

WEAPONS POLICY

Purpose/objective

The “Safe Carry Protection Act, ” O.C.G.A. §16-11-173, authorizes counties to “regulate the transport, carrying, or possession of firearms by employees of the local unit of government, or by unpaid volunteers of such local unit of government, in the course of their employment or volunteer functions with such local unit of government.”

Because Cook County is potentially liable for the actions of its employees whereas government typically has no liability or responsibility for the actions of citizens who are not formally connected to the county, there are policy reasons for prohibiting county employees from carrying on premises that do not exist with respect to the typical citizen.

Definitions

“County constitutional officer” means the Cook County Sheriff, the Cook County Superior Court Clerk, the Cook County Tax Commissioner and Cook County Probate Judge.

“County Premises” for purposes of this Weapons Policy shall mean any building, together with its land and outbuildings, owned, controlled, maintained or operated by Cook County.

“Dangerous Weapon” for purposes of this Weapons Policy shall have the same meaning as provided for in the version of O.C.G.A. § 16-11-121 in effect at the time of this Policy’s enactment.

“Employee” for purposes of this Weapons Policy shall have the same meaning as provided for in Section 2 of the Cook County Procedures and Policy Manual. It shall not include individuals performing activities while in the course and scope of working or volunteering for a county constitutional officer.

“Firearm” for purposes of this Weapons Policy means any handgun, rifle, shotgun, stun gun, taser, or dangerous weapon.

“Personal vehicle” for purposes of this Weapons Policy means any vehicle not owned by Cook County that is owned, leased, rented or legally possessed by an employee or unpaid volunteer.

“Unpaid Volunteer” for purposes of this Weapons Policy shall mean an individual who performs hours of service on behalf of Cook County for civic, charitable, or humanitarian

reasons, without promise, expectation, or receipt of compensation for services rendered. An unpaid volunteer who is engaged in volunteer functions shall be deemed to be acting in the course and scope of county employment as that phrase is used herein.

Applicability

No employee or unpaid volunteer while in the course and scope of county employment shall carry or possess a firearm regardless of whether the employee or unpaid volunteer is on or off county premises.

Exception

The portion of this Weapons Policy prohibiting employees and unpaid volunteers from carrying or possessing a firearm while in the course and scope of county employment shall not apply to any employee or unpaid volunteer who currently holds a peace officer certification from the Georgia Peace Officer Standards and Training Council (P.O.S.T.).

Personal vehicles

To the extent that an employee or unpaid volunteer is required to drive a personal vehicle while in the course and scope of county employment, nothing in this policy shall prevent the employee or unpaid volunteer from possessing, carrying or transporting a firearm in the personal vehicle.

Nothing in this Weapons Policy shall prevent employees or unpaid volunteers from storing a firearm in their locked personal vehicles while parked on or off county premises provided that (1) the firearm is locked out of sight within the trunk, glove box, or other enclosed compartment or area within such privately owned motor vehicle and (2) the employees or unpaid volunteers are not legally disqualified from obtaining a weapons carry license.

Penalty

A first violation of this Policy may result in immediate discharge consistent with the Cook County Procedures and Policy Manual.

Social Media Policy

Purpose/objective

Although social media represents a positive technological development because it facilitates communication, it also creates unique issues that need to be formally addressed by Cook County in a policy format.

Cook County has an obvious interest in regulating the type of information that is disseminated on behalf of the county via social media and regulating on a more limited basis employee use of personal social media accounts.

The purpose of this social media policy is to address the means, method and rules governing the internal and external use of social media.

Definition

“Authorized users” or “authorized user” for purposes of this policy are those county employees occupying the positions identified in the “Authorized Users” portion of this policy.

“County employee” or “County employees” shall have the same meaning as provided for in Section 2 of the Cook County Procedures and Policy Manual. It shall not include individuals performing activities while in the course and scope of working or volunteering for a county constitutional officer.

“Employee” or “employees” shall be synonymous with “County employee” and “County employees”

“Social media” for purposes of this policy includes forms of electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (such as videos). Contemporary examples of social media include Facebook, Twitter, LinkedIn, Pinterest and Instagram.

“Unauthorized users” or “unauthorized user” for purposes of this policy are those county employees who do not meet the definition of “Authorized Users.”

“Work hours” for nonexempt employees shall mean when they are clocked-in for work. For exempt employees, “work hours” shall mean the hours between 9am and 5pm on those days they have reported to work.

Authorized Users

Posts to social media could potentially be injurious to the county's interests. For example, posts could communicate incorrect information that misleads the public, disclose private or confidential information and/or result in harassment and defamation. As a result, only authorized users shall be allowed to post to any of the county's social media accounts.

For purposes of this policy, the individuals occupying the following positions are authorized to post to the any of the county's social media accounts: County Administrator, County Clerk, _____, _____, _____.

An authorized user when posting shall identify himself or herself in such a manner that the poster's identity is known to the public and the county administration.

With the exception of the County Administrator, authorized users are not permitted to delegate the power to post to a subordinate or designee.

Unauthorized Users

The County Clerk shall be responsible for monitoring posts on a weekly basis to ascertain whether any unauthorized users have posted to any of the county's social media accounts.

An unauthorized user's first violation of this Policy may result in immediate discharge consistent with the Cook County Procedures and Policy Manual.

Authorized forms of social media

The county's social media use will be limited to Facebook and Twitter accounts. To the extent that the county has not created either or any of those accounts, the County Administrator or his/her designee shall on a timely basis create the account(s) on behalf of the county during work hours.

Authorized topics for social media posts

It is difficult to identify all of the proper uses of the county's social media accounts. The following are illustrative examples of the type of information that can be posted via one of the county's social media accounts:

- Crisis communication
- Weather alerts
- Traffic information
- The effective dates of newly enacted ordinances

-Job vacancies

Guidelines for authorized users

Authorized users shall follow the following guidelines when posting:

- posts shall be professional
- posts shall be accurate
- errors shall be corrected on a timely basis
- subsequent posts that correct errors shall identify the original error
- posts shall be within the authorized user's area of expertise/responsibility
- posts shall not communicate information about actual or potential claims and litigation involving the county
- posts shall not implicate the intellectual property of others, without written permission.
- posts shall not include photographs of employees or members of the public, without written permission
- posts shall not include defamatory material
- posts shall not contain any personal, sensitive or confidential information about anyone
- posts shall not include obscene, pornographic or other offensive/illegal materials or links
- posts shall not include racist, sexist, and other disparaging language about a group of people
- posts shall not include sexual comments about, or directed to, anyone
- posts shall not include political campaign materials or comments
- posts shall not include threatening or harassing comments
- posts shall not include information that is exempt from public disclosure pursuant to O.C.G.A. § 50-18-72.

Open Records Act

Cook County takes the position that posts by authorized users to the county's social media accounts are subject to the Open Records Act. Because the county does not have ultimate control over social media accounts operated by third parties, the county requires for archiving purposes all authorized users to contemporaneously print a screenshot of all posts and, at the end of each month, forward the printed screenshots to the County Clerk for placement in a file labeled "Social Media Posts."

The county clerk shall be responsible for maintaining the "Social Media Posts" file.

The County Clerk shall contemporaneously place all posts initiated by him/her in the "Social Media Posts" file.

Public Comments

Although citizen input and feedback is the cornerstone of a successful democracy, the First Amendment severely limits the county's ability to regulate speech. In a social media setting, the county will have limited ability to delete speech that may be offensive to significant portions of the public. Moreover, although public comments on the county's social media accounts are arguably accessible public records, the county's ability to access those records is limited because third parties have ultimate control over the county's social media accounts. To address these issues, the county's social media accounts will be configured to prevent replies from the public.

To facilitate citizen feedback concerning posts to the county's social media accounts, the county shall create an email account that is dedicated to receiving citizen feedback to posts appearing on the county's social media accounts. The email address for that dedicated account shall be prominently displayed on the county's social media accounts.

The county's social media accounts shall communicate that emergency situations should be communicated to the county via the 911 reporting system.

Guidelines for employee use of personal social media accounts

Many county employees have personal social media accounts that they use to interact with friends and family. They also may participate in professional social media, such as LinkedIn, that are related to their work or profession, but are not owned, endorsed or operated by the county and are not part of their county jobs.

Employees shall not be permitted to post to their personal social media accounts during work hours.

At no time shall employees use the county's internet infrastructure for postings to personal social media accounts.

Posts by employees to their personal social media accounts relating to Cook County government or their county employment could needlessly subject the county and the taxpayers to liability under the Fair Labor Standards Act. To avoid punishment for engaging in unauthorized work as set forth in the Cook County Procedures and Policy Manual, nonexempt employees are encouraged to include a disclaimer on all such posts to the effect that the posts are being communicated in their capacities as citizens and do not reflect the views or positions of Cook County government.

WHISTLEBLOWER POLICY	
Purpose/objective	
<p>The county's size prevents the administration and elected officials of Cook County from detecting all ethical and legal issues. As a result, the county necessarily depends upon its employees and volunteers to bring to its attention possible violations of laws and regulations that might otherwise escape the county's attention.</p>	
<p>In order to facilitate whistleblower complaints, the county believes that it is necessary to enact a policy that creates a process for receiving whistleblower complaints, that addresses the limited disclosure of whistleblower identities, and protects whistleblowers from retaliation.</p>	
Definitions	

<p>“Bad faith whistleblower complaint” means a whistleblower complaint made with knowledge that the complaint was false or with reckless disregard for its truth or falsity or a complaint that violates a privilege or confidentiality obligations recognized by constitutional, statutory, or common law.</p>

“County employee” or “County employees” shall have the same meaning as provided for in Section 2 of the Cook County Procedures and Policy Manual.

“County volunteer” means an individual who performs hours of service on behalf of Cook County for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered.

“Designated recipients” means the County Administrator and the County Attorney.

“Elected Official” means a member of the Board of Commissioners whether elected or appointed.

“Internal whistleblower complaint” means a whistleblower complaint that is reported to one or more of the designated recipients.

“Justifiable refusal to act” means objecting to, or refusing to participate in, any activity, policy, or practice of the county that a county employee or county volunteer has reasonable cause to believe is in violation of or noncompliance with a law, rule, or regulation.

"Law, rule, or regulation" includes any federal, state, or local statute or ordinance or any rule or regulation adopted according to any federal, state, or local statute or ordinance.

"Outside whistleblower complaint" means a whistleblower complaint that is communicated to an outside agency.

"Outside agency" means a government agency unaffiliated with Cook County. For purposes of this Policy, the Cook County Sheriff's Office is an outside agency.

"Violation" or "violations" means a violation of any law, rule, or regulation or the possible existence of any activity constituting fraud, waste, and abuse in or relating to any state programs and operations under the jurisdiction of Cook County.

"Whistleblower" means a county employee or county volunteer who reports a whistleblower complaint to either an outside agency or one or more designated recipients.

"Whistleblower complaint" means the disclosure of a violation attributable to a county employee, county volunteer or elected official.

"Whistleblower Complaint Form" means a form available to county employees and county volunteers to assist them in communicating whistleblower complaints.

A. INTERNAL WHISTLEBLOWER COMPLAINTS

1. Methods of communicating whistleblower complaints

Whistleblower complaints shall be communicated to one of the designated recipients.

It is the county's preference to receive whistleblower complaints in written form. To create uniformity, whistleblower complaints should be communicated on a Whistleblower Complaint Form to be forwarded to a designated recipient. However, whistleblower complaints shall be accepted in other written forms.

Although not preferred, whistleblower complaints can be communicated verbally. When a verbal whistleblower complaint is received, the designated recipient shall memorialize the content of the complaint and the identify of the individual communicating the complaint.

2. Whistleblower Complaint Form

The County Manager or a designee shall be responsible for creating the Whistleblower Complaint Form within thirty (30) days after the enactment of this Policy. The form shall consist of a single page and be in a format that is capable of being downloaded from the county's website.

3. Anonymity

<p>The county's preference is for whistleblowers to identify themselves when making whistleblower complaints. However, the county prefers anonymous whistleblower complaints over silence. To the extent whistleblowers prefer to maintain their anonymity, they should forward written whistleblower complaints that omit their names. Any whistleblower who desires to maintain his or her anonymity should be mindful of the fact that certain details could inadvertently reveal an individual's identity.</p>

4. Disclosure of whistleblower's identity

Regardless of whether a whistleblower complaint is anonymous, the county shall not disclose the identity of the whistleblower without first obtaining the written consent of the whistleblower. Notwithstanding the foregoing, the county will disclose the whistleblower's identity without obtaining consent if it determines that disclosure of the whistleblower's identity is necessary and unavoidable during the course of the investigation. In that event, the whistleblower will be notified in writing at least seven (7) days prior to the disclosure.

To the extent that the county receives under the Open Records Act, O.C.G.A. §§ 50-18-72 et seq., a request for a whistleblower complaint or the written memorialization of a verbal complaint, the name of the whistleblower shall be redacted before production unless the whistleblower's identity has already been disclosed as contemplated above.

5. Investigations

<p>Upon receiving a whistleblower complaint, the designated recipient shall promptly advise the Board of Commissioners. Upon being so advised, the Board of Commissioners shall designate an individual to investigate the whistleblower complaint. The designated individual can be unaffiliated with the county.</p>

The whistleblower is not responsible for investigating the complaint or for determining fault or corrective measures. However, the whistleblower's continued cooperation may be required in order to permit a thorough investigation of the whistleblower complaint.

6. Retaliation

No county employee or county volunteer shall be subjected to retaliation as a result of making a whistleblower complaint or a justifiable refusal to act. Notwithstanding the foregoing, a county employee or county volunteer who makes a bad faith whistleblower complaint can be subjected to discipline consistent with the Cook County Procedures and Policy Manual.

Any county employee or county volunteer who believes that he or she is the subject of any form of retaliation prohibited under this Policy shall immediately report the perceived retaliation to the County Administrator for investigation.

Any county employee or county volunteer who retaliates against a whistleblower in violation of this policy shall be subject to discipline, including termination of employment or volunteer status.

For purposes of this policy, retaliation shall not be limited to adverse employment actions. Retaliation shall include punitive actions and omissions falling short of adverse employment actions, such as the following:

- reprimanding the employee without cause

- giving a performance evaluation that is lower than it should be;

- transferring the employee to a less desirable position;

- subjecting the employee to verbal or physical abuse;

- increased scrutiny;

- spreading rumors; or

- increasing the difficulty of an individual's job in terms of tasks or scheduling.

B. <u>OUTSIDE WHISTLEBLOWER COMPLAINTS</u>
1. <u>Retaliation</u>

Section A.6 shall apply with equal force to outside whistleblower complaints.

2. Investigations

The County Administrator shall promptly advise the Board of Commissioners upon learning of the existence of an outside whistleblower complaint. To the extent that the Board of Commissioners determinates that an internal investigation of the outside whistleblower complaint is warranted, the Board of Commissioners shall designate an individual to investigate the whistleblower complaint. The individual designated to investigate the whistleblower complaint does not have to be affiliated with Cook County.

3. Disclosure of whistleblower's identity

The identities of outside whistleblowers shall be protected in conformity with A.4 above.

C. OTHER LAWS

To the extent there is an irreconcilable conflict between this Policy and federal or state law, e.g., O.C.G.A. § 45-1-4, those laws shall control.

Because this Policy is intended to prohibit retaliation in employment circumstances above and beyond what is covered by O.C.G.A. § 45-1-4, i.e., discharge, suspension and demotion, the definition of retaliation herein shall not be considered to be irreconcilable with O.C.G.A. § 45-1-4.