

# COOK COUNTY



# POLICIES AND PROCEDURES MANUAL

Adopted March 19, 2018

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.

These policies, rules and general procedures do not establish a civil service system. Cook County is an at-will employer. No property interest in employment is created by these policies, rules and general procedures. The Cook County Board of Commissioners reserve the right to regularly review and unilaterally revise its policies, rules and general procedures.

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

C. Employees Covered

- a. These personnel policies and procedures apply to all county employees and to those individuals employed by county constitutional officers who are subject to O.C.G.A. § 36-1-21 to the fullest extent allowed by law.
- b. Subject to the approval of the Cook County Board of Commissioners, county constitutional officers who are not already subject to O.C.G.A. § 36-1-21 may opt to include their employees under the coverage of these policies and procedures to the fullest extent contemplated by O.C.G.A. § 36-1-21(b). County constitutional officers not subject to O.C.G.A. § 36-1-21 are encouraged, but not required, to adopt as their own these policies and procedures. Nonetheless, the Board of Commissioners 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. It is the Board of Commissioners' expectation that the county constitutional officers will observe all applicable state and federal employment laws.
- d. 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.

## **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.

**Abusive conduct** - conduct of an employee in the workplace that a reasonable person would find hostile, offensive, and unrelated to the county's legitimate interests

**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").

**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.

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

**Chairman** - The Chairman of the Board of Commissioners.

**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."

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

**County Government** - Synonymous with all those matters under the jurisdiction of the Board of Commissioners.

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

**County employee** - A term that is a synonymous with an employee who is employed by the Board of Commissioners.

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

**Department Head** - The position with overall administrative responsibility for a department. When applicable, the term shall also include an elected official.

**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.

**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.

**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.

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

**Grievance** - The process outlined in Section 11 of these policies.

**Illegal substance** - a drug or other substance that satisfies the definition of "controlled substance" set forth in O.C.G.Z. 16-13-21(4)(2010)

**Interim Employee** - An employee temporarily assigned to a position without competition pending the probationary appointment. An interim employee shall only serve for a limited time. The interim employee must compete with other applicants to the extent the employee wants to receive a probationary appointment to the position.

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

**FLSA Mandated Overtime** - Compensation at the rate of time and a half in the form of compensatory time or cash payment that is mandated to be paid to nonexempt employees pursuant to the Fair Labor Standards Act (FLSA). For those employees who are not covered by 29 U.S.C. § 207(k), overtime eligibility accrues if a nonexempt employee works in excess of forty (40) hours during the applicable seven (7) day work period. For nonexempt county employees who can have a work period greater than seven (7) days pursuant to 29 U.S.C. § 207(k), overtime eligibility will be determined by reference to the work period established for those employees.

**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.

**Probationary Employee** - An employee serving the first six months of his or her appointment, promotion, re-employment, or reinstatement to any position in Cook County. A probationary employee is not a regular employee until successful completion of six-month 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. An administrative increase shall not be considered a promotion.

**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.

**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** - Generally synonymous with compensation except when circumstances dictate that it is being used to describe the method of payment received by FLSA exempt employees.

**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.

**Tobacco product** - any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. This includes, among other products, cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. This term also includes vaping devices.

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

**Voluntary overtime** - extra compensation awarded to FLSA exempt employees that is not mandated by the FLSA.

### Section 3. Position Classification and Pay Plan

- A. **Establishment.** The County Administrator shall be responsible for developing, maintaining and administering a position classification and pay plan covering all county employees. 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.
- 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.
  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 to one of the classes in the plan.
2. New Positions. When a new position is established and approved by the County Commission, the 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. The County Administrator shall allocate the new position to the new class approved by the County Commission.

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 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 Department of Labor 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.
- 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.
- 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 to the Department Head in writing the inaccuracy of the job description. The Department Head shall timely relay that information to the County Administrator.
- 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.
- 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 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 written approval of the County Administrator. Prior to implementing an exception to the general rule that new employees shall be paid the minimum rate of pay, the County Administrator shall set forth the reason(s) for invoking the exception in a writing to be placed and retained in the employee's personnel file.

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 in writing 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, but no 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 upon written approval from the County Administrator.
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:
  - 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.
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. An "administrative increase" shall not be considered  
a promotion.

**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.
3. In the case of an employee's position being reallocated  
to a lower classification, an employee's compensation  
shall not be reduced. The employee shall be permitted  
to continue at the present rate of pay, but shall not be  
entitled to a compensation increase until compensation  
ranges for the employee's performance level exceeds the  
present compensation.

- 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 or 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.**

**i. FLSA Mandated Overtime**

1. 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.
2. 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.
3. 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.
4. Because the FLSA obligates the county to pay overtime work even when it is unauthorized, Cook County views unauthorized overtime 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.
5. 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.

6. 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, Chairman or County Attorney 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.
7. An employee who records hours that were not actually worked shall be subject to serious disciplinary action, up to, and including possible termination of employment despite the county's progressive discipline policy.
8. *Section 15 governs overtime pay for holidays for the Sheriff's Office.*

**ii. Voluntary Overtime**

1. FLSA exempt employees are entitled to overtime when they work more than 50 hours between the 7 day period commencing Monday and ending the following Sunday.
2. Notwithstanding the foregoing, no FLSA exempt employee shall be entitled to overtime unless they produce a time sheet that documents that the employee worked in excess of 50 hours during the relevant 7 day period.
  - a. The time sheet shall be signed with a verification that the hours are true to the best of the employee's knowledge and belief.

- b. An employee is required to record the hours on the same day the hours are worked. A failure to contemporaneously record hours worked will disqualify the employee from overtime under this section even if the tendered time sheet reflects more than 50 hours.
  3. Overtime to FLSA exempt employees shall be compensated in the following manner: one hour of compensatory time for every hour worked in excess of 50 hours.
  4. The compensatory time awarded to FLSA exempt employees shall expire if not used within two (2) years of accrual.
  5. Compensatory time awarded to FLSA exempt employees shall have no cash value and shall not be paid out in cash form upon separation.
  6. FLSA exempt employees who record hours that were not actually worked shall be subject to serious disciplinary action, up to, and including possible termination of employment despite the county's progressive discipline policy.
- 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.
  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.
  10. Nothing in these policies shall be construed requiring the County Commission to fund merit increases.



**Section 5. Applications and Examinations**

- A. Announcement of Vacant Positions.** Except as otherwise provided below, all County employee vacancies 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 deems advisable. (Upon written request the County has the discretion to advertise for vacancies under the Constitutional Officers.) 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 will accept applications for at least 10 days following the announcement.
- B. Application Forms.** All applicants for positions of employment of Cook County shall submit an application with the County on forms provided by the County. The county shall employ no person unless and until such person has made application with the County.
- C. 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
- D. Citizenship.** 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.
- E. Accuracy of information.** The county relies upon the accuracy of information contained in employment applications, 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.
- F. Criminal history.**
- a. Applications for county employment 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 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 Cook County B.O.C. due to falsification of an application.

- b. 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.

**G. Employment Requirements.** All positions in the County 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.

**H. Rejection of Applications.** The County 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.

**I. Physical examinations**

- a. After an offer of employment has been extended to an individual and before the applicant begins his or her employment duties, 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.
- b. 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 provided that all other post-offer conditions have been satisfied.

- c. If the physical examination and/or medical history indicates that the individual cannot perform the essential physical requirements of the job for which he or she has been selected, the offer of employment will be withdrawn unless the individual can perform the essential job duties with the assistance of reasonable accommodations. Under such circumstances, the county will confer with the job applicant to identify any applicable reasonable accommodations. The applicant and his or her medical care providers will be permitted to suggest any such accommodations for County's consideration.
- d. If the selected individual falsifies any statements on the job application or makes a false statement regarding his or her physical condition or medical history, either to the examining physician or to the County, the individual shall be disqualified for employment or terminated if already employed.

**J. Drug testing of new employees.**

- a. 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 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 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 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 volunteer fire fighters assigned to a Fire Department and first responders (people who are applying for inclusion on first

responder or fire department rosters) 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.

- b. For purposes of this Section specifically and this policy generally, the term "illegal substances" 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 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.

**K. 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 Federal or State law requires retention for a longer period of time

## Section 6. Appointments

- A. **Appointments.** All county employees shall be appointed upon the recommendation of the appropriate department head and approval of the County Administrator.
- B. **Types of Appointments.** When initially hired, the County 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 new hire, someone promoted or transferred to a different position in County employment. 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. **Interim.** An interim appointment may be made prior to a probationary appointment when there is an immediate need to fill a vacancy.
    - a. No interim 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 as recommended by the County Administrator.
    - b. An employee may not attain "regular employee" status while serving an interim appointment.
    - c. Any pay increase associated with an interim appointment shall be temporary. Upon the expiration of the interim appointment, the interim employee shall be restored to the position and pay rate held immediately prior to the interim appointment. Notwithstanding the foregoing, if an interim appointment expires due to the interim employee being terminated for misconduct consistent with these policies, the interim employee shall not be entitled to restoration to the previously held position.
    - d. On occasion, it may be necessary to adjust an interim employee's FLSA classification during the pendency of the interim appointment. When a temporary adjustment is deemed to be necessary, the County Administrator and the interim employee will sign a document to be placed in the interim employee's personnel file memorializing the temporary adjustment to the interim employee's FLSA classification during the pendency of the interim 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 County employee given an initial probationary appointment shall be given a regular appointment upon completion of the probationary period.
5. **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.
6. **Open Competitive Appointments.** Positions to be filled by recruitment from outside the County employment 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. Factors such as education, job-related qualifications, and experience may be taken into account in making employment decisions. The County may require the applicant to submit proof of education and military service or any other such documentation as is deemed necessary.

## Section 7. Probationary Period

- A. **Objective.** The probationary period shall be (6) months in duration. The purpose of the probationary period is to evaluate the employee's fitness for continued service. During an employee's probationary period, the employee may be released or returned to his or her previous position without notice or the opportunity to grieve the personnel action, provided a vacancy exists in the previous position.
- B. **Duration.** The probationary period shall be six (6) months in duration. Notwithstanding the foregoing, the county and a probationary employee may mutually agree in writing to extend the probationary period beyond (6) six months when circumstances dictate that a longer review period is required. Such written agreement shall identify the length of the extended probationary period and be signed by the probationary employee and the County Administrator. Once signed, the written agreement shall be placed and retained in the probationary employee's personnel file.
- 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.
- 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.
- 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 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 County, as far as practicable, by promotion. To this end, examinations may be held at the call and under the direction of the County Administrator. Any such examinations shall be validated pursuant to the Uniform Guidelines on Employee selection Procedures.
- B. **Political or Partisan Endorsement Prohibited.** Promotions to positions in the County 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's compensation after transfer shall be influenced by a variety of factors, including budgetary considerations, whether the transfer was voluntarily sought by the employee and the pay grade of the position into which the employee is transferring. The County Administrator shall set forth in a writing to be placed in the affected employee's personnel file the rationale for the employee's compensation after transfer.



## 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 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 pay raise if such raises are applicable 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.

Notwithstanding any language to the contrary in these policies entitling employees to accrued pay upon their separations, no supervisory employee shall be entitled to any accrued pay upon separation unless adequate and sufficient performance evaluations are submitted for all employees who have not been evaluated within the past six (6) months.

- 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 department head. In the event that the department head is the evaluating supervisor, the written statement shall be forwarded to the County Administrator. If the department head or the County Administrator (when the department head is the evaluating supervisor) determines that an amendment to the evaluation is appropriate, the evaluation shall be so amended. If it is determined that no amendment is appropriate, the employee shall be notified of that decision in writing.

**Section 10. Separations**

**A. Types of Separation From the County Employment.**

Separations and/or terminations from positions in the County Employment shall be designated as one of the following:

1. Resignation
2. Abandonment of job
3. Lay-off
4. Inability to perform the essential functions of the position even with a reasonable accommodation
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 fourteen (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.

The County Administrator has the discretion to separate the resigning employee prior to the expiration of the fourteen (14) day notice period. In the event that the employee is prematurely separated, the employee will be entitled to accrued leave as if the employee had served the entirety of the fourteen (14) day notice period.

**All written resignation notices shall be provided to Payroll, the resigning employee's supervisor and the County Administrator within 24 hours of receipt."**

- 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 the county for job abandonment.

Any employee terminated for job abandonment shall have the right of appeal to the County Commission in the manner set forth in Section 11 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 reorganization 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 in the Resolution authorizing the lay-off.
4. **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.

For purposes of this policy, the effective date of lay-off shall be the date through which the employee is compensated for work performed.

5. **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 6.
6. **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 as if they had never before been employed by the county.

- E. 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 individual's current position in terms of pay, status, etc.

- F. 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.
- G. 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 retirement benefit plan applicable to his/her employment.
- H. 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 and sick leave if employed +25 years), is less than or equal to \$2,500.00 (or the maximum disbursement amount then in effect under O.C.G.A. § 34--7--4), all of the compensation shall be distributed to the 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.

## Section 11. Discipline procedures.

- A. Supervisors.** Supervisors are responsible for ensuring that County policies, procedures are followed and for applying disciplinary action when the policies and procedures are not followed.
- B. Progressive Discipline.** 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 (which shall be documented in writing), 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.

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.

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

With the exception of harassment complaints, employees are encouraged to use this procedure when they have complaints or misunderstandings regarding any employment practice, including performance reviews and payroll issues.

Complaints about harassing conduct shall be communicated pursuant to the process outlined under the harassment policy.

All employees are expected to follow the chain of command when grieving. Employees or Department Heads are not allowed to circumvent the chain of command.

1. **Disciplinary action subject to review.** 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. In the event that a termination is grieved, the grievance process shall take place after the termination.
2. **Timing.** An employee shall present the grievance in writing to his/her supervisor within three (3) business days. Supervisors are expected to respond within five (5) business days. In no event, shall the Supervisor respond more than ten (10) days after the presentation of the written grievance.
3. **Appeal to County Administrator.** If the supervisor's written response is not satisfactory, then the grieving employee is authorized to submit a written appeal to the County Administrator provided that the written appeal is filed within five business 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 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.
4. **Discretionary Appeals to the County Commission.** The County Administrator's issuance of a written decision on the grievance is the final step in the grievance procedure unless the County Commission by majority vote

authorizes an appeal to the County Commission. An employee who desires to appeal the County Administrator's decision to the County Commission shall submit a written Request to Appeal ("Request") within five (5) business days of the County Administrator's decision. The Request shall be deemed timely if delivered to the County Administrator before the expiration of the five (5) business day deadline. The County Administrator shall cause the Request to be placed on the agenda of the Commission meeting immediately following the receipt of the Request. If the Request is approved by majority vote, the grieving employee shall appear before the County Commission at the time and date established by the County Commission. If the County Commission denies the Request, the County Administrator's decision becomes final and binding. A tie vote shall be considered a denial of a Request.

**D. 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.

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.

**E. Non-exhaustive list of misconduct.**

- i. 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).
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 violation of county ordinances, administrative regulations, departmental rules, or these rules and regulations.
12. The consumption, sale, or possession of alcoholic beverages and/or illegal substances while at work, or being under the influence of an alcoholic beverage and/or illegal substance on the job regardless of when the alcohol and/or illegal substance was consumed.
13. The discovery of a false statement in an application or any writing submitted in connection with seeking employment or a promotion regardless of when it is discovered during the employment relationship.
14. Acceptance of gratuities in conflict with state law or county ordinance.
15. Political activity in conflict with Section 18 of these Policies and Procedures.
16. Engaging in offensive conduct or using offensive language toward the public, supervisory personnel, or fellow employees.



17. Harassment on the basis of race, color, sex, religion, national origin, citizenship, age, or disability.
18. Failure to report immediately to the supervisor any job-related accident or injury or unsafe working condition.
19. Use of tobacco products on/in county property including equipment and vehicles.
20. Gambling during work hours or on county property.
21. Conducting non-county business, including personal business or projects, during working hours.
22. Creating or contributing to unsanitary or disorderly housekeeping conditions.
23. Failing to notify the county promptly when you will be absent from work or late for work. Promptly for purposes of this provision means within one hour of scheduled start time unless circumstances prevented such notice.
24. Conduct which endangers you, a member of the public or another employee.
25. Failure to use safety equipment required either by the County or law (state and federal).
26. Failure to comply with safety rules.
27. Non-exempt employees engaging in work activities prior to or after their scheduled shift without the express permission of the applicable department head.
28. 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.
29. Insubordination-Refusal or failure to carry out instructions or refusal or failure to perform work assignments as required by supervisory personnel.
30. 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.

31. Operating or tampering with County equipment without authorization.
32. Restricting work productivity, encouraging or persuading others to restrict work productivity or supporting an interruption of work.
33. Failure to supervise subordinates.

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

1. Obtaining materials or tools on fraudulent orders or misrepresentations.
2. Harassment on the basis of race, color, sex, religion, national origin, citizenship, age, or disability.
3. The discovery of a false statement in an application.
4. Bringing and or consuming or possessing alcohol illegal substances at work or working on the job under the influence of alcohol or illegal substances.
5. 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.
6. Giving false information in making application for employment or pursuant to any County inquiry or investigation.
7. Abusive or threatening language to any employee and the making of false or malicious statements or defaming another employee, County official, the County or a member of the public.
8. Fighting or attempting bodily injury to others on a work site except in clear cases of self-defense.
9. Stealing or hiding any property of other employees, persons or County officials.
10. 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.

11. Being absent without authorization three (3) consecutive working days without calling in when circumstances did not prevent the employee from calling in.
12. 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 authorization from the County. (See Confidential Information.)
13. Abusive conduct toward a fellow employee, County official or member of the public.

**F. Other conduct can result in discipline.** 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.**

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

**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 necessary and ordinary expenses incurred for registration, food and lodging.
1. Employees will be paid mileage for the use of their personal vehicle at the current Federal reimbursement rate.
  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. 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 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).
- D. **Attendance Records.** Regular attendance reports shall be prepared and submitted by each department head as requested by the County and in the form designated by the County.
- E. **Applicant Records.** Records of applicants who are not hired shall be maintained in accordance with state and federal regulations.

**Section 14. Payroll**

**A. 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 or a designee shall document the payroll adjustments and its rationale in writing to be filed and maintained in the affected employee's personnel file.

**B. Recovery of Salaries Improperly Paid.** Present and former officers and employees shall be held liable for the return of wages 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.

**C. 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, or other personal financial investment plans authorized by the Board of County Commissioners.

**D. Issuance of Paychecks.** Paycheck will be normally issued every other Friday for the pay period ending the two (2) weeks preceding the Monday 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 Commissioners 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 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 the number of hours they normally work each day, exclusive of overtime.

Permanent part-time employees will only be paid for holidays based on the number of hours they normally work each day that fall on their regularly scheduled work days.

Temporary employees will not be paid for holidays not worked.

3. Any employee 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 same number of hours for the holiday.

Employees who are not scheduled to work on an official county holiday shall be paid 8 hours for the holiday.

**D. 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 employment of the County 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, interim, or emergency appointments, and employees not deemed to be full-time employees of the County, 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
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
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
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
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



Employees hired after the adoption of these Personnel Policies and Procedures will accrue annual leave at the rate stated above. Employees hired prior to March 5, 2001 will continue to accrue annual leave at the rate in place at that time.

**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 exceeding 30 days may not 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.

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.

The Board of Commissioners reserve the right to evaluate unforeseeable circumstances which occur at or near the end of the fiscal year which prohibit an employee from exercising their use of accrued annual leave prior to its loss to determine if the time will be allowed to be carried into the next fiscal year or paid out in cash.

**F. Sick Leave.**

1. **General.** Sick leave shall be accrued by 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 as soon as practicable taking into account the employees circumstances.

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 the 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
  - 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.
  - 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.
5. **Maximum Allowable Accumulation.** Unused sick leave shall accumulate from year to year.
6. **Payment of Unused Sick Leave.** Once an employee has accrued 60 days of leave, based on their regularly scheduled work day, hours over 60 days will be paid to the employee in December of each year. When an employee is separated from the service, no payment shall be made for any unused sick leave **unless the employee has been employed by the county for 25 or more continuous years.**
7. **Shared Sick Leave.** Upon written request sick leave may be contributed to another employee with a recommendation by the Department Head and approval of the County. Upon approval employee contributing the leave hours must authorize the contribution by submitting appropriate documentation to payroll clerk. Shared Sick Leave will only be approved if the employee requesting the leave donation has exhausted all of their own sick and annual leave.

Shared sick leave may be used in the following circumstances:

- 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.

**G. Other Types of Leave.**

**1. Military Leave.**

- a. Any regular employee who leaves the employment of the County 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 afforded 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.
- 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 employment of the County, 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.** The county will pay up to three working days for employee's 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 person who is domiciled in the employee's household. **This leave is limited to two times in one calendar year and is not deducted from sick or annual leave.**
3. **Workers' Compensation.** An employee who sustains or experiences 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 concerning the injury.
4. **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.
5. **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.

6. 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).
7. 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.
8. 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.

**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.**

## **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 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.

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.

- E. **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.

## **Section 18. Political Activities**

No employee employed by the County 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 amount allowed by Federal Regulations.
- 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:** An employee's entitlement to retirement benefits is defined by the retirement plan applicable to that individual's employment.
- 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 individual 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 employee's own contribution into the retirement plan not to exceed six (6%) percent of the Gross Salary up to a maximum set by Federal Regulations.  
  
Employees hired prior to March 5, 2001 with continuous, full-time employment shall be eligible to receive a County paid contribution of twelve (12%) percent of the Gross Salary up to the maximum set by Federal Regulations.
- 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 reporting 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.

**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.

**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 County Attorney.

## **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.
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 including any personally owned electronic devices.

**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 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 (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 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 uploading, 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.

#### **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.

**COUNTY-PROVIDED DEVICES**

When required by business necessity, the county may issue cell phones 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 cell phones 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.

## **Section 23: CERTIFICATION INCENTIVE POLICY**

### **Purpose/Objective**

Cook County believes that employees who receive certifications and licenses that directly relate to their jobs are able to perform their duties more efficiently and capably than their uncertified and unlicensed colleagues. As a result, the county desires to create a framework that creates an economic incentive for employees to acquire such certifications and licenses.

### **Definitions**

Approved certifications and licenses and Approved certifications and/or licenses mean those current and valid job relevant certifications and licenses that are identified in **Section I of this Policy**.

Artificial lapse or Artificially lapsed means when an approved certification and/or license ceases to be valid prior to its natural expiration date.

Eligible individuals mean those employees who possess approved certifications and licenses relevant to the eligible positions they occupy.

Eligible positions mean those positions identified in **Section I** of this Policy eligible for incentive compensation.

Formerly eligible individuals mean those employees currently occupying eligible positions whose approved certifications and/or licenses have artificially lapsed. An individual whose incentive compensation is based on holding multiple approved certifications and/or licenses attains the status of formerly eligible individual upon the artificial lapse of at least one of those approved certifications and/or licenses.

*Incentive compensation* means the additional compensation paid to eligible individuals employed in eligible positions pursuant to this Policy.

*Non-eligible certifications and licenses* mean those certifications and licenses that are identified as essential job requirements. For example, a CDL is a non-eligible certification and license for any position requiring the attainment and maintenance of a CDL.

*Other certifications and licenses* mean all certifications and licenses other than (1) approved certifications and licenses and (2) non-eligible certifications and licenses.

*Successor employee* means an individual who is hired, promoted or

transferred to an eligible position.

The singular form of the above defined words when used throughout this Policy shall have the same meaning assigned to the plural form.

**I. Approved Certifications and Licenses**

A. The certifications and licenses listed in the below table are deemed by the county to be job relevant certifications and licenses for the identified eligible positions. Eligible individuals will be entitled to the incentive compensation associated with their eligible positions upon presenting to the County Administrator definitive proof of attainment of the approved certifications and licenses in addition to the expiration date(s) of those certification(s) and/or license(s).

Certifications and Licenses	Eligible Positions	Amount of Incentive Compensation (annual)
ICC Residential Building Inspector	Building/Zoning Personnel	\$1,000.00
ICC Residential Electrical Inspector	Building/Zoning Personnel	\$1,000.00
ICC Residential Plumbing Inspector	Building/Zoning Personnel	\$1,000.00
ICC Residential Mechanical Inspector	Building/Zoning Personnel	\$1,000.00
ICC Commercial Building Inspector	Building/Zoning Personnel	\$1,000.00
ICC Commercial Electrical Inspector	Building/Zoning Personnel	\$1,000.00
ICC Commercial Plumbing Inspector	Building/Zoning Personnel	\$1,000.00
ICC Commercial Mechanical Inspector	Building/Zoning Personnel	\$1,000.00
GACE - Georgia Association of Code Enforcement Certification Program 2 year program	Building/Zoning Personnel	\$1,000.00



UGA County Clerk Certification	Deputy Clerk / County Clerk appointed by Board of County Commissioners	\$1,000.00
UGA Finance Officers Certification Program 1 and 2	Employees responsible for Budget / Finance appointed by Board of County Commissioners	\$1,000.00
Professional in Human Resources Certification (PHR)	Employees responsible for Human Resource Activities	\$1,000.00
County Commissioners Certificate Program	Board of County Commissioners	\$1,000.00
Certified Landfill Operator Certificate	Landfill Supervisor Landfill Staff	\$1,000.00
National Safety Council Flagging Instructor Certification	Public Works Supervisors/ Landfill Supervisor	\$1,000.00
Georgia Erosion and Sediment Control Certification	Building/Zoning Road Dept Staff, Supervisor/ Landfill Staff, Supervisor	\$1,000.00
Certified Master's Education Program	Deputy / County Clerk	\$1,000.00

- B. Once an eligible individual has tendered definitive proof of attainment of the approved certifications and licenses in addition to the expiration date(s) of the certification(s) and/or license(s), the County Administrator shall ensure that the eligible individual is paid the applicable incentive compensation until the earlier of the employee vacating the eligible position or the expiration (natural or otherwise) of the employee's

certification(s) and/or license(s).

- C. Because the County Administrator is obligated to cease paying incentive compensation upon the expiration of the most current certification(s) and/or license(s) on file, it is the eligible individual's obligation to ensure that new certification(s) and/or license(s) are on file prior to the expiration of any previously submitted certification(s) and/or license(s). An eligible individual who fails to ensure that current certifications/licenses are on file shall not be entitled to any retroactive incentive compensation for any pay period during which current certifications/licenses were not on file.

## **II. Payment of Incentive Compensation**

- A. Eligible individuals who hold approved certifications and licenses as of the first day of the county's fiscal year shall be paid the incentive compensation on a pro rata basis each pay period throughout the fiscal year.

## **III. Nature of Incentive Compensation**

- A. Incentive compensation is a compensation supplement that belongs to the eligible individual.
- B. Successor employees **shall not** be entitled to their predecessors' incentive compensation. A successor employee shall only be entitled to incentive compensation to the extent that the employee has one or more approved certifications and licenses relevant to the eligible position occupied by the successor employee.
- C. The County Administrator shall ensure that an appropriate notation is included in each eligible individual's personnel file reflecting the amount and basis of the incentive compensation paid to the eligible individual. Copies of any and all approved certifications and licenses supporting the incentive compensation shall also be placed in each eligible individual's personnel file after appropriate redaction (if necessary).

## **IV. Maximum amount of Incentive Compensation**

No eligible individual shall receive more than \$2,000 in incentive compensation per fiscal year regardless of the number of approved certifications and licenses held by that eligible individual.

## **V. Other Certifications and Licenses**

- A. From time to time and when appropriate, the County Administrator shall recommend to the Board of Commissioners other certifications and licenses for inclusion in the approved certifications and licenses category. For each certification and license so recommended, the County Administrator shall propose an appropriate amount of incentive compensation taking into account the number of hours necessary to attain the certification and/or license, the value of the certification and/or license from the perspective of county government and the taxpayers, and the current incentive compensation paid for comparable approved certifications and licenses, if any.
- B. At a minimum, other certifications and licenses shall only include those certifications issued by a professional group or association that include one or more of the following characteristics: minimum of 100 hours of training; a required number of years of experience within the profession; a required educational level; and/or a required body of knowledge.
- C. Under no circumstances shall the County Administrator recommend non-eligible certifications and licenses for inclusion in the approved certifications and licenses category.

## **VI. Obligations of formerly eligible individuals**

- A. A formerly eligible individual is obligated to timely inform the County Administrator of an artificial lapse of any approved certifications and licenses that form the basis of the employee's incentive compensation. For purposes of this policy, "timely inform" shall mean prior to the next pay period following the occurrence of the artificial lapse or within five (5) business days of the occurrence of the artificial lapse, whichever last occurs.
- B. A formerly eligible individual's failure to timely notify the County Administrator of an artificial lapse may result in immediate discharge consistent with the Cook County Procedures and Policy Manual.
- C. Within thirty (30) days of receipt, formerly eligible individuals are obligated to reimburse to the county all incentive compensation paid to them while they have the status

of formerly eligible individuals. This reimbursement obligation shall arise anew with each pay period, and a failure to timely reimburse incentive compensation shall constitute a separate and distinct violation for each pay period. Nonetheless, a single violation may result in immediate discharge consistent with the Cook County Procedures and Policy Manual.

- D. If a formerly eligible individual's incentive compensation is based on holding multiple approved certifications and/or licenses and at least one of those approved certifications and/or licenses remains valid, the formerly eligible individual shall only be obligated to timely reimburse the portion of the incentive compensation that is attributable to the certifications and/or licenses that artificially lapsed.

**VII. Effective Date**

- A. This Policy shall become effective on the first pay period occurring after the commencement of the county's next fiscal year.
- B. All compensation supplements based on certifications and licenses currently in effect shall irrevocably cease upon the expiration of the county's current fiscal year.

## **Section 24: 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. The term 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. The term shall not include individuals volunteering for a county constitutional officer.

**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 except in those limited circumstances identified below in the Exceptions portion of this policy.

**Exceptions**

A. **POST Certified employees.** Employees and unpaid volunteers who hold current peace officer certification from the Georgia Peace Officer Standards and Training Council (P.O.S.T.) are not prohibited from carrying or possessing firearms while in the scope and course of county employment.

B. **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.

**Storage of firearms in Personal vehicles**

Nothing in this Weapons Policy shall prevent an employee or unpaid volunteer from storing one or more firearms in a locked personal vehicle while parked on or off county premises during the scope and course of county employment provided that (1) the firearm is locked out of sight within the trunk, glove box, or other enclosed compartment or area within such personal vehicle and (2) the employee or unpaid volunteer is 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.

## **Section 25: 601 FMLA Leave**

Cook County. provides leave under the Family and Medical Leave Act of 1993 ("FMLA") to eligible employees. Cook County. will comply with the FMLA (including all implementing regulations and Department of Labor Guidelines). This FMLA policy is intended to explain the FMLA, and the policies that Cook County has adopted concerning same. This policy neither adds to nor subtracts from the rights and obligations under the FMLA.

### **TYPES OF LEAVE COVERED**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition.
- 4) The serious health condition of the employee that .makes the employee unable to perform the functions of the employee's position.
- 5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service.

#### **The qualifying exigency must be one of the following:**

- a. short-notice deployment
- b. military events and activities
- c. child care and school activities
- d. financial and legal arrangements
- e. counseling
- f. rest and recuperation
- g. post-deployment activities, and
- h. additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National

Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.

a) A "son or daughter of a covered service member" means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

b) A "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."

c) Under the FMLA, a "spouse" means a husband or wife, including those in same-sex marriages, which were made legal in all 50 United States as of June 26, 2015.

d) The "next of kin of a covered service member" is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin. For example, if a covered service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the



covered service member's next of kin. Alternatively, where a covered service member has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered service member's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered service member pursuant to § 825.122(k).

**"Covered active duty" means:**

(a) "Covered active duty" for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.

(b) (2) Covered active duty or call to covered active duty status in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation, in accordance with 29 CR 825.1

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period. -

- 6) Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

**The term "covered service member" means:**

(a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment,

recuperation, or therapy.

**The term "serious injury or illness means:**

(a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

(c) Outpatient status, with respect to a covered service member, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

**SERIOUS MEDICAL CONDITION DEFINED**

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider. Employees with questions about what illnesses are covered under this FMLA policy or under the company's sick leave policy are encouraged to consult with the County Administrator.

**AMOUNT OF LEAVE**

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during the applicable 12-month period identified below.

If spouses both work for the company and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the spouses may only take a

combined total of 12 weeks of leave. If spouses both work for the company and each wishes to take leave to care for a covered injured or ill service member, the spouses may only take a combined total of 26 weeks of leave

**EMPLOYEE STATUS AND BENEFITS DURING LEAVE**

While an employee is on leave, Cook County. will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, Cook County will require the employee to reimburse the county the employer portion of the employee's health insurance premium paid by the county during the leave period.

Under current county policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received by the 10th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. Cook County will provide 15 days' notification prior to the employee's loss of coverage.

Alternatively, Cook County. may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which the county maintains health coverage by paying the employee's share after the premium payment is missed.

If the employee contributes to a life insurance or disability plan, Cook County will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or Cook County may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If Cook County maintains coverage, the county may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work

**PAID FMLA LEAVE**

Leave under the FMLA is generally unpaid. However, the county has made provisions for employees to receive pay during FMLA as

explained below.

An employee taking FMLA leave for any of the qualifying reasons shall use in the order presented the following accrued paid leave concurrent with the FMLA leave: (1) compensatory time accrued under section 7(o) of the Fair Labor Standards Act ("FLSA"); and (2) personal paid leave. That portion of FMLA leave shall be referred herein as "the paid portion of FMLA leave."

If the employee exhausts his/her accrued compensatory time prior to the completion of FMLA leave, employee shall be required to use his/her accrued personal paid leave for the duration of the FMLA leave.

If employee exhausts his/her accrued compensatory sick leave prior to the completion of FMLA leave, employee shall be required to use his/her accrued vacation leave for the remainder of the FMLA leave.

If employee exhausts all accrued compensatory time and paid personal leave prior to the expiration of the FMLA leave, the remainder of the FMLA leave shall be unpaid.

The paid portion of FMLA leave shall count against the employee's FMLA leave entitlement and be deemed to run concurrently with FMLA

**EXCEPTION TO USE OF ACCRUED LEAVE**

In certain FMLA qualifying situations, an employee will receive payment under workers compensation or a disability benefit plan while on FMLA leave ("disability portion of FMLA leave"). An employee is neither required nor permitted to use accrued compensatory time and/or paid personal leave during the disability portion of FMLA leave. Nonetheless, the disability portion of FMLA leave shall count against the employee's FMLA leave entitlement and be deemed to run concurrently with FMLA.

**EMPLOYEE STATUS AND BENEFITS DURING LEAVE**

While an employee is on leave under the FMLA, the county will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the company will require the employee to reimburse the company the amount it paid for the employee's health insurance premium during the leave period.

Under current county policy, employees pay a portion of the health care premium. During any portion of paid FMLA leave, the county will continue to make payroll deductions to collect the employee's

share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received by the county by the \_\_\_\_\_ day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

The county will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid FMLA leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

#### **INTERMITTENT LEAVE OR A REDUCED WORK SCHEDULE**

An employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The county may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the county and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or

because of the serious health condition of a family member, the employee should try to reach agreement with the county before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

**PROCEDURE FOR REQUESTING FMLA LEAVE**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the HR Manager. Within five business days after the employee has provided this notice, the HR Manager will complete and provide the employee with the DOL Notice of Eligibility and Rights.

**30 DAY NOTICE**

Employee must give the county at least 30 days advance notice of the need to take FMLA leave when employee knows about the need for the leave in advance and it is possible and practical to do so. When the employee has no reasonable excuse for not providing at least 30 days advance notice, the county may delay the FMLA leave until 30 days after the date the tardy notice is provided.

If the employee could not have provided 30 days advance notice, the employee must give notice of the need for such leave as soon as possible and practical.

**DESIGNATION OF FMLA LEAVE**

Within five business days after the employee has submitted the appropriate certification form, the HR Manager will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

**INTENT TO RETURN TO WORK FROM FMLA LEAVE**

On a basis that does not discriminate against employees on FMLA leave and does not interfere with the employee's use of FMLA leave, Cook County may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

**CERTIFICATION**

**EMPLOYEE'S OWN SERIOUS MEDICAL CONDITION**

Cook County requires employees who are seeking FMLA leave based on the employee's own serious medical condition to provide medical certification to support that type of FMLA leave request. To facilitate the provision of the required medical certification, employee will be provided Form WH-380-E.

**SERIOUS MEDICAL CONDITION OF FAMILY MEMBER**

Cook County requires employees who are seeking FMLA leave based on the serious medical condition of the employee's family member to provide medical certification to support that type of FMLA leave request. To facilitate the provision of the required medical certification, employee will be provided Form WH-380-F.

**QUALIFYING EXIGENCY FOR MILITARY FAMILY LEAVE**

Cook County requires employees who are seeking FMLA leave based on the qualifying exigency for military family leave. To facilitate the provision of the required certification, employee will be provided Form WH-384.

**SERIOUS INJURY OR ILLNESS OF COVERED SERVICE MEMBER**

Cook County requires employees who are seeking FMLA leave based on the serious injury or illness of covered service member qualifying exigency for military family leave. To facilitate the provision of the required certification, employee will be provided Form WH-385.

**RECERTIFICATION**

Cook County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days unless circumstances have changed significantly, or if the county receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the county may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence.

**APPLICABLE 12 MONTH PERIOD**

For FMLA purposes (other than military caregiver leave), Cook County elects to use a rolling 12-month period measured backward. Each time employee requests leave, the county will compute the amount of FMLA leave employee has taken in the last 12 months and subtract it from the 12 weeks of available leave. The balance remaining is the amount of FMLA leave that the employee is entitled to take at that time.

This election to utilize the rolling 12 month period measured backward shall become effective sixty (60) days after the date on which the County Commission voted to approve these policies.

For military caregiver leave under the FMLA, the 12 month period begins on the first day the employee takes leave for this reason

and ends 12 months later (rolling 12 month period measured forward). FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

**FITNESS-FOR-DUTY CERTIFICATION**

All employees who have taken FMLA leave for their own serious medical condition shall be required to present a fitness-for-duty certification prior to returning to work. That requirement shall be communicated to employees on Form WH-382. The required fitness-for-duty certification shall address the employee's ability to perform the essential functions of the employee's job. At the same time that the county advises the employee that he/she is eligible for leave under the FMLA, the employee shall be provided with a copy of the employee's job description that outlines the job's essential functions to facilitate the production of the required fitness-for-duty certification.

**ACCRUAL OF BENEFITS WHILE ON LEAVE**

An employee's entitlement to benefits other than group health benefits during a period of FMLA is governed by the county's established policy for providing such benefits when the employee is on other forms of leave (paid or unpaid, as appropriate). Employees are directed to the county's accrual of benefits found at Section 15 and 20.



## **Section 26: Non-FMLA Leave of Absence**

Cook County in certain circumstances will provide leaves of absence when the leave does not qualify under the FMLA. Such leave shall be known as "miscellaneous leave."

As soon as an employee becomes aware of the need for miscellaneous leave, the employee shall communicate the miscellaneous leave requests to employee's supervisor. An employee's unsuccessful FMLA leave request shall be construed as a request for miscellaneous leave.

Personal leave, if granted, ordinarily will initially consist of no more than 30 calendar days ("initial period of miscellaneous leave"). If this initial period of miscellaneous leave proves insufficient, employee shall request additional miscellaneous leave in writing. In those circumstances when an employee's initial request for leave exceeds 30 calendar days, the county may grant an initial leave period in excess of 30 calendar days.

Miscellaneous leave will be without pay. Nonetheless, during miscellaneous leave, an employee shall be required to use all accrued compensatory time and paid personal leave in the manner mandated for FMLA leave.

Upon receipt of a miscellaneous leave request, the County Administrator shall timely consider the request by determining whether granting the request would unduly impair operational efficiency. The County Administrator will assess whether the request would unduly impair operational efficiency by evaluating a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will be provided by Cook County for the initial 30 days of miscellaneous leave per calendar year. Upon the expiration of the initial period of miscellaneous leave, employees shall become responsible for the full costs of these benefits if they wish coverage to continue unless coverage is mandated by the Affordable Care. To facilitate continued coverage without interruption, Cook County shall timely forward a COBRA notice in connection with the expiration of the initial period of miscellaneous leave. Upon returning from personal leave, health insurance benefits shall resume.

Benefit accruals, such as personal leave and holiday benefits, will be suspended during any portion of miscellaneous leave that is not covered by the employee's compensatory time or paid personal leave. Benefit accruals will resume upon return to active employment.

When miscellaneous leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, Cook County cannot guarantee reinstatement in all cases.

**Section 27: BREAK TIME for NURSING MOTHERS**

Cook County supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child. Consistent with this policy, Cook County shall provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother.

Cook County shall provide reasonable break time for nonexempt employees to express breast milk for her nursing child up to one year after the child's birth. In furtherance of this commitment, Cook County shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. During this break time, employees are completely relieved from duty

A small refrigerator reserved for the specific storage of breast milk shall be made available. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

Nursing mothers wishing to use the breast feeding space must request/reserve it by contacting the County Clerk. Any additional rules shall be posted at the breastfeeding space.

Cook County shall not pay employees during this break time unless the county provides compensated breaks for other employees. Non-exempt employees are responsible for accurately noting breastfeeding break times on submitted time sheets.

The county needs to designate an individual.

## **Section 28: Medical Information Privacy**

This Medical Information Privacy policy describes how health information about employees may be used and disclosed by Cook County and how employees can get access to this information. Cook County is committed to maintaining and protecting the confidentiality of our employees' personal medical information in compliance with the Health Insurance Portability and Accountability Act (HIPAA). The County Clerk is the designated Privacy Officer for all employee medical information.

This policy of privacy practices applies to the health plans of Cook County that are covered by privacy regulations, for example health benefit plans, dental plans, employee assistance plans, and pharmacy benefit programs (collectively referred to as the Benefit Plans). The Benefit Plans are required by federal and state law to protect the privacy of employees' individually identifiable health information and other personal information and to provide employees with notice about their policies, safeguards, and practices. When the Benefit Plans use or disclose employees' protected health information, the Benefit Plans are bound by the terms of this policy, or a revised policy, if applicable.

The Benefit Plans will not use employees' protected health information or disclose it to others without the employee's' authorization, except for the following purposes:

**Treatment** - The Benefit Plans may disclose employees' protected health information, or employee's' covered dependents' protected health information, to a health care provider or administrator for its provision, coordination, or management of the employee's' health care and related services. For example, prior to providing a health service to an employee, the employee's doctor may ask for information concerning whether and when the service was previously provided to the employee. The Benefit Plans may use and disclose employees' protected health information for treatment activities of a health care provider.

**Payment** - The Benefit Plans may use and disclose employees' protected health information to facilitate payment of premiums for employees' coverage, and to determine and fulfill their responsibility to provide employees' medical, dental, and EAP benefits. For example, employees' protected health information may be used to make coverage determinations, administer claims, and coordinate benefits with other coverage employees may have. The Benefit Plans may also disclose employees' protected health information to a health plan or administrator to determine employees' eligibility for coverage, or for the health care provider to obtain payment for health care services provided to the employee.

**Section 29: Disability Accommodation**

Cook County is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

**Section 30: POLICIES RELATING TO NONEXEMPT EMPLOYEES**

**Commented [DC1]:** Can be added to overtime section or be a standalone section

Nonexempt employees shall accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They shall also record the beginning and ending time of any split shift or departure from work for personal reasons.

Nonexempt employees are prohibited from accessing job-related e-mails and conducting other business outside of work hours.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Nonexempt employees should report to work no more than 0 minutes prior to their scheduled starting time nor stay more than 0 minutes after their scheduled stop time without expressed, prior authorization from the applicable department head.

### **Section 31: Outside Employment**

Full-Time Employees may hold outside jobs as long as they receive prior written approval from the County Administrator. In considering outside employment requests, the County Administrator shall consider whether the employee is likely to be able to meet the performance standards of the county job and whether the outside employment constitutes a conflict of interest. All employees, regardless of whether they have outside employment, will be judged by the same performance standards and will be subject to the county's scheduling demands, regardless of any outside work requirements.

If the County Administrator determines that an employee's outside work **interferes** with performance or the ability to meet the requirements of Cook County as they are modified from time to time, the County may require the employee to terminate the outside employment if he or she wishes to remain employed with Cook County.

Outside employment that constitutes a conflict of interest is prohibited.

Employees may not receive any income or material gain from outside individuals and entities for materials produced or services rendered while performing their county jobs.

Additionally, while on leave of absence, including but not limited to leave under the FMLA, an employee is prohibited from engaging in outside work for compensation and prohibited from providing physical labor to operate any type of business enterprise for profit. This prohibition shall not apply to ordered military service. Compensatory time leave and vacation leave shall not be considered a "leave of absence" under this policy.

## **Section 32: WHISTLEBLOWER POLICY**

### **Purpose/objective**

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.

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.

### **Definitions**

**"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.

**"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 identity of the individual communicating the complaint.

## **2. Whistleblower Complaint Form**

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**

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.

## **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**

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.

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. OUTSIDE WHISTLEBLOWER COMPLAINTS**

**1. Retaliation**

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 determines 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.

