



Clay County Personnel Policies And Procedures

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SECTION 1:

GENERAL PROVISIONS

1.1 Purpose

The purpose of this document is to establish standards of policy and procedures, which will serve as a guide for employees and define administrative actions concerning specific personnel activities. They are intended to indicate the customary and most reasonable methods whereby the aims of the Clay County Personnel Policy may be carried out.

1.2 Scope

These **policies and procedures** shall cover all employees in the County service except those classified as exempt. Exempt employees shall include:

Members of the Board of Commissioners and other elected County Officers or Officials.

- A. Constitutional Officers and their directly appointed staffs, except that, by **written agreement** between the Commission and any Constitutional Officer, such staffs may be subject to certain provisions herein.
- B. County Administrator, unless specifically included
- C. Members of appointed or elected Boards, Commissions, Authorities and Committees.
- D. County Attorney and County Auditor
- E. Engineering and other Consultants
- F. Persons employed to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the Board of Commissioners or a committee thereof.
- G. All temporary and seasonal positions unless specifically covered by action of the Board of Commissioners and except as otherwise set forth in Section XI, Grievances and Appeals.
- H. Any covered employee to the extent these policies are prohibited by federal, state, or local law.

1.3 Clay County Management Chart

The Clay County Management Chart depicting the lines of authority and control between and among the various departments and levels of each department as approved by the County Commission is hereby attached and made a part hereof as Attachment A.

1.4 Policies Enacted by Reference

The following personnel management policies hereby made a part of this document are incorporated by reference, and are attached as Attachment B through J:

Attachment B – Employee Substance Abuse Policy

Attachment C – Clay County Non-Harassment Policy

Attachment D – Clay County Policy Against Violence in the Workplace

Attachment E – Clay County Workers Compensation Procedure

Attachment F – Clay County Personnel Orientation Checklist

Attachment G – Clay County Vacation Request Form

Attachment H – Travel Reimbursement Form

Attachment I – Employee Acceptance Form

Upon initial approval and signing of Clay County Personnel Policy, each county employee shall receive a copy of the policy. Each employee will complete the Employee Acceptance form (Last page of this policy manual) included in the policy acknowledging he/she has read and will abide by said policy. All new employees will receive the policy upon hiring as part of the Personnel Hiring process. Newly employed Clay County Personnel will also sign the Employee Acceptance form.

1.5 Fair Employment Practices

It is the policy of the County to hire and develop those individuals acceptable for employment by virtue of their qualifications regardless of race, creed, national origin, sex or age. The County regards quality of performance on the job as a significant contributing factor for placement, promotion, and salary increases.

The following guidelines will be used in implementing fair employment practices:

- A. No one is to be denied employment, promotion, or salary increase based on sex, age, race, creed, or national origin.
- B. Employment recruiting must not indicate any preference for age or sex unless such restrictions indicate a bonafide occupational qualification for the job classification in question. In no case may a preference for race, creed, or national origin be indicated.
- C. Differences in salary ranges shall not exist for work responsibilities requiring equal skill, education, experience, and effort. Specifically, no difference in pay shall exist solely based on age, sex, creed, race, or national origin.

Clay County complies with the Equal Employment Opportunity Program in accordance with 28 C.F.R., 42.301, the Fair Labor Standards Act contained in 29 C.F.R., and all other applicable statutes.

1.6 Administration

The Office of the County Administrator shall be the Personnel Office, and the County Administrator shall be the Personnel Officer. The Personnel Officer shall have control over such records as are stipulated in this Policy. Unless otherwise stipulated, The County Administrator shall be the final administrative authority on all matters regarding personnel. In the absence of the County Administrator, the County Clerk shall carry out the duties set forth herein except for duties requiring disciplinary action or dismissal. In the absence of the County Administrator, such actions shall be administered by the Board of Commissioners.

1.7 Amendment of Personnel Policy

1.7.1 By Resolution:

These policies may be amended at any meeting of the Board of Commissioners by adoption of any appropriate amendment.

1.7.2 Proposed Amendments:

- A. Amendments may be initiated by any member of the Board of Commissioners or the County Administrator.

- B. The County Administrator shall coordinate with the County Attorney's office to finalize the proposed amendment prior to presentment to the County Commission.

1.8 Neutral Language

In keeping with the intent and purposes of the Clay County Personnel Policy, when the term "he" or "she", or its grammatical equivalent, is used herein, the term shall be deemed to include both male and female genders.

1.9 Headings

All chapter titles, section headings, and captions are for the convenience of reference only and neither limits nor amplifies any provision, right, or entitlement provided by these policies.

SECTION II:

DEFINITIONS

1. Appeal – An application for review of a grievance.
2. Administrative Leave – See Suspension
3. Applicant – An individual who has completed and submitted an application for employment with the County.
4. Appointing Authority - the official who has the ultimate authority to hire or fire a County Officer's employee. The term shall include the County Officer and shall include all deputies of a County Officer who are authorized to impose adverse action upon a County Officer's employee. Further, the term shall include all Officials with the authority to hire and fire employees under their control when the authority is derived from the Board of Commissioners.
5. Appointment – The offer by the County, and acceptance by an applicant, of a position of employment with the County.
6. Base Pay - the regular pay for the position without including overtime, holiday pay, temporary pay or any other pay.
7. Board of Commissioners - the duly elected Board of Commissioners of Clay County.
8. Child - a biological child, adopted child, foster child, stepchild, legal ward of an employee, or a child for which the employee is standing *in loco parentis*, who is either:
 - a. Under eighteen (18) years of age; or
 - b. Eighteen (18) years of age or older and incapable of self-care because of mental or physical disability.
9. Classification – The act of grouping positions in classes with regard to duties and responsibilities, and requirements as to education, knowledge, experience, and ability.
10. Classification Plan – The official system of grouping positions into appropriate classes.
11. Class Specification (Job Description) – A written description of a class, consisting of class title, a general statement of the level of work, distinguishing features of the work, and examples of duties and qualifications.
12. Compensation – The standard rates of pay, which have been established for the respective classes, as, set forth in the compensation plan.
13. Compensation Plan – The official schedule of pay assigning rates of pay to each class title; the pay schedule.
14. Confidential Information - Confidential information includes, but is not limited to, computer access password, sealed bid data, medical records and similar files, social security number, home address of law enforcement officers, judges, prosecutors, and or identification of their immediate family members or any other information that may be defined by Federal, State or County law.
15. Constitutional Officers – Elected officials not a part of the Clay County Governing Body. For the purposes herein, these shall include the Sheriff, Clerk of Superior Court, Magistrate, Probate Judge, Tax Commissioner, and Coroner.
16. Constitutional Officer's Employee - an employee who is hired by a Constitutional Officer.
17. County - Clay County, a political subdivision of the State of Georgia.

18. County Administrator - the chief administrative officer of the County appointed by the Board of Commissioners. The authority of County Administrator shall be governed by §30.01 through §30.12 as codified by the Clay County Code of Ordinances. Notwithstanding any personnel policy provision in conflict herewith, §30.01 through §30.12 shall control and govern the County Administrator.
19. County Bulletin Board – a message board located in the entryway of the Clay County Board of Commissioners offices for the express purpose of posting vital information such as employment postings, labor law notices, notice of special or called meetings, etc.
20. County Employees - employees who are hired pursuant to authority granted by the Board of Commissioners.
21. Covered Employee - an employee whose employment is subject to the policies and procedures of the Clay County Personnel Policy.
22. Covered Position - a position subject to the policies and procedures of the Clay County Personnel Policy.
23. Demotion – Assignment of an employee from one class to another, which has a lower maximum rate of pay; or, reduction within a pay grade to a lower step.
24. Department - all separate and distinct divisions of Clay County Government, as established by the Board of Commissioners.
25. Department Director or Department Head - the person designated by the County Administrator who has the responsibility and authority to manage and operate a division for and on behalf of Clay County.
26. Dismissal – Separation from County employment with cause; see also Removal.
27. Elected or Appointed Official - the same as defined in “Appointing Authority” herein.
28. Employee – An individual who is employed by the County, and is compensated through the County payroll; those paid on a fee basis and individual contractors are not included as employees.
29. Exempt Employee - a covered employee who is exempt from the overtime provisions of the FLSA.
30. Fiscal Year – the counties adopted operating year from October 1 through September 30 of the following year.
31. FLSA - the Fair Labor Standards Act, 29 U.S.C.S. §§ 201 et seq.
32. FMLA - The Family and Medical Leave Act, 29 U.S.C.S. §§ 2601 et seq.
33. FMLA Leave - leave taken by an eligible employee for a serious health condition of the employee or the employee’s immediate family for a period not to exceed twelve (12) workweeks or equivalent shifts in a calendar year pursuant to the FMLA.
34. 34. Full-time - a covered employee serving in an annually funded position and working a minimum of 35 hours per week.
35. Health Care Provider - a doctor of medicine, doctor of chiropractic, doctor of osteopathy, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner or nurse midwife, legally authorized to practice under the laws of the State of Georgia and performing within the scope of their practice. The term shall also include a Christian Science practitioner listed with the First Church of Christ, Scientist in Boston, Massachusetts.

36. Illegal drugs - marijuana/cannabinoids (THC), cocaine, amphetamines/ methamphetamine, opiates or phencyclidine (PCP). The term illegal drug shall not include any drug when used pursuant to a valid prescription or when used as otherwise authorized by state or federal law.
37. Immediate Family – The use of this term shall include spouse, including common-law as defined by the court, children, parents, siblings, father or mother-in-law, grandparents, or any relative residing in the same household.
38. Improper Use of Alcohol and Other Drugs”, “Improper Drug Use”, or “Improper Use of Other Drugs” the use of or taking of alcohol or an otherwise legal drug in a way that constitutes a crime under state law, or which impairs the individual’s ability to perform the duties of the job; or creates a safety hazard to the individual, other employees, or the general public.
39. In Loco Parentis – as being by court order, an employee who is standing in the place of a parent and who has the rights, duties, and responsibilities to care for and financially support a child. No biological relationship is necessary.
40. Insufficiency – The lack of the qualities required for effectively performing the job duties as outlined in the class specification; this may include physical, mental, or emotional insufficiency.
41. Insubordination – The unwillingness of an employee to submit to the authority vested in the Department Head by the County Administrator, or vested in the County Administrator by the County Commission.
42. Job Classification – A group of positions, which is sufficiently alike in general duties and responsibilities, and requirements as to education, knowledge, experience and ability to warrant the use for the same title, class specification, and pay range.
43. Lay-Off – The involuntary non-disciplinary separation of an employee due to a change in a class, elimination of a position, or a shortage of money with which to fund a position, lack of work, act of nature (violent weather damages) or other causes deemed by the County Commission.
44. Management - The person or persons who control or direct the county business.
45. May – The word “may” shall be interpreted as permissive.
46. Negligence – The failure to exercise responsible and prudent judgment in the performance of an employee’s job duties.
47. Net Credited Service Date - Date employee was hired. In case of more than one employee having the same NCSD, the date of the employee’s application for the position shall take precedence.
48. Non-exempt Employee - a covered employee who is entitled to overtime pay under the provisions of the FLSA.
49. Overtime - overtime as defined under the provisions of the FLSA.
50. Parent - the biological or legal parent, stepparent or guardian of a child or the biological or legal parent or stepparent of an employee or an employee’s spouse.
51. Part-time - a covered employee serving in an annually funded position of less than thirty-five (35) hours per pay period and eligible for prorated benefits except health insurance, disability and pension, based on budgeted hours compared to a full-time position.
52. Pay Range – The difference between the minimum and maximum pay rates assigned to a class as the compensation for that class.
53. Pay Rate – A specific dollar amount of pay, expresses as an hourly rate for wage earners, or an annual rate for salaried employees.

54. Performance Evaluation – A report relative to the job performance and capacity of an employee, as made by his/her supervisor.
55. Position – An office of employment, whether occupied or vacant, full or part-time, consisting of duties and responsibilities assigned to one individual.
56. Probationary Employee – A full or part-time employee serving a probationary period prior to final appointment in that class, who shall, during this period, have no expectation of continued employment.
57. Probationary period – A period of time provided to allow the Department Head an opportunity to evaluate an employee's performance and ability, and to decide whether or not the employee is to be retained.
58. Promotion – Assignment of an employee from one class to another, which has a higher maximum rate of pay.
59. Random Drug Test - an event used to test for drugs and or alcohol under the policies and procedures set for in the Clay County Substance Abuse Policy.
60. Regular Employee - a covered employee who has successfully completed the new hire probationary period
61. Reinstatement – The rehiring, with benefits, of a former employee who has resigned in good standing.
62. Removal/Dismissal – Separation of an employee on probation or for failure to meet the requirements of employment.
63. Seasonal employee - an employee serving in a reoccurring position with a specified function which is funded for part of the fiscal year; eligible for holiday pay but ineligible for all other benefits.
64. Serious Health Condition - an illness, injury, impairment, or physical or mental condition which involves:
 - a. Inpatient care in a hospital, hospice, or residential health care facility;
 - b. Continuing treatment by a health care provider;
 - c. A period of incapacity requiring absence from work of more than three (3) consecutive calendar days and subsequent treatment including either two (2) visits to a health care provider or one (1) visit followed by continuing treatment under the health care provider's supervision;
 - d. A period of incapacity due to pregnancy or prenatal care;
 - e. Periodic treatment for chronic serious health conditions; or
 - f. Episodic periods of incapacity of less than three (3) consecutive days resulting from chronic health conditions, which may not require treatment by a health care provider.
65. Shall – The term “shall” shall be interpreted as mandatory.
66. Shift - a daily work period interval for County employees.
67. Standards – The term used to mean the minimum performance requirements needed to perform day-to-day duties of a job as defined in the Clay County Personnel Policy and/or specific job descriptions.
68. Suspension/Administrative Leave – An enforced leave of absence for disciplinary purposes or, because of a pending investigation of charges made against an employee.
69. Temporary - a position with a limited job function, ineligible for benefits, and for a period not to exceed ninety (90) days within the fiscal year authorized for non-reoccurring functions.
70. Transfer – Assignment of an employee form one position to another within the same pay grade.

71. Unethical – Behavior not conforming to accepted standards of conduct.
72. Written Caution - A written reprimand that specifies the unsatisfactory element of job performance and is corrective or cautionary in nature. A written reprimand must define the area or areas of needed improvement by the employee, set up goals for achievement of the improvement, and inform the employee that failure to improve the area(s) of deficiency may result in a more serious adverse action. A written reprimand shall be issued by the employee's immediate supervisor.

Note: As used herein, the terms Personnel Management System, Personnel Management Plan, Plan, and kindred terms, shall mean this document specifically and all amendments hereto.

SECTION III:

STANDARDS OF CONDUCT

3.1 Policy of the County

The Clay County Commission advocates the acceptance of the concept that the quality of public service can attain maximum efficiency and effectiveness through a personnel management system based on merit principles. Further, the County recognizes that a dual responsibility exists (to both the public and the employees) and is necessary in order that these goals are achieved.

The attitude and deportment of all County employees shall at all times be such as to promote the good will and favorable attitude of the public toward the County Commission and its programs and policies. All employees are required to maintain their personal appearance in a manner, which will reflect a proper image to the public; they are encouraged to develop skills and seek formal training that will enhance their personal development and the overall expertise of the organization.

It is the policy of the County to expect from its employees' compliance with all rules and regulations of the County, state statutes, and federal regulations in the performance of their duties, as well as compliance with all safety rules and standards. **Any employee who violates any of these rules and regulations shall be subject to disciplinary action, up to, but not necessarily including termination of employment.**

3.2 Code of Ethics – Conflict of Interest

To assist the understanding of potential conflicts of interest, which could arise, the following policies shall be adhered to by all employees of the County, including elected and appointed officials.

- A. No employees shall use or attempt to use their position to secure special privileges or exemptions for themselves or for others, except as may be provided by policy or law.
- B. An employee shall not accept gifts, kickbacks, gratuities or loans from organizations, business concerns or individuals with whom he has official relationships on business of the County government. These limitations are not intended to prohibit the acceptance of employees from obtaining loans from regular lending institutions. It is particularly important the inspectors, contracting officers, and enforcement officers guard against relationships, which might be considered as evidence of favoritism, coercion, unfair advantage or collusion. Violations of this policy will result in disciplinary action. Items in the category of advertising novelties (i.e., matches, pencils, calendars) having wide distribution may be retained by the employee.
- C. No employees shall accept employment or engage in any business or professional activity, which they might reasonably expect, would require or induce them to disclose confidential information acquired because of their position with the County.
- D. No employees shall disclose confidential information they have gained due to their official position, nor shall they otherwise use such information for their personal gain or benefits.
- E. If any employee of the County is an officer, director, agent, or member of, or owns controlling interest in any corporation, firm, partnership, or other business entity which is subject to the regulation of, or which has substantial business commitments with the County or other political subdivision of the State, he/she shall file a sworn statement to this effect with the Clay County Clerk of Superior Court.

- F. No employees shall transact any business in their official County capacity with any business of which they are an officer, director, agent, or member, or in which they own a controlling interest.
- G. When employees have any questions or concerns as to the applicability of this policy, they should discuss these questions or concerns with their respective Department Heads or the County Administrator.

3.3 Departmental Policies

Policies established by the Heads of the respective Departments shall remain valid and in force unless they conflict with the Personnel Policy Plan. In such instances, the Personnel Policy Plan shall take precedence.

3.4 Nepotism

No member of the immediate family of an employee who has supervisory authority will be hired by the County within the same Department except as may be determined to be in the best interest of the County by the County Commission.

3.5 Political Activity

Any person holding a position in the County shall have the same privilege to exercise his/her right of franchise as any other citizen; however, no County employee shall take an active part in any political campaign, including the active solicitation of votes and the distribution of political material, during normal hours of work. Additionally, no County employee shall be a paid director of any political party or political caucus while in the employ of the County.

Any employee, as defined in the above paragraph, who runs for any elected Clay County office, must, upon qualifying, take a leave of absence from the County until no longer qualified, or elected. If elected, the employee must resign the County position and shall be disqualified from County employment until one year after leaving elected office.

No elected or appointed official, Department Head, or other employee of the County shall directly or indirectly coerce any other employee to neither contribute or otherwise support any person, party, committee, or agency for political purposes, nor threaten to discharge or otherwise coerce any employee for voting or not voting in any election, or to influence the vote of any employee.

No employee or elected official of the County may use any County property, real or personal to promote or aid either their own or another candidate's political campaign.

3.6 Outside Employment

Departmental policy notwithstanding, employees are not restricted in other employment during their off-duty hours; however, County employment shall be considered the primary employment, and no employees may engage in outside employment, which would interfere with their County duties.

All Full-time employees shall give notice of outside employment to the Department Head for concurrence of the County Administrator. If the County Administrator determines that a conflict of employment exists, such will be cause to require the termination of either of the two jobs, at the employee's option.

3.7 Release of Information

No employee entrusted with, or having knowledge of, information of a confidential nature concerning either another employee or the County, shall release such information without the specific approval of the County Administrator. Violation of this rule shall be grounds for disciplinary action up to, but not necessarily including termination of employment.

Employees shall at all times be courteous, friendly and helpful to those members of the public who seek information and access to County records. In accordance with the above paragraph, no employee shall divulge information or permit access to records, which are confidential, and not a public record. Unless release of information is a normal part of an employee's duties, that employee shall decline courteously to reveal information and shall direct inquiry to the Department Head, the County Clerk, or the County Administrator.

Except for law enforcement personnel acting in their official capacity, should employees receive a subpoena to make a statement regarding County business, they shall first discuss the content of the subpoena with the County Administrator and the County Attorney.

3.8 Solicitations

Employee contributions to recognized charitable organizations are purely voluntary; no coercion of an employee to make contributions shall be permitted. County employees are prohibited from soliciting any other employee of the County on behalf of any organization during their working hours or the working hours of the employee sought to be solicited. Employees are prohibited from distributing any literature, which tends to promote any organization during working hours in any area where County work is performed.

3.9 Employee Debts

The County will not act as a collection agency for an employee or for collection agencies against employees unless so ordered by the Court (See Garnishments). However, should complaints concerning employees' failure to meet financial obligations interfere with their job performance, they shall be so informed. Should the condition continue, such employees may be subject to disciplinary action.

3.10 Use of County Property

County property is to be used for County business only; no County property shall be used by employees, commissioners, or constitutional officers for their personal use.

3.11 Purchase of County Property

No elected official, officer, employee of the County, or their delegated representative may purchase County property.

General Prohibitions

A. No employee shall make any false statement, certification, mark, rating or report with regard to any test certification, or appointment made under these rules, or in any manner commit or attempt to commit any fraud preventing the impartial execution of these rules.

B. No employee shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or any other valuable consideration for any appointment, proposed appointment, promotion, or any advantage in a position in the County service.

C. No employee shall deceive or obstruct any persons in their right to application, certification, eligibility, or appointment under these rules; or to furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the County service.

D. No employee or official whose duties involve the use of a badge, card, or clothing insignia as evidence of authority or for identification purposes shall permit such badge, card, or insignia to be used or worn by any person who is not authorized to use or wear same, nor permit same to be out of their possession without good cause, or approval of the Department Head or authorized superior. Such badge, card or insignia shall be used only in the performance of the official duties of the position to which they relate.

SECTION IV:

PERSONNEL RECORDS

4.1 Administration

All employee records shall be kept in the custody of the County Administration Office. The County Clerk shall have both possession of and control over all employee financial records; the County Administrator shall have control over all personnel records and approval of employee payroll, notwithstanding that such records may be in the possession of the County Clerk. The County Clerk shall perform all duties connected with the upkeep of the financial records, insuring the approval of employee payroll by the County Administrator and the County Administrator or his/her designee, shall perform all duties connected with the upkeep of the personnel records. See also, SECTION XIII, § 13.6 Payroll Records Retention and Disposition.

4.2 Records Kept in the Personnel Folder

It will be the responsibility of each Department Head to initiate and provide written information on each employee for inclusion in that employee's permanent personnel records folder. This information shall become a part of the employee's personnel record. Information kept as permanent records in each employee's personnel records folder may include the following:

- A. Resume and/or Application Form
- B. Safety Indoctrination, when applicable
- C. Letters of Commendation
- D. Letters of Recommendation
- E. Performance Evaluations
- F. Letters of Awards
- G. School records, diplomas, etc.
- H. Written Cautions
- I. Written Reprimands
- J. Notices of Promotion, Demotion, etc.
- K. Notice of Termination of Employment
- L. Federal Withholding forms
- M. State Withholding forms
- N. Acceptance of Personnel Policy Form
- O. Requests for paid vacation forms
- P. Requests for Leave
- Q. Others as required

4.3 Keeping Records Current

Employees should be aware of the importance of keeping their personnel records current. Employees are responsible for immediately notifying their Department Head of any changes, such as changes in dependents, address (even if temporary), educational status, etc. It is the responsibility of the employee to ensure that such information is current.

4.4 Records Inspection

Employees shall have the right to inspect their own employment records by scheduling an appointment and at the convenience of the County Administrator. Department Heads may inspect records of personnel in their Department at the convenience of the County Administrator. The convenience of the County Administrator will not exceed three (3) business days from the day of the request by either party. All records inspections shall be conducted in accordance with relevant state and federal laws pertaining to confidentiality.

4.5 Records Retention and Disposition

The County Administrator, on the advice of the County Clerk, shall determine the time limit that any personnel records shall be kept on file, and the final disposition of such records, in accordance with applicable laws, except when disposal of personnel records would be in conflict with § 13.6 Payroll Records Retention and Disposition. In these instances § 13.6 shall take precedence.

SECTION V:

HIRING PROCEDURE

5.1 Vacancies

When a vacancy occurs in any Department, the Department head shall so inform the County Administrator, who will then begin the hiring procedure.

5.2 Notice to Employees

In accordance with Section 6.3 of this Plan, a Notice of Vacancy shall be circulated for five working days among County employees; any employee may apply for the vacant position. If an employee meets the position requirements, he/she may request a promotion, a transfer, or a voluntary demotion from the County Administrator to fill the vacancy. Vacancies occurring due to in-house placement shall be filled in like manner, if possible. See Section 5.4 – Exemptions.

5.3 Notice to Public

If a position is not filled internally, the County Administrator shall place an advertisement on the County Bulletin Board and in a local newspaper announcing the opening. In addition, a newspaper advertisement shall run for a minimum of two separate publications in the legal organ, spanning not less than 10 days.

5.4 Exemptions

The position of the County Administrator and County Clerk are exempted from in-house preference. This restriction does not, however, preclude County employees from applying for this position in competition with other applicants.

5.5 Applications

All applicants for employment with the County shall complete an application form. Application information shall also include any other documentation requested by the County.

5.6 Eligibility

Applicants shall be recruited from a geographic area as wide as necessary to ensure obtaining well-qualified candidates for the vacant position. In cases where County residents and non-residents are equally qualified, County-residents shall receive first consideration in filling the vacancy.

5.7 Interviews

After the deadline for reception of applications, the Department Head shall rank the applications and schedule interviews. In instances where there are more than three (3) applicants for a position, only the top three qualified applicants need be interviewed.

5.8 Basis for Employment

Employment with the County shall be based solely on merit, ability, and fitness as evidenced by:

- A. Training and experience.
- B. Examination score, if applicable.
- C. Pre-employment drug screening
- D. Outcome of the applicant interview.

- E. Evaluation of Motor Vehicle Records (see attachment J for details).
- F. A pre-employment physical examination which may be required; for all law enforcement, fire, and public work applicants, such an examination may be required.
- G. High school diploma, GED or certificate of completion from an accredited technical institution is desired.

(Amended Ord. 08-011, passed 12/2/08)

5.9 Employment of Department Heads

Department Heads shall be both hired and terminated by the County Administrator with the concurrence of the County Commission.

5.10 Employment of the Physically Challenged

Physically challenged applicants will be considered for any position, insofar as their physical constraint(s) does not, following a reasonable accommodation by the County, impair that applicant's ability to perform the duties of the position being applied for.

5.11 Personnel Orientation Checklist

Upon hiring of new employee, the department manager will offer a "Personnel Orientation Checklist" (Attachment H) to the employee. The employee will check each item discussed and sign the form. This form will become a part of the employees personnel file.

SECTION VI:

APPOINTMENTS, PROBATION, PROMOTION, DEMOTION, REINSTATEMENT

6.1 Types of Appointments

- A. Full time appointments are those which normally constitute eight (8) working hours each day, or forty (40) working hours each week.
- B. Part time appointments are those for which working hours are normally less than 35 hours per week.
- C. Permanent appointments are those appointments which are reasonably expected to be of more than a temporary nature.
- D. Temporary appointments are those which, due to the nature of the job, are to last for only a specific period of time, usually no longer than one calendar year.
- E. Appointments may be permanent full-time, permanent part-time, temporary full-time or temporary part-time.

6.2 Probation

The probationary or "employee work-performance evaluation" period is an integral part of the County's Hiring Procedure. It is utilized to closely observe the employee's work, to secure the most effective adjustment of a new employee to a position, and to reject any employee who does not meet required standards. The probationary period shall be six months for all employees.

When employees successfully complete their probationary period, they may be placed on permanent employment status. To be so placed, probationary employees must have an Overall Satisfactory report on their final Probationary Performance Evaluation, with no section less than Satisfactory.

Probationary employees who are unable or unwilling to perform their duties as prescribed in the Job Description or to the satisfaction of the Department Head shall be released from county employment at the discretion of the Department Head, with the approval of the County Administrator. Employees who attain an Overall Satisfactory on their Probationary Performance Evaluation, but have one or more "Needs Improvement" sections, may, at the discretion of the Department Head and with the approval of the County Administrator, be placed on an extension of probation, not to exceed six (6) months; if performance is still not satisfactory, the employee shall be released from county employment.

Released probationary employees shall have no right to appeal the removal.

6.3 Promotions

It shall be the policy of the County that as far as is practical and feasible, all vacancies in the County service shall be filled by the promotion of persons already employed by the County.

Promotion qualification shall be evaluated from the following:

- A. Prior Performance Evaluations. To be considered for promotion, an employee should have overall performance evaluations higher than "Satisfactory."
- B. A promotional interview with the Department Head. To be considered for promotion, the employee should have his/her Department Head's recommendation for the position.
- C. Job-related experience, aptitude, education and communication skills.
- D. Fitness test may be required if job description requires (law enforcement, EMS, etc.)

All promoted employees shall serve six-month probation in the higher position. No employee who is in a probationary status in one county position shall be allowed to apply for promotion to another position for the duration of the probationary period.

(Amended Ord. 08-011, passed 12/2/08)

6.4 Demotion – Voluntary

Employees may be demoted at their own request to positions in a lower Job Classification, subject to the approval of the County Administrator. Employees voluntarily demoted shall receive the same or closest rate of pay in the new position as they received in the previous position; notwithstanding, however, that if the employee's pay rate in the previous position was higher than the highest pay rate in the new position, then the employee shall be paid at the highest rate in the new position.

The decision to be voluntarily demoted is at the discretion of the employee, with the concurrence of the County Administrator; reasons for such a request may include a personally perceived temporary or permanent inability to perform satisfactorily at the higher position, or any other such personal reason.

(Amended Ord. 08-011, passed 12/2/08)

6.5 Demotion – Involuntary

Except for voluntary demotions, no employee shall be permanently demoted to a lower job classification; however, the County Administrator may authorize a decrease in an employee's rate of pay in lieu of a suspension as outlined in paragraph 8.6. The County Administrator shall set the time limit of the demotion and the amount of the decrease provided that the limits shall be a maximum of 30 working days and five percent (5%) in pay, respectively.

6.6 Rehire

An employee who has left the County service in good standing may be rehired within one (1) year without having to serve a probationary period. A former employee who is appointed to a position not in the same general job classification shall have to undergo a probationary period and attain a satisfactory evaluation. Furthermore, there is no assurance that rehired employees will be placed in the same position held previously, or in the same general job classification.

6.7 Reinstatement

An employee, who has worked for the County for five (5) or more consecutive years and has terminated in good standing, may be reinstated within one year from termination date.

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SECTION VII

SEPARATIONS

7.1 NON-DISCIPLINARY SEPARATIONS

- A. Retirement – All employees shall be governed by retirement age regulations as put forth by the United States Social Security Laws and Regulations, unless an extension is approved by the County Administrator.
- B. Disability – If an employee becomes unable to perform the duties required by the job description, reasonable accommodation shall be made to place that employee in another position which he/she can perform satisfactorily (see Section 6.4), provided that such a move will not cause a financial burden on the Department. If placement into another position cannot be accomplished successfully, the County Administrator shall take steps to separate the employee either through retirement or disability pension. No guarantees will be made to alternative placement.
- C. Resignation – To resign in good standing, an employee shall give two (2) weeks notice and shall work for at least ten (10) working days prior to termination. Failure to comply with this rule will be entered on the employee's service record, and may be cause for denying the employee future employment with the County. The County Administrator may exempt notice if exceptional circumstances warrant such exemption. Exceptional circumstance may be military activation in times of national security or disaster, death of a family member requiring relocation, relocation of spouse due to the above, others as may be determined by the County Administrator.
- D. Reduction in Force (Lay-off) – The County Administrator, with the concurrence of the County Commission, may lay off one or more employees when it is deemed necessary by reason of a shortage of funds or work, the abolition of the position, or other material changes in duties or in the organization. No permanent employee will be laid off while another person on a temporary or part-time basis is employed in the same job classification unless the permanent employee has unsatisfactory employee evaluations.

7.2 Grounds for Dismissal

Aside from those instances generally alluded to in the Policy wherein an employee may be dismissed; dismissal may also include, **but shall not be limited to**:

- A. Failure to meet prescribed standards of work; unacceptable morality or ethics to an extent that makes an employee unsuitable for the kind of employment in County service in which he/she was working at the time of the offense; or disgraceful personal conduct.
- B. Violation of Georgia Law prohibiting public employees from participating in a strike against a public employer.
- C. Malicious destruction of County property.
- D. Conviction of a criminal offense.
- E. Being under the influence of intoxicating beverages or illegal drugs while on duty. Employees using drugs prescribed by their medical professional that affect their work performance will not be allowed to work their shift and will be sent home on sick leave and required to remain on sick leave until they are able to return to work without the influence.
- F. Unauthorized absences or abuse of leave privileges.
- G. Acceptance of any valuable consideration, which was given, with the expectation of influencing the employee in the performance of official duties.

- H. Falsification of records or use of official position for personal advantage, to include applications, time sheets, purchase orders, etc.
- I. Willful negligence of duties.
- J. Fighting, inciting a fight or attempting to injure others.
- K. Stealing or attempting to steal from the County Government, private citizens or an employee.
- L. Behavior the County Administration or County Commissioners believes to be immoral or indecent.
- M. Unauthorized possession of weapons, firearms, or explosives on the job.
- N. Sleeping while on the job.
- O. Falsification of personnel or other records.
- P. Misuse or removal of employee lists, county records, or confidential information of any nature from the premises without proper authorization.
- Q. Dishonesty.
- R. Advocating, being or has been a member of any political party or organization that advocates the overthrow of our government.
- S. Sabotage, espionage, or an attempt of same.
- T. Threatening, cursing, slandering or otherwise showing disrespect toward supervision, government or company representative.
- U. Violating security measures for financial records, administrative records and information technology.
- V. Further grounds for disciplinary actions are found in Section 7.3, Employee Conduct Policy.

7.3 Employee Conduct Policy

Rules and regulations are essential to the efficient and successful operation of any organization. The rules listed herein have been established to provide common guidance in the day-to-day operation of Clay County. Clay County assures that all administration concerning discipline to employees will be done in a fair and consistent manner.

The following rules are not intended to be inclusive of all the standards for job performance and personal conduct. These rules apply to ALL employees. The following is a list of some of the types of misconduct that may result in disciplinary action:

1. Obscene or abusive language.
2. Leaving work without permission.
3. Poor housekeeping.
4. Reading newspapers, periodicals, or loafing on the job.
5. Distribution of literature, circulars, pamphlets, or any other printed material while at work.
6. Smoking in "No Smoking" areas.
7. Threatening, intimidating, coercing, or interfering with other employees at any time while on the job.
8. Making false, vicious, or malicious statements concerning any employee or elected official of the county.
9. Selling, soliciting or collecting contributions for any purpose while on the job.
10. Violation of safety or fire regulations or common safety practices, which includes moving traffic violations or accidents.
11. Habitually reporting late for work (three times or more in a 30-day period).

12. Habitual unauthorized absences (two or more times in any two-week period).
13. Unsatisfactory quality and/or quantity of work.
14. Posting unauthorized notices on bulletin boards or removing or altering notices on company bulletin boards.
15. Creating unsanitary conditions.
16. Disposing refuse in places other than containers provided for that purpose.
17. Operation of machines, tools, or equipment to which an employee has not been specifically assigned by a supervisor.
18. Preparing to quit work for the day prior to the specified time.
19. Failure to work scheduled overtime unless excused there from.
20. Willful abuse or destruction of owner's property, company property or government property.
21. Gambling, lottery or involvement in any other game of chance during work hours.
22. Horseplay, scuffling or throwing objects.
23. Performing outside work that interferes with employee's specified duties for which he or she is employed.
24. Conviction of criminal offense other than minor traffic violations and misdemeanors.
25. Performing work on personal property during working hours or with county tools or equipment.
26. Using county telephones without authorization.
27. Failure to use personal protective equipment (PPE).
28. Any use of cell phones, IPOD's, video games or any other electronic devices which, as determined by the Department Head, interfere with performance and or safety of the employee, co-workers or the public is prohibited.

(Amended Ord. 08-011, passed 12/2/08)

7.4 Return of County Property

All County property is, and shall remain, the property of the County, and shall be returned in good condition to the County at time of separation from county employment. Employees in violation of this rule are to be considered terminated not in good standing and such will be placed in the employee's personnel folder. This Section does not abrogate the County's right to take any legal action to ensure return of its property.

7.5 Exit Interview

Upon separation with the County service, each employee is encouraged to undergo an exit interview with the County Administrator or his/her designee. The intent and purpose of this interview is to provide County management with information as to why and in what areas employees may be dissatisfied with their jobs, suggestions which may enhance County operations, and other information pertinent to good personnel relations and heightened County efficiency and effectiveness.

7.6 Reimbursement of Expenses

Any employee who leaves the employment of the County within one year of having taken a physical or mental examination paid for by the County (including a pre-employment drug screening), shall have the cost of such examination (s) deducted from his/her final paycheck.

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SECTION VIII

DISCIPLINARY ACTION

8.1 Purpose

In certain instances, a disciplinary measure against an employee does not warrant dismissal; in these cases, disciplinary measures of less severity may be considered.

8.2 Notice of Disciplinary Action

Notice to employees of any disciplinary action to be taken against them is mandatory; the supervisor or Department Head initiating the action shall so inform the employee immediately at the first on-the-job opportunity.

8.3 Warning

This is the lowest level of disciplinary action; it is, in effect, an oral reprimand to the employee. A notice of oral reprimand shall be prepared by the supervisor and placed in the employee's personnel folder.

8.4 Written Caution

The written caution shall be issued for offenses, which require more than an oral reprimand, or for the continuation of an offense on which an oral reprimand has been given. A copy of the written caution shall be placed in the employee's personnel folder.

8.5 Written Reprimand

A written reprimand shall be issued for offenses, which require a more severe action than the written caution, for the continuing occurrence of an offense on which a written caution has been issued, or on the third occurrence of an offense on which an oral reprimand has been issued. A copy of the written reprimand shall be placed in the employee's personnel folder.

8.6 Suspension

An employee may be suspended without pay for the following reasons:

- A. For an offense warranting more than a written reprimand but not necessarily warranting dismissal.
- B. In lieu of a third written reprimand for the same offense.
- C. For offenses as stipulated in section 7.3.

A copy of the Notice of Suspension shall be placed in the employee's personnel folder.

8.7 Right to Appeal

The right to appeal any disciplinary action except an oral reprimand shall not be abridged. Appeal of disciplinary action taken by the Department Head may be made to the County Administrator. Appeal of disciplinary action taken by the County Administrator on Department Heads may be made to the County Commission. The grievance procedure as outlined in Section 11 shall be followed.

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SECTION IX:

ATTENDANCE AND LEAVE

9.1 Hours of Work

The normal hours of work for full-time employees are as follows:

- A. County Administration – 8:00 a.m. to 4:30 p.m., Monday through Friday.
- B. Public Works:
 - a. Roads – Monday – Thursday 7:30 a.m. to 5:30 p.m.
 - b. Solid Waste – Monday – Thursday 7:30 a.m. to 5:30 p.m.
 - c. Water – to be determined

Note: Hours are subject to change by management.

- C. Department Heads shall work a normal 40-hour week unless otherwise enumerated herein.
- D. Time Cards: All hourly paid employees must maintain their time on time cards, either in writing or, if available, with an electronic time clock. All employees' time must be submitted to the County Clerk no later than 10:00 a.m. on Monday of payroll week. Time cards will be turned in weekly before payroll checks will be distributed.

9.2 Overtime

Overtime work is not encouraged by the County; however, needs of the county may require overtime by the employee. In these instances, the pay policies as established shall govern the rates of pay to be given. No County employee may take compensatory time off in lieu of overtime pay. Only authorized overtime shall be compensated. Overtime authorization for employees other than the County Administrator shall come from the employee's Department Head. The authorization for the County Administrator shall come from the Commission. The County Administrator shall authorize Department Head overtime.

- A. As a general rule, the requirement for frequent and considerable overtime in a department shall be considered evidence of under staffing or improper organization and shall be subject to review by the County Administrator. Department heads are responsible for recommending to the County Administrator for approval any change of hours, shifts, to include split shifts, or other measures, which will reduce or eliminate overtime for groups or individuals.
- B. Overtime work shall include only that work performed by employees at the direction of a department head or his authorized representative that is approved by the County Administrator and which exceeds the number of hours constituting both the established workweek and period of the shifts involved.
- C. All overtime shall be computed to the nearest one-quarter hour.
- D. Records of all overtime worked shall be kept by the department head as directed by the County Administrator.
- E. Department heads are responsible for assuring that required overtime is distributed among their employees on as equitable basis as the skills of their employees and department needs and the welfare of the employees will allow.

9.2.1. Employees to Whom Overtime is Paid

- A. Non-exempt employees.
- B. Exempt employees, but only during a declared state of emergency or when approved by the board.

9.3 Holidays

The following shall constitute the official paid holidays for all full-time employees in the County service:

New Year's Day
Martin Luther King's birthday
Presidents' Day
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day

9.3.1 Holiday Guidelines

A holiday will normally be observed on the date designated by the Clay County Board of Commissioners provided:

- A. Holiday pay will be a maximum of eight hours per designated holiday regardless of normal shift hours.
- B. All full time employees will receive eight hours of holiday pay for each designated holiday as listed in section 9.3 at their regular listed rate of pay.
- C. Holidays that fall on Saturday will be paid on the prior week and holidays that fall on Sunday will be paid in the next pay period.
- D. Part time employees will be paid holiday pay on a prorated basis. For example, if they work 16 hours of a 40 hour week they would receive 3.2 hours of vacation pay. (Hours worked divided by 40 hours in week x 8 holiday hours)
- E. An employee who is required to work on a day proclaimed as a holiday shall be compensated for the work. Hourly employees who work holiday time will be compensated at two hours for each hour worked.
- F. In circumstances where the operations of the county are subject to seasonal fluctuations that impact the availability of work, a department head may elect, upon notification to employees by the adoption of a written policy, to grant equivalent time off at any time within the calendar year in which equivalent time off for a holiday is accrued; and,
- G. The equivalent time off shall not exceed the time actually worked on the day proclaimed as a holiday or eight (8) hours, whichever is less.

9.3.2 Part-Time Employees

A part-time employee shall not receive additional compensation or time off for a holiday if they do not work any hours in the week the holiday falls on.

9.3.3 Working on a Holiday

Employees who work any schedule of eight-hour days in which the scheduled off-days equal or exceed one hundred and sixteen (116) days a year shall not be granted additional compensation or additional time off for holidays. Appropriate pro rata adjustment consistent with this provision shall be made for any employee whose regularly scheduled workday is other than eight (8) hours.

9.3.4 Advance Holiday

An employee shall not be granted a holiday in advance of the declaration and observance of such holidays as provided in this rule.

9.3.5 Holiday Pay Status

An employee shall be paid for a holiday or unanticipated non-workday only if the employee is in pay status the full scheduled work shift the scheduled work day before and/or after the holiday. Provided, however, that:

- a. Such payment shall not be made if the employee is separating from county service and the holiday is in a different calendar year.
- b. An employee scheduled to work on a holiday who fails to report for any portion of the scheduled duty and whose absence is not authorized, shall not be granted additional compensation or time off for the holiday.

9.3.6 Holiday and Annual Leave

Holidays that occur during annual leave shall not be charged against annual leave. An employee who is not on annual leave, and fails to report to work on the day before and/or the day after a holiday shall not be paid for that holiday. Permanent part-time employees shall be paid on a pro-rata share of their regular work hours versus 40 work hour week provided the employee works at least the previous business day prior to the holiday or the day after the holiday. (Example: If a permanent part-time employee worked 20 hours they would receive 4 hours holiday time. $20/40=.50 \times 8 = 4$ hrs.)

9.4 Vacation

All full-time permanent employees shall be allowed vacation leave as follows:

Up to 120 (ten years) months of service	- 10 days per year.
120 months (ten years) up to 240 months (20 years)	- 15 days per year
240 months (twenty years) or more of service	- 20 days per year

Vacation shall be earned after completion of one full year of employment and accumulated on each employee's anniversary date thereafter.

Permanent part-time employees who work twenty (20) hours or more per week shall earn vacation leave specified for full-time employees, however, such earnings and limitations shall be prorated by the percentage of time worked. The percentage of time worked shall be determined by dividing the employee's standard hours by forty (40). [Georgia Personnel Board of Rules, PAR 18.201.1 and PAR 18.201.

Vacation leave may be earned to a total of eighty (80) hours of unused vacation at the end of any one calendar year based on the employees hire date. All earned vacation in excess of 80 hours must be taken in the year earned. Excess hours must be used or may be bought back by the county at the discretion of the department head and with the County Administrator's approval.

Vacation leave shall normally be granted in periods not less than one (1) working day nor more than ten (10) working days in any one calendar year. However, vacation periods of less than one working day may be granted in unusual circumstances by the employee's Department Head, or in cases of personnel reporting to the County Administrator, by the County Administrator.

An employee shall not be paid for earned vacation in lieu of taking such vacation without the written authorization of the County Administrator. (See Vacation Request form – Attachment I.)

Employees resigning in good standing with the County shall receive any vacation credit earned as of the date of resignation, not to exceed 80 hours plus unused credited vacation in the current year. Employees removed for incompetence or inefficiency not involving misconduct shall also receive all earned vacation. Payment for earned vacation does not apply to employees having

less than twelve (12) months of service with the County. All payments for vacation shall be at the employee's current rate of pay.

Employees who have submitted their two-week notice of termination shall not take vacation leave during this period without direct approval of the County Administrator; otherwise, such absence shall be considered absence without leave, will be so entered on the employee's permanent record, and shall be grounds for termination not in good standing.

(Amended Ord. 08-011, passed 12/2/08)

9.5 Medical (Sick) Leave

All permanent employees shall be eligible to receive Sick Leave. Full-time employees shall earn sick leave at the rate of four (4) hours per month, or six (6) days per year. Permanent part-time employees shall earn sick leave at the rate of two (2) hours per month, or three (3) days a year.

Sick Leave may be granted for the following reasons:

- A. Absence due to personal injury, pregnancy, or illness;
- B. Absence due to and result of medical surgery;
- C. Absence due to exposure to contagious diseases while not on the job, which may endanger others;
- D. Absence due to an illness of a member of an employee's immediate family, which would require the personal care, and attention of the employee. No more than five working days may be taken for this purpose without the written approval of the County Administrator. The County Administrator shall provide the employee with a copy of the approval and place a copy in the employee's personnel file.
- E. For other medical (physical or mental) purposes if approved by the County Administrator.

Employees shall make every effort to schedule such appointments outside working hours, if possible. Excessive personal time for these purposes may result in a written caution. Management will review with the employee if a "pattern" is evident and advise the employee of this possibility. The review and discussion with the employee will be documented by Management and placed in the employee's personnel file.

"Personal" time shall be "unpaid time away from the job."

(Amended Ord. 08-011, passed 12/2/08)

9.5.1 Rate of Accrual and Accumulation of Sick Leave

- A. Employees are not eligible to take sick leave during the first six (6) months of their probationary period. Employees on probation will be allowed to use their accrued sick leave after the first six (6) months have expired.
- B. Sick leave may be accumulated from month-to-month and year-to-year with no limit to the amount that can be accumulated.

9.5.2 Use of Accrued Sick Leave

An employee may use accrued sick leave for personal illness or disability, or for medical, dental, or eye examinations for which arrangements cannot be made outside of working hours. Medical appointments pursuant to Family and Medical Leave (FMLA Leave) may be made during working hours. Accrued sick leave may also be used to care for immediate family members when the leave does not otherwise qualify as FMLA leave.

Excessive or abusive use of sick leave shall be defined as a pattern of intermittent, short term, or a repetitive "pattern" of sick leave usage. Establishment of this pattern shall include, but not be limited to, the following indicators:

- A. Frequent use of sick leave in conjunction with holidays, scheduled off days or distribution of pay checks;
- B. Frequent use of sick leave when scheduled for undesirable temporary shifts or assignments or during periods of peak work load;
- C. Requesting sick leave for an absence for which annual leave has previously been denied;
- D. Frequent occurrences of illness during the work day;
- E. Peculiar and increasingly improbable excuses;
- F. Repetitive use of less than 16 hours of sick leave in forty (40) day periods;
- G. Prior written notification of failure to adhere to procedures for approval of leave, inappropriate attendance or inappropriate use of leave.

9.5.3 Notice Requirements

- A. Regular Absence: The employee shall report the illness prior to scheduled work time, if possible. If not, the absence is to be reported within thirty (30) minutes after the time work is scheduled to begin. Department heads may require employees to report illness two (2) hours prior to beginning a shift as department policy.
- B. FMLA Absence: Employees using sick leave during any foreseeable family and medical leave period must give thirty (30) days notice in advance of taking the leave; or if family and medical leave is to begin within thirty (30) days or the leave is not foreseeable, then notice shall be given as soon as practicable.

9.5.4 Medical Certification

Certification by Physician for Regular Absence: A medical certificate signed by a licensed physician may be required by the department head, Personnel Director, County Administrator, or appointing authority to substantiate a request for sick leave for the following reasons:

- A. Any period of absence consisting of three (3) or more consecutive working days for regular employees or two (2) shifts for twenty-four (24) hour personnel.
- B. Leave of any duration if absence from duty recurs frequently or habitually provided the employee has been notified or warned that a certificate will be required.

Certification by a Health Care Provider for FMLA Absence: A medical certificate signed by a health care provider shall be required to substantiate a request for sick leave, as follows:

- A. Leave due to the serious health condition of the employee or the employee's immediate family provided the employee has received written notification that certification will be required. Second and third opinions also may be required.
- B. Recertification of a serious health condition may be required on a reasonable basis, but no more often than one time in any thirty (30) day period during an employee's absence due to pregnancy, chronic, or permanent and long-term conditions under continuing supervision of a health care provider. No second or third opinion on recertification may be required.

9.5.5 Failure to Provide Proper Certification

- A. An employee's use of sick leave may be delayed or denied until proper certification is provided; or
- B. If the employee never produces the requested certification, then the leave will not be

counted as FMLA leave, and the employee may be subject to disciplinary action up to and including termination.

9.5.6 Exhausted Sick Leave – Short Term

No sick leave in excess of that accumulated may be granted. Employee may request unpaid leave to be approved on a case by case basis by the County Administrator for extreme situations of extended illness, injury, etc.

9.5.7 Termination of Employment

An employee, upon separation from the County, shall forfeit accrued sick leave and shall not receive payment for accumulated sick leave.

The use of sick leave for any purpose other than those listed in Section 9.5 is prohibited.

It is the employee's responsibility to keep personal time to a minimum and not assume it is a "right" of employment. Employees will be expected to return to work after appointments.

9.5.8 Granting of Sick Leave or Vacation in the Event of Catastrophic Illness or Injury

The County Commission understands that occasions of catastrophic illness or injury (major accidents, long term illness such as cancer or cancer treatments, major surgery, etc.) may cause for individual employees to exhaust their earned vacation or sick time. In such incidents, county employees who have surplus earned vacation and or sick time, may transfer (grant) their time to individual employees who are affected by catastrophic events.

County employees who desire to grant this surplus time to others, may complete a form provided by the County Clerk and approved by the County Administrator. A manual adjustment will be made to decrease the granting employee and increase the employee in need of additional vacation or sick time.

All such actions are voluntary and are made without any coercion or intimidation by administration or other county employees or officials.

9.6 Other Leaves of Absence

Administrative Leave - Each employee shall be allowed a leave of absence if determined by the Board of Commissioners the employee is unable to perform his/her employment responsibilities due to investigations by federal, state or local judicial agencies that may be compromised or influenced by the employee reporting to work. Full-time employees will receive full pay for each pay period during the course of any investigation until that investigation is concluded and results are returned to the Board of Commissioners. Part-time employees will receive the same compensation based on their standard hours of employment.

Sick Time and Vacation Time will not be accrued during an employee's administrative leave.

Upon re-instatement of an employee on Administrative Leave, Sick Time and Vacation Time shall be restored to the employee as determined by the Board of Commissioners.

Conference Leave – The County Administrator may grant conference leave with pay, together with the necessary travel expenses, in order that employees may attend conferences, schools, and similar events designed to improve their efficiency and effectiveness, if considered to be in the best interest of the County.

Bereavement Leave – Paid leave, not to exceed three (3) working days for each incident shall be granted to any full time employee upon the death of a member of the employee's immediate family as defined in Section II: Definitions. Bereavement Leave requiring more than three (3) working days shall require the written approval of the County Administrator. Extended Bereavement pay will be unpaid leave. Employee may elect to use accrued vacation time for

approved extended Bereavement leave. The County Administrator shall give a copy of the approval to the employee.

Employee's must submit documentation verifying the member of the family who is deceased; preferably before the leave is granted, but no later than one week after the employee returns to work. Failure to provide adequate documentation will potentially deny the employee's request for leave or require return of paid leave wages to the county. Documentation may include, but will not be limited to an obituary, funeral program, copy of death certificate, others as approved by the County Administrator.

Jury Duty (As per the Rules of the State Personnel Board, Rule 478-1-18.600: Court Leave)

PAR. 18.601. Leave to Serve as a Juror or a Witness.

An employee shall be entitled to [paid] leave of absence from duties, without loss of pay or time and without effect on any report of performance, on all days during which the employee shall be subpoenaed to serve as a juror or witness or for other proceedings for which an employee is subpoenaed or summoned to appear by any federal, state or local court. Employee must present a written statement provided by Clerk of Court attesting to attendance at court.

PAR. 18.604 Penalties Prohibited

An employee shall not be discharged, disciplined, or otherwise penalized because the employee is absent from employment for the purpose of attending a judicial proceeding in response to a subpoena, summons for jury duty, or other court order or process which requires the employee's attendance as at judicial proceeding.

Employees are expected to return to work when released from jury duty if over one-half of the employee's workday is available.

Military Leaves – Permanent employees who resign their positions with the County to enter the armed forces during time of war or national emergency shall be placed on military leave without pay, and shall be restored to full employment as set out in State Statutes upon release from military duty.

A permanent employee who leaves the service of the County to join the military forces not in the time of war or national emergency shall be granted military leave without pay in accordance with conditions as set forth in State Statutes.

A permanent or probationary employee who is a member of the National Guard or an organized military reserve shall be allowed a maximum of seventeen calendar days military leave with pay during any twelve-month period when called to active duty or for training with the armed forces. In the event that the time of such training is optional, the time shall be designated by the County Administrator.

9.7 Leave Without Pay

Leaves without pay, such as leaves of absence, sabbaticals, etc., may be granted for any legitimate purpose for a period of up to six (6) months with the County Administrator's written approval. Prior to returning to work, the employee must give the County Administrator two weeks notice. Failure to give notice and/or failure to return to work at the end of the leave without adequate reason shall constitute a resignation of employment with the County. The County Administrator shall provide the employee with a copy of the approval and place a copy in the employees personnel file.

9.8 Safety Policy

Clay County is extremely conscious of the safety of our employees and the citizens of our community. As an employer, we recognize our obligation to ensure the safest possible work place

for our employees. As a governmental entity, we recognize our responsibility to provide a safe environment for the public we serve.

It is our belief that most accidents are preventable. In accordance with this belief, we have allocated resources to administer an aggressive loss control program in Clay County.

Each department head is responsible and will be held accountable for the loss control performance within his or her department. A safety coordinator (risk manager) has been appointed to coordinate our overall loss control program. The safety coordinator, however, is not responsible for the line functions, which are that of the department heads and supervisors. It is expected that department heads will complement the effort of the safety coordinator to reduce accidents and provide for the safety of the public. These loss control responsibilities are continuous and equal in importance with all other operational considerations.

All employees are responsible for cooperating with and supporting our loss control program activities and objectives. All employees are expected to adopt the concept that the safe way to perform a task is the most efficient and only acceptable way to complete the task.

Loss control is every employee's responsibility. Only with your help can we continue to maintain a safe environment for both our employees and the citizens we serve.

9.9 Return to Work Policy

It is the policy of Clay County to provide and establish a return to work policy and procedure for employees with work-related injuries and illnesses who are unable, temporarily and permanently, to return to their permanent job duties.

Because Clay County recognizes their employees are valued and limited resources, this program is designed to:

- A. Assist the medical recovery process by providing a focus and a goal for return of the injured employee.
- B. Benefit employees by allowing them to return to full wages as soon as possible.
- C. Benefit employer by reducing worker's compensation costs.

Clay County will seek return to work opportunities through the use of transitional employment for all employees who are temporarily disabled due to an on-the-job injury as quickly as medically possible. Transitional employment opportunities will be considered in all departments, not just the department in which the injured employee was working before the injury or illness occurred.

Transitional employment assignments are intended to assist workers who are transitioning back to work after a temporary disability that resulted from a work related injury. All transitional employment duties must be productive. Duties must never be demeaning or appear worthless in any way.

Clay County, through their reasonable accommodation program, will make efforts to retain employees who are permanently disabled.

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SECTION X:

OTHER FRINGE BENEFITS

10.1 Social Security

The County matches the Social Security contribution made by the employee. These combined funds are deposited with the Federal Government.

10.2 Worker's Compensation

The County participates in Worker's Compensation. Employees injured while on the job may be compensated from this Fund in conformance with O.C.G.A. 34-9-152. An injured employee must file the claim with the County within the work shift the injury occurred. Payments are made directly to the employee.

10.3 Unemployment Compensation

The County is registered with the State of Georgia Department of Labor. Terminated employees who file a claim and are determined to be qualified may be eligible for benefits.

10.4 Life Insurance

All permanent full-time employees are insured under the County Group Term Life Insurance program. Accidental Death and Dismemberment (AD&D) insurance is also provided. This insurance is provided as part of the Health Benefits package from the County. Terms and benefits may change from time to time. See the County Administrator or County Clerk for specific details.

10.5 Hospitalization

The County provides a Major Medical Expense insurance program to all permanent full-time employees. This insurance is provided as part of the Health Benefits package from the County. Terms, benefits and co-pay participation may change from time to time. See the County Administrator or County Clerk for specific details.

An employee who wishes to include his/her spouse and/or children in this program may do so by contributing the difference in premium payments.

10.6 Dental

Optional Dental and vision insurance is available to the employee and their families. Premiums are paid 100% by the employee.

(Amended Ord. 08-011, passed 12/2/08)

10.7 Training and Education

The County encourages all employees to avail themselves of training and educational opportunities, insofar as it relates to their chosen career fields within budgetary constraints, the County will make funds available for use in employee schooling. All expenditures for training and education shall be approved by the County Administrator prior to the employees attending such training.

In the case of employees attending out-of-hours College or relevant Vocational education, expenses incurred shall be reimbursed, after approval by the County Administrator, to the employee after the successful completion of the college semester or vocational training certificate of completion. Employees will not receive hourly wages for education opportunities where the county pays the tuition fees.

10.8 Administration

The Office of the County Clerk shall be the administrator of these benefits. Detailed information on benefits is available to all employees by contacting the County Clerk's Office during normal working hours.

10.9 Changes in Benefits

The employee benefits as herein described are subject to change as required by the provision of benefits provided by the County. All employees shall be informed as to the status of these benefits as they change.

10.10 Retirement Benefit Plan

All full-time employees are eligible to participate in the County-funded retirement benefit. The County shall inform and offer new employees at the time of hiring the option to enroll in this benefit plan. Employees are not required to enroll at the initiation of employment and may elect to enroll at a later date. Application forms are available in the County Office.

Under no circumstances will the County deny this opportunity to enroll to any employee.

SECTION XI:

GRIEVANCE PROCEDURE

11.1 Purpose

This grievance procedure is established to provide employees full opportunity to bring to the attention of management, grievances that the employee feels need either adjustment or information. It is the intent and desire of the County to resolve grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances, which will be resolved only after an appeal and review. The submission of a grievance shall in no way adversely affect the employee nor his/her employment with the County.

11.2 Management

For the purpose of this grievance procedure, as well as generally, the following positions shall constitute Management:

County Administrator
County Clerk
EMS Director
Public Works Director

11.3 Causes of Grievances

Employees may file a grievance to register a complaint, to solve a problem, to redress an alleged wrong, and to modify or erase any disciplinary measures taken against them.

11.4 Unacceptable Grievances

This grievance procedure is available to individual employees to resolve concerns as they pertain to the Personnel Policy Rules and/or regulations of the County. Grievances are unacceptable if filed by one employee for another or for groups of employees. Members of management as defined in Section 11.2 shall not use this grievance procedure.

11.5 Grievance Procedure

In order to assure all employees a method by which they can have their grievances considered rapidly, fairly, and without reprisal, the following steps are provided:

- A. Employees shall, within three (3) working days of the incident, discuss and explain the complaint orally with their immediate supervisor. The immediate supervisor will make a decision and notify the employee within two (2) working days after the discussion with the employee.
- B. If the employee feels that the matter has not been settled or adjusted to his/her satisfaction by the immediate supervisor, he/she may submit matter in writing to the County Administrator. The County Administrator will schedule a meeting within five (5) working days after receipt of the written grievance, and shall give a written answer within three (3) working days after the scheduled meeting.
- C. If the grievance is still not resolved to the employee's satisfaction, he/she may appeal to the Board of County Commissioners. The Board shall schedule a meeting with the employee and others, at the Board's discretion, within ten (10) working days and render a decision in writing within five (5) working days thereafter.

The decision of the County Commissioners on the employee's appeal shall be final and binding on the parties without right to further administrative appeal.

11.6 General Provisions of the Grievance Procedure

- A. This grievance procedure shall apply only to non-probationary employees of the County.
- B. The time limits enumerated herein may be extended by no more than ten (10) working days, and must be due to illness, vacation, business trips, or an emergency. If either the employee or management requires an extension of time, the other party to the grievance shall be so informed.
- C. In some cases, steps in the grievance procedure may be waived to allow more severe matters to progress more rapidly; the waiver may be given only by the County Administrator, upon written application by the employee.
- D. Under this grievance procedure, the employee and management both have the opportunity to call witnesses at the meeting called by the Commissioners (§11.5 C) and thereafter in the procedure.
- E. Employees shall have three (3) working days to appeal the decision given in any of the afore mentioned processes to the next higher Step in the procedure.
- F. Any grievance shall be considered settled at the completion of any Step unless it is appealed within the time limits set forth herein. It is hoped that the great majority of grievances will be satisfactorily settled in the first or second Step.
- G. If management does not respond within the time limits established by this policy, the matter shall be deemed settled in favor of the employee.

(Amended Ord. 08-011, passed 12/2/08)

11.7 Management Grievances

Grievances by Department Heads shall be presented in writing to the County Administrator who shall schedule a meeting within three (3) working days with the Department Head to discuss the grievance. If the grievance is not resolved at this time, the Department Head may petition for a hearing before the County Commission.

The Commission shall hear the grievance within ten (10) working days and render a decision in writing within five (5) working days thereafter. Neither the Department Head nor the County Administrator shall discuss the nature or content of the grievance with any party, including Commission members, prior to Commission resolution of the grievance.

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SECTION XII:

TRAVEL POLICY

12.1 Travel

Clay County will adhere to the travel reimbursement as defined by the U.S. General Services Administration. The County will pay per diem rates as posted at the time of travel and found at: http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentId=17943&contentType=GSA_BASIC Upon return from travel, employees should submit appropriate verification of attendance to the County Clerk for payment of per diem rates. This can include agenda, training materials, etc. Mileage should be documented as to where the travel terminated at (address of meeting place). The Travel Reimbursement Request can be found in attachment H. Should actual rates be over the per diem rates, the proper receipts may be submitted for payment. Upon approval by the County Administrator, actual receipts will be paid. This allowance will be applied in instances where a choice of hotel/motel is predetermined by the hosting sponsor of the function being attended.

SECTION XIII:

COMPENSATION PLAN

13.1 Purpose

The Compensation Plan is intended to provide equitable standards of pay for all classifications in the Job Classification Plan.

13.2 Content of the Compensation Plan

The Compensation Plan contains the basic salary schedule as adopted by the County Commission, and subsequent amendments, and the schedule of salary ranges for all Job Classifications included in the Job Classification Plan except those earning salaries established by a contract between the County and a recognized bargaining unit.

13.3 Use of the Compensation Plan

Salary ranges are used to develop incentive among employees to improve their performance and quality of work. The proper utilization of this Plan provides the Department Head and the County Administrator with a means for reviewing performance, and affords the employee the opportunity to develop and achieve personal objectives.

13.3.1 Responsibility for Administration

A. County Administrator and Department Heads

The primary responsibility for the administration of the pay plan rests with the County Administrator and Department Heads. These persons shall initiate requests for classification action on new positions and for reclassification action on existing positions.

1. Classification of new positions and reclassification of existing positions.
2. Establishment of new grades for administrative and non-administrative positions, the elimination of existing grades, and the revision of specifications for positions.
3. Conducting periodic wage and salary studies to insure that the County's pay structure is competitive and uniform.

13.3.2 Use of Grades

A. Minimum and Maximum Salary

The assignment of a position to a grade determines the minimum, midpoint and maximum salary for applicants filling the position.

1. A pay range is structured to provide a minimum, midpoint and a maximum salary.
2. The progression of an employee within a pay range shall depend primarily on the work performance of the employee and the availability of funds.

B. Official Job Titles

Official job titles as listed in the pay plan shall be used on all personnel documents and payroll records and in the preparation of the operating budget. Working titles for internal department use should be used by departments only for purposes other than official Personnel, Payroll or Budget documents.

13.4 Hiring rates

A. New Employees

A new employee usually shall be hired at the starting rate of pay for the classification to which the position has been allocated.

B. Exceptions

Exceptions may be made to allow an initial salary offer in excess of established salary rates as indicated below:

1. A salary offer may be made at a rate up to 10 percent above the starting salary for the classification based on the employing department's evaluation of the applicant. Prior approval by the County Administrator is not required if funds are available in the budget for the position.
2. Based on an applicant's special qualifications or due to extenuating circumstances, the Department Head may recommend a higher rate of pay within an applicable pay range. If this is the case, complete justification should be submitted in writing to the County Administrator. In such cases, no commitment may be made to a prospective employee until written authorization is received from the County Administrator.
3. After a reasonable effort has failed to provide qualified applicants for vacant positions in a particular classification, the County Administrator may determine that a rate higher than 15 percent above the scheduled starting rate should be adopted to appoint a new employee.

C. Trainee

For certain grades of work in which the formalized training period is of unusual duration, and the needs of the County can best be met by placing an individual in a training capacity, and upon recommendation of the Department Head, the County Administrator may designate such position as a "TRAINEE" position. Appointment to a "TRAINEE" position shall be at a starting salary range below the minimum rate established for the classification. The specific salary range will be determined by the County Administrator in consultation with the appropriate Department Head.

13.4.1 Pay Increases

An employee may receive a pay increase by means of a salary increase or by a promotion.

A. Salary Increase

A salary increase is advancement in salary within the same range.

1. Salary increases shall become effective at the next authorized adjustment date.
2. Salary increases shall be initiated by the head of a department or budgetary department.

B. Salary Increase above Pay Range Maximum

Annual merit increases for employees whose salaries exceed the pay range maximum are subject to the Budget Department's Salary Increase Guidelines.

C. Promotions

1. An employee shall be promoted when:

- a) The employee is transferred to a position in a classification with a higher pay range; or,
- b) The employee's position is reclassified to a classification having a higher pay range.
- c) The employee's position classification is assigned to a higher pay range.

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

D. Pay Upon Promotion

- 1. When an employee is promoted to a classification with a higher pay range, a salary increase may be granted in an amount calculated in one of three ways:
 - a) Up to the minimum of the new classification; or,
 - b) Up to 6 percent above the employee's current salary; or,
 - c) Up to base plus 10 percent of the pay range assigned to the position to which the employee was promoted. This option should be used only when the employing department determines that an applicant from outside the County with similar qualifications to the promoted employee would have been hired at a rate above the base for the classification.

All promotions and related salary increases are contingent upon the availability of funds. If the amount budgeted in a position exceeds the highest amount as calculated in any of the three methods described, the excess amount may not be used in compensating the promoted employee.

- 2. When a promotion is effected through the reclassification of an employee's present position to a classification with a higher pay range, or when the classification is assigned to a higher pay range, that employee is eligible for a promotional salary increase (as calculated in D.1a, b, c above) to begin on the effective date of the reclassification. The salary must be brought at least to the minimum rate for the new position at that time. The employee also remains eligible for an annual merit increase in addition to the promotional salary increase.
- 3. In either method of promotion, if the employee's current salary is equal to or greater than the base of the higher graded position, the employee is eligible for a promotional salary increase, calculated as described previously, but no increase is required.

13.4.2 Pay Upon Demotion

A. An employee shall be demoted when:

- 1. The employee is placed in a different classification having a lower pay range; or,
- 2. The employee's position is reclassified to a classification having a lower pay range.
- 3. An employee moved to a lower grade for failure to perform job requirements or poor performance.

B. Pay Policy

In case of a demotion of the type stated in A- (1) above, an employee's pay may remain unchanged or reduced at the discretion of the Department Head. In case of a demotion of the type stated in A- (2), an employee's salary should not be reduced. In case of a

demotion of the type stated in A (3) an employee's salary may be reduced upon review by the Administrator and Department Head.

13.4.3 Lateral Transfers

A. An employee shall be laterally transferred when:

1. The employee is moved to a position in the same classification or to a position in another classification having the same pay range.
2. The employee's position is reclassified to a different classification having the same pay range.

B. Pay Policy

An employee shall not be eligible for a salary increase at the time of a lateral transfer.

13.4.4 Pay for Part-Time and Temporary Employment

Pay for part-time and temporary employment in a position shall be equivalent to the rate of pay for full-time employment in similar positions. Under extenuating circumstances, a part-time or temporary employee may be paid at a varying rate with written approval of the County Administrator.

13.4.5 Budget Limitations

The implementation of policies and procedures pertaining to payment of salaries is contingent upon funds being available. Authorization may not be given to exceed the budgeted rate for any position regardless of the classification and/or pay range.

How Payroll is Computed

13.5 Payroll Accounts

Currently, payroll consists of the following accounts and account codes:

Regular Time, Account Code 1: Hours worked by an employee up to 40 hours per week.

Over Time, Account Code 2: Hours worked by an employee after 40 hours of actual work. Employees will be compensated at one and one-half hours for each hour worked.

Holiday Time, Account Code 4: Hours compensated to employees for scheduled time off due to federal or local holidays (See Holidays for a list of scheduled paid Holidays). Employees who work holiday time will be compensated at two hours for each hour worked.

Sick Time, Account Code 5: Hours compensated to employees for absence due to illness. (See Sick Time for an explanation of how Sick Time is accrued)

Vacation Time, Account Code 7: Hours compensated to employees for absence due to vacation. (See Vacation Time for an explanation of how Vacation Time is accrued). Currently, Vacation Time may be "bought back" by the county, if the business of the county needs warrant.

Account Code 8: Reserved.

Account Code 9: Reserved

Other Time, Account Code 10: Hours compensated to exempt employees for absence not covered by other accounts, including Administrative Leave (Paid/Non-Paid) and Jury Duty. (See Administrative Leave and Jury Duty for an explanation of how they are handled).

Other Time, Account Code 11: Currently reserved for the Clerk of the Superior Court.

Other Time, Account Code 12: Currently reserved for the Clerk of the Superior Court.

13.5.1 How Account Hours are applied to Employee Payroll

Except for Overtime and Holiday Time, all individual employee account hours must sum up to, not to exceed, 40 hours per pay period. Adjustments to Sick Time, Personal Time, Vacation Time (unless approved) and Other Time must be made by the Employee/Department Manager to insure the 40-hour maximum is not exceeded.

For example:

Employee A has 8 hours Sick Time, yet worked 33 Hour Regular Time; for a total of 41 Hours. Sick Time must be adjusted down to 7 Hours so the sum of both accounts equal 40 Hours.

When more than two accounts are used in a pay period, the policy is the same; all account hours in a pay period must sum to 40 Hours.

If an employee actually (“physically”) works 40 Regular Hours, that employee may receive Overtime compensation, if worked.

Overtime will not be paid if the employee has not worked 40 Hours. Overtime Hours can be applied to replace regular hours until the 40-hour minimum is reached. Any remaining hours will be considered Overtime and compensated at one and one-half hours for each hour worked.

Holiday Time will be paid in accordance with Section 9.3 of the Clay County Personnel Policy.

Therefore, if an employee does not work a holiday the remaining Regular Hours worked must equal 40 before an employee qualifies for Overtime.

Note: Payroll records retention policy may be found in the Clay County Financial Policy.

SECTION XIV:

MERIT SYSTEM

14.1 Purpose

The purpose of this Merit System is to evaluate the performance levels of all employees. Evaluations of performance serve three purposes; they:

1. Allow employees to set standards for themselves from one evaluation period to the next;
2. Allow the supervisor to meet and with the employee to provide feedback to the employee about their employment and potential with the County; and,
3. Provide a standard upon which advances in pay and promotions are made.

14.2 Performance Evaluations

During the anniversary month of the employee's employment with the County, the employee's supervisor shall complete a Performance Evaluation Report on the employee. This report form shall be supplied by the County Administration

These forms shall become a permanent part of the employee's Personnel Record, and shall be signed by both the evaluator and the employee at the completion of the review with the employee. The Performance Evaluation shall be submitted to the County Administration during the anniversary month of the employee. Responsibility for submission of Performance Evaluations shall be as follows:

- A. By the County Administrator on all Department Heads.
- B. By Department Heads on all employees under their supervision.
- C. By the Commission on the County Administrator and the County Clerk.

In addition to the anniversary month of each employee, Performance Evaluations shall be made on the employee in the following instances:

- A. When an employee is transferred from his/her Department.
- B. At the end of an employee's probation period (six months). This procedure shall include both new and promoted employees.

14.3 Evaluation Interviews

When the evaluator has completed the Performance Evaluation form, the employee shall be scheduled to talk with the evaluator. The Evaluation Interview shall be conducted during the month of the employee's anniversary date. During the course of the interview, the evaluator shall explore with the employee ways and means of improving performance and qualifying for advancement.

The employee shall be given an opportunity to ask questions or make suggestions about his/her work, privileges, and performance as evaluated. The interview shall be conducted in a positive manner, as it is not intended to be critical of the employee, but an aid to understanding and rapport between the supervisor and the employee. At the conclusion of the interview, the employee shall be asked to sign and date the Performance Evaluation. Employees grieving the evaluation may so state on the form and appeal to the next higher supervisor as specified in § 8.7, 11.5, and 11.7.

14.4 Merit Increases

Increases in pay shall not be automatic or across-the-board at the start of each fiscal year; all pay increases shall be based on but not be limited to the criteria outlined below.

- A. Employees will be reviewed on a case-by-case basis.
- B. The employee's Performance Evaluations must substantiate the merit increase.
- C. The difference between current and past performance as evidenced by previous Performance Evaluations, if applicable.
- D. The employees' potential for improvement.
- E. Other increases in the employee's qualifications, as evidenced by certificates of further education, workshops and seminars attended, and other such evidence.
- F. Recommendations of the employee's supervisor.
- G. County Administrator shall notify, in writing, the Board of Commissioners of all merit raises granted.

Merit raises must be recommended by the department head after justification and approved by the County Administrator. Such Merit increases shall be effective beginning the first full pay period following the approval of any qualified employee's Merit salary increase. The County Administrator shall not hold in abeyance for any reason any awarded merit increase. Department Head, County Clerk and Administrator merit increases will be approved by the County Commission following the above guidelines.

The granting of Merit salary increases will in no way affect nor be affected by cost of living increases (COLA) which may, from time to time, be granted by the County Commission on an across-the-board basis.

14.5 Cost of Living Adjustments (COLA)

Cost of living adjustments may be granted by the County Commission from time to time. COLA's are only applicable to those employees with one year or more of service at the beginning of the fiscal year (October 1). At the discretion of the Clay County Board of Commissioners, COLA raises may be issued in a lump sum amount in lieu of a percentage increase. COLA increases shall become effective only at the beginning of the Fiscal Year and shall constitute an upward adjustment of the entire Pay Schedule.

SECTION XV

RECORDS AND REPORTS

15.1. Public Inspection

Access to personnel records of employees covered under these policies and all other records and materials relating to the administration of the personnel system shall be governed by Georgia's Open Records Act except when access or denial of access to a record is governed by a specific law or authority or when in the opinion of the Personnel Director the release of information would create a potential risk of personal harm to the safety of the employee or his family members. Information, which is obtained in the course of official duties, shall not be released by any employee other than by those charged with this responsibility as part of official duties.

15.2. Disclosure

Subject to the restrictions stated in this Section, the following information relative to employees and former employees is available for public inspection during regular business hours and in accordance with such procedures as the Personnel Director may prescribe:

- A. Name of employee.
- B. Job application and resume.
- C. Class title, position, and salary.
- D. Disciplinary history, but not until ten (10) days after the record has been presented for action, including appeal of a final adverse action, or the investigation is otherwise concluded.

15.2.2. Nondisclosure

Records that are by their very nature confidential, private, privileged, or create a potential risk of harm to the safety of the employee or his family members will not be disclosed to the public, as follows:

- A. Medical records and similar files.
- B. Social security number.
- C. Records that would reveal the home address, telephone number, or insurance information of law enforcement officers, judges, prosecutors, and or identification of immediate family members or dependents thereof.
- D. Records of law officers and candidates for law officer required to be kept confidential pursuant to O.C.G.A. § 35-8-15.
- E. Confidential evaluations submitted to, or examinations prepared by, the County and prepared in connection with the appointment or hiring of a public officer or employee.
- F. Performance rating reports are accessible only to the department head concerned, the County Administrator, the appointing authority, the Board of Commissioners, and the employee involved.
- G. Other personnel information may be made available for official purposes.

15.3. Process of Law; Liability

- A. Nothing in this Chapter shall give rise to a cause of action against the County, its officers, employees, or agents, nor shall anything in this Chapter prohibit the release of information pursuant to process of law.
- B. The County reserves the right, but does not assume the obligation, to balance the interest of the public in favor of inspection of documents against privacy interests and the interest of the public in favor of non-inspection.

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SECTION XVI

ADOPTION OF POLICIES

16.1. Effective Date

These policies shall become effective on the date adopted by resolution of the Board of Commissioners and shall remain in effect until duly amended.

16.2. Saving Clause

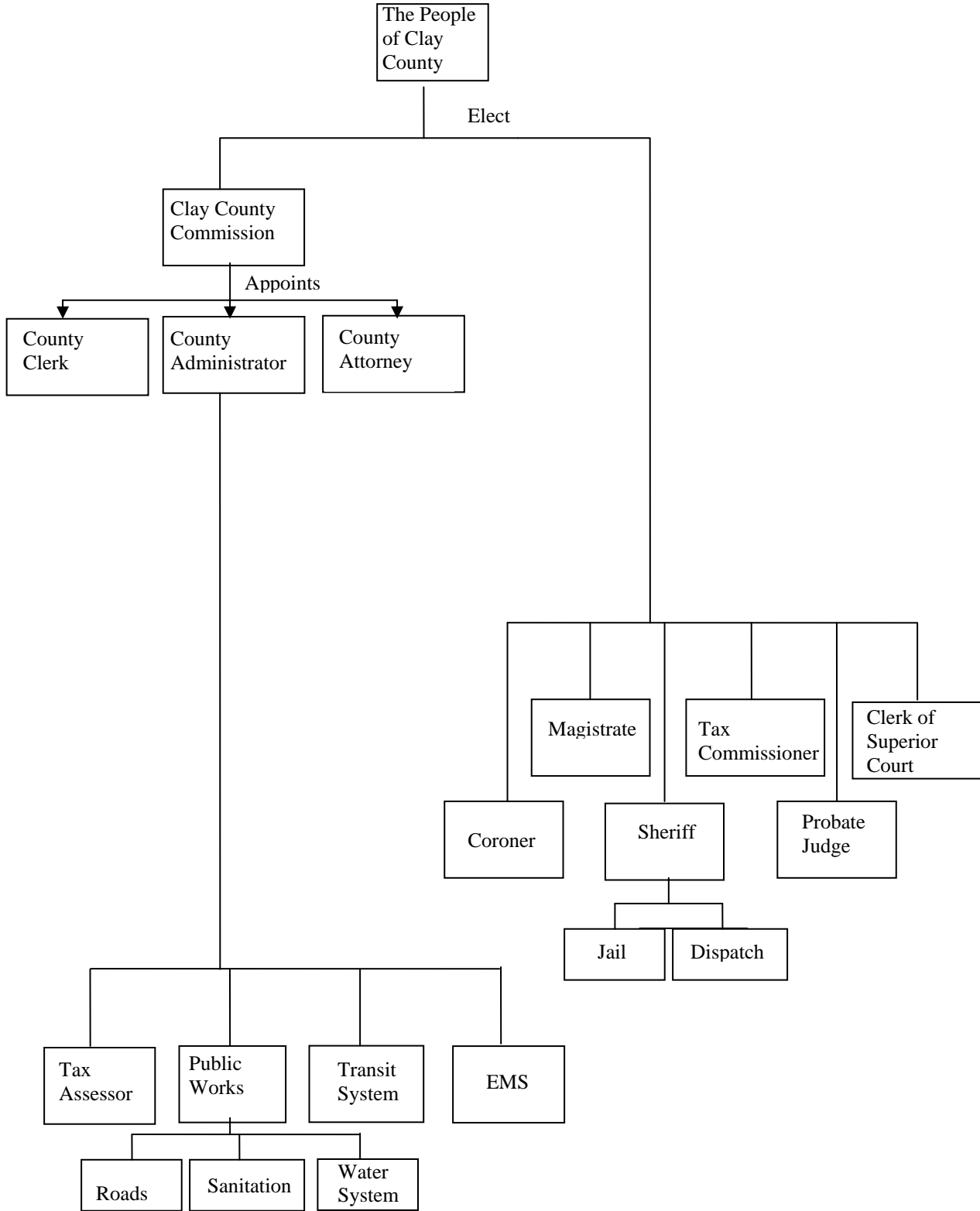
If any chapter, section or other portion of these policies is found to be invalid by duly constituted authority, it shall not affect the validity of the balance of these policies.

16.3. Repeal Clause

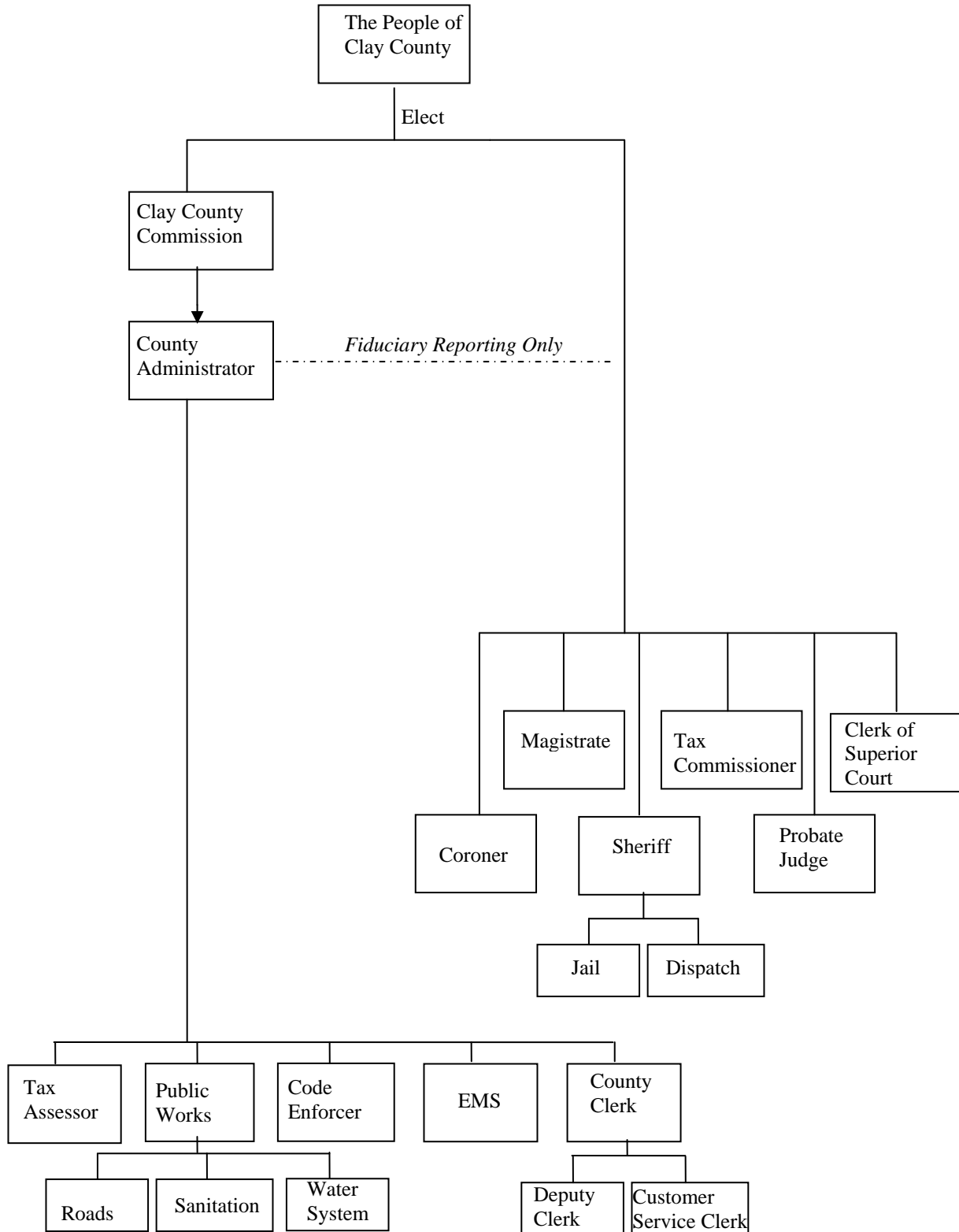
All laws or parts of laws and rules in conflict with the provisions of these policies are hereby repealed, including the Clay County Personnel Ordinance, of the Clay County Code of Ordinances, and the Clay County Personnel Policy as it exists on the date of adoption of the policies set forth herein.

Attachment "A" – Clay County **Constitutional** Chart

Note: County Clerk reports directly to Commission for such matters as they pertain to Agendas, Minutes, Resolutions and Ordinances and other records as required.



Attachment A-1 – **Administrative Reporting Organizational Chart** – the following chart represents the administrative reporting as it applies to the day-to-day operations of the county staff.



**Clay County Board of Commissioners
Fort Gaines, Ga.
Employee Substance Abuse Policy**

1.0 POLICY

Clay County employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, possession, or use of controlled substances; (4) to encourage employees to seek professional assistance anytime personnel problems, including alcohol or drug dependency, adversely affect the ability to perform their assigned duties.

2.0 PURPOSE

The Purpose of this policy is to assure worker fitness for duty and to protect our employees, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the public service industry. The U.S. Department of Transportation (D.O.T.) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. In addition, the Federal government published 49 CFR Part 29, "The Drug Free Workplace Act of 1988," which requires the establishment of drug free workplace policies and the reporting of certain drug related offenses to the FTA. This policy incorporates those requirements for safety-sensitive employees and others when so noted.

3.0 APPLICABILITY

All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 653, Part 654 or Part 40 as amended. Provisions set forth in the Drug-Free Workplace Act (49 CFR Part 29) are delineated in italics. All other provisions as set forth under the authority of the Clay County Board of Commissioners.

This policy applies to all safety-sensitive and non-safety-sensitive Clay County employees, paid part-time employees, contract employees, and contractors when they are on county property or **when performing any county related safety sensitive or non-safety sensitive business**. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contractor employee are governed by this policy while on county premises and will not be permitted to conduct county business if found to be in violation of this policy.

A safety-sensitive function is any duty related to the safe operation of a County vehicle, dispatch, maintenance of a County vehicle or equipment, security personnel who carry firearms and also any other employee who holds a Commercial Driver's license (CDL)

4.0 PROHIBITED SUBSTANCES

"Prohibited substances" addressed by this policy include the following:

4.1 Illegally used Controlled Substance or Drugs

The use of any illegal drug or any substance identified in Schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C. 812) as further defined by 21 CFR 1300. 11 through 1300.15 are prohibited at all times unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legal prescribed drugs, and use of illegally obtained prescription drugs.

4.2 Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates the mental functioning, motor skills, or judgment may be adversely affected must be reported to the Clay County Administrator/Manager. In addition, the employee must maintain a written release from the attending physician releasing the person to perform their job duties any time they obtain a performance altering prescription. A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing county business is prohibited.

4.3 Alcohol

The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy, or any other substance such that alcohol is present in the body while performing county business is prohibited. The concentration of alcohol is expressed in terms of alcohol per **210** liters of breath as measured by an evidential breath-testing device.

5.0 PROHIBITED CONDUCT

5.1 Manufacture, Trafficking, Possession, and Use

Clay County employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on county premises, in county vehicles, in uniform or while on county business. Employees who violate this provision will be discharged. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

5.2 Intoxication/Under the Influence

Any safety-sensitive or non-safety-sensitive employee who is reasonable suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees found to be under the influence of a prohibited substance or **who fail to pass a drug or alcohol test shall be removed from duty** and are subject to disciplinary action. **A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.**

5.3 Alcohol Use

No safety-sensitive or non-safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned safety sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety-sensitive or non-safety-sensitive employee shall use alcohol while on duty, in uniform, while performing a safety-sensitive function. No safety-sensitive or non-safety-sensitive employee shall use alcohol within four hours of reporting for duty, or during the hours, they are on call. Violation of these provisions is prohibited and punishable by disciplinary action up to and including termination.

5.4 Compliance with Testing Requirements

All safety-sensitive or non-safety-sensitive **employee will be subject to urine drug testing and breath alcohol testing as a condition of employment. Any safety-sensitive or non-safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty** and their employment terminated. **Any safety-sensitive or non-safety-sensitive employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo and observed collection.** Verification of these actions will result in the employee's removal of duty and their employment terminated. **Refusal can include an inability to provide a sufficient urine specimen, saliva sample, or breath sample without a valid medical explanation, as well as a verbal**

declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

5.5 Treatment Requirements

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems following the guidelines set forth in the Clay County Board of Commissioners personnel policies. The cost of any treatment or rehabilitation service will be paid directly by the employee or their insurance policy. Employees who make self-referrals (i.e., no management, intervention or positive test results) will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program. Employees that test positive will be referred to the Substance Abuse Professional (ASP) for assessment and then discharged. No treatment opportunities will be afforded to those who test positive.

5.6 Notifying the County of Criminal Drug Conviction

All employees are required to notify the Clay County Administrator/Manager of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action up to and including termination.

5.7 Proper Application of the Policy

Clay County is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any Supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regards to subordinates, shall be subject to disciplinary action, up to and including termination.

6.0 TESTING PROCEDURES

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstance warrant or as required by Federal regulations. **All safety-sensitive or non-safety-sensitive employees shall be subject to drug testing prior to employment, for reasonable suspicion, and following an accident as defined in Section 6.2, 6.3, and 6.4 of this policy. In addition, all safety-sensitive or non-safety-sensitive employees will be tested prior to returning to duty after failing a drug or alcohol test and after completion of the SAP recommended treatment program. Testing will also be conducted following return to duty for a period of one to five years, with at least six test performed during the first year.**

Those employees who perform safety-sensitive functions as defined in Paragraph 11.0 shall also be subject to testing on a random, unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities, which have been approved by the U.S. Department of Health and Human Services (DHSS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted using an approved testing device. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. In instances where there is a reason to believe an employee is abusing a substance other than the five drugs listed above, Clay County reserves the right to test for additional drugs under Clay County's own authority using standard laboratory testing protocols. Alcohol test will only be performed just before, during or just after the performance of safety-sensitive job functions. Drug test can/will be performed any time the employee is on duty.

Test for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved testing device operated by a trained technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test will be performed using a NHTSA approved

evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). A safety-sensitive or non-safety-sensitive employee who has a confirmed alcohol concentration of 0.02 or greater by less than 0.04 will be removed from his/her position for eight hours unless a retest results in a concentration measure of less than 0.02. The inability to perform safety-sensitive duties due to an alcohol test result of 0.02 or greater but less than 0.04 will be considered an unexcused absence subject to Clay County's disciplinary procedures. **An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49 CFR Part 654 for safety-sensitive employees.**

Any safety-sensitive or non-safety-sensitive employee that has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP) for assessment. A positive drug and/or alcohol test will also result in disciplinary action up to and including termination.

Clay County affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process.

6.1 Employee Requested Testing

Any safety-sensitive or non-safety-sensitive employee who questions the results of a required drug test under paragraphs 6.2 through 6.7 of this policy may request that the split sample be tested. This test must be conducted at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. All costs for such testing are paid by the employee unless the result of the split sample test invalidates the results of the original test. **The method of collecting, storing, and testing the split sample will be consistent with procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to documental facts that were beyond the control of the employee.**

6.2 Pre-Employment Testing

All safety-sensitive or non-safety-sensitive position applicants shall undergo drug testing immediately following the offer of employment or transfer into a safety-sensitive position. Receipt by Clay County of a negative drug test result is required prior to employment. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of 120 days. Evidence of the absence of drug dependency from a Substance Abuse Professional that meets with the approval of Clay County and negative pre-employment drug test will be required prior to further consideration for employment. The cost for assessment and any subsequent treatment will be for the sole responsibility of the individual.

6.3 Reasonable Suspicion Testing

All safety-sensitive or non-safety-sensitive employees may be subject to a fitness for duty evaluation, and drug and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made based on documented objective facts and circumstances, which are consistent with the short-term effects of substance abuse or alcohol misuse.

Examples of reasonable suspicion include, but are not limited to, the following:

1. Physical signs and symptoms consistent with prohibited substance use or alcohol misuse.
2. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
3. Occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse.
4. Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.

Reasonable suspicion referrals must be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse.

6.4 Post-Accident Testing

All safety-sensitive or non-safety-sensitive employees will be required to undergo drug and breath testing if they are involved in an accident with a Clay County vehicle that results in a fatality. This includes all surviving safety-sensitive employees that are operating in the vehicle and any other whose performance could have contributed to the accident. In addition, a post accident test will be conducted if an accident results in injuries requiring immediate transport to a medical treatment facility; or one or more vehicles incur disabling damage; unless the employee can be completely disconnected as a contributing factor to the accident.

Following an accident, the safety-sensitive employee will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post accident alcohol test. Any safety-sensitive employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and their employment terminated. Employees tested under this provision will include not only the operations personnel, but also any other covered employee whose performance could have contributed to the accident.

6.5 Random Testing

Employees in safety-sensitive and non-safety sensitive positions will be subjected to random, unannounced testing. The selection of employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year.

6.6 Return To-Duty Testing

All safety-sensitive or non-safety-sensitive employees who previously tested positive on a drug or alcohol test must test negative (below 0.02 for alcohol) on a return-to-duty test and be evaluated and released to duty by the Substance Abuse Profession before returning to work.

6.7 Follow-Up Testing

All safety-sensitive or non-safety-sensitive employee will be required to undergo frequent, unannounced urine and/or breath testing following their return to duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year.

7.0 EMPLOYMENT ASSESSMENT

All safety-sensitive or non-safety-sensitive employees who test positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be referred for evaluation by a Substance Abuse Professional (SAP). A SAP is a licensed or certified physician, psychologist, social worker, employee assistance profession, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.

Assessment by a SAP does not shield an employee from disciplinary action or guarantee employment or reinstatement with Clay County.

If a safety-sensitive or non-safety-sensitive employee is allowed to return to duty, he/she must properly follow the rehabilitation program prescribed by the SAP. The employee must have negative return-to-duty drug and alcohol tests and be subject to unannounced follow-up testing for a period of one to five years. The cost of any treatment or rehabilitation service will be paid directly by the employee or their insurance provider.

Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

8.0 RE-ENTRY CONTRACTS

Employees who re-enter the workforce must agree to a re-entry contract. That contract may include (but not limited to):

1. A release to work statement from the Substance Abuse Professional.
2. A negative test for drugs and/or alcohol.
3. An agreement to unannounced frequent follow-up testing for a period of one to five years with at least six tests performed the first year.
4. A statement of work-related behaviors.
5. An agreement to follow specified after care requirements with the understanding that violation of the re-entry contract is grounds for termination.

9.0 INFORMATION DISCLOSURE

1. Clay County shall release information regarding a covered employee's record as directed by specific, written consent from the employee authorizing release of the information to an identified person.
2. A covered employee is entitled, upon written request, to obtain copies of any records pertaining to his/her use of prohibited substance, including any records pertaining to test results.
3. Clay County may disclose information that is required to be maintained to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee tested.
4. Records shall be made available to subsequent employers upon written request from the covered employee.

10.0 SYSTEM CONTACT

Any question regarding this policy or any other aspect of the drug free and alcohol free program should contact the following representative:

Program Director

Title: County Administrator
Address: P.O. Box 519, Ft. Gaines, Ga. 31751
Phone: 229-768-3238
Fax: 229-768-3672

Medical Review Officer:

Name: Dr. Hani Khella
Address: 22620 Morning Glory Circle, Bradenton, FL 34202
Phone: 941.322.9030
Fax: 941.322.9073

Substance Abuse Professional:

Name: Dr. David Wetherby, M.D.,P.C.
Address: P.O. Box 128, Ft. Gaines, Ga. 31751
Phone: 229-768-2633
Fax: 229-768-2263

Name: Dr. Karen Kinsell, M.D.
Address: P.O. Box 281, Ft. Gaines, Ga. 31751
Phone: 229-768-3888
Fax: 229-768-3889

11.0 CLAY COUNTY

Safety-Sensitive Function (AS DEFINED BY AGREEMENT/POLICY)

Supervisors	Equipment Operators
Dispatchers	Solid Waste Personnel
Drivers	Mechanics

Non-Safety-Sensitive Function

Administrator
Secretaries
Clerks

12.0 CLAY COUNTY COLLECTION FACILITY

Testing done by Quest Diagnostic Certified personnel:

Administrator
Public Works Director
EMS Director

Breath Alcohol Test Facility:

Name: Clay County Sheriffs Office
Address: P.O. Box 22, Ft. Gaines, Ga. 31751
Phone: 229-768-2505
Fax: 229-768-2710

13.0 QUEST CERTIFIED LABORATORY

Name: Quest Diagnostics
Address: Attn: Forensic Tax
3175 Presidential Drive
Atlanta, GA 30340

14.0 ALCOHOL FACT SHEET

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

Note: Except for the odor, these are general signs and symptoms of any depressant substance.

Health Effects

The chronic consumption of alcohol (average of three serving per day of beer [12 ounces] Whiskey [1 ounce], or Wine [6 ounce glass] over time may result in the following health hazards:

Decreased sexual functioning
Dependency (up to 10% of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
Fatal Liver diseases
Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and
Malignant melanoma
Kidney disease
Pancreatitis
Spontaneous abortion and neonatal mortality
Ulcers
Birth defects (up to 54% of all birth defects are alcohol related).

Should any sentence, section, subsection or provision of this resolution or application of a provision of this resolution be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the resolution as a whole nor any part thereof that is not specifically declared to be invalid or unconstitutional.

NOW, THEREFORE BE IT RESOLVED that the CLAY COUNTY BOARD OF COMMISSIONERS hereby adopt the Substance Abuse Resolution/Policy for all County Workers, except Transit workers; which are covered under a separate policy and elected official, which are exempt.

NOW, THEREFORE BE IT RESOLVED that the CLAY COUNTY BOARD OF COMMISSIONERS hereby adopt the Substance Abuse Resolution/Policy for all County Workers, except Transit workers; which are covered under a separate policy and elected official, which are exempt.

BE IT FURTHER RESOLVED, that all conflicting resolutions, ordinance, or part of ordinances, or resolutions in conflict with this ordinance are hereby repealed.

This 6TH day of February, 2001.

Random Drug Testing Procedures

1. Random testing shall be done monthly.
2. A 10% sample shall be taken from the employee pool, which includes all full time, permanent part time and temporary employees as well as contract employees.
3. Employees will be selected based on a random mathematical calculation, which shall be invoked each month.
4. The pool each month will be the entire selection of eligible employees.
5. The Privacy Officer or other certified collection supervisor shall contact the employee directly for testing. If the employee is in the field, the immediate supervisor will be requested to send the employee to the Privacy Officers office. The certified collection supervisor may also collect samples in a convenient location other than the Privacy Officers office.
6. The randomly selected employee will be advised they have been drawn from the employee pool and will undergo an oral drug screen using the Intercept device.
7. The employee will sit for 10 minutes in a controlled environment where they will be unable to put anything in their mouth (no water, gum, mints, etc.). After the elapsed ten minutes, the Interceptor device will be activated and a sample will be taken from the employee's mouth.
8. Samples will immediately be sent via courier to the test laboratory along with the Chain of Custody Form.
9. A Medical Review Officer will review test results. MRO may contact employee directly for clarification of results. (For example, if the test is positive the MRO may ask if the employee is taking prescription drugs. Employee will then have to send a copy of prescription or verification from their doctor of same.)
10. Result will be available online through a secured website usually within 24-48 hours.
11. Employees who fail the test the first time will be required to enroll in rehabilitation program. This will be at the employees cost. If the employee fails to enroll they will be dismissed.
12. In the event a test is invalid, inconclusive or does not give a definite positive or negative result, the employee will be placed on administrative leave with pay and will be required to retest. If the employee test is negative, the employee will be returned to work upon receipt of the second test result. If the second test is positive, employee will be required to enroll in rehabilitation program. This will be at the employees cost. If the employee fails to enroll they will be dismissed and will be required to repay the county for paid administrative leave.
12. Employees who return after completing the rehab will be tested on a more frequent basis for one to six years with at least six tests in the first year. Employees will have to retest clean upon return to work and sign a reentry contract with the county.
13. Employees who refuse to submit voluntarily to the drug test will be dismissed on site.

**Clay County Board of Commissioners
Non-Harassment Policy**

Clay County (the county) is committed to providing a professional work environment that maintains employee equality, dignity, and respect. In keeping with this commitment, the County strictly forbids discriminatory practices, including sexual harassment and other forms of harassment, as defined in this Policy. Any harassment prohibited by this Policy, whether verbal, physical or environmental, is unacceptable and will not be tolerated, whether it occurs in the workplace or at outside work sponsored activities. Harassment subverts the mission of the County and threatens the careers, and well-being of Clay County employees and citizens.

Harassment Defined.

The County prohibits any verbal, physical or visual conduct which could offend, intimidate or create a hostile working environment for any individual on the basis of race, color, religion, national origin, gender, age, disability or any other characteristic protected by federal, state, or local law. The county also specifically prohibits sexual harassment, which is defined in this Policy as sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

The conduct prohibited by the preceding paragraph will not be tolerated under any circumstances, including cases where the conduct is unwelcome, and/or:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status. (For example, an explicit or implicit promise or granting of career advancement expressed by promotion, training, or favorable employment evaluation in return for sexual favors)
- B. Submission to or refection of such conduct by an individual is used as the basis for employment decisions. (For example, an explicit or implicit threat or action, which adversely affects the employment opportunities, expressed as non-promotion, poor performance appraisal, transfer, or reassignment if the sexual demands or requests are rejected).
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating any intimidating, hostile, or offensive work environment. (For example, a pattern of conduct that causes discomfort or humiliation, or both, such as sexually explicit statements, questions, jokes, anecdotes, visual material, or literature).

The types of behaviors that may constitute prohibited harassment include, but are not limited to:

- Derogatory, vulgar, or graphic written or oral statements or jokes regarding race, color, religion, national origin, disability, gender, sexuality, sexual experience or any other characteristic protected by federal, state, local law;
- Unnecessary touching or physical assault;
- Sexual compliments, flirtation, advances, proposition, innuendoes, suggestions or jokes; or
- The display of offensive or sexually suggestive pictures or objects.

Consensual Relationships

It should be understood by all employees of Clay County that consensual amorous or sexual relationships (hereinafter-referred to as consensual relationships) that occur in the context of employment supervision and evaluation present serious ethical concerns.

Similarly, consensual relationships between supervisors and employee they directly supervise violate county policy. Employee or supervisors involved in consensual relations must remove themselves from any activity that may reward or penalize the employee

Supervisors should be aware that conducting consensual relationships with employees they supervise makes them liable for formal action. Even when both parties have consented to the development of such a relationship, it is the supervisor who, by virtue of his or her special responsibility, will be held accountable for unprofessional behavior.

Complaints alleging sexual harassment, as defined by the prohibited acts above, may be filed by either party of the consensual relationship or by an aggrieved party outside the relationship.

Scope

This Policy applies to all Clay County employees, managers, supervisors and other staff, whether related to conduct engaged in by the fellow employees, supervisors, or someone who is not directly related to Clay County, such as a vendor, consultant, client, customer, or other county contact.

Responsibility of Administrators and Supervisors

Administrators and Supervisors are responsible for creating and maintaining a work environment free of harassment. If administrators or supervisors know that harassment is occurring, receive a complaint of harassment, or obtain information indicating possible harassment, they must take immediate steps to address the matter. If administrators or supervisors learn of a problem outside of the area, they must inform someone who is in a position to act on the matter.

Administrators and Supervisors have a legal obligation to act whenever they learn-either directly or indirectly- about harassment. This obligation exists even if the victim requests that no action be taken. It is not the responsibility of the individual being harassed to correct the situation.

Administrators and Supervisors have the legal responsibility to protect a victim from continued harassment or retaliation. They must also protect persons accused of harassment from potential damage by false allegations.

Immediate investigations and timely remedial action permit this responsibility to be met. Administrators and supervisors will be held accountable for dealing with and taking necessary steps to prevent harassment.

Compliant Procedure

Clay County encourages employees to report all perceived incidents of harassment, regardless of the position of the alleged offender. Any employee who has a harassment complaint against a supervisor, coworker, visitor, customer or other person, must bring the problem to the employer's attention.

A. Informal Resolution

Individuals may take concerns or complaints of harassment to any employee of Clay County for counsel and a discussion of options available under this policy. Any individual receiving a concern or complaint should inform an appropriate administrator or supervisor if they have any reason to believe harassment has occurred.

Administrators and supervisors have a duty to respond to harassment complaints.

Response from administrators and supervisor may involve: 1) advising the complainant of available options; 2) counseling the victim to address the situation and confront the accused harasser directly if desired; 3) conducting an informal investigation, including notification to the accused, and taking appropriate action.

B. Action Resolution.

A complainant wishing to file a complaint of harassment against any employee of the county should contact the County Administrator. The County Administrator will attempt to resolve the complaint informally with the accused. If informal procedures are not successful, the County Administrator will notify the complainant of the right to pursue a formal complaint.

The County Administrator or a designee will meet with the complainant and will undertake an investigation after a written charge has been prepared. At the time the investigation commences, the accused will be informed of the allegations and the identity of the complainant, and given an opportunity to respond.

The County Administrator or Chairman of the Board of Commissioners will meet with the appropriate supervisor of the accused early in the investigation to collect further information and to seek assistance in resolving the complaint, if appropriate. All reasonable efforts will be made to reach a resolution in a timely manner.

Complaints against the County Administrator should be made to the Chairman of the Board of Commissioners

C. The Investigation

The investigation is expected to lead to one of the following possible outcomes:

1. The County Administrator finds no facts to support the charges. The County Administrator will prepare a record of the investigation and finding and will promptly inform the parties of the outcome. The complainant, if not satisfied with the outcome, may appeal to the Chairman of the Board of Commissioners.
2. The County Administrator finds facts to support the charges and a negotiated resolution is reached not requiring sanctions;

The County Administrator makes a report to the Chairman of the Board of Commissioners stating the facts uncovered in the investigation and the resolution reached.

3. The County Administrator finds facts to support the charges and either no resolution is reached or a recommendation of disciplinary action is made:

Disciplinary action(s) shall reflect the severity of the conduct, number and frequency of encounters, apparent intent of the harasser, and other relevant factors in the case.

Disciplinary actions may include, but are not limited to, oral warnings or written warnings placed in the employee's personnel file, suspension without pay, probation, demotion, transfer, or termination of employment.

In all cases, the parties will be informed promptly of the outcome. To the extent possible, the proceedings will be conducted in a way calculated to protect the confidentiality of all parties. Records of the investigation and outcome will be kept by the County Administrator.

A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously shall be subject to discipline.

D. Other Avenues for Formal Complaints

In addition to, or in lieu of, the procedures above:

1. Employees may file formal complaints with the Office for Civil Rights.
2. Employees may file formal complaints with the federal Equal Employment Opportunity Commission.

General Provisions

- A. **If a harassment complaint is directed against the County Administrator, the functions assigned to that person by these procedures will be transferred as designated by the Board of Commissioners.**
- B. Retaliatory action of any kind taken as a result of any individual or any employee seeking redress under these procedures is prohibited, shall be regarded as a separate and distinct cause for complaint and discipline under these procedures.
- C. A summary of this Policy will be conspicuously posted at all work sites.

OFFERED AND ADOPTED IN REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CLAY COUNTY, GEORGIA, ON THIS sixth DAY OF MARCH, 2001.

**Clay County Board of Commissioners
Policy against Violence in the Workplace**

The constant news reports of violence in the workplace across the country, and locally, mandate that Clay County develop guidelines to help prevent such an occurrence in our workplace for the protection of ourselves and our families. Experts say that employees resort to violence when they feel that they are unable to speak with management about their workplace concerns. Experts have also indicated that violence may result because an individual has threatened violence in the past and feels that he or she must resort to violence to save face. This policy is intended to assure employees that they have a method to communicate their concerns over workplace conditions while informing all that there will be no tolerance whatsoever of threats or acts of violence off or on County property or against our employees, citizens or visitors.

There will be **zero tolerance** for threats of physical violence in the workplace, including threats of acts ranging from fistfights to gunplay. The zero tolerance policy extends to jokes, jests and acts of intimidation, as well as threats intended to be serious.

Since there is zero tolerance of even casual or joking remarks, any threat articulated will be presumed to constitute a statement of an employee's intent to do physical harm to the other employees.

This policy sets forth a cooperative "open door" or grievance resolution policy that encourages employees to discuss their concerns with supervision in a manner that generates two-way communication. Many threats are articulated by good workers who mistakenly feel they are targeted for dismissal or feel they cannot cope with demands of the employer.

Any articulated threat of violence may result in an investigation of the employee's background, criminal history, weapons ownership, traffic citation, police reports, or a search of the employee's locker, desk work area, automobile, purse, bags, containers or personal effects. An employee who makes a threat of violence should not expect privacy in those areas that need be investigated to assure the safety of the workforce.

Any articulated **threat or act of violence** in the workplace may result in **immediate discipline up to and including termination**. Clay County has adopted a zero tolerance policy toward threats of violence and will discipline and /or discharge any employee for any articulated threats, even if the employee later claims that there was no intent to carry out the threat or that the threat was in jest.

It is the **affirmative obligation of every employee to immediately report any threat of violence against** any co-worker, supervisor, customer, visitor or other individual by a fellow worker to a supervisor.

Clay County will make every reasonable attempt to preserve the confidentiality of any reported threat of violence. On the other hand, Clay County will do everything possible to maintain a safe workplace for its employees, acting within the framework of the law. If legal proceedings are necessary to deal with the problem, complete secrecy may not be possible.

OFFERED AND ADOPTED IN REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CLAY COUNTY, GEORGIA ON THIS 6TH DAY OF MARCH 20001.

Attachment "E" – Worker's Compensation Procedure - Sample

This is to certify that I have read and understand the WORKERS' COMPENSATION PANEL OF PHYSICIANS notice.

I understand that when I am involved in an on-the-job injury my employer will pay medical costs for treatment by the physician(s) I select from the Panel of Physicians. If I desire to obtain medical services from a physician not listed on the Panel, I may do so; however, I will be liable for those medical expenses. The physician selected from the panel may arrange for appropriate consultations, referrals and other specialized medical services as the nature of the injury requires. If I am dissatisfied with the physician selected, I may make one change without permission to a second physician also listed on the Panel. Upon notification of the employer, an Independent Medical Examination may be elected as set forth by the law. However, any further changes require the permission of the employer/insurer, self-insurer claims office, of the State Board of Workers' Compensation.

In the case of a bona-fide emergency involving sever injury or when a Panel Physician is not available, I should seek medical care from the nearest Hospital Emergency Room. However, all follow-up care must, thereafter, be rendered by a physician from the Panel, or a Panel Physician's referral.

I further understand that I must notify my supervisor or a member of my department's administrative staff or the Personnel Office as soon as the injury occurs, regardless of the extent of the injury and when possible, prior to seeking treatment. I understand that the treating physician will verify my employment and eligibility for treatment with my employer before commencing treatment unless the nature of the injury so prohibits. Delay in notification may result in denial of payment for medical services rendered.

(Please print name) Employee Number: _____

(Signature of Employee) Date: _____

(Signature of Witness) Date: _____

Note: Official notice is posted on the Bulletin Board in the office of the County Commissioners or may be obtained by contacting the County Clerk at 229.768.3238.

Attachment F – Employee Orientation Checklist

Orientation

The orientation of a new employee is the final step in the hiring process. Clay County has devised a formal Orientation Program for all new employees. It consists of two (2) phases:

- Phase I – Personnel Department
- Phase II – Immediate Supervisor

It is important each phase of the two (2) phases of the Orientation Program be completed. If you do not receive the proper forms, contact your Department Head or the City Clerk at once to secure them.

HOURLY PHASE I

Employee Name: _____

Department: _____ Date: _____

The following items are to be discussed with the new employee upon his/her successful completion of employment application and/or physical exam (if required).	Discussed	Signup Employee
1. Employment Application	<input type="checkbox"/>	<input type="checkbox"/>
2. W-4 Form	<input type="checkbox"/>	<input type="checkbox"/>
3. State Withholding Form	<input type="checkbox"/>	<input type="checkbox"/>
4. I-9	<input type="checkbox"/>	<input type="checkbox"/>
5. Group Insurance Program	<input type="checkbox"/>	<input type="checkbox"/>
6. Clay County Personnel Policy	<input type="checkbox"/>	<input type="checkbox"/>
7. Pension Plan	<input type="checkbox"/>	<input type="checkbox"/>
8. Consent Form for MVR	<input type="checkbox"/>	<input type="checkbox"/>
9. Workers' Compensation Procedures Agreement	<input type="checkbox"/>	<input type="checkbox"/>
10.	<input type="checkbox"/>	<input type="checkbox"/>

HOURLY PHASE II (Dept. Supervisor)

Department Supervisor: _____ Date: _____

Employee Checklist for supplies and procedures for reporting department.

	Check = Done
1. Any required keys	<input type="checkbox"/>
2. Required tools	<input type="checkbox"/>
3. Required safety equipment	<input type="checkbox"/>
4. Employee's job classification (title)	<input type="checkbox"/>
5. Initial assignment and necessary training	<input type="checkbox"/>
Discuss	
6. Goals for the first six months – what he/she should learn	<input type="checkbox"/>
7. Any on-the-job training they may receive	<input type="checkbox"/>
8. Pay procedures – when, where, how	<input type="checkbox"/>
9. Bulletin board – where	<input type="checkbox"/>
10. Hours of work, breaks, lunch, etc.	<input type="checkbox"/>
11. Department rules and regulations	<input type="checkbox"/>
12. Housekeeping, waste, etc.	<input type="checkbox"/>

Attachment G – Request for Paid Vacation in Lieu of Time Off

Date: _____

Employee Name: _____

Department: _____

I hereby request to be paid _____ days/hours of earned vacation pay.

I understand that by receiving payment for this vacation time, I will not be eligible for time off.

OK – Department Head _____

Approved by County Administrator: _____

Date Approved: _____

Cc: Employee File, Payroll, Department Head

Attachment H – Request for Travel Reimbursement

Name: _____

Dept: _____

Reason for travel: _____

Date Departed: _____ Time: _____

Date Returned: _____ Time: _____

Total Days: _____ @ \$ _____ per day = \$ _____

Departed from: _____

Traveled to: (City and State) _____

Total miles driven: _____ @ _____ per mile = \$ _____

Total to be reimbursed: \$ _____

I attest I have traveled to the above location for the purposes stated and request to be reimbursed for the total amount shown above.

Signed: _____ Date: _____

Rates for reimbursement can be found at:

http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentId=17943&contentType=GSA_BASIC

Attachment "I"

EVALUATION OF MOTOR VEHICLE RECORDS FOR COUNTY EMPLOYEES

All new employees will be required to have an MVR review prior to hiring. The recommended guidelines for evaluating MVR's are based on a point system assigned to various driving violations. Category I consists of minor violations and Category II consists of serious traffic violations.

CATEGORY I

Violations are assigned one point per incidence over the past three years. Drivers that accumulate four (4) or more points in the previous three (3) year period are "unacceptable." The incidents and point value are as follows:

<u>Incident</u>	<u>Incident Point Value</u>
1. Moving violation	1
2. "At-fault" accident	1
3. Any combination of 2 "at-fault" accidents or moving Violations in a twelve (12) month period	1

An accident and a violation earned at the same time count as one (1) point.

CATEGORY II

All violations in Category II are considered serious traffic violations and are assigned five (5) points each. A driver acquiring one (1) serious traffic violation during the previous three (3) year period is considered "unacceptable." Serious traffic violations are listed as follows:

1. DUI or other alcohol or drug related violation
2. Reckless vehicle operation
3. Assault with a motor vehicle
4. Leaving the scene of an accident
5. Driving under suspension or revocation
6. Excessive speed (twenty [20] mph over limit)

New hires that are being considered for positions, which require the operation of a licensed motor vehicle, will not be considered for employment if deemed unacceptable based on the above guidelines. Individuals who will not be required to operate a licensed vehicle will be considered on an individual basis. At no time, will these employees be allowed to operate a licensed vehicle until the MVR can be reviewed and pass the guidelines as outlined.

Employees already in the employ of Clay County who are found to have an "unacceptable" driving record could result in, but not be limited to, the following action:

1. Termination from employment
2. Probation for a specified period
3. Placement in a non-driving status

The objective of the MVR evaluation guidelines is to provide a method for removing unsafe drivers from service.

Employment of persons covered by this policy is contingent upon receipt of an acceptable MVR. The employment offer will not be finalized, nor will the potential employee be added to the payroll, prior to receipt by the Human Resources Department of authorization from the County Administrator or his/her designee. No employee or potential employee is allowed to operate a vehicle until the County Administrator or his/her designee has issued an authorization.

New employees or current employees transferring to a position which requires operation of a vehicle will be assigned by the County Administrator or his/her designee into a driver category according to the criteria outlined below:

Acceptable Driver, if the prospective employee has:

- (1) Valid driver's license, and
- (2) Meet the guidelines as outlined above.

The County Administrator or his/her designee will authorize the department to hire/place the applicant in the position.

Probationary Driver, if the prospective employee has:

- (1) Valid driver's license, and
- (2) No category II offenses within past three years, and
- (3) No more than three Category I offenses within the past three years.

The County Administrator or his/her designee may issue authorization. If authorized, the department may hire/place the applicant in the position with the restriction that a Defensive Driving training course must be completed. The employee must submit a certificate of completion within 60 days of hire to the Human Resources Department. The cost of the course is to be paid by the employee.

Unacceptable Driver, if the prospective employee has:

- (1) No valid driver's license, or
- (2) One or More Category II accidents within past three years, or
- (3) Four or more points within past three years, or
- (4) Any conviction for driving while intoxicated, driving while under the influence of drugs, or vehicular homicide.

The Administrator or his/her designee will not issue an authorization. A department may not allow the applicant to operate a vehicle. Employee may be considered for a non-driving position.

For current employees whose position requires the operation of a vehicle, the Human Resources Department will request an MVR annually. The County Administrator or his/her designee will evaluate the MVR and assign the employee into a category as outlined.

The following actions apply:

Acceptable Driver

Employee may remain in current position. Supervisors may want to submit a commendation letter to the employee for maintaining a good driving record.

Probationary Driver

(1) The employee will receive a written warning from the Human Resources Department. A copy of the warning will be sent to the employee's department and will be placed in the individual's personnel file. The copy in the personnel file may be removed after three years, at the written request of the employee, if no further accidents or violations are reported.

(2) Employee will undergo an MVR evaluation every six months for a period of two years.

Unacceptable Driver:

(1) Employee and Department Manager will receive written notification of the withdrawal of driving authorization from the Human Resources Department, and a copy of the notification will be placed in the employee's file.

(2) Employee will be not be allowed to operate a vehicle until acceptable status is once again established. If current duties cannot be performed without driving responsibilities, the employee may be reassigned to an available, non-driving position for which the employee is qualified. If no such position is available, the employee will be terminated.

Clay County Board of Commissioners recognizes it is virtually impossible to address every potential violation that could occur. The County reserves the right to review cases involving extenuating circumstances on an individual basis.

Motor Vehicle Record [MVR] Driver Evaluation Form

Date _____

Department: _____ **Driver Name** _____

Review the employees' MVR and assign appropriate points for each violation in the score box.

Category I Violations

<u>Incident</u>	<u>Incident Point Value</u>	<u>Total Points</u>
Moving violation	1	
"At-fault" accident	1	
Any combination of 2 "at-fault" accidents or moving Violations in a twelve (12) month period	1	
Total Category I Points	--	

An accident and a violation earned at the same time count as one (1) point.

Category II Violations

<u>Incident</u>	<u>Incident Point Value</u>	<u>Total Points</u>
DUI or other alcohol or drug related violation	5	
Excessive speed (twenty [20] mph over limit)	5	
Assault with a motor vehicle	5	
Leaving the scene of an accident	5	
Driving under suspension or revocation	5	
Reckless vehicle operation	5	
Total Category II Points	--	

Total Points Category I and II: _____

____ Acceptable ____ Probationary ____ Unacceptable
Signed: _____ Administrator or Designee

Attachment I – Employee Acceptance Form

Employee Acceptance Form

Date: _____

Employee Name: _____

Department: _____

By signing below, I acknowledge I have received and read the policies contained herein.

Signed: _____

Cc: Employee File

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