

SECTION 1

AUTHORITY AND GENERAL PURPOSE

A. Scope and Purpose

The Board of Commissioners of Barrow County, Georgia, read and duly adopted "A Resolution to Establish a new Policy Manual" at its Commission meeting on _____. All prior Personnel System policies of the Barrow County Board of Commissioners, including, but not limited to, the policy dated November 1977 and subsequent amendments thereto are hereby rescinded and superseded.

The rules and regulations contained in this Policy Manual establish the policies and procedures for the maintenance and administration of the Barrow County Civil Service System within Barrow County as authorized by Georgia law and the duly adopted ordinance and resolution passed by the Barrow County Board of Commissioners (the "Board") as required by O.C.G.A. Section 36-1-21. Pursuant to the ordinance and resolution passed by the Board, positions of employment subject to the jurisdiction of the Board and subject to the jurisdiction of elected and constitutional officers of the County are covered by the Civil Service System based upon the written application of the Board and the respective elected and constitutional officers. Once positions of employment are made subject to the Civil Service System, such positions shall not be removed thereafter from said coverage.

B. Administration

The administration of the policies set forth herein is vested in the Barrow County Board of Commissioners and the Commission designates the responsibility and authority to enforce these policies to the Human Resources Director. These policies are intended to provide a source of information to employees and to cover most personnel issues that may arise. The Human Resources Director in keeping with the intent of the Policy Manual shall interpret those issues that are not specifically covered. If, at any time during the operation of this Policy Manual, the position of Human Resources Director is vacant, or the Human Resources Director is otherwise unable to administer these policies, the Chief of Operations or an employee designated by the Commission Chairman will be responsible for performing the duties of the Human Resources Director until the Human Resources Director position is filled or the Human Resources Director can otherwise administer the Policy Manual.

C. Applicability

These rules and regulations shall apply to all employees of the Barrow County Board of Commissioners and all employees of elected and constitutional officials who have made application to the Board for coverage of their employees under these policies (referred to herein as "employees"). Employees of such elected and constitutional officials shall remain employees

of such officials for all other purposes. For the purposes of this Policy Manual, the term “County” shall mean the Board and any elected and constitutional officials who have applied to have their employees covered by this Policy. For purposes of this Policy Manual, the term “Department Director” shall be defined as the person responsible for the work performed and the accountability of employees in a department and shall include elected officials such as the Clerk of Court, Probate Judge, Tax Commissioner, Magistrate Judge, and Sheriff.

Except as otherwise provided in this Policy Manual the following persons shall be exempt from the provisions of this Policy Manual:

1. Individual Elected Officials;
2. Members of appointed boards and commissions;
3. Temporary, seasonal, and part-time positions.

D. Amendment to Policy Manual

These policies may be modified at any time by the Barrow County Board of Commissioners and shall reflect, and be superseded by, any changes mandated by state or federal legislation.

E. Statement of Equal Employment Opportunity Policy

The Barrow County Board of Commissioners and Department Directors will provide equal employment opportunities without regard to race, color, sex/gender, ancestry, religion, age, national origin, disability, veteran status, citizenship status, other protected group status, or as otherwise may be prohibited by federal and/or state law. This applies to all phases of employment including, but not limited to, recruitment, hiring, promotion, demotion, transfer, compensation, and benefits. The Human Resources Director is responsible for ensuring that the County complies with all applicable federal and state laws. If you have any concerns regarding the County’s equal employment opportunity policies, report those concerns to the Human Resources Director.

F. Departmental Operating Rules and Regulations

Departmental Operating Rules and Regulations, not in conflict with this Policy Manual, may be established and used by any Department Director as applicable. The Board will have no involvement with the creation, administration, or enforcement of any departmental operating rules and regulations established by any Elected Official. In the event that a conflict arises between an employee’s conduct or performance required by Department Operating Rules and Regulations and the conduct or performance required by this Policy Manual, then the rule or regulation requiring the higher standard of conduct or performance shall control.

SECTION 2

WORKPLACE ENVIRONMENT

A. Statement of Policy

Barrow County is committed to ensuring that all employees enjoy a work environment free from intimidation, harassment, and violence. These issues are discussed in more detail in this Section and later in this Policy Manual. If you have any concerns regarding your workplace environment, report those concerns to the Human Resources Director.

B. Prohibited Harassment

1. Discriminatory Harassment

It is Barrow County's policy to maintain a working environment free of any and all harassment, including harassment based on a person's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status. To assist in preventing or eliminating any such unwelcome harassment, Barrow County will not tolerate any form of harassment or unlawful discrimination by or against its employees, supervisors, and Department Directors.

All employees, supervisors, and Department Directors are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any form of harassment related to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status, is a violation of this Section and will be treated as a disciplinary matter. For purposes of this Section, the term "discriminatory harassment" shall be construed consistent with applicable law and may include, but is not limited to, any of the following:

- a. Offensive remarks, comments, jokes or slurs pertaining to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;
- b. Offensive pictures, drawings, posters, photographs, reading materials, or other tangible items, or communications including e-mail, that are reasonably offensive or that reasonably exploit an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;
- c. Threatening reprisals based on an employee's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual

orientation, or other protected group status; or

- d. Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance and/or conduct that creates an intimidating, hostile or offensive working environment.

2. Sexual Harassment

Sexual harassment is a form of harassment and will be treated in accordance with the express terms of this Section. Sexual harassment is unwelcome conduct of a sexual nature when:

- a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment;
- b. Submission to or rejection of such conduct is used, either in part or in full, as the basis for employment decisions; or
- c. The conduct has the purpose or the effect of unreasonably interfering with the individual's job performance or when such conduct creates an intimidating, hostile, or offensive working environment.

For purposes of this Section, the term "sexual harassment" shall be construed consistent with applicable law and may include, but is not limited to, any of the following:

- i. Sexual assaults, including rape and molestation, or attempts or threats to commit such acts;
- ii. Unwanted intentional physical contact of a sexual or suggestive nature, such as touching, pinching, patting, grabbing, kissing, brushing, or poking of another person's body regardless of the gender of the individuals involved;
- iii. Offensive sexual remarks, sexual advances or requests for sexual favors regardless of the gender of the individuals involved;
- iv. Threatening reprisals for an employee's refusal to respond to requests for sexual favors;
- v. Disciplining or retaliating against any individual in any way because he or she has resisted, reported or complained about sexual harassment;
- vi. preferential treatment, or the promise of preferential treatment, for engaging in sexual conduct;

- vii. Offensive pictures, drawings, posters, reading materials, calendars, photographs or other physical objects, or communications, including e-mail, that are sexually suggestive, sexually demeaning or pornographic;
- viii. Any conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's work performance and/or conduct that creates an intimidating, hostile or offensive working environment; or
- ix. Suggesting or inferring to any employee, supervisor, Department Director (or applicant for any such position) that his or her employment, advancement, or treatment will be affected in any way by entering into (or refusing to enter into) any form of personal or sexual relationship.

C. Application to All Employees, Supervisors, Department Directors

All employees, supervisors, Department Directors are subject to the terms and provisions of this Section, and are to avoid any behavior or conduct that could be interpreted as discriminatory or sexual harassment as set forth above. All employees, supervisors, and Department Directors have a responsibility to inform an individual whenever his or her behavior is unwelcome, offensive, in poor taste, or inappropriate.

D. Reporting Harassment

1. Officials to Whom Complaints Shall Be Made

Incidents interpreted by any individual to be in violation of this policy should be brought to the attention of the individual's supervisor or to the attention of the applicable Department Director or to the Human Resources Director, depending on to whomever the employee feels most comfortable reporting. Any individual who has not personally experienced conduct prohibited by this Section, but who believes that such conduct has occurred, shall report that information to the applicable Department Director or to the Human Resources Director.

2. Investigation of Harassment Complaints

a. Investigation will be as timely and as confidential as possible

Incidents reported by anyone pursuant to this Section will be handled in a timely manner, and as confidentially as possible. Due to the nature of the investigation process, however, Barrow County cannot guarantee

confidentiality. Information reported by any individual pursuant to this Section will not be released to third parties or to any person not involved in the investigation or involved in the complained of conduct. No person involved in the investigation shall discuss the complaint or investigation with any person outside of the investigation process. This provision is intended to protect the confidentiality of anyone who files a complaint, to encourage the reporting of all incidents of harassment, and to ensure the fair treatment of all parties involved.

b. Investigation by duly appointed agent

Upon receiving a complaint of harassment pursuant to this policy, Barrow County will conduct an investigation into the allegations. The investigation will be conducted by the Human Resources Director or his/her designee. If the complaint involves an individual in the Human Resources Department, the investigation shall be conducted by the Chief of Operations or his/her designee.

c. Intent and purpose of the investigation

The intent of the investigation is to obtain further information about the events or conduct complained of, to enable the person(s) named in the complaint to tell his or her side of the story, to determine whether harassment has in fact occurred, and to develop an appropriate resolution. Anyone making a complaint pursuant to this Section may be asked to put his or her complaint in writing. The person to whom the complaint is made, or the person or persons investigating the complaint, may take notes and may request the complainant to sign those notes. All employees, supervisors, and Department Directors are expected to fully cooperate with any investigation of a complaint of harassment.

d. No reprisal against complainant

No individual will be retaliated against for reporting a violation of this Section or for cooperating with an investigation of a complaint of harassment. However, intentional or malicious false accusations of misconduct could have a serious effect on an individual who has been falsely accused. Individuals falsely accusing another of misconduct will be disciplined based on the extent of the false accusation, up to and including termination.

e. Notification of belief that investigation is not being handled properly

If, at any time, anyone feels that his or her complaint is not being handled properly, he or she should immediately contact the Human Resources Director or the Chief of Operations.

E. Disciplinary Action

Violation of any provision of this Section will subject the offender to disciplinary action, up to and including immediate termination. If anyone has any questions about what constitutes harassing behavior or what conduct is prohibited by this Section, he or she should contact the Human Resources Director.

F. Importance of Policy

Barrow County is very serious about enforcing its policy against harassment. However, Barrow County cannot respond to complaints of harassment unless it is aware of those complaints. Therefore, it is the responsibility of each employee, supervisor, Department Director to report any incident of harassment so that Barrow County can take corrective action as needed. Anyone who experiences or observes any violation of this Section is required to report the same under the terms of this Section prior to the end of the workday or the following workday on which the violation was believed to occur.

SECTION 3

THE CLASSIFICATION PLAN AND PAY PLAN

A. The Classification Plan

The Human Resources Director shall be responsible for the maintenance of the Classification Plan for all classified positions, based upon similarity of duties performed and responsibilities assumed. That is, similar jobs are grouped together in the same pay grade and bear the same job title. The description of duties and responsibilities for each position, including a list of minimum qualifications for the position, is referred to as a job description or position description. Newly created positions will have a job description prepared by the Human Resources Director and the Department Director. The Human Resources Director, with the approval of the Chief of Operations, will assign the appropriate pay grade based on the Factor Evaluation System. All newly created positions must be budgeted and approved by the Board of Commissioners prior to implementation.

The official copy of the Classification Plan will be located in the Human Resources Department, and employees are able to review the plan upon request. The Barrow County Board of Commissioners may amend or revise the Classification Plan in whole or in part at any time. The Board may abolish positions at any time due to reorganization, lack of work, budgetary factors or other good cause. At any time, Department Directors may request the abolishment of positions due to reorganization, lack of work, budgetary factors or other good cause. Any proposed abolishment of positions by Department Directors shall require prior consultation with the Human Resources Director and final approval by the Board of Commissioners.

B. Position Categories

All classified positions under this Policy Manual shall be allocated to one of the following general categories:

1. Regular full-time position.

An employee who works in a position that is budgeted for twelve (12) months of the year, and who works more than thirty-two (32) hours per week. A full-time employee is entitled to all personal leave and benefits as described in this Policy Manual. Approval of the Barrow County Board of Commissioners is required for the establishment and abolishment of regular full-time positions.

2. Regular part-time position.

A part-time employee is an employee who works in a position that is budgeted for twelve (12) months of the year, but who works less than thirty-two (32) hours per week. A part-time employee is not eligible to accrue personal leave and is not

eligible for benefits. All part-time employees must have approval from the Chairman of the Board to work any time in excess of the budgeted amount of hours for the position. Approval of the Barrow County Board of Commissioners is required for the establishment and abolishment of regular part-time positions.

3. Temporary position.

A temporary employee is an employee who works in a position that is temporary for purposes of a special project or other work of a temporary nature. The temporary position period is established according to the special project or special circumstances requiring work of a temporary nature. The temporary position is not budgeted for twelve (12) months of the year and does not recur regularly from year to year. A Department Director requiring the use of a temporary employee is not required to utilize the recruitment procedures in recognition of the fact that a temporary position will be needed based on time-sensitive and/or exigent circumstances. In any event, a temporary position shall not exceed six (6) months without the approval of the Human Resources Director. A temporary employee is not entitled to any leave or benefits with Barrow County.

4. Seasonal position.

A seasonal position is a part-time position that is temporary in nature in that it coincides with a particular season or seasons of the year or with heavy workload periods for a particular department. A seasonal position period may recur regularly from year to year, but it is not budgeted for twelve (12) months of the year. Establishment, abolishment or extension of seasonal positions requires the recommendation of the Human Resources Director and the approval of the Chief of Operations. Seasonal positions are to last no longer than six months.

5. Grant funded position.

A grant-funded position is a full-time or part-time position established for a specific period of time not to exceed the scheduled termination date of the grant. This position will terminate by operation of law at the date of grant termination unless the Barrow County Board of Commissioners provides appropriate funding to continue the program or positions on or prior to the date of grant termination.

C. Maintenance of the Classification Plan

Each time a vacancy occurs and there have been material changes in the duties and responsibilities of the position, a position description shall be completed by the Department Director and submitted to the Human Resources Director for a review of the job duties and responsibilities of the position. The Human Resources Director may waive this requirement in cases where he/she has determined that no material changes have occurred.

It shall be the duty of each Department Director to submit to the Human Resources Director new position descriptions for all affected positions each time a department or division under his/her jurisdiction is substantially reorganized or when material changes in the duties and responsibilities of a position have occurred.

The Human Resources Director may require departments or employees to submit position descriptions on a periodic basis, or any time he or she has reason to believe that there has been a change in duties and responsibilities of one or more positions.

Each time a new class is established, a class specification shall be written and incorporated into the existing plan. An abolished class shall be deleted from the classification plan.

D. Reclassification

A reclassification of a particular position in the Classification Plan consists of changing the assignment of a position to a different and more suitable classification and/or pay grade. Reclassifications are appropriate when the nature of the duties and responsibilities of a position have significantly changed such that the position becomes incorrectly assigned.

Incumbents of a position reclassified to a higher grade shall be given first consideration for the higher position provided they meet the new minimum qualification requirements of the position. If they do not meet the new minimum qualification requirements, they may either be grandfathered into the position, or allowed to receive appropriate training to qualify, at the discretion of the Chief of Operations, Department Director and Human Resources Director.

Incumbents of a position reclassified to a lower grade and who are above the maximum rate for the lower class, shall be permitted to maintain their current salary, but shall not be entitled to receive a salary increase to their base pay as long as their salary is above the maximum rate for the new pay range.

E. The Pay Plan

Each position is assigned to a pay grade, which includes a salary range. The assignment of a position to a pay grade is based on the Factor Evaluation System (FES). Each pay grade contains eighteen (18) steps. No employee shall be paid at a salary rate lower than the minimum or higher than the maximum of the salary range approved and established for the position.

F. Salary Increases

Employees who receive an acceptable performance rating as certified by the Human Resources Director will receive a Merit Increase in an amount equal to up to two (2) steps within the pay grade as determined by the respective Department Director. Beginning on October 1,

2003, the date of appointment to the position (whether the appointment is by initial hiring, demotion, promotion, or transfer) shall be considered the employee's "Anniversary Date." Merit evaluations shall be conducted immediately prior to the Anniversary Date and a Merit Increase, if applicable, shall be effective as of the next pay period subsequent to the Anniversary Date. For example, if an employee is hired on May 17, 2000, the Anniversary Date for that employee is May 17th each year. As such, the employee's annual evaluation will be completed prior to May 17th and any resulting Merit Increase will be effective in the next pay period following May 17th.

The Merit Increase described herein is the only annual salary increase, absent other action by the Board of Commissioners.

G. Salary for a New Hire

A new employee shall be paid the rate of pay for his/her position based on the classification and compensation system. If a new employee exceeds the minimum qualifications for a position based on extensive knowledge, skills, and abilities, he/she may be appointed at a higher salary up to four (4) steps above the minimum rate. This must be justified by the Department Director in writing to the Human Resources Director and the Chief of Operations for final approval. Consideration should be given to a review of the salaries of current employees in the same or similar position whose present salaries are below the requested higher salary for the new employee.

H. Revisions of the Classification and Pay Plan

Periodically, at least once every two years, the Human Resources Director shall conduct a general review of the Pay Plan. Any recommendations for amendments of the Pay Plan shall be made to the Commissioners. When approved by the Board of Commissioners, such Plan shall constitute the county's pay schedule for the classes of positions in the Classification Plan, and shall remain thereafter until a new Pay Plan is adopted by resolution of the Board of Commissioners.

I. Limitations to the Classification and Pay Plan

The Classification Plan and all provisions in this Policy Manual related to salaries are contingent upon funds being available. Any deviation from payment employees in accordance with the Pay Plan or the provisions of this Policy Manual because of budgetary limitations must be approved by the Board of Commissioners.

SECTION 4

RECRUITMENT

A. Statement of Policy

Recruitment of candidates for positions with Barrow County will be based upon meeting or exceeding the minimum qualifications established in the applicable job descriptions and in accordance with the non-discrimination policies enunciated in this Policy Manual and otherwise in accordance with State and federal law.

B. Filling Vacancies

All vacancies will be filled according to the policies set forth in this Section, regardless of whether the vacant position exists as a result of a newly created position or whether an existing position has been vacated.

C. Advertisement of Vacancies

All vacancies shall be publicized internally for a minimum of five (5) days by posting announcements in the Human Resources Department, the county's general bulletin board, all departmental bulletin boards, and other places and by such other means as would be accessible to employees of Barrow County and the Barrow County Sheriff's Office. After the expiration of five (5) days, the applicable Department Director may direct that the vacancy be publicized externally. Any such external publication will include a minimum of two (2) publications, publication through the Georgia Department of Labor, and by such other means as the Department Director specifically requests. The job vacancy notices shall specify the title, salary range, qualification requirements, manner of making application, and other pertinent information, and shall specify the date, time and place of examination (if applicable) for each position.

The internal publications and, if applicable, the external publications shall continue indefinitely as the Department Director deems appropriate or until the vacancy is filled. There shall be no stated closing date for the submission of applications. Interviews of applicants shall not begin until the vacancy has been publicized for a total minimum of ten (10) days.

D. Minimum Qualifications

All positions shall be open only to persons who meet such minimum requirements as are listed on the job vacancy notice and in the job description. Such requirements may include but are not limited to the following: experience, education, training, skills, and other qualifications that are desired or normally required to perform the duties and responsibilities. The Human

Resources Director or his/her designee will review all applications. All applicants who fail to meet minimum requirements will be denied the opportunity to proceed further in the hiring process and will otherwise be ineligible for consideration.

E. Filing of Applications

1. All applications for employment shall be made by completing a standard application form as prescribed by the Human Resources Director. Applications must include detailed information regarding educational background, training, skills, employment experience, and other pertinent information sought on the application form as needed to assess the applicant's ability to meet the minimum requirements for the position.
2. Applicants must apply for positions through the Human Resources Department, unless an alternative arrangement has been made between the Human Resources Director and the applicable Department Director that would result in the applicant being notified of an alternative location to submit the application.
3. All applications shall be signed by the applicant attesting to the truth of all statements contained in the application form. Untruths, misrepresentations, or material omissions made by an applicant on his/her application shall be grounds for rejection of the application, or if the applicant has been hired prior to the County learning of the discrepancy, it shall be grounds for discipline up to, and including, immediate termination.
4. Incomplete applications may be returned to the applicant with the notice to amend same. The County shall have no obligation, however, to detect an incomplete application and notify an applicant prior to the closing of the recruitment process.

F. Conditions for Rejection of Applicants

The Human Resources Director may reject any application from consideration when the following determinations are made:

1. The applicant does not possess one or more of the minimum requirements as specified in the job description for the position sought.
2. The applicant falsified statements, practiced deception, or materially omitted information on the application.
3. The applicant does not reply to, or return, a telephone inquiry within two (2) days.
4. The applicant was previously employed by Barrow County and was dismissed for cause or resigned not in good standing, and is not currently eligible for re-

employment.

5. The application is incomplete in that the applicant has not completed the entire application by filling in all applicable spaces and providing all requested information.
6. The applicant has been convicted of a criminal offense involving the manufacture, distribution, trafficking, or sale of a controlled substance, dangerous drug, or marijuana. Such applicants shall be automatically rejected.
7. The applicant has been convicted of a crime involving a violent crime such as assault with a deadly weapon, aggravated assault, or murder. Such applicants shall be automatically rejected.
8. Applicants convicted of any other crime will be considered on a case-by-case basis.
9. The applicant has received information regarding an examination to which applicants are not entitled.
10. The applicant has used or attempted to use political influence or bribery to gain an advantage in securing employment.

G. Verification of Employment History and Interviews

Upon initial review and removal from consideration of any applicants that should be rejected in accordance with the standards set forth above, the Human Resources Director shall forward the remaining applications to the applicable Department Director for further consideration, which consideration in the discretion of the Department Director, may include verification of employment history by the Department Director or his/her designee and/or conducting personal interviews with those remaining applicants. The Human Resources Director or his/her designee will assist the applicable Department Director to the extent requested in this phase of the selection process. In the event that the applications were submitted directly to a Department Director pursuant to an alternative arrangement agreed upon by the Human Resources Director and the applicable Department Director, the Human Resources Director or his/her designee will remain available to assist in the selection process as requested.

H. Examination

1. Statement of Policy

The Human Resources Director may initiate and install a suitable examination program for any position, along with the procedures to implement such an examination program. In addition, any Department Director may also initiate and

install a suitable examination program for any position, provided that the examination program is reviewed and validated by the Human Resources Director prior to implementation. Any written or performance tests will be designed to test for job performance, and will not be discriminatory as to race, creed, color, sex, disability, religion, age, national origin, or political affiliation, or any other category protected by federal and/or State law. Any examination program shall be administered in a fair and neutral manner and shall be applied consistently across all candidates who are seeking the particular position for which the examination program was implemented.

2. Conduct of Examination

The Human Resources Director or his/her designee may designate monitors to take charge of the examination under prescribed instructions.

3. Method of Rating Examinations

For all examinations, the Human Resources Director, in coordination with the applicable Department Director, shall establish minimum standards for performance or requirements in order to achieve an eligibility standard. If there is more than one part to an examination, such as a written test and a rating of experience and training, the Human Resources Director, in coordination with the applicable Department Director, shall assign the minimum acceptable scores and/or weighted score to the various parts of the examination prior to conducting the examination. If the examination is comprised of successive components, candidates must obtain acceptable scores on each component for continued consideration for employment. The formula for assigning weights will be administered in a uniform and equal manner for all applicants for the same class of positions.

4. Inspection and Confidentiality of Examination Material

The confidentiality of all applications, examination results, and test materials is essential to the integrity of an examination process. Accordingly, general access to, or disclosure of, examination results and/or materials is prohibited. Limited access to promotional examination results and/or test materials will be allowed in a manner carefully constructed to protect both confidentiality and the integrity of the examination process. Specifically, participants in an examination process will be able to review their own examination materials. No participant will be able to review the examination materials of other participants.

In all cases, testing materials will be reviewed in the presence of a representative of the Department of Human Resources or an individual authorized by the Human Resources Director. Unless otherwise specified by the Human Resources Director, the opportunity to review examination materials will be limited to a period of thirty (30) days following the release of results for the examination.

Individuals may make general notes regarding their review of their own testing materials, but may not directly transcribe, or make copies of, any examination materials.

Nothing contained in this sub-section shall be construed to limit the availability of examination materials for use in civil service or judicial proceedings, related appeals, or as required by applicable law.

The Human Resources Director or his/her designee shall be responsible for the maintenance of all records related to the examination process.

5. Notification of Examination Results

Upon completion of the examination process, each participant will be notified in writing of his or her rating on all phases of the examination within a reasonable time period. Failure to notify candidates within a reasonable time period shall not be grounds for challenging the examination process or any employment decisions related thereto.

6. Adjustment of Errors on Examinations

If an objectively demonstrated error in the rating of an examination is called to the attention of the Human Resources Director within thirty (30) days after the announcement of the results, the Human Resources Director shall correct such error.

7. Eligibility Registers

To the extent that the examination process adopted by the Human Resources Director, or in coordination with the applicable Department Director, for a particular position provides for the creation of a listing of participants who met certain minimum standards for performance so as to be eligible for employment, this listing shall be known as an Eligibility Register. Any examination process that results in the creation of an Eligibility Register shall specifically state in writing the method by which offers for employment will be extended to individuals appearing on the Eligibility Register and shall so notify all participants in the examination process. In any event, and under any examination process resulting in the creation of an Eligibility Register, an individual's existence on an Eligibility Register does not constitute an offer for employment or any guarantee of future employment. Therefore, an individual shall have no expectation of employment based upon appearance on an Eligibility Register. To the extent that the examination process adopted by the Human Resources Director, or in coordination with the applicable Department Director, for a particular position utilizes an Eligibility Register and specifically provides for future hiring based upon the Eligibility Register, any individual who is extended an offer of employment based upon appearance on that Eligibility Register more

than sixty (60) days after the completion of the examination, shall be subject to submitting updated information, including re-submitting to the applicable background checks, drug tests, and medical exams. The subsequent submittal of updated information may result in an applicant being denied employment if the results are unacceptable.

I. Selection

The Human Resources Director or his/her designee will notify successful applicants by mail and by telephone. Those applicants that are not selected for employment will be notified by mail. The failure of an individual to accept employment, to timely report for any additional drug or medical screenings, or to report to duty within the time prescribed in the employment offer shall result in the employment offer being rescinded and the individual shall no longer be considered for the position.

J. Hiring of Chief of Operations and Department Directors

All preceding procedures and policies set forth in this Section shall apply to recruitment and hiring of the Chief of Operations and Department Directors. In addition, the following additional procedures will be required:

1. The Chairman shall appoint a Selection Committee to facilitate the selection process for the hiring of the Chief of Operations and all Department Directors (the "Selection Committee"). The Selection Committee shall be comprised of the Human Resources Director, two Commissioners, and two appointees of the Chairman.
2. The Chairman and any individual Commissioner who is not serving on the Selection Committee may review and recommend applicants for Chief of Operations and Department Directors. All such recommendations from the Board Chairman and/or other Commissioners who are not serving on the Selection Committee shall be presented to the Selection Committee prior to commencement of interviews or the recommendations will be deemed untimely and will not be considered.
3. Prior to consideration of any applicant by the Selection Committee, the Human Resources Director or his/her designee shall ensure compliance with the minimum requirements for the job. Thereafter, all applicants who satisfy minimum requirements will be forwarded by the Human Resources Department to the Selection Committee. The Selection Committee shall screen the remaining applicants and select those applications that the Selection Committee deems worthy of proceeding in the hiring process. The Selection Committee may then, in its discretion, request in writing that the Human Resources Director or his/her designee conduct additional screening of the remaining applicants, which may

include a request for a preliminary criminal background check, a verification of employment history, cross-referencing of any other known applications that may have been previously submitted by the applicant to the County, a verification of all educational history, and/or such other specific screening that the Selection Committee requests. Thereafter, the Human Resources Department will return to the Selection Committee the applications and a report as to the results of the requested screening. In the alternative to making a written request for heightened screening of selected applicants, the Screening Committee may proceed directly to Step 4 and commence applicant interviews.

4. The Selection Committee shall conduct interviews and select the top candidate to recommend for the position and present that decision to the Board of Commissioners for final approval. The Selection Committee shall also create an Eligibility Register on which the names of other suitable candidates shall appear in the order of preference. The Eligibility Register shall be in effect for a period of ninety (90) days following the approval by the Board of Commissioners of the top candidate. The Eligibility Register shall exist solely for the purpose of providing alternative suitable candidates in the event the top candidate fails the drug screen or extensive background investigation or otherwise proves to be unsuitable for employment during the first ninety (90) days following the approval by the Board of Commissioners. An alternate candidate may be selected from the Eligibility Roster consistent with the ranked order without the need for any further advertisement or notice during the ninety-day period.

K. Pre-Employment/Post-Offer Testing

All applicants considered for employment with the County will be required to take a drug test after a conditional offer of employment has been extended and prior to employment. No applicant will be allowed to begin work until the Human Resources Department has confirmed the acceptable drug screen results. If an applicant fails or refuses the initial drug screen, he/she is not eligible for employment, nor is he/she able to apply for any position with the County for a minimum of two years. The applicant will, however, be afforded the opportunity to contest the test results as set forth later in this Policy Manual. Additionally, all applicants will be required to sign a release for a criminal background investigation (criminal history report), and a motor vehicle report as applicable. Finally, all applicants will be required to pass a physical examination prior to beginning work to ensure fitness for duty.

L. Employment of Relatives

No relatives should be employed in positions where their personal or familial interests could conflict with the interests of the County. No employee may supervise a close relative, or be promoted into a position where he or she would supervise a close relative. For purposes of this policy, a close relative is defined as: husband, wife, parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-

law, daughter-in-law, or son-in-law. Departmental regulations may establish additional rules about working with relatives.

SECTION 5

PROBATIONARY AND REGULAR STATUS

A. Probationary Status

A probationary employee may be subject to personnel action and/or disciplined up to and including termination for any non-discriminatory reason, without the requirement that the County demonstrate just cause for the personnel action and without the right to appeal to the Personnel Review Board. It is the intent of this Section that probationary employees shall be treated as at-will employees.

B. Probationary Period

Each applicant/employee who is appointed to a position in the Civil Service System pursuant to initial hiring, promotion, demotion, and/or voluntary transfer shall be designated as a probationary employee for a period of one (1) year from the date of appointment to the particular position as a result of the initial hiring, promotion, demotion, and/or voluntary transfer. An employee who is involuntarily transferred by his/her Department Director either within the Department or to another Department shall not be subject to a new position probationary period, but rather, will only be required to satisfactorily complete the probationary period that the employee was serving prior to the involuntary transfer, if any.

C. Policy on Retention of Regular Status in Original Position

A regular employee who has satisfactorily completed the probationary period in his/her present position (the "original position") and who is then promoted, demoted, and/or voluntarily transferred will retain regular status in the original position. If the employee does not satisfactorily complete the probationary period in the new position, he/she shall revert to his/her original position if the position is vacant or occupied by a probationary employee. If his/her original position does not exist at the time of reversion, the employee will be laid off, and will be placed on a list for consideration to be rehired for up to one (1) year.

D. Absences

Authorized and/or unauthorized absences shall not count toward completion of an employee's probationary period.

E. Probationary Review

During a probationary period, close observation of conduct and capacity of all probationers shall be made by the Department Director, and counseling sessions shall be held regarding overall job performance of such employees as needed. If the employee's performance is unsatisfactory after time is allowed for improvement, the employee shall be notified in writing of the termination from the position.

All probationary employees shall be evaluated and counseled at least at the end of eleven (11) months of service in the probationary position. The evaluations shall be submitted to the Human Resources Director for maintenance in the personnel file. Department Directors are encouraged to evaluate probationary employees more often during the probationary period. Any such interim evaluations shall be submitted to the Human Resources Director for maintenance in the personnel file.

When a probationary employee's performance proves to be marginal, the Department Director may extend the probationary period for an additional six (6) months upon written notification to the employee and the Human Resources Director. No extension shall be allowed which would make the total probation period longer than eighteen (18) months.

F. Regular Status

At least two weeks prior to the expiration of the employee's probationary period, the Department Director shall notify the Human Resources Director by submission of a performance evaluation setting forth whether or not the employee has successfully or unsuccessfully completed the probationary period. Successful completion of the probationary period shall entitle the employee to regular status in that position.

SECTION 6

APPOINTMENTS

A. Statement of Policy

The different types of employment appointments are set forth in this Section. Appointments shall be made only to positions that have been allocated under the Classification Plan. The different types of appointments include the following:

B. Original Appointment

An Original Appointment to a position with Barrow County occurs upon hiring an individual as a result of recruitment efforts. Original appointments may consist of a full-time position, a part-time position, a seasonal position, a temporary position, or a grant-funded position as each is described in Section 3. An employee who is covered by the Barrow County Civil Service System will be subject to the probation period as set forth in this Policy Manual.

C. Promotion

A Promotion Appointment is granted when an employee is promoted from a position within a lower pay grade to a position with a higher pay grade. Promotions shall be open to all employees who meet the requirements of the position and have an equivalent combination of experience and training which provides the required knowledge, skills and abilities required for the position. The recruiting procedures set forth in Section 4 shall apply.

A promotion increase in salary should be a minimum of a 5% salary increase or to the minimum of the higher pay grade, whichever is greater. Upon promotion, an employee who is covered by the Barrow County Civil Service System will be subject to the probation period as set forth in this Policy Manual.

D. Transfer

1. Involuntary Transfer

A Department Director may transfer an employee in their department from one position to another position if the position is on the same pay grade without following the recruitment procedures as such a transfer appointment when initiated by the County is designed as an administrative mechanism for movement of an employee as needed. Likewise, an employee can be transferred from one Department to another Department without following the recruiting procedures, provided that both Department Directors consent and the transfer is to a position

in the same pay grade. The Director shall report all such transfers to the Human Resources Director immediately. Transfer in this manner may be referred to as an Involuntary Transfer.

The employee will not be subject to a probation period in the new position, provided that the employee has satisfactorily completed probation in the former position. If the employee has not satisfactorily completed probation in the former position, the employee must satisfactorily complete the remainder of the probation period in the new position to gain regular status.

2. Voluntary Transfer

In contrast, if an employee applies for an open position in another department, the employee must compete for the position with other qualified applicants consistent with the recruitment provisions in this Policy Manual. Any such transfer may be referred to as a Voluntary Transfer and the employee will be subject to the probation period as set forth in this Policy Manual.

E. Demotion

A demotion is the movement of an employee from a higher pay grade to a lower pay grade. There are several reasons for demotions including, but not limited to:

1. Voluntary demotion based upon an Employee's request.
2. Disciplinary demotion.
3. Administrative demotion as a result of lay-off, reduction in force, reorganization, or disability accommodation.
4. Reversion demotion upon failing to successfully complete a position probationary period.

When an employee is demoted to a lower pay grade, the employee's salary will be reduced to the lower pay grade. The demoted employee's salary will be placed on the same step as the employee's salary was in the previous (higher) pay grade prior to the demotion. Any exceptions to these procedures must be recommended by the Department Director in writing to the Human Resources Director and approved by the Board of Commissioners. All demotions are subject to the probationary period in the newly demoted position.

F. Grant-Funded Appointment

A Grant-Funded Appointment is the placement of an individual in a position that is a full or part-time position established for a specific period of time not to exceed the scheduled termination date of the grant. This position will terminate by operation of law at the date of the grant's termination, unless the Barrow County Board of Commissioners provides the appropriate funding to continue the program or position on or prior to the date the grant expires.

SECTION 7
SEPARATIONS

A. Statement of Policy

Employees shall be separated in accordance with the provisions of this Policy Manual.

1. Payment for Annual Leave

An employee who voluntarily resigns his/her employment with the County and employees who die while employed by the County shall be paid for unused annual leave up to a maximum of 240 hours upon separation from the County, unless the employee fails to give proper notice of his/her resignation as provided in this Section. Employees who retire from County service upon meeting the established retirement criteria under the County's retirement plan shall be entitled to credit for all unused annual leave towards their years of service for purposes of their benefit calculation upon retirement. Employees who are dismissed or otherwise separate involuntarily shall not be paid for any unused annual leave upon separation.

2. Payment for Sick Leave

No employee who separates from County employment will be compensated for unused sick leave, except that employees who retire from County service upon meeting the established retirement criteria under the County's retirement plan shall be entitled to credit for all unused sick leave towards their years of service for purposes of their benefit calculation upon retirement.

3. Payment for Compensatory Time

Exempt employees who may have accrued compensatory time will forfeit all such time upon separation, regardless of whether the separation is voluntary, involuntary, or by retirement. Non-exempt employees will be paid for all accrued compensatory time upon separation, regardless of the reason for separation.

4. Types of Separations

Separations from positions in the classification plan shall be designated as one of the following:

- Resignation
- Abandonment of job
- Lay-off or reduction in force

- Inability to perform the essential functions of the position even with reasonable accommodation
- Loss of a job requirement necessary to perform the essential functions of the position
- Dismissal or discharge
- Retirement
- Death

Each will be addressed in turn.

B. Resignation

An employee shall submit to the Department Director written notice of resignation at least 14 calendar days in advance of the date of resignation. The resignation is automatically deemed accepted upon submission to the Department Director and cannot be withdrawn by the employee. No further action by the County to accept the resignation is necessary. Immediately upon receipt of such notice of resignation, the Department Director shall forward the same to the Human Resources Director. Failure to comply with this rule concerning 14-days notice of resignation shall be entered on the service record of the employee and shall result in the employee forfeiting payment for any unused annual leave.

C. Abandonment of Job

An employee not on authorized leave of absence who fails to report for work for three (3) consecutive days will be terminated from the service of the County for job abandonment. This provision shall also apply to any employee who fails to return to duty at the expiration of a duly approved leave of absence for three (3) consecutive days.

D. Lay Off or Reduction in Force

Any involuntary separation not related to an employee's conduct shall constitute a lay-off or reduction in force. Lay-offs or reductions in force shall be determined by the Board after consultation with the Department Director.

1. Reasons Justifying Lay-off or Reduction in Force:

Any employee may be laid off because of shortage of funds or work, abolishment of the position, reorganization, material changes in the duties or 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 any laid-off employee may be reassigned to other employees holding positions in appropriate classes.

2. Order of Lay-off:

Should it become necessary to reduce the number of employees within a given class in any department, such employees shall be laid off on the basis of the following two factors to be weighted equally: length of service in class and length of service with the County. If an employee believes that an error has been made in determining lay-off order, he/she may request an administrative review by the Human Resources Director.

3. Special Cases:

Should a Department Director determine that the retention of a certain employee is essential to the effective operation of the department because of the fact that such employee possesses special skills or ability, and should the Department Director wish to retain such employee in preference to another with a higher rating, then the Department Director shall submit a written request to the Human Resources Director. Such notification shall set forth in detail the specific skills and abilities possessed by the employee and the reasons why such employee is essential to the effective operation of the department. With the approval of the Chief of Operations, the individual may be retained to the detriment of the higher ranking employee.

4. Notice to Employees:

Regular employees to be laid off shall be notified in writing by the Human Resources Director.

5. Re-employment List:

Former employees who were separated from the County service by lay-off and desire to be considered for re-employment with the County will be placed on the re-employment list. Such persons may remain on the re-employment list for a period not to exceed one (1) year.

Former employees will be listed by seniority in terms of service, and will be offered re-employment for the first vacancy that becomes available in the same classification in which they were employed at the time of separation. All employees appointed to a position in this manner will serve the stated probation period for that position. If said employee does not complete the probation period, he or she will be separated from the County service without the right of appeal.

A person on the re-employment list may voluntarily accept a position at a lower classification level than his/her former position. In doing so, all provisions pertaining to the re-employment list apply, including being removed from the re-employment list.

If a person placed on the re-employment list does not accept the first offer for re-employment in a position having the same classification as the one held at the time of separation, he/she will be removed from the re-employment list.

E. Inability to Perform

If an employee suffers from a condition or a physical or mental disability that prevents him/her from performing the essential functions of the position, even with reasonable accommodation, the employee is subject to termination for inability to perform the job.

F. Loss of License or Certification

Any employee who is unable to perform the essential functions of his/her job adequately because of loss of a necessary license or certification shall be dismissed. All employees are independently and solely responsible for ensuring that any license or certification required to perform the job are maintained and in good standing.

G. Dismissal

A dismissal is the involuntary separation of an employee from employment with the County. A dismissal for disciplinary reasons may be initiated without prior notice when deemed necessary to protect the County or the employee concerned. However, in all other cases, the Department Director should notify the Human Resources Director of an intent to terminate and the reasons therefore. Upon such notification, the Human Resources Director, Department Director and the employee shall meet in a pre-dismissal conference to discuss the proposed termination. The employee should be advised that the County intends to terminate him or her and the reasons therefore. The employee should further be advised that he/she has an opportunity to respond to the reasons. If the Department Director and Human Resources Director determine that further investigation is warranted, the employee shall be placed on suspension with pay effective as of the conclusion of the pre-dismissal conference, which shall continue until such time as the investigation is completed. If no further investigation is deemed warranted, the termination shall proceed and no suspension with pay shall be necessary. In any event, the Department Director will make the final determination if the employee should be dismissed.

H. Retirement

The retirement of an employee shall consist of the voluntary separation of an employee who has met the requirements of age and length of service under the laws governing any applicable retirement plan/pension fund of which such employee may be a member. Any employee who wishes to retire shall provide a minimum of fourteen (14) days notice to the

respective Department Director. After providing notice of retirement, the employee is not eligible to utilize compensatory time or annual leave time.

All unused sick leave and annual leave shall be credited towards a retiring employee's years of service for purposes of their benefit calculation upon retirement. For example, if a retiring employee has two (2) months of unused sick and annual leave when he/she separates from the County on July 1, 2004, he/she would receive service credit for calculation of the final retirement benefit through September 1, 2004, even though he/she would be retired and start his/her benefit as of July 1, 2004.

All compensation due to be paid to the employee shall be paid out in a lump sum on the effective date of retirement. Any employee who retires from employment with Barrow County shall not be eligible to seek re-employment with the County on any full-time, part-time, seasonal, or independent contractor basis.

I. Death

Separation shall be effective as of the date of the death of the employee. All compensation, including annual leave pay, due to such employee, as of the effective date of separation, shall be paid to the beneficiary(s) of the employee, the surviving spouse of such employee, or to the estate of such employee, as may be determined by law or by the applicable executed documents in the personnel folder of such employee.

SECTION 8

EMPLOYEE PERFORMANCE EVALUATIONS

The Human Resources Director, along with the Department Directors, shall prepare or cause to be prepared a job-related system for evaluating the work performance of all employees. The purpose of the employee performance evaluation process is to measure, maintain, and improve job performance. The performance evaluation may also be used in determining salary increments; as a factor in determining order of lay-off; as a basis for training, promotion, demotion, transfer, or dismissal; and for such other purposes as set forth in this Policy Manual. All forms utilized for evaluation purposes must be approved by the Human Resources Director prior to use.

A. Period of Evaluation

All employees shall be evaluated at least annually for purposes of performance appraisal and a potential Merit Increase. An employee shall not be eligible for a Merit Increase until the performance evaluation form has been completely processed. Department Directors may conduct additional evaluations in their discretion to assist in performance development or otherwise.

Employees shall otherwise be evaluated upon eleven (11) months of service in a particular new position to ensure successful completion of any pending probationary period.

B. Evaluation

Employee's performance shall be thoroughly appraised in writing by the immediate supervisor of each employee and reviewed by the Department Director. All evaluations shall be forwarded to the Human Resources Director for maintenance in the personnel file.

C. Review with Employee

All performance evaluations shall be discussed with the employee by the appropriate supervisor in order to establish ongoing communication, to solve any work-related problems, and to outline expectation for professional growth. If an employee disagrees with any statement in the evaluation, the employee may submit, within ten days following the conference with his/her supervisor, a written statement, which shall be forwarded to the Human Resources Director for attachment to the evaluation form and maintenance in the personnel file.

SECTION 9

DISCIPLINARY ACTIONS

A. Statement of Policy

As an employee of the County, you are expected to conduct yourself in a manner consistent with personnel policies, rules, general procedures, applicable departmental policies, and expectations of the County. Employees will normally be given the opportunity to discuss these situations with their supervisors prior to disciplinary action being taken. By counseling and discussing these situations, the County hopes to avoid taking disciplinary action.

Failure to observe personnel policies, rules, general procedures, and expectations may result in disciplinary action in the form of a reprimand, either verbal or written, suspension, demotion or termination of employment. Although corrective disciplinary actions will normally be progressive, the severity of the discipline is also intended to be appropriate for the severity of the offense. This means that in some cases all the steps of progressive discipline will not be appropriate before termination is warranted.

The Board Chairman will be responsible for all disciplinary actions against Department Directors (not including elected and constitutional officers) and the Chief of Operations, including reprimands, demotions, and suspensions. The Board Chairman must recommend termination of Department Directors (not including elected and constitutional officers) and the Chief of Operations to the Board of Commissioners for approval.

B. Prohibited Conduct

In general, conduct that interferes with the operations of Barrow County, brings discredit to Barrow County, or is offensive to supervisors, co-workers, or the public is not tolerated. Examples of conduct that is not permitted, and will subject the individual involved to disciplinary action, up to and including immediate termination, includes:

- (a) Insubordination or uncooperative attitude, including, but not limited to, disrespect to a supervisor, co-worker, or the public, and failure to follow the lawful orders of the supervisor;
- (b) Failure to do work at an acceptable level of competence as determined by the Department Director;
- (c) Excessive tardiness, excessive absenteeism, unexcused absences, and absences when the employee does not have accrued personal leave or compensatory leave to accommodate the absence;
- (d) Conviction of a felony or a crime involving moral turpitude;

- (e) Inexcusable absence without leave;
- (f) Theft, abuse or misuse of County property or vehicles, violation of traffic laws while driving a County vehicle, failure to report damage or destruction of County property to a supervisor, loaning property or equipment of the County without permission or proper authority;
- (g) Willfully giving false statements to supervisors, officials, or the public;
- (h) Violation of County ordinances, administrative regulations, provisions of this Handbook, or Departmental rules;
- (i) Consumption or distribution of alcoholic beverages or illegal drugs or abuse of prescription drugs or over-the-counter medication;
- (j) Acts during duty hours which are incompatible with public service;
- (k) Use of profane or abusive language or discourteous treatment of the public or other employees;
- (l) Drinking alcoholic beverages or use of illegal, prescription, or over-the-counter drugs outside work hours in such a manner as to adversely affect attendance or job performance;
- (m) Falsification or destruction of official records or documents, or use of official position for personal benefit, profit, or advantage;
- (n) When duly and properly called as a witness before any County board, appeals board, state or federal judicial or administrative tribunal, and when before such tribunal, failing to answer truthfully any question concerning performance of official duties with the County;
- (o) Failure to report an occupational injury or accident during the shift on which it occurred;
- (p) Absence due to incarceration;
- (q) Use of any form of physical abuse of the public, supervisors, or other employees, or making threats to the public, supervisors, or other employees;
- (r) Violating any lawful official regulation or order or failing to obey any proper directive made and given by a superior officer;
- (s) Guilty of disgraceful conduct;

- (t) Careless or negligent with the monies or other property of the County;
- (u) Failure to pay or make reasonable provisions for future payment of debt to such an extent that such failure is detrimental to the work relationship;
- (v) Use or threatening of use, or attempt at use of personal or political influence to secure employment benefits, including but not limited to, promotion, leave of absence, transfer, change of pay rate, or character of work;
- (w) Taking for personal use from any person any fee, gift, or other valuable thing in the course of work or in connection with it, when such gift or other such valuable thing is given in the hope or expectation of receiving a favor or better treatment than that afforded other persons;
- (x) Violating the established security procedures during the examination process or obtaining information, through unauthorized or illegal means, which provides an unfair advantage on the examination;
- (y) Failure to acquire a valid license, registration, or certification when such license, registration, or certification is required and specified in the specifications for the class to which the position occupied by the employee is classified; and/or
- (z) Wasted time, inefficiency, and/or loitering during working hours.

C. Reprimand

A reprimand is an oral or written notice of policy violation(s), mistakes, misconduct, unsatisfactory work performance, attendance violations, or other factors that adversely affect the employee's ability to satisfactorily meet the job requirements. Any supervisor may appropriately reprimand a subordinate at any time.

1. Oral Reprimand:

This is the normal means of corrective action when routine on-the-job counseling and direction has not sufficed.

- a. When issued, an employee will be specifically notified that it is an oral reprimand.
- b. Records of an oral reprimand will be maintained by the Department Director, or designee, to include the date and reason for the reprimand.

2. Written Reprimand:

Written reprimands are appropriate for repeated or more serious offenses.

- a. Written reprimands must be shown to the employee who will acknowledge receipt by signature. If the employee refuses to sign, a witness will sign the document certifying that it was presented and the employee refused to sign.
- b. If the employee feels the reprimand is unjust, the employee will submit in writing the reasons for this belief.
- c. A copy of the written reprimand and any written rebuttal by the employee will be forwarded to the Human Resources Director for retention in the employee's personnel file.

Oral and written reprimands are not actions that can be appealed under these policies and procedures.

D. Suspension

Suspension is the temporary removal of an employee from work for either a specified or an indefinite period. The reasons for the suspension must be in writing, addressed to the employee, and maintained permanently in the employee's personnel file.

An employee who is suspended for any reason shall not accrue or use annual leave, compensatory time, or sick leave.

An employee may be suspended in the following manner:

1. Disciplinary Suspension:

In an attempt to correct unacceptable behavior and/or work performance, an employee may be suspended for a specified period of time without pay at the discretion of the Department Director (after consultation with the Human Resources Director and the Chief of Operations). All such disciplinary suspensions for a specified period of time shall be stated in hours, rather than days or shifts. Such discipline will normally be applied when other actions, such as demotion or termination, are not warranted, appropriate, or in the best interest of the County.

2. Suspension During Investigation:

An employee who has acted or is alleged to have acted in a manner which is believed to be in violation of County and/or departmental standards, may be suspended without pay by the Department Director while the matter is being investigated and a decision is reached by the Department Director (after consultation with the Human Resources Director and the Chief of Operations).

When the Department Director determines that an investigation reveals that an employee acted appropriately, the employee shall be reinstated without loss of pay, privileges, benefits, or status retroactive to the date of suspension. A suspension during an investigation shall not exceed fifteen (15) working days, absent approval by the Department Director with written justification for the approved extension. At the expiration of fifteen working days, the employee will either be terminated or directed to return to work with imposition of the appropriate discipline, if any. In the event that a Department Director approves an extension of a suspension such that the suspension exceeds a total of ninety (90) days, the Department Director must obtain the approval of the Human Resources Director.

3. Suspension Pending a Court Decision:

An employee shall be suspended indefinitely without pay at the discretion of the Department Director (after consultation with the Human Resources Director and the Chief of Operations) when waiting trial on criminal charges, the nature of which would impede or undermine the employee's ability to satisfactorily perform his/her job. In the alternative, if the employee's actions and/or the criminal charges are such that it is not in the best interest of the County for the employee to remain in the County workforce, the Department Director may elect to terminate the employee upon notice of the criminal charges or at any time thereafter.

If the County does not elect to terminate the employee during the pendency of criminal charges, upon receipt of notice from the employee that the criminal matter has been resolved by dismissal, plea, or trial, the Department Director shall make a determination as to whether the employee shall be reinstated and whether any such reinstatement shall be with or without loss of pay. If an employee is fully exonerated of all criminal charges, the employee shall be reinstated without loss of pay, privileges, benefits, or status retroactive to the date of suspension.

4. Suspension of Exempt (under FLSA) Employees:

Employees that are exempt under the Fair Labor Standards Act as an Executive, Administrative, or Professional classification, shall be suspended only in weekly increments, unless the suspension results from a violation of safety rules of major significance which include only those relating to the prevention of serious danger to the facility or other employees.

An Elected Officer need not consult with the Human Resources Director or the Chief of Operations when issuing any type of suspensions, however, a copy of the written suspension notice must be forwarded to the Human Resources Director for permanent maintenance in the employee's personnel file. An employee who has successfully completed his or her probationary period may appeal a disciplinary suspension. Suspensions during investigations and suspensions pending a court decision are not appealable.

E. Demotion

Demotion is moving an employee from a higher pay grade to a lower pay grade, if a position is available and the employee possesses the knowledge, skills, and abilities to perform the job. A demotion may be utilized as a means of discipline in the discretion of the Department Director (after consultation with the Human Resources Director and the Chief of Operations). Please see Section 6 concerning Appointments for more details on demotions. An employee who is covered by the Barrow County Civil Service System will be subject to a position probationary period as set forth in this Policy Manual upon demotion.

An Elected Officer need not consult with the Human Resources Director or the Chief of Operations when issuing demotions, however, a copy of the written notice of demotion must be forwarded to the Human Resources Director for permanent maintenance in the employee's personnel file. An employee who has successfully completed his or her probationary period may appeal a disciplinary demotion. (Other types of non-disciplinary demotions may not be appealed.)

F. Dismissal

A Dismissal is the involuntary removal of an employee from employment with the County. Please see Section 7 concerning Separations for details related to Dismissals. An employee who has successfully completed his or her probation period may appeal the termination.

The following list includes some, but not all, offenses that may be grounds for immediate termination:

- Theft.
- Falsification of time sheets.
- Fighting or other physical violence or threats of violence.
- Wrongful or Negligent destruction of Barrow County Government property.
- Conviction of a felony, or other offense that, in the opinion of the County, conflicts with, and/or undermines, the employee's performance of his/her job duties.
- Possession of firearms, weapons, or explosives on Barrow County property without the express consent of your Department Head in coordination of the Human Resources Director or as otherwise allowed for law enforcement personnel.
- Use, possession, sale or testing positive for alcohol or illegal drugs on Barrow County property or while on duty, and/or failure to submit to testing for same. (This does not apply to law enforcement personnel involved in an undercover operation.)

- Falsification of an employment application or other information for the purpose of obtaining employment or any benefit.
- Violation of safety rules that endanger lives or safety.
- Violation of the Anti-Harassment and Non-Discrimination policy or the Internet Use policy.
- Unreported or unauthorized absences of three consecutive working days.
- Unauthorized and repeated tardiness.

SECTION 10

APPEAL PROCEDURES

A. Purpose

Employee appeals should receive prompt consideration and equitable resolution. Wherever possible, appeals should be resolved or adjusted informally, and both supervisors and employees shall be expected to make every effort to do so. With respect to those appeals that cannot be so resolved, employees shall be entitled to process the appeals as provided in this Section.

These procedures governing the processing of appeals and providing the right of appeal are established for the purpose of eliminating or correcting justifiable complaints or dissatisfaction of regular employees; insuring that all employees shall be afforded fair, equitable and expeditious review of their grievances without fear, coercion or discrimination; and providing a systematic and orderly method for resolving complaints and differences between employees and supervisory or management personnel.

B. Procedure for Appeals

Any regular employee, who has been demoted for disciplinary reasons, suspended without pay, transferred with a loss of pay or benefits, or who alleges discrimination or harassment shall have the right to utilize the appeal procedures set forth herein. An appeal of a dismissal shall proceed directly to step 4 of Paragraph C, which provides directly for an appeal hearing before the Personnel Review Board.

C. Procedures for Filing

1. An employee may file an informal appeal with his/her immediate supervisor within five business days after the employee becomes aware of the occurrence of an appealable matter. A copy of the informal appeal must also be given to the Department Director and the Human Resources Director to assure the appropriate steps are taken to resolve the appeal and for maintenance in the employee's personnel file.
2. Should the employee not be satisfied with the decision of his/her supervisor, the employee, within five business days of being notified of the decision, shall state the appeal in writing and file a standard appeal form with the Department Director setting forth the specific claim and specific relief desired. This standard appeal form can be obtained from the Human Resources Department. A copy of the statement must also be given to the Human Resources Director to assure the appropriate steps are taken to resolve the appeal and for maintenance in the

employee's personnel file.

3. Within ten business days after receiving notice of the filing of a formal written appeal, the Department Director will provide a written response to the employee filing the appeal. A copy of the response will also be forwarded to the Human Resources Director for maintenance in the employee's personnel file.
4. If the employee is not satisfied with the decision of the Department Director, he/she must file an appeal to the Personnel Review Board through the Human Resources Director within five business days of the decision. The appeal shall contain a statement describing what is being appealed.

D. Notification of Formal Appeal Hearing

The Human Resources Director will notify the Personnel Review Board of a request for an appeal hearing within five (5) working days of receipt of same. A copy of the request for an appeal hearing shall also be sent within five (5) working days to the concerned Department Director.

E. Time and Place of Hearing

The Human Resources Director will notify the employee and the Department Director of the date, time, and place of the hearing in writing. Such written notification shall be made at least ten (10) working days prior to the date of the hearing by certified and regular mail. All formal appeal hearings must be heard within sixty (60) days after receipt of the written request. As a result, an employee who requests an appeal hearing should remain in contact with the Human Resources Department to ensure that he/she receives notice of a hearing date within the sixty (60) day period.

Continuances or rescheduling of appeal hearings before the Personnel Review Board may only be granted by the Personnel Review Board in its discretion and according to its Rules of Procedure. Any request for a continuance or rescheduling of an appeal hearing must be submitted in writing to the Clerk of the Personnel Review Board at least five (5) days before the scheduled hearing. Failure of either party to appear at the hearing or to make a request at least five (5) days prior to the hearing shall operate as a withdrawal of the appeal with prejudice in the case of failure to appear by the employee or a grant of the appeal in the case of failure to appear at the hearing by the County. The Personnel Review Board has the authority and discretion to waive the provisions of this Section in the event of extraordinary or emergency situations.

F. Maintenance of Appeal Record

The Human Resources Director will be responsible for maintaining official files of all appeals, hearings, and decisions relating to the appeals process.

G. Composition of the Personnel Review Board

The Personnel Review Board shall consist of five (5) members. Three (3) members shall be appointed by the Barrow County Board of Commissioners, one (1) member will be appointed collectively by the Clerk of Court, Tax Commissioner, Magistrate Judge and Probate Court, and one (1) member will be appointed by the Sheriff. All members must be residents of Barrow County for the duration of their term, cannot be an employee or a member of any County Authority or Board, and will serve a staggered term of two (2) years. A quorum will consist of a minimum of three (3) members present. The Personnel Review Board may adopt its own rules of procedure not inconsistent with this Policy Manual. All employees participating in an appeal hearing must obtain the Rules of Procedures and comply with same. The Personnel Review Board shall insure that the employee was afforded fundamental fairness and the Board shall not unreasonably substitute its judgment for the judgment of the Department Director.

H. Areas Subject to Appeal Rights

1. Disciplinary Suspension without Pay (not to include suspensions during investigations or suspensions pending a court decision).
2. Termination.
3. Disciplinary Demotion (not to include voluntary demotion, administrative demotion, or reversion demotion).
4. Charges of Discrimination or Harassment.
5. Involuntary transfers if loss of pay or benefits.

I. Hearing

Whenever possible, the hearing shall be scheduled during normal working hours and employees, supervisors, applicants and their representatives and witnesses shall have the right to appear before the Personnel Review Board for the purpose of presenting facts, information, and relevant evidence. The hearings shall be conducted informally and technical rules of evidence shall not apply. Hearings will be open to the public to the extent required by the Georgia Open Meetings Act.

J. Subpoenas

Subpoenas requiring the attendance of witnesses or production of records, files and memoranda shall be issued by the Chairperson of the Personnel Review Board in blank, upon the written request of any party. Such request shall be made at least five (5) business days prior to the hearing date, and shall state the names and addresses of the witnesses for whom the subpoenas are to be issued and the date and time for the witnesses to appear. Notice of such a

request shall be provided to all other parties.

For purposes of the issuance of subpoenas, the County adopts O.C.G.A. Section 45-20-9 (c), which specifies as follows:

“Subpoenas shall be issued without discrimination between public and private parties. When a subpoena is disobeyed, any party may apply to the superior court of the county where the hearing is being held for an order requiring obedience. Failure to comply with such order shall be cause for punishment as for contempt of court. The costs of securing the attendance of witnesses, including fees and mileage, shall be computed and assessed in the same manner as prescribed by law in civil cases in the superior court. Once issued, a subpoena may be quashed by the board or an administrative law judge if it appears that the subpoena was used primarily as a means of harassment, that the testimony or documents sought are cumulative, that the testimony or documents sought are not relevant, that the testimony or documents sought are not material, that to respond to the subpoena would be unduly burdensome, or that for other good reasons basic fairness dictates that the subpoena should not be enforced.”

Each party shall be individually responsible for the costs of securing the attendance of the subpoenaed witness, including the costs of fees and mileage as applicable, and shall be individually responsible for service of the subpoena. The Personnel Review Board intends that O.C.G.A. Section 24-10-24 shall apply to require ten dollars (\$10.00) per diem as a witness fee for any witnesses who are not county employees. County employees shall not be entitled to receive a witness fee during hours in which they are being paid by the County for performance of job duties. Additionally, if a witness resides outside the County, O.C.G.A. Section 24-10-24 will apply to require the ten dollar (\$10.00) per diem witness fee and twenty cents (\$.20) per mile for travel expenses as a condition for appearance. Consistent with O.C.G.A. Section 24-10-24, any subpoenas issued on behalf of the County will not require payment of the above-stated fees. If applicable, O.C.G.A. Section 24-10-27 shall govern issuance of subpoenas to off-duty law enforcement officers.

K. Decision

A copy of the decision of the Personnel Review Board shall be given to the affected employee and Department Director of same, within thirty (30) working days following the completion of the hearing. The decision of the Personnel Review Board may be appealed by either party to the Superior Court of Barrow County by writ of certiorari.

L. Failure to Follow Appeal Procedures

The failure of supervisory employees to follow the steps outlined above shall result in conferring upon the employee the right automatically to proceed to the next step in the grievance procedure. The failure of the employee to follow the steps outlined above will result in the dismissal of the grievance or appeal at any step.

M. No Retaliation

No punitive, discriminatory, or adverse action shall be taken against any employee on account of the filing of a grievance or an appeal.

SECTION 11

LEAVE POLICIES

A. Statement of Policy

The Human Resources Director shall be responsible for the administration and enforcement of leave regulations and related procedures. The Finance Department shall be responsible for the maintenance of an official master record of all leave accruals, usage, and balances. Requests for leaves of absence in all categories shall be submitted by employees through normal channels of supervision to the Department Director in accordance with the policies and procedures set forth in this Policy Manual and otherwise established by the County. All leave requests must be approved by the applicable Department Director. Department Directors shall be responsible for adherence to the leave policies set forth in this Policy Manual when considering leave requests. Scheduling of leave time shall also be the responsibility of the respective Department Director. All leaves shall be reported to the Finance Director on the appropriate forms.

It is the County's policy to provide employees authorized time off from work on specified occasions and under specified conditions. Time off from work considered under this Section is:

- Holidays
- Annual Leave (Vacation)
- Sick Leave
- Military Leave
- Compensatory Leave
- Administrative Leave
 1. Civil Leave
 2. Funeral Leave
- Leave for a Serious Health Condition (FMLA)
- Leave of Absence Without Pay
- Leave to Observe Religious Holiday
- Hazardous Weather Leave

B. Holidays

There are nine (9) official holidays authorized by the Barrow County Board of Commissioners for all employees:

- New Year's Day

- Martin Luther King, Jr. Day
 - Memorial Day
 - Independence Day
 - Labor Day
 - Thanksgiving Day
 - Day after Thanksgiving Day
 - Two days at Christmas as determined annually by the elected officials
1. Other Holidays: The County may declare other holidays at its discretion.
 2. Holiday Pay: Full-time employees shall be paid for a total of eight (8) hours each holiday, regardless of the hours in the employee's regular shift. Part-time, temporary, and seasonal employees are not entitled to holiday pay.
 3. Holidays Falling on Weekends: If the holiday falls on Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. If the holiday falls on Sunday, the following Monday shall be designated as the official holiday for that year.
 4. Qualification for Paid Holidays: An employee who is absent and not on approved paid leave the day before or the day after a holiday, is suspended for disciplinary reasons on a holiday, or who fails to report on his/her scheduled work day before or after a holiday, will not be paid for the holiday. The term "approved paid leave" for purposes of this provision shall not include sick leave, unless a doctor's note is provided to the Finance Director to verify the illness. Employees that are unable to work due to a worker's compensation injury will not be paid for the holiday or accrue the holiday time for later use. The employee will be paid as the Georgia State Worker's Compensation statutes provide.
 5. Scheduled Work on Holidays: Employees scheduled to work on a designated holiday shall be compensated at one and one-half their regular rate of pay for the time worked on the holiday and shall also receive eight hours of holiday pay at their regular rate of pay.
 6. Holidays Falling During Scheduled Leave Time: An employee scheduled for leave during a period in which a holiday occurs will be paid for observance of the holiday, and no leave will be deducted for that day.

C. Annual Leave (Vacation)

Annual leave is provided to fulltime employees to allow for needed scheduled breaks from the work environment. No employee shall receive pay in lieu of vacation. Part-time, temporary, and seasonal employees shall not be entitled to annual leave.

1. Annual Leave Accrual Rates and Policies:

<u>Years of Continuous Service</u>	<u>Accrual Rate</u>	<u>Monthly Accrual</u>	<u>Maximum Accrual</u>
00 – 5.99 years	80 hours	6.66	240 hours
06 – 9.99 years	112 hours	9.33	240 hours
10 – 15.99 years	128 hours	10.66	240 hours
16 + years	144 hours	12.00	240 hours

- a. Employees in a paid status for fifteen (15) calendar days or more during a calendar month earn annual leave for that month.
- b. Employees may carry forward annual leave to the next year, provided however, that an employee may never use more than 240 hours of annual leave in a single year.

2. Scheduling:

Earned annual leave requests must be approved by the Department Director or designated supervisor. Leave requests shall be granted at the convenience of the employee whenever possible; provided, however, that primary consideration shall be given to the maintenance of an adequate staff to perform required services at all times.

3. Payment for Unused Annual Leave :

- a. Employees who resign their employment with the County or who die while employed by the County shall be paid for unused annual leave not to exceed 240 hours upon separation from the County, unless he/she fails to give proper notice of his/her resignation as provided in this Policy Manual. Employees who retire from County service upon meeting the established retirement criteria under the County's retirement plan shall be entitled to credit for all unused annual leave towards their years of service for purposes of their benefit calculation upon retirement. Employees who are terminated or otherwise separate involuntarily shall not be paid for any unused annual leave upon separation.
- b. Payment shall be made at the employee's rate of pay at the time of separation.

D. Sick Leave

Sick leave is a privilege given to regular employees by the County; and except as required by the Family and Medical Leave Act of 1993 (FMLA) or other applicable laws, it is not a right for employees to use at their discretion. The County reserves the right to investigate

any possible abuses of sick leave.

1. Sick leave shall be allowed when:

- a. An employee is incapacitated for the performance of duties due to an illness, surgical procedure, or off-the-job injury;
- b. A medical, dental, or optical examination or treatment is necessary for which arrangements cannot be made outside of working hours;
- c. It is necessary to care for an immediate family member (spouse, child, or other relative who is domiciled in the employee's household) who is ill or incapacitated; or
- d. An employee has been exposed to a contagious disease; meaning one that would warrant quarantine by a health officer, and the employee's presence on the job would jeopardize the health of others.

2. Eligibility:

Employees entitled to earn annual leave shall also be eligible to earn sick leave; employees who are not entitled to earn annual leave are likewise not entitled to earn sick leave.

3. Sick Leave Accrual:

Employees shall accrue paid sick leave at the rate of eight (8) hours per month immediately upon employment.

4. Maximum Allowable Accumulation:

Sick leave may be accumulated up to a maximum aggregate of 720 hours and may be carried forward from year to year. Sick leave earned above the 720 hours maximum limit will be recorded and maintained only for potential credit towards years of service for purposes of the benefit calculation at retirement.

5. Reporting of Sick Leave:

Employees are responsible for reporting all instances of illness requiring absence from work, prior to his/her scheduled work time, or within 30 minutes after starting time, depending upon departmental policy. Employees are expected to keep their supervisor or Department Director informed of his/her condition on a regular basis, as well as the anticipated date of return to work.

6. Certification by Physician:

A medical certification signed by a licensed physician may be required by a Department Director to substantiate a request for sick leave for the following reasons:

- a. To justify a period of absence consisting of three or more consecutive working days;
- b. To support a request for sick leave during a period when the employee is on vacation; or
- c. To justify any duration if absence from duty recurs frequently or habitually.

7. Advance Sick Leave:

No sick leave in excess of the leave accumulated to the employee's credit may be granted, unless specifically authorized by the Chief of Operations upon recommendation of the Department Director.

8. Forfeiture of Sick Leave:

Employees who separate from employment with the County prior to normal retirement shall forfeit all unused sick leave. No employee shall be paid for unused sick leave, except that employees who retire from County service upon meeting the established criteria under the County's retirement plan shall be entitled to credit for all unused sick leave towards their years of service for purposes of their benefit calculation at retirement.

E. Military Leave

Military leave will be granted in accordance with applicable Georgia and Federal law.

F. Administrative Leave

Administrative leave with pay may be granted for the following reasons: civil duty and in the event of death in the immediate family. Administrative leave may be granted for other reasons than stated herein when recommended by the Department Director and approved by the Human Resources Director. Administrative leave does not count against the number of days allowed for other types of leave. Listed below are the types and a description of approved administrative leave covered under this policy:

1. Civil Leave:

The County grants employees time off with pay when performing jury duty or when required by proper authority to be a witness in legal proceedings, provided the employee notifies his/her Department Director in advance and acts in accordance with the following:

- a. An employee who is required to perform jury duty or who is required to be a witness pursuant to subpoena is obligated to specifically utilize his/her best efforts to minimize the time spent away from work and to request an on-call arrangement for appearance in response to a subpoena.
- b. Any remuneration given by the court to an individual or by a party serving a subpoena upon an individual must be turned over to the County to avoid double payment.
- c. Employees dismissed early from jury duty with reasonable hours remaining in the workday are required to return to work for the completion of the workday. Failure to do so could result in the employee not being paid by the County for those remaining hours.
- d. The employee should submit a request for civil leave as soon as the employee receives the subpoena for jury duty or to be a witness.
- e. Notwithstanding the foregoing, an employee shall not be granted civil leave for any case or proceeding in which the employee is a litigant, defendant, or other principle party, or if the employee has any other personal or familiar interest in the proceeding. In addition, an employee shall not be granted civil leave for any case in which the employee is charged with a crime.

2. Funeral Leave:

If a death occurs in the immediate family, the County will grant funeral leave with pay for up to twenty-four hours of pay. This leave will not be charged against either annual or sick leave. Immediate family is defined as: spouse, children, mother, father, sister, brother, grandfather, grandmother, or the above listed family member of the employee's current spouse, or any relative domiciled in the employee's household. Notice of intent to utilize funeral leave should be provided to the immediate supervisor as soon as possible.

In the event of unusual circumstances, such as distance to be traveled by the employee, additional funeral leave may be granted and charged to the employee's annual or sick leave accrual or without pay. A request for such additional leave must be submitted in writing, along with an explanation of the circumstances, to the Department Director who will make a recommendation to the Human

Resources Director, who will either approve or deny the request.

G. Family and Medical Leave Act (FMLA)

1. Statement of Policy

Under the provisions of the Family and Medical Leave Act, an employee who has been employed with the County for at least 12 months and who has worked at least 1,250 hours during the preceding 12 months may take up to 12 weeks of unpaid leave during any 12-month period as detailed in this Section. This leave is not intended to replace other authorized leave.

2. Reasons for FMLA leave:

- a. Birth or adoption of a child or placement of a child with the employee for foster care;
- b. A serious health condition which renders the employee unable to perform the functions of his/her position; or
- c. Care for an employee's spouse, child or parent who has a serious health condition.

3. Intermittent Leave or Reduced Leave Schedule:

Intermittent leave or working a reduced number of hours is not permitted unless the County and the employee jointly agree in writing and it is approved by the Human Resources Director. Leave for a serious health condition of a qualifying family member or of the employee may not be taken on an intermittent basis or on a reduced leave schedule unless medically necessary. The taking of any leave intermittently or on a reduced schedule basis shall not reduce the total amount of leave to which an eligible employee is entitled beyond the amount of leave actually taken by the employee. If an eligible employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the Human Resources Director may require the employee to transfer temporarily to an available equivalent position for which the employee is qualified that better accommodates recurring periods of absence.

4. Maximum Allowable Accumulation:

For purposes of this policy, a "12-month period" means a rolling twelve months measured backward from the date the employee uses any FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement will be the balance of the 12 weeks, which has not been used during the immediate preceding 12 months.

5. Family/Medical Leave may be Paid or Unpaid:

An employee requesting leave pursuant to the FMLA is required to utilize all accrued personal leave and/or compensatory time available during the 12-week leave period. If the available paid leave for the employee is less than twelve working weeks, the additional weeks of leave necessary to obtain the twelve work weeks of leave required under the FMLA shall be provided without compensation. In any event, any combination of annual leave, sick leave, compensatory time, and/or unpaid family and leave shall not exceed twelve (12) weeks.

6. Benefits During Leave:

During family or medical leave, the employee shall not accrue employment benefits such as sick or annual leave **unless they are in a paid status 15 calendar days of the month.** Employment benefits accrued by the employee prior to the commencement of leave will not be lost. For purposes of pension vesting or eligibility, any period of family or medical leave will be treated as uninterrupted service.

During family or medical leave, the County will continue to provide health coverage under the same terms and conditions as when the person was working. In other words, the County will continue to pay its portion of the health insurance premiums for a covered employee and his/her family, and the employee must continue to pay his/her share of the premium. Failure of the employee to pay his/her share of the premium can result in loss of coverage.

If the employee does not return to work after the expiration of leave, he/she will be required to reimburse the County for any health insurance premiums paid by the County during the leave, unless the employee's failure to return is due to a serious health condition which prevents the employee from performing his/her job, or because of other circumstances beyond the employee's control. The Human Resources Director may require that the employee provide a certification of such circumstance.

7. Application For Family or Medical Leave

- a. An employee shall request Family or Medical Leave on a prescribed form submitted to the Human Resources Director with a copy to the respective Department Director.
- b. An employee shall request leave at least thirty days before a leave is to begin. If thirty days notice is not possible, then as much prior notice as is practicable must be provided. Notwithstanding the

date on which an employee requests to begin leave and any corresponding approval based upon that date-certain request, the leave shall begin for purposes of calculating the maximum twelve-week period on the date the employee actually ceases to report to duty.

- c. Upon receipt of a request for leave pursuant to the FMLA, the Human Resources Director shall respond in writing with approval of the leave within three (3) working days, unless second and third medical certifications are required and reasonably delay the response. An approval shall specify the terms and conditions of the leave. If a request is denied in whole or in part, the response of the Human Resources Director will specify the reasons for the denial in writing.

8. Certification of Serious Health Condition:

The Human Resources Director shall require an eligible employee to submit certification from the appropriate health care provider when family leave is requested for a serious health condition of the employee or a qualifying family member. Certification shall be sufficient if it states:

- a. The date on which the serious health condition commenced;
- b. The probable duration for the condition or treatment;
- c. The appropriate medical facts within the health care provider's knowledge; and
- d. The estimated amount of time the employee is needed to care for the qualifying family member or a statement of the extent to which the employee is unable to perform the essential functions of the employee's position.

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

9. Recertification and Return to Duty:

The Human Resources Director may require that the employee obtain subsequent re-certification on a reasonable basis. Additionally, as a condition to return to duty, the employee may be required by the Human Resources Director to provide certification from the employee's health care provider that the employee is able to resume work.

H. Leave of Absence Without Pay

The Department Director may recommend a leave of absence without pay for approval to the Human Resources Director for a period not exceeding six months. The minimum period for a leave of absence without pay is a period of three (3) months.

1. Request for Leave:

All requests for leave must be submitted in writing to the Department Director. The request will:

- a. state the reason(s) for the request.
- b. state that the employee intends to return to work upon expiration of the leave and agrees to the terms and conditions of the leave and these policies.

2. Approval and Length of Leave:

- a. The Human Resources Director may, for good and sufficient reason, grant leave without pay. Such reasons may include, but are not limited to, educational or training enrichment or military service.
- b. Leave may be granted for a period not less than three (3) months and not to exceed six (6) months.
- c. Leave without pay shall be granted only when it will not adversely affect the interests of the government service.

3. Requirements:

- a. Failure of an employee to return to work at the expiration of approved leave shall be considered as absence without leave and grounds for termination consistent with Section 7 concerning Separations;
- b. An employee granted leave and who wishes to return before the leave period has expired, shall be required to give his/her Department Director

at least two weeks notice;

- c. An employee on leave will not accrue sick leave, annual leave, credit toward merit increases, pension credit, or continued health insurance benefits;
- d. An employee while on authorized leave of absence without pay, who obtains either part-time or full-time employment elsewhere is required to notify his/her Department Director in writing within three days of accepting such employment;
- e. During the employee's approved leave of absence, the position may be filled. An employee returning from a leave of absence without pay shall be entitled to employment in the same equivalent class wherein employed when the leave began, if available. If a position is not available, the employee will be placed on a re-employment list for up to six months, and will have the first opportunity for a position that becomes available. If no position becomes available within the six months, the employee will be terminated from the County and must apply for any position as any other applicant.
- f. Upon approval of an employee's leave of absence, the employee will be required to turn in all County equipment, including, but not limited to, all County identification badges, keys, telephones, punch cards, and any other County documentation or property.

I. Request for Leave to Observe Religious Holidays

An employee, upon request to the applicable Department Director at least seven (7) days in advance shall be given priority consideration for leave from work for observance of religious holidays not already provided off as a holiday. Any paid leave for such religious holiday observance shall be charged to compensatory time or accrued personal leave as available to the employee at the time of the holiday observance. A request by an employee for time away from work to observe religious holidays shall not be denied unless the duties performed by the employee are urgently required and the employee, in the judgment of the applicable Department Director, is the only person available who can perform the duties. However, a request by an employee for time away from work to observe a religious holiday shall be denied if the employee does not have enough compensatory time or accrued personal leave to accommodate the leave request.

J. Hazardous Weather Leave

In the event of hazardous weather, all employees who are scheduled to work on the hazardous weather day will be paid if the County is officially closed. Full-time employees shall

be paid eight hours of hazardous weather pay, regardless of the hours worked in their regular scheduled shifts. Part-time, temporary, and seasonal employees shall not be paid.

In the event that an employee is not scheduled to work on a hazardous weather day due to the employee being absent from work to use compensatory time or personal leave time, the employee shall be entitled to request that he/she receive hazardous weather pay in lieu of the expenditure of the compensatory time or personal leave time for that day.

If questionable weather exists, but the County is open for business, employees should make their own independent safety determinations concerning travel to work. If the employee elects not to attend work due to safety concerns when the County is open for business, the employee's absence will be charged against any accrued personal leave or compensatory time. If no such accrued leave exists, the employee will not be compensated.

If an employee is called into emergency work when the County is officially closed, the employee shall be compensated for time and one-half of his/her regular rate for hours actually worked, and in addition, the employee shall receive eight hours of hazardous weather pay.

SECTION 12

FAIR LABOR STANDARDS ACT AND PAYROLL

A. Statement of Policy

The Human Resources Director shall be responsible for the classification of positions as either exempt (employee does not receive overtime payment), or non-exempt (employee receives overtime payment for hours worked beyond the maximum allowed by the Fair Labor Standards Act) according to the FLSA and its governing regulations. All employees may be required to work overtime upon the request of the Department Director. It is the policy of the County to comply with the Fair Labor Standards Act (FLSA) with regard to overtime payment for non-exempt employees.

B. Overtime Pay for Non-Exempt Employees

Non-exempt employees required to work overtime upon the request of the Department Director will be compensated at one and one-half their regular rate of pay in compliance with the Fair Labor Standards Act (FLSA). The base workweek or work cycle shall only include actual hours worked. Vacation leave, holidays, sick leave, workers' compensation time, and other types of leave will not count toward the hours worked in the work cycle for overtime purposes.

C. Compensatory Time for Exempt Employees

The County is not required to compensate employees who are exempt under the FLSA for overtime work. Nonetheless, the County has elected to reward overtime work by exempt employees as described herein. Exempt employees may accrue an aggregate maximum of 240 hours of compensatory time, which is accrued on an hour for hour basis. Exempt employees may take compensatory time at the discretion of their Department Director. All compensatory time accrued by exempt employees is forfeited at the time of termination of employment or at such time as an employee otherwise ceases to be an exempt employee.

D. FLSA Section 207(k) Partial Exempt Employees for the Public Safety Departments

According to FLSA, Section 207(k), certain public safety employees (i.e., Sheriff Deputies, Firefighters, etc.) may work longer hours (exceed 40 hours per week) in a work cycle before that work is considered overtime. A work cycle can be between seven (7) and twenty-eight (28) days. The Human Resources Director shall determine which protective service occupations may work under the work cycle system. Non-exempt public safety employees, working on a work cycle will receive time and one-half (1-1/2) for those hours that exceed the maximum for the work cycle.

E. Overtime for Part-Time, Non-Exempt Employees

Part-time, non-exempt employees who work more than their normal work schedule, but less than the FLSA maximum hours for the appropriate work cycle will be paid at straight time. When hours worked exceed FLSA maximums for the appropriate work cycle, part-time employees will be paid overtime at time and one-half (1-1/2) of the regular hourly rate.

F. Approval and Recording of Overtime Hours Worked

All overtime work performed must have prior approval of the Department Director. In addition, all overtime hours worked must be recorded by the employee during the pay period in which the employee performed the work. No employee should be subjected to being requested by a supervisor to work overtime without allowing the employee to record and receive compensation for overtime hours worked. If any employee has concerns about the overtime compensation practices occurring in his/her Department, the employee should immediately advise the Human Resources Director.

G. Payroll Changes

A payroll change shall not take effect until the personnel action notification has been approved by the Human Resources Director in writing on the personnel action form.

H. Pay Days

Most employees will be paid bi-weekly, with some being paid monthly, depending on the position held. Payday will normally be on Wednesday. No employee will be paid prior to regular payday unless requested in writing by the employee's Department Director and approved by the Human Resources Director. Approval will be granted only in the case of a bona fide emergency justifying such action.

I. Recovery of Salaries Improperly Paid

Officers and employees may be held liable for the return of salaries improperly, accidentally, or illegally paid to employees.

SECTION 13

BARROW COUNTY DRUG AND ALCOHOL-FREE WORKPLACE POLICY

A. Statement of Policy

It is the policy of the County to provide a safe, healthy and secure work environment for all employees. It is also the policy of the County to ensure that all employees perform their job duties in a safe, efficient and productive manner. Finally, it is the policy of the County to ensure that its equipment and facilities are maintained and utilized appropriately so as not to pose a risk of harm. The use of drugs and the misuse of alcohol are inconsistent with these policies. Accordingly, to protect the health, safety and welfare of employees, citizens, visitors and persons who interact with County employees during the course and scope of their employment, the County has adopted this Drug and Alcohol Free Workplace Policy which shall be strictly enforced.

B. Drug and Alcohol Use Prohibited

Substance and alcohol use by Barrow County employees during assigned working hours on County premises, or otherwise while on County business is prohibited. This shall include the use of illegal substances, the abuse of prescription medications and over-the-counter medications, and the use of or abuse of alcohol.

As used herein, "County Premises" includes all property, facilities, land, platforms, buildings, structures, fixtures, installations, parking lots, and vehicles, whether leased or used by Barrow County government or its officials, managers, supervisors, employees, or other agents. This definition also includes locations other than County headquarters and offices, including all other locations of County-sponsored recreational, social, or education events, and any place where a Barrow County employee is located while traveling to or from such location in the course and scope of his duties on behalf of the County, including an employee's own vehicle when the employee is using it on County business, or when the vehicle is parked on County property. This definition shall not be interpreted to imply that the County assumes or accepts responsibility for any wrongful, tortuous, negligent or criminal acts of any person whom it employs when such person is not acting pursuant to a County supervisor's instruction in furtherance of the County's business ends on official County business, nor shall it constitute a waiver of any immunity which Barrow County or its officials or employees might have under federal, state or local laws or ordinances.

C. Prohibited Substances

1. Illegal Drugs

- a. “Illegal drug(s) or controlled substance(s)” means any drug or substances the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene or other drugs made unlawful under federal or state laws, or a metabolite of any such substances, “look-alikes,” “designer drugs” having the same or similar psychotropic effects, unauthorized alcoholic beverages, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and/or used in strict accordance with this policy and with the prescribing physician’s instructions, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person’s perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes urinaid or other substances, natural or synthetic, of a similar nature or purpose designated or used to alter a urine specimen or to conceal illicit chemical substances or their metabolites in an initial screening test.
- b. Barrow County prohibits employees from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling or otherwise transferring any illegal drug(s) or controlled substance(s) while on the job, on call, on County Premises, while operating county equipment or vehicles, or while operating any other equipment or vehicle while on County business.
- c. An employee is impaired due to the influence of illegal drug(s) or controlled substance(s) if such employee’s drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

2. Legally Obtained Drugs

- a. A “legally obtained drug” includes prescription drugs and over-the-counter drugs. A “prescription drug” means any substance that is attainable only by lawful prescription from a physician. “Over-the-counter” medication includes any substance that does not require a

prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to perform.

- b. Employees must not be on the job, on call, on County Premises, operating county equipment or vehicles, or operating any other equipment or vehicle while on County business while impaired due to any drug, legal or illegal, that renders the employee unfit for duty. An employee is "unfit for duty" if, in the County's opinion, the employee's use of legally obtained drugs jeopardizes his or her ability to work safely and efficiently. An employee who is using legally obtained drugs must notify his or her immediate supervisor of any and all symptoms and probable adverse side effects that may render him or her unfit for duty. An employee's failure to so notify the County constitutes grounds for disciplinary action, up to and including, termination. If any employee's medically required use of legally obtained drugs renders the employee unfit for duty and, in the opinion of the county, a temporary alternative job assignment is not available, the employee will be considered unfit for duty.
- c. Employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer's directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure that the physician approves the use of the prescription medication while the employee is performing his or her duties.
- d. The abuse and/or inappropriate use of legally obtained drugs during assigned work hours or on County Premises shall be prohibited and is a disciplinary matter. Job performance or attendance deficiencies resulting from abuse and/or inappropriate use shall be cause for disciplinary action.

3. Alcohol

- a. "Alcohol" includes any beverage or substance containing alcohol manufactured for the primary purpose of personal consumption. Barrow County prohibits employees from using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring alcoholic beverages on the job, on call, on County premises, while operating County equipment or vehicles, or while operating any other equipment or vehicles while on County business.
- b. Barrow County also prohibits employees from being on the job, on call, on County premises or operating County equipment or vehicles, or operating any other equipment or vehicles on County business while under the influence of alcohol. An employee is "under the influence of alcohol" if, based upon the employees' speech statements, behavior, conduct,

appearance, or odor, the County reasonably believes the employee is under the influence of alcohol. An employee is also under the influence if an evidential breath test indicates a result of 0.02 percent or higher. An employee is further considered under the influence of alcohol if he has been arrested for operating under the influence of alcohol any County equipment or vehicles, or any other equipment or vehicles while on County business.

- c. No employee shall use alcohol while on duty. In addition, no employee shall use alcohol within four hours of reporting for duty, or during the hours such employee is on call. Violation of these provisions is prohibited and subjects the employee to discipline, up to and including termination.

D. When Testing is Required

1. Pre-Employment/Post-Offer:

Applicants for positions will be tested after a conditional offer of employment has been extended. No applicant shall report to duty or be allowed to report to duty until the results of the drug test are obtained. An applicant who refuses a drug test(s) or who tests positive, shall not be extended a final offer of employment. The applicant will, however, be afforded the opportunity to contest the test results as set forth in this Section.

2. Random Testing:

CDL positions, safety sensitive positions, and job duties which require maintenance or operation of a motor vehicle or motorized equipment shall be subject to random testing as follows:

- a. Tests will be ordered on a random, unannounced basis from the pool of identified CDL, safety sensitive employees, and jobs requiring maintenance or operation of a motor vehicle or motorized equipment.
- b. A computer based random number generator will be used to select employees, thereby allowing each employee an equal chance of being tested each month.
- c. At least 50% of the employees in CDL positions and employees whose job duties require maintenance or operation of a motor vehicle or motorized equipment will be selected for substance abuse testing, and at least 25% of those identified employees for breath alcohol testing.
- d. At least 2 to 10% of other safety sensitive employees will be selected and tested for drugs and alcohol each year.

- e. An employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that any CDL employee, safety sensitive employee, or employee whose job requires the maintenance or operation of a motor vehicle or motorized equipment who is randomly selected for testing, may be randomly selected again during the same year.

3. After-Care Testing:

Persons in CDL, safety sensitive positions or jobs which require maintenance or operation of a motor vehicle or motorized equipment returning to work from an approved treatment program for drug or alcohol abuse may be subject to unannounced testing at the discretion of the Human Resources Director for a period of six (6) months following the employee's return to work.

4. Return to Duty Testing:

CDL employees, safety sensitive employees, and employees whose jobs require the maintenance or operation of a motor vehicle or motorized equipment who are absent from work on any leave for more than thirty (30) days shall be tested for drugs immediately upon returning to work and before performing any job duties.

5. Position Testing:

Employees who are transferred, promoted or demoted into a CDL, safety sensitive position, or a job which requires maintenance or operation of a motor vehicle or motorized equipment from another position will be tested for drugs before performing any job duties in the new position.

6. Reasonable Suspicion:

All employees will be subject to testing when there is reasonable suspicion that the employee has used drugs or misused alcohol in violation of this policy. Grounds for reasonable suspicion testing shall include, but not be limited to:

- a. Personal observation of the employee's job performance, appearance, behavior, speech or odor creating a reasonable suspicion that the employee has used drugs or alcohol in violation of this policy; or
- b. Personal observation of the employee's job performance, appearance, behavior, speech or odor which causes reasonable suspicion that the employee (i) is impaired by drugs or alcohol, (ii) has used drugs or alcohol while on duty, (iii) or poses a threat to the safety of himself or others due to the use of drugs or alcohol in violation of this policy.

- c. Specific and objective facts indicating that an employee's drug or alcohol use may have caused or been a contributing factor to an on-duty motor vehicle accident. An alcohol test(s) should be completed within two (2) hours of the accident and a drug test (s) within eight (8) hours of the accident. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion:
 - i. the appearance, behavior, speech or odor of the employee immediately prior to or after the accident;
 - ii. the employee left the scene or attempted to leave the accident scene without legal authority or permission to do so;
 - iii. the employee acted contrary to a safety rule, established safety practice or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;
 - iv. the employee was arrested or received a traffic citation;
 - v. the employee or any person received medical attention as a result of the accident;
 - vi. the employee has been involved, as a contributing factor, in a pattern of repetitive on-duty motor vehicle accidents whether or not they involved actual or potential injury.

- d. Specific and objective facts indicating that an employee's drug or alcohol use may have caused or been a contributing factor to an on-duty accident. An alcohol test(s) should be completed within two (2) hours of the accident and a drug test(s) within eight (8) hours of the accident. The following facts, if present may independently or collectively, depending on the circumstances, give rise to reasonable suspicion:
 - i. The appearance, behavior, speech or odor of the employee immediately prior to or after the accident.
 - ii. The employee left the accident scene or attempted to leave the accident scene without legal authority or authorization to do so, or failed to report the accident to the appropriate individual or otherwise attempted to keep appropriate persons from learning about the accident or the extent of the accident.
 - iii. The employee acted contrary to a safety rule, established safety practices or otherwise engaged in demonstrably unsafe behavior

without a reasonable explanation.

- iv. The employee or any other person received medical attention as a result of the accident.
- v. The employee has been involved as a contributing factor in a pattern of on-duty accidents whether or not they involved actual or potential injury.
- e. Drugs, drug paraphernalia, alcohol or containers indicating the presence of drugs or alcohol are observed or discovered in a location in which the employee had primary control or access, including but not limited to, desks, lockers, equipment, machines or vehicles. The employee must have accessed the location within eight (8) hours prior to the discovery of such items.
- f. Specific and objective facts showing the employee diluted, tainted, tampered or interfered with any breath, blood or urine sample, or any test(s) required under this policy, or that the employee attempted to do the same.

7. Post-Accident Testing:

When any employee is involved and objectively may have caused or contributed to an on-duty motor vehicle or other serious accident involving motorized equipment an alcohol test(s) should be completed within two (2) hours of the accident and drug test within eight (8) hours of the accident. This testing is to be performed in addition to any drug or alcohol test(s) ordered by law enforcement authorities. The involved employee must report immediately for testing or be subject to immediate termination for failure to report.

8. Consent:

When any employee has consented to a drug or alcohol test(s), a consent form must be signed by the employee and a supervisor from the employee's department or an authorized person from Human Resources.

E. Who May Require a Reasonable Suspicion and/or Alcohol Test(s)

- 1. Any supervisor who has received training in the signs and symptoms of drug and alcohol use and impairment may require an employee to undergo a reasonable suspicion test(s) for drugs or alcohol based upon (i) the personal observation of the employee by the trained individual, or (ii) personal observation of the employee by another employee who has fully disclosed the observations to the trained individual, or (iii) observation of the employee by a nurse or physician

engaged in the treatment or evaluation of a work related injury who has disclosed such observation to the trained individual.

2. Any untrained supervisor may require a reasonable suspicion test(s) for drugs or alcohol based upon his personal observation of the employee, under the following circumstances:
 - a. The employee has been independently observed by a trained supervisor, or
 - b. A trained supervisor has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.
3. Any trained supervisor or trained member of the Human Resources Department may require a reasonable suspicion drug or alcohol test(s) following a work-related accident based upon personal observation of the employee or upon review of the specific and objective facts underlying the accident.

F. Persons Subject to Testing

1. CDL Employees:

Employees who are required to possess a CDL license as a job requirement are subject to all testing provisions of this policy, including but not limited to, pre-employment and random testing.

2. Safety Sensitive Employees:

Safety sensitive employees occupy positions where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates or others. Safety sensitive positions include, but are not limited to those which, as part of the essential job functions, require the performance of law enforcement duties as a POST-certified law enforcement officer; possession of a firearm; providing emergency medical, rescue, or fire suppression services; interacting with incarcerated persons; performing duties essential to drug interdiction; or performing duties which directly affect public health or safety. All safety sensitive employees are subject to all testing provisions of this policy, including but not limited to, pre-employment and random testing.

3. Operators of Motor Vehicle or Motorized Equipment:

All employees whose jobs require the maintenance or operation of a motor vehicle or motorized equipment are subject to all testing provisions of this policy, including but not limited to, pre-employment and random testing.

4. Job Applicants:

Applicants are subject to pre-employment testing after conditional offer of employment has been extended.

5. All Employees:

All employees are subject to testing if reasonable suspicion is established.

G. Procedure

1. Whenever there is reasonable suspicion to require a drug or alcohol test(s) under this policy, the Department Director or his/her designee shall be notified of the circumstances necessitating the test(s) as soon as possible.
2. All circumstances causing reasonable suspicion to require a drug or alcohol test(s) shall be fully documented by the supervisor(s) and all appropriate witnesses as soon as possible.
3. All County issued equipment, property and facilities, including but not limited to, desks, lockers, and vehicles (collectively “materials”) are subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any County issued materials. No personal property may be searched unless the owner of the property has consented or a search is otherwise legally permissible.
4. Alcohol screening will be conducted using a federally approved evidential breath-testing device. An initial screening test of two (2) breath samples will be conducted first, and if an initial test detects any level of alcohol, a second confirmation test of two (2) additional breath samples will be completed.
5. Ordinarily, a drug test(s) will check for marijuana, cocaine, amphetamines, methamphetamines, opiates (including heroin and codeine), and phencyclidine (PCP). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis. Test results will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the U. S. Department of Health and Human Services (DHHS).
6. All positive test results will be interpreted by a physician approved by the County as a medical review officer (MRO) before the results are reported to the County. Prior to notifying the County, the MRO will make reasonable efforts to contact the employee for the purpose of allowing the employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the

employee and determines there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the County. The MRO's inability to contact the employee before providing test results to the County will not void the test result or make the test result unusable in any subsequent disciplinary action. An applicant or employee who fails to respond to an inquiry by the MRO within forty-eight (48) hours of such inquiry, shall have waived his/her opportunity to offer an alternative medical explanation for the positive test result, to request confirmation testing, or to otherwise contest the positive test results. Because the employee is present for interpretation of an alcohol test, the procedure concerning prior notification by the MRO is not applicable.

7. Upon notification by the MRO of a verified positive result for drugs, the employee may request that the remaining portion of his split specimen undergo a second confirmation test at his/her expense at a DHHS laboratory of his/her choice. If the test conducted by the laboratory selected by the employee is negative for the presence of drugs, a third test may be made at the County's sole expense at a separate DHHS facility of its own choosing. The results of the third facility will be determinative. If the results from the third facility are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action.
8. The County will make reasonable efforts to notify the employee of a positive drug test within five (5) days from the date it receives the test results. Because the results of a breath alcohol test are immediately available, this provision will not apply to alcohol tests conducted in such a manner.
9. Any employee ordered to be tested, based upon reasonable suspicion, shall be immediately removed from duty, escorted to the testing facility and taken home (unless other suitable arrangements have been made to transport the employee). Under no circumstances will the employee be allowed to drive himself home. The employee shall be placed on paid administrative leave pending the results of the test.
10. An employee who tests positive for drugs or alcohol shall immediately be relieved from duty, placed on unpaid administrative leave, and sent home pending disciplinary action.
11. Any refusal to consent to a lawful drug or alcohol test(s) or property search will be considered insubordination and gross misconduct and subject the employee to disciplinary action, up to and including immediate termination.

H. Employee Assistance

Resource manuals and information is available in the Human Resource Department for any employee who may be experiencing drug or alcohol dependence issues.

I. Arrests for Drug or Alcohol Related Offenses

Any employee who is arrested for a drug or alcohol related offense must notify their Department Director of the arrest immediately. The County will make a determination at that time whether the arrest causes a temporary or permanent disqualification from holding that position, or constitutes grounds for disciplinary action. All convictions for alcohol or drug related offenses must be reported immediately by an employee to their Department Director. The County reserves the right to take appropriate action based upon such conviction. All employees who are required to operate a County vehicle as a regular part of their job must report any temporary or permanent suspension of driving privileges to their Department Director immediately. The County reserves the right to take appropriate action, including relieving the employee from duty, transferring the employee to a non-driving position, or instituting disciplinary action, up to and including, immediate termination.

J. Confidentiality

All reports of test results for drug and alcohol, searches, or any employee referral, or participation in a treatment program for addictive disorders, will be maintained in strict confidence. Any person authorized to have access to such confidential information who, without authorization, discloses it to another person shall have engaged in gross misconduct and be subject to disciplinary action, up to and including, termination. The confidentiality of such information shall not apply to any use by, or communication to, the Barrow County Human Resources Department or where the information is relevant to the County's defense in an administrative or civil action. Such information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

K. Discipline

An employee who tests positive for drugs or alcohol shall immediately be relieved from duty, placed on suspension without pay, and sent home pending disciplinary action. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the employee shall be reinstated with back-pay and the suspension without pay will be expunged from the employee's personnel file.

1. Immediate Termination:

The following reasons shall be grounds for immediate termination of an employee:

- a. Manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, or selling, or otherwise transferring an illegal drug (s) or controlled substance (s) while on the job, on call, on County Premises,

while operating County equipment or vehicles, or while operating any other equipment or vehicles on County business.

- b. Operating County motorized equipment while unfit for duty due to the use of drugs and/or alcohol.
- c. Conviction for violation of any drug law.
- d. Refusing to consent to or to take a drug or alcohol test pursuant to this Section.
- e. Failure to appear at the designated collection site to take the test when so directed.
- f. A confirmed positive test for drugs or alcohol.

2. Additional Factors to be considered:

Additional factors may be reviewed to determine disciplinary action for violations of this Section, such as:

- a. Public safety and law enforcement personnel shall be held to a higher standard.
- b. Specific positions of leadership within the County shall be held to a higher standard.
- c. Prior violations of drug or alcohol laws and regulations shall be considered.

SECTION 14

TRAINING

A. Certification Training

It is the County's policy to arrange and pay for certification testing and related training sessions on all initial attempts as approved by the respective Department Director on a case-by-case basis. Such approval shall be applied in a universal and non-discriminatory manner. The County shall not be responsible for arranging or making payment for the employee to take subsequent exams if the employee fails the first attempt. It will be the employee's responsibility to pay for, re-take, and pass the certification exam within the specified time frame to meet the requirements of the position. Failure to receive required certifications for the position will result in disciplinary action up to, and including, dismissal.

B. Training and Continuing Education

The County shall arrange and pay for training and continuing education that is directly related to the employee's job as approved by the respective Department Director on a case-by-case basis. Such approval shall be applied in a universal and non-discriminatory manner. The certification testing or training is "directly related to the employee's job" if it is designed to make the employee handle his or her job more effectively as distinguished from training him or her for another job or for the performance of a new or additional skill. If continuing education is necessary to meet the requirements of this position, the employee will be subject to disciplinary action up to, and including, dismissal for failure to timely complete such continuing education.

C. Compensation for Hours Spent in Certification Testing, Training and Continuing Education

Attendance at certification testing, training, and continuing education sessions or similar activities shall be compensated as hours worked unless the following four criteria are met:

1. Attendance is outside of the employee's regular working hours;
2. Attendance is voluntary;
3. The course, lecture, or meeting is not directly related to the employee's job; and
4. The employee does not perform any productive work during such attendance.

It shall be presumed, subject to other direction from the applicable Department Director, that an employee will be compensated for hours actually spent traveling to, and during, attendance at a certification testing, training, or continuing education session if such session is

during regular working hours, is directly related to the employee's job, and is approved for reimbursement by the applicable Department Director. Specific questions related to compensation for attendance at testing, training, and continuing education sessions or similar activities not expressly covered in this Section should be referred to your supervisor or the Human Resources Director for interpretation and compliance with federal law.

D. Training Reimbursements

Requests for payment of training, conventions, or other meetings that are submitted to the Finance Department for reimbursement must include the approval of the applicable Department Director.

SECTION 15

EMPLOYEE CONDUCT

A. Statement of Policy

The employees of the County are expected to conduct themselves in a professional manner at all times while performing work for the government. This Section includes certain requirements to which all employees must adhere.

B. Political Activity

Employees of the County are encouraged to exercise their right to vote, but no employee shall make use of government time or equipment to aid a political candidate, party, or cause; or use a government position to influence, coerce, or intimidate any person in the interest of a political candidate, party, or cause. No employee shall be hired, promoted, favored, or discriminated against with respect to employment because of his/her political opinions or affiliations.

1. Seeking Elective Office:

A County employee seeking elective office within the County may, upon declaring candidacy, either resign or submit a request in writing to the Board for a leave of absence without pay from the date of his/her announcement through the duration of the campaign or announcement of the election results. Such leave of absence shall be requested, considered, and applied according to the leave of absence policies set forth in Section 11. In the alternative, a County employee seeking elective office within the County may continue to work for the County, provided however, that the employee is strictly forbidden from engaging in election activities during his/her County working hours or with use of County equipment. If elected to office, the employee shall immediately, upon the date of election, be separated from County employment upon written request and approval of the Chief of Operations.

2. Political Campaign Involvement:

A County employee may be involved in any political activity which would not constitute a conflict of interest. However, an employee is strictly forbidden from engaging in election or political activities during his/her County working hours or with use of County equipment.

C. Outside Employment

Outside employment is any paid employment performed by an employee in addition to his or her employment with the County. All outside employment shall be approved by the Department Director and the Chairman and shall be reported by the employee to the Human Resources Director. The following criteria will apply to outside employment:

1. Such employment shall not interfere with the efficient performance of the employee's duties;
2. Such employment shall not involve a conflict of interest or conflict with the employee's duties;
3. Such employment shall not involve the performance of duties which the employee should perform as part of his or her employment with the County;
4. Such employment shall not occur during the employee's regular or assigned working hours unless the employee is on annual leave, compensatory leave, or leave without pay;
5. No employee granted permission to engage in outside employment shall work at said outside employment for a longer period of time than stated in his or her request for permission to engage in such employment;
6. Any employee accepting outside employment under the terms of this rule shall make arrangements with the outside employer to be relieved from his or her outside duties if and when called for emergency service by the county.

D. Personal Appearance During Work Hours

All employees are expected to dress appropriately for performing duties as government employees in their work area and to adhere to reasonable standards for personal hygiene. Employees required by department regulations to wear a uniform will wear it while on duty.

E. Assignment of Intellectual Property Rights

All employees irrevocably assign and/or agree to assign to the County all rights, titles and interest in and to any and all work or works, including any and all copyrights therein, conceived, authored or otherwise prepared by the employee or with the assistance of others, pursuant to or resulting from services provided to the County. The employee shall have no right to such work or assignment. The County and employee specifically agree that any such work is specifically commissioned by the County by virtue of the employment relationship and further and expressly agree that any such work shall be a work made for hire for the benefit of the County consistent with 17 U.S.C. Section 101.

F. Acceptance of Gifts or Gratuities

An employee shall not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom he/she has official relationships on business of the county government. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, nor to prohibit employees from accepting social courtesies which promote good public relations, or to prohibit employees from obtaining loans from regular lending institutions. It is particularly important that inspectors, contracting officers and enforcement officers guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion. Violation of this policy will result in disciplinary action up to, and including, termination from employment with the County.

SECTION 16

WORKPLACE VIOLENCE

A. Statement of Policy

The County intends to maintain a safe and secure workplace for all its employees. The County will not tolerate fighting, threats and other acts of violence against employees, job applicants, or the public. In addition, the possession of unauthorized, non-County issued firearms, weapons, ammunition or explosives on County property is strictly prohibited.

B. Reporting Complaints

If you observe the possession of unauthorized non-County issued weapons on County property, or if you are subjected to or threatened with violence by a co-worker or member of the public, or if you become aware of another individual who has been subjected to or threatened with violence, you must report this information to your supervisor, Department Director, or the Human Resources Director immediately. Please report all potential violations so that the Human Resources Director can handle them appropriately. Do not assume that any violation or threat is not serious. All complaints will be thoroughly investigated, and all complaints that are reported will be treated with as much confidentiality as possible. Employees who become angry, upset, or concerned with the actions of a co-worker, supervisor, member of the public, or the County in general, are encouraged to seek assistance from the Human Resources Director.

SECTION 17

INTERNET USAGE AND COUNTY PROPERTY

A. County Property

All supplies, equipment, computers, desks, information, and any other material obtained and used during the course of employment is property exclusively owned by Barrow County (hereinafter collectively referred to as "County Property"). As a result, an employee should have no expectation of privacy with respect to County Property.

B. Phone Use

When making personal local phone calls from the workplace, employees must use judgment and discretion to limit any calls. Excessive use will be dealt with as a disciplinary matter. Personal long-distance phone calls are not permitted on County phones. If you need to make a long-distance call for personal reasons, charge it to your home telephone number or personal credit card number. Failure to comply with this Section will result in discipline.

C. Communication Systems

The County provides a variety of channels for communication to promote the efficient operation of its business. These communication systems include voicemail, e-mail, facsimile, computer networks, internet connections, on-line services, computer files, telephone systems, cellular phones, and pagers. All communications transmitted by, received from, or stored in these systems are the sole property of Barrow County and an employee should have no expectation of privacy related thereto.

All County communications systems as defined above are intended for business use only and are not to be used in a way that may be considered as disruptive, inappropriate, harassing, threatening, or offensive to others. Employees are specifically prohibited from transmitting, forwarding, downloading, or receiving offensive or pornographic materials and messages. These communication systems may not be used to send or to received copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization. Failure to comply with these provisions will result in discipline, up to and including, termination.

SECTION 18

SAFETY AND HEALTH

It is the policy of the County that every employee is entitled to work under the safest and healthiest possible conditions. Toward this end, every reasonable effort will be made to provide and maintain a safe and healthy work place, safe equipment, proper materials, and to establish and insist upon safe methods and practices at all times. Any employee who believes that a safety or health risk exists must report the risk to the Human Resources Director immediately so that the County may take appropriate actions.

It is a basic responsibility of all employees to make safety and health a part of their daily concern. Employees are obligated to observe the rules of conduct and safety, and properly use the County property and equipment provided. To facilitate appropriate employee conduct, each Department Director is responsible for developing and providing safety training to employees within their department. This training, at a minimum, will cover the employee's understanding of how to safely operate all assigned equipment following manufacture's guidelines, personal protective equipment, specific and general hazards associated with their job, and how to report on-the-job injuries and accidents. Safety training will also be presented on specific topics as the need is identified.

All safety training provided to employees will be documented on a form containing the following information: type of training, date, time, location, instructor, employee's printed name, employee's signature, and employee's department. The completed form will be maintained in the employee's personnel file.

These provisions concerning safety/health are intended to state the County's good faith intentions and to place a burden on employees to report any concerns. Such provisions may provide the basis for a defense against a claim by an employee who failed to put the County on notice about a possible risk in the face of the directive to do so.

SECTION 19

ADOPTION OF POLICIES

These policies shall become effective as of October 1, 2003 by resolution of the Board of Commissioners and shall remain in effect until duly amended.

If any Section or other portion of these policies is found to be invalid by duly constituted authority, it shall not affect the validity of the balance of these policies.

A. Repeal Clause

All local ordinances in conflict with the provisions of these policies are hereby repealed insofar as the same conflicts with the provisions of the policies.

B. Amendment of Personnel Policies

These policies shall be amended by majority vote of the Board of Commissioners after consultation with the elected officials. After amending, a notice of the changes shall be posted in a conspicuous place in the County Courthouse for a period of at least ten working days prior to the effective date of the amendment. After the required ten days have elapsed, the change or changes shall have the full force and effect of law.

APPENDIX

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.

Appeal: The right of an employee to appear before the Personnel Review Board to be heard on matters of discrimination, unfair practices or other grievances of such person in the manner prescribed in these policies and procedures.

Chief of Operations: This position is responsible for the day-to-day operations of the government and reports directly to the Chairman of the Board of Commissioners.

Class: A group of positions (or one position) that has similar duties and responsibilities, and requires like qualifications and can be equitably compensated by the same salary range.

Class Title: The official designation or name of the class as stated in the class specification. It shall be used on all personnel records and actions. Different working or office titles may be used for purposes of internal administration.

1. **Regular full-time position.** An employee who works in a position that is budgeted for twelve (12) months of the year, and who works more than thirty-two (32) hours per week.
2. **Regular part-time position.** A regular part-time position is one which has been established and approved in the budget for an indefinite period, and is budgeted for less than 40 hours per workweek.
3. **Temporary position.** A temporary employee is an employee who works in a position that is temporary for purposes of a special project or other work of a temporary nature. The temporary position is not budgeted for twelve (12) months of the year and does not recur regularly from year to year.
4. **Seasonal Position.** A seasonal position is a part-time position that is temporary in nature in that it coincides with a particular season or seasons of the year or with heavy workload periods for a particular department. A seasonal position period may recur regularly from year to year, but it is not budgeted for twelve (12) months of the year.
5. **Grant funded position.** A grant-funded position is a full-time or part-time position established for a specific period of time not to exceed the scheduled termination date of the grant.

Classification and Pay Plan: The system of assigning jobs to classes and to appropriate pay

grades based on the similarities of positions.

County: The Barrow County Board of Commissioners and any elected and constitutional officials who have applied to have their employees covered by this Policy.

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.

Demotion: Demotion means a 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.

Department Director: The employee responsible for the work performed and the accountability of employees in a department. This definition includes elected officers such as the Clerk of Court, Probate Judge, Sheriff, Magistrate Judge and Tax Commissioner. Whenever the term Department Director is used it shall include the Director's designee.

Dismissal: The involuntary termination of a regular employee for just cause.

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 in the County for which he/she is compensated on a full-time or part-time basis.

Federal fiscal year: This term is used for military leave. The federal fiscal year begins October 1st and ends September 30th of each year.

Involuntary Transfer: An involuntary transfer occurs when a Department Director transfers an employee in his/her department from one position to another position if the position is on the same pay grade. Additionally, involuntary transfer occurs when an employee is transferred from one Department to another Department to a position in the same pay grade.

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

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

Minimum Qualifications: Those minimum requirements as to education and experience that qualify an applicant to be considered for examination and/or appointment to a vacant position. Additional requirements may also be indicated where necessary such as licenses, certificates, etc.

Overtime: Time worked in excess of the regular work schedule for the position in accordance with the Fair Labor Standards Act.

Performance Evaluation: A method of evaluating each employee on a periodic basis as to

his/her performance on the job.

Personnel Review Board: The Personnel Review Board is a five (5) member board consisting of citizens living within Barrow County. This Board hears appeals from employees, makes decisions on appeals, and their decisions are the final step in the appeal process.

Position: A group of currently assigned duties and responsibilities requiring the full or part-time employment of one person, which may be occupied or vacant.

Probation Period: An employee serving the first year of his/her appointment, demotion, promotion, voluntary transfer, or reinstatement to any position in the County. A probation period employee is not a regular employee until completion of the first year of employment.

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.

Provisional Employee: An employee appointed to a position without competition pending the establishment of an eligibility list. Such employee may serve for a limited time only and must compete with other applicants to qualify for a regular appointment.

Public Hearing: A meeting of the Board of Commissioners, open to the public, at which any interested party may appear and be heard.

Reclassification: The assignment of an existing position from one class to a different class due to a significant change in duties or responsibilities or an otherwise incorrect assignment.

Reprimand: A reprimand is a formal means of communicating to an employee that a problem exists and that it must be corrected.

Resignation: The termination of an employee at the employee's request.

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

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

Vacancy: A position duly created and still existent, but not occupied by an employee.

Voluntary Transfer: If an employee applies for an open position in another department, any resulting transfer is a Voluntary Transfer.