

5/25/2016

COOK COUNTY



POLICIES AND PROCEDURES MANUAL

2001
21, 2009
5/25/16

Adopted March 5,
Amended ADA December

7, 2010
16, 2013

Amended Non-Harassment & Electronic Mail September

Disciplinary Policy Update September

Cook County Board of Commissioners
1200 S. Hutchinson Ave.
Adel, Georgia 31620

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Section 1. Introduction

A. Purpose

The purpose of these personnel policies, rules, and general procedures, together with the position classification and pay plan, is to provide the fundamental features for an effective system of personnel administration for Cook County, Georgia.

B. Administration. The County Administrator is responsible for administering these policies.

C. Employees Covered

a. These personnel policies and procedures apply to all employees of the Cook County Commission.

b. County constitutional officers are encouraged, but not required, to adopt as their own these policies and procedures. Nonetheless, the County Commission will not enact budgets for those county constitutional officers that confer benefits to their employees that are more costly and/or generous than the benefits that are afforded to employees of the County Commission.

c. Although Sections 6-Appointments, 7-Probationary Period, 8-Promotions and Transfers, 10-Separations, 11-Disciplinary Actions, 12-Grievance and Appeal Procedures, 17-Nepotism, 18-Equal Opportunity and Non-Discrimination, and 19-Political Activities of these personnel policies and procedures do not apply to applicants to positions under the jurisdiction of county constitutional officers, or to employees of county constitutional officers, (i.e., Sheriff, Tax Commissioner, Probate Judge, and Clerk of Superior Court), it is the Board of Commissioner's expectation that the county constitutional officers will observe all applicable state and federal employment laws. Nothing in these personnel policies and procedures shall be construed as allowing employees of county constitutional officers to attain a property interest in their positions.

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Subject to the approval of the Board of Commissioners, county constitutional officers, may opt to include their employees under the coverage of the above sections of these policies and procedures in a manner consistent with the Official Code of Georgia Annotated 36-1-21(b).

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Section 2. - Definitions

For the purpose of these policies and procedures, the following terms shall have the meanings respectively ascribed to them below, unless another meaning is specifically indicated.

Administrative Increase - An increase in pay to satisfy the salary test portion of the exempt employee criteria as promulgated by the United States Department of Labor ("DOL") pursuant to the Fair Labor Standards Act ("FLSA").

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Administrative Reclassification - Reclassifying an employee from an exempt classification to a nonexempt classification in connection with the DOL's modification of the duties test and or salary test governing exempt classification under the FLSA.

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Appeal - The right of an applicant or employee to appear before the county commission to be heard on matters of discrimination, unfair practices or other grievances of such person in the manner prescribed in these policies and procedures.

Board of Commissioners - The governing authority of Cook County, Georgia.

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Chairman - The Chairman of the Board of Commissioners.

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Classified Service - The classified service consists of all positions included in the classification and pay plan with the exception of those positions specifically excluded by the County Commission.

Classification and Pay Plan - The system of assigning jobs to classes and to appropriate pay grades based on the similarities of positions.

Continuous Service - Continuous service is employment that is uninterrupted except for authorized leaves of absence, suspension or separation due to a reduction in work force.

County Commission - A term that is synonymous with "Board of Commissioners."

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County Constitutional Officers - Those elected officials identified in Article IX, Section I, Paragraph III of the Georgia Constitution of 1983.

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County Government - Local government at the county level that consists of the Board of Commissioners and County Constitutional Officers.

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Demotion - A permanent change in the rank of an employee from a position in one class to a position in another class having a lower minimum starting salary and less discretion and/or responsibility.

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Department Head - The position, whether appointed or elected officials, with overall administrative responsibility for a department.

Dismissal - The termination of a regular employee for just cause.

Effective date of layoff- The last date through which the laid-off employee is paid.

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Elected Official - A term that is synonymous with "County Constitutional Officers." Persons employed by these officials do not have a property interest in their positions.

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Eligible - A person who has made a passing score on any examination required under these regulations and who has qualified to be employed by the county.

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Employee - A person appointed to a position in the county government for which he or she is compensated on a full-time or part-time basis.

Grievance - Any dispute concerning the interpretation or application of these personnel policies and procedures or any decision relative to any disciplinary action, dismissal, demotion or charge of discrimination.

Lay-Off - The separation of an employee from the classified service due to lack of work, lack of funds, abolishment of the position, or for other material changes in duties or organization.

FLSA Mandated Overtime - Time worked by a non-exempt employee in excess of forty (40) hours during the applicable seven (7) day period, that is compensated through compensatory time or pay at a rate of time and a half in accordance with the Fair Labor Standards Act.

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Merit Increase - An increase in pay based on an employee's job performance.

Part-time Employee - An employee who works on a continuing basis, but does not regularly work at least forty (40) hours a week.

Performance Evaluation - A method of evaluating each employee on a periodic basis as to his or her performance on the job.

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Probationary Employee - An employee serving the first six months of his or her appointment, promotion, re-employment, or reinstatement to any position in the classified service. A probationary employee is not a regular employee until successful completion of the six-month probationary period. Nothing in these policies shall be construed as requiring employees of elected officials to serve a probationary period.

Promotion - A change in rank of an employee from a position in one class to a position in another class having a higher minimum salary and carrying a greater scope of discretion and responsibility.

Promotion List - A list of persons who have been found qualified for appointment to a higher position. They may be qualified either by a written examination or other evaluation techniques.

Provisional Employee - An employee temporarily assigned to a position without competition pending the probationary appointment. A provision employee shall only serve for a limited time a, The provisional employee must compete with other applicants to the extent the employee wants to receive a probationary appointment to the position.

Public Hearing - A meeting of the County Commission, open to the public, at which any interested party may appear and be heard.

Regular Employee - An employee who has completed the probationary period. Nothing in these policies and procedures shall be construed as requiring employees of elected officials to serve a probationary period or permitting those employees to attain regular employee status as defined by these policies and procedures.

Reprimand - A reprimand is a formal means of communicating to an employee that a behavioral problem and/or work deficiency exists that must be corrected.

Resignation - The termination of an individual's employment at the employee's request.

Salary Increase - An increase in salary within the salary range prescribed for the class by the classification and pay plan.

Suspension - An enforced leave of absence for either a disciplinary purpose or a pending investigation of charges against an employee.

Vacant position - a position under the Board of Commissioners that is available or will become available within a reasonable amount of time.

Section 3. Position Classification and Pay Plan

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A. Establishment. The County Administrator shall be responsible for developing, maintaining and administering a position classification and pay plan covering all employees in the classified service. Such plan shall be approved and amended by the County Commission, and shall constitute the official approved system of grouping positions into appropriate classes and pay scales.

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B. Definitions. For the purpose of this section, the following words shall have the meanings respectively ascribed to them below.

1. To "allocate" a position shall mean assigning the position to an appropriate class on the basis of the similarity of work performed and level of responsibility inherent in the position.

2. A "class" shall mean a group of positions (or one position) that:

a. has similar duties and responsibilities;

b. requires like qualifications;

c. can be equitably compensated by the same compensation range; and

d. has the same FLSA classification.

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3. The "class title" shall be the official designation or name of the class as stated in the job description. It shall be used on all personnel records and actions. Different working or office titles may be used for purposes of internal administration.

4. A "position" shall mean a group of currently assigned duties and responsibilities requiring the full or part-time employment of one person. A position may be occupied or vacant.

5. "Reclassification" shall mean the assignment of an existing position from one class to a different class

due to a significant change in either duties, FLSA classification or responsibilities.

C. Allocation of Positions.

1. Initial Allocation. The County Administrator shall be responsible for the initial allocation of the position of every employee of the county to one of the classes in the plan.
2. New Positions. When a new position is established and approved by the County Commission, the applicable department head shall complete a position description covering the duties and responsibilities of such new position. The County Administrator shall allocate the position to one of the classes in the classification plan, unless a suitable class does not exist, in which case the County Administrator shall recommend that the County Commission establish a new class. Upon the approval of such new class by the County Commission, the County Administrator shall allocate the new position to it.

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D. Maintenance of Plan.

1. Vacancies. Each time a vacancy occurs, the department head shall submit a description of the vacant position to the County Administrator for a review of the allocation of the position. The County Administrator may waive this requirement for cases in which he/she has determined that no material changes have occurred.
2. Departmental Reorganization. Each time a department or division under the jurisdiction of a department head is significantly reorganized, such department head shall submit to the County Administrator new position descriptions for all affected positions.
3. Changes in Duties of Position. The County Administrator may require departments or employees to submit position descriptions on a periodic basis or at any time the County Administrator has reason

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to believe that there has been a change in the duties and responsibilities of one or more positions.

4. New and Abolished Positions. Each time a new position is established, a position description shall be written and incorporated into the existing plan. Likewise, an abolished position shall be deleted from the classification plan.

5. FLSA Reclassification. Each time that positions are reclassified in connection with the DOL modifying the duties test and/or the salary test governing exempt status under the FLSA, the County Administrator shall make appropriate adjustments to the classification plan.

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- E. Interpretation of Job Descriptions. The job descriptions are descriptive and not exhaustive. The use of a particular description as to duties, qualifications or other factors shall not be construed to exclude others of similar kind or quality.

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- F. Outdated Job Descriptions. In order to maintain accurate job descriptions, the County Commission and the County Administrator necessarily depend upon the feedback of employees. If an employee has reason to believe that the job description relating to his/her position has become outdated or otherwise not descriptive of the actual work associated with the position, the employee shall communicate the inaccuracy of the job description to the applicable Department Head, who shall timely relay that information to the County Administrator.

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- G. Official Copy of the Plan. The County Administrator shall be responsible for maintaining an official copy of the Position Classification and Pay Plan. The official copy shall include a list of class titles and job descriptions, plus all amendments. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.

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- H. Amendments to the Plan. When there is a need for the establishment of new positions or the abolition of current positions, the County Administrator shall submit

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findings and recommendations to the County Commission, which shall take such action as deemed appropriate.

All changes in the position classification and pay plan shall be in the form of amendments to the plan approved by the County Commission.

Section 4. Rate of Pay

A. New Appointees. New employees shall be paid the minimum rate of pay for the class to which they are assigned, subject to the following exceptions, which require the approval of the County Administrator and/or the County Commission.

1. If an appointee to a particular position does not meet the minimum qualifications stated in the job description or if certain classes of work require a formalized training period which is of unusual duration, and the needs of the county can best be met by placing an individual in a training capacity, the County Administrator may designate such position as a "trainee" position. Appointment to a "trainee" position shall be at a salary range below the minimum rate established for the classification at a rate not more than 10 percent below the minimum rate.

2. If an appointee exceeds the minimum qualifications for the position, such employee may be started at a rate up to 25% above the starting salary for the classification. Written approval of the County Administrator is required in such instances.

3. If an employee to be appointed possesses special qualifications, or extenuating circumstances exist, the department head may recommend to the County Administrator a rate higher than 25% above the starting salary for the classification. In such cases, the County Commission must grant final approval.

B. Promotion.

1. An employee shall be promoted when:

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- a. The employee is transferred to a position classified in a higher pay range.
- b. The employee's position is reclassified to a classification having a higher pay range.
- c. An administrative increase shall not be considered a promotion.

2. Promotions may occur within a department or between departments.

3. Pay upon promotion.

At the time an employee is promoted to a previously established position in a classification with a higher pay range, a salary increase may be granted:

- a. Up to 10 percent above the employee's current salary; or
- b. Up to the minimum of the new classification, whichever is greater.

C. Demotion.

1. An employee shall be demoted when:

- a. The employee is placed in a different classification having a lower pay range.
- b. The employee's position is reclassified to a classification having a lower pay range.

c. An administrative reclassification shall not be considered a demotion.

2. When an employee receives a demotion of the type stated in 1-a above, such employee's pay may remain unchanged or may be reduced at the discretion of the County Commission.

In the case of an employee's position being reallocated to a lower classification, an employee's salary shall not be reduced. The employee shall be permitted to

continue at the present rate of pay, but shall not be entitled to a salary increase until salary ranges for the employee's performance level exceeds the present salary.

In the case of an administrative reclassification, the employee's compensation will be expressed as an hourly rate of pay, not a salary.

D. Reinstated Employees. A reinstated employee shall be paid at a salary rate within the approved salary range for the position to which the employee is reinstated. The rate of salary at appointment shall be in accordance with Section 4, A-2 and A-3.

E. Part-time and Temporary Employment. Pay for part-time and temporary employment in a position shall be equivalent to the hourly rate of pay for full-time employment in the beginning level of similar positions.

F. Overtime. When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. Overtime shall not be worked by nonexempt employees without prior authorization from the applicable Department Head, subject to the approval of the County Administrator. When possible, advance notification of these mandatory assignments will be provided.

Compensation for overtime will be in accordance with the provisions of the FLSA and any applicable state laws. Overtime pay is based on actual hours worked. As a result, sick leave, paid holidays and annual Leave will not be used to calculate overtime hours.

Overtime work will only be scheduled when necessary to maintain public safety and/or the operational integrity of county government because of the additional labor costs associated with that type of work. Due to the nature of overtime work, an employee's failure to work scheduled overtime is a serious transgression. As a result, an inexcusable failure to work scheduled overtime shall result in disciplinary action, up to, and including possible termination of employment despite the county's progressive discipline policy.

Because the FLSA obligates the county to pay overtime work even when it is unauthorized, Cook County views unauthorized overtime

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work as analogous to the theft of county property. As a result, an employee who engages in unauthorized overtime work is subject to serious disciplinary action, up to, and including possible termination of employment despite the county's progressive discipline policy.

Because the FLSA obligates the county to pay overtime work whether or not it is properly recorded on timesheets, directives from a supervisor or authority figure to underreport work hours deprives the employee of compensation earned and threatens the county with liability for unpaid overtime. As a result, a supervisor, including a Department Head, who directs a subordinate to omit from timesheets overtime actually worked is subject to serious disciplinary action, up to, and including possible termination of employment despite the county's progressive discipline policy.

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Because the FLSA obligates the county to pay overtime work whether or not it is properly recorded on timesheets, the county is dependent upon employees accurately reporting their overtime hours actually worked and to report attempts by supervisors to direct, bully, encourage or otherwise induce subordinates to record inaccurate hours on their timesheets. As a result, employees shall timely report to either the County Administrator or Chairman any attempts or efforts to direct, bully, encourage or otherwise induce them to report inaccurate hours on their timesheets. For purposes of this policy, "timely report" shall mean reporting supervisor misconduct no later than two (2) weeks after its occurrence. A failure to timely report such activity shall subject employees to serious disciplinary action, up to, and including possible termination of employment despite the county's progressive discipline policy.

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Section 16 governs overtime pay for holidays for EMS and Sheriff's Office.

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G. Increases in Salaries. Increases in pay for county employees shall be governed by the following principles.

1. Any employee shall be initially employed for a probationary period not to exceed (6) six months.

2. The pay plan consists of a various number of job categories. The County Commission may add or delete categories as deemed necessary.
3. After an employee reaches the maximum rate within a pay level, such employee shall only be entitled to across-the-board salary adjustments and merit payments in bonus form.
4. Each department head shall file an annual performance evaluation report on each employee within that department. This report shall become a permanent part of each employee's personnel file.
5. In order for an employee to receive a merit increase, the following are required:
 - a. performance evaluation for current fiscal year;
 - b. recommendation by the department head; and
 - c. recommendation by the County Administrator.
6. In order to move to a higher pay category, an employee must apply for a new position within a higher pay category or be an incumbent in a position which has been reclassified to a higher pay category.
7. Annually, the County Commission will consider increasing the salaries within all pay grades on an equal percentage basis. During budget hearings, the County Commission shall determine what percentage increase, if any, will be allotted for increases to employee salaries. The percentage for cost-of-living pay increases will change the entry rate, steps, and maximum rate for each pay grade of the salary schedule.
8. Merit increases may be granted upon the recommendation of the department head, administrative approval of the County Administrator, and budgetary approval of the County Commission. Employees shall be eligible for merit increases annually until the maximum pay rate for the classification has been reached.

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9. An administrative increase may be granted to maintain an employee's exempt status when a determination has been made that maintaining the employee's exempt status is in the best interests of the county.

Section 5. Applications and Examinations

1. Announcement of Vacant Positions. Except as otherwise provided below, all vacancies in the classified service shall be publicized by posting announcements in the office of the County Administrator or on the official bulletin board or in other places and by such other means as the County Administrator deems advisable. The announcements shall specify the titles and salary ranges of the vacant positions, qualification requirements, manner of making application and other pertinent information, and shall specify the date, time, and place of examinations (if required) for the positions. ~~The County Administrator will accept applications for at least 10 days following the announcement.~~
2. Application Forms. All applicants for positions in the classified service of Cook County shall submit an application with the County Administrator on forms provided by the County Administrator.

No applicant shall be required to provide proof of citizenship until after an offer of employment has been communicated. Such forms shall require information concerning training, experience, and other pertinent information, and shall be signed by the applicant.

The county shall employ no person unless and until such person has made application with the County Administrator.

The county relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data shall result in the exclusion of the individual from further consideration for employment. If the person has been hired prior to the discovery of the misrepresentations, falsifications, or material omissions, the employee shall be terminated.

Applications shall not require applicants to disclose their criminal histories. However, all job offers regardless of employment category shall be conditioned upon the employee submitting to a criminal background check to be conducted after the communication of the conditional job offer. The county shall consider the following factors when deciding whether an employee's criminal history is disqualifying: 1) the nature and gravity of the offense; 2) how much time has passed since the offense or conduct at issue; and 3) the nature of the job sought. Although a disqualification is possible, a previous conviction

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does not automatically disqualify an applicant from consideration for employment with the county. Depending on a variety of factors (for example, the nature of the position, the nature of the conviction, age of the candidate when the illegal activity occurred), the applicant may still be eligible for employment with the county. However, if an applicant attempts to withhold information or falsify information pertaining to previous convictions, the individual will be disqualified from further employment consideration in any position with the Butts County B.O.C. due to falsification of an application.

The fact that an individual was arrested is not proof that he/she engaged in criminal conduct. Therefore, an individual's arrest record standing alone will not be used by the county to disqualify the applicant. However, an arrest may trigger an inquiry into whether the conduct underlying the arrest justifies disqualification from employment.

3. Employment Requirements. All positions in the classified service shall be open only to persons who meet such requirements as are listed on the public announcement of the examination. Such requirements may include but are not limited to the following factors: experience, education and training.

4. Receipt and Duration of Applications. Applications from all persons desiring employment with the county shall be accepted during regular business hours and placed on file. Applicants must complete a new application for each announced position vacancy.

5. Rejection of Applications. The County Administrator shall reject an application, which indicates that the applicant is deficient in any or all of the requirements as specified in the public announcement of the vacancy. An applicant may also be rejected if his or her past record of employment is determined to be unsatisfactory by the County Administrator.

a. PHYSICAL EXAMINATIONS/ DRUG TESTING

When an offer of employment has been extended to an individual, the individual selected shall submit to a physical examination prior to reporting for duty. The examination shall be performed by a physician selected and paid by the County. The examination shall include a medical history questionnaire.

If, in the opinion of the examining physician, there are no medical disabilities that would impair or hinder the functions of the individual's ability to satisfactorily perform the essential functions of the job for which he or she has been selected, and there is no history of medical problems which would affect the applicant's ability to perform such essential job requirements, the examining physician shall certify same to the Personnel Officer in writing. At such time as certification is received, the individual may be permitted to begin employment.

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If the physical examination and/or medical history indicates that the individual cannot perform the essential physical requirements of the job for which the or she has been selected, the offer of employment will be withdrawn unless the County is able to employ the individual by making reasonable accommodations. Under such circumstances, the selected individual and his or her medical care providers will be permitted to suggest any such accommodations for County's consideration.

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If the selected individual makes a false statement regarding his or her physical condition or medical history, either to the examining physician or to the Personnel officer, the individual shall be disqualified for employment or terminated if already employed subject to dismissal.

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b. Drug Testing of New Employees

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Comment [6]: Does county have a random drug testing policy?

The County strongly adheres to the Drug Free Workplace policy set forth in these Personnel Policies. The County has determined that the use of illegal drugs and/or controlled substances by County employees presents a clear and present danger to the public, other County employees, and public and private property. The County intends to use all lawful means to prevent the use of illegal drugs and/or controlled substances by County employees. While these statements apply equally to all County employees, public safety demands that persons hired for certain "high-risk" positions must be tested for illegal drugs and/or controlled substances before they may begin employment with the County. Accordingly, any and all persons selected for employment in any of the following positions shall submit to a drug test as a part of the physical examination requirement set forth in this section: Drivers or operators of any County vehicles, including automobiles, trucks, tractors, motor graders, backhoes, street sweepers, forklifts, or any other vehicle used for transportation, construction or maintenance; all law enforcement officers having the authority to carry firearms; all employees assigned to the Fire Department whose duties require them to be physically present at the scene of a fire or emergency personnel to emergency scenes, or who receive calls and/or dispatch emergency personnel to emergency scenes; mechanics responsible for the maintenance and upkeep of safety devices on county vehicles and/or equipment; public safety dispatchers; operators of outdoor power equipment; sanitation truck operators (including employees responsible for operating mechanized equipment thereon). The County has determined that the duties and responsibilities associated with these positions are such that inattention to duty or errors in judgment while on duty presents a significant risk of harm to the employee, other employees, and the general public. Failure to pass the drug test shall disqualify the individual for the position and will result in a withdrawal of the offer of employment.

For purposes of this Section, the terms "illegal drug and "controlled substance" shall mean marijuana, as defined in paragraph (16) of O.C.G.A §16-13-21, as amended; a controlled substance, as defined in paragraph (4) of O.C.G.A. § 16-13-21, as amended; a dangerous drug, as defined in O.C.G.A. §16-31-71, as amended or any

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other controlled substance or dangerous drug that persons are prohibited from using under Georgia or Federal law. These terms shall not apply to any drug an individual is authorized to take pursuant to a valid medical prescription or when used as otherwise authorized by State or Federal law, provided the physical examination indicates such usage will not interfere with the employee's performance of essential job functions and safety responsibilities. The term "drug test" shall mean the collection and testing of bodily fluids administered in a manner equivalent to that required by the Mandatory Guidelines for Federal Workplace Drug Testing Programs (HHS Regulations 53 Fed. Reg. 11979 et seq.), as amended, or any other professionally valid procedures approved by the Georgia Department of Human Resources.

- c. Maintenance of Records. The County Clerk shall be responsible for the maintenance of all records pertinent to examination programs. Applications and other necessary examination records shall be kept for at least two (2) years, unless either Federal or State law requires retention for a longer period of time, or otherwise specified.

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6. Open Competitive Appointments. Positions to be filled by recruitment from outside the classified service shall be filled through a competitive process open to the public. This process may include, but shall not be limited to, ratings of training and experience; job-related tests; or any combination of these as determined by the County Administrator. Factors such as education, job-related qualifications, and experience may be taken into account in making employment decisions. The County Administrator may require the applicant to submit proof of education and military service or any other such documentation as is deemed necessary.

7. Promotional Appointments. Promotional appointments shall be open to all employees who meet the training and experience requirements included in the position description or who have an equivalent combination of experience and training which provides the required knowledge, skills and abilities.

Section 6. Appointments

- A. Initial Appointments. All employees of the county shall be appointed upon the recommendation of the appropriate department head and approval of the County Administrator. Regardless of type of appointment, all employees shall serve a six-month probationary period unless otherwise approved by the Board of County Commissioners upon the recommendation of County Administrator and Department head. Department heads who are elected officials have approval authority for their respective departments.

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Comment [7]: This language is inconsistent with at-will employment.

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B. Types of Appointments. When initially hired, the County Administrator shall give persons employed by the County Commission one of the following types of appointment.

1. Probationary. A probationary appointment is an appointment to a position in the classified service. An employee serving a probationary period may be discharged or returned to his or her previous position at the discretion of the department head and shall not have the right to utilize the grievance and appeal procedure set forth in this policy.
2. Provisional. A provisional appointment may be made only after applications for the position have been taken and no qualified applicant has been found.
 - a. When there is need to fill a vacancy and no qualified applicant is available, a provisional appointment may be made.
 - b. No provisional appointment shall be continued for more than three (3) months from the date of appointment, unless, due to extenuating circumstances, an extension is approved by the County Commission.
 - c. An employee may not attain "regular employee" status while serving on provisional appointment.
3. Temporary. Temporary appointments may be made to fill positions, which are authorized and established for a specified period of time, when the work of a department requires the services of one or more employees on a seasonal or intermittent basis, or in cases of emergency. Temporary appointments shall not exceed 120 calendar days; however, extensions to such appointments may be granted by the County Commission.
4. Regular Appointments. A classified employee given an initial probationary appointment shall be given a regular appointment upon completion of the probationary period.

Section 7. Probationary Period

- A. Objective. The probationary period shall be (6) months in duration and no employee shall have a property

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interest in his or her position during the probationary period. During an employee's probationary period, the employee may be released or returned to his or her previous position without notice.

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Comment [8]: The fact that employees have property interests after 6 months means they are not at-will.

B. Duration. The probationary period shall be (6) months in duration.

C. Promotional Appointments. The probationary period shall be used in connection with promotional appointments in the same manner as it is used for initial appointments. If a person is removed--not demoted--during the probationary period following a promotion, such person shall be entitled to general reemployment rights in his or her former class provided that there is a vacancy.

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D. Interruption of Probationary Period. If an employee is laid off during a probationary period and such person is subsequently reappointed in the same department, he or she shall be given credit for the portion of the probationary period completed before the lay-off.

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E. Demotion During Probationary Period. A department head may demote an employee during the probationary period. A written report of such demotion must be filed with the County Administrator within three days after the effective date of the demotion.

F. Probationary Period Reports. Prior to the expiration of the employee's probationary period, the department head shall notify the County Administrator in writing of whether or not the employee has completed the probationary period. Failure to send such a notice within five working days of the expiration date of the probationary period shall be construed as completion of the probationary period.

Section 8. Promotions and Transfers

A. Policy. It shall be the policy of the county to fill vacancies in the classified service, as far as practicable, by promotion. To this end, closed examinations may be held at the call and under the direction of the County Administrator.

- B. Political or Partisan Endorsement Prohibited. Promotions to positions in the classified service shall be based upon merit and fitness for promotion only. No consideration shall be given to political or partisan endorsement.
- C. Inter-Departmental Transfers. A transfer of an employee from one department to another shall require the approval of both department heads concerned and the County Administrator. Requests for such transfer shall show how the employee concerned meets the qualification requirements of the class to which the transfer is proposed.
- D. Pay Grade After Transfer. An employee who is transferred shall continue at the same rate of pay unless otherwise provided.

Section 9. Employee Performance Evaluation

- A. Objective. The purpose of the employee performance evaluation shall be primarily to inform employees of how well they are performing their work and how they can improve their work performance. Such performance evaluation may also be used in determining merit raises or bonuses, as a basis for training, promotion, demotion, transfer or dismissal, and for such other purposes as set forth in these policies.
- B. Period of Evaluation. All employees except temporary workers shall be evaluated at least annually. An employee shall not be eligible for a merit pay raise until the performance evaluation form has been completely processed. Employees shall also be evaluated at the time of separation.
- C. Evaluations. Evaluations shall be prepared by the immediate supervisor of each employee and reviewed by the Board of Commissioners or department head. An employee in a supervisory position who is leaving the position shall be required to submit performance evaluation forms on all the employees under his or her supervision who have not been evaluated within the previous six-month period.

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Comment [9]: How is this enforceable if the supervisor is leaving employment? The county could add language stating that supervisor forfeits all accrued paid leave to which he/she would otherwise be entitled.

D. Review with Employees. The evaluator shall discuss each performance evaluation with the employee being evaluated. If an employee disagrees with statement(s) in an evaluation, such employee may submit, within ten days following the conference with his or her supervisor, a written statement, which shall be attached to the evaluation form and forwarded to the County Administrator.

E. ↓

Section 10. Separations

A. Types of Separation From the Classified Service. Separations and/or terminations from positions in the classified service shall be designated as one of the following:

1. Resignation
2. Abandonment of job
3. Lay-off
4. ↓
5. Loss of a necessary job qualification, e.g., certification, license, etc.
6. Dismissal or discharge
7. Retirement
8. Death

B. Resignation. An employee shall submit to the department head written notice of resignation at least 14 days in advance of the date of resignation. Immediately upon receipt of such notice of resignation, the department head shall forward the same to the County Administrator. Failure to comply with this rule shall result in the forfeiture of any accrued leave that would otherwise be payable upon separation.

C. Abandonment of Job. An employee not on authorized leave of absence who fails to report for work for three (3) consecutive days may be terminated from the service of

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Comment [10]: This is contrary to open records act

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Deleted: Performance Evaluations Confidential. Performance evaluations shall be confidential and shall be made available only to the employee evaluated, the employee's department head, the County Administrator, and the County Commission.

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Comment [11]: The county may have to transfer the person to another position for which he/she is qualified. This language suggests that there is no such obligation.

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the county for job abandonment in accordance with Section 11.C.4.

Any employee terminated for job abandonment shall have the right of appeal to the County Commission in the manner set forth in Section 12 of these policies and procedures.

D. Lay-off. Any involuntary separation implemented as part of a county-wide or departmental reorganization that does not reflect dissatisfaction with the employee's performance.

1. Reasons for. Any employee may be laid off because of shortage of funds or work, abolishment of the position, material changes in the duties organization, or related reasons beyond the employer's or the employee's control that do not reflect dissatisfaction with the service of the employee. The duties previously performed by the affected employee may be reassigned to one or more other employees.

2. Notice to Department Head. Whenever it is determined that a reorganization is necessary, the department head shall be notified of the reorgainization at least 30 calendar days in advance of the intended action. The department head shall thereupon furnish to the County Administrator the names and job titles of the employees to be laid off and the order in which such lay-off shall be affected.

3. Criteria for Lay-off. Should it become necessary to reorganize any department, such employees shall be laid off on the basis of the factors as outlined by the Board of Commissioners.

5. Notice to Employees. Regular employees to be laid off shall be notified in writing by the County Administrator at least fourteen calendar days prior to the effective date of the lay-off.

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Deleted: 4. Special Cases. Should a department head determine that the retention of a certain employee is essential to the effective operation of the department because of the fact that such employee possesses special skills or ability, and should the department head wish to retain such employee in preference to another with a higher rating, then the department head shall submit a written request to the County Administrator. Such notification shall set forth in detail the specific skills and abilities possessed by the employee and the reasons why such employee is essential to the effective

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6. Demotions. Any regular employee scheduled to be laid off can request to be demoted to a lower classification, provided that a vacancy exists and such employee is qualified to fill the position in the lower classification. Such request shall be articulated to the County Administrator at least one (1) week prior to the effective date of the lay-off. To the extent that two (2) or more employees scheduled to be laid off request demotion to the same position, appointment shall be made consistent with the criteria outlined in Section

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Deleted: Inability to Perform. If an employee suffers from a physical or mental disability, which prevents him or her from performing the essential functions of the position, even with reasonable accommodation, the employee is subject to termination for inability to perform the job. The employee will cooperate with the employer to determine the limitations imposed by the disability and to design accommodation for the essential functions of the job. Termination due to an inability to perform essential functions shall be subject to an appeal pursuant to Section 12, Grievance and Appeal Procedure.

7. Reemployment. To the extent former employees who have been separated by lay-off desire to be reemployed, those employees shall be required to submit job applications pursuant to Section

Former employees will be listed by seniority in terms of service as defined in Section 10.D.3, and will be offered reemployment for the first vacancy that becomes available in the same classification in which they were employed at the time of separation. All employees appointed to a position in this manner will serve the stated probationary period for that position; if said employee does not complete the probationary period he or she will be separated from the county service without the right of appeal.

A person on the reemployment list may voluntarily accept a position at a lower classification level than his or her former position, in doing so all provisions pertaining to the reemployment list apply, including being removed from the reemployment list.

If a person placed on the reemployment list does not accept the first offer for reemployment in a position having the same classification as the one held at the time of separation, he or she will be removed from the reemployment list. Such persons will no longer have guarantee of reemployment rights when a vacancy occurs, but may be considered for reemployment on the same basis as other applicants.

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- F. Dismissals due to inability to perform essential functions of position. Any employee who is unable to adequately perform the essential functions of his or her job due to a change in circumstances since hiring, will be dismissed unless there exists a vacant position that the employee desires and for which the employee is qualified.

In the event that an employee is no longer able to adequately perform the essential functions of his or her job, the County Administrator shall forward to the employee prior to dismissal a list that contains each vacant position. Prior to dismissal, the employee shall submit a job application for every vacant position that he/she desires to occupy. The employee shall be given preference over all other job applicants (with the exception of other employees who are seeking a transfer to a vacant position under this subparagraph) even if the position has been advertised and other job applications received.

In the event that the employee is qualified for multiple vacant positions he/she sought, the county will place the individual in the position that comes closest to the employee's current position in terms of pay, status, etc.

- G. Dismissals due to misconduct or inadequate job performance. Dismissals shall constitute discharges or separations for just cause, and shall be governed by the provisions of Section 11 of these policies and procedures as hereinafter set forth.

- H. Retirement. The retirement of an employee shall consist of the voluntary separation of an employee who has met the requirements of age and length of service under the laws governing any applicable pension fund of which such employee may be a member.

- I. Death. Separation shall be effective as of the date of the death of the employee. To the extent that the total compensation due the employee at time of death (including annual leave pay), is less than or equal to \$2,500.00 (or the maximum disbursement amount

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then in effect under O.C.G.A. § 34--7--4), all of the compensation shall be distributed pursuant to O.C.G.A. § 34--7--4. To the extent that O.C.G.A. § 34--7--4 is not implicated or the total amount of compensation exceeds \$2,500.00 (or the maximum disbursement amount then in effect under O.C.G.A. § 34--7--4), all compensation shall be timely distributed to the employee's estate.

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J. **Pre-Termination Hearing.** The pre-termination hearing procedures outlined in Section 11.C.4 apply to abandonment of job, inability to perform essential functions of position, and dismissal or discharge as defined in this section of these policies and procedures.

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11. DISCIPLINE PROCEDURES

Supervisors are responsible for ensuring that County policies, procedures are followed and for applying disciplinary action when the policies and procedures are not followed. Disciplinary action taken depends on the severity of the violation as stated under the section on Standards of Conduct. Disciplinary actions generally follow a progressive disciplinary process. This process consists of an Oral Correction for a first violation of the Standards of Conduct, a Written Warning for the second violation, a Final Notice for the third violation, and Termination for the fourth offense. Disciplinary action for violations of County policies and procedures are compounded while the discipline is in effect.

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That is to say if a Written Warning for excessive absenteeism is followed by an act of insubordination the result would be a Final

Notice. Disciplinary Action is generally in effect for one continuing year period. For example, if a Written Warning is given in February, a violation in July of that same twelve (12) month period could result in a Final Notice. However, if a Written Warning is given in February and another violation does not occur until after February of the following year, the original Written Warning will not result in a Final Notice for the subsequent violation. Note, however, that discipline may be accelerated and an employee may be terminated for a first violation depending on the severity of the conduct. In addition, all employees of the County are employees at will and this policy is not intended to change that relationship.

Although the County generally adheres to the concept of "progressive discipline, the County is not required or obligated to follow this concept, and disciplinary action of any severity, including dismissal, may be imposed at any time, including upon a "first offense," where the circumstances justify such an action.

To ensure consistent treatment, all disciplinary action is subject to review pursuant to the Grievance Procedure. Should an employee feel that he/she has been disciplined unjustly or too harshly, the employee may follow the Grievance Procedure stated in this handbook to appeal such discipline.

GRIEVANCE PROCEDURES

Good communications with all employees is desired. A healthy organization requires that employees freely and openly discuss problems with their supervisors and management.

The County is no different than any other company in that occasional mistakes and/or misunderstandings will inevitably occur. When a problem arises, employees are encouraged to come forward and discuss their views with their supervisor. An employee shall notify their immediate supervisor, in writing, of any grievance no later than three (3) days after the incident occurs. Grieving employees will receive a timely, written answer from their supervisors.

If the supervisor's written response is not satisfactory, then the grieving employee shall submit to the County Administrator a written appeal of the supervisor's action or determination within five working days of receiving the supervisor's written response. The County Administrator is empowered to investigate the matter independently and shall inform the grieving employee in writing of his/her

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Comment [12]: These paragraphs are inconsistent.

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Comment [13]: Need language that addresses whether probationary folks can grieve. The county certainly needs to include language stating that probationary employees can grieve discrimination and harassment.

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determination within five working days, unless a longer response time is needed. If the County Administrator requires more than five working days to make a determination, the County Administrator shall so advise the grieving employee in writing. Said writing shall communicate the date by which the determination will be provided. The County Administrator's issuance of a written decision on the grievance is the final step in the grievance procedure. With the exception of harassment complaints governed by Section [REDACTED], employees are encouraged to use this procedure when they have complaints or misunderstandings regarding any employment practice, including performance reviews and payroll issues.

STANDARDS OF CONDUCT

The County endeavors to employ responsible individuals and believes that the vast majority of employees are responsible citizens who understand and respect the rights and property of their fellow employees and that of the County. However, when large groups work together, reasonable rules are necessary for the orderly conduct of the operation. To this end, the County has in effect and will establish from time to time such reasonable rules as it considers necessary to ensure the orderly and efficient conduct of its business, to assure the safety of its employees and property, and to comply with applicable laws. During working hours employees are expected to comply with rules established by the County and applicable laws. Failure to do so may result in discharge or other appropriate disciplinary measures.

The following is a non-exhaustive list of workplace acts, errors and omissions that will result in disciplinary action ranging from an oral correction to discharge:

1. Indictment, for a felony charge, or for a misdemeanor involving moral turpitude.
2. Excessive absenteeism (not including FMLA leave or other authorized leave).
3. Unauthorized absence from the workplace.
4. Excessive tardiness (not including FMLA leave or other authorized late arrivals).

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5. Failure to comply with sick leave policy.
6. breach of proper discipline.
7. Inefficiency and/or incompetence.
8. Abuse or theft of county property, including county funds.
9. The use of county equipment for non-county business, including personal use.
10. The inability to satisfy a job requirement, such as the loss of a necessary license, which prevents the adequate performance of the essential functions of the position.
- ~~11. The willful making of false statements to supervisors, officials, the public, boards, commissions, or agencies.~~
12. The violation of county ordinances, administrative regulations, departmental rules, or these rules and regulations.
13. The consumption, sale, or possession of alcoholic beverages and/or illegal substances while at work, or being intoxicated on the job, or being otherwise affected on the job because of the prior use of some illegal substance.
14. The discovery of a false statement in an application.
15. ~~Acceptance of gratuities in conflict with state law or county ordinance.~~
16. Political activity in conflict with Section 19 of these Policies and Procedures.
17. Engaging in offensive conduct or using offensive language toward the public, supervisory personnel, or fellow employees.
18. Harassment on the basis of race, color, sex, religion, national origin, citizenship, age, or disability.
19. Failure to report immediately to the supervisor any job-related accident or injury or unsafe working condition.
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Comment [14]: need to define illegal substances here or in definitions section.

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21. Use of tobacco products on/in county property including equipment and vehicles

22. Gambling during work hours or on county property.

23. Conducting non-county business, including personal business or projects, during working hours.

24. Creating or contributing to unsanitary or disorderly housekeeping conditions.

25. Failing to notify the county promptly when you will be absent from work or late for work.

26. Conduct which endangers you, a member of the public or another employee.

27. Failure to use safety equipment required either by the County or law (state and federal).

Failure to comply with safety rules.

28. Remaining on or coming onto County work premises during off-duty hours for purposes other than to work without advance approval. (Employees may report early and/or leave late due to transportation arrangements.)

29. Engaging in inappropriate conduct, including sleeping, loafing on the job, engaging in horseplay, throwing anything that may harm another, playing jokes or otherwise distracting or startling others, and acting in a disorderly manner.

30. Insubordination-Refusal or failure to carry out instructions or refusal or failure to perform work assignments as required by supervisory personnel.

31. Gross negligence or abuse resulting in the damage or destruction of tools, machinery, equipment, products, materials, or other property belonging to the County or to others.

32. Operating or tampering with County equipment without authorization.

33. Restricting work productivity, encouraging or persuading others to restrict work productivity, or supporting an interruption of work.

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station unnecessarily.

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authorized to use or repair.

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34. Failure to supervise subordinates.

The following examples illustrate the types of misconduct that may result in immediate discharge upon a first violation.

- A. Obtaining materials or tools on fraudulent orders or misrepresentations.
- B. Bringing and or consuming or possessing alcohol, ~~drugs~~, or illegal substances, at work or working on the job under the influence of alcohol or illegal substances,
- C. Carrying explosives or unauthorized weapons on a work site.
- D. Deliberate action causing damage or destruction or waste of tools, machinery, equipment, product, materials or other property belonging to the County, a County official, member of the public or to a fellow worker.
- E. Giving false information in making application for employment or pursuant to any County inquiry or investigation.
- F. abusive or threatening language to any employee and the making of false or malicious statements or defaming another employee, County official or the County.
- G. Fighting or attempting bodily injury to others on a work site except in clear cases of self-defense.
- H. Stealing or hiding any property of other employees, persons or County officials.
- I. Failure to respond to the county's written request for a status report from employee in connection with the employee's failure to timely return from an authorized leave-of-absence, including FMLA leave.
- J. Being absent without authorization three (3) consecutive working days without calling in.
- K. Divulging confidential information to an unauthorized person or making any disclosure of confidential information regarding the County to any person, agency, publication, radio or television station without

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Comment [15]: Is there a standalone policy concerning guns in the workplace?

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authorization from the County. (See Confidential Information.)

- L. Abusive conduct toward a fellow employee, County official or member of the public.

Please remember these are only examples of violations which may result in disciplinary action or immediate discharge. Other situations of a similar nature may arise and these too may result in various degrees of discipline or discharge.

****Employees or Department Heads are not allowed to circumvent the chain of command. All employees are expected to follow it. If you need anything, are dissatisfied, have problems with fellow employees or your supervisor, you are expected to speak with your supervisor first. If the problem is not resolved, you may then speak to the County Administrator or his/her designee. However, complaints about harassing conduct shall be communicated pursuant to the process outlined under the harassment policy at [REDACTED].**

ONCE REPRIMANDS ARE ISSUED THEY SHALL BE MAINTAINED IN THE SAME MANNER AS OTHER PERSONNEL DOCUMENTS ARE MAINTAINED.

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Section 12. Employee Development

- A. In-Service Training. The County Administrator shall be responsible for fostering and promoting in-service training of employees for the purpose of improving the quality of service and to assist employees in preparing themselves for advancement. Nonetheless, county employees are primarily responsible for preparing themselves for advancement.
- B. Travel Expenses. When a county employee is required to attend a training or certification seminar or conference, he/she shall be reimbursed for fair and reasonable expenses incurred for registration, food and lodging.

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1. Employees will be paid mileage for the use of their personal vehicle at the rate determined by the County Commissioners.
2. Employees will not be reimbursed for alcoholic beverage expenses.
3. Employees must utilize appropriate "Expense Reimbursement and Hotel/Motel Tax Exemption" forms.

Section 13. Records and Reports

- A. Personnel Transactions. All appointments, separations, and other personnel transactions shall be recorded on forms provided by the County Administrator. A separate file folder shall be prepared and maintained for each employee and shall contain the original or a copy of all pertinent documents.
- B. Public Inspection. Information relative to employees and former employees shall be available for public inspection in accordance with Title 50, Chapter 18 Official Code of Georgia Annotated.
- C. Destruction of Records. Employee service records shall be kept in accordance with state and federal regulations after termination of employment. Such records may be kept in their original form or in any other duplicate form the County Administrator deems appropriate. All other records, including correspondence, applications, and examinations may be destroyed after two years (unless a longer period of time is mandated by state or federal law).

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D. Attendance Records. Regular attendance reports shall be prepared and submitted by each department head as requested by the County Administrator and in the form designated by the County Administrator.

E. Applicant Records. Records of applicants who are not hired shall be maintained in accordance with state and federal regulations.

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Section 14. Payroll

A. Initial Appointments. Upon the appointment of any employee to the classified service, the County Administrator shall submit to the County Commission such information as is necessary to certify the employment status, title or position, and salary or wage of such employee.

B. Payroll Adjustments.

1. Each department head shall be responsible for immediately notifying the County Administrator of any occurrences or actions taken which require an adjustment in the salary or wage of any employee or employees under the supervision of such department head.

2. Upon the receipt of such notice, or upon the taking of any action by the County Commission which requires an adjustment in the salary or wage of any employee or employees, the County Administrator shall make such payroll adjustments for such employee or employees as may be required.

C. Recovery of Salaries Improperly Paid. Present and former officers and employees shall be held liable for the return of salaries improperly, accidentally or illegally paid to employees ("gratuitous payment"). When appropriate to avoid hardships, the county will allow the affected employee to reimburse the gratuitous payment via installment payments.

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D. Voluntary Deductions. Upon the request in writing of any employee, the county shall be authorized to provide for automatic payroll deductions for such employee, in

such amount as the employee shall specify, for the purpose of contributing to personal savings plans, pensions or other personal financial investment plans.

- E. Issuance of Paychecks. Paycheck will be normally issued every other Friday for the pay period ending the two (2) weeks preceding the Wednesday before pay day.

Section 15. Attendance and Leave

- A. Hours of Work. The established work week and the hours of work shall, insofar as practicable, be uniform within occupational groups and shall be determined in accordance with the needs of the county and the reasonable needs of the public who may be required to do business with various county departments. The department head with the advice and approval of the County Administrator shall establish the work schedule for each department.

- B. Attendance. Each department head shall be responsible for the attendance of all persons in his or her department. The County Administrator shall keep complete attendance and other records on each employee, including annual leave, sick leave, overtime, and others, as provided in Section 14.

- C. Holidays. All full-time employees shall be eligible for holiday leave for the following days and other days as designated by specific action of the County Commission:

New Year's Day	Columbus Day
MLK, Jr. Day	Veteran's Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Eve
Labor Day	Christmas Day

1. Whenever a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. When the holiday falls on a Sunday, the following Monday shall be designated as the official holiday for that year. An employee who is not on approved leave and fails to report on his or her scheduled work day before or after a holiday shall not be paid for the holiday.
2. Holidays, which occur during annual or sick leave, shall not be charged against annual or sick leave. Full-time employees shall be paid for holidays based on

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the number of hours they normally work each day up to 8 hours, exclusive of overtime. Temporary employees will not be paid for holidays not worked.

3. Any non-exempt essential employee in the Sheriff's Department or EMS scheduled to work on an official county holiday shall be paid at a rate of one times the regular rate for each hour worked during the actual holiday and 8 hours for the holiday.

Employees who are scheduled to be off on an official county holiday shall be paid 8 hours for the holiday.

Example: Deputy works 12 hours on a holiday.
Paid for 12 hours at regular rate and
8 hours holiday pay at regular hours.

EMT works 24 hours on a holiday
Paid for 24 hours at regular rate and
8 hours holiday pay at regular rate

E. Annual (Vacation) Leave.

1. General. Vacations are for the purpose of rejuvenating both physical and mental faculties and all employees are urged to avail themselves of vacation periods.
2. Eligibility. All full-time employees in the classified service shall be entitled to earn and accrue annual leave. Regular part-time employees and Temporary employees shall not be eligible for annual leave.
3. Rate of Leave Accrual. Full-time employees begin to accrue annual leave immediately upon employment. Employees under temporary, provisional, or emergency appointments, and employees not deemed to be in the classified service, will not be granted annual leave under these policies.

Annual leave shall be accrued according to the following schedule:

Number of Normal Hrs Per Work Day	Number of Hrs Accrued per payroll	Years of Cont. Employment	Days
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Comment [16]: To the extent that the county decides to phase-in an at-will system, this paragraph will have to be revised to state that non-classified, full-time employees are eligible for overtime as well.

7 hours	2.42 hrs	0-5 yrs.	9 days
8 hours	2.77 hrs	0-5 yrs.	9 days
8.6 hours	2.98 hrs	0-5 yrs.	9 days
12 hours	2.98 hrs	0-5 yrs.	9 days
24 hours	3.32 hrs	0-5 yrs.	9 days
7 hours	3.23 hrs	5-15 yrs.	12 days
8 hours	3.69 hrs	5-15 yrs.	12 days
8.6 hours	3.97 hrs	5-15 yrs.	12 days
12 hours	3.98 hrs	5-15 yrs.	12 days
24 hours	4.43 hrs	5-15 yrs.	12 days
7 hours	4.04 hrs	15-25 yrs.	15 days
8 hours	4.62 hrs	15-25 yrs.	15 days
8.6 hours	4.96 hrs	15-25 yrs.	15 days
12 hours	4.97 hrs	15-25 yrs.	15 days
24 hours	5.54 hrs	15-25 yrs.	15 days
7 hours	4.85 hrs	25 yrs.	18 days
8 hours	5.54 hrs	25 yrs.	18 days
8.6 hours	5.95 hrs	25 yrs.	18 days
12 hours	5.82 hrs	25 yrs.	18 days
24 hours	6.65 hrs	25 yrs.	18 days

Employees hired after the adoption to these Personnel Policies and Procedures will accrue annual leave at the rate stated above. Employees hired prior to the adoption of these policies will continue to accrue annual leave at the previous rate.

4. Notice of Leave.

- a. A request for annual leave shall be submitted to the employee's immediate supervisor. Annual leave may be taken only after approval by the appropriate department head so that, insofar as practicable, the department can function without the hiring of additional temporary help. Annual leave shall be authorized in units of days or hours only. Employees may not take annual leave during the first six months of employment.

5. Maximum Allowable Accumulation. Unused annual leave not exceeding 30 days may be carried into the next calendar year. It is the intent of these rules to have employees take their annual leave yearly. Therefore, no payment shall be made for non-use of annual leave except as provided in paragraph 6 below unless approved by the Board of Commissioners.

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6. Payment for Unused Leave. After one year, when an employee is separated from the service, such employee shall be paid for all unused annual leave (up to 30 days) unless he or she fails to give proper notice of resignation as provided in Section 10.

F. Sick Leave.

1. General. Sick leave shall be allowed to an eligible employee:

a. in the case of actual sickness of the employee or for medical, dental or eye examination or treatment for which arrangements cannot be made outside of working hours; and

b. when the employee is required to care for a sick or injured spouse, child, or member of the immediate family. The employee shall report the illness prior to his or her scheduled work time if possible. If not, the employee shall see that the illness is reported within 30 minutes after the time he or she is scheduled to have reported for work.

2. Eligibility. Those employees entitled to earn annual leave shall also be eligible to earn sick leave. Employees will not be paid for sick leave taken during he initial probation period of employment.

3. Rate of Leave Accrual. Full-time employees begin to accrue sick leave immediately upon employment at the rate of one day (hours per day determined by each department's regularly scheduled day) per month.

4. Certification by Physician.

A. A note, signed by a licensed medical provider is required when an employee is absent from work for more than a three-day period. ~~A medical certificate signed by a licensed physician may be required at any time by a department head to substantiate a request for sick leave.~~

B. The note shall only communicate that the employee visited with the medical professional on a particular date without any reference to the medical condition or ailment giving rise to the visit with the medical professional.

C. Employees are responsible for ensuring that any information concerning diagnosis or medical condition appearing in the note is redacted before it is submitted to the county.

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Comment [17]: If the county wants to switch to PTO, this entire policy will be unnecessary.

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D. Employees on FMLA leave shall not be required to produce the note required under this Paragraph even if they are using sick leave during the FMLA leave period.

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5. Maximum Allowable Accumulation. Unused sick leave shall accumulate from year to year.
6. No Payment of Unused Sick Leave. When an employee is separated from the service, no payment shall be made for any unused sick leave.
7. Shared Sick Leave. Upon written request sick leave may be contributed to another employee only for the employee's own illness, after recommendation by the Department Head and approval of Commissioners. Upon approval of Commissioners employee contributing the leave hours must authorize the contribution by submitting appropriate documentation to payroll clerk.

G. Other Types of Leave.

1. Military Leave.
 - a. Any regular employee who leaves the classified service to join the military forces of the United States during time of war or other national emergency, or is inducted by Selective Service, may, upon written request, prior to induction into the military, be placed on military leave without pay, such leave to extend through a date 90 days after which such service terminates. Such employee shall be entitled to be restored to the vacated position, or a comparable position, provided the employee makes application to the County Administrator within 90 days of the date of discharge under honorable conditions, and is physically and mentally capable of performing the essential functions of the position with or without reasonable accommodation.
 - b. The returning employee shall be entitled to any increases in salary (including cost-of-living increases) or any advancement in grade, which would normally be accorded to the incumbent of the position, with the exception of any increases or advancement in grade, which would normally be dependent on meritorious performance of the duties of the position.

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- c. In the event a position vacated by a person entering the military service as stated above no longer exists at the time he or she qualifies to return to work, such person shall be entitled to be re-employed in another position of the same status, class and pay in the classified service, provided such re-employment does not necessitate the laying off of another employee.
- d. Any regular employee who is a member of the National Guard or an organized military reserve of the United States will be allowed leave of absence with pay not to exceed 15 calendar days (or in compliance with state law) during any calendar year to attend training camps upon presentation of orders concerning such training. Such leave shall not be charged to annual leave.
- e. The county complies with all aspects of the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"). To the extent that any aspect of the county's Military Leave policy is or becomes inconsistent with USERRA, USERRA supersedes the county's military leave policy
2. Funeral Leave. Sick or annual leave may be used for up to three working days for employees absence from duty due to the event of death in the immediate family. Immediate family shall mean spouse, child, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, grandparents, grandchildren, or any relative who is domiciled in the employee's household.
3. Workers' Compensation. An employee who sustains an injury or illness in the course of his or her employment may be covered by the provisions of the State Workers' Compensation Act. An employee who is injured on the job is required to report to his/her department head as soon as practicable any injury or illness sustained in the course of employment so that the employee and the county can take the necessary medical and administrative steps. The department head shall immediately advise the County Administrator of the employee's report.
4. Temporary Disabilities Not Covered by Workers' Compensation. An employee who becomes temporarily disabled shall be allowed to exhaust his or her accrued sick and vacation leave. After all sick and vacation leave have been used, further extension of leave (either with or without pay) must be specifically authorized by the County Commission upon recommendation of the department head and approval of the County Administrator.

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Comment [18]: To be replaced by miscellaneous leave policy

5. Civil Leave. An employee shall be given necessary time off, without loss of pay, when performing jury duty, or when required by proper authority to be a witness in legal proceedings, provided such call to duty is reported in advance to the employee's Department Director.

All monies received as compensation from the County, unless jury duty was served totally outside of regular working hours, shall be turned over to the County.

In order to receive such pay the employee must present their summons or subpoena to their Department Head as soon as practical prior to their court service.

For purposes of this policy, "necessary time off" shall mean no more than days.

6. Maternity Leave.

a. Maternity leave is a period of approved absence for incapacitation related to pregnancy and confinement. Maternity leave may be charged to sick leave or any combination of sick leave, annual leave, and leave without pay.

b. The employee desiring maternity leave should report the pregnancy to the department head. Such notification shall include a written statement from the attending physician specifying the approximate date of birth.

c. An employee will be permitted to continue work, with reasonable accommodation, so long as the conditions of the pregnancy do not adversely impair work performance or health.

d. An employee shall be granted leave without pay for maternity purposes in accordance with Section 16-7.

7. Leave of Absence Without Pay. A department head, with the approval of the County Administrator, may grant a regular employee a leave of absence without pay for a period not to exceed six (6) months. Leave of absence without pay for a period exceeding six months and not more than one year may be granted with the approval of the County Commission. All departments are required to adhere to the following regulations.

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Comment [19]: This policy is superseded by the FMLA.

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- a. ~~Leave without pay shall be granted only when it will not adversely affect the interests of the county service.~~
- b. ~~Failure of an employee to return to work at the expiration of approved leave shall be considered as absence without leave and grounds for disciplinary action.~~
- c. ~~Any employee who has been granted leave of absence and who wishes to return before the leave period has expired shall be required to give his or her department head at least a one week notice. Upon receipt of such written notice, the employee shall be permitted to return to work.~~
- d. ~~No sick leave or annual leave will be earned by an employee for the time that such employee is on leave without pay.~~
- d. ~~An employee may elect to have health insurance continue to be provided, with the employee paying the total amount of the premium.~~
- e. ~~An employee shall return from leave without pay to the same salary grade as at the time of commencement of leave.~~
- g. ~~An employee who obtains either part-time or full-time employment elsewhere while on an authorized leave of absence without pay is required to notify his or her department head in writing within three days of accepting such employment.~~
- h. ~~An employee returning from a leave of absence without pay shall be entitled to employment in the same department in the same or equivalent class wherein employed when said leave commenced.~~
8. Absence Without Leave. An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these regulations shall be deemed to be an absence without leave. Any such absence shall be without pay and shall be cause for disciplinary action.

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9. Family and Medical Leave. Family and medical leave shall be granted in accordance with the Family and Medical Leave Act of 1993 (PL. 103-3). See Section .

~~10. Administrative Leave. An employee may be placed on administrative leave with pay at the discretion of the department head and approval of the County Administrator when such action is deemed to be in the best interest of the county.~~

11. Blood Donation. All regular full-time and part-time employees are encouraged to donate blood. Time off with pay shall be granted for volunteering provided time off has the prior approval of the Department Head. Employees will be paid for time off for volunteering up to 2 hours.

12. Notification to County Administrator. When an employee has taken leave of any kind without prior approval or is absent without leave, the employee's department head shall notify the County Administrator in writing within the same pay period in which the leave is taken or the absence shall be deemed an absence without leave. Such notification may be by notation on a time card or attendance sheet or by memo, giving specific information covering type of leave, dates, hours, and other pertinent data.

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Comment [22]: Miscellaneous leave policy

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Section 16. Nepotism

It is hereby declared to be the policy of Cook County that no department head, member of the County Commission, or County Administrator shall appoint or employ any person to any regular classified position in the county who is a member of the immediate or extended family of such officer if such appointment or employment would cause a relative of such officer to come under the direct supervision of such officer.

The county does not prohibit the employment of relatives as long as none of the related persons are employed in a supervisory role in which they might have an effect on a relative's progress, performance, or welfare as an employee.

An employee may not be promoted into a position in which they would have supervisory responsibility over a relative, unless the relative can be transferred to another position that would not be under the supervision of the relative that is being promoted.

For this nepotism policy, "relatives" are defined as spouse, mother, father, stepmother, stepfather, son, daughter, mother-

in-law, father-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, brother, brother-in-law, sister, sister-in-law, half brother, half sister, grandchild, grandparent, and grandparents of spouse.

This section does not apply to persons employed by the county prior to the adoption of these policies and procedures.

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Section 17. Equal Opportunity and Non-Discrimination

- A. Policy. All applicants for positions and employees of the county shall be assured of fair and equitable treatment in all aspects of personnel administration, including training, promotion, and disciplinary action, without regard to political affiliation, race, color, national origin, sex, age, disability, or religious creed and with proper regard for their privacy and constitutional rights as citizens.
- B. Publicity. The County Administrator shall see that information about job opportunities and the equal employment policy of the county is readily available to all citizens of the county and especially to all potential job applicants.
- C. Appeals Based on Alleged Discrimination. Any applicant or employee who believes that he or she has been discriminated against shall have the right to counsel with the County Administrator and to avail himself or herself of the Grievance Procedure outlined in Section 12.
- D. Affirmative Action Plan. The County Commission may adopt an affirmative action plan to formulate actions to correct employment practices, which have, or potentially could have, a negative impact upon minority groups or females.
- E. While applicants to positions under the jurisdiction of county elected officials and employees of county elected officials are not specifically covered under this section, they are covered by any applicable state or federal laws governing equal opportunity and non-discrimination.
- F. Americans with Disabilities Act. Cook County is committed to complying with the Americans with disabilities Act from the application stage through employment. As part of its commitment to compliance, Cook County shall not automatically exclude from employment any applicant merely because the applicant has a disability. Cook County

~~shall only withdraw a conditional job offer if an individual's assessment of the job applicant's present ability reveals that the Applicant is not able to perform the essential functions of the job. Any such individual assessment shall be based on a reasonable medical judgment that relies on the~~

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~~most current medical knowledge and/or on the~~
~~best available objective evidence.~~

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Comment [26]: This is a correct statement of the law as it presently exists, but it is always subject to change. Because this language does not need to appear in personnel policy, it has been removed .

Section 18. Political Activities

No employee in the classified service shall engage in political activities at the work place or during business hours.

Section 19. Policy Changes

These policies shall reflect, and be superseded by, any changes mandated by state or federal legislation and regulations.

Section 20. Retirement

- A. The Cook County Board of Commissioners established in 1984 a Deferred Compensation Plan for qualified County personnel in accordance with Section 457 of the United States Internal Revenue Code of 1954, as amended.
- B. Maximum Limitation: The maximum amount deferred shall not exceed the lesser of \$7,500 or 33-1/3% of includible compensation.
- C. Normal Retirement Age 70, unless the participant has elected an alternative normal retirement age by written instruction delivered to the employer at separation from service.
- D. Retirement: The first date upon separation of service **and** attainment of normal retirement age.
- E. Separation From Service: A participant shall be deemed to have severed his employment with the employer when either party has terminated the employment.
- F. Eligibility/Contribution: When an Employees who is hired after the adoption of these Personnel Policies and Procedures has completed three (3) years of continuous, full-time employment, the employee shall become eligible to receive a County paid contribution of 3% of the Gross Salary. The County will match up to 3% of an employees own contribution into the retirement plan not to exceed six (6%) percent of the Gross Salary up to a maximum of \$7,500 per year.

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When an employee who was hired prior to the adoption of these policies has completed three (3) years of continuous, full-time employment, the employee shall become eligible to receive a County paid contribution not to exceed twelve (12%) percent of the Gross Salary up to a maximum of \$7,500.00 per year.

- G. Compensation: All benefits associated with this plan shall be made in the manner selected by the employee and the retirement vendor currently approved by the Cook County Commissioners. The Company will contact the employee on the exact system of compensation.

Section 21: Non-Harassment Policy

Cook County's general policy is to maintain a work environment free of harassing conduct from other employees, guest and others in the workplace.

Harassment is Prohibited: Cook County absolutely forbids all employees, including management, from engaging in harassing conduct of any type. Cook County also will make all reasonable efforts to ensure that its employees are not subjected to harassment by members of the public.

What is Harassment? Harassment is a pattern of physical or verbal conduct which a reasonable person would regard as undesirable or offensive and which is both severe and extensive enough to actually interfere with the employee's work duties or performance. It may include, but is not necessarily limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature. Harassment can also include, for example, offensive conduct which is based on such characteristics as an employee's race, gender, religion, national origin, age, or disability. Harassment may also include a supervisory person discussing a circumstance or situation with another county employee in a threatening or abusive manner.

What Cook County expects from you. Cook County expects that you will not simply suffer through undesirable or offensive conduct in silence, or permit other employees to suffer through such conduct without report it. Whether or not you are certain that another person's behavior really constitutes "harassment," all employees are required to report harassing conduct of which they are aware immediately after the incident or incidents occur. Reports will be kept CONFIDENTIAL to the extent practical.

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Retaliation is Prohibited. Cook County will not tolerate any type of retaliation, direct or indirect, against any employee or other person who, in good faith, reports a violation of this policy, opposes a violation of this policy, or participates in an investigation of harassment or discrimination.

~~When to make a report?~~ Cook County can only remedy harassment which you bring to our attention. To give Cook County the opportunity to take prompt action which will prevent future occurrences, we ask that you immediately report any conduct which you believe might be harassment.

How to Report Harassment: Because Cook County takes the occurrence of offensive or undesirable conduct in its work place seriously, reports of harassment must be communicated directly to the County Administrator. In the event that the employee is not comfortable in reporting such conduct to the County Administrator, it shall be directly reported to the Chairman.

Section 22: ELECTRONIC MAIL - INTERNET POLICY

INTRODUCTION:

Cook County provides E-mail and Internet access to employees in an effort to give its employees a tool to communicate easily and efficiently. Employees must be mindful that use of the electronic communications systems shall be limited to County business. ↓ The County has a right to the access of E-mail and all information on County-provided computers. No individual should have any expectation of privacy with messages sent or received. Since confidentiality is not readily attainable when using E-mail and because many E-mail communications are public records, employees should never use E-mails for making harassing or threatening statements or expressing personal opinions on non-county related matters.

DEFINITIONS:

1. E-mail means an electronic message transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission through a local, regional, or global computer network.

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Comment [27]: The policy as drafted is very difficult to enforce if it contemplates that some amount of non-county internet use is permissible. "Incidental and occasional" is hard to enforce and define. It is better to have a zero tolerance policy as it is easier to enforce and there is no practical reason why your employees can't use their personal cell phones to occasionally email or surf the internet.

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2. Electronic Communications means each of the County's electronic communications systems, including, without limitation, E-mail, the Internet and any Intranet established by or on behalf of the County. This does exclude voice telephone communications, i.e. 911 telephone call taking/dispatching.
3. Internet means the global computer network accessed via modem, ISDN, DSL, cable modem or T-1 line, whether directly or through an Internet service provider.
4. Public Record means all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, or similar material prepared and maintained or received in the course of the operation of a County office or agency. Public record also means such items received or maintained by a private person or entity on behalf of a County office or agency which are not otherwise subject to protection from disclosure.

SCOPE

All E-mail communications and associated attachments transmitted or received over the Cook County network/or any computer equipment owned by Cook County and all use of the electronic communications system of the County are subject to the provisions of this policy. In addition and without limiting the generality of the foregoing, since Georgia Law provides that E-mail communications written in the course of operation of a public office are generally considered to be public records, all E-mail communications written and set in the conduct of public business by Cook County employees and/or representatives are subject to the provisions of this policy or privately owned personal computer.

E-MAIL IS COUNTY PROPERTY

The electronic communications systems hardware and software are County property, and all messages composed, sent or received on the electronic communications systems are and remain the property of the County. They are not the private property of any individual.

Use of the electronic communications systems is reserved solely for the conduct of County business. They may not be used for personal business or gain. Personal use is limited to incidental and occasional use that does not interfere with

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the employee's performance of his or her job responsibilities or the business use of e-mail by other employees.

No Expectation of Privacy in Messages; Lack of Confidentiality
The County reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received or sent over the electronic communications systems for any purpose. The contents of electronic communications may be disclosed within or outside the County without the consent of any individual.

The confidentiality of any message should not be assumed. Even when a message is erased by the user, it is still possible to retrieve and read that message. Furthermore, the use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to the County upon request.

Prohibited Uses

The electronic communications systems may not be used to solicit, recruit for, conduct business for, or manage any commercial ventures, religious or political causes or outside organizations.

The electronic communications systems shall not be used to create send or forward any chain E-mails, advertisements, solicitations or non-business related message.

The electronic communications systems shall not be used to create, send or forward any offensive or disruptive messages. Among those messages which are considered offensive or disruptive are any messages which contain profanity, sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, gender, race, religious or political beliefs, national origin or disability.

The electronic communications systems shall not be used to search or "surf" for, or visit or receive (download) any sites containing any written, pictorial, audio or other depiction of information that might be considered offensive or disruptive as discussed above. Among the prohibited sites which cannot be visited using the electronic communications systems are sites containing sexually-related material or any other sites portraying information not reasonably calculated to be of use for the County.

For materials copyrighted by third parties, the electronic communications systems should not be used to receive

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(download) or transmit (upload) such copyrighted materials unless the third party owner/author has granted an express right for the County and/or the user to download and/or upload. In no event shall any individual attempt to receive or download any so-called "hacker" software or other software whose purpose is to aid the user in improperly accessing secure materials, circumventing security measures or copying or downloading copyrighted material, whether such material is on an internal or external network.

The electronic communications systems shall not be used to breach or attempt to breach any other network containing any protected information from a third party.

The electronic communications systems should not be used to transmit or discuss information that currently is or could be the subject of a lawsuit involving the County, including conclusions or opinions as to the existence, absence or enforceability of a grievance, claim or contract or the activities of any individual on behalf of the county. The above statement shall not be used to limit or restrict the use of 911 computer aided dispatch system or mobile data computers, which can be the subject of lawsuits.

The electronic communications systems shall not be used to establish web sites or home pages without prior approval of the County Administrator.

The electronic communications systems shall not be used to post any message to an Internet message board or chat room or other public electronic forum.

Misrepresenting, obscuring, suppressing or replacing a user's identity on any electronic communication, including but not limited to the practice of "spoofing" (i.e., constructing electronic mail address, organizational affiliation, time and date of transmission, and related information included with any electronic message posting must always reflect the true originator, time, date and place or origination of posting or message.

APPLICATION OF PUBLIC RECORDS STATUTES TO E-MAIL

E-mail messages are subject to many of the same statutes and legal requirements and disclosure as other forms of communication, such as the Inspection of Public Records Statute (OCGA 50-18-7- through 50-18-76). This statute treats computer based or generated information in the same manner as paper documents. All such documents are generally considered

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to be public records and are subject to public inspection unless they are covered by a specific statutory exemption. E-mail messages, which are public records, must be retained in either paper or electronic format. An open records request received via e-mail shall be deemed legally received at the time of opening the message; therefore, the recipient shall document the date and item of receipt for compliance purposes. E-mail messages that are not public records should be deleted after viewing.

UNAUTHORIZED RECEPTION OR REVIEW

Although the county has the right to retrieve and read any messages sent over the electronics communication systems, messages should be treated as confidential by individual users and accessed only by the intended recipient or his/her designee. Individual users of the county's electronic communications systems are not authorized to retrieve or read any messages that are not sent to them, unless authorized in advance by the County Administrator or unless they have obtained in the permission of another individual user to access and/or read that other user's messages.

Unauthorized use of another person's (or group's) password, or knowingly giving passwords to others not authorized to use such password is prohibited.

Circumventing security measures or trying to gain unauthorized access to systems, resources, programs or data is prohibited. Any attempt to destroy the integrity of computer based information is also prohibited.

Falsifying your identity on the Internet, or any malicious attempt to harm or destroy resources or data is prohibited. This includes deliberately unloading downloading, or creating computer viruses.

COMPLIANCE

Any individual who discovers a violation of this policy shall notify his or her supervisor.

Any individual who violates this policy or uses the electronic communications systems for improper purposes shall be subject to discipline, up to including termination of employment, and possibly other legal remedies.

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EMPLOYEE-OWNED DEVICES

The use of cellphones or other electronic devices during working hours interferes with productivity, poses a potential safety hazard, and creates a distraction for other employees. Employees are therefore expected to make personal calls or conduct personal business before or after their shift or during scheduled break periods. The county understands that emergencies may arise that require cellphone use, but such use must be limited and infrequent. Excessive personal use of cellphones, as determined by management, may result in disciplinary action up to and including termination of employment. Without exception, employees are prohibited from using their personal tablets or other similar devices during work hours.

The county assumes no liability whatsoever for the damage, loss or theft caused by third parties to the personal property of staff members, including electronic devices.

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COUNTY-PROVIDED DEVICES

When required by business necessity, the county may issue cellphones or other devices to employees for business use. Employees are expected to protect such devices from loss, damage or theft. Upon separation from employment, or at any time upon instruction from management, an employee shall be required to timely produce the device for return or inspection. A non-separated employee's failure to timely return a company-provided device may result in disciplinary action up to and including termination of employment.

Personal use of company issued cellphones is prohibited at all times.

Company issued electronic devices may not be used for data-streaming (music, videos, movies, etc.) or social media (Facebook, Twitter, Instagram, etc.). Internet use shall be limited to business purposes only. Accessing pornographic or other adult content is strictly prohibited and shall result in disciplinary action up to and including termination.

County-provided electronic devices, including data stored thereon, are the property of the county and are to be used only for business purposes. Therefore, employees should not expect that county-provided electronic devices will be treated as private and personal to the employee. The county reserves the right to inspect, monitor and have access to county-provided electronic devices and the data stored thereon at any time.

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4. Special Cases. Should a department head determine that the retention of a certain employee is essential to the effective operation of the department because of the fact that such employee possesses special skills or ability, and should the department head wish to retain such employee in preference to another with a higher rating, then the department head shall submit a written request to the County Administrator. Such notification shall set forth in detail the specific skills and abilities possessed by the employee and the reasons why such employee is essential to the effective operation of the department. With the approval of the County Commission, the individual may be retained.

For purposes of this policy, the effective date of lay-off shall be the date through which the employee is paid.

If a problem occurs, please discuss the matter with your supervisor first. If you are not satisfied with the response from your supervisor, you should present your concerns in writing and submit them to your supervisor. Generally, your supervisor should respond within five working days.

in writing to the County Administrator