

***GARRARD COUNTY***  
**PERSONNEL POLICY AND PROCEDURES**  
***GARRARD COUNTY, KENTUCKY***

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## **WELCOME**

Welcome to Garrard County. You have been chosen to work with us because your background indicates that you have the qualifications which characterize successful County employees. The County recognizes the commitment required of our employees, and understands that quality employees are the County's most valuable resource.

These policies have been developed to serve as an informational guide concerning the philosophies of our County in personnel matters. These policies will be effective as of \_\_\_\_\_ and subsequent amendments based on date of passage. It is expected that all employees will be affected equally in relation to their purpose and implementation. Please read through the personnel policies, and discuss any questions you may have with your supervisor, and/or the County Personnel Officer.

The efforts of our past and present employees have made our County's record one of pride and accomplishment. We are happy to have you on our staff and look forward to your contributions to our County.

COUNTY JUDGE/EXECUTIVE

DATE

## **Section 1      AUTHORITY AND SCOPE OF COVERAGE**

### **Section 1.1    ESTABLISHMENT**

Garrard County Fiscal Court has enacted an ordinance establishing for Garrard County the following Personnel Policies and Procedures applicable to all persons employed or appointed to positions at all levels in the County government, with the exception of the following:

- All elected officials;
- Employees of the Sheriff, County Clerk, County Attorney, Coroner and Jailer, unless expressly requested by the elected official in writing;
- All members of boards and commissions;
- Consultants, advisors, and counsel rendering temporary professional services;
- Independent contractors; and
- Members of volunteer organizations.

### **Section 1.2    ADMINISTRATION OF THE PLAN**

Pursuant to KRS 67.710 the County Judge/Executive is the chief executive officer of the County. The Judge/Executive, by law, will have all the powers and perform all the duties of an executive and administrative nature vested in, or imposed upon the County or its Fiscal Court. The Judge/Executive is responsible for the proper administration of the affairs of the County placed in the County Judge/Executive's charge. Pursuant to KRS 67.710(7), the County Judge/Executive, with the approval of the Fiscal Court, has the authority to appoint, supervise, suspend, and remove County personnel, unless otherwise provided for by state statute. By adoption of this policy, the Fiscal Court gives explicit approval for the Judge/Executive to appoint, supervise, suspend and remove county personnel. Notwithstanding the provisions of KRS 67.710(7), KRS 67.711(1) gives the County Judge/Executive express authority to hire a deputy County Judge/Executive, and a reasonable number of other assistants, secretaries, and clerical workers to work within the County Judge/Executive's office, who will serve at the County Judge/Executive's pleasure. The Fiscal Court, pursuant to KRS 64.530(4), is required to fix reasonable compensation for these positions. The County Judge/Executive is hereby designated as the County personnel administrator. In this capacity the County Judge/Executive may delegate such duties and functions, as the County Judge/Executive deems appropriate. The County Judge/Executive is also the Executive Authority for the County government of Garrard County and such title is used herein. The County Judge/Executive may delegate such duties and functions, as the County Judge/Executive deems appropriate.

### **Section 1.3    ADMINISTRATION BY CONSTITUTIONAL OFFICERS**

In those situations where County constitutional officers have chosen to adhere to the policies adopted by the Garrard County Fiscal Court by providing a written request to the County Judge/Executive, the constitutional officer will serve as the Executive Authority for the Office.

### **Section 1.4    INTERPRETATION AND EMPLOYMENT RELATIONSHIP**

These policies are intended to cover most personnel issues and actions which might arise. Those not specifically covered will be interpreted by the appropriate elected official or the County Judge/Executive. The responsibility and authority for the implementation and enforcement of these policies is vested in the County Judge/Executive and the Fiscal Court. In no instance will these policies supersede Kentucky Revised Statutes. The Fiscal Court expressly reserves the right as set forth in KRS 68.005 (2) to change, revise, add or delete policies, practices, responsibilities, or benefits as set forth herein as it deems necessary and at its sole discretion and will review these policies on a periodic basis to ensure their correctness.

These policies are not an employment contract. Unless a statute indicates otherwise, employment at the County is at-will. This means that employees may terminate their employment at any time for any reason without breaching an “employment contract,” just as the County can do the same. County employees acquire no property rights in or to their employment with the County. Because these policies are not an employment contract, the County can modify and interpret them at any time. However, the only way the County may modify at-will employment would be to execute a written contract signed by the employee and a County Official authorized to contract on behalf of the County. Currently, statutes in Kentucky modify the employment relationship for some police personnel, but other employees remain at-will. The policies in this handbook do not supersede federal or state law. Accordingly, the County police merit board and their rules govern where they conflict with these policies.

### **Section 1.5 SEVERABILITY**

If any provision(s) of these policies and procedures, classification plan, or compensation plan, or any provision(s) of their subsequent application/s are held invalid, such invalidation does not affect the remainder of this ordinance or its application/s.

### **Section 1.6 DISCLAIMER**

Information included in these personnel policies and procedures, classification and compensation plans is not intended to represent a contract, and may be changed by the County without notice.

The term “regular position” indicates the position(s) in each class created by ordinance. The class(es) and/or number of positions in each may be changed by the County without notice, and the employee(s) occupying the position(s) may be affected by such changes.

## **Section 2      EMPLOYMENT**

### **Section 2.1    INTRODUCTION**

These policies help provide for the recruitment, development, and retention of the best employee for each position within the service of Garrard County in the following areas:

- Recruiting, selecting, and advancing employees on the basis of their ability, knowledge, and skills, including open competition of qualified applicants for initial appointment;
- Establishing proper pay rates;
- Training employees, as needed, to assure high quality performance;
- Retaining employees on the basis of performance, correcting inadequate performance, and terminating employees when appropriate;
- Assuring equal treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, disability, race, color, age, national origin, sex, religion or any other status protected by applicable law; and
- 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 results of an election or a nomination for office.

### **Section 2.2    EQUAL EMPLOYMENT OPPORTUNITY**

The Garrard County Fiscal Court seeks to provide equal employment opportunity to all its employees and applicants for employment and to prohibit discrimination based on race, color, religion, sex, nation origin, age, disability. The County promotes equal opportunity in matters of hiring, training, promotion, pay, employee benefits, and other conditions of employment.

### **Section 2.3    AMERICANS WITH DISABILITIES ACT OF 1990**

Garrard County complies with the Americans with Disabilities Act of 1990 (Appendix A) and subsequent revisions, which prohibits discrimination on the basis of disability and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment.

The County will provide reasonable accommodation to qualified individuals with a disability who, with or without an accommodation, can perform the essential functions of the job, unless the accommodation will impose an undue hardship for the County.

The County provides guidelines whereby any employee or citizen who believes they have been subjected to prohibited discrimination may personally, or by representative, file a complaint with the Office of the County Judge/Executive or the Constitutional Officer who serves as the Office's Executive Authority. These guidelines may be found in Appendix A of this Policy.

### **Section 2.4    DRUG-FREE WORKPLACE ACT OF 1988**

Garrard County will operate in compliance with the Drug-free Workplace Act of 1988 (Appendix B). This policy is intended as a general statement of principles applicable to alcohol and drug abuse by employees and others who perform service for Garrard County. This policy applies to all Garrard County employees and to the employees of contractors and suppliers who provide goods and services to Garrard County. Where appropriate, policies specific to particular departments, employee groups, or occupations will be defined and communicated to affected persons.

It is the responsibility and policy of Garrard County to provide a work environment free of drugs and alcohol. The unlawful possession, use, manufacture, sale, or distribution of unauthorized alcohol or illegal

drugs in any Garrard County facility or during the conduct of Garrard County business by employees or contractors is expressly prohibited and will lead to appropriate disciplinary action, including termination. The off-duty use of alcohol or illegal drugs which results in impaired work performance and attendance or erratic behavior in the workplace is also prohibited.

Compliance with the prohibitions set forth in this Policy will be strictly enforced by Garrard County. The County has prepared guidelines to ensure compliance with the Drug-free Workplace Act of 1988. These guidelines may be found in Appendix B of this Policy. Employees are required to read and sign the Drug-Free Workplace Certification form located in Appendix F.

## **Section 2.5 HARASSMENT POLICY**

The Garrard County Fiscal Court is committed to maintaining a work environment that is free of harassment. In keeping with this commitment, the County will not tolerate harassing conduct that interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment by anyone, including any elected official, member of management, co-worker, vendor, client, or citizen.

Compliance with the provisions set forth in this Policy will be strictly enforced by Garrard County. The County has prepared guidelines to ensure compliance with its Harassment Policy. These guidelines may be found in Appendix C of this Policy.

## **Section 2.6 HARASSMENT AND SEXUAL HARASSMENT: EMPLOYEE INQUIRY PROCEDURE**

The County encourages any employee to raise questions they may have regarding the harassment or sexual harassment policy with their immediate supervisor, department head, or the County Judge/Executive or respective Elected Official.

## **Section 3 CLASSIFICATION PLAN**

### **Section 3.1 ALLOCATIONS**

In the classification plan authorized by the Fiscal Court or appropriate Elected Official:

- Each position will, on the basis of the duties and responsibilities of the position, be allocated to an appropriate class.
- A class may include either a single position or two or more positions.

### **Section 3.2 WRITTEN POSITION DESCRIPTIONS**

Each class will have a position description that includes:

- A concise, descriptive title;
- A description of the duties and responsibilities of positions in the class;
- A statement of minimum qualifications for each such position and
- A statement of the position's essential job functions

All positions in a single class will be sufficiently alike to permit:

- The use of a single descriptive title for the class;
- A concise, general description of the duties of each position in the class;
- Description of the same qualifications for each such position;
- The use of the same tests of competence for each such position; and
- Application of the same pay range to each such position.

### **Section 3.3 REGULAR REVIEW/EVALUATION**

At least once each year the County Judge/Executive, Elected Official or their designee will review the classification of positions and may recommend combining classes, establishing new ones, or abolishing unnecessary classes as the needs of the service require.

### **Section 3.4 ANNOUNCEMENT OF POSITIONS**

Announcement of a position may include such information as to where to apply, deadlines for application, the title and pay ranges for the position, summary of duties of the position, and the position qualifications required. All written announcements of a position will contain the following statement: "An Equal Opportunity Employer M/F/D."

Announcements for newly established or existing positions may be made public in a newspaper of general circulation in the area. The County's work force may be notified of newly established positions by posting job vacancies in a conspicuous place to which employees have access for a period of two (2) weeks. Employees' written requests for consideration for the positions will be made to the County Judge/Executive or appropriate Elected Official.

Consideration will be given to current employees in filling new and vacant positions. However, applications from persons other than the existing workforce may be sought, if the Executive Authority deems that the best interests of the County are served.

### **Section 3.5 APPLICATION**

Each applicant/employee of Garrard County, will be required to complete an Application for Employment. The employment application should be accompanied by an employment resume. The County may

investigate all statements contained in the aforementioned documents at any time before or after employment commences. Any misrepresentation or omission of facts stated therein may be cause of immediate dismissal.

An applicant is a person who completes a County provided application for a specific position.

### **Section 3.6 APPLICATIONS FOR POSITIONS**

- Official application forms supplied by the County and completed by the applicant will require legally authorized:
  - Information about the applicant's training and experience;
  - References and signed release form; and
  - Any additional information required for an evaluation of the applicant's fitness for the position applied for. Any additional testing or evaluations deemed necessary for employment including, but not limited to, post employment physicals utilizing the County's standard physical form.
- Each application will be reviewed by the County Personnel Administrator or appropriate Elected Official and such other persons as deemed appropriate.
- No person may be appointed to a position unless verified information on an official application form indicates that the person meets the required qualifications set forth in the position description for the position.
- No person may be appointed to a position without first obtaining a negative drug screen. A positive, pre-employment drug screen will make an applicant ineligible for employment.
- All application forms filed with the County will be kept by the Executive Authority, or designee, for the time required by law. All applications will be acknowledged in writing.
- Upon request, all applicants will be given a copy of the position description describing the job requirements, necessary qualifications and essential job functions.

The County Judge/Executive, Elected Official, or their designee will evaluate the qualifications and competence of all employees and applicants for employment and will have the right to select, hire, promote, suspend, discipline, discharge, layoff employees, to make work assignments and to make transfers from one job to another. Employees are appointed and removed according to applicable Kentucky Revised Statutes. Each elected official may formulate policies and procedures relative to their respective office if they are not in conflict with the Personnel Policies and Procedures as set forth herein.

Garrard County employs all personnel at wage rates equal to or greater than that provided by federal and state laws.

### **Section 3.7 CATEGORIES OF EMPLOYMENT**

Personnel will be hired in four general categories: (a) Temporary or Seasonal, (b) Regular Part-Time, (c) Part-Time and (d) Regular Full-Time.

- Temporary or Seasonal employees are those who services are needed only for a limited duration period of less than six (6) months per calendar year. They will be notified of their status prior to employment. Temporary employees will not participate in the County's benefit package unless notified otherwise in writing. A temporary employee transferred to regular status, will be considered a regular employee effective on the date of transfer or status change.
- Regular Part-time employees are those regularly scheduled to work at least 100 hours per month. These employees will be eligible for retirement benefits only.

- Part-time employees are those scheduled to work less than 100 hours per month. Such employees will not be eligible for any County benefits unless authorized by the Judge/Executive or Elected Official and documented in writing.
- Regular Full-Time employees are those scheduled to work at least 37.5 hours per week. These employees will be eligible for County benefits

Regular Full-Time employees are those scheduled to have at least 1,820 paid hours of work per year and are listed in Groups I, II, and III below.

- Group I: Exempt and non-exempt employees employed in administrative, financial, human resources and general office functions. A normal work period is Monday, Tuesday, Thursday and Friday for 8:00 a.m. through 4:00 p.m. and Wednesday and Saturday from 8:00 a.m. through 12:00 p.m. This constitutes 40.0 paid work hours per normal work period and 2,080 paid work hours per year.
- Group II: Exempt and non-exempt employees employed in public works and utility functions not associated with the County Courthouse. A normal work period is from 8:00 a.m. through 4:00 p.m. Monday through Friday. This constitutes 40 paid hours per normal work period and 2,080 paid work hours per year.
- Group III: Exempt and non-exempt employees employed emergency service functions. A normal work period consists of 24 hours on duty and 48 hours off duty. Working one day in three yields 2,496 paid work hours per year. Because employees are required to be housed on site for 24-hour periods, all breaks and meals are included as time worked. Because the normal work period includes a scheduled overtime premium, any paid benefits will be calculated by computing an hourly rate of pay as total by total wages paid divided by annual hours worked.

### **Section 3.8 ORIENTATION OF NEWLY EMPLOYED PERSONNEL**

- An orientation will be provided to all new employees by the County's Personnel Administrator, his designee or appointed elected official and their supervisor on or before their first day of employment.
- The orientation will consist of the following elements:
  - Explanation of the purpose and goals of the County;
  - Overview of the County's history, structure and operations;
  - Overview of management policies and procedures; and
  - Other elements deemed appropriate.
- A copy of the County's Personnel Policies and Procedures will be kept at each workstation. Employees are expected to be familiar with the contents of these policies, and are encouraged to discuss any questions with a member of management, the County Judge/Executive, or appropriate Elected Official.

Persons accepted for Regular Full-Time employment with Garrard County must be at least 18 years of age and possess a high school diploma or equivalent, unless specifically waived in writing by the executive authority.

All employees will be given a copy of this policy, and each employee will be required to sign a statement of receipt, review, and understanding. (Appendix G).

### **Section 3.9 APPOINTMENTS**

In determining the qualifications of an applicant for a position the County may consider one or more of the following:



- Information the applicant provides on an application form prescribed and supplied by the County;
- Written, performance, or post job-offer physical examinations;
- Interviews;
- Information and evaluations supplied by the references whom the applicant identifies on the application form; and
- Other appropriate means.

All persons who qualify for an appointment to a position of a particular classification will be considered by the Executive Authority for appointment. No person may be appointed to a position unless verified information on an official application form indicates that the person has the desired qualifications set forth in the position description.

Prior to employment for a position requiring a valid driver's license, applicants will have their Motor Vehicle Report reviewed. Driving records will be reviewed to insure driver's licenses are current and valid.

All applicants seeking County employment which involves the handling of County funds or writing County checks will be bondable. All employees involved in handling County funds will be bonded at the expense of the County.

All County employees will be appointed and removed by the County Judge/Executive, with the approval of the Fiscal Court, unless they are employees appointed pursuant to the authorities granted to the County Judge/Executive by KRS 67.711(1). Employees of County Elected Officials will be appointed and removed by the appropriate Elected Official.

### **Section 3.10 INTRODUCTORY PERIOD**

There are two (2) types of introductory periods:

- Initial Introductory Period:
  - All persons initially appointed to Regular Full-Time positions will be on an initial introductory period of 180 days.
- Promotional Introductory Period:
  - Any employee who has served an initial introductory period and is promoted from within the County to a new position will be on an introductory period (referred to as a Promotional Introductory Period) in the new position for a period of 90 days.

While on an initial introductory period, an employee may be dismissed at any time without right of appeal.

Employees in their initial introductory period will be evaluated for performance at one (1), three (3) and six (6) months of service. Additional evaluations may be conducted at any time. Any time during this period should the appointing authority determine that the services of the employee have been unsatisfactory or are no longer needed, an employee may be separated from his/her position without the right of appeal or a hearing.

At the completion of the Initial Introductory Period, a determination by the Executive Authority will be made relevant to continuation of the Initial Introductory Period.

- Introductory periods may be extended by the Executive Authority for a position if it is deemed that a longer period is needed to learn the work and evaluate that effectiveness of the work performed. An introductory period extended for a position may be extended for no longer than 90 days.

Any employee who has served an initial introductory period and is promoted from within the County services to a new position will be on a Promotional Introductory Period.

Employees in their Promotional Introductory Period will be evaluated for performance at one (1) and three (3) months of service. Additional evaluations may be conducted at any time during this period should the appointing authority determine that the performance of the employee has been unsatisfactory or is no longer needed. The employee may be reinstated, without right of appeal, to the original or a comparable position from which they were promoted. In no event does this section supersede the Employment Relationship set forth in Section 1.4.

### **Section 3.11 PERSONNEL RECORDS**

A personnel file will be maintained for each County employee by the Executive Authority, appropriate Elected Official, or designee. All changes in the status of employees will be recorded in these files, which will be retained and maintained in accordance with applicable state and federal laws.

The file will contain:

- The employee's name, address and telephone number where the employee may be reached;
- Position title;
- Hiring date;
- Department assignment;
- Application;
- Salary;
- All changes in status as a County employee;
- Documented compliance with labor standards, EEO-4, I-9 requirements;
- Performance appraisals and evaluations;
- Commendations and disciplinary memoranda; and
- Whatever additional information this ordinance, other governing laws, or the County may require.

Employee medical records will be maintained separately from other employee files.

Personnel records of the County will be public records as defined and controlled by the appropriate Kentucky Revised Statutes. They will be retained in accordance with the retention schedules adopted by the State Archives and Records Commission.

### **Section 3.12 EMPLOYEE RIGHTS**

The Garrard County Judge/Executive will grant employees the opportunity to review their records. Reviews will take place at the location where the personnel files are maintained. All access will be logged, dated and signed by the employee and the County Judge/Executive, appropriate Elected Official or designee. Time spent reviewing personnel files will not be considered time worked.

Employee files are to be confidentially maintained. Exception to those conditions will include review of any employee's records in regard to an investigation of an alleged criminal offense, but only when a court order has been issued. No employee may supplement, remove or alter any information contained in their or another's employment file. An employee may add a written statement of their position to their employment file.

## **Section 4      JOB ACTIONS**

### **Section 4.1    CONDITIONS OF EMPLOYMENT**

Nothing contained in this section of the County's personnel policies, including the successful completion of an initial or promotional introductory period, will alter the "at- will" employment status between the County and the employee. The employee or the County may terminate the employment relationship during or after the Initial or Promotional Introductory Period for any lawful reason, or for no reason at all.

### **Section 4.2    TRANSFER**

Any employee occupying a Regular Full-Time position may request a transfer from one position to another comparable position, provided the position to which the employee is transferred is one for which they possess the appropriate minimum qualifications, and provided that the position applied for is vacant. The request must be in writing. A transfer may be requested by an employee or may result from action by the executive authority based on the County's program needs and/or objectives. All transfers must be approved by the County Judge/Executive.

### **Section 4.3    MODIFIED DUTY**

Sometimes employees are temporarily unable to perform their regular jobs because of a limiting physical or mental condition. When an employee is expected to return to full duty in the near future, the executive authority may choose to temporarily reassign the employee to another position, which the employee can perform, or to restructure essential job functions. This practice is referred to as "modified duty," and it is used to help the employee work until they can return to full duty. Modified duty may not always be available.

### **Section 4.4    PROMOTION**

When a vacancy occurs in a position above the entrance level, consideration will be given to promotion of current qualified employees who submit written application for the position. However, if the Executive Authority or the appropriate Elected Official deems that the best interest of the County necessitate the appointment of an applicant not currently employed by the County, the position may be filled by appointment of a person from outside the government.

An employee occupying a Regular Full-Time position may be promoted from one position to a higher position only if he/she possesses the minimum qualifications for the higher position and if the position is vacant.

### **Section 4.5    DEMOTION**

In the event an employee becomes unable to perform the duties with reasonable accommodation as stated in the position description for disciplinary reasons, or in lieu of a layoff, an employee may be demoted at the County's discretion, provided the employee meets the qualifications for the demoted position, and the position is vacant. The employee's salary for the position to which they are demoted will convert to the same grade level to which the employee is demoted as established in the County's Compensation Plan.

### **Section 4.6    RESIGNATIONS**

All employees, 1) Temporary or Seasonal 2) Regular Part-Time 3) Part-Time and 4) Regular Full-Time, desiring to resign or otherwise terminate his/her employment with Garrard County, are expected to provide at least two (2) weeks notice (14 calendar days) and must notify their respective elected official or department head in writing.

The employment date of an employee who resigns and is reinstated will be the latest date of employment.

An employee who is absent from work for three (3) consecutive work days without notifying his/her department head of the reason(s) for the absence will be considered to have voluntarily resigned his/her employment with the County.

#### **Section 4.7 LAYOFF/REDUCTION IN FORCE**

The County Judge/Executive may lay off an employee or employees because of lack of work or funds. The order of layoff will be determined by the needs of the County. Other appropriate Elected Officials may lay off employees because of lack of work or funds. The order of layoff will be determined by the needs of the particular office.

Consideration will be given to the seniority and merit of persons being considered for layoff.

Temporary, Seasonal, Initial Introductory, and Regular Part-Time employees will be laid off before employees occupying Regular Full-Time positions, if possible.

Two (2) calendar weeks before the effective date of the layoff of an employee occupying a regular full-time position, the County Judge/Executive will notify the employee of the layoff in writing. The notice will explain the reasons for and duration of the layoff, if known. A copy of the notice will be placed in the employee's personnel file.

An employee who is laid off may, at the County's discretion, be eligible for re-employment in other positions, provided they meet the qualifications for the position and provided that the other position is vacant. If done, any accrued benefits will be reinstated to the employee.

#### **Section 4.8 REGULAR FULL-TIME TO REGULAR PART-TIME STATUS CHANGE**

An employee changing status will be compensated for all unused vacation time. Accumulated sick time hours up to those which could be accumulated in one year based on Regular Full-Time status will be carried over into Regular Part-Time status.

#### **Section 4.9 TERMINATIONS**

These policies are not an employment contract. Unless a statute indicates otherwise, employment at the County is at-will. This means that employees may terminate their employment at any time for any reason without breaching an "employment contract," just as the County can do the same. County employees acquire no property rights in or to their employment with the County. Because the policies are not an employment contract, the County can modify and interpret them at any time.

#### **Section 4.10 RE-EMPLOYMENT/REINSTATEMENT**

The County Judge/Executive may re-employ any former employee who has resigned from the County with a satisfactory employment record, or who has been laid off because of lack of work or funds. Other Elected Officials may also re-employ former employees under these conditions.

The Executive Authority may reinstate into the former position or a comparable position any employee who fails to serve satisfactorily in a position to which he/she has been promoted. If reinstated, the employee will receive at least the rate of pay which was received at the time of promotion.

#### **Section 4.11 NEPOTISM AND NON-FRATERNIZATION**

The County allows employment of relatives as long as neither of the related parties is in management where they might have either a direct or an indirect affect on the other party's progress, performance, or welfare as an employee of the County. A relative includes immediate family and anyone closer than a second cousin. While the County does not prohibit the hiring of relatives, the practice is discouraged.

No employee may supervise anyone closer than a second cousin. An employee may not be promoted into a position where they would have supervisory responsibilities over a relative closer than a second cousin.

Managerial and supervisory employees are not permitted to date, or become romantically involved with, and/or engage in any fraternization or similar conduct, attempted or otherwise, with any County employee with whom they have a supervisor/superior subordinate relationship.

If any part or portion of this nepotism and non-fraternization policy should become less restrictive than the County's Ethics Ordinance, in such event, the County Ethic Ordinance will control.

## **Section 5      EMPLOYEE RELATIONS**

### **Section 5.1      CORRECTIVE ACTION**

Generally, the Garrard County Fiscal Court believes in the application of progressive corrective action. However, the County reserves the right to skip any step or requirement in the corrective action sequence outlined below depending on the severity of the situation or when the facts or circumstances otherwise warrant. Further, it is also noted that in establishing the following corrective actions it is specifically not the County's intention to create any employment situation that compromises its at-will employment status. Nothing in these policies is intended to create a contract of employment. Any individual may voluntarily leave employment or may be terminated by the County at any time, for any lawful reason, or for no reason at all. Any oral, written statements, custom or course of dealing to the contrary are hereby expressly disavowed.

Employees will receive corrective action for failure to follow work rules, safety rules, County policy and procedure, job requirements, or for any behavior deemed by the County not to be in the best interest of the County. Corrective actions will be recorded in relevant employment records. Examples of activities which may result in corrective action may be found in Appendix D of this Policy.

The County will generally follow a system of progressive corrective action. However, the County reserves the right to invoke in any order any of the following corrective actions:

#### Warning:

- In the case of a minor infraction, the immediate supervisor or department head will administer the verbal reprimand as soon as possible after the offense. A summary of the notice is to be documented and placed in the employee's file located in the County Judge/Executive's files or the employee files of the respective Elected Official. The employee's countersignature will not be required.

#### Reprimand:

- In the case of either a second minor infraction or a more serious first infraction, the immediate supervisor or department head will give the employee written warning specifying the reason(s) for such warning and noting any previous verbal and/or written warnings. The employee will sign the written warning or the warning will be signed by a witness and a signed copy of the reprimand will be placed in the individual's employment record located in the County Judge/Executive's files or the employee files of the respective Elected Official.

#### Suspension:

- After either a serious violation or repeated minor violations, the supervisor or department head will request, in writing, that the Executive Authority, suspend the employee with or without pay. (Generally, where the County has become aware of alleged misconduct by an employee which, if substantiated, could result in disciplinary action, the appointing authority may suspend the employee with pay if it is determined the action is necessary to assure public confidence in governmental oversight of its employees, or to assure the integrity of County's inquiry into the allegations. In the event the allegations against the employee are valid, the appointing authority will invoke disciplinary action as deemed appropriate. These actions will not include payment of wages in the event the suspension is extended beyond the investigative period. In the event the allegations against the employee are proven false, the employee will immediately be reinstated to his/her position. During the time an employee is on suspension with pay they are considered to be performing services for the County. Therefore, the employee must remain available to return to work within 24 hours of receiving written or verbal confirmation of his/her reinstatement from the appointing authority.)
- The request will include the reason(s) for the suspension, if any, along with details of previous disciplinary actions taken against the employee, if any. The Executive Authority may suspend an

employee for any period up to and including four (4) calendar weeks, depending upon the severity of the offense. The County Judge/Executive or the respective Elected Official under whom the employee is employed will give the employee a suspension summary specifying the reason for such warning, noting any previous verbal and/or written warnings, and specifying the period of suspension and whether the suspension is with or without pay. The employee will sign the suspension summary or the suspension summary will be signed by a witness. A copy of the suspension summary will be placed in the individual's employment records. Suspension will be rendered by the County Judge/Executive or the respective Elected Official under whom the employee is employed, upon recommendation of the employee's Supervisor or Department Head.

- Under these conditions, the employee's immediate supervisor, with the concurrence of the County Judge/Executive, may require the employee to leave the premises immediately.
- Employees suspended without pay for a period of four (4) calendar weeks will not accrue sick and vacation time while suspended.

#### Termination:

- When an offense is repeated, or misconduct is serious enough for discharge on the first offense, a supervisor or department head may recommend dismissal of an employee. The recommendation will include the reason(s) for dismissal, if any, details of previous disciplinary action taken against the employee, if any, and the recommended effective date and time of discharge.
- Upon review of the supervisor or department head recommendation to dismiss the County Judge/Executive will provide the employee with a Letter of Intent to Dismiss containing: (a) the reason(s) for dismissal, if any; (b) the details of previous disciplinary action(s) taken against the employee, if any; and the recommended effective date and time of the intended discharge. Other Constitutional Officers operating under these policies will also comply with this requirement.
- The executive authority reserves the right to terminate any employee at any time for any reason deemed to be in the best interest of the County.
- An employee may submit a written request at the second annual performance evaluation following the issuance of a corrective action to have the corrective action placed in moot status.
- All disciplinary action notices, both current and moot, will be retained in the employee's files.

## **Section 5.2 CONFLICT RESOLUTION**

When conflict arises between employees that cannot be resolved by management, the parties may work with the County Judge/Executive or appropriate Elected Official to find a resolution. Any employee may be required to attend counseling by an outside agency to assist in resolving a conflict. When referred, attendance is mandatory and failure to comply will result in corrective action.

## **Section 5.3 NON-NEGOTIATING EMPLOYEE DISPUTE RESOLUTION PROCEDURE**

Employees who have work-related problems, such as interpretation of the County's policy, relations with fellow workers, disagreements with supervisors, including dismissal, and so forth, must employ the following procedure. This policy excludes employees subject to a contract as well as the County Court Clerk, County Jail, and Sheriff's Department which maintain their own grievance procedures), unless they agree to comply with this procedure.

- The employee must first discuss the problem or complaint with the immediate supervisor orally and informally. If agreement is not reached between the employee and the immediate supervisor or if there is no immediate supervisor other than a Department Head, the employee must then discuss the problem or complaint with the Department Head orally and informally. The immediate supervisor, if there is one, has the right to be present.

- If the employee is not satisfied with the action or decision of the Supervisor or Department Head, a written appeal, including all pertinent information and prior actions or decisions must then be presented within five (5) working days to the County Judge/Executive or appropriate Elected Official for an informal hearing. The action or decision of County Judge/Executive or appropriate Elected Official will be conclusive and final. The action or decision of the County Judge/Executive or appropriate Elected Official must be presented in writing to the employee, the immediate supervisor if there is one involved, the appropriate Department Head, and the County Judge/Executive or appropriate Elected Official within five (5) working days from the hearing date.
- All parties to dispute resolution proceedings, or all complainants and respondents involved in dispute resolution proceedings, will be given an opportunity to be present during the conclusive and final review by the County Judge/Executive or appropriate Elected Official (e.g. employee, immediate Supervisor, and Department Head.)



## **Section 6      COMPENSATION**

### **Section 6.1      COMPENSATION PLAN**

A pay plan prepared pursuant to the personnel ordinance will prescribe for each class a minimum and a maximum rate of pay and whatever intermediate pay steps, if any, the County Judge/Executive or the relevant Constitutional Officer deem equitable.

- Upon the adoption of a pay plan in accordance with the personnel ordinance, the County Judge/Executive or the appropriate elected official will assign each class to one of the pay grades the plan provides.
- Salary grades are determined by the relative difficulty and responsibility of the positions of the class, minimum qualifications, prevailing rates of pay, cost of living factors, the financial policy of the County and other related considerations.

At least once each year, the Executive Authority or his/her designee may:

- Compare the County's salary rates, compensation policies and personnel developments of the County with those of other employers, public and private, in the area;
- Analyze fluctuations in the cost of living; and
- Make amendment of the pay plan based upon comparison, analysis and examination.

Employees may be eligible for a pay increase upon a satisfactory performance evaluation. Performance evaluations are conducted by employee's supervisors, based upon an evaluation plan and format provided by the County, as recommended by the County Judge/Executive. Performance evaluations occur annually or as warranted due to performance. A successful performance evaluation will allow consideration at least of an increase within the position grade. The pay and upgrade would become effective a pay period after the satisfactory evaluation by the County Judge/Executive or appropriate Elected Official or at a time determined.

If an employee's performance evaluation is unsatisfactory in any one category of the performance evaluation, the employee will not be considered for an increase. Corrective measures will be listed by the supervisor to improve job performance. Performance will then be rated and observed on a continuous basis. If improvement does not occur, the corrective action process may begin.

Employees will be given consideration prior to the beginning of the fiscal year for a salary increase pending satisfactory service based upon an employee's performance evaluation and availability of County funds. If an employee is hired during the months of January through June of a given calendar year (i.e. 2000) that employee would be considered for a partial raise at the beginning of the next fiscal year. If an employee is hired during the months of July through December of a given calendar year (i.e. 2000), that employee would be considered for a full incremental raise at the beginning of the next fiscal year.

An appointee to a new position will receive the minimum salary for the class to which the position is allocated, except that the County Judge/Executive or the appropriate Constitutional Officer may cause the appointment to be made at a salary above the minimum in cases of unusual difficulty in filling the position, or in hiring exceptionally qualified personnel.

In cases where appointments have been made above the minimum, justification for these appointments will be made by the Executive Authority in writing and made part of the employee's personnel file.

## **Section 6.2 SALARY INCREASES**

All wage merit increases will be approved by the Elected Official or Department Head. All cost of living wage adjustments will be determined and approved by the Fiscal Court.

## **Section 6.3 HOURS OF WORK**

The County will maintain hours of work which are compatible with federal and state labor laws and allow the maintenance of essential services through an effective and efficient schedule of work. The County reserves the right to determine the length of the workday, the number of days in the workweek, the daily starting times, and daily ending times.

## **Section 6.4 SCHEDULES**

Working schedules for each employee will be set and may be modified at the discretion of the County Official or Department Head to best meet the needs of the County. Flexible work schedules may be utilized as agreed between individual employees and their County Official or Department Head with the Executive Authority's approval and will be documented in writing.

## **Section 6.5 WORK WEEK**

The workweek for the County is 12:00 a.m. Saturday through 11:59 p.m. Friday.

## **Section 6.6 GARRARD COUNTY EMPLOYEE PAY PERIOD**

All County employees will be paid bi-weekly. Payday will be every other Friday.

Reports of hours worked including overtime, sick leave or vacation earned or used, holidays, jury duty, or funeral leave taken will be maintained by the County Official or Department Head. These reports, which require the signature of the respective County Official or Department Head and the employee, are to be submitted to the County Judge/Executive's office so that they may be filed in each individual employee file. Department Heads will also be required to submit a time sheet report to the County Judge/Executive's Office at the same time with those submitted for their employees.

All paychecks are deposited by direct deposit. The employee is responsible for providing a cancelled check to the Payroll Clerk to ensure proper routing information.

The Payroll Clerk will be notified immediately of any change in an employee's address, marital status, withholding exemption, insurance, etc.

## **Section 6.7 TIME IN / TIME OUT**

Under normal circumstances, employees may not start prior to their scheduled start time nor continue work after their scheduled stop time, without express prior authorization by the County Official or Department Head.

Employees using automated time recording mechanisms may not clock in earlier than seven (7) minutes prior to the scheduled start time nor clock out later than seven (7) minutes after their scheduled stop time.

## **Section 6.8 OVERTIME AND OVERTIME COMPENSATION**

In order to determine whether an employee will receive overtime pay for hours worked in excess of eight (8) hours per day or forty (40) hours per week, each class will be declared "exempt" or "non-exempt" in accordance with provisions of existing labor laws. Exempt employees will not be compensated in cash for overtime worked. Non-exempt employees will receive overtime pay at the rate of one and one-half (1.5) times the hourly wages for actual hours worked in excess of eight (8) hours per day or forty (40) hours in any work week.

Time off with pay (such as vacation or sick leave) will not be considered as hours worked for overtime pay purposes.

Holidays for which employees are paid, but which are not worked, cannot be used for computing overtime.

Inclement weather time for which employees are paid but are not worked, cannot be used for computing overtime.

Regular Non-Exempt Full-time employees will be paid one and half times their regular rate for any hours worked on a scheduled holiday.

Non-exempt employees who are required to work all seven (7) days in a workweek will receive overtime pay at the rate of one and one-half times the hourly wage for all hours worked on the seventh day of the workweek if the cumulative weekly total exceeds 40 hours.

All overtime work will be approved in advance by the employee's immediate supervisor whenever possible, and will be kept at the minimum consistent with maintenance of essential services and the County's financial resources.

The County will take into account the nature of the task to be performed, the suitability and skills of the employees within each department, and the needs of the County to maintain services in determining overtime assignments.

Time reports will indicate any overtime worked during the pay period it was worked.

Negotiating unit employees will be compensated in the manner agreed to in their contract.

## **Section 6.9 COMPENSATORY TIME**

Professional, administrative, and executive employees who are exempt from hourly wage guidelines under the provisions of the Fair Labor Standards Act will be granted compensatory time off at the rate of one hour for each hour worked in excess of forty (40) hours in any workweek. Employees desiring to use compensatory time earned should notify the respective County Official or Department Head. The granting of such compensatory time off will be at the discretion of the employee's supervisor. Accumulated compensatory time will be reported each pay period on the appropriate form and signed by the employee and their supervisor. The employee is responsible for record keeping of compensatory time reported. The hours cannot be traded or used to supplement paid holidays, vacation days, or sick leave at the sole discretion of the Judge/Executive or Elected Official. All compensatory time will be taken within a calendar year. No compensatory time will be carried over from one year to the next.

## **Section 6.10 BREAK/LUNCH PERIOD PRIVILEGES**

Lunch periods will be taken in the period between 11:00 a.m. and 2:00 p.m., except in the case of emergency or necessity as determined by the County Official or Department Head.

## **Section 6.11 INCLEMENT WEATHER**

During times of inclement weather when the Courthouse remains open, employees who do not report to work may request to charge their absence against any vacation time they may have accrued. If no vacation is accrued, the employee will forfeit his pay for the time absent. In the event of occurrence of weather conditions in which travel to and from work may jeopardize the safety of employees, County offices may be closed at the direction of the County Judge/Executive. Employees will be notified of this action in a timely and appropriate manner. Employees will be paid at their regular rate for scheduled hours not worked.

Emergency service workers are expected to report for their duties without overtime.



## Section 7 BENEFITS

### Section 7.1 VACATION

Only Regular Full Time employees will be granted a vacation based upon length of service.

All employees occupying Regular/Full-Time positions will be entitled to accrue vacation leave on the following schedule which will be calculated by hours worked and will be accrued by pay period.

#### Vacation Accrual Rates

	<b>Group I</b>	<b>Group II</b>	<b>Group III</b>
	2,080	2,080	2,496
	work hrs/yr	work hrs/yr	work hrs/yr
<b>Service</b>	<b>vacation hours paid per year</b>		
0 - 5 years	48	48	48
5 - 10 years	96	96	96
10 - 20 years	144	144	144
20 + years	144	144	144

Hourly accrual rates include only hours based on normal work periods and will not include unscheduled overtime hours.

Vacation accrues by a pay period. Vacation leave will be earned and accrued as of the last pay period time sheet. Vacation time revolves around the employee's hire date utilizing the above schedule. The County and Elected Official retain complete discretion as to the time of year, and increments, when vacation time is to be allotted to allow the maintenance of essential services through an effective and efficient schedule of work. Length of service with the County will be considered in determining which employee is to receive the first vacations, and so on.

Employees who resign in good standing or who are laid off will be granted 192 hours of accrued vacation leave. This provision will include employees who resign in order to enter the Armed Service. Employees may take all of any single year's accrual upon approval of their supervisor. Requests in excess of this amount must be approved by the County Judge/Executive.

Negotiating unit employees will be compensated as provided for in their contract.

Vacation time will not accrue for any period of unpaid absence, whether it is extended sickness, Worker's Compensation periods, leave of absence, layoff, etc. Employees must submit requests for vacation two (2) weeks prior to the effective date. Vacation will be paid at the employee's regular rate of pay for normal work periods.

## **Section 7.2 HOLIDAYS**

The Garrard County Judge Executive will designate the holidays observed by the County each year. The County Judge Executive or County Official will determine the specific day a holiday will be observed. Holidays falling on Saturday or Sunday may be observed on alternate days as designated. Employees will be paid at their regular net hourly rate of pay for holidays.

If an employee is absent without approval or medical verification on the day before or after a holiday, holiday pay will be forfeited.

## **Section 7.3 HEALTH INFORMATION PRIVACY RULES**

Employee health records are confidential and must be maintained in medical files separate from personnel files. Supervisors, Department Heads, County Officials, and the County Judge Executive may be informed of restrictions and necessary accommodations, but nothing more.

Health information includes a person's past, present or future condition, provisions for that person's medical care, or past, present or future payment for that person's medical care.

County employees may have knowledge of other employees' health information through any number of means. Please be aware that all health information is confidential, and privacy for all employees is the responsibility of any person with knowledge about personal conditions.

The Privacy Rule does not apply to access to the health information of individuals who are injured on the job or who have work-related illness to process or adjudicate claims, or to coordinate care under workers' compensation systems. Access to protected health information disclosed under these circumstances will be limited to the minimum necessary to accomplish the workers' compensation purpose.

**Section 7.4 SICK LEAVE**

All employees occupying Regular Full-Time positions will be entitled to sick leave on the following schedule which will be calculated by hours worked and will be accrued by pay period.

**Sick Leave Accrual Rates**

	<b>Group I</b>	<b>Group II</b>	<b>Group III</b>
	2,080	2,080	2,496
	work hrs/yr	work hrs/yr	work hrs/yr
<b>Service</b>	<b>sick hours paid per year</b>		
0 - 5 years	96	96	96
5 - 10 years	96	96	96
10 - 20 years	96	96	96
20 + years	96	96	96

Hourly accrual rates include only hours based on normal work periods and will not include unscheduled overtime hours.

Sick leave will be earned and accrued each pay period.

- Sick days will be use for sickness only, not as personal days.
- Sick leaves may be used for dental appointments, with prior approval of the Department Head or Supervisor.
- A statement of restrictions and necessary accommodations from a doctor of medicine may be required for any sick leave, but is mandatory if three consecutive days are taken for any purpose.
- When an employee takes sick leave, his/her immediate supervisor will be informed of the fact by 8:00 a.m. of that day. Failure to notify the supervisor may be cause for disallowing the use of sick leave during the period of absence. Supervisors have the authority to request proof of medical or dental appointment, time, and location.
- An employee fraudulently obtaining sick leave, or a Department Head falsely certifying sick leave allowance for absence from work, may be suspended or dismissed.
- Abuse of sick leave will be cause for disciplinary action, up to and including dismissal.
- Sick leave does not accumulate when an employee is off work due to extended illness, workers' compensation, leave of absence, layoff, etc., as determined by the Judge/executive or Elected Official.
- Consistent with the Pregnancy Discrimination Act of 1978, pregnancy/childbirth may be treated as a temporary disability, and is eligible for use of sick leave with pay.
- Any employee absent from work on sick leave may first use their sick leave and vacation time with pay, or apply for the Family Medical Leave Act without pay, or take an approved leave of absence without pay.
- The County Judge/Executive, appropriate Elected Official or designee will keep records of sick leave allowance, sick leave taken, and balance of sick leave allowance for individual employees.
- Employees will be allowed to accrue a 360 hours of sick leave hours. However, employees shall not be paid for unused sick leave upon termination of employment.
- Employees may voluntarily donate their sick leave hours to other employees by notifying the County Judge/Executive, appropriate Elected Official or designee.

## **Section 7.5 NON-ACCUMULATED TIME OFF AND LEAVE OF ABSENCE**

Time off beyond any accumulated time will be at no pay for Regular Full-Time employees. All employees will secure the approval of their respective County Official or Department Head for non-accumulated leave status at the following rates:

Group I: 85 hours

Group II: 85 hours

Group III: 85 hours

Non-accumulated leave of more than these amounts requires approval of the Judge/Executive. Leave will be granted only when the interests of the County are not harmed.

Policy regarding employees who are members of the Armed Forces Reserves and participate in required annual training programs will be in accord with KRS 61.394 and KRS 61.396. Employees shall will be entitled to a leave of absence from their respective duties without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled while in the performance of duty or training in the service of this state or of the United States under competent orders for a period in any calendar year. Employees on military leave will be paid their salaries or compensation of an hourly rate equal to the hourly rate of pay for the actual hours of work missed from the county's work



schedule in any one calendar year. Employees do not accumulate sick and vacation days during a leave of absence. To this end the employee will be made whole for his required military absences not to exceed the following schedule:

Group I: 72 work hours

Group II: 72 work hours

Group III: 72 work hours

### **Section 7.6 PREDETERMINED SICK LEAVE**

The County will grant an eligible employee up to 12 workweeks of unpaid leave during the County's fiscal year (July 1st through June 30th), beginning from the date an employees' first Family and Medical Leave (FMLA) leave begins, for one or more of the following reasons:

- For the birth and care of the newborn child of the employee;
- For placement with the employee of a son or daughter for adoption or foster care;
- To care for a immediate family member (spouse, child, or parent) with a serious health condition; or
- To take medical leave when the employee is unable to work because of a serious health condition.

In the event the County employs both the husband and the wife, the aggregate amount of leave allowed for purposes of childbirth or adoption, or taking care of a sick parent is no more than 12 workweeks during any 12-month period. The FMLA is discussed in Appendix E.

### **Section 7.7 MEDICAL INSURANCE**

The County will offer a medical insurance plan to all Regular Full-Time employees.

Health insurance will be available subject to terms and conditions of insurance company.

### **Section 7.8 WORKER'S COMPENSATION INSURANCE**

Workers' Compensation Insurance provides medical and hospitalization expense benefits as well as partial payment in lieu of salary for workers injured on the job. The County pays 100% of the premium for this form of insurance.

### **Section 7.9 UNEMPLOYMENT**

All employees are covered under this program. Garrard County pays 100% of the cost for this coverage. An individual who terminates employment with the County may or may not be eligible to receive payments under this program, depending upon the circumstances involved in the termination.

### **Section 7.10 SOCIAL SECURITY**

The County and the employee both contribute to the Social Security program at rates specified by the U.S. Congress.

### **Section 7.11 JURY DUTY**

Jury Duty will be paid at the employee's regular rate of pay. The employee will receive regular pay, less whatever pay received for jury duty. The pay received for jury duty will be turned into the Finance Officer upon receipt.

This applies only to the time actually spent reporting for and serving on jury duty. The County will not be responsible for the time constraints placed on employees while in the service of the Court.

If called for jury duty and released, the employee must return to work for the remainder of the scheduled shift.

A slip denoting actual dismissal time is required for each day of duty. These slips are easily available through the Court Administrator.

### **Section 7.12 FUNERALS**

Funeral leave will be granted for the immediate family of an employee which includes spouses, parents, children, grandchildren, brothers, sisters, and stepchildren living in the home. Twenty-four (24) hours leave at the regular pay for a normal work period will be granted for funeral arrangements and burial from the day of death until the day of interment for Regular Full-Time employees. Regular Part-Time employees will be granted 8 hours of paid leave. Eight (8) hours will be provided for grandparents, in-laws of the employee, or dependents living in the employee's household, and stepchildren not in the home. Situations requiring more than the hours authorized may be paid, but the extra time taken will be deducted from accrued vacation time. Funeral pay will not be granted while an employee is on sick leave, leave of absence, or observing any holiday that falls within the period of the employee's absence.

A funeral of a non-family member requiring time off for funeral leave will be granted at the discretion of the respective County Official or department head and said time will be deducted from any accrued vacation time.

If an employee is on vacation at the time of death of the above-mentioned family member(s), the employee will be entitled to the allotted time off for funeral leave, upon proper notification to his/her supervisor.

### **Section 7.13 RETIREMENT**

The County will provide retirement benefits for all Regular Full-Time employees and Regular Part-Time employees who work at least 100 hours per month pursuant to the Kentucky Revised Statutes. The plan will be administered as provided in the specifications of the CERS master policy. Details of the plan offered by the County are outlined in the Summary Plan Description available from the Kentucky Retirement Systems.

## **Section 8 RISK MANAGEMENT**

### **Section 8.1 SAFETY**

The health and safety of employees is a primary concern for Garrard County. As a condition of employment, employees are required to comply with all safety procedures that are established for the position held by the employee, including the use of seatbelts when driving any County vehicle. Additionally, any employee who becomes aware of any unsafe or hazardous condition will report the situation to their supervisor or department head immediately or face disciplinary action.

All work related injuries must be reported to the employee's immediate supervisor or the department head as soon as possible after the injury occurs whether or not the injury required medical attention but no later than the end of the work day shift. Reports must then be submitted to the County Judge/Executive within forty-eight (48) hours of the accident

Failure to comply with established workplace safety rules, report workplace injuries, or failure to report unsafe/hazardous conditions of which the employee is aware will result in personnel action, up to and including termination from employment. Failure to do so may prejudice processing a claim.

Personal use of a County-owned vehicle is forbidden. No persons, other than County employees, are covered by the County's liability and/or automobile insurance policies. Failure to comply will result in personnel action up to and including termination of employment.

### **Section 8.2 HOUSEKEEPING**

Employees are expected to always observe good housekeeping rules.

Aside from the accident prevention benefits, good housekeeping contributes to efficient performance. When tools, equipment, and materials are returned to the proper place after use, they are easier to find and inspect for damage and wear. The following guidelines will be used for good housekeeping.

- Keep work areas and storage facilities clean, neat and orderly.
- All aisles, stairways, exits and access ways should be kept clear.
- Do not place supplies on top of cabinets, lockers, boxes or other moveable containers at a height not visible from the floor.
- When piling materials for storage, make sure the base is level and firm.
- Lay extension cords and hoses in such a way as to minimize tripping or obstructions to traffic. Keep all power cords and hoses wound up and put away when not in use.
- Clean up spills immediately to avoid hazards. In the event of clean up delay, the area must be appropriately guarded, posted or roped off.
- Sharp or pointed objects should be stored to prevent persons from coming in contact with them.
- All packing material should be disposed of immediately
- Wastebaskets should be emptied into approved containers.
- Oily or greasy rags should be placed in a metal container designed for that purpose only.
- All switches or drives on machinery should be shut down, locked out and properly tagged before cleaning, oiling, or repair.
- Electrical panels and fuse boxes should be kept closed at all times and the surrounding area kept clear.
- Yards and parking lots are to be maintained in an orderly fashion. Weeds should be controlled.

### **Section 8.3 GENERAL EMERGENCY**

In case of emergency, contact your department head or executive authority to determine if an alteration of office hours is required.

### **Section 8.4 INSPECTIONS OF FACILITIES AND PROPERTY**

Search practices, including inspection of County facilities and employee property on County facilities, may be conducted as part of the County's general security measures.

- The County may conduct unannounced searches of its facilities and vehicles, at any time, and for any reason.
- The County may conduct unannounced searches of County desks and lockers and of employees' property on County facilities, including without limitation, briefcases, lunch boxes, toolboxes, purses, clothing or other personal property containers, where it has reasonable cause to believe that one or more employees may be in possession of alcohol, illegal drugs or unauthorized possession or County property. Such inspections must be authorized by the County Judge/Executive or County Official or Department Head. Wholesale inspection of personal property should, where feasible, be approved in advance by the County Judge/Executive.
- Employees will be expected, as a condition of employment, to cooperate with any search of County facilities or employee property conducted by the County on such facilities.

## **Section 9      CODE OF CONDUCT OPERATIONAL GUIDELINES**

### **Section 9.1      TELEPHONE USE**

Any telephone calls placed/received for conducting personal business will be at the sole discretion of the County Official or department head. The employee will reimburse the County for any long distance calls made by the employee. Any employee deemed to be causing a distraction to the work environment or abusing time while on duty will be addressed by their immediate supervisor with a verbal warning. The next step will be a written reprimand regarding this activity. If this activity continues there will be a meeting scheduled between the employee and the supervisor to devise a plan of action to alleviate the activity. If the activity continues there will be disciplinary action taken, which may include termination. This will also include excessive use of personal cell phone while on-duty.

### **Section 9.2      EMPLOYER-PROVIDED CELLULAR TELEPHONES AND PAGERS AS TAXABLE FRINGE BENEFITS**

In the month of December each year, the County Finance Officer calculates the annual amount of fringe benefit each employee who is issued a county owed cell phone. The following process is used:

- 1.) A month is randomly chosen and copies of all that month's cell phone bills are copied.
- 2.) The copies are distributed to the employees for them to mark all personal calls on their phone bill and return them to the Finance Officer.
- 3.) The Finance Officer calculates a percentage of personal minutes per total minutes used for that month for each employee.
- 4.) The percentage is multiplied by the total cost of the phone bill for that month for each employee to equal a dollar amount for personal usage.
- 5.) That monthly dollar amount for personal usage is then multiplied by total months used that calendar year to equal annual cost of personal usage of each employee's cell phone.
- 6.) This annual cost is then entered under fringe benefit on the last payroll in December and the employee is taxed on this amount.
- 7.) If an employee should terminate employment in the middle of a year, he or she will be taxed on their last paycheck for the current personal cell phone usage to day of that calendar year.

### **Section 9.3      SUPPLEMENTAL EMPLOYMENT**

All employees desiring to obtain secondary employment must receive approval from the Judge/Executive, Elected Official or their designee prior to seeking outside employment. No employee of Garrard County may engage in any business which may be construed to be in conflict with the business interest of the County. If, in the opinion of the County, an employee's supplemental employment interferes or appears to be in conflict with his position with the County, the employee will be required to either quit the supplemental job or be subject to immediate dismissal from the County.

Garrard County is considered the primary employer and, as such, services required by the County will take precedence.

### **Section 9.4      ACCEPTANCE OF GIFTS AND GRATUITIES**

Acceptance of gifts and gratuities is regulated by the Garrard County Ethics Ordinance, which may be amended from time to time.

### **Section 9.5      DRESS AND APPEARANCE**

The County reserves the right to set dress and grooming guidelines for its employees during working hours and to obtain conformance of such guidelines to assure safety and to present a favorable, businesslike image. These guidelines will be maintained at the discretion of the County.

Employees provided with uniforms will wear them during working hours and maintain them in good condition to present a favorable, businesslike image.

## **Section 9.6 ARREST, TRAFFIC VIOLATIONS**

Employees are expected to obey laws at all times. However, when circumstances present otherwise, the employee will be responsible for any fines and penalties received while on Garrard County business. Failure to report any arrest or traffic violation received in the pursuit of County business immediately may result in disciplinary action. All non-traffic arrests must be reported immediately to the supervisor. Failure to do so will result in disciplinary action.

## **Section 9.7 TRAVEL**

Employees may be assigned duties away from their regular headquarters or be required to attend conventions, meetings and so forth. Exempt employees will be paid at their regular rate for normal scheduled hours, even though the travel or meeting may extend past normal working hours into weekend or holidays. The employee may consider any extra working hours as compensatory time but do not include periods of time that are long enough to enable the employee to use the time effectively for their own purposes.

Non-exempt employees assigned duties away from their regular location may be paid for hours in transit and hours for which they are in service of the County at the discretion of the executive authority. Hours in service of the County include but are not limited to training, participating in business meetings, conducting research on behalf of the County, but do not include periods of time that are long enough to enable the employee to use the time effectively for their own purposes.

The County recognizes that various local, state and national activities require the personal attendance, travel, and out-of-pocket expenses of employee to carry out the County objectives. The County will compensate employees engaged in such tasks over and above regular pay rate as follows:

- Employees should use a County vehicle if at all possible. If there is a choice of means of travel, the lowest cost and/or most convenient common carrier transportation will be paid. Use of rental vehicles must be approved in advance or justifications provided that show the use of such vehicle was more feasible than other types of available transportation.
- When a County vehicle is used for business transport, the person authorized to use the vehicle will be reimbursed for actual expenses incurred for parking fees, tolls, gas, oil, and repairs. All expenses, including parking fees, and tolls, will be substantiated by receipts.
- If a public carrier (train, bus, taxi, plane, car rental, etc.) is used, the actual cost of transportation to and from the point of contact will be reimbursed by the County to the person authorized for such travel, upon presentations of a receipt showing total expense. Air travel will not be first class unless other rates are unavailable. Under reasonable circumstances, or for necessary expediency, the Executive Authority may authorize other travel means.
- When a County vehicle is unavailable, use of personal vehicles will be reimbursed at the state mileage reimbursement rate. Such payment will be deemed to cover all personal vehicle repairs, depreciation, gas, oil, and other out-of-pocket expenses, except parking and toll fees.
- Lodging will be reimbursable at the actual expense. Receipts must be provided for all lodging.
- When convenient, and at the employee's option, a spouse, or family member may accompany the employee to outside meetings. The employee will pay all additional expenses incurred in such an arrangement.

- No County employee will use County vehicles for their own use or to transport non-County personnel on non-county business, except when authorized in writing.
- Conference and registration fees will be approved in advance by the Executive Authority, and may be prepaid when necessary and appropriate.
- No employee will be reimbursed for meals even if the employee's travel requires overnight stay, unless the travel involves economic development or if the meals have been approved by the executive authority in advance and are reasonable.
- Telephone calls for the purpose of County business are reimbursable at the actual rate.
- Other necessary expenses which were unforeseeable prior to travel may be approved by the Executive Authority upon presentation of documentation of the need for such expense.
- Receipts for all expenditures will be obtained and attached to the request for reimbursement, which must be completed as soon as possible upon completion of travel. All requests for reimbursement will be signed by the supervisor.
- Employees violating this section will be subject to appropriate disciplinary action.

### **Section 9.8      LEGAL DRUGS**

It is the responsibility of each employee to present a statement of restrictions and necessary accommodations to his/her immediate supervisor when taking a legal drug which may adversely affect his/her ability to work safely and productively. The County will determine whether the employee may continue to work while taking the drug, and if not, where appropriate and permissible, whether the employee's job can be temporarily modified to accommodate his/her reduced capabilities.

### **Section 9.9      PROFIT ON KNOWLEDGE BASED ON COUNTY EMPLOYMENT**

Employees will not use confidential knowledge gained while on official duty for the County for profit. An example of this would be situation in which an employee gains knowledge of a development of a particular piece of property, buys that property, and turns a profit in selling it.

### **Section 9.10     POLITICAL ACTIVITY**

No employee, as a condition of employment or continued employment, will be required to contribute to a campaign or campaign for any candidate for political office.

No employee of the County will engage in political activity during his/her assigned duty hours or while in uniform.

## **APPENDIX A**

### **GUIDELINES FOR THE AMERICANS WITH DISABILITIES ACT OF 1990**

Any person (employee or citizen) who believes they have been subjected to prohibited discrimination may personally, or by representative, file a complaint with the office of the County Judge/Executive or the appropriate Elected Official. A person who has not personally been subjected to discrimination may also file a complaint.

When a person (citizen, applicant, or employee) believes they have been adversely affected by an act or decision by the County and that such act or decision was based on disabled status, that person will have the right to process a complaint or grievance in accordance with the following procedure:

- Step One: An aggrieved person must submit a written statement to the County Judge/Executive or the appropriate Elected Official, setting forth the nature of the discrimination alleged and facts upon which the allegation is based.
- Step Two: the County Judge/Executive, the appropriate Elected Official or designee will contact the complainant no later than fifteen (15) calendar days (excluding weekends) after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case will the informal meeting be conducted sooner than five (5) working days (excluding weekends) nor more than thirty (30) calendar days (excluding weekends) after receiving the written statement. There will be prepared a written documentary of the discussions at the informal meeting, which will be preserved in the records of the County Judge/Executive or the appropriate Elected Official.
- Step Three: Within thirty (30) calendar days (excluding weekends) of the informal meeting, the County Judge/Executive or the appropriate Elected Official will issue a written decision on the matter to the complainant, County Attorney and the County's liability insurance carrier.
- Step Four: If the complainant is not satisfied with the written decision, he/she may request reconsideration by the County Judge/Executive or appropriate Elected Official by filing a written request within (30) calendar days (excluding weekends) of receiving the decision. The Judge/Executive or the appropriate Elected Official will investigate, which may include holding a meeting with the complainant, and will within (30) calendar days (excluding weekends) receiving the Level Two request issue a final, written decision to the complainant, Co. Attorney, and the County's liability insurance carrier.

Written documentation of the discussions held at the meeting(s) will be prepared and will be preserved in the records in the office of the County Judge/Executive or appropriate Elected Official.



## **APPENDIX B**

### **GUIDELINES FOR COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT OF 1988**

The purpose of these guidelines is to avoid the dangers of drugs in the workplace as described in the statement herein. Further, its purpose is to advise employees of available sources of counseling, rehabilitation and employee assistance. This policy provides a statement on dangers of drugs in the workplace and sources of information and assistance and is the basis of a form each employee is required to sign assuring compliance. Please refer to Appendix F.

#### **DRUG-FREE WORKPLACE STATEMENT**

Drug abuse has an effect on many things, including absenteeism, productivity, number of health and accident claims, morale of other workers and employee turnover.

In addition to lost time, money, and productivity caused by chemical abuse is the personal suffering caused to the individual abuser and those around him, such as his family, friends, and co-workers. People who abuse chemicals tend to be very erratic in their behavior towards others. Their thinking and personal interactions become increasingly impaired the more preoccupied they become with their involvement with drugs.

Problem drinkers and drug abusers may tend to lose interest in things that once were important. Self-hatred may develop because these people realize they are failing themselves, their families, friends, co-workers, and employer as they act contrary to their own moral beliefs.

Financial and legal troubles are common problems for alcohol and drug abusers. The chemically dependent person's overall earning power is adversely affected by lost hours at work. This in turn adds to financial troubles which are heightened by spending what income is left on drugs or alcohol.

#### **DEFINITIONS**

- **Illegal Drug** – Any drug which has not been legally obtained under U.S. law or is not being used for its intended purposes or as prescribed.
- **Legal Drug** - Prescribed drugs and over-the-counter drugs which have been legally obtained under U.S. law and are being used for their intended purpose, or as prescribed.
- **County Facilities** – Any location where the County conducts its business, including without limitation, its offices, parking areas and vehicles, and its files.

#### **DRUG AND ALCOHOL TESTING AND ASSESSMENT**

The County Judge/Executive may, with the approval of the Fiscal Court, implement procedures for health assessment of County employees and applicants, which may include drug and alcohol testing, in compliance with the following guidelines:

- **Prospective Employees** – Where a policy of employment drug and alcohol testing is adopted, applicants for employment should be notified and advised that they will not be considered or retained, should they be conditionally hired, unless a negative test is obtained. Written consent to the test must be obtained from each applicant. Applicants who test positive or who refuse to submit to the test will not be further considered for employment.
- **Employees**- A County policy may include screening tests to detect the use of alcohol and illegal drugs by employees. Employee alcohol and drug testing shall be pursuant to such policies and be performed under the following circumstances:

- There is reasonable suspicion that drugs or alcohol are affecting the job performance and conduct in the workplace;
  - The nature of the employee's job involves a significant risk to the employee or to others, or to the property of the County;
  - Immediately after the occurrence of a serious accident qualifying incident;
  - In conjunction with a routine physical examination, in which case affected employees shall be notified in advance that the examination will include drug and alcohol screening; or
  - It is required by law or regulation.
- Random or surprise testing of employees on a wholesale basis shall be done without evidence of probable abuse by a substantial number of employees within a work group.
  - For purpose of this Policy, a qualifying incident is one which involves one or more employees of the County and/or a contractor or supplier performing services at a County facility, and results in:
    - Any injury to any person which requires professional medical treatment beyond first aid;
    - Damage to or destruction of property in excess of \$1,000.00, or at the discretion of the executive authority if property damage is less than \$1,000.00;
    - A chemical spill or the discharge or release of a chemical into the environment of a nature that requires reporting to an environmental regulatory agency.

Employees who are to be tested pursuant to this Policy will be advised of the purpose and possible consequences of the particular test.

Employees who test positive, or who refuse to submit to a test required pursuant to this Policy, shall be subject to discipline, including termination, or other administrative action.

## **EMPLOYEE DISCIPLINE OR TERMINATION**

Employees found to be abusing drugs, but not convicted of any drug statute violation, will be subject to appropriate personnel action against such employee, up to and including termination, or be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes. Garrard County is not required to pay for this rehabilitation.

Each employee is hereby notified that they will notify the County Judge/Executive or appropriate Elected Official within five (5) days of any criminal drug or alcohol arrest. The Fiscal Court will render a conclusive and final decision on the questions of termination or discipline within thirty (30) days.

## **CONFIDENTIALITY**

Garrard County will use its best efforts consistent with the circumstances to conduct its testing and search procedures in a manner calculated to preserve the employees' privacy and dignity. These efforts will include the restriction of information pertaining to the fact that a test or search has occurred, and the results thereof, to the County Judge/Executive and to those managers who need to have access to such information in order to make and implement personnel decisions involving the employee.

## **APPENDIX C**

### **HARASSMENT POLICY**

#### **HARASSMENT – DEFINITION**

Harassment on the basis of race, color, religion, gender, national origin, age, or disability constitutes discrimination in the terms, conditions, and privileges of employment. Harassment is verbal, physical, or visual conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, or disability, or that of his/her friends, or associates, and that:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following:

- Epithets slurs, negative stereotyping, or threatening, intimidating, or hostile acts, that relate to race, color, religion, gender, national origin, age, or disability; and
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, or disability that is placed on walls, bulletin boards, or elsewhere on the employer's premises, or circulated in the workplace.

#### **SEXUAL HARASSMENT - DEFINITION**

Sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when:

- Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of reasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another's body.

#### **POLICY**

Any activity which can be defined as sexual harassment is prohibited between fellow employees whether or not they are in a supervisory relationship with another.

Any employee who feels that he or she has been subject in the workplace to any activity described above by his or her supervisor, by a fellow employee, or by a non-employee should report the incident immediately to his or her immediate supervisor. If the immediate supervisor is involved in the activity, the violation should be reported immediately to the County Office/Department Head. If the County Office/Department Head is involved, the employee should report the violation to the County Judge/Executive or appropriate Elected Official. All resulting investigations are to be kept confidential.

Any individual suspected of violating this policy may request a hearing before the Fiscal Court. The Fiscal Court will render a decision within thirty (30) days which will be final.

Any employee violating this policy will be immediately subjected to disciplinary action ranging from a written warning to discharge depending upon the severity of the violation of each case.

The provision of this policy and strong disapproval of such activity will be communicated to all employees.

### **HARASSMENT AND SEXUAL HARASSMENT – FALSE ACCUSATIONS PROCEDURE**

While the County does not want to stifle an employee's right to bring good faith complaints of harassment or sexual harassment in any way, the County also recognizes that false accusation of harassment and sexual harassment can have a serious effect on innocent men and women. Accusations which, after investigation, are determined to be intentionally false or otherwise malicious in intent may result in appropriate disciplinary action against the accuser, including termination.

## **APPENDIX D**

### **ACTIVITIES WHICH MAY RESULT IN CORRECTIVE ACTION**

The following is a list of activities which will result in corrective action. While this list does not include all activities that call for corrective action up to and including termination, it is intended as a guide to assist in avoiding activities that are in conflict with the principles and goals of an efficient work force. These may include but are not limited to:

- Absenteeism, lateness, extended meal times;
- Neglect of duty;
- Abuse of sick leave;
- Deliberately abusing, destroying, defacing, removing, neglecting or stealing County property, tools, equipment, or the property, tools or equipment of others on Garrard County premises;
- Leaving work without authorization;
- Reporting for work under the influence of non-prescribed drugs or alcohol; using or possessing drugs or alcohol while on or off County premises during hours of work; arrest for and conviction of possession, selling, using or being under the influence of drugs or alcohol while on the job; failure to notify the Garrard County Judge/Executive within five (5) days of any criminal drug or alcohol arrest;
- Intoxication or use of intoxicants while on duty;
- Unauthorized use of County property or vehicles;
- The use of threatening, profane or abusing abusive language toward other employees, horseplay, threatening or intimidating other employees, fighting or provoking a fight;
- Mistreatment (physical or verbal) of citizens or co-workers;
- Willfully falsifying any records;
- Falsely punching a time card or altering statements on a time sheet;
- Leaving the County building/premises during working hours without permission of the supervisor, except during emergency situations;
- Creating or contributing to unsanitary conditions;
- Deliberately delaying or restricting performance or inciting to delay or restrict performance;
- Illegal Gambling in any form on Garrard County premises;
- The issuing and carrying of illegal firearms or other dangerous weapons on County premises will be limited to the following departments, and permission will be given by the department head/County official: Sheriff's office, Jail, Juvenile Probation/Detention;
- Unexcused absence for one (1) calendar day without calling;
- Insubordination, including refusal to perform work properly assigned by, but not limited to, the supervisor;
- Willful, deliberate or repeated violations of safety rules;
- Failure to report a motor vehicle accident or on-the-job injury to the Garrard County Judge/Executive at once. Injuries are also to be reported to the Workmen's Compensation Office within forty-eight (48) hours of occurrence;

- Performing unauthorized personal work on County time;
- Defamation of the County's image by unauthorized dissemination (via any media) of County's business outside the work place;
- Unauthorized release of confidential records or information;
- Sleeping on the job;
- Poor job performance;
- Violation of the Garrard County Ethics Policy;
- Failure to report all arrests or traffic violations received during the conduct of County business. Such incidents are to be reported to the County Judge/Executive's Office immediately. Payment of penalties will be the responsibility of the employee;
- Conviction of a felony;
- Improper discussion or disclosing of confidential information;
- Harassment, including sexual harassment or sexual activity during working hours or on county property;
- Supplying false information on employment application;
- Incompetence or inefficiency on the job;
- Violation of established employer policies;
- Smoking in prohibited areas; or
- Threatening or intimidating anyone including management, supervisors, security guards, fellow workers and citizens.

## **APPENDIX E**

### **FAMILY AND MEDICAL LEAVE ACT OF 1993**

The Family and Medical Leave Act of 1993 requires “covered” employers with at least 50 employees to provide “eligible” employees with up to 12 workweeks of unpaid, job protected leave in a 12 month period for specified family and medical reasons.

#### **EMPLOYEE COVERAGE**

The FMLA applies to all public agencies, including state, local, and federal employers. Thus, Garrard County is a “covered” employer as defined in the legislation.

#### **EMPLOYEE ELIBILITY**

To be eligible for FMLA benefits, an employee must:

- work for a covered employer;
- have worked for the employer for a total of 12 months; and
- have worked at least 1,250 hours over the previous 12 months and worked at a location in the United States or in any territory or possession of the United States where at least 50 employees are employed by the employer within 75 miles.

#### **LEAVE ENTITLEMENT**

The County will grant an eligible employee up to 12 workweeks of unpaid leave during the County’s fiscal year (July 1st through June 30th), beginning from the date an employee’s first FMLA leave begins, for one or more of the following reasons:

- For the birth and care of the newborn child of the employee;
- For placement with the employee of a son or daughter for adoption or foster care;
- To care for a immediate family member (spouse, child, or parent) with a serious health condition; or
- To take medical leave when the employee is unable to work because of a serious health condition.

In the event the County employs both the husband and the wife, the aggregate amount of leave allowed for purposes of childbirth or adoption, or taking care of a sick parent is no more than 12 workweeks during any 12-month period.

#### **SERIOUS HEALTH CONDITION**

In context of this policy, a “serious health condition” means an illness, injury impairment, or physical or mental condition that involves one of the following:

- Hospital Care --- Inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
- Absence Plus Treatment --- A period of incapacity of more than three (3) consecutive days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
- Treatment two or more times by a health care provider, by a nurse of physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by a health care provider; or

- Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider; or
- Pregnancy --- Any period of incapacity due to pregnancy, or for prenatal care;
- Chronic Conditions Requiring Treatment --- A chronic condition which:
  - Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
  - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - May cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.).
- Permanent Long-term Conditions Requiring Supervision --- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
- Multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury; or for a condition that would likely result in a period of incapacity of more than three consecutive days in the absence of medical intervention or treatment, such as cancer, (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

## **BIRTH OR ADOPTION OF A CHILD OR FOSTER CARE**

Employees are required to give 30 days notice of the need for leave when the need for leave is foreseeable. The employee must give as much notice as is reasonably practical. An employee's right to leave for a birth or placement for adoption or foster care expires at the end of the 12-month period beginning on the date of the birth or placement.

## **MEDICAL TREATMENT FOR SERIOUS HEALTH CONDITION**

Employees are required to give 30 days notice unless there is a medical emergency or unforeseen event. Where leave is necessary for planned medical treatment the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the County's operations.

## **TIMING OF LEAVE**

The 12 weeks leave may be taken consecutively or intermittently if medically necessary. Employees needing intermittent FMLA leave must attempt to schedule their leave to not disrupt the County's operations. The County reserves the right to assign such employee to an alternative position with equivalent pay and benefits during the period of intermittent leave if such position better accommodates the employee's need for FMLA leave.

## **CERTIFICATION**

The County will require that a claim for medical leave be supported by a medical care provider's certification. To comply with this requirement any employee requesting such leave will be provided with a copy of Form WH-380, Certification of Health Care Provider, developed and approved (March 1995) by the United States Department of Labor. The employee will pay any costs associated with the medical condition.

In the event the County has reason to doubt the adequacy of the medical certification, the County may seek a second, non-binding opinion at the County's expense. If that opinion differs from the opinion obtained by



the employee, a third, binding option can be obtained, at the County's expense, from a health care provider agreed upon by both the employee and the County.

### **SUBSTITUTION OF PAID LEAVE**

It is the policy of Garrard County that employees will be required to substitute accumulated paid leave for FMLA leave. Respectively, the employee will utilize sick leave and vacation leave in place of unpaid leave. To the extent the employee does not have 12 weeks of accumulated leave; the remainder will be unpaid leave. The employee will not accumulate sick or vacation time during non-reimbursed FMLA leave (absence).

### **BENEFITS DURING LEAVE**

During the period of an employee's FMLA leave the County will continue to provide all health care benefits that are provided as part of the employee's employment.

### **RIGHTS AND BENEFITS UPON RETURN TO WORK**

Upon return to work from FMLA leave, an employee will be restored to the position he/she held when the leave began, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. In instances where an employee has taken FMLA leave due to personal illness, the employee will be required to provide certification from a medical care provider of the employee's fitness to return to work.

The County expressly reserves the right to deny the previous job to "key employees" in instances where such restoration would result in substantial and grievous economic injury to the County. "Key employee" is defined as a salaried FMLA-eligible employee who is among the highest paid 10 percent of all County employees.

## APPENDIX F

### DRUG-FREE WORKPLACE CERTIFICATION

The County of Garrard certifies that it will provide a drug-free workplace. It will accomplish this by publishing the following statement and by establishing a drug-free awareness program.

Employees are hereby notified that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace. As a condition of employment, employees will:

- a. Abide by the terms of the statement set forth herein; and
- b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

Penalties for drug abuse violations occurring in the workplace will include:

- a. Taking appropriate personnel action up to and including termination; or
- b. Requiring the employee to participate satisfactorily in an appropriate drug abuse assistance or rehabilitation program.

The Drug-Free Awareness Program is intended to inform employees about:

- a. The dangers of drug abuse in the workplace;
- b. The employer's intent of maintaining a drug-free workplace;
- c. Any available drug counseling; rehabilitation, and employee assistance programs; and
- d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

Each employee must be given a copy of this statement.

Place of Performance

Garrard County Courthouse

Lancaster, KY 40440

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

\*Controlled substance in schedules I through V of KRS 218A and further defined in regulations issued by the Kentucky Cabinet of Human Resources.

Revised \_\_\_\_\_

**APPENDIX G**  
**STATEMENT OF RECEIPT**

These personnel policies are not a contract of employment. Any individual may voluntarily leave employment and may be terminated by the employer at any time and for any reason. Any oral or written statements or promise to the contrary are hereby expressly disavowed and should not be relied upon by any prospective or existing employee. The contents of these policies are subject to change at any time at the discretion of the Garrard County Fiscal Court.

It is your responsibility to be familiar with the contents of this manual. Its contents will help guide you toward job behavior which reflects credit upon you and Garrard County.

I certify that I have received and read a copy of the Personnel Policies and Procedures of Garrard County.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Revised \_\_\_\_\_