

# Personnel Policy Manual

Nothing in this manual is to be construed to create a contract between the County and its employees, nor is any provision of the manual intended to imply a right to continuous employment with the County. Any benefit, rule, or provision provided in this manual may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Effective November 2, 2021

## A Note from the County Manager

*Dear Employee:*

*Welcome to Bulloch County!*

*We are excited to have you as a part of our talented and diverse team of employees. Bulloch County's organizational success is driven by input and contribution from every team member. This policy manual contains key policies and expectations that apply to Bulloch County employees. You will find the information both necessary and informative and are encouraged to use the manual as the vital resource it is intended to be.*

*Bulloch County is committed to excellent service to our citizens and visitors. Providing an outstanding quality of life to our community is a top priority. As a part of our team, you will discover that your involvement will not only benefit the County, but will also be a rewarding experience for you, both professionally and personally. We expect you to own the results of your innovation and productivity and be an active participant in the growth and development of your career and of Bulloch County's future.*

*Again, welcome aboard. We look forward to your contribution!*

*Sincerely,*

A handwritten signature in blue ink, appearing to read "Thomas M. Couch".

*Thomas M. Couch  
County Manager*

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## Section 1 – Personnel Administration

### 1.1 Authority

#### 1.1.1 General

With the exception of matters reserved by state law or as otherwise reserved by the Board of Commissioners, the general and final authority for personnel administration rests with the County Manager. This Personnel Policy Manual provides statements of policy and establishes personnel administration procedures that are necessary to effectively and efficiently manage County operations and applies to all employees that are under the operational jurisdiction of the Board of Commissioners. It is issued by the County Manager under the authority and with the approval of the Board of Commissioners. This Personnel Policy Manual also applies to employees of County elected officials other than the Board of Commissioners, including constitutional officers, unless (i) an elected official has provided written notice to the County Manager that his or her employees are not covered by this Personnel Policy Manual, or (ii) an elected official has implemented policies or procedures for his or her employees that conflict with particular provisions in this Personnel Policy Manual, in which case only the conflicting provisions of this Personnel Policy Manual shall be inapplicable to the elected official's employees.

#### 1.1.2 Scope of Authority

The County Manager possesses the authority to administer County operations that are under the operational jurisdiction of the Board of Commissioners. The County Manager's authority includes, but is not limited to, the ability to:

- Discipline, discharge, or release employees pursuant to procedures described in this manual;
- Direct the work force;
- Hire, assign, or transfer employees;
- Determine the mission of County departments;
- Determine the methods, means, and allocation/assignment of personnel needed to carry out the County's mission;
- Introduce new or improved methods or facilities or change such methods or facilities;
- Determine reasonable work schedules and establish the methods and processes by which such work is performed;
- Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
- Determine position availability by: authorizing lateral assignments; freezing, hiring, and promoting; authorizing delay in position uses due to budget, facilities, or other business necessity; or authorizing temporary assignment into a vacancy;
- Determine the necessity of reclassification of positions and/or reassignment of employees to different positions with different classifications and pay as required by business necessity; and



- Recommend to the Board of Commissioners the addition/deletion of positions.

### **1.1.3 Delegated Authority**

The County Manager may delegate authority to Division/Department Heads in the following areas:

- Discipline or discharge employees pursuant to the procedures described in this manual;
- Direct the work force;
- Hire, assign, or transfer employees;
- Recommend the mission of specific departments;
- Determine the methods, means, and allocation/assignment of personnel needed to carry out the department's mission;
- Introduce new or improved methods or facilities or change such methods or facilities;
- Recommend work schedules and establish the methods and processes by which such work is performed;
- Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
- Recommend positions, reclassification of positions, and/or the reassignment of employees to different positions with different classifications and/or pay; and;
- Assume fiscal responsibility of the department.

The County Manager's delegation of authority to Division/Department Heads does not in any way usurp the County Manager's authority to deal directly with the delegated matter if the County Manager deems it necessary or prudent in administering County operations. By way of example and not limitation, the County Manager retains the authority to discipline or discharge employees under the delegated authority of a Division/Department Head or other supervisor if the Division/Department Head or supervisor fails or refuses to take such action and the County Manager deems it necessary or prudent to do so.

### **1.1.4 Administration of Policy**

Proper policy administration includes selecting goals and encouraging the discharge of duties above the minimum standards. The provisions of this manual create high standards of conduct so that training and performance can be aimed at the highest levels and may, in appropriate cases, be the basis for internal discipline. This manual provides general information about County policies, procedures, expectations, and benefits. The information in this manual, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this manual may not cover all situations. The County Manager shall make interpretive decisions for those situations that are not specifically covered by this manual. The intent of this Personnel Policy Manual is compliance with all applicable Federal and State laws. In the event of a change in law or a conflict in Federal or State law with the contents of this manual, the Federal and/or State law shall supersede the policies contained within this manual.

## **1.2 "At Will" Employment**

All employment relationships are at the will of the County and the employee. Employees may resign or quit at any time for any or no reason, with or without cause or notice. Similarly, the County may discharge an employee at any time for any or no reason, with or without cause or notice. This manual is not intended to and does not create an employment contract between the County and its employees, nor is this manual intended to imply any right to continuous employment with the County. Your employment is for no specified period of time, and this manual does not limit your right or the County's right to terminate your employment at any time for any reason or no reason.

## **1.3 Departmental Operating Rules**

Departmental Operating Rules and Regulations (sometimes referred to as "Standard Operating Procedures" or "SOPs") may be established and used by Department Heads as applicable. Such Departmental Operating Rules and Regulations shall be limited in scope to the conduct or performance of employees in carrying out their jobs and shall not address subjects such as, but not necessarily limited to, compensation, paid or unpaid leave, or employee benefits. All such Departmental Operating Rules and Regulations and subsequent amendments thereto adopted pursuant to this Section shall be submitted to the County Manager, with a copy to the Human Resources Director for maintenance in the Human Resources office. If the County Manager determines that any Departmental Operating Rules and Regulations exceed the scope allowed in this Section, the County Manager will so advise the Department Head, and the Department Head shall revise the Departmental Operating Rules and Regulations to bring them into compliance. In the event that a conflict arises between an employee's conduct or performance required by Departmental Operating Rules and Regulations and the conduct or performance required by this Policy Manual, then the rule or regulation requiring the higher standard of conduct or performance shall control. This paragraph applies to departments under the operational jurisdiction of the Board of Commissioners and does not affect the creation, administration, or enforcement of any Departmental Operating Rules and Regulations established by any other elected officials. The failure of a Division/Department Head to submit SOPs to the County Manager and Human Resources Director, while it may subject the Division/Department Head to corrective action, will not affect the validity of any corrective action taken against an employee based on those SOPs if the particular provision of the SOP on which the corrective action is based is limited in scope to the conduct or performance of employees in carrying out their jobs.

## **1.4 Revisions to Manual**

This manual may be amended in whole or in part from time to time at the sole discretion of the County in order to maintain legal compliance, operational effectiveness, and desired workplace conditions. Only the Board of Commissioners has the authority to amend this manual. Amendments will be available to all employees upon adoption.

## 1.5 Personnel Records

### 1.5.1 Establishment and Retention

Master personnel files on all employees are established and maintained by the Human Resources Department. These files shall be in the custody of the Human Resources Department and shall contain personnel records and actions taken. Files for terminated employees shall be retained as required under all applicable record retention laws. The practice of maintaining copies of these files or portions thereof within the departments is strongly discouraged. If departmental records must be maintained, these records must be kept in a secure location so as to ensure the confidentiality of protected information. The Human Resources Director shall determine the time limit that personnel records shall be kept on file and shall make the final disposition in accordance with State or Federal laws.

### 1.5.2 Inspection of Records

An employee has the right to review and request copies of his/her personnel file. These requests will be facilitated by the Human Resources Director. In addition, all personnel records/files of employees covered under these policies shall be subject to inspection and protection in accordance with State Open Records laws.

### 1.5.3 Changes to Records

It is the responsibility of the employee to notify the County of any personal data changes, such as name, address, phone number, emergency contact information, change in beneficiaries, etc. Name changes will require legal documents as back-up (e.g. marriage certificate, divorce decree, etc.)

### 1.5.4 Verification of Employment

All requests from persons inside or outside Bulloch County for information concerning an applicant, employee, or previous employee must be referred to the Human Resources Department. Only Human Resources representatives are authorized to release such information. Only information on employment dates and position held is released, except as required by law or as authorized by the employee's signed request. However, employees should have no expectation of privacy beyond those specifically exempted by Georgia's Open Records Act.

## 1.6 Personnel Policy Manual

**Scope:** The provisions of this manual apply to all employees under the operational jurisdiction of the Board of Commissioners of Bulloch County, Georgia, both on and off duty, unless otherwise indicated, or limited by law. This Personnel Policy Manual also applies to employees of County elected officials other than the Board of Commissioners, including constitutional officers, unless (i) an elected official has provided written notice to the County Manager that his or her employees are not covered by this Personnel Policy Manual, or (ii) an elected official has implemented policies or procedures for his or her employees that conflict with particular provisions in this Personnel Policy Manual, in which case only the conflicting provisions of this Personnel Policy Manual shall be inapplicable to the elected official's employees.

**Not a Contract:** This manual does not constitute a contract of employment or benefits. Nothing in this manual should be construed as a guarantee of continued benefits from, or

employment by, Bulloch County. All employees are subject to discharge with or without cause. Benefits provided are subject to change or revocation with or without notice. Certain benefits may be summarized in this manual; however, these benefits are governed by the plan documents related to the benefits, and if there is a conflict between a statement in this manual and a plan document, the provisions in the plan document will take precedence.

**State and Federal Laws:** Where this manual contains summaries of various state and federal laws, the manual is not intended to explain every detail of those laws but merely to inform the employee that certain laws exist in regard to certain subjects. Consequently, there may be exceptions to what is stated, and nothing contained in this manual is intended to expand or limit the rights or obligations of the County or the employee under those laws.

**Changes:** The Board of Commissioners may elect to modify, revoke, amend, suspend, interpret, terminate, or change any or all of the provisions of this manual without any prior notice to employees.

**Titles/Headings:** The use of titles or headings in this manual shall not govern, limit, modify, or affect the scope of meaning or intent of any provision.

**Validity/Severability:** Any provision of this manual found to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining contents.

**Distribution:** Every County employee will have access to a copy of this manual and copies of amendments and revisions as they are adopted.

**Official Copy:** An official copy of the Bulloch County, Georgia, Personnel Policy Manual containing the latest revisions is maintained by the Human Resources Department.

## 1.7 Definitions

The following words and phrases shall have the following meanings. All other words not defined herein shall have the common and ordinary dictionary meanings, unless a different meaning is required by the context.

**Corrective Action:** Corrective action includes any actions taken for the purpose of counseling, guiding, correcting and/or disciplining employees, up to and including termination of employment. Corrective action may alternatively be referred to as “disciplinary action.”

**County:** Unless otherwise defined, “County” refers to Bulloch County, Georgia and/or the Bulloch County Board of Commissioners.

**Days:** Unless otherwise provided, “days” refers to business days, rather than calendar days or shift days.

**Demotion:** Demotion is defined as the change of an employee from a position in one grade to a position in another grade at a lower level.

**Department Head:** The highest administrative employee of a department, whether indicated as Director, Chief, or other job title or rank. Departments are subdivisions of a division.

**Division Head:** The highest administrative employee of a division. Divisions are made up of multiple departments.

## ***Employee***

- **Full-time Employee:** Any employee filling an approved, budgeted position with a regularly scheduled work week of thirty (30) or more hours per week. Most full-time employees are regularly scheduled for at least forty (40) hours per week; however, the regular work schedule of individual employees may vary based on job descriptions and department needs.
- **Part-time Employee:** Any employee with either (a) a regularly scheduled work week of less than thirty (30) hours per week or (b) an irregular, intermittent, or unpredictable schedule of less than an average of thirty (30) hours per week. ***See also Section 14.8.***
- **Probationary Employee:** Those newly hired employees who are in their “original probation period” and those employees who have changed positions and are in the “position probation period.”

***Exempt Employee:*** An employee assigned to a position that is designated and qualifies as exempt under the federal Fair Labor Standards Act (FLSA). Exempt employees are compensated on an annual salary basis and do not receive overtime pay or compensatory time off for hours worked in excess of forty (40) during the defined work week.

***Non-Exempt Employee:*** An employee assigned to a position that is not qualified as exempt under the federal Fair Labor Standards Act (FLSA). Non-exempt employees are compensated on an hourly basis and are entitled to receive overtime pay or, with express permission, compensatory time off for hours worked in excess of forty (40) during the defined work week. (Alternate work periods may apply. ***See Section 2.2.5.***)

***On-the-Job Injury:*** An on-the-job injury is an injury arising out of employment and sustained in the course of employment.

***Overtime Rate:*** The overtime rate of pay for a non-exempt employee is one and one-half (1½) times the regular rate of pay for that employee.

***Promotion:*** A promotion is defined as the change of an employee from a position in one grade to a position in another grade of a higher level.

***Reassignment:*** Reassignment is defined as the movement of an employee not otherwise covered by demotion, promotion, or reclassification. The terms reassignment and transfer may be used interchangeably.

***Reclassification:*** A reclassification is defined as a position whose classification is altered due to job duties and responsibilities. Reclassifications can be to a higher, lower, or equivalent pay grade.

***Supervisor:*** The term supervisor shall apply to any employee formally assigned to supervisory responsibilities for personnel and operations of a work unit within a larger department of County government. Department Heads, Division Heads and the County Manager should be understood to be supervisors of individuals who report directly to and are evaluated by them.

***Unauthorized Absence:*** Failing to report for duty or failure to remain at work as scheduled without proper notification, authorization, or excuse.

***Work Week:*** For purposes of calculating overtime pay under the FLSA, the work week is established as starting at 7:00 a.m. on Monday and ending at 6:59 a.m. on the following Monday.

## Section 2 – Attendance and Work Hours

### 2.1 Policy Statement

In order to maintain a high level of responsiveness to citizens, it is important that employees follow established work hours, avoid tardiness and unauthorized absences, and follow reporting requirements.

### 2.2 General Provisions

#### 2.2.1 General Business Hours

Administrative offices of the County will be open from 8 a.m. to 5 p.m. Monday through Friday during a regular work week. Unless otherwise approved by the County Manager, normal business hours are from 8 a.m. to 5 p.m.

#### 2.2.2 Hours Worked

The scheduled hours for employees will vary according to position, department, service needs, and work flow. Employees will be notified of their scheduled hours. Any changes in employee schedules, as deemed necessary by supervisors, based on service needs or work flow, will be communicated to employees as far in advance as possible. Any change in work schedule requested by an employee is subject to approval by the employee's supervisor or department head and may be denied.

#### 2.2.3 Time Rounding

To prevent small fluctuations in timekeeping, to help ensure employee pay is consistent from pay period to pay period, and to record time in quarter-hour increments, employee start and end times will be rounded to the nearest quarter-hour. For example, an employee who clocks in at 8:07 will be paid beginning at 8:00, while an employee who clocks in at 8:08 will be paid beginning at 8:15. This rounding is intended to have a neutral impact over time; however, employees who frequently clock in late or leave early may be subject to corrective action.

#### 2.2.4 Overtime Work

Supervisors may schedule overtime for non-exempt employees as deemed necessary. Employees must work overtime if requested by a supervisor. Non-exempt employees may not work overtime, or any other work outside their scheduled hours, without the prior approval of their supervisor or department head.

#### 2.2.5 Overtime Pay

Overtime wages for most non-exempt employees will be paid for any hours worked in excess of forty (40) hours in a work week as required by the Fair Labor Standards Act. These employees must actually work more than forty (40) hours in the applicable work week before receiving overtime pay. (For example, an employee who is paid for 48 hours in a work week would not be entitled to overtime pay if 8 hours of the paid time was for paid annual or sick leave or holiday pay.)

For the purposes of overtime calculation, an alternate work period has been established for some positions pursuant to 29 U.S.C. § 207(k). Overtime (at the rate of one-and-one-half times the regular pay rate) will be paid for the following employees when the hours worked during the established “work period” exceed the “maximum hours” shown in the chart below.

Employee Group	Work Period	Maximum Hours
Eligible Certified Staff in Sheriff’s Office	14 days	85.5
24/48 Shift Personnel in Fire Department	14 days	106
Shift Personnel in Correctional Institute	14 days	80

Employees working in more than one position with different pay rates will be paid overtime based on a regular rate calculated as the weighted average hourly rate earned during the work week. Annual, sick, holiday, or other types of leave will not count as hours worked for calculating overtime pay.

**2.3 Attendance Requirements**

Maintaining good attendance is a condition of employment and an essential job function of every employee. An employee will refrain from unauthorized absences or tardiness; abusing sick leave; absences or tardiness that causes significant disruption of service; and excessive amount of time off the job.

**2.3.1 Excessive Absences**

Specific attendance requirements may be established by supervisors as needed to ensure operational effectiveness. However, as a general rule, three occurrences of unplanned/unscheduled absence in a three-month period are considered excessive and may be grounds for corrective action. *See also Sections 17.7.4 and 13.5.3(6)*. This is not intended to prohibit or to penalize an employee for the use of leave granted under the Family and Medical Leave Act (FMLA), or other legally required leave, nor is it intended to restrict the use of vacation (annual leave) time that has been properly requested and approved in advance. *See also Section 13.9.*

**2.3.2 Unauthorized Absences**

An employee absent from the job without proper authorization for any period of time may be subject to corrective action, up to and including termination of employment. An employee absent from the job without proper authorization for three consecutive workdays may be considered to have resigned his/her position without notice, unless exigent circumstances are demonstrated upon review on a case-by-case basis. *See also Section 7.2.3.*

**2.4 Time Increments**

Hourly computations for the purpose of compensation and the use of annual, sick, holiday, or other types of leave will be computed in quarter hour increments for non-exempt employees.

## Section 3 – Employee Status Changes

### 3.1 Policy Statement

Employees may undergo any number of changes in status and/or compensation. The purpose of this policy is to identify and describe the more common of these changes.

### 3.2 General Provisions

#### 3.2.1 Requirement

All new hires, promotions, demotions, reassignments, or transfers are contingent on position availability, the employee meeting the minimum qualifications, and the availability of funds and are at the discretion of the County Manager and Board of Commissioners.

#### 3.2.2 Status Change

Status changes described in this manual may affect compensation, based on position classification and availability of funds. A Personnel Action Form (PAF) must be completed to document all status changes.

### 3.3 Probation Period

#### 3.3.1 Policy Statement

It is the purpose of the probationary period to serve as a working test period during which both employee and employer can evaluate the job and performance and decide whether to continue the employment relationship. Probationary employees and supervisors should utilize the time to examine all aspects of the job and related performance.

#### 3.3.2 Original Probation Period

Newly hired employees are subject to a three (3) month probationary period in the position to which they are hired (the “Original Probation Period”). New hires who fail to complete the probationary period at an acceptable level shall be terminated from employment.

#### 3.3.3 Position Probation Period

Employees who are promoted, demoted, or transferred to a different position are subject to a three (3) month probationary period in the new position (the “Position Probation Period”). If the employee fails to successfully complete a “position probation period” following promotion, he/she may be terminated or, at the County’s option, he/she may (i) be reinstated in his/her former position at his/her former rate of pay if the position is vacant, or (ii) assigned to any vacant position for which he/she is qualified at a rate of pay within the salary range of the vacant position. If no vacant position for which he/she is qualified is available, the employee will be terminated. If the employee fails to successfully complete a “position probation period” following demotion or transfer, he/she may be terminated or, at the County’s option, he/she may be assigned to any vacant position for which he/she is qualified at a rate of pay within the salary range of the



vacant position. If no vacant position for which he/she is qualified is available, the employee will be terminated.

**3.3.4 Extension of Probation**

At the discretion of the supervisor, and with notice to Human Resources, the probationary period may be extended one time for an additional three (3) month period. If the probationary period is to be extended, the employee will be notified in writing.

**3.3.5 Probation Period Restrictions**

Employees in a probationary status are not eligible for reassignment, promotion, or voluntary transfer unless specifically approved by the County Manager. Employees in their "Original Probation Period" may not use annual leave, except under unusual circumstances as determined by the supervisor or department head.

**3.3.6 "At Will" Status**

The successful conclusion of a probationary period does not eliminate or alter the "at will" status of the employee. No property interest or appeal rights are granted at the end of the probationary period.

**3.4 Promotions and Demotions**

**3.4.1 Eligibility for Promotion**

Employees may be eligible to promote to higher classified positions based on qualifying skills and demonstrated performance.

**3.4.2 Reasons for Demotion**

Employees may be demoted as the result of failure to meet minimum performance standards established for their position, corrective action, job elimination, or reasonable accommodation. A recommendation for demotion must be in writing and must contain the reasons why it is necessary to recommend demotion rather than alternative personnel actions. Only Division/Department Heads, in consultation with the Human Resources Director, may authorize a demotion. The Division/Department Head shall notify the employee in writing.

**3.5 Reassignment**

**3.5.1 Management Reassignment**

An employee may be reassigned to a position in the same rank or classification with different duties and responsibilities at the discretion of the department head.

**3.5.2 Temporary Reassignment to Modified/Light Duty**

Any employee may be, but is not required to be, temporarily reassigned to modified, lighter, or safer duties for a reasonable time period when the employee is unable to perform his/her current duties based on a medical certification by a physician, or when continued performance of current duties may aggravate a present medical condition/problem as diagnosed by a physician. Determining what is a "reasonable time period" depends on factors such as, but not limited to, the employee's anticipated progress based on reports from health care professionals, any disruptions in the County's operations due to the employee's light duty

assignment, and the County's continuing need for or ability to provide the light duty assignment. The County may require an employee to be examined by an appropriate health professional of the County's choice and at the County's expense if the employee provides insufficient information from his/her treating physician (or other health care professional) to substantiate that he/she is unable to perform current duties. Every reasonable effort will be made to reassign the employee to other duties within the same department. During the reassignment period, the employee will be required by the Human Resources Department to provide periodic reports regarding the employee's ability to perform duties.

If a reassigned employee is unable to resume, with or without reasonable accommodations, his/her original duties within a reasonable time period, the Human Resources Department may, with approval of the County Manager, assign the employee to a vacant position in another classification for which the employee is qualified and able to perform the essential functions of the position (with or without reasonable accommodations), and at a salary comparable to that of other employees in the same classification. If no vacancy exists in another classification for which the employee is qualified (with or without reasonable accommodations), the employee may be terminated from employment unless additional leave for a specified period is considered a reasonable accommodation to enable the employee to return to his/her original duties and perform the essential functions of his/her original job. Indefinite leave is not considered to be a reasonable accommodation.

### **3.5.3 Temporary Reassignment to Higher Classification**

An employee may be temporarily assigned to an acting status in a higher position having different duties and responsibilities when:

1. An existing position is vacant or the incumbent is or is expected to be absent from work for at least thirty (30) days;
2. Operational effectiveness precludes dispersing the duties of the position among other equally classified employees;
3. The employee meets the minimum qualifications of and is capable of performing the assigned duties of the higher-level position; and
4. The County Manager approves the temporary acting status prior to the reassignment.

It is the responsibility of the Department Head to request temporary reassignment and, if granted, to submit paperwork to return the employee to the previous position and pay once the temporary reassignment has ended.

### **3.5.4 Employee-Sought Reassignment**

Employees may voluntarily seek transfers to equally or lower classified available positions for which they are qualified. Such transfers may not be granted if the County Manager determines that it is not in the best interest of County operations.

### **3.5.5 Transition from Full-Time to Part-Time**

Employees are not permitted to transition directly from a full-time position to part-time employment with the County. An employee who wishes to voluntarily

resign from full-time employment and work in an available part-time position may be, but is not guaranteed to be, rehired following a minimum of a 13-week separation of employment, but only if the employee does not access or transfer funds in his/her retirement account during the separation. An employee wishing to transition from full-time to part-time employment must submit a completed request form to his/her supervisor. Any exception to this policy must be approved by the County Manager. ***See also Section 5.9.2.***

### **3.6 Reclassification of a Position**

#### **3.6.1 General Overview**

Reclassification of a position may occur at the request of a department head and upon approval of the County Manager when the job duties actually performed, and/or the minimum qualifications of the position have significantly changed since the job description was written. Reclassification may result in a position being placed in a higher, lower, or equivalent classification. Employees whose positions are reclassified will not be subject to a “position probation period”.

#### **3.6.2 Approval**

All requests for reclassifications should be submitted to the Human Resources Director for review and analysis. Any recommendation to reclassify a position must be approved by the County Manager.

## Section 4 – Nepotism and Non-Fraternization

### 4.1 Nepotism

#### 4.1.1 Policy Statement

It is the County's policy that relatives (which, for the purposes of this policy, include spouse, child, parent, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, stepparent, stepchild, stepsister, stepbrother, or any individual living in the employee's household) will not be employed in regular full-time or part-time positions where:

1. One relative would have the authority to supervise, appoint, remove, discipline, or evaluate the performance of the other;
2. Other circumstances exist which would place the relatives in an actual or reasonably foreseeable conflict between the County's interest and their own.

#### 4.1.2 Options to Maintain Policy Compliance

To address new or newly-discovered relationships that conflict with Section 4.1.1 above, the County will consider the following options:

1. Voluntary movement of either or both employees based on availability of positions in other departments and qualifying skills of the employee(s).
2. Involuntary reassignment of the more senior employee to an available position of equivalent status/grade based on qualifying skills of the employee.
3. Resignation or dismissal from County service.

### 4.2 Applicability to Relatives of Specific Individuals

#### 4.2.1 Relatives of Members of the Board of Commissioners

Relatives of members of the Board of Commissioners are ineligible for full-time employment by any County department; provided, however, that a relative who is already employed by the County at the time of the election shall be eligible to remain so employed. Assuming other policies and guidelines relating to conflicts of interest are met, relatives of the Board of Commissioners shall be eligible for employment in any County department as part-time employees.

#### 4.2.2 Relatives of the County Manager

Relatives of the County Manager are ineligible for employment in any capacity in any County department.

### 4.3 Non-Fraternization

#### 4.3.1 Policy Statement

Romantic or sexual relationships between a supervisor and a subordinate employee can cause real or perceived conflicts of interest. In order to prevent these conflicts, the County prohibits such relationships between a supervisor and an employee in a reporting relationship. This policy applies regardless of whether or not both parties freely consent to such relationships. Should a supervisor desire to date or become involved with a subordinate employee, the supervisor should first resign from his/her position with the County. For the purposes of this Section,

“reporting relationship” refers to an individual’s immediate supervisor, the supervisor’s supervisor, or any other supervisory employee further up in the employee’s chain of command.

Romantic or sexual relationships between coworkers who are not in a reporting relationship can also result in real or perceived conflicts of interest. While these relationships are not prohibited by this policy, any resulting behavior that is disruptive, offensive, or inappropriate is prohibited and is grounds for corrective action.

## Section 5 – Hiring and Selection

### 5.1 Policy Statement

Bulloch County is committed to employ, in its best judgment, the most highly qualified candidates for approved positions in compliance with all applicable employment laws. It is the policy of the County to provide equal employment opportunity to all applicants and employees. Authorization from the Human Resources Department is required to initiate any action for an open position including any recruitment efforts or advertising.

### 5.2 Equal Employment Opportunity (EEO)

The County provides equal opportunity to all employees and applicants without regard to race, color, religion, gender, sexual orientation, gender identification, national origin, age, disability, marital status, genetic information, or status as covered veterans in accordance with applicable Federal, State, and local laws. This policy applies to all terms and conditions of employment including, but not limited to, recruitment, placement, promotion, corrective action, termination, reduction in force, transfers, leaves of absence, compensation, working conditions, training, and benefits.

### 5.3 Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) prohibits unlawful discrimination based on disability in the areas of employment, public services, and public accommodations. The ADA requires employers to reasonably accommodate qualified individuals with disabilities. The County will not unlawfully discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The County will provide reasonable accommodations to both employees and members of the public, if so requested.

### 5.4 Selection Criteria

Selection for employment with the County is based on job-related qualifications and is contingent on satisfactory results of such exams or tests as are either required by law or administered due to job-related duties.

### 5.5 Minimum Age

Eighteen (18) is the minimum age of employment for the County with the exception of selected part-time positions where:

- Persons are at least age 16; and
- The positions are non-hazardous and employment of minors is permitted by law.

### 5.6 Work Authorization

All employees must provide proof, as required by USCIS Form I-9, of eligibility for employment within the United States, and must maintain work authorization eligibility as a condition of continued employment.

## **5.7 Application Process**

### **5.7.1 Acceptance of Applications**

As a general policy, applications/resumes will only be accepted for positions that are vacant (or in the process of being vacated) and that are posted as open positions.

### **5.7.2 Recruitment Requests**

Upon a vacancy, the supervisor should notify the Human Resources Director. A recruitment announcement/advertisement will be posted listing the position, the minimum qualifications, and the closing deadline for application submission. This announcement will be posted for a minimum of ten (10) business days. Unless otherwise specified, all postings will be open to both internal and external candidates.

*Internal-Only postings:* With the approval of the Human Resources Director, the Department Head may choose to consider only internal candidates for an existing vacancy. Internal-only postings will be approved when (1) there are a sufficient number of internal candidates from which to select and (2) the vacancy represents a typical career progression for individuals in the candidate pool. In this situation, the Department Head will notify eligible candidates within the department of the vacancy, giving them a minimum of 48 hours to submit an application for the position.

*Waiver of posting process:* Should a position become vacant within 90 days of having been filled, the position will not require re-advertising if there are additional qualified candidates to consider from the previous posting.

### **5.7.3 Forms and Submission**

All candidates for a position must complete the employment application process. Resumes and letters of interest will be accepted in addition to, but may not be substituted for, the standard application process. Additional information outside the initial employment application may be required for some positions.

### **5.7.4 Examinations**

As determined by the supervisor and the Human Resources Director, the selection process may include, but not necessarily be limited to, one or more of the following: oral interviews, evaluation of experience and training, written / computerized / performance skills test, physical ability skills test, driver history, criminal history, psychological testing, drug test, and reference and background checks. Any written or oral test, performance skills test, or other selection procedures must be valid as to its ability to test for job performance. Any such selection procedure that has an adverse disparate impact on persons subject to Title VII of the Civil Rights Act of 1964, as amended, or any other Federal equal employment law must be validated in accordance with the guidelines of the Equal Employment Opportunity Commission. Candidates for those positions designated as physically demanding and/or safety-sensitive may be required to undergo post-offer physical examinations at the County's expense prior to employment.

### **5.7.5 Falsified or Omitted Material**

Omission or falsification of any material fact on an application or resume or any other official agency documentation disqualifies an applicant for consideration of employment, transfer or promotion. Corrective action, up to and including termination, may be taken against a current employee for an omission or falsification, regardless of when the omission or falsification is discovered.

## **5.8 Selection**

### **5.8.1 Job-Related Criteria**

Selection for employment with the County is based on job-related criteria that may include, but is not limited to:

1. Possession of the necessary knowledge, skills, abilities, training, education, licenses, certifications, and experience required for the position.
2. Satisfactory results on performance tests and/or physical or psychological examinations, or drug and alcohol tests.
3. Satisfactory results on criminal history, driving record, and employment and education reference checks. (Criminal history evaluation will be based on an individualized assessment that includes the nature and gravity of the offense, the time that has passed since the offense and/or completion of the sentence, and the nature of the job sought.)

### **5.8.2 Position Control**

It is the responsibility of the Human Resources Department to monitor all vacancies in order to track authorized positions and the status thereof. No full-time position will be advertised or filled without an authorized vacancy.

## **5.9 Re-Employment**

### **5.9.1 Re-Employment Eligibility**

To be considered for re-employment, a former employee must have demonstrated acceptable prior service with the County and must meet the current minimum qualifications for the position for which he/she is applying. Re-hired employees are subject to the conditions of employment and benefits of a newly hired employee. Re-hired employees are subject to any waiting periods and eligibility requirements in the County's various benefits and retirement plans.

### **5.9.2 Re-Employment Agreements Prohibited**

An employee planning to retire or terminate employment cannot, prior to the retirement or separation of employment, discuss re-employment with anyone at the County in order to facilitate a distribution from the retirement plan that would not otherwise be available. Any re-employment with the County after receiving pension payments must be caused by exigent circumstances that were not anticipated at the time of separation. **See also Section 3.5.5.**

## **5.10 Emergency Employment**

The County Manager may approve emergency employment without advertising the vacancy when the position must be filled immediately.



## **5.11 Contract Employment**

### **5.11.1 General Overview**

Personnel from temporary employment agencies may be utilized from time to time by the County to facilitate business needs. The temporary agency is responsible for hiring, training, assigning, disciplining, and terminating its contract personnel, as well as for payroll/benefits. For performance purposes, contract personnel utilized by the County will be supervised by the Division Head or designee.

### **5.11.2 Requests for Employment Agency Personnel**

Requests for employment agency personnel must be placed through the Human Resources Department and are subject to availability of funds. Temporary assignment must be approved by the Human Resources Director and County Manager prior to the engagement of the contract service.

## **5.12 Outside Employment**

### **5.12.1 General Overview**

The County recognizes that employees may seek additional employment during their off hours to earn additional income or develop new skills and experience. Despite any other outside employment, the Bulloch County job is the primary employment responsibility for any full-time employee. Working extended hours while at a secondary job may adversely affect the health, safety, endurance, and productivity of employees. The County does not consider outside employment to be an excuse for poor job performance, tardiness, absenteeism, or refusal to work overtime or travel when required by the County. Outside employment also presents the opportunity for conflicts of interest.

### **5.12.2 Outside Employment**

Outside employment is subject to approval by the supervisor or designee. A County employee may not engage in any business, trade, occupation, or profession that:

1. Brings the County into disrepute;
2. Reflects discredit upon the employee as an employee of the County;
3. Interferes with the performance of the employee's County duties;
4. Presents a conflict of interest;
5. Results in misuse of County property or funds;
6. Results in use of the County position for unethical and/or illegal personal gain;
7. Violates department policy or procedure; or
8. Decreases the health, safety or endurance of employees or adversely affects their productivity.

Permission granted is subject to revocation in the event of a subsequent conflict with this policy.

### **5.12.3 Dual County Employment**

Employees may not work in more than one assignment for Bulloch County without the review and consent of the Human Resources Department and the Department Head for the primary position.

#### **5.12.4 Prohibitions**

1. If an employee is on leave for personal medical reasons (sick leave, Workers' Compensation, FMLA, etc.), he/she is not able to engage in outside employment without the specific approval of the County Manager.
2. No employees shall engage in outside employment while on duty with the County.

## Section 6 – Performance Management and Evaluation

### 6.1 Policy Statement

The job performance of all employees will be reviewed periodically to determine if the performance of the employee meets expectations. A periodic formal performance evaluation is intended to ensure that all employees:

1. Are aware of what duties and responsibilities are expected;
2. Understand the level of performance expected;
3. Receive timely feedback about their performance;
4. Have opportunities for education, training, and development;
5. Are evaluated in a fair and consistent manner; and
6. Have the opportunity to discuss performance goals.

### 6.2 General Provisions

#### 6.2.1 Timing

It is intended that the performance of employees will be formally reviewed and documented at least annually for all full-time employees on the schedule prescribed by the Human Resources Department. However, the failure to conduct one or more formal annual reviews of an employee's performance will not give the employee any right to demand a formal review, nor will it excuse in any way the employee's poor performance.

#### 6.2.2 Performance Discussion

Informal reviews by the supervisor throughout the year are encouraged. The purpose is to foster communication, assure common understanding of purpose and expectations, and assist in detecting problems as they develop.

### 6.3 Evaluation Process

#### 6.3.1 The Evaluator

1. No employee should have any doubt as to whom he/she is accountable for his/her work performance at any given time. If the employee has worked in a different position/department or for a different supervisor during the formal evaluation year, the evaluator should consult with the previous supervisor(s) to gain input/information for the evaluation. All aspects of an employee's work performance for the entire year should be included in the formal evaluation.
2. Division Heads reporting directly to the County Manager will be evaluated by the County Manager.
3. The Chairman and other County Commission members will collectively evaluate the County Manager.

#### 6.3.2 Performance Evaluation Tool

1. The supervisor will document the employee's evaluation using the designated Performance Evaluation tool.
2. All performance evaluation forms and any related documentation shall be maintained by the Human Resources Department.

### **6.3.3 Evaluation Discussion**

1. If possible, the supervisor should give advance notice to the employee prior to his/her performance evaluation discussion. The evaluation discussion should take place in a quiet, uninterrupted environment. Together the supervisor and employee will discuss the employee's performance during the review period and will plan for the next review period. The contents of the review should:
  - Identify the principal duties of the job and measured results of those duties during the review period;
  - Review the expectations of the level of performance and the measured results of meeting those expectations during the review period;
  - Identify and address areas of employee developmental needs;
  - Develop an action plan for training to improve skills or to learn new skills;
  - Set goals and objectives for the upcoming year; and
  - Offer advice on career advancement, specialization, and training.
2. The evaluation discussion with the employee may result in agreed-upon plans (i.e. training needs, goals, etc.) that should be recorded on the performance evaluation.
3. The employee should be given the opportunity to make oral or written comments on his/her performance evaluation.
4. The employee should have access to a copy of his/her performance evaluation.

## Section 7 – Separation of Employment

### 7.1 Policy Statement

Employees leave the County workforce, voluntarily or involuntarily, for a variety of reasons. Regardless of the circumstances, the end of employment shall be conducted in a discreet, respectful, and efficient manner. Procedures may exist affecting the employee's final pay. Employees should make themselves aware of these procedures.

### 7.2 Employment Separation

#### 7.2.1 Resignation

Any non-exempt employee who wishes to resign or retire is requested to submit a written notice of resignation to his/her supervisor at least two (2) weeks prior to the effective date of the resignation. Exempt employees are requested to give at least four (4) weeks written notice. The resignation notice should indicate the reason for resigning and the last working day or shift with the County.

**Leave Time During Notice Period:** Employees will not be allowed to use annual leave during the notice period unless it was scheduled and approved prior to giving notice.

**Annual Leave Payment / Annual Leave Offset:** Employees who voluntarily resign from the County will be paid the balance of their unused annual leave, accrued through the last day worked. However, employees who choose not to provide written notice or who provide less than the expected notice period will receive a reduction in their annual leave balance to offset the amount of notice not given.

**Wages in Lieu of Notice:** An employee who submits a notice of resignation may be requested to leave immediately, or at any time during the notice period, at the discretion of the County. If the supervisor relieves the employee from duty for some or all of the notice period, the employee will be paid "wages in lieu of notice" through the effective date of his/her resignation (maximum of two weeks for non-exempt employees and four weeks for exempt employees).

#### 7.2.2 Failure to Report (Job Abandonment)

An employee who is absent from work for a period of three (3) consecutive working days without notifying his/her supervisor of the reasons for his/her absence and without receiving permission to remain away from work shall be considered as having quit without notice; provided, however, that the failure to contact his/her supervisor was not caused by unavoidable emergency circumstances that made such contact impossible. The official termination will be effective as of the date of the third consecutive day with no notification. An employee who "quit without notice" under these circumstances will forfeit the payment of any unused annual leave. Nothing in this policy is intended to prohibit termination of the employee prior to expiration of the three-day absence period for a reason other than job abandonment.

### **7.2.3 Involuntary Termination**

Employees who are involuntarily terminated (commonly referred to as “fired”) from the County will be notified of the reasons for the dismissal and the date of the dismissal. The Human Resources Director should be consulted prior to the involuntary termination of an employee. Individuals who are involuntarily terminated will forfeit payment for unused annual leave. Resignation in lieu of termination is considered involuntary, for the purposes of this policy.

### **7.2.4 Loss of Job Requirement(s)**

Any employee who is unable to do his/her job adequately because of loss of, or inability to obtain, a necessary license or other requirement may be terminated. The effective date will be the last day worked. A separation for this reason will not result in the forfeit of unused annual leave balance.

### **7.2.5 Death of Employee**

An employee who dies shall be separated as of the date of death. Any salary due the employee, along with any unused annual leave balance, will be paid as required by law.

### **7.2.6 Exit Interview**

After receiving written notice of voluntary resignation or retirement, the Department Head or Division Head shall notify the Human Resources Director and will forward the original written notice of resignation or retirement to Human Resources. Whenever possible and practical, the Human Resources Department will conduct an exit interview with departing full-time employees.

### **7.2.7 Separation Notice and Notification of Benefits**

All employees who leave employment with the County either voluntarily or involuntarily will receive a Separation Notice. Employees will also receive, if applicable, information related to discontinuation of benefits, COBRA, final pay, etc.

## **7.3 Reduction in Work Force**

### **7.3.1 Statement of Policy**

A reduction-in-force (also referred to as a “layoff”) may result in the separation of an employee due to abolishment of a position, a shortage of funds or work, a need to increase efficiency, material change in the duties or organizational unit of the Department, or for any other reason. No reduction-in-force shall be made for the purpose of dismissing an employee for incompetence, misconduct, or for other reasons specific to the employee. The reduction does not reflect discredit upon the service of the employee.

### **7.3.2 Procedures**

The County Manager is authorized to initiate a reduction in force. Probationary or non-regularly scheduled employees will be considered for layoff prior to full-time or regular part-time employees being affected. Prior to the reduction-in-force, consideration may be given to work records, performance history, assigned duties, job skills, and length of service in determining which employees shall be eliminated in the affected job class. Seniority will be considered when

performance and qualifications are equal. An employee shall not be terminated based on race, color, creed, religion, sex, sexual orientation, gender identification, national origin, age, disability, genetic information, or any other category protected by Federal and/or State law. Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified.

#### **7.4 Name Clearing Hearings**

##### **7.4.1 Right to Name Clearing Hearing**

Any employee who has been discharged from employment with the County shall be entitled to a name clearing hearing before the Board of Commissioners if the discharged employee believes or alleges that the County or any of its officers or employees made public a false statement of a stigmatizing nature about the discharged employee in connection with his/her discharge from employment.

##### **7.4.2 Procedure for Name Clearing Hearing**

Any employee who believes that he/she is entitled to a name clearing hearing may submit a written request for a name clearing hearing to the Human Resources Director. The written request must be received by the Human Resources Director within 30 days of the date of the employee's discharge and shall include the specific statement or statements that the employee alleges were false and stigmatizing in connection with the employee's discharge. Upon receiving the request, the Human Resources Director shall take steps to schedule a name clearing hearing before the Board of Commissioners and shall notify the requesting employee in writing of the time and place of the hearing. The name clearing hearing shall be held before the Board of Commissioners in a meeting that is open to the public. The employee's failure to submit a timely written request will nullify the employee's entitlement to a name-clearing hearing.

##### **7.4.3 Purpose of Name Clearing Hearing**

The purpose of a name clearing hearing is to allow the employee to present evidence in an attempt to publicly clear his/her name of any allegedly false and stigmatizing statements made in connection with the employee's discharge. The purpose is not for the Board of Commissioners to reconsider the employee's discharge from employment or to reinstate the employee to his/her former position with the County. Therefore, the Board of Commissioners will not make any decisions regarding any matters presented at the name clearing hearing.

## Section 8 – Use of County Property and Equipment

### 8.1 Policy Statement

The County is committed to providing a safe workplace and has a substantial investment in the property and equipment used to provide employees the tools for the effective and efficient accomplishment of County business. The appropriate use of facilities, vehicles, equipment, and other items is expected from employees. Additionally, this policy governs the use of computer and electronic communications systems.

### 8.2 Definitions

For the purposes of this Section, the following definitions shall apply:

#### 8.2.1 Electronic Communications Systems

“Electronic Communications Systems” is defined as Internet, electronic mail, telephone, voice mail, facsimiles, pagers, cellular phones, radios, computer and computer networks, directories, and files.

#### 8.2.2 Property

“Property” includes all facilities, vehicles, furniture, supplies, and equipment provided and/or used in the course of employment, including telephone, computer, and Electronic Communications Systems.

#### 8.2.3 Sensitive Data

“Sensitive data” includes personally identifiable information (such as social security numbers and dates of birth), medical information about any individual or group of individuals, financially private information (such as credit/debit card numbers and account numbers), and any other information that is not appropriate to release without authorization.

### 8.3 General Provisions

#### 8.3.1 Authorization and Use

An employee shall not, regardless of value, take County Property without authorization. The use of County Property for personal gain or for other than official duty-related use is prohibited.

#### 8.3.2 Care

Employees shall exercise care in maintaining, protecting and securing County-owned Property and shall report loss or damage to a supervisor immediately.

#### 8.3.3 Physical Security of Electronic Communications Systems

Computer hardware, software, and data storage devices should be protected from misuse, unauthorized access and environmental hazards. Storage media devices should be kept out of sight and, if they contain Sensitive Data, secured. Storage media devices containing Sensitive Data must not be removed from Bulloch County premises without authorization from the supervisor; if such authorization is granted, these devices must be safeguarded against loss or access by unauthorized individuals.



## **8.4 Privacy**

No employee shall have an expectation of privacy in any Property. This includes the use of the computer and Electronic Communications Systems, including, but not limited to, the e-mail and voice mail messages he/she creates, stores, sends, and receives, and the Internet sites he/she visits.

### **8.4.1 Inspection of Property**

Employees may be assigned and/or authorized the use of County-owned vehicles, lockers, desks, cabinets, computers, etc., for the convenience of the County and its employees. Management reserves the right to search Property assigned to employees as well as documents in employee desks, lockers, file cabinets, etc.

### **8.4.2 Monitoring**

The County has the right to monitor any and all aspects of its computer and Electronic Communications Systems, including, but not limited to, monitoring sites visited on the Internet, reviewing material downloaded or uploaded to the Internet, and reviewing e-mail sent and received. Such monitoring may be conducted at any time and without notice. Use of the Property automatically constitutes consent to such monitoring, including, but not limited to, GPS tracking on County vehicles.

### **8.4.3 File Server Usage**

Personal data, including but not limited to photos, music files and personal documents, should not be stored on the County network. The County reserves the right to delete any and all stored data not related to County business without notice to the employee.

## **8.5 Corrective Action**

Employees may be subject to corrective action, up to and including termination of employment, for improper use of Property. Repayment for loss or damage may be required under this Section in addition to, or in lieu of, corrective action. Required repayment may be made by payroll deduction from the employee's pay as necessary to recoup the amount to be recovered.

## **8.6 Electronic Communications Systems**

### **8.6.1 No Right to Privacy**

Employees will not have privacy rights with respect to any activity using County-provided Electronic Communications Systems. All data, including e-mail messages composed, sent, and received on County Electronic Communications Systems, are the property of the County.

### **8.6.2 Professionalism**

At all times users have the responsibility to use Electronic Communications Systems in a professional, ethical, and lawful manner. Users should use the same care in drafting e-mail and other electronic documents as they would for any other written communications. Users should always strive to use good grammar and correct punctuation. Anything created or stored on the Electronic Communications

Systems may be reviewed by others, and the quality of communications is a direct reflection upon the County.

### **8.6.3 Appropriate Use**

Personal use of the Electronic Communications Systems is a privilege that may be revoked at any time. Occasional, limited, and appropriate personal use of the Electronic Communications Systems is permitted if the use:

1. Does not interfere with the user's work performance and productivity;
2. Is not excessive per management's discretion;
3. Does not interfere with any other employee's work performance and productivity;
4. Does not compromise the integrity of the Electronic Communications Systems; and
5. Does not violate any other provision of this policy or any other policy, guideline, or standard of the County and any local, State or Federal laws.

### **8.6.4 Inappropriate Use**

Under no circumstances should the Electronic Communications Systems be used for sending, transmitting, intentionally receiving, copying, or storing any communication that is fraudulent, harassing, discriminatory, sexually explicit, profane, obscene, intimidating, defamatory, or in the County's sole opinion otherwise unlawful or inappropriate. Employees encountering or receiving this kind of material should immediately report the incident to their supervisor and the Human Resources Department. Exceptions are limited to investigations into criminal activities, which may require the use of the Internet for information and intelligence gathering. Other prohibited uses of the Electronic Communications Systems include, but are not limited to:

1. Utilizing social media sites (e.g. Facebook®, Twitter®, and others) for non-work related purposes;
2. Sending copies of documents, messages, software, or other materials in violation of copyright laws;
3. Compromising the integrity of the County and its business in any way; and
4. Advertising or conducting personal business activities.

### **8.6.5 Information Security**

Employees should know and abide by any County or departmental directives dealing with security and confidentiality of Bulloch County records and should avoid, when possible, transmitting Sensitive Data.

### **8.6.6 Avoiding Malware**

Employees should exercise caution when downloading files from the Internet, accepting e-mail attachments from outsiders, or using storage media devices from non-County sources. These files may contain malicious software (commonly referred to as "malware") that can damage the County's computer network. If an employee suspects that a virus has been introduced into the County's network, he/she should notify his/her supervisor and the contracted IT vendor immediately.

### **8.6.7 Misuse of Software**

Without prior authorization from the County's IT representative, employees may not do any of the following:

1. Copy software for use on their home computers or to other computers;
2. Provide copies of software to any independent contractors of the County or to any third person;
3. Install software on any of the County's workstations or servers;
4. Download any software from the Internet or other online service to any of the County's workstations or servers;
5. Modify, revise, transform, recast, or adapt any software; or
6. Reverse-engineer, disassemble, or decompile any software.

Employees who become aware of any misuse of software or violation of copyright law should immediately report the incident to the contracted IT vendor.

### **8.6.8 Passwords**

Authorized users will be given a log-in name that allows access to the network. Each user will have a personalized password, which should be obscure in nature and not divulged to others. Any device (including but not limited to both County-owned and employee-owned cell phones, tablets, and laptops) that contain County business or data must be password-protected. Any employee with knowledge of any password that is not his/her own shall report it to his/her supervisor immediately. No employee shall attempt any unauthorized access to the system.

### **8.6.9 Public Records and Disclosure**

An electronic message (e-mail) sent or received by the County's Electronic Communications System in the conduct of public business is subject to the Open Records Law and may be considered a public record. E-mails stored and accessible (whether from the employee's computer, from a file server, from a system backup, or otherwise stored), are still public records and must be produced upon request unless the e-mail or any portion is exempt from disclosure under the Open Records Law. Electronic records are also subject to Records Retention laws and must be properly saved in accordance with retention policies.

## Section 9 – Safety and Accident Reporting

### 9.1 Policy Statement

The County is committed to providing a safe workplace. Employees are expected to take an active role in promoting workplace safety by reporting unsafe working conditions and by following safety rules in this manual and of their respective departments.

### 9.2 General Provisions

#### 9.2.1 Division Head Responsibility

Each Division Head is accountable for the safety of employees within the division and should ensure that individual supervisors are (1) providing safety information to employees and (2) encouraging and promoting safe work practices among their employees.

#### 9.2.2 Supervisor Responsibility

Direct responsibility and oversight for the safety of any operation or function rests with the immediate supervisor. The supervisor is expected to provide department-specific and task-specific safety training for employees and to ensure that departmental new hires have received safety information specific to their job responsibilities. The supervisor is also responsible to ensure employees are provided, and are using, personal protective equipment as needed.

#### 9.2.3 Safety Committee Responsibility

The County Safety Committee is comprised of representatives from various County departments and is responsible for reviewing/analyzing accident trends, recommending safety policies or activities, promoting awareness of safety and loss control tools, and communicating safety-related information to employees.

#### 9.2.4 Human Resources Department Responsibility

The Human Resources Director chairs the Safety Committee and is responsible for implementing and overseeing safety initiatives, conducting quarterly Safety Committee meetings, and distributing periodic reports to Division Heads and the County Manager.

#### 9.2.5 Employee Responsibility

Employees are responsible for exercising care and good judgment in preventing accidents and for observing safety rules and procedures when performing their duties. Employees are required to:

1. Report all accidents to their supervisor immediately;
2. Report any unsafe work conditions, equipment, or practices to their supervisor as soon as possible;
3. Attend scheduled safety meetings and activities; and
4. Maintain contact (in the event of an on-the-job injury resulting in lost work time) with the supervisor and the Human Resources Department regarding work status.

### **9.2.6 Equipment Repair**

An employee has a responsibility to report the need for repairs of any County-owned or leased property issued to the employee. No employee shall alter, repair, or in any way change, add to, or remove any parts or accessories of any County-owned or leased property without the permission of the supervisor.

### **9.3 Personal Protective Equipment**

The County will provide items of personal protective equipment to be used by employees while performing certain job functions. Supervisors will direct the use of personal protective items when warranted, and employees are required to comply with such direction.

### **9.4 Seat Belt Use**

Seat belts shall be used by all persons, both drivers and passengers, when (a) in a County vehicle when the vehicle is operating, (b) in any personal vehicle when the personal vehicle is being used for County business, and (c) on all County construction equipment when equipped with a seat belt.

### **9.5 Accidents**

#### **9.5.1 Prompt Notification of Supervisor**

All of the following, collectively referred to throughout this Section as an "Accident," shall be promptly reported to the immediate supervisor:

1. All injuries to an employee or other person occurring during the course of business;
2. All accidents involving County-owned or issued vehicles or equipment, whether or not occurring during the course of business;
3. All accidents involving personal vehicles or equipment used during the course of business; and
4. All property damage occurring during the course of business.

#### **9.5.2 Employee Responsibilities – Vehicle Accidents**

Unless transported from the accident scene for medical treatment, the employee involved in a job-related accident involving a vehicle should:

1. Report the Accident and any injuries to local law enforcement. A copy of the report should be forwarded to the Human Resources Department when received from the agency.
2. Notify his/her supervisor or designee.
3. Obtain the name, address, phone number, and name of insurance company of other party.
4. Record the name, address, and phone number of any witnesses, if possible.
5. Be courteous, but not make or sign any statement for anyone other than the officer/deputy responding to the scene, the employee's supervisor, the Human Resources Department or, when approved by the supervisor or Human Resources, the insurance representative for the County.
6. Remain at the scene until excused by law enforcement personnel.

7. Not discuss or reveal information or provide statements to non-County personnel subsequent to the Accident. This does not prohibit cooperation with law enforcement investigations outside the County's jurisdiction.
8. Arrange towing of damaged County vehicle, if necessary.
9. Submit to all requested post-Accident testing as directed by the supervisor or other County management representative.

#### **9.5.3 Accident/Incident Reporting to Human Resources**

The supervisor or other designated employee should complete an Accident/Incident Report and submit to the Human Resources Department promptly following the accident. For serious accidents, the Human Resources Department should be notified by telephone as soon as possible.

### **9.6 Workplace Violence**

#### **9.6.1 Policy Statement**

The County is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, Bulloch County has adopted the following guidelines to deal with intimidation, harassment, or other threats of violence that may occur during business hours or on its premises.

#### **9.6.2 Scope**

This prohibition against threats and acts of violence applies to all persons involved in the operation of the County, including but not limited to, County personnel, contract and temporary workers, and anyone else on County property. All employees, elected officials, members of the public, and guests should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others.

#### **9.6.3 Restriction on Conduct**

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public will not be tolerated.

#### **9.6.4 Duty to Report**

All threats of or actual violence are to be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats or acts by employees, as well as threats or acts by customers, vendors, inmates, or other members of the public. When reporting a threat or act of violence, you should be as specific and detailed as possible.

#### **9.6.5 Investigation**

The County will promptly and thoroughly investigate all reports of threats of or actual violence. In order to maintain workplace safety and the integrity of its investigation, the County may suspend employees, either with or without pay, pending investigation.

#### **9.6.6 Corrective Action**

Anyone responsible for violence, threats of violence, or other conduct that is in violation of these guidelines will be subject to prompt corrective action up to and including termination of employment.

## Section 10 – Vehicle Use and Operation

### 10.1 Policy Statement

It is the County's policy that vehicles used for County business be operated in a careful, safe, and prudent manner consistent with all policies, regulations, and procedures of the County and with all local and State laws. County vehicles will be maintained in a safe and cost-effective manner and will be used only for intended purposes. Employees are expected to display courteous and considerate driving habits when operating a County vehicle or a personal vehicle for County purposes.

### 10.2 Authorized Uses

Vehicles owned by or otherwise controlled by the County are authorized for use in performance of essential travel and transportation duties, including the following authorized uses:

1. The performance of law enforcement duties.
2. When on official travel status, between place of business and place of temporary lodging.
3. When on official travel status and not within reasonable walking distance between either of the above places and: 1) places to obtain meals; 2) places to obtain medical assistance, including drugstore.
4. Transport of officers, officials, employees, clients or guests of the County, including transport of consultants, contractors, or commercial firm representatives when in direct interest of the County.
5. Transport of materials, supplies, equipment, parcels, baggage or other items belonging to or serving the interest of the County.
6. Transport of any person or item in an emergency situation.
7. Commute between place of dispatch or place of performance of official business to personal residence, if employee is assigned a vehicle with take home privileges.
8. "De minimis" personal use such as lunch or an occasional stop for a personal errand on the way between a business delivery location and the employee's home.

### 10.3 Unauthorized Uses

Unless express permission has been otherwise granted by the County Manager, use of a County vehicle is not authorized for unofficial travel duties or tasks, the transport of unauthorized persons or items, or the performance of tasks outside the rated capabilities of the vehicle. The following are considered unauthorized uses:

1. Travel for reasons of a personal nature and not connected with the accomplishment of official business, except for authorized commuting and "de minimis" personal use.
2. Travel or task performance beyond the stated capabilities of the vehicle.
3. Transport of family, friends, associates or other persons who are not employees of the County or serving the interest of the County, except for authorized commuting and

“de minimis” personal use. An example of “de minimis” personal use is taking a child to school on the way to work.

4. Transport of hitch-hikers, except in the case of law enforcement personnel.
5. Transport of items or cargo having no relation to the conduct of official business, except for “de minimis” transport.
6. Transport of acids, explosives, weapons, ammunition or highly flammable material except in an emergency, public safety situation, or performance of an authorized task in the normal performance of duties.
7. Transport of any item, equipment or cargo projecting from the side, front or rear of the vehicle in such a manner as to constitute a hazard to safe driving.
8. Extending the length of dispatch beyond that required to complete the official business purpose of the trip.
9. Loan of vehicle for use in non-County functions, unless authorized by the County Manager.

#### **10.4 Use of County Vehicles Preferred**

Employees are encouraged to, when possible, use County vehicles instead of their own personal vehicles for official County business, including to attend training, run errands for the County, or any duties that would require transportation.

#### **10.5 Driver Qualification**

In order to operate a County-owned vehicle in the course of business, an employee must:

1. Be at least 18 years of age;
2. Have a valid Driver’s License for the class of vehicle to be driven;
3. Be otherwise qualified under Federal and State regulations to drive the vehicle;
4. Be trained and authorized to operate the vehicle; and
5. Not be disqualified due to driving history (see “Driver Disqualification” below).

#### **10.6 Driver Disqualification**

Employees and applicants will not be qualified to drive a County vehicle, nor a personal vehicle for County business, if one or more of the following have occurred within the prior 36 months. Any exception to this policy must be approved by the Human Resources Director.

1. Conviction of an alcohol or drug-related offense while driving (includes Driving Under the Influence, Driving While Intoxicated, etc.);
2. Conviction of three or more speeding violations or one or more other serious driving violations.

Employees may also be disqualified from driving following a charge of Driving Under the Influence or other serious violation.

##### **10.6.1 License Review and Motor Vehicle Record Checks – Pre-Employment**

The County will check motor vehicle records of applicants prior to making offers of employment. As part of the hiring process, applicants will be required to sign a



written consent form allowing the County to check motor vehicle records at any time prior to or during their employment.

#### **10.6.2 License Review and Motor Vehicle Record Checks – Periodic**

To ensure the maintenance and validity of driver's licenses, driving records of employees who operate vehicles for work purposes will be examined by the Human Resources Department on a periodic basis. An employee having an unacceptable MVR, as described above, may be subject to termination.

#### **10.6.3 Notification Requirements**

Employees who operate vehicles in the course and scope of their employment must notify their supervisor:

1. When their driver's license becomes invalid or suspended for any reason. Such employees will immediately be prohibited from operating vehicles on County business.
2. When they receive a citation for any violation while operating a County vehicle. The employee will be responsible for paying any fine or penalty incurred and will be subject to corrective action, up to and including termination. Failure to report a citation received may also be grounds for corrective action, up to and including termination.
3. When they receive a citation, whether such citation occurred on-duty or off-duty, for Driving Under the Influence, Hit-and-Run, Reckless Driving, or other serious driving offense. This requirement applies regardless of whether the vehicle being driven is owned by the County, owned by the employee, or owned by a third party.

### **10.7 Operation of Vehicles**

1. Employees shall operate any vehicle used for County business in a careful and prudent manner and shall obey the laws, policies, regulations, and procedures of the County and State pertaining to such operation.
2. County vehicles are to be used only as required for the performance of job duties. Under no other circumstances should County vehicles be used for personal benefit or to transport family members or other unauthorized persons unless authorized by the County Manager or by the "Take Home Vehicle Policy". **See also Section 10.11.** Employees may, however, offer temporary assistance to a motorist with a disabled vehicle who needs emergency assistance.
3. County vehicles may be used to transport an employee to the doctor or hospital when an on-the-job injury occurs.
4. Employees who operate vehicles shall inspect the vehicle daily prior to driving. Any defective equipment shall be reported immediately to the driver's supervisor.
5. Drivers are responsible for the daily inside cleaning of vehicles; removal of drink cans, food wrappers, paper, and excessive soil; and for ensuring that vehicles are washed and waxed on a regular basis.
6. Smoking, vaping (the use of e-cigarettes), and other tobacco use in County-owned or leased vehicles is prohibited. **See also Section 11.2.**

7. Vehicles left unattended will be locked with engine off and the key removed from the ignition and retained by the driver.
8. Drivers shall adhere to all County safety procedures for vehicle operation and also to any additional departmental procedures for vehicle operation.
9. Drivers must never operate a vehicle when physically impaired or otherwise unfit to do so. This includes operating a vehicle while using or under the influence of alcohol or drugs, or while taking prescription or over-the-counter medications that may alter the employee's ability to safely operate a vehicle or equipment.
10. Drivers must wear seat belts at all times and ensure that each passenger in the vehicle is also restrained by a seatbelt.
11. In the event of an accident involving a County vehicle, drivers must follow all established accident reporting procedures.

### **10.8 Duty Restrictions**

A physical, mental, or driving skill impairment that cannot be reasonably accommodated that affects an employee's ability to safely operate a motor vehicle, or failure to comply with the driver qualifications outlined in this Section, precludes that employee from operating any vehicle for County business. If the operation of a vehicle is an essential job duty, an attempt will be made to place the employee in a non-driving position. If such a position is not available, the employee will be relieved of duty. If the vehicle prohibition is due to suspected physical or mental impairment, the employee may be subject to a fitness for duty evaluation.

### **10.9 Non-employee Drivers**

Individuals who are not employed by the County are not authorized to operate County vehicles unless:

1. Emergency circumstances exist; or
2. The express prior written approval of the County Manager and/or Chair of the County Commission is obtained.

### **10.10 Personal Vehicle Usage**

Should an employee drive his/her own personal vehicle in the course of County business, he/she will assume all liability for property damage to his/her personal vehicle that occurs in the normal course of use and shall waive any claims against the County as a result of any such property damage. Employee must maintain automobile liability insurance of at least the minimum limits required by state law. Since the County does not accept liability of an employee's vehicle, it is always in the best interest of the employee to use a County vehicle if at all possible.

### **10.11 Take-Home Vehicles**

#### **10.11.1 Eligibility and Authorization**

The following criteria apply to all requests for authorization to drive a County vehicle home:

1. Drivers of County vehicles must possess a valid State of Georgia Driver's License required for the type of vehicle being operated or a valid Driver's License from the state in which the employee resides which allows the employee to legally operate a County vehicle on Georgia roads;
2. The employee must be required to regularly return to work on County business, which includes checking facilities when problems arise or responding to emergency or medical situations. These duties must be articulated in the job description of the employee.
3. Take-home privileges must be authorized in writing by the County Manager.
4. Division Heads may remove take-home vehicle privileges from employees for disciplinary reasons, poor cleanliness, poor maintenance, at-fault accidents, unsafe driving, or excessive wear or abuse. Division Heads should notify the County Manager of the removal of any take-home vehicle privileges.

#### **10.11.2 Vehicle Assignment**

The assignment of a specific take-home vehicle will be determined by the Division Head. Vehicle assignments are based on availability. All vehicle assignments are subject to recall at any time.

#### **10.11.3 Business Use**

Except as specified in this manual, County vehicles are furnished for official County business and may not be used for personal reasons without express written consent by the applicable Division Heads or as allowed by this policy. The following exceptions are authorized:

1. Employees with "take home" privileges are authorized to make stops while traveling to and from work for legitimate reasons (i.e. Doctor/dentist, gym/fitness center, grocery store, etc.).
2. Employees are allowed to transport immediate family members to and from work, school, and day care while en route to and from work themselves.
3. County vehicles may be used to transport an employee to the doctor or hospital when an on-the-job injury occurs.

#### **10.11.4 Prohibited Stops**

While operating a take-home vehicle, employees are prohibited from patronizing bars, package stores, or any establishment that would reasonably be expected to result in public criticism. Violation of this Section shall result in discontinued privileges from the program.

#### **10.11.5 Passengers**

No passengers except those expressly allowed in this policy may be transported in take-home vehicles unless they are connected to County business or unless authorized by the Division Head or County Manager.

**10.11.6 Driver's Responsibilities**

Drivers who are assigned take-home vehicles are required to ensure the vehicle is maintained and repaired as needed, reasonably clean on the inside and outside, and refueled as needed.

## Section 11 – Tobacco-Free Environment at County Facilities

### 11.1 Policy Statement

Consistent with the public health concerns addressed by the adoption of the Georgia Smokefree Air Act of 2005, all County enclosed buildings and vehicles are hereby declared to be smoke-free areas. In addition, based upon the maintenance and cleanliness issues presented by the use of smokeless tobacco that gives rise to increased facility costs and resulting public health concerns, all County enclosed buildings and vehicles are hereby declared to be tobacco-free areas.

### 11.2 General Provisions

The following rules relative to smoking, vaping (e-cigarettes), and the use of other tobacco products have been established:

#### 11.2.1 Prohibited Use

1. Smoking, vaping (e-cigarettes), and the use of other tobacco products (e.g., chewing or dipping) are prohibited in all County buildings and County vehicles;
2. Smoking, vaping (e-cigarettes), and the use of other tobacco products (e.g., chewing or dipping) by County employees are prohibited at both public and employee entrances of County buildings; and
3. Smoking, vaping (e-cigarettes), and the use of other tobacco products (e.g., chewing or dipping) are prohibited at outdoor facilities (parks, pools, etc.) when citizens are present.

## Section 12 – Compensation

### 12.1 Policy Statement

The County strives to maintain a competitive pay structure for the purpose of recruiting and retaining an effective and efficient workforce. The pay structure is designed to compensate employees based on the relative worth of the position itself, while recognizing and rewarding individual employee performance through merit increases, where appropriate and within budgeted funds. The pay plan is designed to comply with Federal and State law, including the Fair Labor Standards Act (FLSA). All aspects of the pay plan are contingent upon the availability of funds as determined in the sole discretion of the Board of Commissioners.

### 12.2 Pay System

#### 12.2.1 Pay Period

All County employees will be paid on a bi-weekly basis. For purposes of computing overtime pay due under the FLSA, the workweek will start at 7:00 a.m. on Monday and end at 6:59 a.m. on the following Monday. The normal pay date will be Friday following the end of a pay period. The payroll schedule may be adjusted slightly when a holiday occurs during payroll week.

#### 12.2.2 Time Increments

All compensable hours earned by non-exempt employees will be in increments of the nearest quarter hour.

#### 12.2.3 Combination of Pay

When receiving any type of accrued leave (annual, sick) for absences from work, the combination of the pay received for accrued leave and compensable hours during a workweek cannot exceed the employee's normal number of hours worked per workweek. ***See also Section 13.2(7).***

***Example:*** Frank has a normal schedule of 40 hours per week but occasionally works overtime. Frank calls in sick on Tuesday, but, because he stays late to assist with a project on Friday, he works 34 hours that week. Therefore, Frank would not need to use a full 8 hours of his accrued sick leave to make him "whole" (i.e., to get 40 hours) for that week. Frank would be paid 40 hours – 34 regular and 6 sick – for the week.

#### 12.2.4 Employee Time Records and Payroll Deadline

All non-exempt employees are required to record their work time daily either by utilizing a time clock or by completing a time sheet. The method of timekeeping will be determined by the supervisor, in coordination with the Payroll Office. Employees must accurately record actual hours worked including starting time, ending time, and meal breaks. Time records must be verified by the employee and approved by the supervisor. Employee time records must be completed, verified, and approved in sufficient time to comply with the deadlines established by Payroll. Special submission deadlines may be established during holiday weeks.

**12.2.5 Direct Deposit**

Bulloch County payroll is distributed via direct deposit into the banking or financial institution of the employee’s choice. Employees are required to provide accurate routing and account numbers to the Payroll office, and to update the information when changes to the account occur. Account information will not be accepted via email. Should an employee be unable to open or maintain an appropriate account, he/she should contact Human Resources or the Payroll office for additional options.

**12.3 Types of Pay Other Than Base Rate**

**12.3.1 Overtime Pay**

Overtime work is work performed by a non-exempt employee which exceeds 40 hours in a workweek, or which exceeds the number of hours in the following work periods for certain employees adopted under Section 207(k) of the FLSA and 29 C.F.R. Part 553:

Type of Employee	When Overtime is Earned
Eligible certified staff in Sheriff’s Office	Over 85.5 hours in each 14-day work period that begins and ends with each 2-week pay period
24/48 Shift Personnel in Fire Department	Over 106 hours in each 14-day work period that begins and ends with each 2-week pay period
Shift Personnel at County Correctional Institute	Over 80 hours in each 14-day work period that begins and ends with each 2-week pay period

All overtime work must be pre-authorized by the supervisor. Compensation for overtime hours shall be at one and one-half times the employee’s regular rate. Annual, sick, holiday, or other types of leave will not be considered as hours worked for overtime computation purposes. An employee whose actual work hours equal or exceed 40 hours in one week (or the number of hours that employee regularly works in one week, if higher than 40) shall not receive additional annual leave pay or sick leave pay for that week. Exempt employees are not eligible for overtime pay.

**12.3.2 Compensatory Time**

Employees will receive overtime compensation when appropriate. The accrual of FLSA compensatory time (“comp time”) in lieu of overtime payment is generally prohibited. However, with written permission of the County Manager, Department Head approval and the employee’s prior agreement, non-exempt employees entitled to overtime pay may receive compensatory time off (also referred to as “comp time”) at a rate of one and one-half hours of compensatory time for each hour of overtime worked in lieu of cash payment for the overtime hours. The employee must agree to accept compensatory time in lieu of cash payment prior to the performance of the work. If the compensatory time option is exercised, the employee is credited with one and one-half hours of compensatory time for each hour worked as overtime.

1. Accrual

Employees whose work regularly includes a public safety activity, an emergency response activity, or a seasonal activity may not accrue more than 480 hours of compensatory time. All other employees may not accrue more than 240 hours of compensatory time. Employees must be paid in cash for any overtime hours worked above these maximum accruals. Employees engaged in public safety, emergency response or seasonal activities who transfer to positions subject to the 240-hour limit will carry over to the new position any accrued compensatory time. At the County's option, the employee may not be paid in cash for any accrued compensatory time in excess of the 240-hour limit; however, the employee will be paid in cash for any subsequent overtime hours worked until the employee's accrued compensatory time falls below the 240-hour limit.

2. Utilization

Employees must be permitted to use compensatory time within a reasonable period after making a request if the use of the compensatory time does not unduly disrupt County operations. "Unduly disrupt" means more than mere inconvenience to the County and must be based on a reasonable and good-faith anticipation that the employee's requested use of compensatory time would impose an unreasonable burden on the ability to provide services of acceptable quality and quantity for the public during the time requested without the use of the employee's services. At the County's option, the County may require employees to schedule time off to reduce the amount of their accrued compensatory time.

3. Other Payment for Compensatory Time

At the County's option, employees may be paid at any time for all or any portion of their accrued compensatory time at the regular rate earned by the employee at the time the employee receives such payment. The County may also choose to pay employees in cash for a portion of their overtime and allow the employee to accrue compensatory time for the remainder of overtime during any particular workweek or work period. Upon termination of employment, an employee will be paid for unused compensatory time at a rate of compensation not less than (i) the average regular rate received by the employee during the last 3 years of employment or (ii) the final regular rate received by the employee, whichever is higher.

4. Recordkeeping

The following records shall be maintained and preserved for each employee in regard to compensatory time: (i) the number of hours of compensatory time earned each workweek or other applicable work period, at a rate of one and one-half hour for each overtime hour worked; (ii) the number of compensatory hours used each workweek or other applicable work period; (iii) the number of hours of compensatory time compensated in cash, the total amount paid, and the date of such payment; and (iv) a written agreement signed by the employee with respect to earning and using compensatory time off.



5. No Compensatory Time for Exempt Employees

The accrual of compensatory time for exempt employees is not allowed. If an employee with accrued compensatory time is promoted or transferred into an exempt position, all accrued compensatory time will be paid out as overtime prior to the effective date of the promotion.

**12.3.3 On-Call Status**

Some departments may designate non-exempt employees to be on call to provide for after-hours service needs. Any on-call policy shall be determined by the applicable Department Head depending upon the needs of the individual department and appropriations in the fiscal budget.

1. On-Call Assignments

The Department Head or designee will assign on-call duty. Such assignments will be made on a rotating basis. Employees will not normally be assigned on-call duty for consecutive periods, unless circumstances require consecutive assignments.

2. Requirements for On-Call Assignment

Employees who are on-call are expected to be available and responsive to departmental contact at all times, to refrain from consuming alcoholic beverages, and to be available to report to work within one hour or less, depending on department requirements. Other than these requirements, employees who are on-call are free to use their time for personal activities and are not required to remain in any particular location.

3. Non-Compensability

On-call time is not compensable time under the Fair Labor Standards Act (FLSA) since the employees, with minimal restrictions, are free to use on-call time for personal activities. Nonetheless, as compensation for being on-call, employees may receive payment, as determined by departmental policies, and subject to the operational and fiscal limitations of the department. Compensation, if any, for on-call time will not exceed two (2) hours for each twenty-four (24) hours (or fraction thereof) of on-call time. Any such payment will be at the employee's regular pay rate, as it is not considered overtime under FLSA.

**12.3.4 Call-Back Pay**

A call-back occurs when there is an emergency or after-hours service need for which an employee reports to work as a result. A call-back does not include additional hours of work scheduled in advance. Call-back hours are considered time worked for FLSA purposes.

1. A non-exempt employee responding to a call-back will be paid for the greater of the following: actual time worked or the departmental minimum call-back time.

2. Exempt employees are not eligible for call-back compensation.

**12.3.5 Acting Status Pay**

Employees who are temporarily reassigned to perform the duties of a higher classification for thirty (30) consecutive days or more may receive a compensation increase for the duration of the temporary assignment. The appropriate increase

shall be recommended by the Human Resources Director, but at no time should be less than the minimum pay range for the temporary reassignment classification. The County Manager must approve any increase due to acting status. **See also Section 3.5.3.**

#### **12.3.6 Final Pay**

Upon separation from employment, employees will receive any compensation due on the following regular pay date. Employees who separate voluntarily will be paid at their base rate for any unused accrued annual leave balances, less any reduction for failure to provide notice. **See also Section 7.2.1.**

#### **12.4 Errors in Pay**

Employees will be paid accurately and in compliance with all applicable state and federal laws. To ensure that pay is correct, each employee should review pay stubs promptly to identify and report any errors for review and correction. Errors in pay may be corrected with the next scheduled payroll cycle.

#### **12.5 Exempt Employee Salary Basis**

Exempt employees are paid a fixed amount for their work and only under special circumstances may their salary be reduced and still remain in compliance with the Fair Labor Standards Act. Any reduction in pay for exempt employees should be submitted to the Human Resources Department for review and approval prior to implementation. Employees who believe a deduction has been made that is in conflict with their exempt status should immediately contact the Human Resources Department.

#### **12.6 Compensation Plan**

##### **12.6.1 Pay Plan**

The County will maintain a Classification and Pay Plan, including a complete inventory of all full-time and regularly scheduled part-time positions in the County's service, accurate job descriptions, and specific salary grades with minimum and maximum pay ranges. The Classification and Pay Plan will be designed to provide comparable pay for comparable work and to provide a pay range for each grade of positions, which will enable the County to recruit and retain qualified employees, as well as compete in the job market with other private and public employers. All aspects of the pay plan are contingent upon the availability of funds as determined in the discretion of the Board of Commissioners.

As part of the County's Pay Plan, pay ranges are established based on market rates. Each range will consist of a minimum and maximum, except for the County Manager position whose range will be considered open. The pay rates for certain acting status and part-time positions are established by the County Manager outside of the Classification and Pay Plan.

##### **12.6.2 Administration**

The primary responsibility for day-to-day administration of the Classification and Pay Plan rests with the County Manager or designee, as follows:

1. The Human Resources Director is charged with the maintenance of the Classification and Pay Plan and its administration so that it will reflect the duties performed by each employee and the grade to which each position is allocated.
2. It is the responsibility of the Human Resources Director to examine the nature of new positions as they are created and to allocate them to an existing grade in conformity with this Section; to make such changes as are necessary in the duties and responsibilities of existing positions; to periodically review the entire Classification and Pay Plan; and to recommend appropriate changes in the plan to the County Manager. The County Manager shall submit recommendations for updating the Pay Plan to the Board of Commissioners for approval.
3. A formal Classification and Pay Study may be conducted from time to time to review some or all of the Plan. Based on the results of these studies, the County Manager shall recommend to the Board of Commissioners such increases, reductions, or amendments of the Classification and Pay Plan as is deemed necessary to maintain the fairness and adequacy of the plan.

#### **12.6.3 Use of the Classification and Pay Plan**

The Classification and Pay Plan is to be used:

1. As an aide in recruiting and evaluating candidates for employment;
2. In determining salary or hourly wage to be paid for various types of work;
3. In providing uniform job terminology understandable to all County officials, employees and the public; and
4. To ensure that the official job title represented on the Classification and Pay Plan shall be used in organizational charts and other personnel, accounting, budget, appropriation, and financial records.

#### **12.6.4 Starting Pay**

In general, newly hired employees should begin at the minimum pay rate of the applicable grade for the position. However, in some instances it may be appropriate to hire employees above the minimum pay rate for the grade. The hiring manager has the discretion, subject to the following guideline, to set the starting salary in an amount that is no lower than the pay grade minimum and no higher than the pay grade midpoint. As a guideline to help maintain internal equity, the hiring manager may increase the starting pay by 3% for each year of related training or experience that exceeds the minimum qualifications for the position, up to the midpoint of the pay grade. The County Manager may approve the employment of a new hire at a rate above the midpoint for positions that have been difficult to fill or when other unusual circumstances exist.

#### **12.6.5 Maintenance of Pay Ranges**

The County Manager or designee may make or cause to be made such comparative studies as he/she deems necessary of the factors affecting the level of salary ranges prior to the preparation of the annual budget, as well as at other times during the year. On the basis of information derived from such studies, the

County Manager may make recommendations for changes in salary ranges as deemed necessary to maintain the fairness, adequacy, and competitiveness of the overall salary structure.

## **12.7 Changes in Pay**

### **12.7.1 Position Reviews**

The job performance of all employees who are subject to the Pay Plan may be reviewed periodically to determine if pay should be adjusted, if job descriptions should be revised, or if jobs need to be reclassified.

### **12.7.2 Across-the-Board Pay Adjustments**

Subject to annual budget appropriation, across-the-board pay adjustments may be implemented for employees who are subject to the Pay Plan. There is no requirement that an across-the-board adjustment will occur in any given budget year. The Pay Plan may be adjusted to align with the adjustment to employee pay.

### **12.7.3 Pay Increases for Performance**

Subject to annual budget appropriation, full-time employees may be eligible for pay increases based on performance (merit increases). Part-time employees who (1) are covered by the Pay Plan and (2) have worked at least 1,040 hours in the evaluation period are also eligible for a merit increase. The County Manager reserves the right to make additional pay adjustments as necessary for business operations or to address any internal equity issues.

### **12.7.4 Pay Changes Due to Promotions**

Promotions occur when an individual applies for and is selected to fill an open position at a higher pay grade. Promotion adjustments can be in the range of 7-15%, based on the following factors:

1. The tenure of the employee being promoted;
2. The number of pay grades the employee will be moving for the promotional opportunity; and
3. The current pay, tenure and performance of other employees already in the new classification, to comply with internal equity responsibilities.

The expected promotional increase for a 1 grade increase is 7% - 10%. The expected promotional increase for a 2 or more grade increase is 11 – 15%. The pay of the promoted employee must be placed at least at the pay range minimum.

### **12.7.5 Pay Changes Due to Reclassification**

Normally adjustments for reclassifications to a higher pay grade are limited to seven percent (7%) of the employee's current base pay or the new pay grade minimum, whichever is greater. Reclassifications to a lower pay grade may result in a downward adjustment in pay. These adjustments are to be handled on a case-by-case basis. If the adjusted pay for an employee whose position has been reclassified to a lower pay grade exceeds the maximum of the pay grade, the employee's pay will be "frozen" until such time that the maximum of the pay grade exceeds the employee's pay.

### **12.7.6 Pay Changes Due to Demotion**

The pay changes for employees receiving a demotion will be as follows:

1. Demotions Based on Performance  
In general, the pay for employees receiving a demotion based on performance will be decreased by a minimum of seven percent (7%). At the Division Head's request, the County Manager may allow a greater or lesser decrease in order to address any internal equity issue.
2. Voluntary Demotions (not performance based)  
The pay of an employee who voluntarily demotes to a position in a lower pay grade based on a personal decision to do so will be determined upon the recommendation of the Division Head, but will not exceed the maximum of the lower pay grade.
3. Involuntary Demotions (not performance based)  
The pay of an employee who has been involuntarily demoted due to business needs or for accommodation purposes and not based on performance will not experience any change in pay if the employee's pay falls within the lower pay grade and is comparable to employees within the same pay grade.

#### **12.7.7 No Pay Changes for Lateral Transfers**

An employee who makes a lateral transfer (e.g. movement from one position to another with the same pay grade) retains his/her current pay, up to the established maximum for the pay grade.

#### **12.7.8 Discretionary Pay Adjustments**

Special pay adjustments are granted under unusual circumstances such as to reflect special market conditions, special job performance, special equity adjustments, etc., which do not conform to customary compensation administration guidelines. All special pay adjustments require approval by the Division Head, the Human Resources Director, and the County Manager.

### **12.8 Employees at Maximum of Pay Range**

Employees at or above the maximum of the assigned range will not be eligible to receive additional pay increases (merit, market, or across-the-board) until the maximum is adjusted above their current compensation. Lump-sum payments may be considered, subject to funding and other considerations, for employees in this situation.

### **12.9 Overpayments to Employees**

All overpayments to employees will be repaid to the County regardless of where the error was made or who made it. Repayment will be coordinated with the Payroll Office.

## Section 13 – Employee Leave

### 13.1 Policy Statement

County management recognizes that employees have diverse needs for time off from work. Employees should have the opportunity to enjoy time away from work to help balance their work and personal lives. Because of this, the County has established leave practices to address that balance and to help protect the financial well-being of employees during certain absences from work. Employees are accountable and responsible for managing their own leave balances to allow for adequate reserves if there is a need to cover unanticipated events requiring time away from work.

### 13.2 General Provisions

Except as provided otherwise in this Section, the following apply to all types of leave:

1. Approval of leave is subject to operational requirements of the department, and any request for paid leave may be denied or rescheduled due to staffing needs.
2. Paid leave cannot be advanced; in other words, paid leave must actually be accrued before it can be used.
3. All requests for leave must be submitted with as much advance notice as possible.
4. Employees shall request leave in quarter hour increments.
5. Failure to return to work at the expiration of approved leave will be considered absence without approved leave, which may be grounds for corrective action up to and including dismissal.
6. Paid leave is not considered “hours worked” for the purposes of overtime calculations.
7. Paid leave is intended to make the employee “whole,” to help enable the employee to receive full pay during pay periods when the employee was absent. Therefore, in any week during which a non-exempt employee works more hours than regularly scheduled, but also requests sick or vacation leave, the amount of paid leave deducted from the employee’s accrued leave balance and paid to the employee may be reduced. *See also Section 12.2.3.*

### 13.3 Leave Without Pay

Absence without pay will not be approved under normal circumstances; however, approval may be granted in unusual situations or as required by law. Annual leave, sick leave, and holiday hours will not be accrued during leave without pay status. This will not, however, constitute a break in service for accrual rate purposes. While an employee is on leave of absence without pay, there is no job protection by the County, except as required by law.

### 13.4 Annual Leave

#### 13.4.1 Eligibility and Guidelines

It is the policy of the County to provide annual leave, sometimes referred to as “vacation” leave, for eligible employees. Annual leave guidelines include:

1. Annual leave is accrued by and granted to full-time employees.

2. Part-time employees do not accrue annual leave (with limited grandfathered exceptions as previously documented by Human Resources).
3. Eligible employees will continue to accrue annual and sick leave hours while on authorized paid annual or paid sick leave.
4. Employees may not take annual leave during the first three months of employment, unless unusual circumstances exist.
5. All other eligible employees may take annual leave once hours have been accrued and the request has been approved by Department management.
6. Pay for annual leave shall be at the employee's regular rate of pay in effect for the employee's regular job on the day immediately preceding the employee's vacation period.

**13.4.2 Annual Leave Accrual Rate**

1. Eligible employees will accrue annual leave hours on a biweekly basis.
2. Employees will accrue annual leave hours based on their hire date with the County. In the case of an employee with more than one period of employment with the County, the most recent hire date will dictate the rate of accrual. For an employee who previously worked in a part-time role but transferred to a full-time position, the date the employee became full-time will determine the accrual rate.
3. The chart below reflects the accrual rates for full-time County employees. Pro rata accruals will occur with each biweekly payroll period.

Years of Continuous Service as a Full-Time Employee	Hours/Year
Up to 5 Years	96
5 Years to up to 15 Years	120
15 + Years	144

**13.4.3 Use and Scheduling of Annual Leave**

1. Whenever possible, employees will be allowed to take annual leave at times most convenient to them. However, in order to ensure continued smooth operation and to maintain a high level of service to citizens, the County reserves the right to limit the number of employees that may be absent from a given department at any one time. Where there is a conflict in the annual leave choices of two or more employees who cannot be spared at the same time, the department management will determine who will take leave. Consideration will be given to which employee submitted the earliest request, but this may not be the determinative factor. Annual leave should be requested with as much advance notice as possible. Certain departments may have specific requirements concerning the minimum advance notice required for annual leave.
2. When a holiday occurs during the period an employee is on authorized annual leave with pay, annual leave shall not be charged for the holiday.

3. If an employee is called in to work during his/her pre-authorized annual leave, he/she may choose to be paid annual leave plus the hours worked that day or retain the leave hours for future use.
4. Employees on annual leave are subject to recall in case of emergency.
5. Employees will be allowed to carry over annual leave hours from one calendar year to the next, up to a maximum cap according to the chart below. Any hours in excess of these maximums will be forfeited as of December 31<sup>st</sup>.

Maximum Annual Leave Carry Over Hours	
Years of Service	Hours
Up to 10 Years	80
10+ Years	120

6. Annual leave may not be transferred or donated from one employee to another.
7. Employees who separate employment voluntarily are eligible to receive pay for all unused annual leave hours accrued through the last date of employment, provided proper resignation notice has been given. Accrued annual leave hours are forfeited for employees who are terminated involuntarily. **See also Sections 7.2.1 and 12.3.6.**

## 13.5 Sick Leave

### 13.5.1 Eligibility and Guidelines

It is the policy of the County to provide sick leave with pay for eligible employees. Sick leave is a privilege and may be used when an employee is unable to report to work, or it is inadvisable for the employee to report to work, due to personal illness or injury, or when an employee has a medical / dental / optical appointment. In addition, sick leave may be used when an employee's spouse, child, parent, grandparent, grandchild, father-in-law, mother-in-law, or an individual for which the employee is a legal guardian needs care due to personal illness.

1. Sick leave is accrued by and granted to full-time employees.
2. Part-time employees do not accrue sick leave (with limited grandfathered exceptions as previously documented by Human Resources).
3. Eligible employees while on authorized paid sick leave will continue to accrue annual and sick leave hours.
4. Eligible employees can take sick leave once hours have been accrued and the request has been approved by Department management.
5. Pay for sick leave shall be at the employee's regular rate of pay in effect for the employee's regular job on the day immediately preceding the period of sick leave.
6. Employees who use sick leave for more than five (5) consecutive work days, or who are frequently absent for the same medical condition, should contact



Human Resources to determine whether the Family and Medical Leave Act (FMLA) applies.

### 13.5.2 Sick Leave Accrual Rate

1. Eligible employees will accrue sick leave hours on a biweekly basis.
2. Employees will accrue sick leave hours based on their hire date with the County. In the case of an employee with more than one period of employment with the County, the most recent hire date will dictate the rate of accrual. For an employee who previously worked in a part-time role but transferred to a full-time position, the date the employee became full-time will determine the accrual rate.
3. The below chart reflects the accrual rates for sick leave for full-time County employees. Pro rata accruals will occur with each biweekly payroll period.

Years of Continuous Service as a Full-Time Employee	Hours/Year
Up to 5 Years	96
5 or More Years	120

4. Eligible employees may carry a maximum of 960 hours of sick leave. Employees who reach the maximum will have additional accrual of sick leave above the maximum converted to annual leave at a four-to-one rate (4 hours of sick leave convert to 1 hour of annual leave).

### 13.5.3 Use of Sick Leave

1. Sick leave may be used for appointments for medical, dental, or optical examinations or treatment when such appointments cannot be reasonably scheduled during non-working hours. Examination appointments generally should be approved at least one (1) work day in advance by the supervisor.
2. Sick leave may be used for unplanned sick absences. In unplanned circumstances, an employee should make every attempt to report the need for the sick leave to his/her supervisor at least one (1) hour prior to the scheduled starting time. Where a relief employee is required in a department which must provide 24 hours sustained service, the employee must report his/her absence two (2) hours before the designated reporting time. Failure to comply with the reporting requirements may be grounds for corrective action.
3. Employees are charged with sick leave for absences only on days for which they would otherwise work and receive pay. No charge is made against sick leave for absence on holidays or other non-work days unless the employee is scheduled to work.
4. If an employee has exhausted all accrued sick leave, available annual leave will be substituted. An employee may not elect to take sick time as unpaid leave unless no paid leave time is available.
5. A medical certification may be required to substantiate time off due to sickness for absences of three or more consecutive days or when absences occur frequently.

6. Department management will be responsible for monitoring abuse of the sick leave privilege, and employees may be subject to corrective action, up to and including termination, for any abuse of the sick leave benefit. Three or more occurrences of unplanned/unscheduled absence in a three-month period, or patterns of such absences that indicate abuse, are considered excessive and may be grounds for corrective action. **See also Sections 2.3.1 and 17.7.4.**
7. If an employee sustains an on-the-job injury or illness which necessitates a brief absence from work, he/she may be paid from accrued leave balances during the workers' compensation waiting period. For absences that exceed the workers' compensation waiting period, the employee will be required to elect between using accrued sick/annual leave in lieu of workers' compensation benefits or accepting worker's compensation benefits in lieu of using accrued sick and annual leave. Employees cannot be paid both workers' compensation benefits and accrued sick/annual leave simultaneously. **See also Section 15.**
8. An employee who becomes ill during his/her vacation (annual leave) may be granted the option of changing annual leave to sick leave upon presentation of a doctor's certificate.
9. An employee on an authorized period of sick or other medical leave may not obtain or perform either part-time or full-time employment elsewhere without the prior approval of the employee's supervisor and the Human Resources Director.
10. An employee who separates from the County, whether voluntarily or involuntarily, shall forfeit all accrued sick leave. Accrued sick leave that is forfeited at the time of separation will not be reinstated for employees who are later rehired.

#### **13.5.4 Sick Leave Donation**

Employees may voluntarily donate a portion of their accrued sick leave to a qualified employee who is unable to work due to extended illness or injury, subject to the following:

1. To qualify to receive donated sick leave, an employee must obtain approval from the Department Head and the Human Resources Director before any donated leave is applied. An employee may be denied the opportunity to receive donated sick leave if the Department Head and/or Human Resources Director determines that the employee has exhibited a pattern of abusing sick leave within the twelve-month period prior to the employee's request. An employee's supervisor may make a request to Human Resources for sick leave donation on the employee's behalf.
2. Sick leave donation will only be approved in cases of an employee's own serious health condition.
3. An employee must have been continuously employed for a minimum of one (1) year to be eligible to receive sick leave donations.
4. An employee must use all paid leave before any donated leave is received.

5. An employee on approved workers' compensation leave who has exhausted his or her accrued leave will be paid workers' compensation benefits and will not be eligible for donated sick leave.
6. Human Resources will solicit sick leave on behalf of eligible employees, and will conduct such solicitations without identifying the intended recipient. Individual employees shall not solicit sick leave donations for themselves or for others.
7. Sick leave donations will be accepted only during an active donation period (generally, 14 calendar days following a Human Resources announcement of the need for donated leave).
8. Employees donating sick leave may not designate a specific recipient for the leave; donated leave will be banked and allocated among all qualified recipients in need of donation.
9. Employees may donate sick leave in any amount; however, employees donating sick leave must have a remaining balance of at least 80 hours of sick leave after the donation.
10. Donated leave will be deducted from the donating employee's leave balance upon approval of the donation. Donated leave in excess of the immediate need will be banked for future use.
11. An employee's eligibility to receive donated sick leave will not extend beyond six months of leave in any twelve month period.
12. The County may suspend the sick leave donation program during periods when operations, staffing levels, or other conditions warrant.

### **13.6 Bereavement Leave**

1. Full-time employees, including probationary employees, are entitled to a maximum of 24 hours of bereavement leave with pay upon the death of a member of the employee's immediate family. For the purposes of this bereavement policy, "immediate family" includes spouse, child, parent, brother, sister, grandparent, grandchild, or similar in-law or step-family relationship, or any individual living in the employee's household.
2. Part-time employees are not entitled to bereavement leave (with limited grandfathered exceptions as previously documented by Human Resources).
3. Employees should direct requests for bereavement leave to their supervisor.
4. There is no requirement that bereavement leave hours be taken on consecutive days. However, all approved bereavement hours must be taken within seven (7) calendar days following the family member's death, unless funeral or memorial services are delayed beyond seven (7) days.
5. When attending a funeral of an individual other than immediate family member as defined in Section 13.6.1, the employee must use his/her annual leave time to cover his/her absence from work, after appropriate approval is sought and granted.
6. Employees attending the funeral of another County employee may be granted up to a maximum of two (2) hours of paid time to attend the funeral during their normal scheduled work hours; annual leave time must be used to cover absences exceeding two (2) hours. Authorization to leave the work premises to attend coworker funerals

may be granted or withheld, in the sole discretion of the employee's supervisor, after considering necessary service and staffing levels.

7. There is no accumulation of bereavement leave, and no payment upon separation from County employment.
8. The amount of paid bereavement leave that an eligible employee receives shall be within the discretion of the employee's supervisor based upon the particular circumstances, but shall not exceed the maximum amounts stated above for each period of bereavement leave.

### **13.7 Jury Duty / Court Leave**

1. Because jury duty is recognized as a civic responsibility, the County will continue to pay an employee's regular salary when the employee is required to report for jury duty on a day he/she is scheduled to work.
2. An employee must report his/her need for jury duty/court leave in advance to his/her supervisor. Employees are required to present documentation from the court indicating jury service is required.
3. Employees are not required to turn over to the County any fees received for participating in jury duty.
4. An employee is expected to return to work on any day he or she is dismissed from jury duty prior to 1:00 p.m.
5. All employees subpoenaed or ordered to attend court or to appear as a witness in connection with the employee's County employment are considered to be working and will be paid accordingly.

### **13.8 Military Service Leave**

1. Employees are entitled to a leave of absence for military service in accordance with state law and federal law commonly known as the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). The provisions below are a brief summary of employees' legal rights and obligations and are not intended to set forth every detail and nuance of these laws.
2. "Military service" means any period of military service included within the definitions of "ordered military duty" or "service in the uniformed services" in state or federal law.
3. An employee shall be deemed to have a leave of absence while engaged in the performance of military service and while going to and returning from such service. An employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of military service and while going to and returning from such service, not exceeding a total of 18 days in any one federal fiscal year (October 1<sup>st</sup> – September 30<sup>th</sup>). In the event the Governor declares an emergency and orders an employee to military service as a member of the National Guard, any such employee, while performing such service, shall be paid his/her salary or other compensation for a period not exceeding 30 days in any one federal fiscal year.
4. Unless prevented from doing so by military necessity, or unless otherwise impossible or unreasonable under all the relevant circumstances, the employee (or an

appropriate officer in the uniformed service in which such military service is performed) should provide advance written or verbal notice of military service to his/her department management and the Human Resources Director.

5. At the conclusion of military service, employees generally have the right to return to the same position held prior to the period of military service or to a position with equivalent seniority, pay and benefits. An employee who desires reemployment with the County after a period of military service exceeding 30 days must timely notify the Human Resources Director of his/her intent to return to employment with the County in the manner required by 38 U.S.C. § 4312 (e). With certain limited exceptions, an employee whose cumulative absences from employment with the County by reason of military service exceeds five years is not entitled to reemployment with the County. Also, an employee is not entitled to reemployment if the employee was separated from the service with a dishonorable or bad conduct discharge, other than honorable conditions, or dismissed or dropped from the rolls as a commissioned officer under certain circumstances.
6. Employees on leave of absence for military service may, at their option, use any or all accrued annual leave during their period of military service.
7. An employee on a leave of absence for military service for 30 days or less may maintain health insurance coverage as if no leave occurred. When an employee is on a leave of absence for military service that exceeds 30 days, he/she is eligible, at his/her expense, for COBRA benefits continuation up to a maximum of 24 months.
8. Each period of military service for an employee on a leave of absence shall, upon reemployment, be deemed to constitute service with the employer for purposes of the County's 401(a) pension plan, and the employee shall be treated as not having incurred a break in service for purposes of eligibility and vesting under the 401(a) plan.

### **13.9 Family and Medical Leave (FMLA)**

Pursuant to the Family and Medical Leave Act, ("FMLA"), 29 U.S.C. §2601, et seq., an eligible employee can take up to twelve (12) weeks of unpaid leave in any 12-month period for one or more of the following:

- The birth of a child and to care for a newborn child (entitlement to leave expires at the end of the 12-month period beginning on the date of birth and cannot be taken intermittently or on a reduced leave schedule);
- The placement with the employee of a child for adoption or foster care (entitlement to leave expires at the end of the 12-month period beginning on the date of placement and cannot be taken intermittently or on a reduced leave schedule);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent; or

- An eligible employee who is a covered servicemember’s spouse, child, parent, or next of kin may also take up to 26 weeks of unpaid leave in a 12-month period to care for the servicemember with a serious injury or illness.

For purposes of this Section, a “12-month period” means a rolling twelve (12) months measured backward from the date the employee uses any FMLA leave. If the provisions in this manual conflict or come into conflict with the FMLA as it presently exists or is amended from time to time, the provisions contained in the FMLA shall control.

**1. Eligibility**

To be eligible for leave, an employee must have worked for the County for at least twelve (12) months and must have worked at least 1,250 hours during the twelve-month period prior to the request for leave. Eligible employees under FMLA shall be entitled to leave pursuant to the conditions and limitations of FMLA.

**2. Concurrent Utilization of Paid Leave**

An employee requesting FMLA leave is required to utilize all accrued paid leave (both sick and annual) and/or compensatory time available during the 12-week leave period, unless the employee is receiving workers’ compensation benefits. During periods of FMLA leave due to the serious medical condition of the employee or the employee’s child, spouse, or parent, available sick leave will be used first, followed by available annual leave if sick leave is exhausted. Employees who have exhausted all available paid leave time but who qualify for leave under the FMLA will be granted unpaid leave. FMLA designations may be retroactively dated to the date on which the serious health condition commenced. If the employee is absent on unpaid FMLA leave, he/she will not continue to accrue holiday hours or annual, sick, or other types of leave during this unpaid FMLA leave.

**3. Concurrent Workers’ Compensation and FMLA Leave**

Periods of leave pursuant to an accepted Workers’ Compensation injury (on-the-job injury) will run concurrently with FMLA leave, if the leave qualifies under FMLA.

**4. Intermittent Leave or Reduced Schedule Leave**

Leave for a serious health condition of the employee, qualifying family member, or covered servicemember may be taken intermittently or on a reduced schedule if medically necessary. The taking of any leave intermittently or on a reduced schedule basis shall reduce the total amount of FMLA leave that has been approved for the eligible employee according to the actual hours of leave taken. In determining maximum FMLA leave, total intermittent leave and/or continuous leave added together may not exceed twelve work weeks in a twelve-month period, or 26 weeks in a twelve-month period if taken to care for a covered servicemember. If an eligible employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the County reserves the right to transfer the employee temporarily to an available alternative position with equivalent pay and benefits for which the employee is qualified that better accommodates recurring periods of absence.

**5. Spouses Employed by Same Employer**

When a husband and wife are both eligible for leave under the FMLA and are both employed by the County, the aggregate number of workweeks of leave to which both

shall be entitled will be limited to twelve (12) workweeks during any 12-month rolling period, in the case where leave is taken for childbirth, adoption, foster care, or to care for a parent with a serious health condition, and will be limited to an aggregate of 26 workweeks during any 12-month period to care for a covered servicemember with a serious injury or illness.

**6. Notice of Need for Foreseeable Leave**

In any case in which the necessity for leave under the FMLA is foreseeable, based on an expected birth or placement of a child or based on planned medical treatment, the employee shall notify the Human Resources Director no less than thirty (30) days before the date the leave is to begin. In a case where the necessity for leave is based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the County, subject to the approval of the health care provider. If the date of the treatment requires leave to begin in less than thirty (30) days, the employee shall provide as much advance notice as is practicable. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

**7. Notice of Need for Unforeseeable/Emergency Leave**

If the need for leave is unforeseeable, the employee should give notice to the supervisor or to Human Resources as soon as practical. Notice may be given by the employee's spouse or other family member if the employee is unable to do so due to a serious health condition.

**8. Contents of Notice**

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing the employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified. If an employee fails to give proper notice of the need for FMLA leave, the employee's FMLA coverage may be delayed.

**9. Certification of Serious Health Conditions**

An eligible employee who requests leave for a serious health condition of the employee or a qualifying family member shall be required to submit to the Human Resources Director certification from an appropriate health care provider supporting the need for FMLA leave. The Human Resources Director may require that subsequent re-certification be submitted on a reasonable basis.

In any case in which there is reasonable doubt as to the validity of the certification, the Human Resources Director may require the employee to obtain the opinion of a second health care provider at the expense of the County. If the second opinion differs from the original certification, the Human Resources Director may require the employee to obtain the opinion of a third health care provider designated or approved jointly by the Human Resources Director and the employee at the expense of the County. The opinion of the third health care provider shall be considered to be final.

Pending receipt of a second or third medical opinion, the employee will be provisionally entitled to FMLA protection.

**10. Employee Notices**

After an employee requests FMLA leave, Human Resources will provide the employee with information about his/her eligibility and explain the employee's rights and responsibilities. If the employee is deemed to be ineligible, a reason will be provided. Employees will be notified about whether, and how much, leave will be designated as FMLA leave.

**11. Accruals and Benefits during FMLA Leave**

The employee, while on paid FMLA leave, is entitled to accrue annual leave, sick leave, and holidays during the periods of paid leave. For the purposes of pension or retirement plans, any period of FMLA leave will be treated as continuous service for the purposes of vesting and eligibility to participate. During any period of FMLA leave, the County will maintain any medical insurance provided by the County for the duration of the FMLA leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave. The employee will continue to be responsible for his/her share of the cost. In addition, the employee's dental, vision, life, and disability coverage (if applicable) will continue as long as the employee pays his/her share of the costs in a timely manner.

**12. Return to Duty from FMLA Leave**

As a condition for return to duty after an employee's serious health condition, the employee shall be required to provide written certification from the health care provider, confirming that the employee is able to resume work. Such certification should be provided to Human Resources as soon as feasible. An employee who does not provide a fitness-for-duty certification or request additional FMLA leave is no longer entitled to reinstatement under FMLA.

**13. Return to Former Position**

Upon expiration of FMLA leave, the employee shall be returned to his/her former position or an equivalent position as defined by FMLA, provided that the employee has complied with the terms of the leave and reported for return of duty at the appropriate time. An exception to the employment restoration provisions of the policy may be made if the employee is a "key employee" as defined in the Family and Medical Leave Act and restoring employment would result in substantial and grievous economic injury to the County.

**14. No Interference / No Retaliation**

Bulloch County will not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

**15. Enforcement**

Employees may file an FMLA-related complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede



any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

### **13.10 Leave of Absence**

It is the policy of Bulloch County to allow employees to apply for a leave of absence beyond those required by state and federal law. A Leave of Absence is defined as a continuous absence for medical, personal or educational reasons in excess of two (2) calendar weeks that has been approved by Human Resources and the employee's supervisor. These guidelines also apply when an employee on FMLA requests additional time off beyond the expiration of FMLA eligibility. This policy does not apply to approved vacations in excess of two weeks.

1. When an employee anticipates that a continuous absence will exceed two weeks, regardless of the reason for absence, a Request for Leave of Absence form must be submitted to Human Resources at least 30 days prior to the first day of anticipated absence when the leave is foreseeable or, for unforeseeable leaves, as soon as practical after the need for leave is known. The Leave of Absence Form must be signed by the employee's supervisor.
2. Employees on Leave of Absence are not eligible for any type of pay except sick leave, annual leave, or workers' compensation pay. Employees on unpaid Leave of Absence do not accrue sick or annual leave.
3. An employee on a Leave of Absence may not accept or perform work elsewhere. An employee who violates this provision will be considered to have voluntarily resigned without notice.
4. An employee may not exceed six (6) months of leave in any twelve-month period, with the exception of military leave or leave that has been granted as a reasonable accommodation under the Americans with Disabilities Act (ADA). Indefinite leave is not considered a reasonable accommodation under the ADA.
5. A medical leave of absence may continue until whichever of the following occurs first:
  - The employee voluntarily resigns.
  - The employee fails to provide proper documentation of the nature and anticipated length of absence.
  - The employee refuses an examination by a physician of Bulloch County's choosing, if requested.
  - The employee's physician releases the employee to return to work.
  - The employee remains unable to perform his/her duties, no reasonable accommodation is possible, and there is no foreseeable return to work date.
6. An employee on Leave of Absence is not guaranteed a job (or, if a job is offered, placement in the same or equivalent position) upon return unless required by law, such as in FMLA.

### **13.11 Administrative Leave**

An employee's supervisor, with notification to the Human Resources Department, may place an employee on paid or unpaid administrative leave.

1. An employee being investigated by the County for possible misconduct may be placed on administrative leave during the investigation.
2. An employee being investigated by a law enforcement agency for possible violation of a criminal law may be placed on administrative leave.
3. An employee may be placed on administrative leave in any instance where it is considered to be in the best interest of the County and/or the employee for the employee to be temporarily relieved of duties.
4. Written notification should be made to the employee, with a copy to Human Resources, indicating whether the administrative leave is with pay or without pay.
5. The decision to place an employee on administrative leave is entirely discretionary, as is the length of the administrative leave. Certain acts of misconduct or criminal arrests may be more suitable for immediate termination as determined by the employee's supervisor and the Human Resources Director.

### **13.12 Leave Due to Inclement Weather and Other Emergencies**

While Bulloch County strives to remain open for business during normal work hours, County facilities may be forced to close temporarily or to limit operations due to severe weather, power outages, or other short-term emergency situations of one week or less. During such situations, the County Manager shall be responsible for determining whether to close County offices for one or more full or partial days.

1. Due to the critical nature of the services they provide, essential employees may be required to report to work when County offices are closed. Essential employees, generally, include personnel in public safety and public works. However, other employees may be categorized as essential depending on the nature and severity of the emergency. It is the responsibility of the department head to determine if employees are essential or non-essential for any given emergency situation.
2. In the event of a full-day closure, non-essential full-time employees will be excused from work and will be compensated for the number of hours they were scheduled to work on that day.
3. For partial day closures, non-essential full-time employees will be excused for a portion of the work day and compensated for the hours missed due to the closure.
4. Part-time employees will not be compensated for hours missed due to closure of County offices.
5. Employees who were not scheduled to work, or who are on approved leave or vacation at the time of the closure, will not be eligible for pay as described in this section.
6. When County offices are open but questionable weather or other emergency situations exist, employees must make their own independent safety determinations concerning travel to work. If the employee elects not to work, or not to work a full day, due to weather or emergency-related safety concerns, the absence will be charged against the employee's accrued annual leave time. Employees with no accrued annual leave will not be paid for the hours they are absent from work. Employees must notify their supervisor, or designee, as soon as reasonably possible whenever they are unable to work.

7. For closures of more than one week, employees will not receive weather/emergency pay unless approved by the Board of Commissioners.

### **13.13 Holidays**

1. Eligible employees receive eleven (11) paid holidays each year:
  - New Year's Day
  - Martin Luther King, Jr.'s Birthday
  - Good Friday
  - Memorial Day
  - Independence Day
  - Labor Day
  - Veterans Day
  - Thanksgiving Day
  - Day After Thanksgiving
  - Christmas Eve
  - Christmas Day

Generally, when a holiday falls on a Saturday, the preceding Friday shall be declared a holiday for County employees and when a holiday falls on a Sunday, the following Monday shall be declared a holiday for County employees. The County Manager may select an alternate day as deemed appropriate.

Full-time employees receive eight (8) hours' pay for each holiday. Part-time employees do not receive holiday pay (with limited grandfathered exceptions as previously documented by Human Resources).

2. Eligible non-exempt employees who are required to work on a holiday will be paid for hours worked plus an additional eight (8) hours of holiday pay.
3. When an observed holiday falls on an employee's normally scheduled off day, the employee will still be paid for the holiday.

## Section 14 – Group Benefit Plan

### 14.1 Policy Statement

It is the practice of the County to provide its full-time employees with various insurance, retirement, and other benefits. The benefits plan is intended to provide a supplemental package of programs which contribute to the physical and mental health and well-being of employees and their dependents. The County's benefits offerings are designed to enhance the value of employment with the County and to aid the County's competitiveness in recruitment and retention efforts.

### 14.2 Administration

The primary responsibility for the day-to-day administration of employee benefits plan shall rest with the Human Resources Department within the limits of these policies and procedures, as well as the actual plan documents that govern the particular benefit. Questions or concerns about employee benefits should be directed to the Human Resources Department.

### 14.3 Eligibility

Eligibility for health insurance, life insurance, and retirement benefits shall be governed by the provisions in the plan documents of the applicable program(s).

### 14.4 Employee Premiums

Premiums, contributions and other charges to the employee for benefits shall be collected via payroll deduction.

### 14.5 Benefits Changes During Open Enrollment

During the annual Open Enrollment period, the employee has the opportunity to change his/her benefit elections for the following plan year. Eligible employees will be notified of the dates of the Open Enrollment period each year.

### 14.6 Qualified Status Changes

Due to the pre-tax nature of many of our benefit plans (including spending accounts), IRS regulations determine when an employee can and cannot make changes to his/her benefit elections. Benefits choices made by an employee remain in effect for the entire plan year, unless the employee has a qualified status change. The following are examples of qualified status changes:

- Loss or gain of coverage through the employee's spouse
- Birth or adoption of a child
- Loss of eligibility of a covered dependent
- Marriage, divorce or legal separation, or annulment
- Death of a covered spouse or child
- Change in employment status

All paperwork related to an adjustment in employee benefits after a qualified status change must be completed within 31 days of the date the status change occurred, and the employee must provide documentation proving the qualifying event (for example, a marriage certificate).

#### **14.7 Employee Responsibilities**

It is the employee's responsibility to notify Human Resources (within the required timeframe and by submitting any required documentation) of any Qualified Status Changes that impact the employee's benefits choices or the eligibility of any dependent. The employee is also responsible to update and ensure the accuracy of dependents and beneficiaries of the various benefits plans.

#### **14.8 Benefits Continuation**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the County's health plan for a certain period of time provided by law when a qualifying event would normally result in the loss of eligibility. Under COBRA, the employee or qualified beneficiary pays the full cost of coverage at the County's group rates, plus an administrative fee. Certain deadlines and application requirements will apply.

#### **14.9 Measurement of Part-Time Hours for Benefits Eligibility**

##### **14.9.1 Definitions**

For the purposes of this section, the following definitions apply:

- Initial Measurement Period: A period of 12 months that begins on the 1<sup>st</sup> day of the month following an employee's hire date and ends on the last day of the month that includes the first anniversary of the employee's hire date. For purposes of the initial measurement period, the term "employee" means a new employee who is not reasonably expected to be a full-time employee.
- Standard Measurement Period: A period of 12 months that begins each year on May 1<sup>st</sup> and ends each year on April 30<sup>th</sup>.
- Stability Period: A period of 12 months that follows and is associated with either an initial measurement period or the standard measurement period. The stability period for an initial measurement period begins on the first day of the second full month following the first anniversary of an employee's hire date and ends on the last day of the month following the month that includes the first anniversary of the employee's hire date. The stability period for the standard measurement period begins July 1<sup>st</sup> and ends on June 30<sup>th</sup> of each year.

##### **14.9.2 Measurement**

A part-time employee who actually averages 30 hours of service or more per week during the initial measurement period or a standard measurement period will be eligible for health insurance during the entire subsequent stability period, even if the employee averages less than 30 hours of service per week during the

stability period. However, if such an employee is not promoted to the status of a full-time employee, and if the employee averages less than 30 hours of service per week during the following standard measurement period, then the employee will be ineligible for health insurance during the next stability period.

#### **14.9.3 Eligibility**

During any stability period in which a part-time employee is eligible for group health insurance, the employee will be offered group health insurance on the same basis as a full-time employee; however, unless the employee is actually promoted to the status of a full-time employee, the employee will not be eligible for other fringe benefits such as, but not limited to, paid leave and participation in the retirement plan, unless the employee is otherwise eligible under the plan document or other written requirements applicable to those other fringe benefits.

#### **14.10 Plan Documents**

From time to time, employees may receive information regarding specific provisions related to employee benefits. The actual plan documents, rather than any verbal or written interpretation or summary, will govern and should be relied upon in determining an employee's rights and obligations.

## Section 15 – Workers’ Compensation

### 15.1 Policy Statement

It is the intent of the County to comply with the provisions of the Workers’ Compensation Laws of the State of Georgia. All County employees and elected officials who are injured on the job are protected by the Georgia Workers’ Compensation Act. The provisions of this Act are the exclusive remedy for employees injured on the job and provide benefits for occupational injuries and diseases arising out of and in the course of an employee’s employment with the County.

### 15.2 Responsibility

Specific responsibilities lie with the Human Resources Department, all supervisors, and the employee.

#### 15.2.1 Human Resources

The Human Resources Director is responsible for the management of the County’s workers’ compensation program in accordance with the provisions of the Georgia Workers’ Compensation Act and other Federal, State, or local regulations.

#### 15.2.2 Supervisors

County supervisors are responsible for ensuring that their employees report all on-the-job injuries to them immediately or as soon as possible following the injury. Supervisors will ensure that a written report of the injury (First Report of Injury form) is completed and submitted to the Human Resources Department as soon as practicable, but in all cases within twenty-four hours of notification. Serious injuries should be reported immediately by phone to the Human Resources Director.

#### 15.2.3 Employees

All County employees are required to report all on-the-job injuries to their supervisor immediately when possible, but in all cases no later than twenty-four (24) hours after the occurrence of the on-the-job injury, even if no medical treatment is necessary. The employee is obligated to cooperate with the workers’ compensation program requirements and directives.

### 15.3 Procedures

1. An employee injured on the job must report the injury to his/her supervisor immediately, even if no medical treatment is necessary.
2. The employee’s supervisor must follow the procedures prescribed for reporting the injury which includes completion of the First Report of Injury form.
3. Medical treatment for the injury, if any, shall be obtained at one of the designated medical facilities that are posted at each work site, and the employee must select a doctor from this approved Panel of Physicians provided by the County. In an emergency, the employee may receive medical care from any doctor until the emergency is over; then the employee must obtain treatment from a doctor on the County’s approved Panel of Physicians. The County reserves the right to refuse

payment of medical services for any employee examined by a physician not listed on its approved Panel of Physicians.

4. An employee injured by an accident arising out of and in the course of employment shall not be charged for any absence from duty due to the on-the-job injury on the day of the injury. The employee will be paid for any time missed from work on the day of the injury.
5. There is a seven (7) calendar day waiting period before workers' compensation income benefits begin. The employee is eligible to receive medical benefits during the seven-day waiting period. Beginning with the first day after an on-the-job injury and continuing through the seventh day following the injury, the injured employee will be compensated by using his/her available sick or other leave balances.
6. Beginning with the eighth (8<sup>th</sup>) day following the on-the-job injury, the employee may be compensated at the statutory workers' compensation rate or the employee may choose to receive full wages using his/her available sick or annual leave balances. Employees cannot be paid both workers' compensation benefits and accrued sick/annual leave during the same period of incapacity.
7. Workers' compensation benefits may be denied for various reasons, including but not limited to willful misconduct, horseplay, or alcohol or drug use.
8. An employee out of work on workers' compensation who does not return to work when released to do so by a qualified physician may be terminated.
9. If the employee is unable to return to his/her regular position, the County may temporarily provide a modified/light duty assignment that is approved by the Workers' Compensation physician; however, the County has no obligation to create a modified duty assignment if work is not available. The modified duty job does not have to be at the employee's regular rate of pay, does not have to be full-time, and does not have to be the same type of job as the employee's regular job.
10. If the employee is eligible for Family and Medical Leave (FMLA), the employee's FMLA leave will run concurrently with the employee's absence under Workers' Compensation.
11. Workers' Compensation leave does not offer job protection, but the employee may be protected by FMLA leave or some other law, such as a reasonable accommodation under the ADA.
12. In accordance with Georgia law (O.C.G.A. 34-9-19), willfully making any false or misleading statement or representation for the purpose of obtaining or denying any workers' compensation benefit or payment is a misdemeanor and, upon conviction thereof, may result in a fine and/or imprisonment. Any fraudulent activity or misrepresentation is grounds for termination of employment.



## Section 16 – Employee Orientation

### 16.1 Policy Statement

Bulloch County is committed to ensuring that all new employees are integrated into the workforce in a consistent and effective manner.

### 16.2 Assignment of Responsibilities

Upon employment an employee shall complete an orientation process. The Human Resources Department and the employing Department each have a role in ensuring that the employee is familiarized with County and departmental rules, policies, benefits, and procedures.

1. The Human Resources Department shall be responsible for the initial New Hire Orientation, including standard employment paperwork, employment eligibility verification, benefits information and enrollment, and policy acknowledgements.
2. The employing department shall be responsible for the following: introduction to other departmental employees; tour of departmental facilities; explanation of departmental standard operating procedures and rules; introduction of safety rules and practices; explanation of performance expectations; and other pertinent information.

## Section 17 – Standards of Conduct

### 17.1 Policy Statement

All employees are expected to maintain acceptable standards of conduct, efficiency, and economy in the performance of their work. All employees are expected to maintain minimum standards of conduct both on and off duty in order to:

1. Promote impartial, objective, and effective performance of their duties;
2. Avoid activities that are adverse to the County's interest or that adversely affect the County's reputation;
3. Ensure safe and efficient operations; and
4. Encourage a high degree of confidence in and support for County operations.

The following list of standards of employee conduct is not intended to be all inclusive of every type of conduct prohibited. Other standards of conduct are established throughout this manual; additional standards may be established and published by Departments as operations deem necessary. Moreover, generally accepted standards of conduct shall apply even where not specifically stated. Failure to abide by these standards of employee conduct may result in corrective action, up to and including termination.

### 17.2 General Provisions

#### 17.2.1 Conformance to Law

An employee shall obey and not engage in any conduct prohibited by the laws of the United States, the State of Georgia or the County. Conduct described as a violation of such laws may be cause for corrective action, regardless of whether charges are filed or prosecuted or whether the employee is adjudicated guilty or not guilty.

#### 17.2.2 Violation of Rules

An employee shall not commit any act contrary to good order and discipline or any act constituting a violation of any of the provisions of the rules and regulations of the County and its departments.

### 17.3 Ethics

#### 17.3.1 Prohibited Financial Interests

No employee of Bulloch County shall have a financial interest either directly or indirectly in the purchase of or contract for any goods or services, nor in any firm, corporation, partnership, limited liability company, or any other legal entity furnishing any goods or services to Bulloch County or any of its departments. For purposes of this provision, an indirect financial interest includes, but is not necessarily limited to, a financial interest of an employee's spouse. Nor shall any employee of Bulloch County accept or receive, directly or indirectly, from any person, firm, corporation, partnership, limited liability company, or any other legal entity furnishing any goods or services to Bulloch County 1) any money or anything of more than nominal value; or 2) any promise, obligation, or contract for future reward or compensation. Provided, however, that nothing in this section shall

preclude employees of Bulloch County from 1) attending seminars, courses, lectures, briefings, or similar functions at any manufacturer's or vendor's facility or at any other place if any such seminar, course, lecture, briefing, or similar function is for the purpose of furnishing the employee with knowledge and information relative to the manufacturer's or vendor's products; 2) receiving meals from a manufacturer or vendor in connection with any such seminar, course, lecture, briefing, or similar function; or 3) receiving educational materials and business-related items of not more than nominal value from a manufacturer or vendor.

#### **17.3.2 Purchasing or Supervision**

No employee of Bulloch County shall personally participate either directly or indirectly in the purchasing or supervision of any goods or services furnished to Bulloch County by an immediate family member of the employee or by a firm, corporation, partnership, limited liability company, or any other legal entity in which the employee's immediate family member has a direct financial interest. For purposes of this provision, "immediate family member" means the employee's child, parent or sibling.

#### **17.3.3 Personal Benefit**

No employee of the County or any agency or entity to which this manual applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the Board of Commissioners or the governing body of such agency or entity.

#### **17.3.4 Commissioner Employment**

No member of the Board of Commissioners shall apply for or hold any other County employment during the term for which elected.

### **17.4 Attention / Dereliction**

#### **17.4.1 Attention**

Except when approved in positions which require 24-hour shifts, an employee shall remain awake, alert, observant and occupied with County business when on the job. Employees are expected to perform their job duties:

1. Timely, promptly, and without undue delay;
2. Without unnecessary supervision;
3. Ensuring they are engaged productively at all times or as directed;
4. Demonstrating appropriate initiative and dependability in the quality, volume, and prioritization of job duties; and
5. Avoiding excessive tardiness, excessive absenteeism, and unexcused absences.

#### **17.4.2 Insubordination**

An employee shall adhere to and execute any and all appropriate orders of a supervisor. An appropriate order is an order in keeping with the performance of duty, issued either verbally or in writing by the Division Head or any other supervisor, direct or indirect. The willful disobedience of any appropriate order issued by a supervisor, or any insolent, uncooperative, or abusive language or conduct toward a supervisor, shall be considered insubordination.

## **17.5 Competence, Judgment and Supervision**

### **17.5.1 Competence**

An employee shall maintain sufficient qualifications and competence to properly perform the assigned duties and responsibilities of the position. The employee's efforts shall be directed and coordinated in a manner that demonstrates and maintains the highest standards of efficiency in carrying out the functions and objectives of the County. Failure to perform work at an acceptable level of competence as determined by the applicable supervisor may be grounds for corrective action, up to and including termination.

### **17.5.2 Judgment**

An employee shall exercise sound judgment relevant to the conduct and performance of duty.

### **17.5.3 Supervision**

A supervisor shall:

1. Demonstrate qualities of leadership necessary for the position;
2. Maintain a positive attitude in support of Department decisions and goals;
3. Exercise appropriate supervision of subordinates and appropriately perform other responsibilities as assigned;
4. Effectively plan, develop, and coordinate supervision and training of subordinates;
5. Observe and appropriately counsel subordinates;
6. Take appropriate action when a subordinate fails to perform; and
7. Properly account for all funds and property under his/her control.

## **17.6 Fitness for Duty**

An employee must be physically and mentally fit to perform essential job functions.

### **17.6.1 Evaluation for Fitness**

When it is reasonably suspected that the physical or mental impairment of an employee constitutes a hazard to individuals or property or may prevent the employee from effectively performing the essential functions of the position, the employee may be required to submit to an evaluation of fitness for duty by a physician of the County's choosing and expense. All such testing must be approved and coordinated by the Human Resources Director.

### **17.6.2 Periodic Evaluation**

An employee may be required to submit to periodic examinations and/or undergo a program of treatment to qualify for continued employment, to the extent allowable by law.

### **17.6.3 Disclosure Required**

An employee who is notified or otherwise becomes aware of a physical or mental impairment that affects or reasonably threatens to affect his/her ability to perform essential job functions shall report the condition immediately to the Division Head or to the Human Resources Director.

#### **17.6.4 Status During Evaluation**

Pending completion of the fitness for duty evaluation, the employee may be required to use accrued leave, may be placed in an unpaid or paid leave status, or may be temporarily reassigned, depending on the circumstances and the length of the evaluation period.

### **17.7 Absences and Reporting**

#### **17.7.1 Unauthorized Absence**

No employee shall be absent without authorization. This includes failure to report for work at the assigned time and place or leaving a place of duty or assignment without authorization.

#### **17.7.2 Reporting for Work**

An employee shall report to work on time and be physically and mentally fit to perform the essential functions of his/her job at the time and place specified by the supervisor.

#### **17.7.3 Reporting Absence**

An employee who cannot report to work due to illness or emergency shall notify the immediate supervisor. Failure to do so may result in an unauthorized unexcused absence. *See also Section 13.5.3(2).*

#### **17.7.4 Frequent or Excessive Absence, Tardiness, or Leaving Early**

Three occurrences of unplanned/unscheduled absence in a three-month period are considered excessive and may be grounds for corrective action. Three occurrences of tardiness or leaving early in a three-month period are considered excessive and may be grounds for corrective action. *See also Sections 2.3.1 and 13.5.3(6).*

#### **17.7.5 Fictitious Reporting**

Employees reporting absences or reasons for absences shall be truthful and shall not attempt to deceive any supervisor or official of the County.

### **17.8 Personal Appearance**

#### **17.8.1 Expectation**

All employees must present a neat, well-groomed and professional image to the public while in the workplace.

#### **17.8.2 Guidelines**

The following guidelines apply:

1. Employees are expected to be clean and to practice good hygiene habits.
2. Uniformed personnel shall wear a clean and complete uniform (including shoes/boots) and shall adhere to dress standards established by their Department. Costs related to uniforms may be borne by either the employee or the organization, depending upon departmental policy.
3. Non-uniformed personnel shall wear clothing and shoes that are clean, properly fitting and appropriate to the work situation. The wearing of tight-fitting, suggestive or see-through attire, jeans, shorts, jogging suits and T-shirts

is generally not permitted. Dress down days where jeans are permitted are allowed with the approval of the Department Head.

4. Supervisors have the right and responsibility to determine appropriateness of attire. Employees who are not properly clothed will be asked to go home and change. If the problem continues, corrective action, up to and including termination, will be taken.
5. Individual departments may establish certain dress and grooming requirements specific to the type of work.

### **17.8.3 Employee Identification**

Employees who are required to wear ID badges must do so in a visible area. Nothing should be worn on the badge which conceals the employee's name or department.

## **17.9 Professional Conduct**

### **17.9.1 Courtesy**

Employees shall be courteous to the public and fellow employees. An employee's conduct should always be civil, orderly, and courteous. Employees shall be diplomatic and tactful, controlling their temper and exercising patience and discretion in all situations. Employees should refrain from using coarse, violent, profane, or insolent language.

### **17.9.2 Conduct Unbecoming or Prejudicial to Good Order**

An employee's conduct shall reflect favorably on the employee and the County. Unbecoming conduct includes acts that tend to bring the County into disrepute, discredit the employee, or tend to impair or interfere with the operation of the County or employee.

## **17.10 Inappropriate Conduct**

Inappropriate conduct includes, but is not limited to:

1. Uncooperative attitude, including, but not limited to, disrespect to a supervisor, co-worker, or the public;
2. Conflict of interest;
3. Reporting to work/working under the influence of drugs and/or alcohol; any involvement in the manufacture, distribution, possession, or use of illegal, non-prescription drugs or illegally obtained prescription drugs;
4. Use of abusive or obscene language;
5. Violation of telephone, computer usage, or financial policies;
6. Theft, abuse, or misuse of County property or vehicles or loaning property or equipment of the County without permission or proper authority;
7. Violation of traffic laws while driving a County vehicle;
8. Failure to report damage or destruction of County property to a supervisor;
9. Illegal gambling;
10. Falsifying documents/records or making false claims;
11. Fighting or any other form of workplace violence;

12. Deliberate damage to County property or a pattern of damage resulting from unsafe driving or unsafe equipment operation;
13. Acceptance of a bribe;
14. Mishandling cash or other County property;
15. Discriminatory attitude or prejudice concerning another person;
16. Conviction of or admission of a felony or a crime of moral turpitude, and/or arrests that bring discredit to the County or otherwise threaten to interfere with the County operations;
17. Falsification or destruction of official records or documents or use of official position for personal benefit, profit, or advantage;
18. When duly and properly called as a witness before any County Board, Appeals Board, State or Federal judicial or administrative tribunal, and when before such tribunal, failing to answer truthfully any question concerning performance of official duties with the County;
19. Failure to timely report an on-the-job injury or accident;
20. Absence due to incarceration;
21. Use of any form of physical abuse toward the public, supervisors, or other employees, or making threats to the public, supervisors, or other employees;
22. Violation of any lawful official regulation or order or failing to obey any proper directive made and given by a superior;
23. Carelessness, recklessness, or negligence with the monies, vehicles, equipment, or other property of the County;
24. Use of, threatening to use, or attempting to use personal or political influence to secure employment benefits, including, but not limited to, promotion, leave of absence, transfer, change of pay rate, or character of work;
25. Failure to acquire or maintain a valid license, registration, or certification when such license, registration, or certification is required for the position occupied by the employee;
26. Wasted time, inefficiency, and/or loitering during working hours;
27. Sleeping while on duty except for when approved for 24-hour shift personnel;
28. Failure to perform work at an acceptable level of competence as determined by the supervisor, Department Head or Division Head;
29. Violation of County ordinances, administrative regulations, or departmental rules;
30. Falsification of information on an application or during a pre-hire interview or examination which had not been detected previously;
31. Use of County equipment or facilities for unauthorized personal use or benefit;
32. Use of County employees to perform work or duties for the personal benefit or gain of another County employee;
33. Use of any tobacco product in any County building or vehicle;
34. Violation of safety and health rules and established safety standards, including unsafe acts;
35. Refusal to submit to a drug/alcohol test as required by County policy;
36. Refusal to be examined by a County-authorized, licensed physician when so directed;

- 37. Abuse of leave policies, including excessive absence, tardiness or leaving early;
- 38. "Clocking in" or "clocking out" for another employee or otherwise assisting another employee to inaccurately record working hours.
- 39. Engaging in horseplay or rough play while on the job or in any County facility.
- 40. Unnecessary violence or harassment toward any person, except where authorized by law, even in the event of provocation.

**17.11 Immoral Conduct**

An employee shall at all times maintain high standards of moral conduct in personal affairs and shall not be a participant in any incident involving moral corruption that may impair the employee's ability to perform as a County employee or cause the County to be brought into disrepute.

**17.12 Identification**

An employee must furnish his/her name, job title, and department name to any person requesting that information as a result of actions taken by the employee in the course of County business.

**17.13 Examinations and/or Tests**

Upon order of the Division Head, in consultation with the Human Resources Director, for matters related to duty performance and investigations, an employee shall submit to any medical, chemical, drug, alcohol, ballistics, or other test, polygraph, fingerprinting, or counseling program authorized by law, and shall sign any related authorization forms. If an employee is required to submit to a polygraph examination, the employee will be informed that (1) the questions will relate specifically and narrowly to the performance of official duties; (2) the answer cannot be used against the employee in any subsequent criminal proceeding; and (3) the penalty for refusing to submit to the polygraph examination is dismissal.

**17.14 Fraudulent Employment**

No employee shall procure or maintain employment in the County by means of willful misrepresentation or omission of any fact concerning the employee's personal or work history, qualifications for employment, or physical condition.

**17.15 Employee Mobile Devices**

The County recognizes that most employees own and carry cellular telephones and/or other mobile devices. This Section addresses guidelines for the use of those devices in the workplace.

**17.15.1 Personal Use During Work Hours**

While personal phone calls are discouraged during working hours or while conducting County business, it is understood that periodic or infrequent calls of a "de minimis" nature during business hours may be expected and acceptable. However, personal phone calls, text messaging, or other mobile device usage which is excessive in frequency or length, that is unprofessional in



nature, and/or that interferes with the employee's assigned duties or normal functioning of the workplace are not acceptable.

**17.15.2 Cameras and Photographs**

Many mobile devices contain cameras. If cameras are used at work, employees must be mindful of their obligation to maintain confidentiality of sensitive work-related information. Also, employees should not photograph coworkers, customers, or other visitors without their knowledge and consent.

**17.15.3 Use While Driving or Operating Machinery**

Unless necessary in the course of performing work duties, Bulloch County does not promote any use of mobile phones (or other items which could be distracting) while operating a vehicle. If accepting a call while driving is an unavoidable part of one's job, and pulling over is not an option, employees are required to use a hands-free device and to otherwise comply with state laws pertaining to mobile use while driving. Employees will be solely responsible for any traffic violations, fines or penalties resulting from the use of a phone or other handheld device.

**17.15.4 Mobile Device Allowances**

Employees whose job duties require the use of a personally owned mobile device may be eligible for a monthly cell phone allowance; eligibility and justification for such allowance must be confirmed by the supervisor and department head and approved by the County Manager. Employees receiving such an allowance must notify the supervisor immediately if the phone number changes, the phone is lost or stolen, or service is interrupted. Employees who receive mobile device allowances are expected to be available and responsive during business hours, to allow receipt of and respond to business-related voicemails, and, if necessary for work-related purposes, to install software applications.

**17.16 Political Activity**

**17.6.1 Candidacy for Board of Commissioners**

It is the policy of Bulloch County to prohibit employees from becoming a candidate for or holding an elected seat on the Bulloch County Board of Commissioners.

**17.6.2 Political Participation**

Employees of Bulloch County are expected to avoid public political activities that would have the effect of endorsing, promoting, or disparaging a particular candidate for an elected seat on the Bulloch County Board of Commissioners. While employees are encouraged to otherwise express their political opinions and to vote for the candidate of their choice in any political election, employees should not use their positions or County time or resources for political purposes.

**17.17 Reporting Arrests/Convictions**

Employees who are arrested or convicted of a misdemeanor or felony, except for routine traffic violations, are required to report such arrest or conviction to Human Resources and to their supervisor by the next business day. Arrests and convictions will not necessarily result in any corrective action. However, the employee may be disciplined, up to and including involuntarily separated, based upon the employee's position and the nature of activity leading to the arrest or conviction.

## Section 18 – Corrective Action

### 18.1 Policy Statement

The County believes that each employee desires to provide quality public service by meeting high standards of job performance and conduct and by following established policies, procedures, regulations, and practices. When an employee's conduct does not meet standards or results in deficiencies in job performance or violations of law, County regulations, or rules, it is the policy of the County to take appropriate action to improve and/or correct the conduct or performance or, if necessary, remove the employee from the County workforce through application of disciplinary practices (corrective actions).

The primary purpose of corrective action is to remedy behavior and performance problems before ending the employment relationship. However, in cases of serious misconduct or other situations as warranted, the employee may be subject to involuntary termination without prior corrective action. The County's discipline policies emphasize the employee's responsibility for the consequences of his/her own behavior with a focus on communicating expectations for changes in behavior and needed improvement.

### 18.2 General Provisions

#### 18.2.1 Level of Discipline

Corrective action will be consistent with the nature of the deficiency or infraction involved and with other relevant factors. In reaching a decision as to the level of discipline to be applied, the supervisor should consider such factors as the type and severity of the infraction, the results of the infraction, the employee's work record, prior corrective actions, and any mitigating circumstances which may be relevant to the situation.

#### 18.2.2 Consultation with Human Resources

The Human Resources Director should be consulted before any employee is suspended, demoted or terminated.

#### 18.2.3 Exempt Employees

Any unpaid suspension of an exempt employee must be made in full-week increments only.

#### 18.2.4 Administrative Leave Pending Investigation

When conduct or policy violations occur that require investigation, it is sometimes in the County's best interest for one or more employees to leave the workplace immediately. Removing an employee from the workplace in these situations allows the supervisor to intervene in employee altercations or to collect and consider facts that will be necessary to determine the appropriate next steps. The affected employee should be notified in writing that he/she is being placed on administrative leave pending investigation and should be required to clock out and leave immediately. The employee should provide contact information and remain available during normal working hours to respond should the supervisor have questions or require the employee to return to the workplace. All parties should

work to resolve the situation quickly. The supervisor should forward documentation of the administrative leave to the Human Resources Department. **See also Section 13.11.**

#### **18.2.5 Format and Location of Corrective Actions**

All corrective action should be documented in writing. The supervisor shall ensure that the documentation is complete and accurate and that needed signatures are obtained. An employee's signature does not indicate agreement with the corrective action, but is an acknowledgement of receipt. Should an employee refuse to sign the documentation, the supervisor should write "refused to sign" with the appropriate date. The employee should be given a copy of the document and the original should be maintained in the employee's personnel file in the Human Resources Department.

### **18.3 Progressive Discipline**

While it is expected that corrective action be exercised progressively, the circumstances of any particular situation, as well as the nature of the deficiency or the violation in any particular situation, may preclude the exercise of a less severe discipline option. Options for corrective actions may include verbal or written reprimand, suspension, performance improvement plan, demotion, and termination. Employee misconduct of a serious nature may be cause for immediate termination while bypassing any or all other levels of corrective action. There is no requirement or expectation that specific corrective action be used for any given situation, nor is the availability or use of different levels of corrective action intended to imply any right of an employee to receive a less severe form of corrective action prior to termination of employment. All employment relationships are considered "at will" and the County may discharge an employee at any time for any reason, with or without cause or notice.

### **18.4 Disciplinary Options**

#### **18.4.1 Employee Coaching**

Coaching provides a structure for the supervisor to communicate with the employee to provide both positive feedback and guidance regarding areas needing improvement. It is generally preferred that one or more coaching sessions be held prior to proceeding to more formal discipline; however, the supervisor may initiate a corrective action or termination without prior coaching if circumstances warrant.

1. *Who is involved?* Employee coaching is a private discussion between the employee and supervisor.
2. *What documentation is required?* Coaching should be documented by the supervisor and maintained in the supervisor's files to provide a record of historical performance and efforts to correct deficiencies. There is no requirement for an employee to sign any documentation following coaching.

#### **18.4.2 Documented Verbal Reprimand**

A verbal reprimand is an oral warning and correction from the supervisor to the employee and is considered the lowest level of formal corrective action.

1. *Who is involved?* The supervisor may initiate verbal reprimands without consultation with the Human Resources Department.
2. *What documentation is required?* Verbal reprimands should be documented so that a record of the discussion exists. It is preferable to have the employee sign acknowledging the discussion. Supervisors should keep records of verbal reprimands.

#### **18.4.3 Written Reprimand**

A written reprimand is a formal corrective action which provides admonishment and correction to the employee for inappropriate conduct, violation of rules, or substandard performance.

1. *Who is involved?* The supervisor may initiate written reprimands without consultation with the Human Resources Department.
2. *What documentation is required?* Written reprimands should be documented and signed by the supervisor and the employee. The original signed document should be sent to the Human Resources Department for inclusion in the employee's personnel file.

#### **18.4.4 Suspension**

Disciplinary suspension means the employee is relieved of duties, without pay, for one or more working days. The dates of suspension will be determined by the supervisor and, depending on workload and operational needs, do not have to be consecutive. Employees on disciplinary suspension will not be paid annual leave, accrued compensatory leave or any other pay.

1. *Who is involved?* The Human Resources Director should be consulted before an employee is placed on disciplinary suspension.
2. *What documentation is required?* Disciplinary suspension must be documented and signed by the supervisor and the employee. The original signed document should be sent to the Human Resources Department for inclusion in the employee's personnel file.

#### **18.4.5 Demotion**

A demotion is a reduction in rank, grade or classification. An employee who is demoted will receive a reduction in pay as described in Section 12.7. Demotion falls outside the realm of normal corrective action and will be considered only in unusual circumstances.

1. *Who is involved?* The Human Resources Director should be consulted before an employee is demoted. The County Manager's approval is required.
2. *What documentation is required?* Demotions must be documented and signed by the supervisor and the employee. The original signed document should be sent to the Human Resources Department for inclusion in the employee's personnel file.

#### **18.4.6 Performance Improvement Plan (PIP)**

A Performance Improvement Plan imposes a new probationary period for a specified amount of time, generally 90 days, to ensure that performance deficiencies are understood and that management is coaching the employee to improve. Performance Improvement Plans are recommended only in instances of substandard performance; they are not generally helpful in correcting employee conduct or rules violations.

1. *Who is involved?* The Human Resources Director should be consulted before an employee is placed on a PIP.
2. *What documentation is required?* A PIP must be documented and signed by the supervisor and the employee, and should contain clear and objective expectations for improved future performance as well as consequences for failure to comply. The original signed document should be sent to the Human Resources Department for inclusion in the employee's personnel file.

#### **18.4.7 Termination**

Termination is the involuntary separation of employment from Bulloch County.

1. *Who is involved?* The Human Resources Director should be consulted before an employee is involuntarily terminated.
2. *What documentation is required?* Employee terminations are generally accompanied by a written account of the infractions or performance issues leading to the decision to terminate. The original signed document must be sent to the Human Resources Department, along with a copy of the separation notice, for inclusion in the employee's personnel file.

## Section 19 – Grievances

### 19.1 Policy Statement

The County is committed to providing the best possible working conditions for its employees. Part of this commitment is ensuring an expedient and fair process through which an employee's work-related concerns may be resolved.

No employee shall be penalized or retaliated against in any way for voicing a complaint in a reasonable, professional manner using the grievance process nor for participating in the investigation of a grievance. While a formal grievance process is in place, employees are encouraged to first informally discuss any issue with their immediate supervisor.

### 19.2 General Provisions

#### 19.2.1 Scope

The grievance procedure provides an avenue for any employee to obtain management review of work-related issues that are felt to adversely affect the employee, for which no other means of resolution is provided in this manual. Grounds for submission of a grievance include:

1. Negative employment action (written corrective action, failure to secure a promotion, etc.);
2. Unfair application, interpretation, or violation of County or Department regulations; or
3. Acts of retaliation as a result of utilization of the grievance process.

#### 19.2.2 Statement of Grievance

The written grievance must include the following:

1. A statement of the grievance and the facts upon which it is based;
2. A description of the specific alleged wrongful act and perceived harm done to the grieving employee; and
3. A statement of the remedy or adjustment sought.

### 19.3 Grievance Steps

#### 19.3.1 Step One – Informal Resolution

The employee should first seek to resolve the issue informally through his or her supervisor. If unable to do so, the employee should seek assistance from his/her supervisor's supervisor and upward through the chain of command to the Division Head level. If the issue remains unresolved, the employee should forward the issue to the Human Resources Director. If the grievance involves demotion or suspension without pay, the employee may proceed directly to Step Two.

#### 19.3.2 Step Two – Human Resources Director Review

If the Division Head is unable to resolve the grievance or the response is unacceptable to the employee, the employee should file a written grievance with the Human Resources Director. The Human Resources Director will review the issue with the employee and conduct an investigation. If the Human Resources Director finds merit with the grievance, he/she will attempt to mediate a

resolution with the involved parties. If no resolution is reached, the Human Resources Director will report the issue to the appropriate member of management. If the grievance involves demotion or suspension without pay, the employee must notify the Human Resources Director in writing within seven (7) calendar days of notification of the employment action or the employee will forfeit the right to utilize this grievance process.

#### **19.4 Matters Not Eligible**

The following matters are NOT eligible for review under this policy:

1. Issues which are pending before or which have been concluded by other administrative or judicial procedures;
2. Management's rights to assign work and/or establish work processes;
3. Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or departments;
4. The content or rating of a performance evaluation;
5. The selection of an individual to fill a position;
6. Separation of employment;
7. Any matter which is not within the jurisdiction or control of the County;
8. Decisions, practices, resolutions, or policies made or passed by the Board of Commissioners or the County Manager.

#### **19.5 No Formal Appeal Process**

The alternative dispute resolution or grievance process is not a formal appeal process and does not entitle an employee to demand a hearing before a neutral decision-maker with authority to reverse any prior decision or action. Rather, it is a more informal process designed to bring to light and address any legitimate concerns an employee may have. The alternative dispute resolution or grievance process should not be construed to give an employee any property interest in his/her job or to affect an employee's at-will employment status in any way.



## Section 20 – Workplace Discrimination and Harassment

### 20.1 Policy Statement

It is the policy of Bulloch County that harassment and discrimination of any kind will not be tolerated, and those reporting such activity will be protected from retaliation. The County expressly prohibits any form of unlawful discrimination and employee harassment based on race, color, religion, gender, sexual orientation, gender identification, national origin, age, disability, genetic information, veteran status or other legally protected class.

### 20.2 Discriminatory Harassment

#### 20.2.1 Definition

Prohibited harassment includes verbal, visual or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, gender identification, national origin, age, disability, genetic information, veteran status or other legally protected class, and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

#### 20.2.2 Prohibited Behavior

All employees, supervisors, and elected officials are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any form of harassment is a violation of this policy and will be treated as a disciplinary matter. For purposes of this policy, the term "harassment" may include, but is not limited to, any of the following that is based on or pertains to an individual's race, color, religion, gender, sexual orientation, gender identification, national origin, age, disability, genetic information, veteran status or other legally protected class:

1. Offensive remarks, comments, jokes or slurs;
2. Offensive pictures, drawings, posters, photographs, reading materials, or other tangible items, or communications including e-mail, text messaging, or any other form of written or electronic communication;
3. Threatening reprisals; or
4. Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance and/or creates an intimidating, hostile, or offensive working environment.

### 20.3 Sexual Harassment

#### 20.3.1 Definition

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, including but not limited to, 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 either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile or intimidating working environment.

#### **20.3.2 Quid Pro Quo**

Quid Pro Quo literally means "this for that" and exists when submission to, or rejection of, such conduct is used as a basis for employment decisions such as raises or promotions or affects public services.

#### **20.3.3 Hostile Environment**

Hostile Environment includes any lewd sexual conduct, jokes, pictures, words, or touching that unreasonably interferes with a person's job performance or creates an intimidating, offensive working or public service environment even if there are no occurrences of tangible or economic loss.

#### **20.3.4 Prohibited Behavior**

Behavior prohibited by this policy can include, but is not limited to, unwelcome sexual remarks or compliments, sexual jokes, sexual innuendo or propositions, sexually suggestive gestures or facial expressions, sexual remarks about a person's clothing or body, exhibiting sexually explicit publications or materials, kissing, touching, and sexual contact.

### **20.4 Complaint Procedure and Investigation**

Any employee who feels harassed is strongly urged and encouraged to report the situation to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should contact the Human Resources department or the County Manager. At any point, the employee who feels he/she has been subject to discrimination or harassment may go outside the chain of command of his/her department and go to the Human Resources Department or to the County Manager. This complaint procedure may be followed regardless of whether the harassment is by a fellow worker, a supervisor, or a member of the general public.

Any supervisor who receives a complaint related to discrimination or harassing or offensive behavior or who has reason to believe that such behavior is occurring shall report these concerns to the Human Resources Director and/or the County Manager. The Human Resources Department is responsible for conducting a thorough and discreet investigation and for recommending corrective action if the evidence is sufficient to confirm that harassment has taken place.

All reports of discrimination or harassing or offensive behavior will be investigated promptly, fairly, and discreetly. Investigatory procedures may vary from case to case depending upon the circumstances. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential whether the employee is

the accused person, the complainant, or merely a potential witness. Persons who are interviewed are prohibited from discussing the matter outside the course of the investigation. The County will keep the information it gathers as confidential as possible, consistent with State and Federal laws and the needs of the investigation.

#### **20.5 Corrective Action**

If a complaint of discrimination or harassment is found to have merit, appropriate action will be taken to prevent recurrence of the behavior. Resolution options can include, but are not necessarily limited to, an apology, a transfer, direction to stop the discriminatory or offensive behavior, counseling or training, verbal or written warning, suspension with or without pay, or termination. In the event that discrimination, harassment, or offensive behavior reoccurs, it should immediately be reported to the supervisor, the Human Resources department or the County Manager.

#### **20.6 Retaliation**

Retaliation in any form towards any employee who reports discrimination or harassment or who participates in an investigation of discrimination or harassment is strictly prohibited. Anyone attempting to retaliate or to interfere with the investigation of a complaint of discrimination or harassment will be disciplined, up to and including termination. Retaliation can include, but is not limited to, refusing to recommend any employee for a benefit for which he or she qualifies, spreading rumors about the employee, encouraging hostility from coworkers and escalating the harassment.

#### **20.7 Bad Faith Complaints**

If, after being made aware of a complaint, the Human Resources department learns that an employee has made a complaint in bad faith or knowingly provided false information regarding a complaint, corrective action may be taken against the individual who provided the false information.

## Section 21 – Drug-Free Workplace

### 21.1 Policy Statement

The County has a vital interest in maintaining a safe, healthy, and efficient working environment free from the adverse effects of employee drug and alcohol abuse. Employee drug and alcohol abuse poses serious safety and health risks to the user and to those who work or come in contact with the user in the workplace. Accordingly, the County takes very seriously its responsibility and commitment to provide and maintain a working environment free from the effects of alcohol and drug abuse.

### 21.2 Definitions

For purposes of this Substance Abuse and Drug and Alcohol Testing Policy, the following definitions apply:

#### 21.2.1 Alcohol or Alcoholic Beverages

Any beverage or substance that contains alcohol manufactured for the primary purpose of personal consumption, including, but not limited to, beer, wine, and distilled spirits.

#### 21.2.2 County Premises

Includes all property, facilities, land, platforms, buildings, structures, fixtures, installations, parking lots, and vehicles, that are owned, leased or used by the County government or its officials, managers, supervisors, employees, or other agents. This definition also includes an employee's own vehicle when the employee is using it on County business or when the vehicle is parked on County property.

#### 21.2.3 Controlled Substances

Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia Annotated. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or other drugs made unlawful under Federal or State laws, or a metabolite of any such substances, "look-alikes," "designer drugs" having the same or similar psychotropic effects, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person's perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes substances, natural or synthetic, designed or used to alter a urine specimen or to conceal illicit chemical substances or other metabolites in an initial screening test.

#### **21.2.4 Impaired**

The condition of being weakened, diminished, or damaged, or of functioning poorly, incompetently, uncontrollably, or with less control or ability, due to the consumption, use, or abuse of illegal drugs, controlled substances, and/or alcohol, or if the employee's drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

#### **21.2.5 Legally Obtained Drug**

This includes prescription drugs and over-the-counter medications.

#### **21.2.6 Over-The-Counter Medication**

Includes any drug or substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to perform.

#### **21.2.7 Prescription Drug**

Any drug or substance that is attainable only by lawful prescription from a licensed physician.

#### **21.2.8 Reasonable Suspicion**

A belief based on objective facts sufficient to lead a prudent person to conclude that a particular County employee may have used, consumed, may be impaired by, or may be under the influence of illegal drugs, controlled substances, and/or alcohol. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences from those facts.

#### **21.2.9 Safety-Sensitive Positions**

Positions of employment with the County where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates, or others. Safety-sensitive positions include, but are not limited to, those which, as a part of the essential job functions: (1) require the performance of law enforcement duties as a POST-certified law enforcement officer; (2) require or involve possession of a firearm; (3) require or involve providing emergency medical, rescue, or fire suppression services; (4) require or involve interacting with incarcerated persons; (5) require or involve interacting with persons who are on probation; (6) require or involve the direct supervision of minor children; (7) require or involve the performance of lifeguard duties; (8) primary duty is maintenance or operation of a motor vehicle, heavy machinery, or heavy equipment; (9) require the holding of a commercial driver's license (CDL); or (10) require or involve performing duties which directly affect public health or safety.

### **21.3 Prohibitions**

The County prohibits all employees from engaging in the following conduct or behavior:

1. The possession, use or consumption of Controlled Substances;
2. The abuse of prescription medications and over-the-counter medications;

3. The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of Controlled Substances.

#### **21.4 Workplace Prohibitions**

The County prohibits all employees from engaging in the following conduct or behavior while performing County business or while on County Premises:

1. The possession, use or consumption of Controlled Substances, and/or alcohol;
2. The abuse of prescription medications and over-the-counter medications;
3. Being impaired by and/or under the influence of Controlled Substances, and/or alcohol;
4. The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of Controlled Substances, prescription medications, and/or alcohol; and/or
5. The use of County property to store, conceal, or transport Controlled Substances and/or alcohol.

#### **21.5 Use of Legally Obtained Drugs**

The abuse and/or inappropriate use of legally obtained drugs while on the job, while performing County business, while on County Premises, while operating a County vehicle, or while operating any other equipment or vehicle in performance of County business is prohibited and shall constitute grounds for corrective action, up to and including termination. The following policies shall apply to the use of legally obtained drugs:

1. Employees must not be on the job, on call, on County Premises, operating a County vehicle, or operating any other equipment or vehicle while in performance of County business while impaired due to any drug, legal or illegal, that renders the employee unfit for duty. An employee is "unfit for duty" if the employee's use of legally obtained drugs jeopardizes his/her ability to work safely and efficiently.
2. Employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer's directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure that the physician approves the use of the prescription medication while the employee is performing his/her duties.
3. Employees who, due to the proper use of legally obtained drugs, believe they may be unfit for duty, should notify their supervisor immediately. Employees are not required to disclose to their supervisor the specific medication nor the reason why it is taken.
4. No employee may take medication prescribed to another person.

#### **21.6 When Drug Testing is Required**

##### **21.6.1 Job Applicants**

Applicants being hired for safety-sensitive positions will be tested for drugs after a conditional offer of employment has been extended. No such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained. In the event of a confirmed positive drug screen, the applicant will no longer be considered for employment and any pending offer will be revoked.

### **21.6.2 Transfers to Safety-Sensitive Positions**

Employees who are transferred, promoted, or who otherwise move from a non-safety-sensitive position into a safety-sensitive position will be tested for drugs before performing any job duties in the new position.

### **21.6.3 Reasonable Suspicion**

All employees will be subject to immediate testing when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of this policy. Employees directed to undergo reasonable suspicion testing should be escorted to the testing site by the supervisor or his/her designee without any prior notice to the employee. Any employee who is required to take a reasonable suspicion test will be immediately placed on administrative leave with pay pending the results of the test and confirmation of the results and arrangements should be made to escort the employee to his/her home.

Supervisors who suspect that an employee is under the influence of drugs or alcohol shall document all credible evidence and shall consult with the Human Resources Department before transporting the employee for testing. A reasonable suspicion test may be required based upon, but not limited to, the following:

1. The personal observation by the supervisor of the employee's job performance, appearance, behavior, speech, or odor creating a reasonable suspicion that the employee has used drugs or alcohol in violation of this policy;
2. Personal observation of the employee by another credible individual who has fully disclosed the observation to the County;
3. Following a work-related accident as described below.

### **21.6.4 Testing After Certain Accidents**

Drug and alcohol testing may be performed following a work-related accident where:

1. The employee sustained an on-the-job injury requiring medical treatment;
2. The actions of the employee cannot be completely discounted as a contributing factor in an accident involving a motor vehicle, heavy machinery, or other motorized equipment;
3. The employee left the scene of an accident without legal authority or permission to do so;
4. The employee acted contrary to a safety rule, established safety practice, or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation; or
5. The employee has been involved, or was a contributing factor, in a pattern of repetitive on-duty accidents, whether or not they involved actual or potential injury.

## **21.7 Random Testing**

All employees holding safety-sensitive positions will be subject to random drug testing, as follows:

1. Tests will be ordered on a random, unannounced basis from the pool of identified employees holding safety-sensitive positions.
2. An employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that an employee holding a safety-sensitive position who is randomly selected for testing may be randomly selected again during the same year.
3. Human Resources will notify the supervisor or Department/Division Head when an employee has been selected through the random process. The supervisor or Department/Division Head is not to inform the employee that he/she has been chosen for the test until immediately prior to the time the employee is given the directive to report for testing.
4. Employees are allowed to continue working pending the results of the test. If the testing facility notifies the County that the employee has produced a non-negative sample, the employee will be placed on administrative leave without pay pending the confirmation of the results.

### **21.8 After-Care Testing**

Employees returning to work from an approved treatment program for drug or alcohol abuse may be subject to unannounced testing at the discretion of the Human Resources Director for a period of one (1) year following the employee's return to work.

### **21.9 Investigation of Prohibited Drug and Alcohol Use and Searches**

All County-issued, County-owned, or County-leased equipment, property, and facilities, including, but not limited to, desks, workstations, file cabinets, lockers, vehicles, computer equipment, or any other property or equipment owned, leased, or provided by the County is subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any County-issued, County-owned or County-leased equipment, property, and facilities. If a search uncovers evidence of employee wrongdoing, illegal activity, or employee violations of County rules or policies, the evidence may be used to support corrective action, up to and including termination. In cases involving suspected illegal activities, the evidence may be turned over to appropriate legal authorities. A refusal to submit to, or cooperate with, a search may result in immediate discipline, including discharge.

#### **21.9.1 Consent for Testing**

Prior to date of hire, all safety-sensitive employees and job applicants are required to sign a consent form consenting to any and all drug and/or alcohol test(s) set forth in this policy. Signed consent forms shall be kept on file by the Human Resources Department and are enforceable for the duration of employment.

#### **21.9.2 Refusals to Undergo Testing**

The County prohibits test refusals. As such, any employee so refusing to immediately proceed as directed will be subject to corrective action, which action may include termination from employment.



Other actions that constitute a test refusal occur when an employee:

1. Fails to appear for any test within a reasonable time, as determined by the County, after being directed to do so;
2. Fails to remain at the testing site until the testing process is complete;
3. Fails to provide a urine, breath, saliva, or blood specimen for any drug or alcohol test required or to comply with any part of the testing process.

#### **21.10 Disclosure of Testing Information / Results**

All information received by the County as a result of any testing procedure may be entered into evidence or disclosed in any civil action or administrative proceedings when the information is relevant to the County's defense in any such action or proceedings. Such information may also be disclosed to the extent required by any Federal, State, or local law, statute, ordinance, or regulation.

#### **21.11 Discipline for Violations of Policy**

##### **21.11.1 Removal from Duty**

An employee who tests non-negative for drugs or alcohol shall immediately be placed on administrative leave without pay pending confirmation of results. If the non-negative test is explained or negated by the Medical Review Officer and/or subsequent confirmation testing, the employee shall be reinstated and compensated for the period of administrative leave.

##### **21.11.2 Corrective Action**

An employee who violates any provision of this policy is subject to discipline, up to and including termination.

## Section 22 – Social Media

### 22.1 Policy Statement

The purpose and intent of this policy is to establish guidelines for employees who engage in social media activity as defined herein. This policy is not intended to prohibit any employee's personal expression in general or through social media in particular; employees have the right to post complaints, express opinions and engage in civil discourse that does not unduly disrupt County business. However, because such activity can adversely affect the efficiency and effectiveness of County operations, as well as undermine public trust and confidence, a certain amount of regulation is necessary and appropriate. This policy therefore attempts to strike a reasonable balance between the employees' interest in engaging in social media activity and the County's interest in preventing unnecessary disruption to or interference with its operations and relationship to the public it serves.

### 22.2 Definitions

**22.2.1** For purposes of this policy, the term "social media" is defined as the online technologies through which employees and other individuals engage in "social media activity" as defined below. In most cases, the term refers to websites or apps such as Facebook®, Twitter®, Instagram®, LinkedIn®, YouTube®, Tumblr®, and Blogger®. Online social media technologies covered by this policy also include, but are not limited to, such applications as web logs/blogs, video logs/vlogs, message boards, podcasts, and wikis.

**22.2.2** For purposes of this policy, the term "social media activity" is defined as the act of sharing information or otherwise communicating through social media, including, but not limited to, posting, uploading, reviewing, downloading, and/or forwarding of text, audio recordings, video recordings, photographs/images, symbols, or hyperlinks.

### 22.3 Scope of Policy

This policy applies to all employees without regard to whether their social media activity is conducted in or outside the workplace, while on or off-duty, or anonymously or through the use of pseudonyms.

### 22.4 Prohibitions on Social Media Activity

**22.4.1** All employees should remain mindful that, as public servants, they are generally held to higher standards than the general public with regard to their on-duty and off-duty conduct, professionalism, and ethics. As a result, certain social media activity that may be tolerated or even acceptable in the private sector may nevertheless constitute a violation of this policy.

**22.4.2** Each employee who engages in social media activity must take personal responsibility for ensuring that such activity is consistent with all policies of the County, including, but not limited to, those pertaining to making false or

misleading statements, promoting or endorsing violence or illegal activity, promoting or endorsing the abuse of alcohol or drugs, disparaging individuals or groups based on race, ethnicity, national origin, gender, sexual orientation, gender identity, religion, disability, or other characteristic protected by law, or otherwise engaging in conduct unbecoming an employee of the County, bringing discredit to the County, or interfering with or detrimental to the mission or function of the County.

- 22.4.3** Employees must refrain from engaging in any social media activity which disqualifies them from performing, or in any way reasonably calls into question their ability to objectively perform, any essential function of their jobs. Examples of such functions include, but are not limited to, testifying, making hiring or promotion decisions or recommendations, conducting performance evaluations, and determining eligibility for programs.
- 22.4.4** While any employee, at his/her discretion, may engage in social media activity with any other employee(s) consistent with the prohibitions, limitations, restrictions, and guidelines of this policy, no employee may be required or otherwise compelled to engage in such activity with another employee.
- 22.4.5** Employees must not use a County email address to create or use a personal social media account.
- 22.4.6** No employee, whether for purposes of engaging in social media activity or otherwise, may disclose or otherwise reveal any privileged or confidential information of the County, any other current or former employee of the County, or any applicant for employment with the County.

## **22.5 Limitations and Restrictions on Social Media Activity**

- 22.5.1** Except as otherwise authorized in advance by the County Manager, employees are strictly prohibited from directly or indirectly representing themselves to be speaking on behalf of the County.
- 22.5.2** Employees must keep any personal use of social media while at work to a minimum. Use of personal social media at work must not be allowed to distract from work-related tasks.
- 22.5.3** The County reserves the right to require any employee to remove immediately any posted or uploaded text, audio recordings, video recordings, photographs/images, etc. (even if previously approved) from a personal account, if such posted material constitutes a violation of this policy or other County policies, or is determined to be detrimental to County operations.

## **22.6 Application to Other Policies**

All personnel policies of the County relating to employee conduct apply equally to conduct that occurs through social media. This includes, but is not limited to, policies relating to discrimination, harassment, retaliation, workplace violence, conflicts of interest, and political activity.

## **22.7 Corrective Action**

Employees engaging in social media activity in violation of this policy will be held accountable, and corrective action, up to and including termination of employment, may be taken in accordance with the County's disciplinary policies.

## **22.8 Interpretation and Application**

**22.8.1** Nothing in this policy is intended to or will be applied in a manner that violates any employee's constitutional rights, including rights to freedom of speech, expression, and association, or Federal or State rights to engage in any statutorily-protected activity.

**22.8.2** This policy is intended for internal use of the County only and should not be construed as establishing a higher duty or standard or care for purposes of any third party civil claims against the County and/or its employees. A violation of this policy by an employee provides only a basis for corrective action against such employee by the County.