

**LEE COUNTY
BOARD OF COMMISSIONERS**



LEE COUNTY

Life works well here.

**PERSONNEL POLICY MANUAL
AUGUST 2008**

“NOT A CONTRACT” IMPORTANT NOTICE

THIS EMPLOYEE HANDBOOK CONTAINS VARIOUS RULES, POLICIES, AND PROCEDURES RELATING TO YOUR EMPLOYMENT. THE POLICIES OF THIS HANDBOOK AND THE COUNTY’S PERSONNEL POLICIES ARE SUBJECT TO CHANGE BY THE COUNTY AT ANY TIME, WITH OR WITHOUT NOTICE. THE POLICIES SET FORTH IN THIS MANUAL MAY NOT APPLY TO EVERY EMPLOYEE IN EVERY SITUATION. WHEN FOLLOWING THESE GUIDELINE POLICIES IS NOT PRACTICAL, THE COUNTY WILL HANDLE SPECIAL SITUATIONS AS IT DEEMS APPROPRIATE.

A DECISION OF THE GEORGIA SUPREME COURT REQUIRES LEE COUNTY GOVERNMENT TO INFORM ITS’ EMPLOYEES IN A CONSPICUOUS MANNER THAT THEY ARE EMPLOYED “AT WILL.” THIS MEANS THEY ARE FREE TO TERMINATE THEIR EMPLOYMENT AT ANY TIME, WITH OR WITHOUT REASON. LEE COUNTY GOVERNMENT RETAINS THE SAME RIGHT.

ALL EMPLOYEES OF LEE COUNTY GOVERNMENT ARE EMPLOYED AT-WILL AND MAY QUIT OR BE TERMINATED AT ANY TIME AND FOR ANY REASON. NOTHING IN ANY OF LEE COUNTY’S RULES, REGULATIONS, POLICIES, HANDBOOKS, PROCEDURES OR OTHER DOCUMENTS RELATING TO EMPLOYMENT CREATES ANY EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT, NO PAST PRACTICES OR PROCEDURES WHETHER ORAL OR WRITTEN FORM, ANY EXPRESS OR IMPLIED AGREEMENT TO CONTINUE SUCH PRACTICES OR PROCEDURES, NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE LIMITATIONS SET FORTH IN THIS PARAGRAPH. CREATE ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE PUT IN WRITING, 2) THE DOCUMENT IS LABELED “CONTRACT”, 3) THE DOCUMENT STATES THE DURATION OF EMPLOYMENT, AND 4) THE DOCUMENT IS SIGNED BY THE COUNTY ADMINISTRATOR OR ELECTED OFFICIAL.

I acknowledge receipt of Lee County Board of Commissioner’s PERSONNEL POLICY MANUAL AND UNDERSTAND THAT IT IS NOT A CONTRACT OF EMPLOYMENT.

SIGNATURE

DATE

PRINTED NAME

INTRODUCTION

PURPOSE OF THIS HANDBOOK

This personnel policy manual is for all Lee County employees. This manual is only an informational summary of many of the benefits, guidelines and policies affecting employment with Lee County. It outlines the policies, requirements, and benefits of employment with Lee County. It does not replace the Personnel Policies and Procedures Ordinance, which is the final authority, and is retained in all county offices. This manual is subject to change at any time. Any questions not covered by this handbook should be directed to the appropriate department head or the Human Resources Department.

WELCOME

Welcome to employment with Lee County! You are now a member of a growing organization dedicated to providing prompt and efficient service to the citizens of Lee County. You are an important link in the chain of service-related activities designed to make and keep the citizens of Lee County healthier, safer, and happier.

It is hoped that your employment with Lee County will be both successful and enjoyable.

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ARTICLE I GENERAL PROVISIONS

Section 1.01 Disclaimer

Lee County's Personnel Policy Manual has been prepared to provide information that the County believes is essential to achieving a successful working relationship which benefits the community. This manual provides a general description of County programs, policies, and procedures in effect as of the date of publication. It is advisory in nature and will act as a guide to the general practices and procedures of the County.

County employees are responsible for reviewing and acknowledging the content of this disclaimer and the County's personnel policies and procedures. Each department head will be given a copy of the disclaimer and personnel policies and procedures. Each employee should be given a copy of the personnel policies and a disclaimer for their signature. The Personnel Clerk will maintain an official set of the personnel policies in a central location. Department heads shall provide a copy of the personnel policy on demand. Likewise the personnel policy shall be kept by all department heads in a conspicuous place available for the use of all their employees.

Lee County is an "At-Will-Employer" pursuant to the Georgia Employer-At-Will law. While it is the County's goal to provide all employees and supervisors with beneficial programs, policies and procedures, all of the County's programs, policies and procedures are dependent on economic and local government considerations, regulations and practices and may be changed from time to time by the County at its discretion. Since the personnel policies are advisory in nature, they create no contractual obligations on the part of employees, supervisors, or the County and do not alter the at-will relationship. Employment with the County is at the will of the County and either the employer or the employee may at any time terminate the employment with or without cause. No statement (written or oral) by any employee, Commissioner or agent of the County contrary to this paragraph shall have any force of effect. Disciplinary procedures and terms or conditions of employment may be changed by the County whether these are stated in the policies or are established employment practices.

Section 1.02 Purpose

It is the purpose of these policies and procedures to establish a guide to administrative action concerning the various human resource activities and operations of Lee County. They are intended to indicate the usual and most reasonable methods for carrying out the aims of the human resources program, consistent with the following merit principles:

- A. Recruiting, screening and selecting employees on the basis of their relative ability, knowledge, and skill, including open competition of qualified applicants for initial appointments;
- B. Establishing pay rates consistent with principles of providing comparable pay for comparable work;
- C. Training employees, as needed and as practicable, to assure high-quality performance;
- D. Retaining and advancing employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance cannot be corrected;
- E. To expect effective and efficient work performance from employees within the framework of reasonable work assignments;
- F. To maintain reasonable hours of work;
- G. To provide safe, sanitary and healthful working conditions;
- H. To communicate with all employees regarding all matters which affect them in their work;
- I. To promote an attitude of courteous and efficient responsiveness to the public on the part of all employees;
- J. Assuring fair treatment of applicants and employees in all aspects of human resource administration without regard to political affiliation, race, color, creed, age, national origin or ancestry, sex, religion, or disability, and insuring a work environment free of intimidation and harassment; and
- K. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election.

Section 1.03 Positions Covered

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

- A. Constitutional officers and elected officials themselves;
- B. Those individuals hired by elected constitutional officers or other county elected officials where such officers or officials have the statutory or other lawful authority to hire, fire or to appoint deputy officials.
- C. The County Administrator or any other employee hired by the members of the County Commission whose terms of employment are established by written contract.

Notwithstanding the foregoing, if a constitutional officer or elected official of Lee County desires themselves or their employees to be covered under the personnel policies and procedures, those constitutional officers or elected officials shall notify the County Administrator in writing of their desire to participate. Once such notice is delivered to the County Administrator, such election shall be irrevocable for the term of the constitutional officer or elected official or until his/her successor is elected or appointed, and all employees in such officer's or official's department shall be subject to the provisions of these policies. In the event that a new constitutional officer or elected official is elected and assumes office, then any election with respect to these policies made by the predecessor of such newly elected officer or official shall be binding upon such newly elected officer or official unless the newly elected officer or official notifies the County Administrator within ninety (90) calendar of assumption of office that the previous election by such predecessor is revoked, and, in such event, the revocation shall be effective upon the date such notice is received by the County Administrator.

Section 1.04 Administration

These policies and procedures shall be administered and enforced by the County Administrator or his/her designee.

ARTICLE II DEFINITIONS

Section 2.01 Definitions

Authorizing Party means an individual authorized to approve or disapprove all travel-related requests. This individual is assumed to be in a level of authority that enables them to evaluate the need, cost and the benefit of such travel.

Business Travel means travel for the purpose of conducting official County business.

Catastrophic Illness means a serious illness, disease or injury. A catastrophic illness has an effect on the general health of the person affected.

Department Head means an individual who is assigned formal management responsibility for an established line department of County government.

Excused Absence, an absence is considered to be excused if (a) the employee follows proper notification procedures as set forth in these policies and the absence has been approved as required, or (b) the absence is otherwise permitted by these policies or by applicable law without notice and approval.

Exempt/Non-Exempt Employees, these terms apply to employees' status ONLY as to whether the employee is covered by, or exempt from, provisions of the Federal Fair Labor Standards Act. This act mandates compensation at overtime rates to certain employees.

Full-Time Employee means an individual who works at least 30 hours per week, meets performance expectations, and is eligible for all County benefits.

Immediate Family is defined as the following: wife, husband, mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, stepfather, stepson, stepdaughter, stepbrother and step sister.

Part-Time Employee means an individual who is normally scheduled to work less than 30 hours per week and meets performance expectations. Such employees are not eligible to receive any employee benefits.

Professional Training/Travel means travel for the purpose of attending meetings, conferences, and training programs for professional growth and development as well as for the mutual benefit of the County.

Requesting Party means any individual who will be reimbursed for those costs incurred while conducting business travel and/or professional training/travel.

Supervisor means in general terms any employee formally assigned supervisory responsibilities for personnel and operations of a work unit within a larger department of County government. However, the County Administrator and department heads should be understood to be "supervisors" of individuals who report directly to them.

Temporary Employee means an individual who is employed on a temporary basis, generally in situations where the employment is not expected to continue for more than six months, and the employee is not eligible for County benefits.

Travel Authorization/Advance Voucher means a form available in the Finance Department used to authorize employee travel and travel advances.

Travel/Expense Voucher means a form available in the Finance Department used to authorize payment for the reimbursement of travel related expenses.

Unexcused Absence, an absence is considered to be unexcused if (a) the employee has not followed proper notification procedures or the absence has not been properly approved as required, or (b) the absence is not otherwise permitted by these policies or by applicable law without notice and approval.

ARTICLE III ADMINISTRATION

Section 3.01 Personnel Policy Administration

Purpose

Lee County provides personnel policies as a means of efficiently utilizing its staff resources in order to accomplish the County's objectives. In preparation of such policies, the individual needs and objectives of employees will be recognized and accommodated to the extent possible and feasible, consistent with the objectives of the County.

The following rules and regulations, and other administrative provisions for personnel administration, are hereby declared to constitute the Personnel Policy of Lee County. The rules and regulations are in addition to any departmental rules and regulations, standard operating procedures, etc. which may be imposed by respective departments for the safe and efficient operation of the same. In the event of any conflict or inconsistency between the following rules and regulations and any departmental rules and regulations, standard operating procedures, etc., these rules and regulations shall control.

Section 3.02 Policy Establishment, Reviews, and Revisions

- A. After adoption by the Board of Commissioners, these policies can only be changed by resolution of the Board of Commissioners. Proposed amendments to these policies shall be presented to the Board of Commissioners for approval by the County Administrator. When a particular amendment is approved, the Chairman of the Board of Commissioners will shall sign the amendment indicating its approval by resolution of the Board of Commissioners and return it for implementation and distribution of copies to all employees.
- B. Personnel policies are always subject to change and improvement. All employees are encouraged to notify their supervisors of policy problems or needed improvements. The personnel policies should be reviewed at least once a year.
- C. Before a new policy or policy revision is approved for implementation, it shall be reviewed by the County Attorney to assure the policy is not in conflict with applicable laws and regulations and would not create any legal problems that should be avoided.

Section 3.02 Policies and Manuals: Format and Distribution

- A. Policy format: All policies will be prepared and issued in a standard personnel policy format. All policies will be written using the same format for subdividing policies into sections and subsections, as appropriate.
- B. Manual format: All approved policies will be maintained in binders or as a bound document.

- C. Manual distribution: personnel policy manuals are the property of the County. The County Administrator is responsible for manual maintenance and distribution. Distribution will be so that the County administrator, County Attorney, Personnel Clerk and each department head has ready access to the manual. The official set of policies will be maintained by the County Clerk.
- D. The individual employee to whom the manual is issued is responsible for adding new and revised policies as issued and for removing and destroying old ones.

Section 3.03 Policy Communication

All employees must be familiar with all personnel policies affecting them personally or affecting any other employee under their supervision. The employee is responsible for reading and acknowledging the content of the policies. Responsibility for assuring that all personnel policies are communicated to all employees lies with the County Administrator, department heads, and individual supervisors. Questions regarding policy interpretation or application should be referred to the department head and/or appropriate supervisor who will provide answers or forward questions to the County Administrator to review and take further action as required.

Section 3.04 Policy Exceptions

These personnel policies address a wide range of situations. Occasionally, a situation may arise in which following a policy “to the letter” would be inappropriate. In such cases, an exception should be requested by contacting the applicable department head. The department head should briefly document pertinent information about the exception and determine if the exception has merit for approval. If the department head deems that there is merit for the exception, approval must be sought from the County Administrator. Approved exceptions of policy are to be used when they are needed to follow the overall intent of the policy and not just the “letter.”

If the situation requires immediate action, approval of the exception may be sought verbally and the paperwork documentation processed later. Exceptions to policy shall be granted to an employee only with respect to a single occurrence and cannot be extended to one or more other employees or multiple occurrences affecting the same employee without approval. The County Clerk will maintain a file of approved and disapproved exceptions for future reference. In addition, the County Administrator will notify the Board of Commissioners of any exceptions in writing.

Section 3.05 Changes in Policy

These policies and procedures have been developed as guides to action. They are not contractual and the County reserves the right to modify any policy or procedures at any time based on the changing needs of the County and its employees.

ARTICLE IV EQUAL OPPORTUNITY

Section 4.01 Equal Employment Opportunity

Policy

The success of the County depends upon the full and effective use of all of its human resources. The County will, therefore, provide equal employment opportunities without regard to race, color, religion, sex, national origin, age, and veteran, disabled or familial status. This relates to all phases of employment, including, but not limited to, recruitment, hiring, placement, promotion, demotion, transfer, layoff, recall from layoff, compensation, benefits, and educational, social, or recreational programs of the County.

Furthermore, the County Administrator shall publicize this policy throughout the County's operational and employment areas including all officials and employees of the County, employment agencies, and other appropriate organizations. The Personnel Clerk shall also ensure that all employees have access to Department of Labor posters stating adherence of the County to the Age Discrimination in Employment Act, Americans with Disabilities Act, Drug-Free Workplace act of 1988, Equal Pay Act of 1963, the Fair Labor Standards Act, Family and Medical Leave Act, Uniformed Services Employment and Reemployment Rights Act, and subsequent mandated enactments.

Section 4.02 Americans with Disabilities Act

The Americans with Disabilities Act (ADA) bars discrimination against the disabled in both the public and private sectors. The ADA prohibits discrimination against the disabled in the areas of employment, public services, public accommodations and services operated by private entities, and telecommunications. Title I of the Act prohibits employers from engaging in conduct which discriminates against disabled individuals. This means that employers are required to provide "reasonable accommodations" which will permit the disabled to work and advance in careers. Employers are also not permitted to participate in contracts or business arrangements that discriminate against the disabled.

If an employee is or becomes unable to perform the essential functions of their employment position due to the employee's physical or mental condition where no reasonable accommodation can be made, the County may terminate the employee. The employee must establish through diagnosis by a Georgia licensed medical doctor or psychiatrist that the reason for the employee's inability to perform the essential functions of their position is due to a physical or mental condition. The employee must then request a reasonable accommodation. If a satisfactorily reasonable accommodation can be made, the employee shall be retained. If a satisfactory reasonable accommodation cannot be made, then the employee may be terminated. This policy in no way affects or is related to Worker's Compensation as described in these policies.

ARTICLE V RECRUITMENT AND SELECTION

Section 5.01 Policy

The County's recruitment and selection activities shall be directed toward securing and maintaining the most qualified personnel available consistent with the County's ability to competitively attract and retain such personnel. All action relating to filling of vacancies shall be conducted in accordance with the County's Equal Employment Policy.

.It is the responsibility of the Personnel Clerk to place or have placed a public advertisement in a conspicuous location easily accessible to the employees and the public in the Administration Building and on the County's website.. In addition to the public notice, an advertisement may be placed in the local newspaper and/or one or more professional publications. The public notice and advertisement may contain the following information: the identity of the government; announcement date and date after which applications will be accepted; the closing date for the position; position title and salary range; position qualifications; where to obtain an application; and the County's statement that it is an Equal Employment Opportunity Employer. The notice or advertisement should be posted for at least two (2) weeks.

Section 5.02 Provisions

- A. No hiring actions shall be taken except where a position is budgeted and approved by the Board of Commissioners. If at any time funds for a position become unavailable, the County is under no obligation to fill the position.
- B. The department head shall notify the County Administrator or his/her designee that a vacancy exists and after approval from the County Administrator, the department head shall begin the selection process. The department head in consultation with the County Administrator or his/her designee must ensure that proper selection criteria are followed in order to prohibit discrimination against any and all qualified applicants. Applications for employment shall include a statement providing notice that any applicant may be disqualified or discharged for supplying incorrect, incomplete, erroneous, exaggerated, false or misleading information.
- C. The County Administrator or his/her designee shall approve all funds expended for advertisement of vacancies or for any other purpose related to recruitment of applicants.
- D. In order to be considered for employment, an applicant must complete and submit to the Personnel Clerk a Lee County employment application form as well as a resume if applicable. All such applications will be retained in a file maintained by the Personnel Clerk for such period under applicable federal and state law. The department head responsible for filling a vacancy in their department shall follow the steps outlined in Section 5.02 D. 1-4, E, F, G and H. The County Administrator must

also comply with this policy in the selection of Department Heads who report to the Administrator.

- 1) Review the current job description for the vacant position in order to determine the specific selection criteria required for the position, such as minimum experience and education requirements, the essential functions, and the physical and mental requirements to perform essential functions;
 - 2) Examine all applications and resumes received for the purpose of determining whether the applicant meets the selection criteria established by the job description;
 - 3) Applicants may be tested using approved tests such as typing, word processing and other computer tests, depending upon the position. If one applicant in contention for a position is given a test then all applicants in contention for the same position must be given the same test. If a test is administered it must be used with the other selection data to determine the most qualified applicant. Not all positions will require an actual test; and
 - 4) Determine the designated grade and salary range and receive approval from the County Administrator as to the effective hiring range before extending an offer of employment if the salary to be paid is beyond the minimum salary for the position.
- E. Depending on specific requirements of the job, one or more of the following selection criteria may be required of the applicant: performance and psychological tests, written examinations, oral interviews, reference checks, and driving and criminal history checks. The interviewer may ask whether an applicant can perform any of the essential functions and/or physical and mental requirements. If an applicant is unable to perform an essential function, it must then be decided whether a change in the job description would denote an "unfair hardship or burden" on the County. If an applicant is unable to perform an essential duty because of disability, this matter must be brought to the attention of the County Administrator. A substance abuse test is required for all prospective employees after a conditional offer of employment has been issued. If the applicant fails any required test even though they have been offered employment, the conditional offer of employment may be rescinded.
- F. No person shall begin work as an employee until he or she has completed an orientation session. The orientation session ensures that all new employees complete the proper employment forms for tax and benefit purposes and that all new employees receive and acknowledge receiving a copy of the County's personnel policies and procedures. It is also imperative during the orientation session that the new employee provide the County with sufficient personal information to allow the County to establish employee records and implement appropriate fringe benefit actions.
- G. Selected applicants and employees must have all required licenses and certifications required by a position before they apply for it, and upon request they must provide evidence that such licenses and/or certifications are current. Any misrepresentation of certification or of possession of a required license is grounds for termination.

H. If an employee is or becomes unable to perform the essential functions of their employment position due to the employee's physical or mental condition where no reasonable accommodation can be made, the County may terminate the employee. The employee must establish through diagnosis by a Georgia licensed medical doctor or psychiatrist that the reason for the employee's inability to perform the essential functions of their position is due to a physical or mental condition. The employee must then request a reasonable accommodation. If a satisfactorily reasonable accommodation can be made, the employee shall be retained. If a satisfactory reasonable accommodation cannot be made, then the employee may be terminated. This policy in no way affects or is related to Worker's Compensation as described in these policies.

I. Motor Vehicle Record Criteria for Coverage Under County Insurance:

It is the policy of Lee County and a requirement of employment that every employee filling a position that requires a valid driver's license have a motor vehicle record (MVR) specified grading requirements. This MVR policy applies both to drivers of entity owned vehicles, and employees using personal vehicles in the course of their employment as well.

Employee MVR's will be examined prior to the date of employment and every three (3) years thereafter. Any job offer made where the job requires a valid driver's license will be contingent upon a MVR meeting the required standards. Continued employment with the County in a position requiring a valid driver's license will require an MVR meeting the specified standards.

Type A Violation – Includes (but not limited to) DWI/DUI/OWI/OUI, refusing substance test, reckless driving, manslaughter, hit & run, eluding a police officer, any felony, drag racing, license suspension and driving while license suspended. Any driver with these types of violations is a major concern.

Type B Violation – Includes all vehicle accidents regardless of fault.

Type C Violation – Includes all moving violations not classified as Type A or Type B. (speeding, improper lane change, failure to yield, running red lights or stop signs)

Type D Violation – Includes all non-moving violations (illegal parking or vehicle defects).

Criteria:

Declination, Termination or Reassignment to a Non-Driving Position:

- One or more Type A violations in preceding 36 months
- Two or more Type B violations in preceding 36 months
- Three or more Type C violations in preceding 36 months
- One Type B violation and two Type C violations in preceding 36 months

Probation:

- One Type B violation in preceding 36 months
- Two Type C violations in preceding 36 months
- One Type C violation and two Type D violations in preceding 36 months
- Three Type D violations in preceding 36 months

Employees placed on probation will have MVR reports conducted every 6 months, and will remain on probation until such time as violations are reduced to an acceptable level.

Section 5.03 Responsibility

- A. All promotions, transfers, layoffs, resignations, salary changes, and reclassifications must be approved by the County Administrator prior to enactment and are subject to prior budget approval by the Board of Commissioners.
- B. Responsibility for communication of these policies may be delegated by the County Administrator to the Personnel Clerk and/or department heads.

ARTICLE VI EMPLOYMENT OF RELATIVES

Section 6.01 Policy

The County intends to specifically avoid the potential of one family member supervising another and the potential of immediate family members working in the same department.

Section 6.02 Application

This article of the personnel policies and procedures applies to all full-time and part-time employees.

Section 6.03 Provisions

- A. Immediate family members will not be employed by the County where such employment would result in an employee supervising a member of his/her immediate family (as defined herein), or where such employment would result in an employee occupying a position which has direct influence over a member of his/her immediate family in matters of employment, promotions, pay, benefits, or other related matters where the employee could be subjected to charges of improperly favoring the member of his/her immediate family. For purposes of this manual, "immediate family" is defined as follows: wife, husband, mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, stepfather, stepson, stepdaughter, stepbrother and stepsister. Members of the same immediate family will not be employed in the same department unless that department offers shift work and then no immediate family can work on the same shift. Employees must disclose to the County all family relationships of potential applicants. Failure to do so is grounds for termination. Immediate family members of the County Administrator will not be employed.
- B. If a condition prohibited by "A" above predates the effective date of this policy, the County will not require a job change on the part of one of the affected employees, but will seek to make an appropriate job change when opportunity permits.
- C. Upon adoption of these policies, if, by reason of marriage of two County employees during their employment with the County, and they become in violation of the provisions of this policy, one or the other must accept a job reassignment, if available, or must elect to resign within sixty (60) days of said marriage.

ARTICLE VII THE FAMILY AND MEDICAL LEAVE ACT

Section 7.01 Policy

The Family and Medical Leave Act is intended to provide employees with the option of taking leave due to an illness, family illness, birth of a child, surgery, or similar situation, without pay, for a maximum period of twelve (12) weeks in any one year period. The one-year period is measured by looking at the twelve-month period immediately prior to the date on which leave is requested. The County will afford employees all rights under the Act in accordance with the Act's guidelines for employers.

Section 7.02 Application

Employees who have been employed for at least one (1) year and have worked for at least 1,250 hours during the preceding 12-month period are eligible for family and medical leave.

Family and medical leave will be unpaid leave. If leave is requested for an employee's own serious health condition, the employee must use all of his or her accrued paid annual leave, compensation time, and sick leave prior to requesting leave under the Family and Medical Leave Act. If leave is requested for any of the other reasons listed below, an employee must use all of his or her accrued paid annual leave, compensation time, and sick leave prior to requesting leave under the Family and Medical Leave Act. The remainder of the leave period will then consist of unpaid leave under the Family and Medical Leave Act.

In all cases, an employee requesting leave must complete the County's human resources form entitled "Application for Family and Medical Leave" and return it to the Personnel Clerk. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.

An employee intending to take family or medical leave because of an expected birth, adoption or placement of a child, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his or her immediate supervisor and the Personnel Clerk as soon as the necessity for the leave arises; however, the County Administrator shall have the option to place an employee on family or medical leave without advance notice where the County Administrator deems such action appropriate.

The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted. An employee who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of her or his own serious health condition, or of the serious health condition of the employee's spouse, child or parent, must submit a request for an extension, in writing, to the employee's immediate supervisor. This written request should be

made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period.

Section 7.03 Provisions

Leave under this act may be taken for the following reasons:

- A. The birth or adoption of a child (entitlement to leave for this reason expires at the end of the 12-month period beginning on the date of such birth or adoption);
- B. The placement of a child with the employee for foster care;
- C. A serious health condition of a spouse (legal husband/wife), child (son or daughter – biological, adopted, foster child, stepchild, legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability), or parent. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves:
 - 1. Inpatient care in a hospital, hospice, or residential medical care facility,
 - 2. Continuing treatment by a health care provider (doctor of medicine or osteopathy who is authorized to practice medicine or surgery).
- D. The employee's own serious health condition which makes the employee unable to perform his or her job.

Section 7.04 Duties of Employees

Employees must:

- A. Provide thirty (30) days advance notice prior to the date of leave when the leave is foreseeable;
- B. Make reasonable efforts to schedule treatment so as not to disrupt the operations of the County;
- C. Provide certification of a serious health condition in a timely manner to the employer;
- D. Obtain a second opinion at the expense of the employer if requested by the employer; and
- E. Apply accrued paid leave for part or all of the twelve-week leave.

Section 7.05 Duties of the Employer

Employers must:

- A. Provide leave to eligible employees;
- B. Provide group health insurance coverage during leave on the same terms as if employees were still active. Employer shall require the employee to pay his/her share of the health insurance coverage during the time he/she is on leave whether it is paid or unpaid leave;
- C. Preserve any employment benefits accrued prior to the leave, but not during the leave. The employer is not required to continue accrual of benefits while the employee is on leave; and
- D. Restore the employee to the same or similar position upon return. After the twelve (12) week period there is no obligation on the employer's part to guarantee the employee's return to work.

Section 7.06 Exemptions

- A. Employers may exempt key employees (highest paid 10%) whose leave would cause the employer to suffer economic hardship. An employer may limit husbands and wives who are both County employees to a combined twelve (12) weeks leave in cases of childbirth, adoption, or caring for ill family members. Leave for eligible personal health care is unique to each employee regardless of marital status.
- B. An employee who is no longer able to perform the essential functions of the job they left when placed on Family and Medical Leave may not be returned to that position if a reasonable accommodation cannot be made that would allow the employee to perform the essential functions of the job. The employee may be returned to another job they can perform. If an employee is no longer able to perform the essential functions of their job, no reasonable accommodation can be made to allow them to perform the essential functions of the job, and no other job opening is available that the employee can perform the employee may be terminated.

ARTICLE VIII WORKING TEST

Section 8.01 Policy

An employee's first six (6) months of employment shall be considered a trial or working test. Employees that are required to obtain required mandated training or professional licensure are subject to a working test which extends until the receipt of the appropriate mandated training or licensure, but in no event will the working test be for a period of less than six (6) months. In addition, existing employees that are promoted or transferred between departments within the County are subject to a six (6) month working test. During this test period, the employee should learn the responsibilities of his or her new job and decide whether he or she desires to continue working for the County. Likewise, the working test represents the County's initial opportunity to evaluate the employee's suitability for his or her new job. Employees may be separated at any time during the working test. If an employee is separated at any time during the working test or during the first work week after the conclusion of the six (6) month working test for any reason, the employee may not appeal the decision.

Section 8.02 Provisions

New employees accrue (but not eligible to use) annual paid leave during the working test. Current employees accrue and may take paid leave during the working test under normal leave policies of the County.

Section 8.03 Responsibility:

For employees serving a working test because of a new hire, promotion, transfer or other reasons, during or at the conclusion of the working test, or within the first work week after the conclusion of the working test, the department head shall determine whether to:

- A. Retain the employee in the present position;
- B. Assign the employee to an alternative position, which will result in the employee serving an additional working test;
- C. Extend the working test if the department head feels that with more time the employee can learn the job; or
- D. Dismiss the employee from County service.

ARTICLE IX HOURS OF WORK

Section 9.01 Policy

It is County policy to establish and maintain work schedules that are as definite and reasonable as possible based on the needs of the County and in compliance with applicable laws and regulations.

Section 9.02 Attendance

The County attendance policy is that no employee may incur more than two (2) days of excused absences during any rolling twelve (12) month period or more than one (1) unexcused absence during any rolling (12) month period. For the purposes of this policy an “absence” shall not include leave validly and properly taken under the Family and Medical Leave Act or a part of properly approved vacation or sick leave; and absences for such reasons shall not count against the two excused absences limitation or one unexcused absence limitation. Consistent and prompt work attendance is a primary work requirement and all employees shall be required to observe their established hours of work. Employees shall promptly notify their supervisor, within the first hour of the work schedule, if their arrival for duty or return from meal breaks will be delayed for any reason or if they cannot report to work due to illness or emergency.

Section 9.03 Application

This Article shall apply to all full-time and part-time employees who are subject to these policies.

Section 9.04 Provisions

A. Work day/work week

1. Normal work day/work week: Employees’ normal work schedules will be set by department heads as approved by the County Administrator. “Normal” is defined as the schedule an employee will work most of the time, with the understanding that operating needs may dictate temporary deviations from the norm. If the “normal” schedule is changed, the change will be communicated to all affected employees prior to the change.

Unless otherwise set by department, the normal work day and work week for employees subject to this policy will be not less than 8 hours per day, Monday through Friday. In offices or other work situations where service is provided beyond the normal workday or work week the required regular hours of work may exceed the normal workweek.

2. County employees will be paid according to established schedules. When a scheduled payday falls on a holiday or weekend, employees shall be paid on the immediate preceding weekday. Only regular full-time employees are eligible for holiday pay. An employee who takes unauthorized leave on either the day before or the day after the holiday, will not receive holiday pay and will be subject to disciplinary action.

B. Hours worked

1. Hours worked include

- i. All time an employee is required to be on duty at their normal work station or elsewhere.
- ii. All time worked away from a prescribed work station provided such work is pre-approved by the employee's department head and the County Administrator.
- iii. Rest or break periods of short duration. Such periods should not exceed fifteen (15) minutes each. Such periods, including "coffee breaks" shall not be used to allow an employee to come in late, leave early, or to extend the lunch period.
- iv. Time spent traveling on one-day assignments.
- v. Time spent "on-call" where an employee who is required to remain on call on the employer's premises or so close to the employer's premises that the employee cannot use the time effectively for his or her own purposes. Time spent "on-call" for the purposes of hours worked does not include time where the employee is not on the employer's premises, the employee is free to use their time for his or her own purposes or is wearing an electronic message or notice device (beeper) and is otherwise free to conduct his or her activities.
- vi. Time spent traveling on overnight assignments away from home when the time traveling occurs during the employee's normal daily working hours. This also has application on days when the employee is not normally scheduled to work (i.e. Saturday and Sunday).
- vii. Time spent in attendance at required meetings, training programs, etc.

2. Hours worked – specific exclusions

- i. Meal periods during the employee's scheduled workday where the employee is completely relieved of duty for the meal. This includes the designated lunch period of the normal workday.
- ii. Normal travel to and from home or place of residence and the employee's assigned place to report for work.

- iii. Time spent in leave status, vacation, and holiday time, and any similar situations where the employee is not actually performing work for the County.

3. Break periods

Formal paid break periods are not designated. If and when breaks are given depends on the department involved and the operating needs of the department as determined by the department head.

C. Hazardous weather conditions

1. Where the County Administrator declares a weather emergency and instructs employees not to report to work, employees designated in advance as essential to dealing with such emergencies are expected to be prepared to report to work as assigned. Other employees may be called to work in an emergency even though they are not designated in advance as essential.
2. If the County Administrator has not declared a weather emergency, an employee absent from work due to weather conditions may be charged with an unexcused absence if circumstances do not appear to create a legitimate hindrance to the employee's travel. However, such employees may be allowed, at the discretion of the department head, to:
 - i. Make up the time lost from work at a time scheduled by the department head;
 - ii. Take the time off without pay; or
 - iii. Take the time off as vacation time.

Section 9.05 Responsibility

Each department head shall be responsible for completion of a bi-weekly attendance report, which includes time sheets and leave requests signed by his or her employees for the department. This report should be filed with the Personnel Clerk no later than the time specified by the Personnel Clerk. The summary of all attendance records shall be filed and maintained by the Personnel Clerk.

ARTICLE X OVERTIME

Section 10.01 Policy

The County recognizes that circumstances may require employees to work in excess of their normal daily and/or weekly work schedule in order to meet operating requirements. The County intends to establish controls in order to minimize such circumstances and assure that such overtime work is scheduled and paid in accordance with County policy and applicable State and Federal Laws. Specifically, regulations of the Fair Labor Standards Act (FLSA) must be followed. Any overtime must have the prior approval of the supervisor and be in accordance with the approved annual budget.

Section 10.02 Application

This article applies to all exempt and non-exempt employees who are subject to these policies.

Section 10.03 Provisions

A. Non-exempt Employees

Hours worked in excess of forty (40) hours in a work week for non-public safety employees are considered overtime for pay purposes. Overtime for public safety employees will be paid in accordance with the FLSA. For purposes of determining overtime compensation, pay for vacation time, sick leave, holidays, etc., is not pay for time worked and is therefore not considered as hours worked for purposes of overtime computations. Pay for overtime hours worked shall be at the rate of one and one-half times the employee's hourly rate of pay. Non-scheduled hours of work not qualifying for overtime payment because of vacation or leave time falling within the same week shall be paid at the normal hourly rate of pay.

1. Compensatory time may be granted to employees in lieu of payment for overtime and will be recorded in accordance with the FLSA.

B. Exempt Employees

Exempt employees will be compensated in accordance with the FLSA.

ARTICLE XI LEAVES OF ABSENCE

Section 11.02 Policy

The County will allow employees to take leaves of absence from work to fulfill their civic responsibilities in accordance with Federal and State laws and regulations. Leaves of absence for personal reasons may also be granted based on the merits of the request and the staffing needs of the County.

Section 11.02 Application

This article applies to all full-time and part-time employees.

Section 11.03 Provisions

A. Military Leave

In accordance with Georgia law and the Uniform Services Employment and Reemployment Rights Act of 1994, all employees who are members of the Georgia Army and Air National Guard or any reserve unit of the United States Armed Forces shall be entitled to military leave without the loss of pay, performance rating, or other benefits (specifically medical, life and retirement benefits) for up to eighteen (18) days in an one (1) calendar year for the purpose of training or other such duties as required by the appropriate authority. In addition, such employees ordered by appropriate authority to serve during an emergency shall be entitled to a leave of absence without loss of pay, performance rating or other benefits (specifically medical, life and retirement benefits) for a period not to exceed thirty (30) additional working days. To the fullest extent practicable, employees shall furnish their department heads with copies of any orders directing such employee to serve during time of war or emergency.

Any full-time County employee who leaves the employment of the County to join the military forces of the United States on full-time active duty status during time of war or national emergency shall be placed on military leave of absence.

The Uniform Services Employment and Reemployment Rights Act of 1994 and subsequent amendments enacted by Congress provide that if a former employee of the County, returning from active duty within four (4) years of his/her entry day (five (5) years if their services had been extended by the federal government for an additional year) is still qualified, the employee shall be reinstated to the position previously held or to one of comparable pay, status and benefits. The former employee must make application for reinstatement within ninety (90) days after release from active military duty.

B. Leave Without Pay

Employees may receive a leave of absence without pay for good and sufficient personal reasons, provided that no significant disruption to the County's activities will result. Each case will be considered individually. Requests for a leave of absence must be given in writing to the employee's department head. A granted leave will be without compensation. Employees on leave without pay will be required to make contributions for health and life insurance. Employees on leave without pay will not lose any employment benefits or seniority accrued before the date on which leave commenced. An unpaid personal leave of absence, if approved, will be granted for a minimum of one (1) week up to a period not to exceed six (6) consecutive months.

Requests for a leave of absence for other than military leave or Family and Medical Leave Act leave should be made with the full understanding that while the County will endeavor to have a comparable position with comparable pay for the employee when he or she returns from leave, the County cannot guarantee that the employee's same position will be available upon his or her return.

Reinstatement will be dependent upon an available opening for which the employee is qualified. If the employee does not report to work at the end of his or her personal leave of absence, the employee will be presumed to have voluntarily resigned.

C. Leave for Civic Duty, Jury Duty or Other Court Appearances

All full-time County employees selected for jury duty shall be entitled to leave with pay for the period of absence required. Such leave shall not be charged to annual or sick leave. However, employees are expected to promptly return to work on any days in which they are excused from jury duty. Any period of time for which an employee is excused from jury duty because of illness shall be charged to sick leave or leave without pay.

All County employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County, the State, or the Federal Government shall be entitled to leave with pay for such period as the court may require.

The absence from work of a County employee to appear in any capacity in private litigation not connected with his or her work for the County shall be charged to annual leave or leave without pay if approved.

D. Funeral Leave

The County shall grant to employees up to three (3) days of paid leave for the funeral of an immediate family member. Employees are required to submit written documentation of the funeral to the department head.

Department heads may approve funeral leave for non-immediate family members and the leave taken must be applied to annual leave or taken unpaid.

Section 11.04 Responsibility

Any employee applying for leave under these provisions is responsible for following appropriate procedures to apply for approval, keeping his or her department head apprised of any problems related to return to work, and for submitting any required documentation related to return to work.

Department heads are responsible for considering leave requests carefully in order to make approval recommendations to the County Administrator based on the best interests of the County. The department head also shall provide to the Personnel Clerk any needed documentation for creating necessary records of the leave.

ARTICLE XII POSITION CLASSIFICATION

Section 12.01 Establishment

The County Administrator shall be responsible for developing, maintaining and administering a position classification and pay plan covering all employees in the classified service of Lee County, Georgia. Such plan shall be approved and amended by the Board of Commissioners, and shall constitute the official approved system of grouping positions into appropriate grades and steps.

Section 12.02 Allocation of Positions

- A. Initial Allocation: The County Administrator shall be responsible for the initial allocation of the position of every employee of the county to one of the grades in the plan.
- B. New Positions: When a new position is established and approved by the Board of Commissioners, the department head involved shall complete a position description within the current format covering the duties and responsibilities of such new position. The County Administrator shall allocate the position to one of the grades in the classification plan, unless a suitable grade does not exist, in which case the County Administrator shall recommend that the Board of Commissioners establish a new pay grade. Upon the recommendation and approval of such new grade by the Board of Commissioners, the County Administrator shall allocate the new position to it.

Section 12.03 Maintenance of Plan

- A. Vacancies: Each time a vacancy occurs, the department head shall submit a description of the vacant position to the County Administrator for a review of the allocation of the position. The County Administrator may waive this requirement for cases which he/she has determined that no material changes have occurred.
- B. Departmental Reorganization: Each time a department or division under the jurisdiction of a department head is significantly reorganized, such department head shall submit to the County Administrator new position descriptions for all affected positions.
- C. Changes in Duties of Position: The County Administrator may require departments or employees to submit position descriptions on a periodic basis or at any time the County Administrator has reason to believe that there has been a change in the duties and responsibilities of one or more positions.

- D. New and Abolished Positions: Each time a new position is established; a position description shall be written and incorporated into the existing plan. Likewise, an abolished position shall be deleted from the classification plan.

Section 12.04 Interpretation of Job Descriptions

The job descriptions are descriptive and not restrictive. The use of a particular description as to duties, qualifications or other factors shall not be held to exclude others of a similar kind or quality.

Section 12.05 Official Copy of the Plan

The County Administrator shall be responsible for maintaining an official copy of the Position Classification and Pay Plan. The official copy shall include a list of class titles and job descriptions, plus all amendments.

Section 12.06 Amendments to the Plan

When there is a need for the establishment of new positions or the abolition of current positions, the County Administrator shall submit findings and recommendations to the Board of Commissioners, which shall take such action as deemed appropriate.

All changes in the Position Classification and Pay Plan shall be in the form of amendments to the plan approved by the Board of Commissioners.

ARTICLE XIII COMPENSATION ADMINISTRATION

Section 13.01 New Employees

New employees shall be paid the minimum rate of pay for the grade to which they are assigned, subject to the following exceptions, which require the approval of the County Administrator.

If an employee to be appointed possesses special qualifications or extenuating circumstances exist, the department head may recommend to the County Administrator a rate no higher than 4 steps above the starting salary for the classification.

Section 13.02 Promotion

- A. An employee shall be promoted when:
 - 1. The employee is transferred to a position classified in a higher pay range.
 - 2. The employee's position is reclassified to a classification having a higher pay range.
- B. Promotions may occur within a department or between departments and compensation adjustments will coincide with the beginning of the first full pay period during which the employee assumed his or her new duties.
 - 1. Pay upon promotion: At the time an employee is promoted to a previously established position in a classification with a higher pay range, a salary increase may be granted:
 - a. Five (5) percent above the employee's current salary: or
 - b. The minimum of the new classification, whichever is greater.

Section 13.03 Demotion

- A. An employee shall be demoted when:
 - 1. The employee is placed in a different classification having a lower pay range.
 - 2. The employee's position is reclassified to a classification having a lower pay range.
- B. When an employee receives a demotion of the type stated in A, 1 above, such employees pay may remain unchanged or may be reduced at the discretion of the County Administrator. In the case of an employee's position being reallocated to a

lower classification, an employee's salary shall not be reduced. The employee shall be permitted to continue at the present rate of pay, but shall not be entitled to a salary increase when the current salary exceeds the maximum for the new assigned range. The employee will be eligible for county wide "Cost of Living" adjustments.

Section 13.04 Transfers

The County Administrator may initiate a transfer or an employee may request a transfer.

- A. If a position is open at an equivalent pay grade, an employee may request a transfer to that position. If the knowledge, skills and abilities required for that job are not the same as for the present job, the employee will be tested and interviewed for the new position and will be on a 6 month working test for the new job if transferred. The discretion to grant a transfer, if requested, rests with the County Administrator.
- B. The County Administrator may transfer an employee to any position, at any pay grade, if the employee is qualified to do the work and if the salary is not changed. A temporary transfer to a higher position may be made for up to ninety (90) days without giving a salary increase. After ninety (90) days the transfer must be made permanent and the employee's salary adjusted appropriately or the employee must be returned to their original position.

Section 13.05 Reinstated Employees

A reinstated employee shall be paid at a salary rate within the approved salary range for the position to which the employee is reinstated.

Section 13.06 Increases in Salaries

Increases in pay for County employees shall be governed by the following principles:

- A. Any employee shall be initially employed for a working test of six (6) months.
- B. The Board of Commissioners may add or delete pay grades as deemed necessary.
- C. Each pay grade shall have a pay range with an entry rate and steps placed at 2 ½ percent intervals. The range between the entry rate and the maximum rate is approximately 50 percent.
- D. After an employee reaches the maximum rate within a pay grade, such employee shall only be entitled to across the board salary adjustments and merit payments in bonus form.
- E. Each department head shall file an annual performance evaluation report on each employee within that department. This report shall become a permanent part of each employee's personnel file.

F. In order for an employee to receive a merit increase, the following are required:

1. Annual Funding by the Board of Commissioners
2. Performance evaluation for the current fiscal year;
3. Recommendation by department head; and
4. Recommendation by the County Administrator

Merit increases shall be effective the first of the month following the employment anniversary of the employee.

G. In order to move to a higher pay grade an employee must apply for a new position within a higher pay grade or be an incumbent in a position which has been reclassified to a higher pay grade.

H. Annually the Board of Commissioners will consider increasing the salaries within all pay grades on an equal percentage basis. During budget hearings the Board of Commissioners shall determine what percentage increase, if any, will be allotted for increases to employee salaries. The percentage for market-adjustment increases will change the entry rate, steps and maximum rate for each pay grade of the salary schedule.

I. Merit increases may be granted upon the recommendation of the department head, County Administrator and budgetary approval of The Board of Commissioners. Employees shall be eligible for merit increases annually until the maximum pay rate for the classification has been reached.

J. Employees shall receive a one-step pay increase at the conclusion of five (5) years of continuous, fulltime employment with the County. Employees will receive an additional one step pay increase for each subsequent five (5) years of continuous service completed. A lapse in employment for no more than thirty days shall not count against the employee in the calculation of years of continuous, fulltime service.

ARTICLE XIV EMPLOYEE PERFORMANCE EVALUATION

Section 14.01 Objective

The purpose of the employee performance evaluation shall be primarily to inform employees of how well they are performing their work and how they can improve their work performance. Such performance evaluation may also be used in determining merit raises or bonuses; as a basis for training, promotion, demotion, transfer, or dismissal; and for such other purposes as set forth in these policies.

Section 14.02 Period of Evaluation

All employees except temporary and part-time workers shall be evaluated annually on the anniversary of their employment with the county. An employee shall not be eligible for a merit pay raise until the performance evaluation form has been completely processed.

Section 14.03 Evaluations

Evaluations shall be prepared by the immediate supervisor of each employee and reviewed by the department head and County Administrator.

Section 14.04 Review with Employees

The evaluator shall discuss each performance evaluation with the employee being evaluated. If an employee disagrees with statements in an evaluation, such employee may submit, within ten (10) days following the conference with his or her supervisor, a written statement which shall be attached to the evaluation form and forwarded to the Personnel Clerk.

Section 14.05 Confidentiality of Performance Evaluations

Performance evaluations shall be confidential and shall be made available except as required by law or at the request of the employee only to the employee evaluated, the employee's department head, the Personnel Clerk and the County Administrator.

Section 14.06 Effective Date

This performance evaluation process shall become effective in fiscal year 2002-2003.

ARTICLE XV PERSONAL LEAVE

Section 15.01 Types of Personal Leave

The County recognizes two types of personal leave; they are annual leave and sick leave.

Section 15.02 Annual Leave

Annual leave is leave that is earned to be used for vacations, personal business activities and other personal activities.

- A. Eligibility: All full-time employees are eligible to accrue and take annual leave. Part-time, seasonal, substitute and temporary workers are not eligible. New employees within their working test may accrue annual leave but cannot take annual leave until the expiration of the working test. Current employees serving working tests due to promotion, transfer or other reason may accrue and take annual leave subject to approval of their department head.

- B. Method of Earning Annual Leave:

Eligible employees with zero (0) through four (4) years of continuous service earn .0385 hours of annual leave for each hour worked per pay period (26 pay periods). This equates to two (2) weeks of annual leave per year.

Eligible employees with five (5) to ten (10) years of continuous service earn .0576 hours of annual leave for each hour worked per pay period (26 pay periods). This equates to three (3) weeks of annual leave per year.

Eligible employees with eleven (11) to twenty (20) years of continuous service earn .0767 hours of annual leave for each hour worked per pay period (26 pay periods). This equates to four (4) weeks of annual leave per year.

Eligible employees with twenty (20) years plus of continuous service earn .0958 hours of annual leave for each hour worked per pay period (26 pay periods). This equates to five (5) weeks of annual leave per year.

- C. Accumulating Annual Leave: Eligible employees, regardless of length of service may accumulate leave as follows:

- 1. Employees may accumulate 500 hours max of annual leave. Unused amounts in excess of the 500 hours will be forfeited. Computations will be made on a pay period basis.

- D. Method of Taking Annual Leave: Annual leave may be taken as earned incrementally or continuously subject to department head scheduling and approval, regardless of length of service. A new employee must complete the six (6) month working test to be eligible to take annual leave. Employees earn annual leave during the working test.
- E. Terminal Annual Leave:
1. Eligible employees with the County will be paid for the amount of annual leave accumulated up to amounts reflected in Section 15.02 (C,1).
 2. If an employee dies while in the service of the County, his/her beneficiary will be paid any annual leave the deceased employee had accrued up to the amounts defined in Section 15.02 (C,1).
- F. Other Annual Leave Restrictions:
1. Employees shall not be granted annual leave in excess of that accumulated.
 2. Requests for annual leave will be on the form provided by the Personnel Clerk and must be approved by the requesting employee's department head prior to the effective date of the annual leave.

Employees will be allowed to sell a maximum of eighty (80) hours of annual leave back to the County per fiscal year. Forty hours of annual leave may be sold back the first pay period in April and 40 hours may be sold back the first pay period in December.

Section 15.03 Sick Leave

Sick leave is leave accumulated to be taken for bona fide illness, injury and other medical related necessities such as physician appointments, medical examinations, and dental appointments. Sick leave is available for the employee's personal health care as well as for the care of members of the immediate family.

A. Eligibility:

All full time employees are eligible to accrue and take sick leave. Temporary, seasonal, part-time, and substitute employees are not eligible for sick leave.

B. Method of Earning Sick Leave:

Eligible employees, regardless of length of service may earn sick leave as follows:

Employees will accrue 3.08 hours of sick leave per pay period (26 pay periods). This equates to 80 hours of sick leave per year.

C. Accumulating Sick Leave:

Eligible employees, regardless of length of service may accumulate sick leave as follows:

Employees may accrue 600 hours of sick leave. Unused amounts in excess of the 600 hours will be forfeited. Computations will be made on a pay period basis.

D. Reporting:

The employee should report any sick leave absence prior to his or her scheduled work time, if possible, and if not, the employee should see that his/her absence is reported within one (1) hour after the scheduled time for the employee to begin work.

E. Approval:

Sick leave requires the approval of the County Administrator or his/her designee. In most cases the County Administrator has designated the department heads the authority to approve sick leave for employees under their direct management.

F. Physicians Certification:

A medical statement signed by a licensed physician is required to substantiate sick leave for:

1. Absences of three (3) or more consecutive work days;
2. To support a request for sick leave during annual leave; and
3. At any time when absence recurs frequently or habitually provided the employee is forewarned.

G. Sick Leave on Termination of Employment:

Accrued sick leave is forfeited on termination of employment. There will be no payment of accumulated sick leave.

Section 15.04 Sick Leave Bank

A. Lee County has established a sick leave bank to provide its employees with additional sick leave in the event of a serious illness or injury.

Employees may join the sick leave bank January or July of each year after meeting a six month working test requirement, provided they have accrued eight (8) hours of sick leave and contributes eight (8) hours to the sick leave bank.

An application to join the sick leave bank can be obtained from the County Personnel Clerk. It shall be the responsibility of each employee to make sure that he/she contributes eight (8) hours to the sick leave bank every year. This **will not** be done automatically.

- 1) A member of the sick leave bank shall be eligible to make an application to the bank provided that:
 - i) He/she has been absent ten (10) consecutive workdays due to serious illness or injury immediately prior to requesting additional sick leave from the sick leave bank.
 - ii) In the event that a sick leave bank member is physically or mentally unable to make a request to the sick leave bank, a family member or agent may file the request on the member's behalf.
 - iii) He/she is a member of the sick leave bank.
 - 2) The employee must exhaust his/her own accumulated sick leave prior to requesting additional leave from the Sick Leave Bank.
 - 3) An applicant may be required to undergo at his/her own expense a medical review by a physician approved by the Human Resources Committee.
 - 4) Additional leave days granted by the Human Resources Committee from the sick leave bank may be used only for personal illness of the employee.
 - 5) Additional leave days granted by the Human Resources Committee from the sick leave bank shall not exceed twenty (20) work days annually. The number of sick leave days granted shall not exceed actual days accumulated
 - 6) Applicants may submit a request for extension of leave before their prior grant expires, if less than twenty (20) days were requested.
 - 7) All leave granted but not used by the employee shall be returned to the sick leave bank.
 - 8) Sick leave granted from the sick leave bank to an employee does not have to be repaid.
 - 9) An employee whose request has been denied by the Human Resources Committee may reapply to the sick leave bank if his/her condition deteriorates. Medical documentation is required.
 - 10) If an employee's absence due to illness/injury precedes his/her membership date, he/she is not eligible to apply.
- B. An employee who becomes disabled due to injury or illness for which payment is made through Worker's Compensation is not eligible to apply to the sick leave bank for additional days.

- C. A member of the sick leave bank may request twenty days (20) maximum from the sick leave bank prior to approval of Disability Retirement/Long Term Leave.
- D. The Human Resources Committee shall have the responsibility of receiving, verifying, and approving or denying requests for sick leave bank withdrawals. The Human Resources committee will establish guidelines for administering the sick leave which shall be approved by the County Administrator.
- E. The Human Resources Committee shall schedule a meeting on applications received within five (5) days of receiving the application for a withdrawal from the sick leave bank. A decision on the application shall be made at the meeting. The number of sick leave days granted shall not exceed days accumulated in the sick leave bank.
 - i) The meeting shall be a closed meeting, open only to the committee and the employee involved or their agent or family member, if the employee cannot be in attendance.
 - ii) A quorum of committee members must be present to conduct the official business of the Human Resources Committee.
 - iii) The decision must reflect a majority of the Human Resources Committee members who are present. The decision shall be final binding and not subject to appeal.
 - iv) The Human Resources Committee shall use the following criteria in addition to offers in administering the bank and in rendering their decision:
 - i) Medical documentation of illness/injury of employee.
 - ii) Use of all accumulated sick leave.

Section 15.05 Responsibility

- A. Department heads shall respond to employee requests for leave as quickly as possible, and shall be responsive to approving requests taking into account the County's best interests and fairness to other employees.
- B. The County Administrator shall approve leave requests for Department Heads.

Section 15.06 Transferring Sick Leave

A Lee County employee may give or transfer the donating employee's sick leave to a fellow employee. Such transfer shall not exceed 40 hours, per recipient, after the recipient has exhausted all of their sick leave. All transfers are final and no expectation of reimbursement is required.

After the donation is made, the donors shall have a minimum of eighty (80) hours left in their own sick leave balance.

An employee shall be out of work three (3) consecutive work days or more in accordance with the county policy manual section 15.03/F1 to be eligible to request or receive the transfer of sick leave hours.

A sick leave transfer form must be filled out and submitted to the Personnel Clerk. The form will then be given to the benefits committee.

The benefits committee, prior to the transfer, must approve all transfers of sick leave hours.

Section 15.07 Personal Days Off

Employees, after their six (6) month working test, can use two (2) personal days off per fiscal year to do whatever they want to do (go out of town, fishing, etc.). They do not have to be sick, but the hours will be charged against their sick time. The days cannot be carried over to the next year.

Personal days have to be planned and approved by your supervisor before you can take them.

Section 15.08 Leave Without Pay

Employees shall not be able to take leave without pay provided they have accrued vacation or sick hours in their bank.

ARTICLE XVI HOLIDAYS

Section 16.01 Policy

For all regular full-time employees, a “Holiday” is defined by this policy as eight (8) hours in length.

Section 16.02 Application

This policy shall apply to all full-time employees who are subject to these policies.

Section 16.03 Provisions

A. Holidays Observed:

The general schedule of holidays is as follows.

- New Year's Day
- Martin Luther King, Jr.'s Birthday
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day and the day after Thanksgiving
- Christmas Eve (unless designated otherwise by the Board of Commissioners)
- Christmas Day

1. If a holiday falls on Sunday, it will be observed on the Monday following the holiday. If the holiday falls on a Saturday, it will be observed the Friday before the holiday.

B. Eligibility for Holiday Pay:

1. Only regular full-time employees are eligible for holiday pay.
2. An employee who takes unauthorized leave on either the day before or the day after the holiday will not receive holiday pay and will be subject to disciplinary action.

C. Holidays Worked

An employee required to work on a holiday shall be given a compensated day off, at a later time, if the County's staffing needs permit, or receive additional pay at his or her hourly rate for time worked. However, if the compensated day off is not available due to the County's staffing needs, the employee will receive the additional pay in lieu of the compensated day off.

Section 16.04 Responsibility

Department heads are responsible for completing a report stipulating the employees who worked holidays and who are eligible to be paid overtime. If a department head is in doubt as to an employee's eligibility for overtime for holidays worked, the County Administrator should be contacted for guidance.

ARTICLE XVII GROUP INSURANCE

Section 17.01 Policy

Eligible employees shall be insured under comprehensive group medical coverage provided, subject to budget limitations and restrictions. The rate of County versus employee financial participation shall be set by the Board of Commissioners. For comprehensive group medical coverage, employees become eligible the first of the month following completion of thirty (30) calendar days of employment. For employee life insurance coverage, employees become eligible on the completion of thirty (30) calendar days of employment. The County's intent is to provide cost effective insurance coverage in order to give employees protection against unpredictable costs of illness and accident. This also includes and applies to the employee life insurance.

Section 17.02 Application

All regular full-time employees meeting the minimum group carrier requirements are eligible. Part time employees and employees or independent contractors who are not eligible for full insurance coverage from the County's insurance carrier shall not be eligible for group health insurance as an employment benefit.

Section 17.03 Provisions

Specific requirements of eligibility benefit provisions, and employee rights to continue or convert this coverage upon termination of employment under Federal law, are contained in a separate insurance booklet furnished to each employee. Employees are given notice of periodic changes in the plan. It is ***essential*** that each employee become familiar with that booklet under which the plan is administered, along with changes in coverage which occur from time to time. Regardless of information communicated to employees in any other form, it should be emphasized that terms of the Group Insurance Policy Contract will be controlling.

Section 17.04 Responsibility

The Personnel Clerk shall see that each new employee to whom this policy applies is provided with explanatory information and an enrollment card in timely fashion.

The Personnel Clerk shall assist employees and department heads as needed with group insurance, including both health and life.

Employees shall complete and return the enrollment form as required. Any employee not desiring coverage, or desiring to cancel existing coverage, must advise the Personnel Clerk in writing and sign a group insurance waiver form. Employees not desiring dependent coverage must sign a waiver form.

Section 17.05 Disclaimer

Under the provision of the County's group coverage, the County may terminate coverage at any time. Employees may apply for coverage under the Federal Cobra provisions which allows one to obtain insurance either at termination or from the withdrawal by the employer of insurance coverage.

ARTICLE XVIII WORKER'S COMPENSATION

Section 18.01 Policy

County employees who are injured on the job are protected by the Georgia Worker's Compensation Act. The provisions of this act are the exclusive remedy for employees injured on the job and provide benefits and procedures for obtaining benefits for occupational injuries and diseases arising out of and in the course of an employee's employment. In case of any conflict between the provisions of this act and this personnel policy, the provisions of the act shall control. This policy confers no rights or benefits in excess of that required by the act.

There are exceptions to compensation for work related injuries which include the following:

- A. Willful acts of the employee such as misconduct, including intentional self-injury and injury sustained during an attack on another person;
- B. Failure to follow safety rules, specifically those adopted by the Board of Worker's Compensation;
- C. Intoxication; conformed illegal drug use or influence of intoxication.
- D. Recreational activities, unless participation was required by the County or part of regular employment;
- E. Heart disease, unless it can be demonstrated that the disease is attributable to the work environment.

Section 18.02 Application

This policy applies to all County employees.

Section 18.03 Responsibility

- A. Workers Compensation Administrator
 - 1. Is responsible for total coordination of the County's worker's compensation program in accordance with the provisions of the Georgia Worker's Compensation Act and other federal, state or local laws, rules and regulations.
 - 2. Is responsible for ensuring that the applicable department head submit the Georgia State First Report of Injury to the Personnel Clerk in a timely fashion who will then transmit same to the Worker's Compensation Administrator.

3. Is responsible for maintaining all other worker's compensation records, files, and reports.
4. Is responsible for ensuring that all applicable County policies and procedures are in accordance with state worker's compensation policies and procedures.
5. Is responsible for determining the continued employment status of employees out of work on worker's compensation.
6. Is responsible for consulting with the County Administrator to determine whether an employee is able to perform modified duty work based on a physician's recommendations and the current job description.

B. Department Heads

1. Are responsible for assuring that their employees report all on-the-job injuries to them immediately when possible, but in all cases no later than twenty-four (24) hours after the injury is incurred.
2. Must ensure that a written report of the accident and injury is then completed and turned into the Personnel Clerk on a timely basis.

C. Employees

1. Are required to report to their supervisor any on-the-job injury immediately when possible, but in all cases no later than twenty-four (24) hours after the injury is incurred.
2. The employee is obligated to cooperate with any investigation and reporting requirements. Fraudulent activities are grounds for termination.
3. An employee who does not return to work when released to do so by a qualified licensed physician may be terminated.

ARTICLE XIX RETIREMENT

Section 19.01 Policy

All full-time County employees are eligible to begin enrollment, after one year of employment, in the County's retirement plan as a means for preparing financially for eventual retirement.

Section 19.02 Application

This policy applies to all full-time County Employees.

Section 19.03 Provisions

- A. Specific requirements and procedures governing the plan administration, benefits, and withdrawal provisions of this plan are furnished to employees in a separate booklet and updated copies are distributed on a periodic basis.
- B. All provisions of the County's retirement plan are contained in a contract between the County and the provider. Regardless of information communicated to employees in any other form, it should be emphasized that the terms of the retirement plan contract will be controlling.

Section 19.04 Responsibility

The Personnel Clerk shall make retirement plan handbooks available to new employees to whom this policy applies and shall furnish revised plan handbooks to existing employees as such handbooks become generally available.

ARTICLE XX STANDARDS OF CONDUCT

Section 20.01 Policy

For the County to function effectively toward the accomplishment of its objectives, it is necessary that all employees conduct themselves in a manner that promotes the attainment of these objectives and refrain from conduct that impedes their attainment. Accordingly, the County has established this policy and related procedures to help ensure that unacceptable behavior is corrected so that employees involved can continue working for the County. Also, it is the County's intent to terminate the employment of those individuals who do not correct their behavior after being given an opportunity to do so, or who engage in behavior that is so seriously detrimental to the County and its employees that immediate termination is called for.

When discipline is necessary, the following guidelines should be considered:

- A. The purpose of discipline is to correct, not to punish.
- B. The severity of the discipline should be appropriate for the seriousness of the misconduct, neither too lenient nor excessive.
- C. Where more than one instance of discipline is necessary to correct misconduct, the discipline should be progressively more severe to impress upon the employee that the misconduct must be corrected.
- D. The discipline should be timely, as soon as possible and feasible after the event giving rise to the need for discipline, but allowing time for proper investigation and decision on the discipline to be administered.
- E. The severity of the discipline should be consistent with that administered to other employees under the same or similar circumstances.

Section 20.02 Application

This policy shall apply to all county employees who are subject to these policies. All disciplinary action shall be imposed in accordance with the procedures established in these policies. All personnel actions shall be documented in writing using the Personnel Action Form in consultation with the County Administrator and the County Attorney, if the County Administrator determines it is necessary.

Section 20.03 Provisions

The standards of conduct contained in groups one, two and three are based on mutual respect, courtesy and cooperation. These standards are not intended to be all inclusive; rather they are merely examples of the type of conduct that may warrant disciplinary action. Moreover, the section entitled "Disciplinary Action" merely provides non-binding, non-mandatory examples of discipline. The County reserves its right to impose whatever discipline it deems necessary. The County also reserves its right to discipline employees for engaging in other acts not listed in these guidelines or selecting the most severe discipline for any violation. Such discipline could include all disciplinary steps or could result in immediate dismissal. The County is an "at-will" employer. Any disregard of the standards of conduct established by the County and reported violations of those standards, whether intentional or not, may be grounds for dismissal.

Section 20.04 Grounds for Action

The Following are declared to be grounds for counseling, oral reprimand, written reprimand, suspension, reduction in pay, demotion, or termination of any employee.

A. Group One

Standard of conduct violations:

1. Carelessness or lack of attention in following supervisory instructions or written procedures and policies which results in inefficiency or reflects adversely upon the County.
2. Conduct of personal activities or inefficient use of time during the work period.
3. Within a 12-month period; any single day of unexcused absence or three instances of unexcused tardiness.
4. Carelessness or improper use likely to result in excessive wear or minor damage to County property and equipment. This includes unauthorized personal use of a County vehicle.
5. Inconsiderate attitude or actions in dealings with the public and fellow employees.
6. Personal conduct which reflects adversely upon the County.
7. Violation of the dress code which is stated in the policies.

Disciplinary action:

1. First violation (step one): The appropriate supervisor, after discussing the violation with the employee, may prepare a written warning and transmit it to the employee, and the appropriate department head. Documentation of the action shall be transmitted to the Personnel Clerk and the employee with a copy placed in the employee's personnel file.

2. Second violation or single violation of as many as three separate items on the Group One list within one year (step two): The employee may be suspended without pay for three days, upon approval of the appropriate department head. Documentation of the action shall be transmitted to the Personnel Clerk, the employee, and placed in the employee's personnel file.
3. Additional violations within a twelve month period following step 2: The employee may be terminated by the department head. Documentation of the action shall be transmitted to the Personnel Clerk, the employee and placed in the employee's personnel file.

B. Group Two

Standard of conduct violations:

1. Careless or improper use of County property, funds, and equipment or other personal actions while on duty which are likely to result in major property damage and/or minor personal injury.
2. Arrest or conviction, including a plea of nolo contendere, of any I misdemeanor offense committed while on duty or on County premises.
3. Use of abusive language and/or rudeness and disrespect in dealing with fellow employees or with the public on County business, including, but not limited to, derogatory statements regarding another race, and comments which create a situation of harassment as outlined in or under Title VII of the Civil Rights Act of 1964 as interpreted by EEOC.
4. Violation of the specific "Conflict of Interest" policies prohibiting certain types of political activity.
5. Insubordination – willful failure to follow reasonable instructions or County policies in situations **not** involving emergency conditions or creating personal injury or danger.
6. Making a false statement to a supervisor, department head, County Administrator or other County officer in the course of official business or in reporting any matter required or directed to be reported by these personnel policies.
7. Violation of the County's Internet and email use policies as such may be adopted, amended or modified from time to time.

Disciplinary action:

1. First Violation (step one): The employee may be suspended without pay for three (3) days upon approval of the appropriate department head. Documentation of the action shall be transmitted to the Personnel Clerk, the employee and placed in the employee's personnel file.

2. Second violation or violation of another item on the group two list within one year after the first violation (step two): The employee may be terminated by the department head. Documentation of the action shall be transmitted to the Personnel Clerk, the employee and placed in the employee's personnel file.

C. Group Three

Standard of conduct violations:

1. Arrest for or conviction, including a plea of nolo contendere of a felony or a crime, whether misdemeanor or felony, involving moral turpitude.
2. Insubordination – willful failure to follow reasonable instructions or County policies in situations involving emergency conditions or creating personal injury or danger.
3. Falsification or unauthorized use or disclosure of County records.
4. Willful misuse or embezzlement of County funds.
5. Willfully appropriating for personal use County property, causing damage to equipment or property of the County, or to the property of others while on duty or on County property.
6. Reporting to work while under the influence of intoxicants or controlled substances (illegal drugs).
7. Consumption, sale purchase or unauthorized possession of alcoholic beverages or illegal drugs while on duty.
8. Unauthorized possession of firearms while on duty.
9. Being the aggressor in a fight, violent attack or physical threats to others, or any violent act, whether such actions occur at work or while the employee is off duty.
10. Any conduct which creates a situation of harassment as outlined in or under Title VII of the Civil Rights Act of 1964 as interpreted by the EEOC, or as defined in these policies while on duty or on County property.
11. Abuse of status as an employee of the County for personal gain or to harm or intimidate others.

Disciplinary action:

1. The employee may be terminated by the department head. Documentation of the action shall be transmitted to the Personnel Clerk, to the employee, and placed in the employee's personnel files. This applies to Group Three, standards of conduct violations, items 1-11.

ARTICLE XXI HARASSMENT

Section 21.01 Policy

Lee County is committed to an environment, which permits an employee to develop and pursue opportunities free from harassment on the basis of national origin, race, color, sex, age, religion, or disability by its officials, managers, supervisors or employees. This policy defines harassment utilizing guidelines of the Equal Employment Opportunity Commission interpreting relevant provisions of the 1964 Civil Rights Act.

A. Sexual Harassment:

Sexual harassment of any employee, whether unwelcome sexual advances, request for sexual favors or other mental or physical conduct of a sexual nature is prohibited. Anyone engaging in such conduct is subject to disciplinary action up to and including termination. Anyone who believes he or she is being subjected to sexual harassment or who has witnessed such conduct must immediately follow the procedures set forth below. All complaints of harassment will be promptly investigated. The County will preserve the confidentiality of harassment complaints and witnesses as much as possible consistent with a thorough investigation. There will be no retaliation against any employee who reports harassing conduct.

Section 21.02 Application

This harassment policy applies to all County employees.

Section 21.03 Provisions

The County has a zero tolerance level regarding any form of harassment. Department heads, supervisors and employees must realize that any form of harassment, whether perceived as such by department heads, supervisors and employees or not, is viewed by the County as harassment which could lead to a finding or charge of discrimination. Consequently, it is the responsibility of management to ensure that the working environment is not a hostile one, and employees understand and are aware of the zero tolerance of the County and that employees are aware and understand the grievance procedures regarding harassment.

The following lists the grievance procedures regarding harassment:

- A. Any employee who feels he or she is a victim of a violation of this policy should first contact their department head and inform him or her of the harassment. If the alleged harassing party is the department head, the employee should contact and inform the Personnel Clerk of the harassment who will notify the County Administrator.

- B. The County Administrator will direct all harassment investigations, except as follows or unless a conflict of interest exists:
 - 1. If the alleged harassing party is the County Administrator, the employee should notify the County Attorney who will direct the investigation.
- C. All harassment complaints must be filed with the Personnel Clerk within ten (10) days of the date of the incident.
- D. Once an investigation of harassment charges is concluded the County Administrator, in consultation with the County Attorney, shall make a determination as to the accuracy and veracity of the accusations and make a decision as to whether a violation of the County's harassment policy has occurred.
- E. Once a determination of harassment is made, the appropriate supervising party shall then follow the prescribed Disciplinary Action Procedures in Article XX.
- F. The County administrator shall ensure that the parties involved are separated in the working environment.
- G. Absent extenuating circumstances, the investigative process must last no longer than (10) working days. At such time, a formal decision regarding the claim of harassment must be determined and a decision rendered regarding discipline.

ARTICLE XXII CONFLICT OF INTEREST

Section 22.01 Policy

A. Statement of Purpose

The County, in its mission of service to its citizens, has an obligation to ensure public confidence in the integrity of County employees. It is essential that the County establish appropriate ethical standards to guide its personnel in the performance of their duties, so that there shall not exist, nor appear to exist, a conflict between private interest and public responsibilities. Violations of one or more of the following ethical standards may be considered sufficient grounds for suspension pending investigation.

B. Ethical Standards

The following standards shall guide County employees in the discharge of their responsibilities.

1. **Gifts and Favors:** No employee shall request, receive, or accept a gift, favor, cash, or loan of anything of value for himself/herself or another person if it tends to or in the opinion of a reasonable person would appear to influence his/her opinion or judgments in the performance of official duties.
2. **Confidential Information:** No employee shall make use of or reveal confidential information acquired through his/her position with the County.
3. **Acquiring an Interest:** No employee shall acquire an interest in any contract at a time when he/she has reason to believe that such interest will be affected either by his/her own official actions or by the official actions of the County.
4. **Disclosure and Disqualifications:** An employee cannot have a financial interest in a business or activity that he/she has reason to believe may be affected by his/her actions or by the actions of the County. If such a situation arises, the employee must make disclosure of the exact nature and value of the interest in writing to the County Administrator, and ask for an opinion regarding the priority of this interest. Any employee who has such an interest shall disqualify himself/herself from participating in any official action directly affecting this interest.
5. **Contract with Employees:** The County shall not enter into any contract for services or property with any employee (this does not apply to the contract between the County Administrator and the County, nor does it apply to employment contracts with other employees). The County also cannot enter into any contract with a business in which an employee has interest if that interest might be, or might appear to be, affected by the contract. Exceptions to this statement may be approved by the Board of Commissioners.

6. **Political Activity:** Prohibitions of the Hatch Act are not affected by state or local laws. All employees are covered by the Hatch Act, which states that an individual principally employed by a state or local executive agency in connection with a program financed in whole or part by federal loans or grants may be a candidate, campaign, hold office, campaign for others running for public office, and contribute money to political organizations as long as the campaign is a nonpartisan one.

Employees may not campaign with respect to a political candidate or a pending election issue, on County premises, which means that employees must not give out information or attempt to coerce or influence other County employees with respect to candidates or election issues; however, this policy does not restrict County employees from participating in campaign activities for others off County property while not on duty. Except when on duty, employees may wear partisan or political badges or buttons. Employees may also display political stickers on their personal vehicle.

ARTICLE XXIII DRESS CODE

Section 23.01 Personal Appearance

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. Our personal appearance informs our customers, clients, general public, and other agency employees that we are competent individuals who display stability, common sense, impeccable character and excellent judgment. In all cases/circumstances, clothing shall be cleaned, pressed, well fitting and in good condition.

Elected Officials (his/her designee), County Administrator, department/division head and supervisors have the responsibility to inform their employees of appropriate attire and ensure that the employees interpret the guideline correctly as well as pointing out inappropriate attire to an employee when necessary. On such occasions, the supervisor can, at his/her discretion, require that the employee go home to change into something more suitable for a professional office setting. This action may be supported by a written reprimand and placed in the employee's personnel file. Time spent away from the office for this purpose will be charged to that employee's annual leave. Subsequent occasions will constitute insubordination and appropriate action will be taken.

This Article is a guide for all Lee County Board of Commissioner employees to utilize in determining what appropriate attire is. If in doubt, employees should refer questions to their department/division head or their immediate supervisor, prior to wearing apparel in question.

Section 23.02 Acceptable Attire

- A. There are designated departments/divisions and positions that require uniforms and/or safety shoes. The affected personnel should maintain the neat, clean and pressed appearance according to the standards set in each department/division.
- B. A supervisor may approve exceptions due to work-related tasks (i.e. fieldwork, storeroom duties, moving boxes, files, light office furniture, and training/testing/equipment setup).
- C. **Men:** Suit and/or sports coat, dress slacks or trousers, dress shirt (long or short sleeve) with collar and/or tie optional, conservative turtleneck/mock turtleneck, banded collar dress shirts, sports shirts, staff/polo shirts, sweaters, belts (when wearing pants with belt loops) or suspenders. Appropriate shoes and socks will be worn at all times.
- D. **Women:** Suit, dress/skirt (good judgment on length), dress pants or slacks, blouse, staff/polo shirts, sweater, stirrup slacks (when worn with blazer or part of an ensemble), pant suit or ensemble, capri's, skorts or split skirt ensemble (good judgment on length), hose or socks and appropriate footwear.

- E. **Unacceptable attire for men and women:** T-shirts, tank tops, shorts of any kind (unless pre-approved by a supervisor or department head), warm-up or jogging ensembles/exercise wear (no sweatshirts or bottoms, spandex), jerseys, bib overalls, strapless or spaghetti strap dresses. Halters, tube tops, tennis shoes (except on casual Fridays or unless appropriate for specific job), scuffs, flip-flops or beach type footwear. Clothing items that are bleached, torn, ripped, faded or revealing, or clothing that has words, pictures, scenes, etc., that would be disruptive to the work environment are also not acceptable. Denim jeans may only be worn on casual Fridays unless otherwise approved by the employee's department head for work assignment related issues.

- F. **Casual Fridays:** Unless otherwise announced by the County Administrator, employees may wear casual attire which is clean, neat, and presentable each Friday. Denim jeans which are not bleached, torn, ripped or faded may be worn on casual Fridays.

ARTICLE XXIV OUTSIDE EMPLOYMENT

Section 24.01 Policy

No employee shall have employment with or render services to any private business or concern if such employment interferes with, or is adverse to, the proper performance of his/her official duties. Nor shall any employee have employment with a business or concern when the employee's influence within the County or knowledge of the County's activities could possibly place the business or concern in a more favorable position than its competitors to do business with the County, or be subjected to County regulation. No employee shall make arrangements for outside employment on County time.

- A. All County employees must receive approval from their department head or the County Administrator, if they are a department head, before accepting outside employment.
- B. No employee shall use any county owned equipment, materials, or supplies, or other County property in outside employment.

ARTICLE XXV DRUG FREE WORKPLACE

Section 25.01 Policy

The County desires that all work accomplished by County employees in their employment with the County is performed in a drug free environment. In addition, the County desires to prohibit employees from engaging in the unlawful manufacture, distribution, dispensation and possession, or use of illegal drugs in the workplace. The County also wishes to prohibit its employees from engaging in such illegal activity at all times and at all places. Such activity, even during nonworking hours, clearly affects an employee's ability to perform his/her duties. With respect to certain employees operating County vehicles, the County has adopted an Alcohol and Controlled Substances Abuse Policy and a Vehicle Usage Policy, the terms of which shall be adhered to by affected employees.

Section 25.02 Application

This policy shall apply to all County employees.

Section 25.03 Responsibility:

Employees, individually, are responsible for not engaging in the manufacture, distribution, dispensations, possession (except by prescription), or use of a controlled substance at any time or place, including while at his/her workplace. Such unlawful activity will be considered sufficient grounds for serious adverse personnel action including dismissal from employment (please see Standards of Conduct section).

If an employee is arrested for or convicted (including a plea of nolo contendere) of violating any criminal drug statute of any jurisdiction, regardless of whether the alleged violation occurred at the workplace or elsewhere, the employee must notify the Personnel Clerk in writing of each arrest or conviction as soon as possible but in no event more than five (5) days after the arrest or conviction.

Section 25.04 Drug Testing Policy

- A. The County shall require all applicants, who have been issued an employment offer by the County, to submit to a drug test prior to employment with Lee County. If results of such test indicate the presence of illegal drugs or alcohol in the applicant, the County may refuse to hire the applicant. A second test or opinion may be allowed after approval by the County Administrator.

Drug testing will be performed utilizing urine samples. Tests for alcohol, marijuana, cocaine, opiates, amphetamines, and phencyclidine will be performed.

An applicant who is offered a position covered by this policy will be required to report to the drug testing collection site specified within 48 hours of notification and provide a urine specimen.

Upon notification that a drug test is required, an employee shall report as soon as possible but no later than 24 hours after notification to the drug testing collection site and provide a urine specimen.

B. Testing Based upon Reasonable Cause:

The County shall require employees to submit to a drug test when there is reasonable cause or the County is required by law, regulation or contract.

When there is reasonable cause to believe that an employee covered by this policy is using a prohibited substance, the employee will be required to submit to a drug test. A decision to test must be based on specific contemporaneous, physical, behavioral, or performance indicators of probable drug use. Such indicators shall include, but shall not be limited to, the following:

- (1) Sudden unexplained changes in work performance;
- (2) Failure to follow instructions or procedures;
- (3) Violations of safety policies and or other safety-related rules and regulations;
- (4) Involvement in an accident or near-accident in which safety precautions were violated or unusually careless acts were performed;
- (5) Discovery or presence of alcohol or controlled substances in an employee's possession, vehicle, or near the individual's workplace;
- (6) Odor of alcohol or residual odor peculiar to some drug or chemical substance on or about the person of an employee;
- (7) Appearance that the employee is "unfit for duty";
- (8) Unexplained or frequent absenteeism or tardiness;
- (9) Personality changes, unusual appearance, or disorientation; or
- (10) Bloodshot eyes, slurred speech, lethargic behavior or behavior inconsistent or inappropriate with existing circumstances.

This does not imply that employees may be randomly tested. This means that employees who demonstrate poor performance, attendance and/or tardiness, or one or more of the other factors listed above, may be tested for cause. Testing without cause and/or random testing is prohibited by the County, except for sworn law enforcement personnel, sworn fire department personnel, correctional officers, licensed EMS personnel, employees who operate motorized equipment or vehicles as part of their county employment, and employees who must be randomly tested by virtue of federal or state-mandated regulations or guidelines..

C. Procedures for Positive Test Results:

First positive test – the employee will be allowed and provided counseling and information on where to receive help. Refusal to accept and utilize such assistance may result in termination. The receipt of counseling does not prevent the employee from being suspended, placed on probation or terminated, subject to limitations as provided by applicable state and federal laws, rules and regulations.

Second positive test – the employee is dismissed.

D. Employee Assistance:

The County will, as feasible, facilitate the provision of treatment and rehabilitation for employees with drug or alcohol related problems.

When an employee's job performance or attendance becomes unsatisfactory and the employee is unable or unwilling to correct the situation either alone or with normal supervisory assistance, this may be an indication that drug or alcohol related problems may be the basis of his/her performance problem. Employees who have a problem which they feel may affect work performance are encouraged to voluntarily seek counseling and treatment.

Employee's problems causing unsatisfactory job performance will be handled in a forthright manner within established procedures and all records will be preserved in the highest degree of confidence. In instances where it is necessary, paid leave may be granted if the employee has leave available, for time spent to obtain help or treatment on the same basis as if for ordinary personal business or health problems.

E. Discipline:

Failure to comply with any part of this policy will be treated the same as any violation in Section 20.04, Group Three Disciplinary Action.

F. Accident Testing for all Employees:

Employees whose performance, while on duty, either contributed to an accident, or cannot be completely discounted as a contributing factor to the accident, will be drug and alcohol tested.

The employee will be tested as soon as possible, but no later than 24 hours after the accident. Because certain drugs or drug metabolites do not remain in the body for extended periods of time, testing must be completed as soon as possible.

G. Record Keeping:

All records will be maintained in medical files, kept separate from personnel records and maintained by the Personnel Clerk. Unless an employee gives their consent, the employee's records will not be released to a subsequent employer.

Section 25.05 Standards of Conduct

Any employee who drives a county vehicle and is taking a prescribed narcotic of any kind should not operate a vehicle for 24 hours. The employee should notify his/her supervisor immediately at the beginning of their workday for other assignments (if there is something else the employee can do). Failure to report medication will result in disciplinary action.

ARTICLE XXVI DISCIPLINARY ACTION PROCEDURES

Section 26.01 Policy

It is the policy of the County to impose disciplinary action consistent with the human resource objectives of the County and for the purpose of ensuring the County can continue to function effectively in the accomplishment of its objectives.

Section 26.02 Provisions

A. Oral and written reprimands:

Oral reprimands, counseling, and written reprimands are not appealable under Article XXVII. However, employees receiving a written personnel action under Article XX, including counseling, written reprimands, suspensions, reductions in pay, demotions or terminations may prepare a written response to the same for inclusion in the employee's personnel file.

B. Suspension, reduction in pay, demotion, termination:

1. Disciplinary action procedures:

Employees may appeal suspensions, reductions in pay, demotions and terminations which are based on disciplinary actions under Article XXVII. Written notice stating the reasons for the proposed action shall be provided to the employee by the appropriate department head at a pre-termination hearing or meeting between the Department Head and the employee. The Personnel Clerk or his or her designee may be present at the pre-termination hearing or meeting. The employee shall be given an opportunity to state his or her objections to the proposed personnel action at the pre-termination hearing. Upon the decision of the Department Head to undertake the proposed personnel action, the notice referred to above, and all other written material upon which the notice is based, shall be assembled, reviewed by the Personnel Clerk, and either provided to the employee or made available to the employee for review. A copy of the notice to the employee shall immediately be forwarded to the County Administrator.

Employees aggrieved by the personnel actions referred to above may appeal in accord with the procedures established in Article XXVII of these policies

If the employee is reinstated after an appeal, all wages due employee lost to suspension, reduction in pay, demotion, or termination shall be paid to the employee at the next regular pay period.

If an employee appeals as provided in these policies and, as a result of such appeal, the employee is allowed to remain employed, but the employee is

suspended, receives a reduction in pay, or is demoted no wages lost due to any suspension for any period as modified shall be paid to the employee.

C. Disciplinary Action – Department Heads

Department heads shall be subject to the same policy provision as other County employees regarding disciplinary action for suspensions, reductions in pay, demotions, and terminations.

ARTICLE XXVII APPEALS OF ADVERSE PERSONNEL DECISIONS TO THE BOARD OF COMMISSIONERS

Section 27.01 Policy

It is the intent of the County to treat all employees fairly and consistently in matters related to employee discipline. The Board of Commissioners shall hear disciplinary appeals and shall be responsible for deciding such appeal. The Board of Commissioners shall conduct its meeting regarding such appeals in accord with the provisions of these personnel policies and in accord with the Georgia Open Meeting Act.

Section 27.02 Application

This article shall apply to all County employees who are subject to these policies.

Section 27.03 Provisions

A. Appeal (definition):

Appeal as used in this policy is limited to a complaint or request of an employee that grows out of, and is related to, employee discipline. Compensation, benefits, classification and performance appraisal ratings shall not be a proper subject for this procedure, except where they are affected by an act of employee discipline.

B. Board of Commissioners Hearing of Appeals

All appeals of adverse personnel decisions by any County employee of any such decision that is appealable hereunder shall be filed with the County Administrator in writing and shall contain a short and plain statement describing the adverse personnel decision being appealed and the basis for the employee's appeal.

C. Representation of the Department:

The department head of the department initiating the action appealed from shall represent the interests of the affected department in the appeal hearing before the Board of Commissioners. The County Attorney shall represent the Board of Commissioners in all such appeals, and the County Administrator shall be authorized to retain legal counsel to represent the department head in the appeal hearing before the Board of Commissioners in such cases where the employee is represented by legal counsel and the County Administrator deems it necessary to retain such legal counsel for the department head. ..

1. If the appealing employee elects to be represented by counsel, he or she must notify the County Administrator in writing ten (10) working days in advance of the appeal hearing.
2. The appealing employee or his or her counsel may call the initiating department head to testify, if deemed necessary by the appealing employee or his or her counsel. When a department head shall be called as a witness, the appealing employee or his or her counsel shall notify the County Administrator in writing ten (10) working days in advance of the appeal hearing.

D. Appeals to Board of Commissioners

1. Appeals:

Any employee demoted, terminated, suspended or reduced in pay may appeal such disciplinary action. The appeal shall be in writing and must be received by the County Administrator or his/her designee within ten (10) working days following the effective date of the disciplinary action.

- a) Upon receipt of an appeal by the County Administrator, he or she shall within ten (10) working days of the receipt of the notice of appeal notify the Board of Commissioners of the appeal. The Board of Commissioners should be utilized as a name clearing committee for employees, and the name clearing hearing may be combined with the appeal hearing using the same evidence as is admitted during the appeal hearing.
- b) The Board of Commissioners shall schedule a hearing and cause appropriate written notice to be sent to the appealing employee. The time and place of the hearing shall be set after consultation with the employee, the employee's counsel (if applicable), the department head and the County Attorney (if applicable), but unless agreed to by the department head, the employee, and the County Administrator, each appeal hearing before the Board of Commissioners shall be held no later than thirty (30) working days after the date of filing the appeal; however, the failure to hold such hearing within such time period shall not affect the appeal or prevent the Board of Commissioners from hearing the appeal after such time period.
- c) The Board of Commissioners shall hear an appeal, shall conduct a hearing on the appeal, and shall render an impartial decision regarding the appeal, based upon testimony and/or evidence presented to the Board of Commissioners at the hearing. All decisions of the Board of Commissioners shall be made by majority vote, and all proceedings of the Board shall be held in accord with the Georgia Open Meetings Act.

2. Conduct of Hearings:

- a) **Access to Relevant Data:** The Board of Commissioners shall have access to any files, correspondence, memoranda, etc., which they determine might be relevant to the case and the Board shall have the right to question any officers or employees of the County whom they feel may be able to shed light on the circumstances involving the disciplinary action in question. No officer or

employee shall be subject to disciplinary action or retaliation as a result of testimony given in such a hearing except in case of perjury or other false testimony or information.

- b) **Witnesses:** The employee, his or her counsel, the department, his or her counsel, and the County Administrator, are entitled to produce and examine witnesses. The County shall make its employees available as witnesses before the Board of Commissioners when requested by the adverse personnel action initiating department, the County Attorney (if applicable), the Board, the employee, or the employee's counsel. Employees of the County are on duty status during the time they are made available as witnesses.
- c) **Examination of Witnesses:** All testimony shall be under oath or affirmation. The oath or affirmation shall be given to all witnesses by the County Attorney regardless of which party called the witness to testify. The department head and the affected employee or his/her respective representative (but not both), , the Board of Commissioners, and the County Attorney, may question witnesses about any matter logically relevant to the charge against the employee and the proper disposition of the matter. The Board of Commissioners has authority to limit unproductively long, irrelevant, repetitive questioning and should protect every witness from improper questions, unnecessarily harsh or insulting treatment, as well as preventing unnecessary inquiry into the witnesses' private affairs.
- d) **Conduct of Participants:** The Board of Commissioners may exclude any person from the hearing for contemptuous conduct or misbehavior which obstructs the hearing.
- e) **Scope of Hearing:** The Board of Commissioners shall limit the evidence and testimony at the hearing to:
 - i. The questions of whether the employee has in fact performed or failed to perform in the manner as set forth in the notice of discipline or similar related or lesser included offenses; and
 - ii. The appropriateness of the discipline imposed by the department head or supervisor.
- f) **Rules of Evidence:** The hearing need not be conducted in accordance with technical rules related to evidence and witnesses, but shall be conducted in a manner conducive to determination of the truth. Any evidence which is material and relevant in the mind of a reasonable person shall be admitted if it is the sort of evidence which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil or criminal actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil or criminal actions and irrelevant or unduly repetitious evidence shall be excluded.
- g) **Evidence:** The Presiding Officer of the Board of Commissioners, in consultation with the County Attorney, will determine whether or not evidence

is admissible and relevant. If the majority of the Board disagrees with the decision of the Presiding Officer, and votes to override such decision, then the decision of such majority shall control.

- h) **Burden of Proof:** The burden of proof shall be on the affected employee to show that the disciplinary action which is the subject of the appeal is not justified, is not authorized by these personnel rules, is not consistent with the facts, or that the punishment is inappropriate. The Board of Commissioners may affirm the decision of the department head, may reverse the decision of the department head, or may modify the decision of the department head based upon the evidence presented at the appeal hearing. In no event shall the Board of Commissioners increase or enhance the punishment imposed by the department head upon the employee.
 - i) **Record:** The hearing shall be recorded and may, if directed by the Board of Commissioners, be transcribed verbatim.
3. Employees and the Department Head shall provide all relevant evidence, witnesses, and comments that they desire to be considered by the Board of Commissioners. No evidence, witnesses, or comments not produced at the appeal hearing shall be considered by the Committee. In addition, information regarding the appeal or the reasons for the adverse personnel decision being appealed that is not presented in evidence at the appeal hearing shall not be considered by the Board of Commissioners in rendering its decision.

The Board of Commissioners shall render a decision to affirm the department head's disciplinary action, reverse the department head's decision and reinstate the employee, or modify the decision of the department head based upon evidence presented at the appeal hearing. In no event shall the Board of Commissioners increase or enhance the punishment imposed by the department head upon the employee. Such decision shall be made by the Board of Commissioners no later than ten (10) working days after the conclusion of the appeal hearing, but nothing herein shall preclude the Board from making its decision at the conclusion of the appeal hearing. The Board of Commissioners shall advise the County Administrator of its decision at the time the decision is rendered and the County Administrator shall advise the employee of the Board decision in writing within five (5) working days from the date the decision is rendered.

4. The decision of the Board of Commissioners shall be final and is not subject to further appeal. All proceedings of the County Commission relating to the appeal shall be subject to the Georgia Open Meeting statute.

ARTICLE XXVIII SEPARATION PROCEDURES

Section 28.01 Policy

Separations for whatever reason should be handled efficiently so that all paperwork is properly completed in full on a timely basis, all required communications made, and proper documentation about the separation made and placed in the file.

All employees who resign their employment with the County and then desire to resume employment must follow the same selection procedures as all other applicants. Former employees may be reinstated at their former salary or position if they have not been gone more than six (6) months, subject to the County Administrator's approval.

Section 28.02 Application

This policy shall apply to all employees who are subject to these policies leaving the County's employment for whatever reason.

Section 28.03 Responsibility

- A. Separations, for whatever reason, require that the supervisor involved notify the department head and the County Administrator within twenty-four (24) hours of the separation.
- B. An exit interview shall be conducted by the Personnel Clerk or his/her designee.
- C. Employees must cooperate with the department head and the Personnel Clerk by turning in all County property including, but not limited to keys, uniforms and all other equipment including tools and supplies.
- D. The Personnel Clerk is responsible for ensuring that all forms are completed. These forms include:
 - 1. Separation notice;
 - 2. COBRA notice; and
 - 3. Health and life insurance termination forms.
- E. Employees who separate shall receive payment for all earned salary, and those employees who have completed twelve months or more shall receive payment for all earned annual leave and certified compensatory time up to the maximum allowed by policy.

- F. The Personnel Clerk is responsible for ensuring that all forms are completed by using a check list form and by having the employee sign the check list acknowledging receipt of all applicable forms.

Section 28.04 Resignation

- A. The County shall expect employees who resign from the County to give the County reasonable notice so that arrangements can be made to find a replacement and otherwise minimize any disruption of work created by the resignation
- B. **Reasonable Notice:**
 - 1. Full-time employees and temporary employees (unless leaving at the end of a pre-agreed termination date) who resign shall submit a letter of resignation to their immediate supervisor at least ten (10) working days in advance of their anticipated last day of work.
 - 2. Department heads who resign are encouraged to submit a letter of resignation to the County Administrator at least twenty (20) working days in advance of their anticipated last day of work.

Section 28.05 Reduction in Force

If it becomes necessary to reduce the number of personnel in any department, selection of employees to be retained shall be based on department operating needs. Employees retained shall be those the department head determines are most capable of efficiently and effectively maintaining the department's essential functions subject to approval by the County Administrator.

ARTICLE XXIX PERSONNEL RECORDS

Section 29.01 Policy

Personnel records and record keeping systems shall be established and maintained as required to efficiently and effectively control and manage the County's work force, comply with applicable federal and state regulations, and otherwise meet the County's needs in personnel related matters.

Section 29.02 Application

This policy shall apply to all County employees.

Section 29.03 Provisions

A. Personnel Records

Records of all employee personnel actions including, but not limited to, recruiting, hiring, pay, benefits, promotions, demotions, transfers, layoffs, recall from layoffs, terminations, disciplinary action, educational/social/recreational programs, etc., shall be maintained in accordance with all legal requirements and guidelines.

B. Employee Service Records

1. A service record file on each employee shall be maintained by the Personnel Clerk in accordance with federal and state regulations.
2. The service record shall contain such data as employment application, evaluation reports, attendance records, special commendations, training and educational records, pay and benefits data, status change action, etc.
3. All employees may have the opportunity to review portions of their personnel file. Except for employment references, all information in an employee's service record file shall be open for the employee's review after the employee makes a written request to the Personnel Clerk. The Clerk shall respond to the request within five (5) business days.
4. Review of his/her service record file by an employee may be made only in the Personnel Clerk's office and such records may not be removed from that office by the employee.
5. Any inquiries concerning these records must be directed to the Personnel Clerk

Section 29.04 Responsibility

- A. Employees shall keep their department head advised of any changes in their personal data such as address, phone number, number of dependents, etc.
- B. The Personnel Clerk shall receive any inquiries concerning personnel records and shall respond promptly and directly to routine requests under this policy.
- C. The County will respond as legally appropriate to requests for credit references on present or previous employees and job references on previous employees. Unless legally required, such information will be released only upon written request/authorization of the employee.

ARTICLE XXX TRAVEL/TRANSPORTATION

Section 30.01 Policy

It is the policy of Lee County to provide uniformity and fairness to all travelers, to conserve funds, and to provide a level of comfort while traveling that allows business to be conducted in a professional manner.

Section 30.02 Application

This policy shall apply to all County employees who are subject to these policies.

Section 30.03 Provisions

A. Guidelines

1. Decisions as to which travel is authorized begins with the budgetary process. Travel needs must be anticipated and submitted in the budget each year for approval by the Board of Commissioners.
2. The authorizing party's responsibility is to stay within departmental budget travel appropriations as approved by the Board of Commissioners.
3. Prior to approving a travel request, the authorizing party is responsible for determining that a sufficient unexpected or unencumbered appropriation remains in the travel budget to reimburse all expected cost of the travel.
4. Requests for travel, travel advances, and actual expense reimbursement should be authorized as follows:
 - i. Travel by employees other than department heads is to be authorized by the employee's department head.
 - ii. Travel by department heads is to be authorized by the County Administrator.
5. Personal items are not authorized. The expense of family members is not authorized except in those instances where the employee's spouse is a registered participant in the conference, meeting, etc., or the attendance of the spouse is authorized in advance by the County Administrator. Expense reports must be prepared to reflect only actual expenses essential to the conduct of County business.

B. Expense Reimbursement Policies

The following reimbursement guidelines are intended to set forth maximum standards. Employees and officials of the County are expected to spend funds conservatively and to the best interest of County operations.

1. Subsistence:

- i. Lodging – reimbursement for lodging is authorized when the individual’s travel requires overnight accommodations. Overnight accommodations must be authorized. Receipts are required for all lodging costs.
 - a. Lodging shall be in a standard hotel/motel consistent with other facilities available in the travel vicinity. Room rates should be obtained at “government rates” if possible.
 - b. Employees are responsible for obtaining a tax-exempt certificate from the Finance Department prior to travel. This certificate is to be presented to the hotel/motel at the time of check-in. Employees will not be reimbursed for taxes exempted by this certificate.
 - c. Accommodations shall be reimbursed at actual costs incurred at the single room rate unless the room is shared by two employees or unless authorized by the authorizing party prior to the date of travel.
- ii. Meals – employees are entitled to a \$75 per diem for meals. No receipts are required for meals and there is to be no additional reimbursement above the authorized per diem.
- iii. Business Meals - management is required to meet with persons of other governments, professional associations, and other business and groups in which the exchange of information will prove to be beneficial to the County. When, in the opinion of the County Administrator, such an exchange has or will occur it may be deemed appropriate to pay for the cost of the meal.

Reimbursements for these meals are pursuant to the following stipulations:

- a. The requesting party is a department head or the County Administrator;
- b. A receipt is provided; and
- c. It is submitted on a travel expense voucher.
- d. The cost of alcoholic beverages shall not be reimbursed.

2. Travel

i. Air, rail and bus fare

- a. Receipts are required for reimbursements of these transportation costs.
- b. Transportation reservations shall be obtained at the most economical rate available.

ii. County vehicles

- a. The use of a County vehicle is authorized for business purposes from Lee County. Operation of the County vehicle outside the State of Georgia requires the prior approval of the employee's department head, or the County Administrator if the employee seeking authorization is a department head.
- b. Ride-sharing will be requested when more than one employee attends the same conference, meeting, training, etc.
- c. Receipts must be obtained and submitted for all County vehicle expenses including gasoline purchases.
- d. County vehicles are to be driven only by County employees and officials.

iii. Personal vehicles

- a. Use of a personal vehicle is allowed only if there is no County vehicle available or the employee has received prior approval to use a personal vehicle from the County Administrator prior to the date of travel.
- b. When more than one employee is attending a particular function, separate car allowances will not be approved unless separate arrival and departure times are dictated by other County business or the number of attendees is greater than four.
- c. The reimbursement rate for personal vehicle is the amount authorized by the IRS and adopted by the Board of Commissioners.
- d. Requested mileage reimbursements must be supported and reported by odometer readings.

iv. Rental Cars

- a. A rental car may be used when it is determined by the County Administrator that no other mode of transportation is as economical or practical (i.e. taxi, mass transit, etc.)

- b. Rentals shall be limited to “mid-size” cars with standard accessories unless special circumstances dictate a larger vehicle.
 - c. Rentals should be covered by appropriate insurance as required by applicable state laws.
 - d. All County policies/procedures governing the use of vehicles shall apply to rental vehicles.
 - e. Receipts are required for the reimbursements of any rental car costs, including gas.
- v. Registration
- a. Registration fees are reimbursable when supported by a receipt.
 - b. Advance registration should be used whenever possible.
- vi. Miscellaneous
- a. Parking will be reimbursed when supported by a receipt.
 - b. Toll charges will be reimbursed when supported by a receipt.
 - c. An employee shall be authorized to make one personal telephone call home per day while traveling on official business at County expense. All telephone charges must be reasonable and supported by statements or receipts in order to be reimbursable. Reasonable judgment should be used in calling long distance when in overnight travel status.

ARTICLE XXXI SAFETY ON THE JOB

Section 31.01 Policy

To help ensure the health and safety of its employees, the County will seek to provide a safe and healthy work environment and safe and healthy working conditions for all its employees. To accomplish this, the County intends to promote safe and healthy work practices.

Section 31.02 Application

This policy applies to all County employees.

Section 31.03 Provisions

A. General Safety Rules for all Employees

1. Report all injuries and accidents to your supervisor immediately.
2. Wear seat belts at all times while operating or riding in a vehicle.
3. Do not engage in personal conduct that is potentially dangerous to yourself or others.
4. Do not attempt to service (clean, grease, etc.) machines while they are running except where such action is standard procedure and the safe procedure for doing so has been established and the procedure is followed.
5. Do not remove safety guards while a machine is running and, if removed, when the machine is down to work on it, replace the guards immediately when the work is complete and before restarting the machine.
6. Do not wear jewelry or loose, torn or ragged clothing around moving machinery. Appropriately contain loose hair.
7. Operate only machinery or equipment to which you have been assigned and are familiar with the safe way to operate it.
8. Use the appropriate safe method to lift heavy objects.
9. Observe good housekeeping practices to keep your work area, vehicles, or other equipment in clean and safe condition, placing all trash in proper containers.
10. Observe all safety practices and procedures relative to the work being performed.

11. Use proper safety clothing and equipment designated for the work being performed and be sure safety equipment is in good working order before using.
12. Report any unsafe condition to your supervisor immediately.
13. If you see a fellow employee engaging in an unsafe practice or unsafe conduct, call it to his/her attention immediately. If the unsafe behavior continues, report the problem to an appropriate supervisor. Failure to report unsafe practices or unsafe conduct may result in disciplinary action up to termination.
14. Failure to comply with the stated safety guidelines will result in disciplinary action up to termination.

B. General Responsibility of Supervisors for Safety.

1. Supervisors are responsible for the safety of their employees, for assuring that safe working conditions are maintained and safe work practices observed, and for properly instructing employees in safe work practices.
2. If an unsafe condition is brought to the supervisor's attention by an employee, the supervisor is responsible for taking action to correct it immediately and encouraging employees to report unsafe work practices and conditions.
3. The supervisor should not assign an employee to perform a job that is unsafe or that he/she has reason to believe is unsafe.
4. The supervisor should not allow "horseplay," unnecessary running, or other unsafe conduct.
5. The supervisor should not allow employees to use defective or improper tools or equipment.
6. The supervisor should not allow employees to operate or work on equipment with which they are not familiar until they have been properly trained and are qualified to do so.
7. The supervisor should provide required personal protective equipment and be sure employees properly use the equipment.
8. The supervisor should communicate regularly with employees individually and in group meetings on the importance of safety, how to work safely and how to maintain a safe and healthy work environment.
9. The supervisor should encourage employees to receive regular vaccinations and shots including without limitation, vaccinations for Hepatitis B and tetanus.

ARTICLE XXXII INTERNET AND EMAIL USE

Section 32.01 Purpose

The purpose of this article is to establish the policy for employee use of information technology (IT) resources in Lee County. This policy applies to all Lee County IT resources and employees regardless of location (i.e. office, home, field locations, etc.).

Section 32.02 Background

The mission of Lee County requires its employees to have access to electronic mail (e-mail), Internet and other technology resources (such as the Lee County local area network, computer hardware and software) to support the conduct of official programmatic and administrative duties. Use of these technology systems is intended for official purposes.

Section 32.03 Policy

Employees are permitted limited use of e-mail, Internet and other technology resources for occasional brief personal needs if the use is incidental, involves no additional expenses to the government, is performed on the employee's personal time, does not hinder or interfere with the mission, productivity, or operations of the County, and does not violate federal or state laws or the following provisions of this policy.

Employees may be allowed by their respective supervisor or department head to use of these resources for self-development during duty hours, insofar as such use is job related, promotes professional development, promotes productivity, and or is related to or reinforces the mission or customer service capabilities of Lee County government.

All Internet data that is composed, transmitted or received via the IT system of the County is considered part of the official records system and as such is subject to disclosure law, the Georgia Open Records Act, and the confidentiality/privacy provisions of Federal and State law. As a public record, Lee County management retains the right to inspect, copy or retrieve any data on the County IT system without prior approval of the employee.

Section 32.04 Authority

Generally, employees may use County equipment for official purposes only, or as authorized by the County. As set forth in this policy, incidental personal use of Lee County IT resources by employees during personal time that is in compliance with this IT policy is considered to be an "authorized use" of County property.

Section 32.05 Procedures

Use of Lee County IT systems and resources are subject to Federal, State, and county laws and regulations governing such, including but not limited to:

- A. Copyright Act;
- B. State Open Records Act; and
- C. Lee County Standards of Conduct policy.

Section 32.06 Prohibited Uses.

- A. Promoting or conducting political activities;
- B. Making personal use of e-mail, Internet or other IT resources to advertise, trade (including buying or selling stocks), give away, solicit, or provide goods or services, except under circumstances and conditions that are specifically authorized by Lee County;
- C. Violating copyrights or software licensing agreements;
- D. Engaging in unauthorized transactions that may incur cost to the county;
- E. Disseminating, intentionally accessing, or storing offensive or disparaging information, including hate literature, pornographic or sexually explicit images, or discriminatory/racist literature including humor and jokes;
- F. Distributing e-mail to multiple users outside of your department without the specific approval of your department head;
- G. Sending or contriving to send, or re-transmitting anonymous messages;
- H. Revealing or publicizing proprietary or confidential information;
- I. Making or posting improper remarks, proposals, or sending/posting messages that defame or slander other individuals;
- J. Overriding or avoiding security and integrity procedures and devices;
- K. Subscribing to mail lists or list servers that are not related to official Lee County business, or to professional enhancement in support of Lee County's mission;
- L. The loading of ***ANY*** software onto a Lee County computer system from any source without prior approval from both the department head and the IT department, is strictly prohibited. This includes but is not limited to, screen savers, image, video or audio clips not intended for business purposes. It is also against policy to alter settings in your computer control panel, system registry, or any other areas dealing with advanced settings which may alter your computer's performance;

- M. Attaching or installing **ANY** piece of hardware to a Lee County computer system without prior approval from both the department head and the IT department is also strictly prohibited. This includes but is not limited to external modems, ZIP drives and non-standard audio or video devices;
- N. Removal of any piece of Lee County hardware or software from its intended location without prior approval from the head of that department and the IT department is strictly prohibited. This includes but is not limited to, computers, printers, scanners, terminals and all software packages. **No one at any time should move or change anything in any of the Lee County telecommunication closets. These changes are to be made only by members of the IT department or by contractors approved by the IT department. Failure to comply with this policy could cause very costly down time and lead to disciplinary action including termination;**
- O. Participating during duty hours in unauthorized chat rooms (not related to Lee County business or to job related professional development) or playing computer games;
- P. Transmitting or re-transmitting chain letters;
- Q. Conducting or participating in fund drives or charitable events not sponsored or authorized by Lee County;
- R. Use of the Internet/e-mail system for gambling, union activities, or to promote/defame religious perspectives;
- S. Subscribing to push technology services that are not related to official Lee County business or to professional enhancement. This refers to subscription type services that send information to personal computers automatically and routinely as a result of prior registration by the user. Examples of such services include: weather reports, sports news or hobby updates. Permitted technology services are those that provide information on Lee County business or professional enhancement topics such as government, environment, health or technology related subjects or other subjects including weather reports if related to work and authorized by the employee's department head;
- T. Establishing personal web sites or bulletin board systems not authorized by Lee County, on any county systems or county time.
- U. Using Lee County logos to misrepresent personal materials as falling under official Lee County auspices;
- V. Intentionally misrepresenting, either implicitly or explicitly, personal views or comments in electronic forums or e-mail as Lee County policy or position;
- W. Attempting to tamper with or inappropriately access ("break in to") the computer system of another organization or person; and
- X. Lee County reserves the right to amend or clarify this listing or add additional prohibitions at any time.

Section 32.07 Privacy Expectation

Lee County employees do not have a right to or expectation of privacy while using any government equipment at any time, including: accessing the Internet, using e-mail, or during authorized personal use. To the extent that employees prefer their personal information resources to remain free of access by supervisors and managers they should avoid use of Lee County IT resources and systems for personal purposes. Appropriate personnel may monitor usage at any time.

Except in the legitimate performance of their duties, Lee County policy prohibits system administrators, agency officials and supervisors from violating or overriding the privacy of an employee with respect to the information that the employee receives, stores, or transmits. Nevertheless, due to technical, administrative, or legal reasons, system administrators, agency officials and or supervisors may be authorized to access information, files, materials and messages that reside in hardware or software used by employees.

Section 32.08 Monitoring, Compliance and Disciplinary Action

Lee County has the capability and the authority to evaluate the performance and use of its IT resources and will routinely monitor their use. Individuals who abuse these resources, knowingly interfere with the operation of IT systems, or otherwise fail to comply with the provisions of this policy are subject to disciplinary actions and possible loss or suspension of associated IT privileges.

Use of the Multipurpose Room

The Lee County Board of Commissioners provides multipurpose room space for use by individual groups and/or organizations. The space is designed for county-sponsored programs, community group activities, civic groups, and governmental agencies. Priority for use will be given to county related activities followed by governmental/civic groups. Other groups are provided use on a first-come, first-served basis. The multipurpose room may be used on the following conditions:

1. The multipurpose room shall be made available to groups/organizations whose activities as well as stated purpose are civic, cultural, educational, or government connected. Use will not be granted for private, social or profit-making activities.
2. All programs and activities must be free and open to the public; however, groups/organizations may charge fees for materials presented to recover the cost of publication.
3. Application for use should be made at least three days in advance. Any and all use of the multipurpose room will be left to the discretion of the County Administrator. Permission may be denied based on facts that the use of the multipurpose room will conflict with the best interests of the County.
4. All food or drink must be prepared prior to entry to the facility. No cooking shall be allowed in County buildings. All food items and trash shall be removed from the premises at the conclusion of the meeting. Failure to leave the rooms free of food items, trash and excess dirt on floors will result in the loss of the \$50 deposit.
5. Use of the multipurpose room shall not be granted for discussion of controversial issues unless all viewpoints are presented and discussion assumes the nature of an open forum.
6. **There is a \$50 deposit fee for the key, which will be returned when the key is remitted within one business day.** Commercial organizations will be charged a \$50.00 maintenance fee to recover the cost of operating the multipurpose room. **Additional fees for any damage to County property, which occur during use, may be assessed at the discretion of the County. Failure to leave the rooms free of food items, trash and excess dirt on floors will result in the loss of the \$50 deposit.**
7. Groups, including board, subcommittee, etc., may use the multipurpose room once during a calendar month. Recurring use shall only be allowed for County connected activities.
8. The multipurpose room shall not be used as a headquarters or mailing address for any organization.
9. Use of the multipurpose room shall extend to that room only, and not to other parts of the county facilities.

10. The County is not responsible for any equipment, supplies, materials or other items owned by a group or individuals and used in the county facilities.
11. Any publicity mentioning the County as a meeting site, use of banners or leaflets must be approved in advance.
12. Alcoholic beverages or illegal drugs are not allowed on County property.
13. Permission to use this facility is in no way an endorsement by the Lee County Board of Commissioners in the beliefs or policies of the organization(s) using the multipurpose room.
14. The Lee County Board of Commissioners are not responsible for any accidents, theft, or personal injury which occurs on the premises during activities outside of normal County operation. The groups using this facility must assume all liability for persons attending any programs/activities at any Lee County facility.
15. Use of the multipurpose room shall not be for candidates running for public office.

Approved by the Board of Commissioners November 14, 2006

ARTICLE XXXIII ACKNOWLEDGEMENT

I have read, understand and will comply with the policies contained in this manual.

Employee Name

Date

AMENDMENTS

MEMORANDUM

To: The Honorable Commissioners
From: Alan M. Ours
Subject: Consideration to Amend the Lee County Personnel Policy
Date: June 15, 2010

(A) Consideration is requested to amend Section 30.03 B.1.ii. of the Lee County Personnel Policy to state the following:

Meals-employees are entitled to receive a per diem as outlined in the IRS 1542 publication, which provides per diem amounts for specific cities in the United States. No receipts are required for meals and there is to be no additional reimbursement above the authorized per diem. This applies to county employees and elected officials.

It is my understanding that a per diem above the established IRS guidelines is taxable for both the employer and the employee.

(B) Consideration is requested to amend Section 15.02 F. Annual Leave of the Lee County Personnel policy to state the following:

Employees will be allowed to sell a maximum of forty (40) hours of annual leave back to the County per fiscal year. As an option, twenty hours (20) of annual leave may be sold back the first pay period in April and twenty hours (20) hours may be sold back the first pay period before Thanksgiving.

If you have any questions, please do not hesitate to call.

Board Approved: 6-22-10

Section 28.04 Resignation

A. The County shall expect employees who resign from the County to give the County reasonable notice so that arrangements can be made to find a replacement and otherwise minimize any disruption of work created by the resignation

B. Reasonable Notice:

1. Full-time employees and temporary employees (unless leaving at the end of a pre-agreed termination date) who resign shall submit a letter of resignation to their immediate supervisor at least ten (10) working days in advance of their anticipated last day of work.
2. Department heads who resign are **required** to submit a letter of resignation to the County Administrator at least twenty (20) working days in advance of their anticipated last day of work.

C. Any employee who does not give the County reasonable notice as defined in Item B above, shall forfeit their entitlement to payment for any earned annual leave. The County Administrator must approve any reduction in the reasonable notice requirement.

Board Approved: 7-27-10

PROPOSED AMENDMENT TO PERSONNEL POLICY

Section 30.03 B.1.i

Add d: Overnight Lodging will only be authorized when location of meeting is at least 100 miles (one way) from Lee County, Georgia

Section 30.03 B.1.ii

Add: Meal expenses for travel to and from home within the same day will be authorized at a maximum rate of \$15.00 for lunch and \$20.00 for dinner. Actual receipts are required and employees will be reimbursed based on the receipt up to the maximum amount stated above. Since travel is within the same day employees will not be reimbursed for breakfast.

Board Approved: 7-27-10

**RESOLUTION
TO AMEND THE PERSONNEL POLICIES OF LEE COUNTY; TO PROVIDE FOR
THE DETERMINATION OF THE PAY SCALE FOR EMPLOYEES PROMOTED
DURING THEIR EMPLOYMENT; TO PROVIDE FOR THE SALE OF ANNUAL
LEAVE BY COUNTY EMPLOYEES TO THE COUNTY PER FISCAL YEAR; TO
PROVIDE FOR RESCISSION OF CONFLICTING PROVISIONS OF THE
PERSONNEL POLICY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR
OTHER PURPOSES**

WHEREAS, the Board of Commissioners of Lee County ("Board") have previously adopted personnel policies and procedures applicable to county employees, and

WHEREAS, the Board deems it appropriate to amend such policies with respect to the determination of pay scales of employees promoted during their term of service for Lee County and to provide for the sale of annual leave back to the County per fiscal year, and

WHEREAS, the Board has previously reserved the right to amend such personnel policies and procedures from time to time, and

WHEREAS, the Board deems it appropriate to approve the amendments to such policies as herein set out.

NOW THEREFORE, be it resolved by the Board of Commissioners of Lee County, Georgia, and it is hereby resolved by the Authority of the same, as follows

(1) Section 13 02 (B) is hereby amended by deleting said Subsection (B) in its entirety and adopting, in lieu thereof, a new Subsection (B) which shall provide as follows

B Promotions may occur within a department or between departments and compensation adjustments will

coincide with the beginning of the first full pay period during which the Employee assumes his or her new position. Upon the promotion of an Employee to a new position, such Employee's pay scale shall be the minimum pay provided for the new position under the then-current County Employee pay scale. Notwithstanding the foregoing, the County Manager who has jurisdiction over the County Department in which the Employee is employed or to which the Employee is being promoted shall be authorized to grant a pay increase to such Employee of up to 5% of such Employee's pay at the time of such promotion upon such Employee assuming such new position. Such pay increase of up to 5% shall be in lieu of, and not in addition to, granting the employee a pay increase to the minimum pay for the new position to which the employee has been promoted. The County Manager authorizing such a pay increase of up to 5% upon such promotion shall base such increase upon the Employee's experience, education, ability, length of service as an Employee of the County, and work record while a County Employee, and the basis for such pay increase shall be documented by the County Manager in writing and included in the Employee's personnel file.

(2) Section 15 02 F of the County Personnel Rules and Regulations is hereby amended by deleting Subsection F in its entirety and adopting, in lieu thereof, a new Subsection F which shall provide as follows.

F. Other Annual Leave Restrictions:

1 Employees shall not be granted annual leave in excess of that accumulated

2 Requests for annual leave will be submitted upon such form as may be provided by the Human Resources Department and must be approved by the requesting Employee's Department Head prior to the effective date of the annual leave

3. Employees will be allowed to sell a maximum of 40 hours of annual leave back to the County during each fiscal year in either April or December

BE IT FURTHER RESOLVED that all provisions of the Lee County personnel policies in conflict with the provisions of this resolution are hereby rescinded

BE IT FURTHER RESOLVED that this resolution shall be effective upon the date of its adoption by the governing body and shall be applicable to all Lee County employees to the same extent as the Lee County personnel rules and regulations are applicable to all employees

SO RESOLVED, effective this 25th day of June, 2019

**Board of Commissioners
of Lee County, Georgia**

By


Chairman

Attest


Clerk

**RESOLUTION
OF THE BOARD OF COMMISSIONERS OF LEE COUNTY
APPROVING AND ADOPTING 2014 AMENDMENTS TO THE
LEE COUNTY PERSONNEL MANUAL,
RE-ADOPTING EARLIER AMENDMENTS TO THE
LEE COUNTY PERSONNEL MANUAL,
AND FOR OTHER PURPOSES**

WHEREAS, the Board of Commissioners of Lee County previously adopted a Personnel Policy Manual for Lee County effective August, 2008; and

WHEREAS, the Board of Commissioners of Lee County previously adopted amendments to the "Personnel Policy Manual August 2008" on June 22, 2010; and

WHEREAS, the Board of Commissioners of Lee County previously adopted amendments to the "Personnel Policy Manual August 2008" on July 27, 2010; and

WHEREAS, the Board of Commissioners of Lee County deems it appropriate to adopt further amendments to the "Personnel Policy Manual August 2008" which are attached to this Resolution and incorporated herein as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lee County, Georgia, and it is hereby resolved by authority of the same, as follows:

1. That the "Personnel Policy Manual August 2008" is hereby re-adopted by the Board of Commissioners of Lee County.
2. That the amendments to the "Personnel Policy Manual August 2008" adopted by the Board Commissioners on June 22, 2010, are re-adopted.
3. That the amendments to the "Personnel Policy Manual August 2008" adopted by the Board Commissioners on July 27, 2010, are re-adopted.

4. That the "Personnel Policy Manual August 2008" amendments attached hereto as Exhibit "A" are hereby adopted effective as of October 29, 2014.

5. That the "Personnel Policy Manual August 2008," as well as all amendments thereto, as adopted and re-adopted by virtue of this Resolution, shall together become the official "Personnel Policy Manual" of the Lee County Board of Commissioners effective as of October 29, 2014.

6. That any pending proceedings under existing Article XXVII relating to grievances and appeals of adverse personnel decisions by employees which were already commenced prior to October 29, 2014, shall continue to be addressed and decided pursuant to the provisions of the Lee County Personnel Policy Manual as it existed immediately prior to the adoption of the amendments to the Lee County Personnel Manual attached as Exhibit "A" hereto.

BE IT FURTHER RESOLVED that all Resolutions or parts of Resolutions in conflict herewith are hereby rescinded.

BE IT FURTHER RESOLVED that this Resolution shall become effective as of October 29, 2014.

SO RESOLVED, effective this 28 day of October, 2014.

**Board of Commissioners
of Lee County, Georgia**

By: _____

Chairman

Attest: _____

Clerk

Amendments to Lee County Personnel Policy Manual

ARTICLE XXVII: Grievances and Appeals of Adverse Personnel Decisions by Employees.

Section 27.01 Policy

It is the intent of the County to treat all employees fairly and consistently in matters related to employee discipline. The County Manager shall hear and decide disciplinary appeals filed by regular employees and the Board of Commissioners shall hear and decide disciplinary appeals filed by county department heads. .

Section 27.02 Application

This article shall apply to all County employees who are subject to these policies.

Section 27.03 Provisions – Employee Grievances.

A. Grievances.

It is desirable that all grievances be settled informally. Both supervisors and employees are expected to make every effort to resolve complaints as they arise. It is anticipated, however, that there will be occasions where grievances can only be resolved after an informal or formal airing of the complaint which results in the grievance.

B. Non-grievable matters.

The following are considered to be non-grievable issues:

- (1) Termination due to layoffs or reductions in force within a County department;
- (2) Issues which are pending or which have been concluded by other administrative or judicial proceedings
- (3) Temporary work assignments which do not exceed ninety (90) days, after which there is no salary reduction;
- (4) The content or rating of a performance appraisal, except when the employee can show that the employee has been adversely affected because of unlawful discrimination;



- (5) Change in budget or departmental organizational structure, including the person or number of persons assigned to particular positions;
- (6) Proposed disciplinary actions, written reprimands, suspensions with pay, suspensions without pay, and termination;
- (7) Any matter which is not within the jurisdictional control of the governing body of the County;
- (8) Internal security practices established by or pursuant to the authority of the governing body of Lee County;
- (9) Decisions, practices, policies, resolutions, or ordinances made, adopted, or passed by the governing body which are not job or work related and which do not contradict these policies;
- (10) Demotion, transfer, termination, or suspension of a probationary employee;
- (11) Oral or written reprimands;
- (12) Transfer of an employee in the same class from one division in a department to another division in the same department with no reduction in pay;
- (13) Changes in employee's work duties from one location to another or from one shift to another.

C. Informal Grievance Procedure.

- (1) Within five (5) working days after an event has occurred to an employee that may be subject to the filing of a grievance, the employee shall clearly inform his or her immediate supervisor of his or her specific grievance. The immediate supervisor shall make careful inquiry into the facts and circumstances of the employee's complaint. The supervisor shall then attempt to resolve the complaint properly and fairly and shall provide a response to the employee within five (5) working days after the grievance is reported to the supervisor.
- (2) If the employee is not satisfied with the decision of his or her immediate supervisor, or if the employee's supervisor fails to comply with the time limits set for rendering a decision regarding the informal grievance, the employee shall, within five (5) working days after the supervisor's decision, or within five (5) working days after the expiration of the time within which the supervisor is

required to make a decision, within five (5) working days, present his or her grievance to his or her supervisor's immediate supervisor, if any, in the chain of command. Every effort shall be made to find an acceptable solution at the lowest possible level of supervision. If the employee is not satisfied with the decision reached by informal discussions with his or her immediate supervisor or with his or her supervisor's immediate supervisor, then the employee shall have the right to file a formal grievance.

D. Formal Grievance Procedure.

- (1) Within five (5) working days after an employee receives a decision involving an informal grievance that is not satisfactory to the employee, the employee shall file a written grievance with his or her department head with a copy to the County's Human Resources Department. The written complaint shall state the nature of the grievance, the identity of the supervisors through whom the employee has attempted to resolve the grievance, and the relief that the employee seeks. The employee's department head shall promptly investigate the employee's grievance, including, but not limited to, discussing the grievance with the employee, his or her authorized representative, if any, and with other appropriate persons.
- (2) Within ten (10) working days after receiving a written grievance from an employee, the department head shall render his or her decision in writing. Notice of the decision shall be sent to the County Human Resources Department and to the employee and to his or her authorized agent, if any.
- (3) If the decision reached by the employee's department head is not satisfactory to the employee, the employee shall have the right to file a written request for review of the decision with the County Manager. Such request for review shall set forth with particularity the grounds upon which such employee contends that the decision of the department head was in error. A request for review shall be filed with the County Manager within five (5) working days after a final decision has been reached by the department head. The request for review shall state the nature of the grievance, the supervisors and department head through which the employee has attempted to resolve the grievance, and the relief the employee seeks. Upon receipt of the request for review, the County Manager shall investigate the employee's grievance by discussing the grievance with the employee, his or her authorized representative, if any, or with any other appropriate persons and shall review the decisions of the employee's supervisor and the department head.

- (4) Within ten (10) working days of a receipt of a written request for review from an employee, the County Manager shall issue a ruling concerning the employee's grievance. A copy of the ruling shall be sent to the employee or his or her authorized agent, if any, by the County Manager. The ruling of the County Manager with respect to the employee's grievance shall be final and not subject to further appeal.

Section 27.04 Provisions - Employee Appeals.

A. Appeal.

An "appeal" as used in this policy is limited to a complaint from a regular employee where such regular employee has been suspended without pay, had his or her pay reduced as a disciplinary measure, has been demoted, or has been terminated. Compensation, benefits, employment benefits, classification issues, and performance appraisals and ratings shall not be proper subjects for such an appeal except to the extent that such items are affected by an act of employee discipline.

B. Filing of Notice of Appeal.

Any employee who has been suspended without pay, had his or her pay reduced as a disciplinary measure, has been demoted, or has been terminated shall have the right to appeal such decision to the County Manager. Such appeal shall be in writing and must be received by the County Manager, or his or her designee, within ten (10) working days following the effective date of the disciplinary action. A copy of such written appeal shall also be filed with the County Human Resources Department. Failure of the employee to submit a written notice of appeal within such ten (10) working day time period shall constitute a waiver of all rights of appeal. If a final day to file the appeal occurs on a weekend or County holiday, the appeal period shall be extended through the next County business day.

C. Hearing on Appeal.

Upon receipt of an appeal by the County Manager, the County Manager shall conduct an investigation and gather information as needed. On a date and time established by the County Manager, which is not less than fifteen (15) working days after the County Manager's receipt of the notice of appeal, the County Manager will set a date and time for a hearing for the employee. The date of the hearing shall be not less than ten (10) working days after the date of the County Manager's notice of the hearing date. The employee shall be authorized to testify at the hearing and shall be authorized to present witnesses or documents relevant to the appeal to the County Manager. The employee may, but shall not be required to, be

represented by legal counsel at the hearing before the County Manager. The County Attorney shall, unless a conflict arises, represent the County department head in presenting evidence to the County Manager. The following additional provisions shall apply to appeal hearings:

- (1) All witnesses shall be sworn on oath at the time of their testimony.
- (2) The hearing shall be conducted informally, and technical rules of evidence otherwise applicable in courts of law shall not apply. Any evidence which the County Manager determines is material and relevant in the mind of a reasonable person to the issues involved in the hearing shall be admitted if it is the sort of evidence which responsible persons are accustomed to relying upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil or criminal cases. The rules of privilege shall be effective to the same extent as they are now or hereafter may be recognized in civil or criminal cases.
- (3) The time limits for either scheduling or holding the appeal hearing may be extended to a definite date by mutual agreement of the County Manager and the employee.
- (4) The employee may request the assistance of another person of his or her own choosing, including legal counsel, in preparing and presenting the appeal to the County Manager. However, the County shall not be obligated to pay any legal fees or other costs and expenses incurred by the employee in connection with his filing or prosecuting the appeal.
- (5) The employee and his or her representative may be authorized to utilize a reasonable amount of work time as determined by the employee's department head in preparing for the appeal hearing.
- (6) The employee shall be assured of freedom from reprisal or retaliation as a result of the filing and prosecution of the appeal.
- (7) In connection with the appeal, the County Manager shall have access to any files, correspondence, memoranda, or other written documents which the County Manager determines might be relevant to the case, and the County Manager shall have the right to question any witnesses presented to him during the hearing.
- (8) During the course of the hearing, the County Manager shall have the authority to limit unproductively long, irrelevant, or repetitive questioning and should protect every witness from improper

questions, unnecessarily harsh or insulting treatment, as well as preventing unnecessary inquiry into a witness' private affairs.

- (9) The County Manager shall have the authority to exclude any person from the hearing for contemptuous conduct or misbehavior which obstructs the hearing.
- (10) The County Manager shall be authorized to determine whether or not evidence is admissible and relevant.
- (11) The burden of proof shall be upon the appealing employee to show that the disciplinary action which is the subject of the appeal is not justified, is not authorized by the County's personnel rules, is not consistent with the facts, or that the punishment is inappropriate.
- (12) The County Manager may affirm the decision of the department head, may reverse the decision of the department head, or may modify the decision of the department head based upon evidence presented at the appeal hearing. In no event shall the County Manager increase the punishment imposed by the department head upon the employee.

D. Notice of County Manager Decision.

The employee and his representative, if any, shall be notified in writing within ten (10) working days by the County Manager of the final determination with respect to the employee's appeal.

E. Finality of the County Manager Decision.

The decision of the County Manager with respect to any appeal heard by the County Manager shall be final and is not subject to further appeal.

F. Appeal Process for Department Heads.

With respect to any department head who has been suspended without pay, had his or her pay reduced as a disciplinary measure, has been demoted, or has been terminated by the County Manager, such department head may appeal the decision of the County Manager to the Board of Commissioners. Such appeal shall be heard, considered, and a decision rendered in the same manner, and subject to the same rules, as provided in these policies with respect to appeals by employees who are not department heads. In hearing and deciding the appeal, the Board of Commissioners shall have the same authority and responsibilities as the County Manager with respect to appeals filed with and heard by the County Manager. Notwithstanding the foregoing, no member of the County Commission shall undertake an independent investigation of the

appeal or the grounds for the appeal; rather, the decision of the Board of Commissioners shall be based solely upon the evidence and testimony presented to the Board of Commissioners at the hearing of the appeal before the Board. All hearings held by the County Commission relating to the appeal shall be subject to the provisions of the Georgia Open Meetings Act. Decisions of the Board of Commissioners with respect to appeals by a department head shall be final and shall not be subject to appeal.