

McDUFFIE COUNTY

Human Resources Policies



Effective Date: April 2, 2012

WELCOME TO MCDUFFIE COUNTY GOVERNMENT

Starting a new job is sometimes unsettling and a little confusing. This employee handbook has been developed to help you get acquainted and answer many of your questions.

As an employee of McDuffie County Government, the importance of your contribution cannot be overstated. Our goal is to provide the finest quality services to the people and businesses of McDuffie County, and to do this efficiently and effectively.

You are an important part of this process because your work directly influences the County's reputation and how the County is perceived by its residents, taxpayers and other branches and levels of government.

This employee handbook explains our human resources policies. To be responsive to the County's needs, changes or additions to this handbook may be made from time to time. You will be informed when these changes are made.

We are glad you have joined us and hope you will find your work to be both challenging and rewarding.

Sincerely,

McDuffie County Board of Commissioners

MCDUFFIE COUNTY'S MISSION STATEMENT

“It is the mission of McDuffie County Government to provide Leadership for our community, be responsive to the needs and concerns of our citizens and to provide quality services in a progressive, professional and fiscally responsible manner.”

MCDUFFIE COUNTY'S EMPLOYEE MISSION STATEMENT

“It is the mission of the Employees of McDuffie County to provide honest, sincere and dedicated service to the citizens of the county; to foster an atmosphere of commitment in assisting, aiding and implementing those services which benefit the county as a whole; to show no partiality in providing any service; and to promote a spirit of cooperation in all departments.”

Human Resources Policies

TABLE OF CONTENTS

SECTION I

			<u>PAGE NO.</u>
GENERAL PROVISIONS			11-13
Sub-Section	010.00	Purpose	11
Sub-Section	011.00	Positions Covered	11
Sub-Section	012.00	Administration	12
Sub-Section	013.00	Definitions	12-13

SECTION II

CLASSIFICATION PLAN			14-15
Sub-Section	020.00	Definition	14
Sub-Section	021.00	Use and Interpretation of Class Specifications	14
Sub-Section	022.00	Amendments to Position Classification Plan	14-15
Sub-Section	023.00	Official Copy of the Classification Plan	15
Sub-Section	024.00	Classification Plan in Effect	15

SECTION III

PAY PLAN			16-20
Sub-Section	030.00	Compensation	16
Sub-Section	031.00	New Appointees	16
Sub-Section	032.00	Promotion	16
Sub-Section	033.00	Demotion	16
Sub-Section	034.00	Transfers	17
Sub-Section	035.00	Performance Salary Increases	17

Sub-Section	035.01	Education Salary Increases	17
Sub-Section	036.00	Time Reporting Accuracy	17
Sub-Section	036.01	Overtime Compensation	17-18
Sub-Section	036.02	Compensatory Time	18
Sub-Section	036.03	Pay during Inclement Weather	18-19
Sub-Section	037.00	Reclassification	19
Sub-Section	038.00	Acting in a Higher Classification	19
Sub-Section	039.00	On-call Policy	19 -20

SECTION IV

RECRUITMENT AND SELECTION 21-23

Sub-Section	040.00	Equal Employment Opportunities	21
Sub-Section	041.00	Filling Vacant Positions	21
Sub-Section	042.00	Recruitment for Vacant Positions	21
Sub-Section	043.00	Employment Application Forms	21-22
Sub-Section	044.00	Disqualification	22
Sub-Section	045.00	Selection	22
Sub-Section	046.00	Appointment of Department Heads	23
Sub-Section	047.00	Employment of Relatives (Nepotism)	23
Sub-Section	048.00	Approved Exceptions From Vacancy Announcements	23

SECTION V

METHODS OF APPOINTMENT 24

Sub-Section	050.00	Regular Appointments	24
Sub-Section	050.01	Full-time Regular Appointments	24

Sub-Section	050.02	Part-time Appointments	24
Sub-Section	051.00	Temporary Appointments	24
Sub-Section	052.00	Emergency Appointments	24

SECTION VI

WORKING TEST PERIOD 25-26

Sub-Section	060.00	Objectives	25
Sub-Section	061.00	Working Test Duration- Extensions	25
Sub-Section	062.00	Performance Evaluation (working test period)	25
Sub-Section	063.00	Dismissal (working test period)	25
Sub-Section	064.00	Promotion (working test period)	26
Sub-Section	065.00	New Employee Orientation	26

SECTION VII

ETHICS AND CONDUCT 27-45

Sub-Section	070.00	Outside Employment	27
Sub-Section	071.00	Confidential Information	27
Sub-Section	072.00	Gifts and Gratuities	27
Sub-Section	073.00	Political Activity	27
Sub-Section	074.00	Conflict of Interest	28
Sub-Section	075.00	Employee Concerns	28
Sub-Section	075.01	Dress Code	28
Sub-Section	075.02	Smoking in the Workplace	28
Sub-Section	075.03	General Safety Rules and Hazard Communication	28-30
Sub-Section	075.04	Workplace Violence Policy	30-31

Sub-Section	075.05	Safety Policy Statement	31
Sub-Section	075.06	Americans with Disabilities Act	31
Sub-Section	076.00	Drug and Alcohol Policy and Procedures	31-39
Sub-Section	077.00	Unlawful Harassment (sexual harassment)	39-41
Sub-Section	078.00	Utilization of Technology	42-44
Sub-Section	078.01	Personal Cellular Phone Policy	44
Sub-Section	079.00	Travel Expense Guidelines	44-45

SECTION VIII

ATTENDANCE AND LEAVE 46-57

Sub-Section	080.00	Hours of Work	46
Sub-Section	080.01	Pay days	46
Sub-Section	081.00	Holidays	46-47
Sub-Section	081.01	Holidays for Part-Time Employees	47
Sub-Section	082.00	Annual Leave	47
Sub-Section	082.01	Administrative Leave	47
Sub-Section	083.00	Sick Leave	48
Sub-Section	083.01	Sick Leave Bank	48-51
Sub-Section	084.00	Family Medical Leave	51-53
Sub-Section	084.01	Leave Upon Birth or Adoption of a child	53
Sub-Section	084.02	Medical Certification	53
Sub-Section	084.03	Benefits under FMLA	53-54
Sub-Section	085.00	Worker's Compensation	54
Sub-Section	086.00	Military Leave	55
Sub-Section	087.00	Leave Without Pay	55-56

Sub-Section	087.01	Absence without Leave	56
Sub-Section	088.00	Civil Leave	56
Sub-Section	088.01	Time Off to Vote	56
Sub-Section	089.00	Bereavement Leave	56-57

SECTION IX

BENEFITS **58-59**

Sub-Section	090.00	Deferred Compensation 457 Plan	58
Sub-Section	091.00	ACCG Defined Benefit Retirement Plan	58
Sub-Section	092.00	Medical Insurance	58
Sub-Section	093.00	COBRA	58-59
Sub-Section	094.00	Life Insurance	59
Sub-Section	095.00	Social Security	59

SECTION X

PERFORMANCE EVALUATION **60-61**

Sub-Section	100.00	Policy	60
Sub-Section	101.00	Purposes of Performance Appraisals	60
Sub-Section	102.00	Timetable for Performance Appraisals	60
Sub-Section	103.00	Procedures for Performance Appraisals	61
Sub-Section	104.00	Confidentiality of Performance Appraisals	61
Sub-Section	105.00	Performance Appraisal and Merit Pay	61

SECTION XI

SEPARATION **62-64**

Sub-Section	110.00	Types of Separation	62
-------------	--------	---------------------	----

Sub-Section	111.00	County Property	62
Sub-Section	111.01	Final Pay Check to Separated Employees	62
Sub-Section	112.00	Resignation	62
Sub-Section	113.00	Compulsory Resignation- Job Abandonment	62
Sub-Section	114.00	Lay-off - Reduction in Force	62-63
Sub-Section	115.00	ADA (Americans with Disabilities Act)	63-64
Sub-Section	116.00	Loss of License, Certification or Other Job Requirements	64
Sub-Section	117.00	Death	64

SECTION XII

DISCIPLINARY ACTION 65-68

Sub-Section	120.00	Types of Disciplinary Action	65
Sub-Section	120.01	Disciplinary Action Codes & Procedures	65-67
Sub-Section	122.00	Employee Files	67
Sub-Section	123.00	Reprimands	67-68
Sub-Section	124.00	Adverse Actions	68-69
Sub-Section	125.00	Notification and Response	69
Sub-Section	126.00	Employee Response to Proposed Action	69
Sub-Section	127.00	Notice of Final Action	69
Sub-Section	128.00	Postponement of Deadline for Further Investigation	69
Sub-Section	129.00	Immediate Action – Emergency Conditions	69-70

SECTION XIII

GRIEVANCES 71-74

Sub-Section	130.00	Grievance Complaint Defined	71
Sub-Section	131.00	Non-Grievable Items	71-72
Sub-Section	132.00	Grievance Resolution Procedure	72-73
Sub-Section	133.00	Adverse Personnel Action Hearing	73-74
Sub-Section	134.00	Name-Clearing Hearing	74

SECTION XIV

COUNTY OWNED VEHICLES			75-76
Sub-Section	135.00	Vehicle Use After Hours/Off Duty	75-76

Section I

General Provisions

Sub-Section 010.00

Purpose

It is the purpose of these policies and procedures to establish guidelines, which are intended to give employees information of what is expected of them and what they can expect from McDuffie County. The policies contained in this handbook are not intended to and do not create a contract of employment, and may be added to, terminated or changed at any time by the County. Your employment is at will and for no specific period of time. This handbook does not limit your right or the County's right to terminate the employment relationship at any time.

They are intended to indicate the usual and most reasonable methods for carrying out the aims of the human resources program, consistent with the following merit principles:

- (1) Recruiting, screening, and selecting employees on the basis of their relative ability, knowledge, and skill, including open competition of qualified applicants for initial appointments;
- (2) Establishing pay rates consistent with the principles of providing comparable pay for comparable work;
- (3) Training employees, as needed and as practicable, to assure high-quality performance;
- (4) Retaining and advancing employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance cannot be corrected;
- (5) Assuring fair treatment of applicants and employees in all aspects of human resource administration without regard to political affiliation, race, color, creed, age, national origin or ancestry, sex, religion, or disability, and ensuring a work environment free of intimidation and harassment.
- (6) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election.

Sub-Section 011.00

Positions Covered

These policies and procedures shall apply to all full-time and part-time employees receiving regular compensation from McDuffie County, Georgia except:

- Elected Officials themselves and Contract employees.

Sub-Section 012.00 Administration

These policies and procedures shall be administered and enforced by the County Manager, the Human Resources Coordinator, the McDuffie County Board of Commissioners or their designee, along with the Constitutional Officers of McDuffie County, unless the Constitutional Officer adopts a different policy which conflicts with these general policies and procedures.

Sub-Section 013.00 Definitions

- 1) Adverse Action – an action taken by appointing authority, for cause, that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, or disciplinary dismissal.
- 2) Appointing Authority- The person who has, among other authorities, the authority to hire and discharge all covered employees. The County Manager, Board of Commissioners or designee and the Constitutional Officers are the appointing authorities for their respective departments.
- 3) Covered Employees – Employees who work for the appointing authorities and whose positions are included in the classification plan.
- 4) Days – When the word day is used as a method of counting, it means calendar days unless stated otherwise.
- 5) Designee - The person or persons to whom the appointing authorities delegate certain authority for the administration of the County departments.
- 6) Disabled - Any person who has a physical or mental impairment that substantially limits one or more major life activities, who has a record of such impairment, or who is regarded as having such an impairment.
- 7) Elected Official – Four Constitutional Officers which includes Probate Judge, Tax Commissioner, Sheriff, and Clerk of Superior Court.
- 8) Extended Immediate Family – Included are spouse, parents, step parents, son, stepson, daughter, stepdaughter, brother, sister, mother-in-law, father-in-law, and grandparents, whether by blood or by law.
- 9) Immediate Family - Included are the employee's spouse, parents, children, brothers and sisters, mother-in-law and father-in-law. The definition is extended to any other person who is domiciled in the employee's household and who is recognized by law as a dependant of the employee.
- 10) May- the word may is conditional, and implies that there is discretion as to whether a condition exists or an act or action will take place.
- 11) Regular Full-time Employee - A full-time covered employee who has achieved regular status by successfully completing all requirements including the working test period.
- 12) Part-Time Employee – an employee who is not assigned to a temporary or working test status and who is scheduled to work less than 32 hours per

week. They are not eligible for benefits.

- 13) Shall/Will/Must - These terms are unconditional and imply that a condition exists or an act or action will take place.
- 14) Working Test - A period of time, usually six months, during which a new employee or an employee who has been promoted to a higher position, is being tested on job capability and satisfactory job performance.
- 15) Zero Tolerance for Drugs and Alcohol – means that while you are working for (on the job) McDuffie County Government, you are not allowed to use alcohol or controlled substances. If you are tested for drugs and/or alcohol and the result is confirmed positive, you will be terminated from employment.

Section II

Classification Plan

Sub-Section 020.00

Definition

The position classification plan provides a systematic arrangement of the positions into appropriate classes. The plan groups the various positions into classes with appropriate titles, description of duties and types of work performed. Each description lists the minimum requirements and qualifications needed to perform the job. By describing the job duties, responsibilities, and qualifications, the classification plan provides guidelines for establishing a pay plan based on these relationships.

(1) A position is a group of currently assigned duties and responsibilities requiring the full or part-time employment of (1) person. A position may be occupied or vacant.

(2) A class is a group of positions (or one (1) position) that:

- (a) Has similar duties and responsibilities;
- (b) Requires like qualifications; and
- (c) Can be equitably compensated by the same range of pay.

Sub-Section 021.00

Use and Interpretation of Class Specifications

Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as full definition of a class. Specifications are descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed. The use of a particular description as to duties, qualifications, or other factors shall not be held to exclude others of similar kind or quality.

Periodically, after the adoption of these regulations, with the Board of Commissioner's approval, a general review of the classification plan shall be conducted. The County Manager shall be responsible for the general maintenance and updates of the classification plan.

Sub-Section 022.00

Amendments to the Position Classification Plan

The Board of Commissioners shall determine whether the establishment and/or the abolition of a classification is in order. Such changes shall take the form of amendments to the plan and must be adopted by the Board of Commissioners.

When a new position is established or duties of an existing position change, the Department Head/Elected Official involved shall submit, in writing, a position description stating the duties and responsibilities of the position. The County Manager, shall investigate the actual or proposed duties, assure the availability of funds with the Finance Department and recommend to the Board of Commissioners the appropriate class allocation or the establishment of a new

class. The Board of Commissioners shall approve or change such recommendations and allocate the position to a class.

Sub-Section 023.00

Official Copy of the Classification Plan

The County Manager or designee shall be responsible for maintaining McDuffie County Government's official copy of the classification plan. The official copy shall include a schematic list of class titles and class specifications plus all amendments to the plan. A copy of the official plan shall be available for inspection by the public, under reasonable conditions, during regular business hours.

Sub-Section 024.00

Classification Plan in Effect

The classification plan shall be considered a part of this chapter and shall have the same force and effect as these Human Resources Policies.

Section III

Pay Plan

Sub-Section 030.00 **Compensation**

The pay plan includes the adopted salary schedule and the schedule of salary ranges consisting of rates of pay for all classes of positions included in the classification plan.

Sub-Section 031.00 **New Appointees**

In most cases, a new employee shall be paid the minimum rate of the pay grade. Exceptions may be granted where supported by sufficient written justification and prior approval of the Board of Commissioners in the following areas:

(1) The minimum rate for each class is based upon the assumption that a new employee meets the minimum qualifications required in the class specifications.

(2) In the event no candidate who possesses the minimum qualifications is available at Entry level, a candidate who exceeds the minimum qualifications (and will not accept appointment at the minimum rate of the class) may be appointed at the second step in the pay range. The County Manager may, upon receipt of written justification, approve up to the fifth (5th) step of the pay range based upon prior experience and education. In exceptional circumstances, a higher step may be approved by the formal approval of the Board of Commissioners. Circumstances should be thoroughly analyzed and evaluated using objective standards. For internal equity purposes, consideration should be given to a review of the salaries of the employees in the class along with how the decision will impact their salary.

Sub-Section 032.00 **Promotion**

An employee who is promoted to a higher grade (classification) shall receive a salary increase above the employee's current base pay to at least the minimum salary of the new pay grade for the classification of the new position, or a ten (10) percent salary increase, whichever is greater. The successful completion of the promotional working test period will not warrant a further salary increase.

Sub-Section 033.00 **Demotion**

When an employee is demoted, they shall have his/her salary reduced to the step of the new lower pay range that corresponds to the step he/she had attained in the higher class. Upon written request from the Department Head, the County Manager may authorize an employee to retain the same salary after a demotion, provided the amount is not in excess of the maximum salary for positions in the new class. Other employees in the same class should be reviewed and considered prior to setting the demoted employee's salary.

Sub-Section 034.00 **Transfers**

A lateral transfer is an assignment from one position at a specified grade and step in a department to another position of similar responsibility and pay in the same or another department. An employee who is laterally transferred shall be paid the same salary that the employee received prior to the transfer.

Sub-Section 035.00 **Performance Salary Increases –Pay for Performance Increases**

It is the policy of McDuffie County to reward its employees by establishing an equitable system of providing annual salary increases, when funding is available and approved by the Board of Commissioners. Salary increases are not automatic. If approved by the Board of Commissioners, a cost-of-living increase may be granted. Also, if approved by the Board of Commissioners, an increase based on formal performance evaluations by supervisors during the calendar year may be granted only to eligible employees when the quality of an employee's work performance is satisfactory or above. Where an employee is not eligible for a performance increase at the start of the calendar year, there will be no retroactive increase when the employee's performance improves to satisfactory or above. When a pay for performance increase is approved, the increase shall be to the next step within the range to which the position is allocated. All approved salary increases will be effective on the beginning of the pay period. A final performance rating reflecting unsatisfactory performance may subject the employee to a performance demotion and/or other disciplinary action up to and including termination from employment.

Sub-Section 035.01 **Education Salary Increases**

New Hires and existing employees shall be entitled to a salary increase for education degrees. Increases will be awarded based upon the employee provided adequate documentation and the degree being job/field related. Increases will be calculated in the following manner:

Associate's Degree	One (1) Step Increase
BA/BS Degree	Two (2) Step Increase
Master's Degree	Three (3) Step Increase

The information will be approved by the County Manager and Board of Commissioners. All information will be placed in the employee personnel file.

Sub-Section 036.00 **Time Reporting Accuracy**

Accurately recording time worked is the responsibility of every employee. Time will be reported and compensated on the basis of the nearest $\frac{1}{4}$ hour. Federal and state laws require the county to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all of the time actually spent on the job performing assigned duties.

Tampering, altering, or falsifying time records, or recording time on another employee's time record may result in disciplinary action, including termination of employment.

If corrections or modifications are made to the time record, both the employee and the Department Head must verify the accuracy of the changes by initialing the time record.

Sub-Section 036.01 **Overtime Compensation**

All non-exempt employees may be required to work overtime upon the request of the immediate supervisor, Department Head or Elected Official. It is the policy of the McDuffie County Government to comply with the Fair Labor Standards Act (FLSA) with regard to overtime compensation for non-exempt employees.

The base work week or work cycle shall only include actual hours worked. All time worked and recorded shall be certified by the Elected Official or Department Head for their respective departments. Annual Leave, Sick Leave, Workers' Compensation Time, holidays and other leave will not count toward the hours worked in the work cycle for overtime purposes.

Overtime hours for most employees are defined as all hours worked over forty (40) during a normal workweek. For certified Deputy Sheriff employees, overtime hours worked are all hours worked over 171 hours in a 28-day work cycle. For all certified Firefighters, overtime hours worked are all hours worked over 212 hours in a 28-day work cycle. Overtime should be avoided, if possible, but if it is required, it must be authorized by the employee's supervisor.

Overtime shall be accrued and compensated for in half-hour increments..

Sub-Section 036.02 **Compensatory Time**

Compensatory time may be given for hours worked over the maximum number of hours permitted by the Fair Labor Standards Act provided that the employee and employer are in agreement with compensatory time being given in lieu of overtime pay.

1. Compensatory time will be earned at the rate of one and one-half (1-1/2) the actual overtime hours worked.
2. Compensatory time will not be allowed to accumulate. The time must be taken no later than the end of the pay period following the pay period in which the employee worked overtime (extra hours). If compensatory leave is not taken within this time frame, the employee will be automatically paid for the overtime hours. Exceptions to this policy require County Manager approval.
3. Records concerning the use of compensatory time in lieu of paid overtime will be maintained at the finance department level.
4. Forms for use of compensatory time, which will include a section for the employee's consent, will be provided by the Human Resources Department.
5. If for some reason an employee terminates prior to use of accrued compensatory hours, he/she must be paid for those hours at the overtime rate.
6. Employees classified as "exempt" by the Fair Labor Standards Act **shall not accumulate compensatory leave.**

Sub-Section 036.03 **Pay during inclement weather**

If the courthouse must be closed due to inclement weather, administrative leave pay shall be

granted to employees scheduled to work during those hours of closing. Employees who report for duty in positions essential to the safety and comfort of citizens will receive pay for all hours worked in addition to straight time for work performed during those hours when the courthouse is closed. If an employee reports to work and is excused from duty through circumstance beyond their control, such as a power failure or equipment breakdown, they may be granted administrative leave for the remainder of that workday only.

Sub-Section 037.00 **Reclassification**

An employee occupying a position that is reclassified to a higher grade shall receive a salary increase to the lowest step of the range in the higher grade or a five (5) percent salary increase, whichever is greater, provided the increase does not exceed the maximum salary rate of the new salary range. The reclassification of an employee's position to a class having a lower pay range shall not result in a reduction of the salary of the reclassified employee. However, if the employee's salary, after the reclassification, is above the maximum of the lower pay range, then the employee may be entitled only to a yearly lump sum payment for any longevity/cost of living increases that may be given to employees until the pay plan is amended (increased) to provide a maximum salary range that will include the incumbent's current salary.

Sub-Section 038.00 **Acting in a higher classification**

An employee required and appointed to act in a higher classification and who performs the actual duties normally performed by an employee assigned to the vacant position for a period of thirty (30) working days or up to a maximum of six (6) months, shall be compensated by a five (5) percent salary increase during this period of time the employee is serving in an acting capacity. Upon expiration of the six months period, the employee shall be considered for a reclassification or other appropriate adjustment. If that employee is moved back to their original position, the compensation shall be adjusted accordingly. A personnel action form shall be completed on all employees placed in an acting capacity and upon termination of that employee functioning in an acting capacity.

Sub-Section 039.00 **On-Call Policy**

The purpose of this policy is to establish a uniform and comprehensive policy governing the need for an "on call" policy for employees that are required to report to duty during off-duty hours, excluding the Sheriff's Office.

The McDuffie County Government recognizes that departments, offices, and/or courts may require non-exempt employees to be "on call" for the purpose of responding to emergency situations, appearing in court, etc.

"On call" time is defined as time spent by an employee, after normal work hours, where the employee is required to wear a pager, cellular telephone, or leave word with the employer as to where he or she can be reached by telephone in the event the employee needs to return to work. According to the Fair Labor Standards Act (FLSA), the waiting time while on call is not compensable as long as the conditions placed on the employee's activities are not so restrictive that they cannot use the time effectively for personal pursuits.

Eligible employees are defined as employees classified as “non-exempt” under the Fair Labor Standards Act (FLSA). This “on call” time does not apply to hold over or early call in hours in combination with the normal workday, or pre-scheduled overtime.

Departments will establish on call schedules for eligible employees and the employees will be compensated using the following guidelines:

1. The employee will receive pay for three (3) hours minimum if he/she is called out after hours.
2. The employee must respond within thirty (30) minutes unless otherwise approved by a supervisor. If an employee does not respond within the required time, no on-call pay will be applied and he/she will be subject to disciplinary action.
3. County departments will be responsible for maintaining records for on-call duty pay.

Section IV

Recruitment and Selection

Sub-Section 040.00 **Equal Employment Opportunities**

It is the practice of McDuffie County to hire, train, and promote employees without discrimination because of race, religion, color, political affiliation, physical or mental disability, national origin, sex or age, except where physical or mental ability, sex, disability or age is a bona fide occupational qualification. This practice applies to all phases of human resources administration, including but not limited to, recruitment, recruitment advertising, testing, hiring, training, promotion, transfer, leave practices, rates of pay and benefits programs.

Sub-Section 041.00 **Filling Vacant Positions**

Department Heads shall be responsible for notifying the Human Resources Coordinator of a vacancy, or soon to be vacant position in their department. The notification shall include the class, title, and salary range. All vacancies to be filled should be announced by the Human Resources Coordinator to all County employees, and a vacancy announcement shall be posted for at least ten (10) workdays in a central location in each department. County employees, if desired qualifications are met shall be considered for vacant positions prior to advertising in the legal organ. After the ten (10) workdays have expired, County employee applicants will be reviewed to determine if they meet qualification requirements listed on the current job description on file. Interested employees must complete a Transfer Application in order to be considered for the vacant position. Desired qualifications and Transfer Applications for all positions can be obtained from the Human Resources Office.

If it is determined that no County employee qualifies for the vacant position, it will be advertised in the legal organ for ten (10) workdays.

Sub-Section 042.00 **Recruitment For Vacant Positions**

The County Manager or Elected Official, through coordination with the Human Resources Coordinator, shall publicize all full-time and part-time vacancies by advertising same in the official organ of the County and posting the vacancy in the Courthouse or other appropriate media on a timely basis to ensure that individuals have the opportunity to apply and to be considered for such positions. Applicants will be recruited on the basis of meeting or exceeding the minimum qualifications established for the position.

Sub-Section 043.00 **Employment Application Forms**

All applications for positions in McDuffie County shall be made on standard employment application forms. Such forms shall request details covering education, training, experience, and other pertinent information needed to assess qualified applicants. All applications shall be

signed by the applicant attesting to the truth of all statements contained in the submitted application form.

To receive consideration, applications must be received before the job announcement is closed. Incomplete applications may be rejected; and where the applicant falsified statements of material fact in the employment application form will be sufficient cause for dismissal or rejection.

Sub-Section 044.00 **Disqualification**

The Elected Official, Department Head, Human Resources Coordinator, or the County Manager may reject from further consideration any application or applicant when the following determinations are made:

- (1) The applicant does not meet the minimum qualifications established for the position or has failed to submit a completed employment application form.
- (2) The applicant has failed to submit his/her application within the prescribed time limit.
- (3) The applicant has made false statements of material fact, or practices deception in his/her application.
- (4) The applicant has an unsatisfactory employment history of such a nature as to demonstrate unsuitability for employment by the County.
- (5) Applicants who have been convicted of a felony involving a violent crime such as assault with a deadly weapon, aggravated assault, or murder are ineligible for employment with the County. Such applicants shall be automatically rejected.
- (6) Applicants convicted of any other felony (at least ten 10 years prior) will be considered on a case-by-case basis.
- (7) After a conditional offer of employment has been made, applicants that failed to pass a medical examination and/or drug test.
- (8) The applicant is not eligible for employment in the United States.

Sub-Section 045.00 **Selection**

The Elected Official or the Human Resources Coordinator shall review all applications for employment to determine whether the applicant meets the established qualifications for employment. Where appropriate, examinations or assessments may be used which may be written, oral or a combination of these exercises. In all cases, any examination or assessment shall be job related. Examination of employees may also consist of a review of education and experience necessary to perform the duties of the position.

The Department Head or Elected Official shall select the most suitable applicant from the qualified applicants. Thereafter, the applicant may receive a conditional job offer by the Department Head or Elected Official contingent upon the applicant successfully completing any other requirements such as a medical examination, drug test, and background check.

Sub-Section 046.00**Appointment of Department Heads**

When the position of any Non-elected Department Head is to be filled, the County Manager will make the selection/appointment.

Sub-Section 047.00**Employment of Relatives (Nepotism)**

It is the policy of McDuffie County not to employ relatives by blood or marriage in the same department. If a conflict of this policy should occur by the marriage of two employees of the County, one spouse shall be transferred so as to comply with this policy. If there is no position available, then one must separate from employment. Where a request to transfer or promotion of an employee would violate this policy, such a transfer or promotional opportunity may be denied.

For this section, extended immediate family includes spouse, parents, stepparents, son, step son, daughter, stepdaughter, brother, sister, mother-in-law, father-in-law, and grandparents, whether by blood or by law.

No family member of any McDuffie County Elected Official shall be hired into a position that violates the above policy for the duration of that Elected Official's term of office.

Sub-Section 048.00**Approved Exceptions from Vacancy Announcements**

While the substantial majority of job vacancies meet the criteria for posting, there are a few circumstances that do not warrant advertisement of positions. The following is the listing of special staffing situations that, with the recommendation of the Elected Official or Department Head (where appropriate) and concurrence with the County Manager, may be exempted from the competitive job posting process:

- a. Appointed Positions (internal promotion)
- b. Reassignments or voluntary transfers at the same grade level
- c. Management directed reassignments at the same grade level
- d. Reorganizations and reductions in force that require reassignment of effected staff to newly created or existing vacancies
- e. Reclassifications of jobs that are currently encumbered that result in a higher or lower grade level

Section V

Methods of Appointment

Sub-Section 050.00 **Regular Appointments**

Regular appointment to full and part-time positions shall occur after the procedures outlined in Section IV have been completed. All employees appointed under this method shall serve a working test period as described in Section VI.

Sub-Section 050.01 **Full-time Regular Appointments**

Full-time regular appointments are those who are not in a temporary or working test status and who are regularly scheduled to work the County's full-time schedule. Generally, they are eligible for the County's benefit package, subject to the terms, conditions, and limitations of each benefit program.

Sub-Section 050.02 **Part-time Appointments**

Part-time appointments are those who are not assigned to a temporary or working test status and who are scheduled to work less than thirty (32) hours per week. These positions are not eligible for benefits. They will only receive all legally mandated benefits (such as worker's compensation and social security).

Sub-Section 051.00 **Temporary Appointments**

Temporary appointments may be made for special project(s) or other work of a temporary nature. The services to be rendered by an appointee for a temporary period are not to exceed six (6) months in any twelve month period. Temporary Appointments shall be made by the procedures outlined in Section IV. The County Manager may authorize an exception to the procedures outlined in Section IV, to a Department Head/Elected Official who makes a recommendation for employment. The Department Head/Elected Official will consult with the Finance Department to assure budgetary compliance. Temporary employees are ineligible for benefits and privileges provided to regular status employees. They will only receive all legally mandated benefits (such as worker's compensation and social security).

Sub-Section 052.00 **Emergency Appointments**

When an emergency involving serious impairment of the public business makes it impossible to fill a vacant position through the competitive process, the Department Head/Elected Official subject to the approval of the County Manager, may appoint any qualified person to such a position on a temporary basis in order to continue public business and prevent serious inconvenience to the public. Any such person shall be employed only during such emergency and for a period not to exceed ninety (90) days, during which the normal selection procedures will be followed in order to fill the position under a regular appointment.

Section VI

Working Test Period

Sub-Section 060.00

Objectives

All appointments to regular positions shall be subject to satisfactory completion of a working test period. The working test period shall be regarded as a final stage of the selection process and shall be utilized for closely monitoring the employee's work performance, for obtaining the most effective assessment of a new employee to the position, and for rejecting any employee whose performance is unsatisfactory. Employees serving a working test period do not have appeal rights unless there is alleged discrimination because of race, age, color, creed, gender, national origin, or disability. Newly hired employees serving working test periods are not eligible to apply for other positions within the County.

Sub-Section 061.00

Working Test Duration - Extensions

The working test period shall normally be six (6) months in duration. Elected Officials and Department Heads may upon written request seek extension of the working test period, with approval of the County Manager, up to an additional six (6) months maximum.

Sub-Section 062.00

Performance Evaluation (working test period)

After an employee has completed half (3 months) of the working test period, the Department Head/Elected Official shall complete a performance appraisal using an authorized performance appraisal form and both the supervisor and the employee should review the documents prior to submitting the form to the County Manager, to include a clearly written statement from the employee's supervisor regarding whether the employee's services have been satisfactory or unsatisfactory. During the working test period, the employee's supervisor will communicate regularly with the employee regarding whether they are meeting performance expectations. It is particularly important that an employee on working test be informed when performance is unsatisfactorily. At least fifteen (15) days prior to the expiration of an employee's working test period, the Department Head/Elected Official shall notify the Human Resources Coordinator in writing, whether or not an employee is expected to achieve regular status and therefore, satisfactorily complete his/her working test period.

Sub-Section 063.00

Dismissal (working test period)

At any time during the working test period, a Department Head may remove an employee. The Department Head shall immediately provide written notice of the removal to the County Manager, as well as to the employee, which shall state the reason for removal. Employees serving a working test period do not have the right of appeal.

Sub-Section 064.00**Promotion Working Test Period**

In the case of promotion, the working test period shall be used in the same manner as is used for initial appointments. However, an employee serving a working test period is still eligible for the rights and privileges provided regular employees. When an employee is removed during a working test period for failure to perform satisfactorily the duties of the new position documented by performance appraisals, the employee shall be returned to the position held prior to the promotion, or to a similar equivalent position. Should an appropriate vacancy not exist, the employee should be restored to the position held prior to promotion, and the provisions governing reduction in force should apply.

Sub-Section 065.00**New Employee Orientation**

The Human Resources Coordinator will provide a "New Employee Orientation" to the employee within the first thirty (30) days of employment. Department Heads may also have an internal/departmental orientation for the new employee.

Section VII

Ethics and Conduct

Sub-Section 070.00 **Outside Employment**

McDuffie County employees may engage in outside employment which does not involve conflict of interest or interfere with their performance of duties for the County. Department Heads shall be made aware of any outside employment held by an employee. The County Manager shall be made aware, in writing, of any non-elected Department Heads' outside employment. Any conflict of interest or any job related performance inefficiency related to outside employment may be cause for disciplinary action or dismissal. Failure of any employee to notify his/her supervisor of outside employment may be cause for disciplinary action or dismissal.

Sub-Section 071.00 **Confidential Information**

An employee may not directly or indirectly make use of confidential information acquired by virtue of employment with McDuffie County in any manner except in the performance of their official duties. An employee may not provide to anyone or permit others to use confidential information except in the performance of their official duties.

Sub-Section 072.00 **Gifts and Gratuities**

An employee shall not accept gifts, gratuities, or loans from organizations, business entities, or individuals with which they have official County government business relationships. These limitations are not intended to prohibit the acceptance of any items which are distributed free of charge to the general public, nor to prohibit the acceptance of token gifts given during the Christmas holiday season (dollar limit \$100.00).

Sub-Section 073.00 **Political Activity**

Employees of McDuffie County are encouraged to exercise their right to vote; but county employees may not engage in any political campaign activities while on duty, while in the workplace, while in uniform, or while using a county vehicle. This prohibited activity includes, but is not limited to, distributing information, or soliciting contributions or services for any political party, political candidate or organization. Nothing contained herein shall be construed to restrict the right of employees in McDuffie County to hold membership in and support a political party, to vote as he/she chooses, to express personal opinions on political subjects and candidates, to maintain political neutrality, or to attend political meetings during non-working hours.

Sub-Section 074.00**Conflict of Interest**

It is particularly important that the employees of the County Government refrain from relationships which might be construed or interpreted as evidence of favoritism, coercion, unfair advantage, collusion, or financial benefit. Employees must communicate matters of conflict of interest, with his/her Department Head, who may, in turn, refer the matter to the County Manager.

Sub-Section 075.00**Employee Concerns**

The County Manager, Elected Officials, Human Resources Coordinator, and Department Heads, are responsible for the day-to-day operations and activities in their respective departments. To that end, they should have the opportunity to act on concerns raised regarding County policies and practices. Employees who have concerns about a County policy and/or practice shall first bring those matters to the attention of county department heads continuing through the chain of command. Exception: This policy does not prohibit employees who feel that a violation of the County Government's policy regarding sexual harassment has occurred from skipping a level in the chain of command to immediately report a violation; however, this should only be done if the immediate next level of supervision is being accused of the violation.

Sub-Section 075.01**Dress Code**

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. Our professional image is an important aspect of our organization. Whether or not your job responsibilities place you in direct contact with county officials, state officials, legislators, or the public, you represent the County with your appearance as well as your actions. The properly attired employee helps to create a favorable image for the County. Situations in which inappropriate attire is worn and/or any exceptions to the dress code will be addressed by the employee's Department Head in consultation with the County Manager. Employees who are improperly attired may be required to leave work to change their attire. Employees will not be compensated for the time they are away from work to change improper attire. Employees that are issued county uniforms are not permitted to wear them unless they are on duty (at work) for the McDuffie County Government.

Sub-Section 075.02**Smoking in the Workplace**

The County is committed to providing a safe and healthy environment for its employees, County Officials, and visitors. For this reason, smoking is not permitted inside County buildings or in County vehicles.

Sub-Section 075.03**General Safety Rules and Hazard Communication**

The County makes every reasonable effort to provide and maintain safe working conditions and information regarding chemical hazards. You are expected to cooperate by working in a safe manner and encouraging others to work in a safe manner to prevent accidents. You have a special obligation to report immediately any unsafe condition that might result in an accident to you, your co-workers, or the public. All such reports should be given to your Department Head/Elected Official and they will provide a copy to the Human Resources Coordinator.

The safety committee will meet and discuss safety processes and procedures on a quarterly basis.

Security of County premises is a responsibility shared by all employees. County property and personal property should be safeguarded by the exercise of prudence and caution at all times. When leaving work, check your work area to make sure that County and personal property are appropriately secured.

You are to practice safety on the job, driving, or wherever you are. Injuries are not only painful but may mean loss of earnings.

General Safe Practices.

1. Smoke only in designated areas and nowhere else. There will be no smoking in County owned buildings or vehicles.
2. Avoid all horseplay.
3. Practice good housekeeping. Each person is responsible for good housekeeping in his or her own work area.
4. Use, adjust and repair equipment only when authorized by your supervisor. Notify your supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair.
5. Bend your knees when lifting and get help for heavy loads.
6. Don't guess - when in doubt ask.
7. Never handle any chemical unless you are trained to do so.
8. Ensure that all containers of hazardous chemicals are properly labeled.
9. Report accidents, injuries, or unsafe conditions immediately.
10. All employees are to use safety equipment issued to them while performing various functions of their job. Wear protective clothing and high visibility reflective gear for your safety if applicable.
11. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

Required Seat Belt Use. We value the lives and safety of our employees. Because it is estimated that seat belts reduce the risk of dying in a motor vehicle crash by 45 percent, McDuffie County has adopted this policy concerning employee seat belt usage.

In addition to following all traffic regulations, all employees and their passengers are required to use a seat belt when traveling in any vehicle while in the course of conducting county business. The requirement applies to business travel in a vehicle owned by McDuffie County, in a rental

vehicle and in a vehicle owned by an individual employee, regardless of whether the employee is compensated for the use of his/her vehicle.

If an employee is provided a county owned vehicle that is used in the course of his/her employment and is also available for that employee's personal use, that employee, together with all passengers who occupy the vehicle at anytime and for any purpose, whether business-related or personal, are required to use seat belts at all times the vehicle is in motion.

The use of seat belts is to be considered a condition of employment with McDuffie County. Failure to abide by this stated policy will be considered a breach of that condition of employment and subject the person in violation to disciplinary action, including suspension and possible termination.

Fire Prevention. Fire is a common enemy. You have a personal responsibility to protect County facilities from damage by fire. Preventing a fire by reducing hazards is much easier than putting out a fire. A fire could cause the County serious financial loss and loss of work and pay for all employees. We need your cooperation to help eliminate any and all fire hazards. Report any fire promptly.

Sub-Section 075.04 **Workplace Violence Policy**

Because of concern for employee safety, the McDuffie County Government prohibits the transport of firearms or deadly weapons into the workplace. Only law enforcement agents who are authorized to carry firearms in their jobs are exempt from this policy.

An employee found to be harboring a firearm or deadly weapon, or indicating to others he/she has a concealed deadly weapon or firearm on the job, should immediately be reported to a supervisor. At no time does a supervisor have the right to grant permission for an employee to bring a firearm or deadly weapon into the workplace.

The supervisor, at his/her discretion, should either confront the employee him/herself or seek assistance from the appropriate law enforcement agency in confronting the employee about having a deadly weapon or firearm in the workplace. The County Manager must be contacted at this point. Employees are required to open their desks, lockers, bags, and empty their pockets if a justifiable suspicion is brought forth that they may be harboring a firearm or deadly weapon.

The McDuffie County Board of Commissioners does not allow an employee to use intimidation, verbal or implied threats, violence or the threat of violence against any individual during the course of their work.

Work disturbances caused by persons not employed by the McDuffie County Government, but occurring on the county's work sites will be reported immediately to a supervisor, and the appropriate law enforcement agency. The appropriate law enforcement agency will conduct an investigation and make criminal charges when appropriate. If the disturbance is determined to be the result of a domestic or a personal situation, the County Manager is to be notified.

Work disturbances resulting from domestic or personal situations can result in disciplinary action being taken against the employee, especially severe or ongoing disturbances that effect the McDuffie County Government's environment. The employee will take all reasonable and

precautionary steps to prevent these disturbances. These steps may include, but are not limited to, seeking counseling or a court order restraining the non-employee from coming to or being at the county's work sites.

Violations of this policy will result in disciplinary action up to and including termination.

Sub-Section 075.05 **Safety Policy Statement**

The County of McDuffie 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 our County.

Each department head is responsible and will be held accountable for the loss performance within his or her department. Our safety coordinator 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 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.

Sub-Section 075.06 **Americans with Disabilities Act**

If a Department Head or Elected Official believes that an employee may have a physical or mental condition which prevents them from performing an essential job function of the position, McDuffie County may make reasonable accommodations that do not pose an undue hardship.

In order to comply with the Americans with Disabilities Act, McDuffie County will make reasonable accommodations for employees with disabilities when such reasonable accommodations will permit those employees to perform the essential functions of their respective jobs. Employees, who believe they are disabled as defined by the ADA, and who require a reasonable accommodation, should inform their supervisor. (Also see Section XI, Sub-Section 115.00 ADA (Americans with Disabilities Act)).

Sub-Section 076.00 **Drug and Alcohol Policy and Procedures**

A. Alcohol and Controlled Substance Policy and Procedural Guide

It is the position of McDuffie County that alcohol and controlled substance abuse is a major health problem in the United States today. The costs involved with this problem include human costs such as lost jobs, morale problems, injuries, illnesses, and deaths, as well as economic costs such as property damage, absenteeism, tardiness, lost productivity, increased health insurance costs, and the costs involved in replacing and retraining new employees.

The use of alcohol or controlled substances by McDuffie County employees while on the job or off the job, if it results in impairment of the employment when he or she returns to work, constitutes a direct threat to property and the safety of others. The work involved in many positions is inherently dangerous, and the safety of citizens and employees depend upon the ability of fellow employees to think without being impaired.

It is the objective of McDuffie County to provide safe and effective public service. To meet this objective, the problem of alcohol and controlled substance abuse must be identified, confronted, and defeated. In order to achieve this, McDuffie County has developed a comprehensive alcohol and controlled substance policy. This policy consists of three interlaced programs:

1. An Employee Education/Supervisor Training Program;
2. An Employee Referral System for Assessment Treatment;
3. An Alcohol and Controlled Substance Testing Program.

The responsibility for this policy lies with the County Department Heads, Human Resources Coordinator, and the County Manager.

The County considers its employees to be its most valuable resources. In this policy, the term "controlled substance" shall have the meaning and include the substances defined as "controlled substances" in the Georgia Controlled Substances Act, O.C.G.A. Section 16-13-10, et seq., and especially O.C.G.A. Section 16-12-21 (4) as said section and said Act shall appear from time to time.

B. Zero Tolerance It is the position of McDuffie County that it adopts a "Zero Tolerance" towards alcohol and/or illegal drug possession or usage by County employees while on the job. This Zero Tolerance means that if you have a confirmed positive test for controlled substance drugs and/or alcohol while you are on the job working for McDuffie County Government, you will be terminated from employment.

C. Prohibited Acts

1. The use or possession of alcohol or any controlled substance while on work time or work premises shall be prohibited.
2. The sale, distribution or provision of alcohol or any controlled substance while on work time or work premises shall be prohibited.
3. The inappropriate use of legally prescribed drugs and non-prescription medication is prohibited while working for McDuffie County Government. However, the appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. The use of any substance which carries a warning label that indicates mental functioning, motor skills, or judgment may be adversely affected, must be reported by the employee to his/her supervisor.

In addition, employees must obtain a written release from the attending physician releasing the person to perform their job duties anytime they obtain a performance altering prescription.

4. It should be noted that certain departments may have more restrictive regulation of prescription or over-the-counter medication than as provided herein. Employees are to be informed of such departmental policy upon initial employment.
5. Any employee convicted of violating a criminal drug or alcohol statute must inform his/her Department Head of such conviction (including pleas of guilty and nolo contendere) within five (5) days of the conviction occurrence. Failure to inform the employer subjects the employee to disciplinary action up to and including termination for the first offense.

D. Alcohol or Controlled Substance Testing Individuals shall submit to alcohol and/or controlled substance testing at the following times:

- a. At a time set by the Department Head during the final selection process prior to offering a position with McDuffie County Government;
- b. As a part of any required physical examination;
- c. When, in the opinion of any supervisory or management employee there is a reasonable suspicion that an employee of the County has violated any provision of the Alcohol and Controlled Substance Policy dealing with the use of alcohol or any controlled substance; or
- d. When involved in an accident, which results in property damage or personal injury involving County equipment or while on duty, on standby duty, or in the process of reporting to or leaving work; or
- e. At any time an employee is on duty performing a safety-sensitive function, and is selected due to a random testing procedure. A safety-sensitive function is any duty related to the safe operation of mass transit service, security personnel who carry firearms, and any other employee who holds a Commercial Driver's license. Alcohol testing will only be conducted just before, during or just after the performing of a safety-sensitive function.

E. Procedural Guide for Violations If in the opinion of the supervisor, a reasonable suspicion exists that the employee is reporting to work, or is working, while under the influence of alcohol or controlled substances, or while impaired from the use of same, the procedures outlined below shall be followed. Please note that for the purposes of this policy, the term reasonable suspicion shall be based on objective and explainable indications of substance abuse. These include, but are not limited to erratic behavior, slurred speech, staggering gait, etc.

1. Procedures for Impairment Violations

- i. The supervisor shall arrange, if possible, for at least one other supervisor to observe the conduct of the employee. The observing supervisor shall make a written report of the incident, including the responses to the information asked of the employee from the "Questions for Suspected Substance Abuse" form and the "Supervisor's Observation Checklist" form which includes a description of the conduct of the employee upon which such reasonable suspicion is based.

- ii. If the employee fails to explain his/her condition to the satisfaction of the employee's supervisor, an alcohol and/or controlled substance screening test shall be administered to the suspected employee. The employee will be driven by the supervisor or other designated official to the County designated testing facility. Refusal to submit to such tests shall be deemed as a positive drug test and will result in termination of employment. The employee who is tested will be placed on suspension with pay pending the results of the alcohol and/or controlled substance screen test. Tests for alcohol impairment may be administered by the use of the device known as Intox 3000 or Intox 5000 or any other similar device approved for use.
- iii. The supervisor will make the necessary arrangements to have the employee taken home. Do not permit him/her to go home or drive by himself/herself. If the employee refuses any assistance, make sure that at least two (2) supervisory personnel can verify that the employee refused such circumstances should he/she be allowed to leave without assistance. Supervisor is to call 911 to warn them of the employee's condition and refusal of assistance before the employee is allowed to leave the work site. Tell 911 the employee's name and make of car. The reason for this action is for the safety of the employee and the general public. The County has a duty to take such action as a reasonably prudent employer to prevent the employee from causing an unreasonable risk of harm to others or to himself/herself.
- iv. If the confirmed results of such tests indicated the presence of alcohol or any illegal controlled substance in the system of the employee, it will be presumed that the employee is impaired. This presumption of impairment may result in the suspension with pay pending termination as set forth in Section XIV of these human resources policies.
- v. During the period the employee is suspended with pay, an investigation shall take place. This investigation will be completed within three(3) eight hour workdays (Saturday, Sunday and holidays excluded) unless extended by the County Manager. During this investigation, the employee may, through his/her own attempt, rebut the presumption of impairment. For example, the employee may submit to a blood test for the presence of alcohol or controlled substances. If such blood test produces a negative result, the presumption of impairment may be considered rebutted, depending upon such factors as the timing of the blood test and other circumstances surrounding the impairment.
- vi. If, after the investigation is completed, and it has been determined that a violation of the Alcohol and Drug Policy has occurred, said employee shall be terminated from employment, and the procedural guidelines set forth in Section XII of these human resources policies shall be followed.
- vii. Should an employee seek assistance with a drug and/or alcohol abuse problem prior to any violations of the Alcohol and Controlled Substance Policy, it shall be the duty of the County employee to communicate with the Human Resources Coordinator or his/her designee to refer the employee for a rehabilitation assessment, to determine if there is a significant chance that the employee can be rehabilitated.
This option is only available if the employee has not committed an act or omission which presented an immediate danger to the public, him/herself, or other employees, or if he/she has not committed any felony or

misdemeanor, or has been determined to be under the influence of drugs or alcohol while on duty. The employee permitted to utilize this option will be required to sign an agreement accepting the conditions of the rehabilitation program in order to maintain employment relationship with the County. This referral would be the employee's "last chance."

After successful completion of an alcohol and/or controlled substance program, at the employee's expense, the employee may return to work subject to random alcohol and drug screening tests for a minimum period of 12 months. If, at any time during this "last chance" testing period, a screening test indicates the presence of alcohol or drugs in the employee's system, the employee shall be immediately terminated. Any subsequent relapse after 12 months will be handled as stated above.

2. Procedures for the Sales, Distribution, or Provision of Alcohol/Controlled Substances While at Work Violations

Violations of the above procedures will result in termination consistent with the procedural guidelines set forth in Section XII of these human resources policies.

F. Confidentiality At all times during an investigation of violations of the Alcohol and Controlled Substances Policy, the confidentiality of the case will be protected; subject to state law.

G. Alcohol/Controlled Substance Awareness Program The basic idea behind this program is that employee alcohol/controlled substance abuse can be prevented by supplying the employees with information about the problems which alcohol/controlled substances can create. The awareness program is divided into two sections, an Employee Education section to include all County employees and a Supervisory Training section.

1. Employee Education – The Human Resources Coordinator or his/her designee, will provide educational seminars at least annually. These seminars may include questionnaires at both the start and completion of the program (to chart belief/knowledge changes); audiovisual programs; group discussions; a presentation of what a treatment program is, what it does, and how to take advantage of one; insurance coverage of treatment (if any); and a description and discussion of the County's Alcohol and Controlled Substances Policy.
2. Supervisory Training – The Human Resources Coordinator or his/her designee, will provide training to supervisors on the important role supervisors have in preventing alcohol/controlled substance abuse. The program may include instruction in identifying warning signs of alcohol/controlled substance abuse by employees; role-playing scenarios of what to do if they suspect an employee; group discussions; and a thorough presentation of the Alcohol and Controlled Substances Policy.

H. Referral for Rehabilitation The Alcohol and Controlled Substance Policy allows a supervisor to refer an employee for assessment and rehabilitation as a process where an employee voluntarily seeks help with his or her drug and/or alcohol dependence problem prior to a violation of this Policy.

All referrals will be coordinated through the Human Resources Coordinator or his/her designee. Factors to take into account when this decision is made include:

- a. The employee's length of service;
- b. The employee's position and performance in that position prior to and during impairment;
- c. The severity of the Policy violation;
- d. The publicity concerning the violation including the loss of credibility or believability of an employee who exercises discretionary judgment in the duties of his/her position;
- e. Whether the violation involved substance dependence or an incident(s) motivated by reasons other than substance dependency (for example, the sale of drugs to other employees).

After the decision to refer the employee for rehabilitation has been made, the employee will be counseled by the Department Head/Elected Official and the Human Resources Coordinator or his/her designee. At this counseling session, the Policy shall be reviewed with the employee, and the employee shall sign the "Employee Consent and Referral" form. It must be made clear to the employee at this time that the referral is his/her last chance, and that he/she must make the firm choice between rehabilitation or termination.

If an employee must take time off to participate in a rehabilitation program, the absence will be treated as any leave appropriate pursuant to the McDuffie County Policies and Procedures Manual or should the employee qualify, leave pursuant to the Family Medical Leave Act.

Upon returning to work, the employee will be subject to unannounced alcohol/controlled substance screening tests for a minimum of 12 months, with an emphasis on post weekends (Mondays) test or after vacations. However, a fixed schedule will not be established. Unless circumstances clearly require more frequent testing, there shall be no more than one screening test per month.

I. Alcohol and Controlled Substance Screening Test Program

1. Testing Quality and Techniques to be Utilized The County will establish a professional relationship with a professional laboratory that shall comply with all current National Institute of Drug Abuse standards. An assessment of the laboratory will be performed which will include a review of how samples are actually tested; all procedures involved (chain of custody of sample, notation of time and place sample was taken, the amount of turn around time that will elapse before a result is reached, etc.); qualification of the laboratory personnel; and a check of the internal quality control records of the laboratory.

All testing samples will be collected at the laboratory, hospital or other County designated testing facility including but not limited to any law enforcement agency that has an Intox 3000 or Intox 5000 or similar device. The samples will be carefully checked and marked with the name of the employee, the date and time the sample was collected, and the location where the sample was collected. A chain of custody/control will be established so that samples are properly handled

before testing occurs. Every effort must be made to assure that the sample being tested is the sample actually collected from the employee/applicant in question.

When testing for alcohol, a Breathalyzer, such as the Intox 3000 or Intox 5000 or other similar device used for DUI suspects is sufficient. Any measurable amount of alcohol found will be sufficient for a presumption of impairment, unless such measurement is the result of consumption of alcohol or an alcohol-related product that is prescribed by a licensed physician. Some departments may require more restrictive standards than those described herein. The employee has the right to request a blood test if he/she so desires. This test will be at the employee's expense.

The County will use urine samples for controlled substance testing even though the presence of foreign metabolites in urine does not necessarily indicate impairment, but rather recent exposure to the substance. This reduces the reliability of such tests.

Although alternatives such as blood tests and hair analysis may be interpreted as more intrusive, these alternatives may be used if necessary.

The County will utilize the testing standards of the Department of Transportation regulations as provided in 49CFR Part 40, as amended, and as may be hereafter amended. The following is a brief outline of the methods to be used. The County will utilize the technique known as immuno-assay technique of chemical testing. The immuno-assay technique has a high degree of reliability under "optimal" conditions, but can produce, in certain cases, 30% false/positive rates. Therefore, all positive immuno-assay tests on current employees shall be confirmed by methods including any one of the following techniques; thin layer chromatography, gas chromatography/mass spectrometry. All positive immuno-assay tests on samples from applicants will be confirmed with a repeat administration of the immuno-assay technique on the sample.

2. Testing Procedure The Alcohol and Controlled Substance Policy provides for testing in **four** different situations: the pre-employment test, the post accident test, the random test, and the "reasonable suspicion" test.
 - a. Pre-employment Test During the conditional offer of employment process, the applicant will be sent for a drug test. If the applicant being considered for the position has a test result that is negative, the applicant will continue with the hiring process. However, should the test result come back positive, the test must be confirmed. All applicants with a confirmed positive test will not be offered employment with McDuffie County Government. All test results are confidential. All applicants with a confirmed positive result may reapply no earlier than one year from the date of the confirmed positive drug test.
 - b. Post Accident Test All covered employees must undergo urine and breath testing if they are involved in an accident while performing a safety-sensitive function. Covered employees whose performance

could have contributed to the accident must be tested. A post-accident test will be conducted unless the employee's actions can be completely ruled out as a contributing factor to the accident. Employees will be tested when they are involved in a vehicle accident, or a worker's compensation accident, where the employee is charged with the accident, which results in property damage or personal injury involving County equipment or while on duty, on standby duty, or in the process of reporting to or leaving work.

- c. Random Test If the employee is in a safety-sensitive position or if their position requires a Commercial Driver's License, the employee is subject to random testing. These employees will be subject to random, unannounced testing. The selection of employees shall be made by a valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day. The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals twenty-five percent of the number of covered employees in the pool and random testing rate for alcohol established by FTA equals ten percent of the number of covered employees in the pool. Employees are required to proceed immediately to the collection site upon notification of their random selection.
- d. Reasonable Suspicion Test The test upon reasonable suspicion involves a great deal of discretion on the part of supervisory personnel. The supervisory training program will provide precise guidelines as to what is involved with identifying a potential alcohol or controlled substance abuser. The task of identifying potential abusers does not include diagnosing a worker. The fact that a problem exists is all that is to be discussed when dealing with an employee. It is not the position of the supervisor to act in the role of a diagnostician. When it is suspected that an employee has violated the Alcohol and Controlled Substance Policy, the employee will only be told that job related problems have developed and that it is suspected that these job related problems are the result of alcohol and/or controlled substance abuse.

The phrase "reasonable suspicion" means that a screening test should be administered if it is reasonable to suspect that an employee has violated this Policy.

A "suspicion" must be based upon objective indications of substance abuse or other Policy violations. Therefore, two forms have been developed to provide guidance to supervisors in assessing whether a "reasonable suspicion" exists as well as providing documentation of

the basis of a decision to require an alcohol or controlled substance test. Thorough documentation of all steps of an investigation for a possible violation of this Policy is a must including the date and time of any discussion with the employee.

Disciplinary Actions: The suspension or termination of an employee will never be justified on the basis that the employee is an alcoholic or substance abuser. Instead, discipline will center around the employee's failure to meet objective, job-related criteria; "Substandard performance," "insubordination, violation of policy," "failure to follow orders," or "under the influence of alcohol while on duty" are examples of proper reasons for discipline including termination of employment.

Discriminatory enforcement will not be tolerated and any supervisor exhibiting such behavior will be disciplined accordingly.

Sub-Section 077.00 Unlawful Harassment (sexual harassment)

The McDuffie County Government is committed to a work environment that promotes equal employment opportunities and is free from discriminatory practices, including Unlawful Harassment. It is illegal and against the policy of the McDuffie County Government for any person to harass, threaten or intimidate another employee on the basis of their race, color, religion, age, sex, disability, or national origin. The McDuffie County Government will not tolerate conduct that constitutes Unlawful Harassment by its employees.

Employees who believe they have been subjected to sexual or other unlawful harassment or believe they have witnessed such conduct must report this immediately in writing to their immediate supervisor, Department Head, Constitutional Officer, the Human Resources Coordinator, or the County Manager. Any reported allegations of harassment or retaliation will be investigated by the Human Resources Coordinator or the County Manager promptly and confidentially with consideration of those with a need to know. It is extremely important that any unlawful harassment be reported immediately. Failure to report conduct in violation of this policy, or delay in reporting the same, may impede the McDuffie County Government from taking preventive or corrective measures when appropriate. Any supervisor, agent, or employee who has harassed another employee on the basis of their race, color, religion, age, sex, disability, or national origin will be subject to appropriate disciplinary action up to and including termination.

The McDuffie County Board of Commissioners encourages any employee to raise questions he or she may have regarding discrimination, retaliation or harassment with the County Manager or the Human Resources Coordinator.

Conduct in violation of this policy includes, but is not limited to the following definitions:

A. Unlawful Harassment

1. Unlawful harassment can include, but is not limited to, creating an intimidating, hostile or offensive working environment for another on the basis of one's race, color, religion, age, sex, disability, or national origin.

2. Unlawful harassment includes unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made, directly or indirectly, a term or condition of a person's employment, or
 - b. Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person.
 3. Unlawful harassment can include, but is not limited to:
 - a. Verbal Harassment – Sexual innuendo, sexually suggestive comments, jokes and/or teasing of an unwelcome nature, discussing sexual exploits, or continued requests for social or sexual contact.
 - b. Physical Harassment – Unwelcome contact, touching or impeding movement.
 - c. Visual Harassment – Unwelcome, derogatory or sexually suggestive posters, videos, cartoons, drawings, pictures, photographs, documents, writings, electronic mail, staring or leering.
 - d. Sexual Favors – Unwanted sexual advances conditioning an employment benefit on an exchange of sexual favors.
- B. Unwelcome – used in the sense that the offended employee did not solicit or incite the conduct and regarded as undesirable or offensive.
- C. Hostile/Offensive Working Environment – determined based on the particular circumstances, but shall include severe or pervasive written, verbal, or physical conduct directed toward an employee on the basis of one's race, color, religion, age, sex, disability or national origin.
- D. Reasonable Person/Victim Standard – based on the victim's perspective, as long as that perspective is reasonable. In determining whether sexually offensive or other unlawful harassing conduct has occurred, it is no defense that the alleged harasser did not intend to harass. It is the impact on the complainant, not the intent of the alleged harasser that must be evaluated. It is not a requirement that the complainant be the intended target of the offensive conduct. Witnessing offensive behavior between other employees may be grounds for complaint.

SUPERVISOR/MANAGEMENT RESPONSIBILITY

- A. Conduct of a harassing nature by a supervisor is particularly unacceptable and will not be tolerated. Supervisors are strictly prohibited from making any employment decision, directly or indirectly, based upon submission to, or rejection of, a request for a sexual favor. Supervisors are also strictly prohibited from engaging in any

conduct that could reasonably be construed by another employee as threatening, offensive or intimidating so as to constitute a hostile working environment in violation of this policy. Any supervisor who engages in such conduct shall be subject to disciplinary action, up to and including termination.

- B. It is the responsibility of each supervisor, Department Head, and Constitutional Officers of the McDuffie County Government to maintain a workplace free of sexual and other unlawful harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading, or exploitative sexual or unlawful harassing treatment in violation of this policy, and to immediately report perceived violations of the policy.
- C. Any supervisor or employee who retaliates against an individual or a witness for exercising their right to report sexual or other unlawful harassment shall be subject to severe disciplinary action, up to and including termination.

EMPLOYEE RIGHTS AND RESPONSIBILITIES

- A. No employee who, in good faith, exercises their right to make a complaint of sexual or other unlawful harassment will be subjected to any retaliatory act or incur any penalty or adverse consequence. Unlawful harassment in the workplace will not be tolerated and employees, who believe they have experienced such harassment, or have witnessed the harassment of another, have an obligation to report such unlawful conduct immediately.
- B. Any employee who knowingly makes a false statement during a sexual or other unlawful harassment investigation will be subject to disciplinary action, up to and including termination.

EMPLOYEE REPORTING PROCEDURE

- A. Employees who believe they have been subjected to sexual or other unlawful harassment, or believe they have witnessed such conduct, must report this immediately to their immediate supervisor, Department Head, Constitutional Officer, the Human Resources Coordinator, or the County Manager. The Human Resources Coordinator shall be responsible for administering and complying with this policy as it concerns employees.
- B. Any reported allegations of harassment or retaliation will be investigated promptly and thoroughly, and the ongoing investigation shall be confidential, with disclosure allowed by law.
- C. It is extremely important that any unlawful harassment be reported immediately. Failure to report conduct in violation of this policy, or a delay in the reporting of it, may impede the McDuffie County Government's ability to implement preventive or corrective measures when appropriate.
- D. Any employee who interferes with or intimidates an individual or witness for exercising their right to report sexual or other unlawful harassment shall be subject to severe disciplinary action, up to and including termination.

Sub-Section 078.00

Utilization of Technology

PURPOSE

The purpose of this policy is to establish guidelines regarding the appropriate utilization of technology in the workplace and to communicate to employees their limitations and/or responsibilities regarding the utilization of County technology.

DEFINITIONS

For purposes of this policy, the term “technology” means computer hardware, software, systems and services (including e-mail and internet access), as well as all other forms of electronic communication but not limited to, telephones (including cellular), pagers, fax machines, copiers, etc. owned or provided by McDuffie County . The term “data” means but is not limited to any form of information, stored or real-time, using technology devices provided or purchased by McDuffie County.

OVERVIEW

It is the policy of the McDuffie County Government that the use of County technologies is for business related usage and will be subject to the limitations provided in this policy. This policy applies to all employees of the County as well as a consultant or contractor doing business on behalf of the County. These technologies are provided to employees to permit our organization to better provide service to our customers and to facilitate more efficient communications internally.

The McDuffie County Government’s technologies and systems belong to the County and should be used only for County business. Confidential County information shall be preserved and shall not be disclosed or disseminated to those who do not have a legitimate business need to know.

Employees’ private E-mail, voicemail messages, and Internet access on County technology and not related to County business should be incidental and limited so as not to interfere with job performance. Under no circumstances will any of the “prohibited uses” be justified as an incidental personal use of County technology.

1. Prohibited Use

Employees are prohibited from using McDuffie County’s technology to:

- Solicit, convey, or recruit for any commercial ventures, religious or political causes, or other outside organizations where the County prior to dissemination has not approved such communication.
- Create or send any offensive or disruptive messages, including but not limited to messages containing profanity, sexual references or innuendo, racial slurs, gender-specific comments, or any other comment that offensively addresses someone’s age, religious or political beliefs, national origin, race, color, sex, or disability.

- Create or send data for the purpose of entertainment, idle chat, or shared access/dissemination of data (e.g., chain e-mails, centrally storing entertainment files (e.g., music, video, etc.) for other employees to access, sending personal pictures contained in or attached to e-mails).
- Search for, visit, or receive (e.g., download or copy) any data containing any written, pictorial, audio, video, or other such data that might be considered pornographic, offensive or disruptive in nature. Included in this category of data would be data that one may reasonably construe to be sexual and/or offensive nature, or other data portraying information not reasonably considered to be of business use to McDuffie County operations.
- Disclose personal, confidential or proprietary information, copyrighted technology/data, intellectual property or trade secrets to unauthorized recipients.
- Retain and not properly dispose of personal, confidential or proprietary data where one used such data in a “work at home” task (e.g., using one’s home computer to store employee identity information in the performance of an authorized task and then fails to properly remove such information from the home computer once the task is complete).
- Disclosure of one’s password(s) or other secure access mechanism(s) for the purpose of allowing another who is unauthorized to access County systems and the data contained therein. Note: Under Georgia law this is a criminal act.
- Engage in the use of electronic systems for network surveillance purposes without authorization. Note: Under Georgia law this is a criminal act.
- Intercept or review electronic communications or access certain data without authorization. Note: Under Georgia law this is a criminal act.
- Create links to databases, bulletin boards and web pages at remote locations that are not owned or authorized by the County Manager without first obtaining permission.
- Condone or facilitate any of the above-prohibited activities. An individual user of McDuffie County’s owned technologies who willfully receives prohibited data, or one who engages in facilitating dissemination of such data (forwarding files received from others, for example) will be equally in violation of this policy as one who engages in the initial creation of such prohibited data.

2. Monitoring and Privacy

All employees of McDuffie County, including consultants or contractors doing work for McDuffie County, are required, as a matter of policy, to immediately report any violations or alleged violations of this policy to their department head or elected official. Alleged violations of this policy shall be investigated thoroughly, and prompt corrective action shall be taken where deemed appropriate. It will be the responsibility of the County Manager to assist in any and all investigations of alleged violations of this policy on McDuffie County technologies.

McDuffie County has the legal right to access, review, copy, disclose and delete any messages sent, received or stored on the electronic and voice communication systems, and periodically, on an announced or unannounced basis, access, review, copy, disclose, and/or delete data received or stored on County technology systems to ensure that the systems are working properly, that no viruses have been introduced, and that all employees are abiding by this policy.

THERE SHOULD BE NO EXPECTATION OF PRIVACY ON THE PART OF MCDUFFIE COUNTY EMPLOYEES USING COUNTY ISSUED TECHNOLOGIES, SYSTEMS AND EQUIPMENT. Employees should not use County issued technology to send, receive or store any messages or data that they wish to keep private. All stored data are subject to the Georgia Open Records Act.

3. Disciplinary Consequences for Violation of this Policy

Violation of McDuffie County's Utilization of Technologies policy is prohibited and subject to disciplinary action, up to and including termination.

4. See Addendum A

Sub-Section 078.01 Personal Cellular Phone Policy

The purpose of this policy is to establish the use of personal cell phones during work hours. Cell phones have become a very important and useful tool in today's world; however, care must be taken that conversations of a personal nature or regarding personal business not interfere with your assigned tasks. As handy as these communication devices are, they may also become a distraction from assigned tasks. You may continue to carry your phone with you during work hours; however, you shall only use your cell phone in the event of an emergency (placing or receiving calls) or for work related calls. Personal calls shall be placed or received during break times only. Please make your family members and others that call you regularly aware of this policy.

For those employees in an office or meeting environment, you are to always have your cell phone in the silent or vibrate setting so that it does not ring and disturb your co-workers.

Sub-Section 079.00 Travel Expense Guidelines

Business Use of Personal Vehicle

Travel mileage for any use of an employee's personal vehicle in the performance of his/her job related duties will be paid. It is the personal responsibility of the vehicle owner to carry adequate insurance coverage for their protection and for the protection of any passengers. Mileage will be reimbursed at the regular federal rate. This mileage allowance is in lieu of actual expenses for gasoline, oil, repairs, tags, insurance and depreciation. Therefore, actual expenses for those items will not be reimbursed when your personal vehicle is used for County business. Mileage will not be paid for an employee's daily commute to and from work unless otherwise specified by the Board of Commissioners. Mileage will be paid on a monthly basis and employees must file expense reports no later than 30 days following the completion of incurring the expense, or they will not be reimbursed.

To be reimbursed for the use of your personal vehicle for job related duties, employees must list on the Travel Expense Report:

- Date and purpose of the trip
- Locations traveled to and from
- Mileage

Meals and Lodging: Meals and lodging reimbursement will also follow the regular federal per diem rate method. If the city in the State of Georgia to which an employee is traveling is not included in the list provided, the reimbursement rate will be determined by the County Manager.

The beginning day and ending day of an employee's travel may be prorated for reimbursement depending on the departure and arrival times.

Approval/Authorization Process

The employee's Department Head/Elected Official must approve all Travel Expense Reports. No employee is authorized to approve his/her own, a peer's, or a manager's Travel Expense Report. The Department Head/Elected Official who approves and signs the expense report is responsible for reviewing the report for compliance with the travel expense guidelines. The Department Head is responsible for verifying:

- Business purpose
- Correct totals
- Supporting documentation and receipts

Travel expense guidelines are designed to facilitate successful and cost effective travel within County government. Each employee is responsible for complying with the travel expense guidelines located in this section of the Human Resources Policies.

Section VIII

Attendance and Leave

Sub-Section 080.00

Hours of Work

The normal business hours of operation for each department are 8 a.m. to 5:00 p.m. with a one hour lunch period, Monday thru Friday. Alternative hours of operation may be established due to business needs by the Elected Official for the employees in their respective office. Public Safety Departments will have different operational hours established. Other exceptions will be approved by the County Manager and Board of Commissioners.

Sub-Section 080.01

Pay days

All employees are paid every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period. In the event that a regularly scheduled pay day falls on a day off (holiday), employees will receive pay on the last day of work before the regularly scheduled pay day.

Sub-Section 081.00

Holidays

The following days are designated as holidays:

1. New Year's Day
2. Martin Luther King's Birthday
3. Memorial Day (last Monday in May)
4. Independence Day
5. Labor Day
6. Veterans Day
7. Thanksgiving Day
8. The day after Thanksgiving
9. Christmas Eve
10. Christmas Day
11. Floating Holiday

Employees may be required to work during the above holidays. Those employees who are required to work may be paid an additional eight (8) hours or may exchange eight (8) hours off at another

time as determined by the employee and the appointing authority. If a holiday falls on a Saturday, it will generally be observed on the preceding Friday. If the holiday falls on a Sunday, it will generally be observed on the following Monday.

In order to receive pay for an official holiday, the employee must be:

- At work on the work days immediately preceding and succeeding the holiday; or
- On approved paid leave on those days.

Sub-Section 081.01

Holidays for Part-Time Employees

Part-time employees shall not be paid for observed holidays.

Sub-Section 082.00

Annual Leave

Annual leave is leave that is earned to be used for vacation, personal business activities, and other personal activities. Taking annual leave is a privilege that must be approved by the Department Head/Elected Official. All covered employees, both regular full-time and working test shall accrue annual leave from the date of employment in a covered position. Employees must request the use of all annual leave, and the Department Head/Elected Official must approve the leave before the leave is taken. Annual leave must be taken in one-hour increments.

Accumulation Rate – Annual leave will be accumulated by pay period. The length of continuous service of the employee determines the accumulation rate for annual leave. The following is the accumulation schedule:

<u>All Employees</u>	
<u>Years of Employment</u>	<u>Yearly Accumulation</u>
<u>0 – 2</u>	<u>40 hours</u>
<u>3 – 4</u>	<u>80 hours</u>
<u>5 – 14</u>	<u>120 hours</u>
<u>15 and above</u>	<u>160 hours</u>

Maximum Accumulation – Annual leave may not be accrued in excess of 320 hours. Upon separation, the employee will be paid for all accumulated annual leave up to 320 hours if separated in good standing.

Scheduling of Leave It is the responsibility of each Department Head/Elected Official to approve and schedule the leave of their employees. When conflicts arise due to operational needs, and two employees have requested the same date and time, the employee with the most service within the department will have first option for approval.

Sub-Section 082.01

Administrative Leave

Administrative Leave is leave-with-pay that is ordered by the County Manager, appointing authority or his/her designee to meet a need of the County. An employee may be ordered to be absent from the work place, with pay, while internal investigations are being conducted, while awaiting further communications or hearings, or under any other conditions where the County Manager or appointing authority considers administrative leave appropriate.

Sub-Section 083.00

Sick Leave

Sick leave is accumulated to be taken for a bona fide illness and/or injury, and other medical related necessities such as physician appointments, medical examination, and dental appointments. Sick leave is available for the employee's personal health care as well as for the care of members of the immediate family. Sick leave shall not be transferred, swapped or traded between employees. All covered employees, both regular full-time and working test, shall accrue sick leave from the date of employment in a covered position. The employee shall report any sick leave absence prior to his or her scheduled work shift if possible, and if not, the employee should see that his or her absence is reported within one (1) hour after the scheduled time for the employee to begin work. Sick leave requires the approval of the Department Head or appropriate appointing authority or designee. Sick leave may be taken in 30-minute increments.

Accumulation Rate – Sick leave will be accumulated by pay period. The annual accumulation rate for forty (40) hours per week employees shall be ninety six (96) hours per year.

Accumulation of Sick Leave – There shall be no maximum accrual of sick leave. Employees will not be paid for accumulated sick leave upon separation, except however; sick leave may be used upon retirement at a rate of two (2) days of sick leave for one day of regular pay, not to exceed credit for more than 240 hours of sick leave. (Based on 480 accrued hours of sick leave, an employee could be paid for 240 hours).

McDuffie County is under no obligation to provide payment for sick leave accrued by employees, except as outlined above.

Physician's Certificate – A medical statement signed by a licensed physician may be required to substantiate sick leave for:

- Absence of three (3) or more consecutive work days; or
- To support a request for sick leave during annual leave; or
- At any time when absence recurs frequently or habitually, provided the employee has been warned; or
- Whenever the supervisor has reasonable cause to believe that the absence policy has been abused.

Sub-Section 083.01

Sick Leave Bank

A. Sick Leave Bank Committee

The Sick Leave Bank Committee shall be appointed by the County Manager. The Committee shall be comprised of the Human Resources Coordinator, one Department Head and one hourly employee (must be from different departments). Each appointment shall be for one-year term with reappointments permitted.

B. Recipients

A sick leave bank shall be established to provide full-time employees, except working test employees, a more extensive sick leave plan to use in the event of catastrophic illness,

non-job related injury or temporary disability. Catastrophic illness or injury is defined as an illness or injury that requires a leave of absence from work of more than fifteen (15) consecutive workdays.

C. Donors

Any full-time, regular employee who has accumulated the equivalent of two (2) workweeks of sick leave and/or vacation leave may make donations of **annual (vacation) leave only** to the sick leave bank. Employees will provide the number of annual (vacation) leave hours they want to willingly transfer to the bank. Hours will be transferred on a hour for hour basis.

Membership to the sick leave bank is voluntary. Only members of the sick leave bank can donate annual leave and apply to use sick leave from the bank.

D. Maintaining Sick Leave Bank

Periodically employees may be notified if the annual (vacation) leave hours in the contributory sick leave bank are exhausted.

E. Eligibility for Sick Leave Bank Withdrawals

Any full-time, regular employee may apply for withdrawal of sick leave from the bank provided that:

1. The member is absent due to personal illness, non-job related injury or temporary disability.
2. The member has exhausted all accumulated sick leave and vacation leave balances.
3. The member is not receiving workers' compensation.
5. The member has not received any written disciplinary action within the last twelve (12) months.
6. Employees eligible for this provision must have been employed with McDuffie County Government for at least one continuous year or more.

F. Usage

Employees will be compensated at a rate of 75% of their regular pay for the initial period of time they are out and using the sick leave bank.

G. Procedures for Requesting Withdrawals

Requests for withdrawals must meet the following requirements:

1. The request for leave must be accompanied by a physician's statement verifying the member's illness, injury or temporary disability and attesting to the

member's incapacity to perform assigned duties. The statement must be presented at the time of application for withdrawals of hours except in cases where the employee is confined to a hospital. In case of hospital confinement, a statement must be sent within ten (10) days of the application.

2. Withdrawals from the bank are permitted only where an employee will be absent more than fifteen (15) consecutive workdays.

3. Members may withdraw up to a maximum of the equivalent of four (4) weeks of leave for each application. An application can only be submitted by/for an employee once in a twelve month period. For forty (40) hour a week employees the maximum withdrawal is one hundred and sixty (160) hours. For forty two (42) hour a week employees (Sheriff's Office) the maximum withdrawal is one hundred and sixty eight (168) hours. For sixty (60) hour a week employees (firefighters) the maximum withdrawal is two hundred and twenty eight (228) hours. Employees who withdraw the full four (4) weeks must present a new application for consideration if there is still a need.

4. Withdrawals will be made only in the increments necessary to cover the employees normally scheduled work hours in a pay period.

5. If a member is physically or mentally unable to make a request for withdrawal, a family member may file the request on the member's behalf.

6. Requests for withdrawals must be made no later than five (5) days preceding the beginning of the pay period in which the employee will be on leave.

H. Processing the Request

Requests for withdrawals will be processed as follows:

1. Employee must submit the Sick Leave Bank Withdrawals Request Form along with attached Physician's statement to the Department of the Human Resources Coordinator. The Human Resources Coordinator will make the County Manager aware of this process.

2. The Human Resources Coordinator will review necessary records to verify the employee's eligibility, and will notify the County Manager of the status.

3. Employees who meet all eligibility requirements and are approved by the committee shall be granted a withdrawal of sick leave.

I. Administration of Bank

The Sick leave Bank will be administered by the Human Resources Coordinator in accordance with the regulations contained herein. The Human Resources Coordinator has the responsibility of receiving, verifying and acting on requests for donations and has the responsibility to submit request for withdrawals to the committee for consideration. The Sick Leave Bank Committee will determine who is eligible to withdraw days from the bank. Decisions of the committee are final and not subject to appeal.

J. General Information

Sick leave from the bank granted to and used by an employee does not have to be repaid. Any employee who obtains leave based on misstated information, erroneous or false information will be required to repay the County for the granted leave time and may be subject to disciplinary action up to and including termination.

Open enrollment period is December 1 through 31 annually. Eligible employees must donate two (2) days of annual leave during open enrollment to become a member. Members will be assessed two (2) additional days each year thereafter during open enrollment period not to exceed ten (10) days. A Family and Medical Leave (FMLA) form must be completed and members must be employed with the County for at least one (1) year. Members of the sick leave bank will remain a member until a written letter requesting to withdraw as a member from the bank is submitted to the Human Resources Coordinator.

Sub-Section 084.00

Family Medical Leave

Employees who are eligible for family and medical leave may take up to twelve (12) weeks of unpaid leave in a twelve (12) month period under the following circumstances:

- (1) the birth of a child to the employee;
- (2) the placement of a child with the employee for adoption or foster care;
- (3) in order to care for a family member of the employee with a serious health condition;
- (4) when the employee has a serious health condition which renders the employee unable to perform the functions of his or her job; or
- (5) for a qualifying exigency due to a spouse, child or parent's active military duty. Covered exigencies include childcare and school activities; making financial and legal arrangements; counseling and recuperation; post-deployment activities; and other employer-approved events.

Note: For numbers 3 and 4 listed above, **Serious Health Condition** is when an employee is deemed to be receiving "continuing treatment" if there is a period of incapacity exceeding three consecutive days and the employee has twice visited a health care provider within 30 days of the beginning of the period of incapacity, or visited a provider once and is under a regimen of continuing treatment (the first in-person treatment must occur within seven days of the first day of incapacity). Serious health conditions do not include voluntary or cosmetic treatments which are not medically necessary.

For the purposes of this policy the term “child” includes a biological child, an adopted or foster child, step child, or a legal ward, younger than 18 years of age, and shall also include a child 18 years of age or older who is incapable of self-care because of mental or physical disability. Further, a “parent” includes biological parents and persons standing in place of a biological parent (“in loco parentis”) – court documentation may be required.

The one year period is measured by looking at the twelve month period immediately prior to the date on which leave is requested. Reduced or intermittent leave is available for the serious health condition of the employee or a family member when it is medically necessary. Employees on approved family or medical leave who accept other employment without the County's approval will be terminated. Upon a request for leave for one of the above reasons, the County may furnish the employee with more information about conditions and procedures for utilizing Family and Medical Leave.

This policy is not a substitution for paid days off. FMLA begins when an employee is placed on medical leave by their physician request. At this time, employees shall use any annual and/or sick leave which will run concurrently while the employee is on family and medical leave.

In addition to absences covered by accrued annual and sick leave, it is important to note that other types of paid absences may also be counted against an individual's FMLA leave entitlement. Paid absences under workers' compensation may also count against an individual's FMLA entitlement in certain circumstances. To be counted against an individual's FMLA entitlement, workers' compensation absences must be based on a reason that would qualify for FMLA leave (the definition of serious health condition must apply). Time spent by the employee working in a temporary alternative assignment does not count against an employee's leave entitlement.

Eligibility: There are two conditions that must both be met to be eligible for Family Medical Leave.

- (1) To be eligible, employees must work at a job site at which the County employs 50 or more employees. Employees are not eligible for leave if the aggregate number of employees employed by the County within a 75 mile radius of that job site is less than 50; **AND**
- (2) To be eligible, an employee must have been employed by the County for at least twelve (12) months and must have worked a minimum of 1,250 hours during the previous 12-month period. If the employee meets this criteria, they are entitled to 12 weeks of leave within a “rolling” twelve month period.

Procedures: If the leave is foreseeable then the employee must provide the County with notice thirty (30) days in advance. If leave is not foreseeable, then notice should be given as soon as possible. Notice must be given to the Human Resources Coordinator on the "Family and Medical Leave Request Form." An employee requesting leave for his or her own or a family member's serious health condition, must provide the County with proper medical certification. If you intend to take such leave, contact the Human Resources Coordinator to get the appropriate request and certification forms. Within five (5) days of a leave request, the McDuffie County Government must notify employees if they are eligible for leave and give those eligible a written notice of their FMLA Rights and Responsibilities. After approving a leave, the Human

Resources Coordinator must notify employees within five (5) business days if the leave will be designated as FMLA leave.

Sub-Section 084.01 **Leave Upon Birth or Adoption of a Child**

In accordance with the Family Medical Leave Act of 1993, eligible employees shall be granted up to 12 weeks of leave for the birth or adoption of a child. Leave shall also be granted for the placement of a foster child with an employee.

A female employee who is incapacitated due to pregnancy and/or related symptoms may use accumulated sick and annual leave. When all paid leave is exhausted, the employee may request approval to be placed on leave without pay (LWOP).

Where the requested leave is not medically necessary, such as in the case of a father requesting leave for the birth or adoption of a child; the employee must use accumulated annual leave. The remainder of the 12-week period shall normally be granted as leave without pay (LWOP).

An employee requesting leave upon the birth or adoption of a child should give a minimum of 30 days written notice to his/her supervisor. If the employee is unable to provide such notice, they should provide such notice as soon as practicable.

Where both spouses are employed by the County, the total amount of leave that may be taken under Family Medical Leave due to the birth or adoption of a child is 12 weeks (not 24 weeks). Documentation specifying how leave will be taken must be given to each employee's department with the certification form.

Sub-Section 084.02 **Medical Certification**

Certification for an employee's serious medical condition must include a statement that the employee is unable to perform the functions of his or her position. Certification for leave to care for a family member with a serious medical condition must include an estimate of the amount of time the employee is needed to care for that family member. Both types of certification must include (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; and (c) the appropriate medical facts within the knowledge of the health care provider about the condition. The County may require a second medical opinion, at its own expense. If the first and second opinions differ, the County, again at its own expense, may require the binding opinion of a third health care provider, approved jointly by the employee and the County. The County may also require periodic recertification. Certification forms must be completed and returned to the Human Resources Coordinator fifteen (15) days after the request unless circumstances make this impossible. The County may directly contact an employee's health care providers to authenticate and clarify medical certification. Only a human resources professional or a management official may make this contact, not an employee's direct supervisor.

A medical statement from a certified physician releasing the employee to return to work must be provided by the employee to the Department Head or Elected Official before authorizing the employee to return to work.

Sub-Section 084.03 **Benefits under Family Medical Leave**

Employees will not lose any employment benefits or seniority accrued before the date on which leave commenced. Employees who take family or medical leave will generally be restored to the same or an equivalent position upon their return to work. Employees who take family or medical leave will continue to be responsible for paying their portion of health insurance premiums. The Human Resources Coordinator will provide information on how this payment can be arranged. Failure to make timely payments may result in a cancellation of the insurance coverage. Generally, when an employee does not return to work within or at the end of any leave period and remain at work for at least 30 days, the employee will be required to repay the portion of the insurance premium which was paid by the County during the unpaid portion of the leave. If the health insurance lapsed while the employee is on FMLA leave for failure to pay their premium, when the employee returns to work, the County must reinstate the insurance.

An employee who fails to obtain approval for a leave without pay (LWOP) following the expiration of the 12-week period of family medical leave may be terminated. The Department Head or Elected Official must submit a request to fill the position to the County Manager. Upon notice by the County Manager, the employee will be notified in writing of the expiration of the 12-week period of family medical leave and subsequent termination.

Sub-Section 085.00 **Worker's Compensation**

Employees are covered under the provisions of the Workers' Compensation Act of the State of Georgia. Where an employee is injured while on the job, such injury must be reported to the supervisor immediately (First Report of Injury Form). The supervisor must report the injury to the Human Resources Coordinator on the day of occurrence or as soon thereafter as possible. Employees, who have been injured on the job and cannot perform the essential functions of the job, may be offered a temporary alternative work assignment (where available) which they can perform in their own department or another department in the County without loss of time or wages.

McDuffie County believes in the importance of employees returning to work. Consequently, where practicable, those employees who have experienced an on-the-job injury which prevents them from performing the essential functions of their regular job duties, may, with the approval of the department head/elected official and with the availability of suitable duties, an employee certified for light duty (temporary alternative assignment) may be assigned tasks outside of their job description, at their regular rate of pay, for a temporary period of time.

Where an employee is injured on the job is unable to perform any work and this is substantiated by a doctor's certificate, they may draw Workers' Compensation, up to the limit stipulated by State Law, starting on the eighth day of disability; or they may receive full pay using accumulated sick leave and/or annual leave for the duration of the disability or until all accrued leave has been exhausted. Where an employee has filed for and begins collecting Workers' Compensation while receiving full pay from the County using accumulated leave, Workers' Compensation checks must be endorsed and turned in to the County.

In any case, no employee may receive/collect more compensation under any provision or combination of provisions of this section than they would have received had the employee continued to work at their regular job.

Sub-Section 086.00**Military Leave**

1. Military leave is a period of unpaid leave due to any employee's service in the military forces of the United States. An employee who leaves the service of the County to join the military forces of the United States shall be placed on military leave without pay in accordance with conditions set forth in Federal and State Law. Such leave shall extend through a date not to exceed 90 days after the employee is relieved from their military service. Such employees shall be guaranteed to be reinstated to their previously vacated position provided they report to work for McDuffie County Government within 90 days of the date of the employee's honorable discharge (as indicated on U. S. Dept. of Defense Form DD-214) and that the employee is physically and mentally capable of performing the essential functions of the position.

Time so served shall be considered as continuous employment with the McDuffie County Government. The returning employee shall also be entitled to any increase in salary (including market adjustment increases) or any advancement in grade which would normally be accorded to the incumbent of the position. In essence, the employee should be treated as if they had been continuously employed with the McDuffie County Government.

2. In the event a position, vacated by a person entering the military service, as stated above, no longer exists at the time the qualified employee returns to work, such person shall be entitled to be re-employed in another position of the same status, class and pay in County service.
3. Employees will be given time off without loss of pay while on ordered State or Federal military duty including but not limited to attendance at a service school conducted by the military forces of the United States, and while going to or returning from such duty or school, for a total of 18 days or no more than 144 hours in any one calendar year. In the event the Governor of Georgia declares an emergency and orders an employee to State active duty as a member of the National Guard, such employee will be paid for a period not exceeding 30 days or 240 hours total in any one calendar year.

Whenever such an employee is ordered to be on military duty or to attend a service school in excess of the amount of time which will be paid, the employee may use accrued annual leave for such absence or may take a personal leave of absence.

Sub-Section 087.00**Leave Without Pay (LWOP)**

Leave of absence without pay may be granted to an employee for a period normally not to exceed six (6) consecutive months for compelling personal reasons or continuing education. The employee must submit a written request to their Department Head or Elected Official, who will then make their recommendation to the County Manager for final approval. During a Leave of absence, the employee's benefits and salary are put on hold, and the job is not guaranteed to be saved. Benefits and seniority are, however, held in abeyance and upon return to work, to a position of like status and pay, full employee benefits are immediately reinstated where they left off at the time the leave of absence began. However, during this time the employee must personally pay insurance premiums at the group rate in order to maintain insurance benefits.

The County shall not pay insurance premiums for the employee during LWOP.

The operational needs of the County will be the controlling factor in all considerations relating to approval or disapproval of LWOP. An employee who returns from approved LWOP within 30 calendar days of the approved effective date will be reinstated to the position previously held. However, an employee who returns from approved LWOP of greater than 30 calendar days is not guaranteed return to the position previously held. It shall be the employee's responsibility to apply for available positions within the County for which they qualify. An employee who fails to return to work on the first scheduled workday following the exhaustion of their approved LWOP shall be deemed to have resigned due to job abandonment and shall have effected a compulsory resignation.

Sub-Section 087.01 **Absence without Leave**

An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave under the provisions of these regulations shall be deemed to be an absence without leave. Any such absence shall be without pay and may result in disciplinary action, up to and including termination.

Sub-Section 088.00 **Civil Leave**

An employee shall be given the time off without loss of pay when performing jury duty or when subpoenaed to appear before a court, public body or commission in connection with County business. An employee who files a legal action against the County is not entitled to take civil leave for the pursuit of such a lawsuit, but must instead make use of accrued annual leave.

Where an employee is released at least two and one half (2-1/2) hours prior to the end of their scheduled work period, they are required to return to work. Off-duty employees subpoenaed to appear for County government related issues shall, for all time required being in court, receive court appearance pay or minimum wage for hours served, whichever is greater. For the employee to receive their regular pay from the county, they must remit the funds paid to them as jury duty fees to the County Finance Office.

Sub-Section 088.01 **Time off to Vote**

Employees are permitted time off to vote in any municipal, county, state, or federal political party primary or election for which such employee is qualified and registered to vote on the day on which such primary or election is held. The time taken off to vote must not exceed two hours, is unpaid leave and is permitted only if your supervisor is informed at least one (1) working day in advance that an individual plans to take time off to vote. The County may specify the hours during which the employee may be absent from work to vote. If the polls open at least two hours before the employee is scheduled to arrive at work or the polls close two hours after the employee is scheduled to leave work, then time off to vote is not allowed.

Sub-Section 089.00 **Bereavement Leave**

Bereavement leave is for extended immediate family members. The length of leave is determined by the relationship of the deceased to the employee. If additional time is needed, and is approved by the department head, it will be deducted from annual leave or sick leave.

Relation to Employee	Bereavement Leave
Spouse/Child	Up to 5 days paid
Parent/Sibling	Up to 3 days paid
Mother-in-law, Father-in-law	Up to 2 days paid
Brother or Sister-in-law	Up to 2 days paid
Grandparents	Up to 2 days paid
Stepparents or Stepchildren	Up to 3 days paid

Bereavement leave is available for County employees to attend the funeral, to attend to family matters, and to grieve privately. To that end, unused bereavement leave is not accumulated or paid for in any fashion other than as described above.

Section IX

Benefits

Sub-Section 090.00

Deferred Compensation 457 Plan

The IRS Section 457 Retirement Savings Plan allows employees to make pre-tax contributions toward their retirement. The account is in the employee's name and you decide on the manner it will be invested. All employee contributions to this account are 100% vested. More information is available from the Human Resources Coordinator or the plan administrator.

Sub-Section 091.00

ACCG Defined Benefit Retirement Plan

McDuffie County employees are participants in the county funded retirement program administered by the Association of County Commissioners of Georgia. This retirement program is a defined benefit program with the benefits being calculated by a formula at the time of retirement. The employee initiates voluntary retirement from active employment status. The employee should notify, in writing to the Department Head and Coordinator of Human Resources, his/her intention to retire prior to the effective retirement date. Sixty (60) days advance notice is preferred, but not required.

For employees of McDuffie County who choose to retire and meet the following requirements, the County offers the opportunity to continue group medical insurance (at full cost to the employee) until age 65 and may also receive pay for ½ of their accrued sick leave.

Medical continuation and pay of ½ of accrued sick leave will be available IF the employee meets one of the following criteria:

- Minimum age of 55, plus 10 years of continuous service; or
- Age and years of service equal 65 or above (must be at least 55 years of age).

Sub-Section 092.00

Medical Insurance

Eligible employees may participate in our medical insurance plan. Full-time employees may enroll in single, two-person or family coverage on the 31st day of their full-time employment with the county. Information and enrollment forms may be obtained from the Human Resources Coordinator. Full-time employees will receive information regarding the cost of this insurance in the County's New Hire Orientation, and the Annual Open Enrollment period.

Sub-Section 093.00

COBRA

The Consolidated Omnibus Budget Reconciliation Act (COBRA) requires employer-sponsored group medical and dental plans to allow covered employees and their dependents to elect to have their current medical coverage continued at the employee and dependents' expense, at group rates, for up to 36 months following a qualifying loss of coverage.

Qualified persons who must be permitted to continue group medical coverage are:

- (a) an employee whose coverage terminates due to a reduction in work hours or termination of employment, other than termination due to gross misconduct;
- (b) a spouse and dependent children who lose eligibility for coverage under the group plan as a result of: (1) divorce or legal separation; (2) the employee's death, termination of employment or reduction of work hours; (3) loss of dependent child status due to age or marriage.

Continuation is not available to persons who are covered under another group plan or eligible for Medicare.

Group health premium rates for individuals electing continuation are the same as for active employees and their dependents plus an administrative charge. Individuals electing continuation must pay the entire monthly premium amount in advance.

You will be notified by the County upon employment and at the time of a qualifying event as explained above. It is the employee's responsibility to keep the Human Resources Coordinator informed of any address changes or other pertinent information regarding themselves and their dependents.

Sub-Section 094.00 **Life Insurance**

All full-time eligible employees may enroll in the County's group life/accidental death and dismemberment insurance plan. This insurance is designed to help you plan for your family's financial needs in the event of your death. To enroll in this plan, you must complete an insurance form on which you designate your beneficiary. Additional information on this plan may be obtained from the Human Resources Coordinator.

Sub-Section 095.00 **Social Security**

Social Security is more than a pay check deduction. It offers financial security for you and your dependents. Although this is a federally established program, it is your contributions, and the county's that pay for this benefit.

For the duration of your employment, you and the County contribute funds to the federal government to support the Social Security Program. This program is intended to provide you with monthly checks and medical coverage once you approach/reach retirement age.

Section X

Performance Evaluation

Sub-Section 100.00

Policy

McDuffie County may implement and maintain a system for assessing the work performance of all employees.

Sub-Section 101.00

Purposes of Performance Appraisals

The Employee Performance Appraisal process is used to provide for an objective and consistent system for providing specific feedback on job related performance to assist in decisions concerning employment activities, disciplinary action, and developmental needs. The Employee Performance Appraisal process is designed to encourage one-on-one communication and provide feedback about job duties, responsibilities and performance. Because this process is tied directly to specific job standards, employees should have a clear understanding of what is expected and where improvement is required. An effective system of on-going day-to-day feedback provides incentives for employees to improve and/or maintain high levels of productivity and efficiency.

Sub-Section 102.00

Timetable for Performance Appraisals

1. All covered employees shall have a performance appraisal conducted prior to the end of the initial three (3) months; one prior to the end of six (6) months; before the end of 12 months, and every succeeding year of employment thereafter.
2. Performance will be reviewed annually and a completed performance appraisal will generally be submitted at least 20 working days prior to the anniversary of the date of hire, or the date of the last promotion, transfer or demotion.
3. Departments have the ability to postpone an appraisal for the amount of time that an employee has been absent in an approved leave status (other than Military Leave) exceeding 30 calendar days. The postponement will not exceed 90 calendar days from the day the employee returns to work. Any applicable salary increase will be effective the first day of the pay period following the extended performance appraisal date; the employee's original review date will remain the same. In some cases, it may be necessary to extend the date beyond 180 days. In such cases, the Department Head or Elected Official will provide the County Manager with detailed reasons for the request. Upon approval by the County Manager, an additional extension of 180 calendar days may be granted.

Sub-Section 103.00 **Procedures for Performance Appraisal**

1. Each performance appraisal will be conducted using an authorized McDuffie County performance appraisal form.
2. The Performance Appraisal form should be approved and signed by all the necessary reviewing management staff before being presented to and reviewed by the employee. The employee should sign the formal performance appraisal document in the space provided. The employee's signature is only an indication to confirm that the formal appraisal was reviewed and discussed with the immediate supervisor, not that the employee necessarily agrees with some or all of the ratings and/or the final overall rating. In those cases where an employee refuses to sign the performance appraisal document, the supervisor must indicate the employee's refusal, in writing, on the performance appraisal document and have another supervisory employee sign the document as a witness to the employee's refusal.
3. The completed original performance appraisal document should be immediately forwarded to the Human Resources Coordinator at least 20 days prior to the employee's anniversary date. The employee's immediate supervisor is responsible for furnishing the employee with a signed copy of the completed performance appraisal document.

Sub-Section 104.00 **Confidentiality of Performance Appraisal**

Performance appraisal documents, ratings and final rating scores are personal matters of business between the employee and management. Supervisory/management personnel shall endeavor to maintain the confidentiality of all performance appraisals to the best of their abilities.

Sub-Section 105.00 **Performance Appraisal and Pay for Performance (Merit Pay)**

This section will be used in the future if the Merit Pay system is reinstated.

Pay for performance compensation (Merit Pay), if authorized, is contingent upon the final rating score earned and reported on an employee performance appraisal. The final rating score shall be used to determine the amount of compensation. The amount of increase (Merit Pay) may change from year to year and must be approved by the McDuffie County Board of Commissioners.

A final rating score reflecting unsatisfactory performance shall render the employee ineligible for pay for performance (Merit Pay), and may subject the employee to performance demotion and/or other disciplinary action up to and including termination of employment.

Section XI

Separation

Sub-Section 110.00 **Types of Separation**

The following identifies the specific types of separations and conditions under which they occur for employees of McDuffie County. They shall be designated as one of the following and shall be accomplished in the manner indicated: Resignation, compulsory resignation, layoff, disability, death, retirement, and dismissal.

Sub-Section 111.00 **County Property**

At the time of separation, all records, assets and property of McDuffie County held by the employee shall be submitted to their Department Head/Elected Official. The Department Head/Elected Official will sign certification regarding receipt and clearance to this effect. Any amount due because of a shortage in the above shall be paid by the employee. In the case of a Department Head termination, all records, assets and property of McDuffie County held by the employee shall be submitted to the County Manager.

Sub-Section 111.10 **Final Pay Check to Separated Employees**

All separation paperwork and final paycheck shall be completed within thirty (30) days of separation.

Employees who separated in good standing shall receive payment for all earned salary, and those employees who have accrued annual leave shall be eligible to receive payment for unused annual leave.

Sub-Section 112.00 **Resignation**

In order to resign in good standing, an employee must give a two week written notice to their Department Head/Elected Official/County Manager. Failure to comply with this policy shall be noted in the employee's official record. An employee who resigns in good standing shall be eligible for rehire as a new employee.

Sub-Section 113.00 **Compulsory Resignation- Job Abandonment**

An employee who is absent for three (3) consecutive workdays without obtaining supervisor approval shall be deemed to have resigned. It is each employee's responsibility to keep his/her address and telephone number current with the County.

Sub-Section 114.00 **Lay-Off – Reduction in Force**

A lay-off or reduction in force is an involuntary separation of an employee from the service of McDuffie County which has been made necessary due to shortage of funds or work, the abolition of the position or other material changes in the duties or organization or for related

reasons which are outside the employee's control and are not related to fault, delinquency, or misconduct on the part of the employee. Any lay-off or reduction in force shall be conducted in accordance with the following rules:

- (1) Employees shall be laid off on the basis of the following three (3) factors, to be weighed in descending order: Length of service with the County, overall operational impact of skill set, and documented job performance of the employee. It is provided, however, that any deviation from the use of length of service with the County as the sole determining factor will require written explanation to the County Manager by the Department Head/Elected Official with final approval by the Board of Commissioners.
- (2) If a regular employee is scheduled to be laid off, a demotion to a lower class shall be offered if a vacancy exists, provided the regular employee meets minimum qualifications for the position or is able to be trained to fill the position in the lower class. If no such position is available, the employee shall be laid off without cause.
- (3) Prior to a reduction in force, the Elected Official/Department Head shall submit the names and job titles of all regular employees scheduled for layoff to the County Manager for approval. Until the names submitted are approved and confirmed for layoff, no layoff shall be consummated.
- (4) Regular employees to be laid off shall be notified in writing by the County Manager or the Elected Official at least fourteen (14) calendar days prior to the effective date of the layoff.

Sub-Section 115.00

ADA (Americans with Disabilities Act)

It is the policy of McDuffie County to provide equitable treatment to persons having a physical or mental disability that substantially limits a major life activity and to individuals who have a record of, or who are regarded as, having a substantially limiting impairment. This policy includes providing reasonable accommodation(s) to permit a qualified person with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

An individual with a disability must satisfy job requirements for educational background, employment experience, skills, licenses and any other qualification standards that are job related and must be able to perform these tasks that are essential to the job with or without reasonable accommodation as outlined under the Americans with Disabilities Act of 1990 (ADA).

When an employee becomes totally or partially disabled to perform the essential job functions of their current position, with or without reasonable accommodations, efforts will be made to reassign the employee to an existing vacant position for which they qualify and can perform with or without accommodation in accordance with ADA policy guidelines.

The County is not required to change the essential job functions of a position, create a vacancy or promote an employee with a disability as an accommodation to the employee. If a necessary reasonable accommodation is refused, the employee may be considered not qualified to perform the essential functions of the job. After exhausting these measures, a Department Head/Elected Official can request to fill the vacancy through a competitive

process.

Sub-Section 116.00 **Loss of License, Certification or Other Job Requirements**

Any employee, who is unable to do their job because of a loss of a required license, certificate, or other job requirement, may be terminated.

Sub-Section 117.00 **Death**

When any regular status employee dies while in the service of McDuffie County, all compensation due in accordance with Sub-Section 111.10 shall be paid to their named beneficiary or to the legal representative of the employee's estate or any other legally designated individual.

Section XII

Disciplinary Action

Sub-Section 120.00

Types of Disciplinary Action

The County advocates progressive discipline when applicable. Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity. The action taken will depend on the degree and the circumstances of the violation. An employee who failed to satisfactorily perform assigned duties or who violates established policies will be disciplined.

Sub-Section 120.01

Disciplinary Action Codes & Procedures

Disciplinary action shall be imposed in accordance with the following table. No actions, other than those specified and within the time limitations specified, shall be imposed for any violation except in the case of formal demotion proceedings and provided in this section.

Violation Category	Number of Offenses	Action Taken
A	1	Indefinite suspension pending dismissal or demotion
B	1	Indefinite suspension pending final determination
C	1	Minimum – Written reprimand Maximum – Suspension 1 to 5 days
	2	Suspension 3 to 10 days and probation
	3	Minimum – Suspension 10 to 20 days and probation Maximum – Dismissal or demotion
D	1	Minimum – Oral reprimand Maximum – Written reprimand with remedial training and/probation
	2	Minimum – Written reprimand with remedial training and probation Maximum – Suspension 2 to 7 days
	3	Suspension 3 to 10 days and probation

Probation, and/or Remedial Training may be attached to any of the above punishments

VIOLATION CATEGORY A

A-01	Insubordination – refusal to perform assigned work or comply with written or oral instructions by a supervisor or manager
A-02	Conduct reflecting discredit on the County or department
A-03	Conviction of a felony or a crime involving moral turpitude
A-04	Falsification of a job application or other County records
A-05	Falsification or destruction of official records or documents or use of official position for personal benefit, profit, or advantage or for other improper reasons
A-06	Violation of the County's Drug and Alcohol policy
A-07	Violation of the County's Electronics Acceptable Use Policy
A-08	Use, possession and/or distribution of a controlled substance
A-08	Theft, making false statements, or intentionally giving misleading information to supervisors, officials or the public

VIOLATION CATEGORY B

B-01	Violation of the County's Sexual Harassment policy
B-02	Stealing – misappropriation of private or county property
B-03	Any action that is detrimental to the County
B-04	Unauthorized use of County property or vehicles
B-05	Misconduct – a forbidden act; a dereliction of duty; unlawful behavior or improper or wrong behavior

VIOLATION CATEGORY C

C-01	Excessive/unexcused absenteeism
C-02	Possession of firearms or other dangerous weapons by unauthorized personnel while on duty
C-03	Sleeping on the job
C-04	Fighting or attempting to injure another employee
C-05	Misuse or abuse of equipment or vehicle for personal use
C-06	The use of abusive or threatening language toward subordinates, other employees or the public
C-07	Failure to properly care for assigned equipment or vehicle, resulting in loss or damage to same

VIOLATION CATEGORY D

D-01	Failure to perform at an acceptable level of competence
D-02	Discourteous treatment of the public or other employees
D-03	Leaving the job or work area without permission of his/her supervisor
D-04	Using obscene language, engaging in obscene conduct
D-05	Failure to report an accident in which the employee was involved
D-06	Communicating information concerning the County to the public without authorization

In determining disciplinary action to be taken in the event of repeated violations of this section, the following standards will apply:

1. Only those Category C violations recorded within the calendar year immediately preceding the date of the most recent violation may be considered in determining disciplinary action;
2. Only those Category D violations recorded within the calendar year immediately preceding the date of the most recent violation may be considered in determining disciplinary action;
3. Within the limitations imposed by 1 and 2 above, disciplinary action at the 2nd and 3rd offense level for a Category C or D violations may be based on a record of either Category C or D violations; or a combination of both. For example, an individual committing a Category C violation who has recorded a Category D violation may receive disciplinary action at the Category C, 2nd offense level.

A Department Head/Elected Official may dismiss an employee as outlined in Sub-Section 120.01 (after reviewing such action with the County Manager). The employee shall be furnished notice of dismissal in writing, stating the reason(s) for dismissal. Procedures for appeal are outlined in Sub-Section 142.00 – 146.00. It is recognized there will be occasions when immediate dismissal is necessary. A review of such action with the County Manager must be completed as soon as possible.

Sub-Section 122.00 **Employee Files**

Official employee files are privileged information, and are only to be used for McDuffie County administrative actions. Any requests from outside agencies for such information will be forwarded to the County Manager for action and consideration of the request and will be determined as provided by Georgia law. Employees and their supervisors are permitted to review their employee files during normal business hours as required. In addition, McDuffie County supervisors that have a legitimate business need to review an employee file may schedule a time with the Human Resource Coordinator for that purpose.

Sub-Section 123.00 **Reprimands**

Unless the incident, action or behavior of the employee is of such nature to initially warrant a more severe type of disciplinary action, a reprimand is a formal means of communicating to the employee a warning that a problem exists and that it must be corrected. There are two (2) degrees of formality, the oral reprimand and the written reprimand.

- (1) In an oral reprimand, the Elected Official/Department Head and/or County Manager will verbally and privately explain to the employee that they are being reprimanded and describe the problem and what must be done to correct the problem.
- (2) In the written reprimand, the employee will receive a written statement describing the

problem and what must be done to correct the problem. The reprimand will also contain a statement describing the consequences of not correcting the problem. A copy of the written statement will be provided to the employee in a private meeting. A copy of the written reprimand will be forwarded to the Human Resources Coordinator to be placed in the employee's official file.

Sub-Section 124.00

Adverse Actions

Adverse Action: An adverse action is an action taken by the Appointing Authority or their designee, for cause, that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, or disciplinary dismissal. Any action against an employee that could result in suspension, demotion, or dismissal shall be done in the presence of the Human Resources Coordinator. Human Resources shall be informed in advance of any adverse actions prior to any disciplinary procedures.

- (1) Suspension Without Pay: An employee may be suspended without pay for a violation of County policies governing performance and/or misconduct. The duration of the suspension shall be indicative of the severity of the offense; however, such suspensions without pay shall not exceed thirty (30) days. A written statement specifically setting forth the reason(s) for such suspension and the employee's appeal rights shall be provided to the affected employee and a copy forwarded to the Human Resources Coordinator to be placed in the employee's official file.
- (2) Disciplinary Salary Reduction: An employee's salary may be reduced from one pay step to a lower step for disciplinary purposes. The salary reduction does not constitute a demotion in pay grade. A written statement specifically setting forth the reason for such salary reduction and the employee's appeal rights shall be furnished to the affected employee and a copy forwarded to the Human Resources Coordinator to be placed in the employee's official file.
- (3) Disciplinary Demotion: An involuntary change of employment from a position of one class to a position of a class having a lower pay grade for disciplinary reasons if a lower position is vacant and if the employee meets the minimum qualifications to perform the work at the lower position. A disciplinary demotion must include a decrease in salary. A written statement specifically setting forth the reason(s) for such demotion and the employee's appeal rights shall be provided to the affected employee and a copy forwarded to the Human Resources Coordinator to be placed in the employee's official file.
- (4) Disciplinary Dismissal: Dismissals are discharges made for delinquency, misconduct, inefficiency, and deliberate violation of policies, rules, orders, regulations or inability to perform the work of the position satisfactorily.

Dismissal of regular status employees shall be effective only after the employee to be discharged has been notified by written statement of the specific reason(s) for the separation, and has been given the opportunity to respond thereto. The employee's appeal rights shall be furnished to the affected employee at this time. However, when in the opinion of the elected official or department head circumstances require the immediate departure of the employee from the work place, the separation may be made immediately. The reasons for the separation and the employee's response shall be forwarded to the Human Resources Coordinator to be placed in the employee's official file. The County Manager must be notified before, or in more severe cases,

immediately after the employee has been dismissed.

Sub-Section 125.00 **Notification and Response**

Once it has been determined that an adverse action should be taken, the following notification and response procedures will be observed.

(1) Notice of Intent regarding the Proposed Adverse Action: The Appointing Authority or their designee, and/or the Elected Official will give the employee a written Notice of Intent of the proposed adverse action, when possible, three (3) business days prior to the effective date of the action. The notification shall contain the following:

(a) The effective date of the action.

(b) The specific charges or reasons for the action.

(c) A statement informing the employee that he or she may respond to a named official within 5 business days of the notice of the proposed action.

(d) A notice that failure to respond to the named official will result in a waiver of all further appeal rights.

Sub-Section 126.00 **Employee Response to Proposed Action**

The employee must respond in writing to the named official within five (5) business days of receiving the notice of the proposed adverse action.

Sub-Section 127.00 **Notice of Final Action**

The Appointing Authority, or designee, after considering the employee's response to the notice of intent of adverse action, will give the employee a written notification of the decision on the action to be taken within two (2) business days of the effective date of the action. In addition, this written notification will contain a statement informing the employee of their right to appeal the final action.

Sub-Section 128.00 **Postponement of Deadline for Further Investigation**

Where the employee responds to the named official and provides new evidence, information or mitigating circumstances, the official may postpone the deadline for the final notice of adverse action by a specific number of days to conduct further investigation into the matter, with written consent from the employee. Where the deadline for the final notice of adverse action is postponed, the effective date of the final action will be postponed by as many days as needed.

Sub-Section 129.00 **Immediate Action – Emergency Conditions**

The Appointing Authority or the designee may take immediate action against an employee under emergency situations. The immediate action will be to place the employee on administrative leave with pay pending the outcome of an investigation. Where an employee is unable to communicate or respond, the employee will be placed on leave without pay until it is

determined that the employee cannot return to work or until the employee can respond. Examples of emergency situations are: when crimes of moral turpitude are committed, when an employee may be a threat to themselves, a co-worker, the general public, or potential damage to public property.

Section XIII

Grievance/Complaint Resolution Policy

It is the policy of McDuffie County to resolve grievances informally. Supervisors and department heads are expected to discuss and resolved issues as they occur. Employees will be provided with an opportunity to present their grievance or appeal decisions through a formal Grievance/Complaint procedure. All Grievances/Complaints will be resolved fairly and promptly.

Sub-Section 130.00

Grievance Complaint Defined

A grievance/complaint may be defined as an employee's expressed feeling or dissatisfaction concerning conditions of employment or treatment by managers, supervisors, or other employees. Examples of actions which may be causes of grievances/complaints include, but are not limited to:

- Application of County policies, practices, rules, regulations and procedures believed to be to the detriment of an employ;
- Treatment considered unfair by an employee such as coercion, reprisal, harassment or intimidation;
- Alleged discrimination because of race, color, sex, age, religion, handicap, national origin, military reserve or veteran status, marital status or any other no-merit factor; and
- Improper or unfair administration of employee benefits or conditions of employment.

Sub-Section 131.00

Non-Grievable Items

The following areas are not grievable:

- Issues which are pending or which have been concluded by other administrative or judicial procedures;
- Work assignments which do not result in a demotion or salary reduction;
- Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or units;
- The content or rating of a performance evaluation;
- The selection of an individual by the Department Head to fill a position through appointment, promotion, or transfer, except when the employee can show adverse effect because of unlawful discrimination;
- Any matter which is not within the jurisdiction or control of the County;

- Internal security practices established by the County Manager and/or Board of Commissioners'
- Decisions, practices, resolutions or policies made or passed by the Board of Commissioners which are not job or work related and which do not contradict these policies.

Sub-Section 132.00

Grievance Resolution Procedure

Managers and supervisors are responsible for ensuring that the grievance/complaint is fully processed. No employee shall be penalized for using the County grievance/complaint procedures. Any complaint shall follow the procedure outlined below and shall refer to the provision or provisions of County policy, practice, procedure, rules or regulation alleged to have been violated, and shall adequately set forth the facts pertaining to the alleged violation.

Step 1. The employee shall present a grievance/complaint in writing to his/her immediate supervisor. Discussions of the grievance/complaint shall be informal for the purpose of settling the issue in the simplest and most direct manner. The immediate supervisor shall reach a decision and communicate in writing to the employee within three (3) working days from the date that grievance/complaint was presented.

Step 2. If the employee is not satisfied with the decision in Step 1, the employee may appeal the decision, within three (3) working days of the Step 1 decision, in writing to the Department Head or if the grievance is with the Department Head the appeal shall be to the County Manager. The Department Head, within five (5) days of the date of the appeal, shall meet with the employee to determine the facts of the grievance/complaint. The Department Head shall meet with the employee to determine the facts of the grievance/complaint. The Department Head shall notify the employee of the decision within five (5) working days of the date of the meeting, unless the time is mutually extended in writing.

If the aggrieved party is a Department Head, their appeal shall be to the County Manager and then to the Board of Commissioners without any time frame restrictions.

Step 3. If the employee is not satisfied with the decision in Step 2, the employee may appeal the decision within five (5) working days of the Step 2 decision to the County Manager. The County Manager shall meet with the employee within ten (10) working days after receipt of the grievance/complaint unless time is mutually extended in writing. The County Manager shall investigate the grievance/complaint and make a ruling.

The decision of the County Manager shall be final and binding on the parties, without further right to appeal on matters that do not affect the employee's compensation.

A grievance/complaint must be brought forward as soon as it might reasonably have become known to exist. In the event a grievance/complaint arises, the employee must submit it to his/her supervisor within five (5) working days.

The time limit at any step may be extended by mutual agreement of the parties involved. A grievance must be dated and signed by the employee. Any decision shall be written to the

employee and shall be dated and signed by the County representative at that step.

A grievance/complaint not advanced to the higher step within the time limit provided shall be deemed permanently withdrawn, and as having been settled on the basis of the decision most recently given. Failure on the part of the County's representative to answer within the time limit set forth in any step will entitle the employee to proceed to the next step.

A grievance/complaint, in writing, will include:

- A complete statement of the grievance/complaint and the facts on which it is based;
- The section or sections of County policy claimed to have been violated; and
- The remedy or correction requested.

The employee will be represented by his/her self and any witness the employee may wish to have to testify on their behalf.

Disciplinary Suspension Without Pay – An employee may be suspended without pay by a Department Head for a violation of accepted policies governing performance and/or conduct. The suspension shall not exceed thirty (30) days in one (1) calendar year and must have the approval of the County Manager.

Disciplinary Demotion – An employee may be demoted to a position for which they are qualified in a lower salary range. The demotion will include a minimum reduction in salary of 5%.

Discharge – An immediate termination of employment of an employee when it is necessary to remove the employee from the workplace.

Emergency or Immediate Action – The Department Head, with the approval of the County Manager, may take immediate disciplinary action against an employee that requires immediate suspension or dismissal. Examples of these situations are commission of a felony, acts of moral turpitude, injurious or dangerous behavior or damage to or destruction of public property.

Sub-Section 133.00

Adverse Personnel Action Hearing

The procedures for administering disciplinary actions that require termination, suspension, demotion, or reduction in salary are as follows:

Step 1. The employee to be disciplined must be advised in writing of the pending disciplinary actions by his Department Head and notified that a pre-disciplinary hearing will be scheduled prior to the effective date of the discipline. The employee may be placed on administrative leave with pay during this period if necessary.

Step 2. The Department Head will schedule the pre-disciplinary hearing within three (3) working days of the date of the pending disciplinary notice to the employee. The employee shall be advised in writing of the time, date, and place of the hearing. In this hearing the employee will have the opportunity to respond to the pending disciplinary action and provide relevant witnesses.

Step 3. The Department Head within three (3) working days shall notify the employee in writing of their decision and the reason for any action that is to be taken.

Step 4. The employee will have three (3) working days from the date of the notice of any disciplinary action in step 3 to appeal the decision to the County Manager for a post-disciplinary hearing. At this hearing the employee and Department Head shall present evidence to the County Manager who shall render a written decision within three (3) working days.

An employee who disagrees with the decision rendered by the County Manager on the matter that adversely affects his/her compensation may petition the Board of Commissioners to hear their appeal. The Board of Commissioners shall have discretion as to whether they hear the appeal or not.

Sub-Section 134.00

Name-Clearing Hearing

The County will provide the employee the opportunity for a post-disciplinary name-clearing hearing provided there have been false statements that have been stigmatizing in nature about the employee and made part of the public record or published. The County will inform the employee of the right to a hearing and the employee must request the hearing in writing.

The County Manager may appoint others to assist with this hearing and inform the parties of the date, time, and place of the hearing. The employee will be self-represented at this hearing.

Section XV

County Owned Vehicles

Sub-Section 135.00

Vehicle Use After Hours/Off Duty

A. Policy Statement:

1. The County provides county-owned vehicles to county employees enabling said employees to accomplish their assigned task during normal working hours. Except as specifically stated, county-owned vehicles shall be used for county business only.
2. There are times when it is to the benefit of the County for employees to have access to county-owned vehicles after normal work hours and/or while off duty. Vehicles may be used after normal work hours if it is determined by the Board of Commissioners that the vehicle can be justified for work related responsibilities.

B. Policy Guidelines:

The following guidelines shall apply when determining whether an employee merits the use of a county-owned vehicle after normal work hours, and if so under what conditions.

1. **Work Responsibilities After Hours:** The provisions of a county-owned vehicle for use after normal work hours, if determined to be justified for work related responsibilities, shall be in accordance with the following guidelines:
 - I. The requesting department must have an identifiable need for an employee to have use of a county-owned vehicle either to perform frequent regular duties after hours or to provide first emergency response after hours.
 - II. The Department Head shall annually submit a written request to the Board of Commissioners specifying the exact reason, duration and system (rotation of on call, etc.) for after hours use of the vehicle.
 - III. The county-owned vehicle shall not be taken out of McDuffie County unless the employee is on official county business.
 - IV. The county-owned vehicle should be primarily for county business.
 - V. Limited (de minimis) personal use incidental to County business use for a county-owned vehicle may be permitted. Incidental use shall include, but not be limited to brief errands to and from work. Such personal use should be very limited.
 - VI. No one other than the county employee shall be permitted to operate or be a passenger in a county-owned vehicle after hours with the exception that an employee may use the vehicle to drop off or pick up their children from

school on their way to and from home. If the county employee has their child in the County vehicle with the, they must first have on file in the County Clerk's Office a statement from their personal vehicle insurance carrier stating that if the child is injured in the County vehicle that the employee's personal vehicle insurance will cover any medical claims that may arise.

VII. Trips for personal use once an employee arrives at home shall not be permitted.

VIII. Use of a county-owned vehicle shall be properly reported to the Internal Revenue Service by the County Finance Department.

2. **Fire/EMA Vehicle Assignment Program:** The provision of a county-owned marked emergency fire or EMA vehicle for use after normal work hours or while off duty, if determined to be justified by Chief, shall be permitted.

ADDENDUM A

Employee Internet Use Monitoring and Filtering Policy

1.0 Purpose

The purpose of this policy is to define standards for systems that monitor and limit web use from any host within McDuffie County Board of Commissioners network. These standards are designed to ensure employees use the Internet in a safe and responsible manner, and ensure that employee web use can be monitored or researched during an incident.

2.0 Scope

This policy applies to all McDuffie County Board of Commissioners employees, contractors, vendors and agents with a McDuffie County Board of Commissioners owned or personally-owned computer or workstation connected to the McDuffie County Board of Commissioners network. This policy applies to all end user initiated communications between McDuffie County Board of Commissioner's network and the Internet, including web browsing, instant messaging, file transfer, file sharing, and other standard and proprietary protocols. Server to Server communications, such as SMTP traffic, backups, automated data transfers or database communications are excluded from this policy.

3.0 Policy

3.1 Web Site Monitoring

The Information Technology Department shall monitor Internet use from all computers and devices connected to the corporate network. For all traffic the monitoring system must record the source IP Address, the date, the time, the protocol, and the destination site or server. Where possible, the system should record the User ID of the person or account initiating the traffic. Internet Use records must be preserved for 180 days.

3.2 Access to Web Site Monitoring Reports

General trending and activity reports will be made available to any employee as needed upon request to the Information Technology Department. Computer Security Incident Response Team (CSIRT) members may access all reports and data if necessary to respond to a security incident. Internet Use reports that identify specific users, sites, teams, or devices will only be made available to associates outside the CSIRT upon written or email request to Information Systems from a Human Resources Representative.

3.3 Internet Use Filtering System

The Information Technology Department shall block access to Internet websites and protocols that are deemed inappropriate for McDuffie County Board of Commissioner's corporate environment. The following protocols and categories of websites should be blocked:

- Adult/Sexually Explicit Material
- Advertisements & Pop-Ups
- Chat and Instant Messaging
- Gambling
- Hacking
- Illegal Drugs
- Intimate Apparel and Swimwear
- Peer to Peer File Sharing
- Personals and Dating
- Social Network Services
- SPAM, Phishing and Fraud
- Spyware

- Tasteless and Offensive Content
- Violence, Intolerance and Hate
- Web Based Email

3.4 Internet Use Filtering Rule Changes

The Information Technology Department shall periodically review and recommend changes to web and protocol filtering rules. Human Resources shall review these recommendations and decide if any changes are to be made. Changes to web and protocol filtering rules will be recorded in the Internet Use Monitoring and Filtering Policy.

3.5 Internet Use Filtering Exceptions

If a site is mis-categorized, employees may request the site be un-blocked by submitting a ticket to the Information Technology help desk. An IT employee will review the request and un-block the site if it is mis-categorized. Employees may access blocked sites with permission if appropriate and necessary for business purposes. If an employee needs access to a site that is blocked and appropriately categorized, they must submit a request to the County Manager who will present all approved exception requests to Information Technology in writing or by email. Information Technology will unblock that site or category for that associate only. Information Technology will track approved exceptions and report on them upon request.

4.0 Enforcement

The IT Security Director will periodically review Internet use monitoring and filtering systems and processes to ensure they are in compliance with this policy. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

5.0 Definitions

Internet Filtering – Using technology that monitors each instance of communication between devices on the corporate network and the Internet and blocks traffic that matches specific rules.

User ID – User Name or other identifier used when an associate logs into the corporate network.

IP Address – Unique network address assigned to each device to allow it to communicate with other devices on the network or Internet.

SMTP – Simple Mail Transfer Protocol. The Internet Protocol that facilitates the exchange of mail messages between Internet mail servers.

Peer to Peer File Sharing – Services or protocols such as BitTorrent and Kazaa that allow Internet connected hosts to make files available to or download files from other hosts.

Social Networking Services – Internet sites such as Myspace and Facebook that allow users to post content, chat, and interact in online communities.

SPAM – Unsolicited Internet Email. SPAM sites are websites link to from unsolicited Internet mail messages.

Phishing – attempting to fraudulently acquire sensitive information by masquerading as a trusted entity in an electronic communication.

Hacking – Sites that provide content about breaking or subverting computer security controls.