42,711	43,778	44,873	45,995	47,145	48,323	49,531	50,770	52,039	53,340	54,673	56,040
22	36,943	37,867	38,813	39,784	40,778	41,798	42,843	43,914	45,011	46,137	47,290	48,472	49,684	50,926	52,199	53,504	54,842	56,213	57,618
23	37,952	38,901	39,873	40,870	41,892	42,939	44,013	45,113	46,241	47,397	48,582	49,796	51,041	52,317	53,625	54,966	56,340	57,748	59,192
24	38,965	39,939	40,938	41,961	43,010	44,085	45,187	46,317	47,475	48,662	49,878	51,125	52,404	53,714	55,057	56,433	57,844	59,290	60,772
25	39,974	40,973	41,998	43,048	44,124	45,227	46,358	47,517	48,704	49,922	51,170	52,449	53,761	55,105	56,482	57,894	59,342	60,825	62,346
26	40,983	42,008	43,058	44,134	45,238	46,369	47,528	48,716	49,934	51,182	52,462	53,773	55,118	56,496	57,908	59,356	60,839	62,360	63,919
27	41,995	43,045	44,121	45,224	46,355	47,513	48,701	49,919	51,167	52,446	53,757	55,101	56,479	57,891	59,338	60,821	62,342	63,900	65,498
28	43,005	44,080	45,182	46,312	47,469	48,656	49,873	51,119	52,397	53,707	55,050	56,426	57,837	59,283	60,765	62,284	63,841	65,437	67,073
29	44,016	45,116	46,244	47,400	48,585	49,800	51,045	52,321	53,629	54,970	56,344	57,753	59,197	60,677	62,193	63,748	65,342	66,976	68,650
30	45,026	46,152	47,305	48,488	49,700	50,943	52,216	53,522	54,860	56,231	57,637	59,078	60,555	62,069	63,621	65,211	66,841	68,512	70,225
31	46,037	47,188	48,368	49,577	50,816	52,087	53,389	54,724	56,092	57,494	58,931	60,405	61,915	63,463	65,049	66,675	68,342	70,051	71,802
32	47,048	48,224	49,430	50,666	51,932	53,230	54,561	55,925	57,323	58,757	60,225	61,731	63,274	64,856	66,478	68,140	69,843	71,589	73,379
33	48,058	49,259	50,491	51,753	53,047	54,373	55,733	57,126	58,554	60,018	61,518	63,056	64,633	66,248	67,905	69,602	71,342	73,126	74,954
34	49,069	50,296	51,553	52,842	54,163	55,517	56,905	58,328	59,786	61,280	62,812	64,383	65,992	67,642	69,333	71,067	72,843	74,664	76,531
35	50,079	51,331	52,614	53,930	55,278	56,660	58,076	59,528	61,016	62,542	64,105	65,708	67,351	69,034	70,760	72,529	74,343	76,201	78,106
36	51,090	52,367	53,676	55,018	56,394	57,804	59,249	60,730	62,248	63,804	65,400	67,035	68,710	70,428	72,189	73,994	75,843	77,739	79,683
37	52,103	53,406	54,741	56,109	57,512	58,950	60,424	61,934	63,482	65,070	66,696	68,364	70,073	71,825	73,620	75,461	77,347	79,281	81,263
38	53,111	54,439	55,800	57,195	58,625	60,090	61,592	63,132	64,711	66,328	67,987	69,686	71,428	73,214	75,044	76,921	78,844	80,815	82,835
39	54,121	55,474	56,861	58,282	59,739	61,233	62,764	64,333	65,941	67,590	69,279	71,011	72,787	74,606	76,472	78,383	80,343	82,352	84,410
40	55,132	56,510	57,923	59,371	60,855	62,377	63,936	65,535	67,173	68,852	70,574	72,338	74,146	76,000	77,900	79,848	81,844	83,890	85,987
41	56,144	57,548	58,986	60,461	61,972	63,522	65,110	66,738	68,406	70,116	71,869	73,666	75,507	77,395	79,330	81,313	83,346	85,430	87,565
42	57,154	58,583	60,047	61,549	63,087	64,665	66,281	67,938	69,637	71,378	73,162	74,991	76,866	78,787	80,757	82,776	84,845	86,967	89,141

Grade	Hiring Rate	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17	Step 18
43	58,164	59,618	61,109	62,636	64,202	65,807	67,452	69,139	70,867	72,639	74,455	76,316	78,224	80,180	82,184	84,239	86,345	88,503	90,716
44	59,177	60,656	62,173	63,727	65,320	66,953	68,627	70,343	72,101	73,904	75,752	77,645	79,586	81,576	83,616	85,706	87,849	90,045	92,296
45	60,186	61,691	63,233	64,814	66,434	68,095	69,797	71,542	73,331	75,164	77,043	78,969	80,943	82,967	85,041	87,167	89,346	91,580	93,870
46	61,198	62,728	64,296	65,904	67,551	69,240	70,971	72,745	74,564	76,428	78,339	80,297	82,305	84,362	86,471	88,633	90,849	93,120	95,448
47	62,208	63,763	65,357	66,991	68,666	70,383	72,142	73,946	75,794	77,689	79,631	81,622	83,663	85,754	87,898	90,096	92,348	94,657	97,023
48	63,218	64,798	66,418	68,079	69,781	71,525	73,313	75,146	77,025	78,951	80,924	82,947	85,021	87,147	89,325	91,559	93,847	96,194	98,599
49	64,228	65,834	67,480	69,167	70,896	72,668	74,485	76,347	78,256	80,212	82,217	84,273	86,380	88,539	90,752	93,021	95,347	97,730	100,174
50	65,239	66,870	68,542	70,255	72,012	73,812	75,657	77,549	79,487	81,475	83,511	85,599	87,739	89,933	92,181	94,486	96,848	99,269	101,751
51	66,250	67,906	69,604	71,344	73,128	74,956	76,830	78,750	80,719	82,737	84,806	86,926	89,099	91,326	93,610	95,950	98,348	100,807	103,327
52	67,260	68,942	70,665	72,432	74,242	76,099	78,001	79,951	81,950	83,999	86,098	88,251	90,457	92,719	95,037	97,413	99,848	102,344	104,903
53	68,270	69,977	71,726	73,519	75,357	77,241	79,172	81,152	83,180	85,260	87,391	89,576	91,816	94,111	96,464	98,875	101,347	103,881	106,478
54	69,280	71,012	72,787	74,607	76,472	78,384	80,344	82,352	84,411	86,521	88,684	90,901	93,174	95,503	97,891	100,338	102,847	105,418	108,053
55	70,292	72,049	73,851	75,697	77,589	79,529	81,517	83,555	85,644	87,785	89,980	92,229	94,535	96,898	99,321	101,804	104,349	106,958	109,632