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**EMANUEL COUNTY**  
• BOARD OF COMMISSIONERS •  
— THE PLACE TO GROW —

# **PERSONNEL POLICY MANUAL**

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**EMANUEL COUNTY BOARD OF COMMISSIONERS**

**PERSONNEL POLICY MANUAL**

**DISCLAIMER**

**ALL EMPLOYEES ARE ADVISED THAT THIS POLICY MANUAL IS NOT A CONTRACT OF EMPLOYMENT AND DOES NOT CREATE A PROPERTY INTEREST FOR EMPLOYEES THAT LEADS TO THE EXPECTATION OF CONTINUED EMPLOYMENT AT ANY TIME, IN ANY POSITION.**

THE EMPLOYMENT RELATIONSHIP BETWEEN EMANUEL COUNTY AND ITS EMPLOYEES IS AT-WILL AND VOLUNTARY. THIS MEANS THAT EITHER THE COUNTY OR AN EMPLOYEE CAN TERMINATE THE EMPLOYMENT RELATIONSHIP AT-WILL AND AT ANY TIME, WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT NOTICE. THE EMPLOYMENT-AT-WILL STATUS OF EACH EMPLOYEE CANNOT BE ALTERED BY ANY ORAL STATEMENT OR REPRESENTATION, BUT CAN ONLY BE CHANGED BY A WRITTEN CONTRACT WHICH MUST BE SIGNED BY THE CHAIRMAN OF THE BOARD OF COMMISSIONERS.

THIS MANUAL IS INTENDED TO SUMMARIZE CERTAIN POLICIES, PROCEDURES, AND PRACTICES OF THE COUNTY. THE EMPLOYEE IS ADVISED THAT BECAUSE BUSINESS CONDITIONS AND CONSIDERATIONS MAY CHANGE FROM TIME TO TIME, THE COUNTY RESERVES THE RIGHT TO MODIFY, AMEND, ELIMINATE, OR DEVIATE FROM ANY OR ALL OF ITS POLICIES, PROCEDURES, AND PRACTICES IN ITS SOLE DISCRETION AS IT MAY CONSIDER APPROPRIATE FOR ITS BUSINESS PURPOSES.

THIS MANUAL SUPERSEDES AND REPLACES ANY PRIOR MANUAL. ALL PRIOR MANUALS ARE HEREBY REVOKED AND DECLARED NULL AND VOID.

**ACKNOWLEDGEMENT**

MY SIGNATURE BELOW ACKNOWLEDGES RECEIPT OF THE NEW MANUAL WHICH TAKES EFFECT IMMEDIATELY. I HAVE READ THE DISCLAIMER WRITTEN ABOVE AND I UNDERSTAND AND ACKNOWLEDGE THAT THE MANUAL IS NOT AN EMPLOYMENT CONTRACT. I KNOW THAT MY EMPLOYMENT IS AT-WILL AND VOLUNTARY AS DESCRIBED ABOVE.

\_\_\_\_\_  
EMPLOYEE'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME

## **EMANUEL COUNTY PERSONNEL POLICY**

The purpose of these personnel policies, rules and general procedures is to provide the fundamental features for an effective system of personnel administration for Emanuel County, Georgia. These policies, rules and regulations assure employees of fair and equitable treatment in all aspects of personnel administration without regard to political affiliation, race, color, national origins, sex, age, disability or rights as citizens.

## **SECTION 1: ADMINISTRATION OF THE PERSONNEL SYSTEM**

The County Commissioners authorize and approve all policies set forth in the personnel system of Emanuel County.

The County Administrator and Human Resource Director shall be responsible for the day-to-day operation of the Personnel Management System.

Daily job duties along with daily office and department practices will, under the supervision and direction of the County Administrator for those departments that report to the Board of Commissioners and not an elected official, be set by the department supervisors and administered by the department supervisors.

Also, it shall be noted that any provisions of the personnel policies that are found to be invalid and not applicable can be changed only by the Board of Commissioners.

These policies shall be implemented in such way as to provide equal employment opportunity without regard to race, color, sex, gender, religion, national origin, age, disability, military status, ancestry, genetics, or any other characteristics protected by law. The County Commissioners reaffirm that Emanuel County, Georgia is an equal opportunity employer. Furthermore, individuals with disabilities may be entitled to an accommodation in the workplace, and individuals are invited to inform the County Administrator of a disability the individual believes Emanuel County should accommodate in order to provide equal employment opportunity. Information regarding disabilities will be held in a confidential manner in accordance with law.

These policies shall apply to all persons employed by Emanuel County, except for the following:

Elected Officials

Members of appointed boards, commissions, authorities and judges

Persons employed or appointed to conduct temporary and special inquiries, investigations, or examinations on behalf of elected officials

Persons performing work for the County under contract unless specifically covered in an agreement.

This manual may be amended at any regular or special meeting of the Board of Commissioners by an adoption of an appropriate amendment. Proposed amendments will be submitted to all Constitutional Officers of Emanuel County and shall be made available to employees and the public by request before the Board of Commissioners' meeting. Changes to this manual will be issued to the Constitutional Officers and Department Heads who will advise all affected employees.

Should any provision of this manual be found to be unenforceable and invalid, such finding does not invalidate the entire manual, but only the subject provision.

## **SECTION 2: RECRUITMENT AND SELECTION FOR VACANT POSITIONS**

### **Filling Vacant Positions:**

It is the policy of Emanuel County to recruit and promote from within where possible. Recruitment notices to publicize vacancies and to assist in locating qualified candidates for vacant positions shall be prepared by the County Administrator and Human Resource Director. Announcements of all vacancies shall be posted on the county website, and on the county's social media pages if necessary. The announcement of the position shall specify the job title, duties and responsibilities, minimum qualification requirements, manner of making application, and the final date on which applications will be accepted.

Any vacancy filled by transfer, promotion or reassignment is exempt from the external posting and advertising requirements.

All job announcements shall state that Emanuel County is an "Equal Opportunity Employer" and that "a criminal history and substance abuse testing is required."

Vacant positions may be filled by one (1) of these three (3) ways:

1. By current County employees whom the department supervisor feels is qualified and has the necessary experience to fill the vacant position. The Supervisor will recommend in writing his/her request to the County Administrator for a current employee to fill the vacant position.
2. By advertising the vacant position and taking applications.
3. By applications on file.

Candidates applying to fill the positions of Department Heads shall be interviewed and selected by the County Administrator. Other employees of the County shall be hired or promoted upon the written recommendation of the appropriate department head and approval of the County Administrator. Department heads whose positions are elected officials have approval authority for their respective departments.

### **SECTION 3: PROBATIONARY PERIOD (NEW EMPLOYEES)**

All new employees will be considered as being hired on a probationary basis during the first ninety (90) days of his/her employment. An employee in this category shall be called a "probationary employee." An employee acquires permanent status as a regular employee after satisfactorily completing ninety (90) days on the active payroll. During the employee's ninety (90) day probationary period, the employee's work habits, abilities, attitudes, promptness and other pertinent characteristics will be observed and evaluated by a Department Head and other appropriate County officials. If a probationary employee is dismissed during the probationary period, the employee shall not be entitled to exercise the right to appeal dismissal.

During the probationary period, the employee is not eligible to use fringe benefits such as Paid Time Off (PTO). PTO will be granted if permanent status is approved and will be retroactive to date of employment. Probationary employees are eligible for holiday benefits.

Any other provisions of this policy notwithstanding, all employees are employees at-will and may be terminated by the County at any time without cause.

Employees serving a probationary period following a promotion shall continue to receive all benefits in accordance with these policies and under supplementary rules and regulations, including the right to appeal, except that they may be demoted to their former positions without appeal rights.

#### **SECTION 4: TYPES OF APPOINTMENTS (COUNTY EMPLOYMENT)**

A person employed by the County shall be given one (1) of the following types of appointments:

1. **Probationary:** Usually the initial ninety (90) day employment period during which an employee is observed for effective job performance.
2. **Interim:** A short appointment made only in the absence of a qualified applicant.
3. **Temporary:** Temporary appointments may be made to fill positions which are authorized and established for a specific period of time; when the work of a jurisdiction requires the service of one or more employees on a seasonal or intermittent basis; or in cases of emergency. This employee is covered by portions of the personnel policies but is not eligible to receive any benefits. Seasonal and substitute workers are temporary employees.
4. **Permanent:** An employee who has satisfactorily completed the probationary work period shall be given a continued employment status. This continued employment status is continuance based on compliance with County policies stated within this personnel policy system, including its at-will basis. Permanent appointments shall be either part-time or full-time.
  - a) **Part-Time:** An employee who is normally scheduled to work fewer than 30 hours/week.
  - b) **Full-Time:** An employee who is normally scheduled to work more than 30 hours/week.

## SECTION 5: TYPES OF SEPARATION

1. **Resignation:** Any employee wishing to leave the County employment in good standing shall submit a written notification to his/her Department Head at least two (2) weeks prior to his/her resignation. This is to allow sufficient time to process the employee's final paycheck and to advertise for a replacement. Failure to comply with this rule shall be entered on an employee's personnel records and may be grounds for a refusal to re-employ. However, the Constitutional Officer or Department Head may exempt an employee who has given less than required notice if in their judgement exceptional circumstances warrants such exemption.
2. **Abandonment of Position:** Failure to report to work without valid reason, including failure to contact the employee's supervisor, and without authorized leave for three (3) consecutive work days shall be cause for separating an employee from County payroll and reporting him/her as having abandoned their position.
3. **Lay-Off:** An involuntary separation not involving delinquency, misconduct, or inefficiency shall be considered a lay-off. To reduce a departmental work force, employees shall be selected for lay-off after consideration of performance, and the ability to perform a critical skill. When employees are determined to be equally qualified and/or skilled, the employee with the shorter period of continuous employment with the County will be selected for lay-off.
4. **Dismissal:** Dismissal is a separation made for any reason other than those listed in this Section 5 and will normally be for inefficiency to perform the required work satisfactorily or for violation of policies within this personnel policy.
5. **Inability to Perform:** Inability to perform the essential functions of the position even with reasonable accommodation. If an employee suffers from a physical or mental impairment that prevents him or her from performing the essential functions of the position, even with reasonable accommodation, the employee is subject to termination for inability to perform the job. The employee will cooperate with the employer to determine limitations imposed by the disability and design accommodations for the essential functions of the job. Termination due to an inability to perform essential functions shall be subject to an appeal.
6. **Loss of Job Requirements:** Any employee who is unable to perform the essential functions of his or her job adequately because of loss of a necessary license or other necessary requirement shall be suspended without pay immediately. The suspended employee shall have up to fifteen (15) days to obtain the necessary license or other requirement. After the fifteen (15) days, the employee will be immediately dismissed if the necessary license or other requirements has not been obtained. Said employee can be considered for re-employment if he or she obtains the necessary license or requirement before the position is filled by someone else.

7. **Retirement:** The retirement of an employee shall consist of the voluntary separation of an employee who has met the requirements of age and length of service under the applicable plan document governing any applicable pension fund for which the County is a participating employer and of which such employee may be a member.
8. **Death:** Separation shall be effective as of the date of the death of the employee. All compensation, including annual leave pay, due such employee, as of the effective date of separation, shall be paid to the beneficiary of the employee, the surviving spouse of such employee, or to the estate of such employee, as may be determined by law or by the applicable executed documents in the personnel folder of such employee.

## **SECTION 6: EMPLOYEE CONDUCT AND DISCIPLINARY ACTION**

### **Employee Conduct:**

Employees are representatives of the County and are expected to conduct themselves appropriately and professionally at all times. Many citizens will evaluate the various County operations based upon their observations of how County employees treat others. County employees shall always render polite and courteous service, including when they are answering questions or receiving criticism from the public.

Conduct that interferes with operations, that discredits the County or that is offensive to citizens or co-workers may result in disciplinary action, up to and including termination of employment.

Each employee's conduct shall promote a positive image of the County and its citizens.

Expected conduct includes but is not limited to:

- Reporting to work punctually as scheduled and being at the proper workstation, ready for work, at the assigned starting time.
- Giving proper advance notice whenever unable to work.
- Complying with all County safety and security regulations.
- Smoking only in designated smoking areas. No smoking in buildings or vehicles.
- Wearing clothing appropriate for the work being performed.
- Maintaining workplace and work area cleanliness and orderliness.
- Treating all citizens, co-workers, supervisors and Commissioners in a courteous manner.
- Refraining from behavior or conduct deemed offensive or undesirable or which is contrary to the County's best interest.
- Performing assigned tasks efficiently and in accordance with established quality standards.
- Reporting to the Chairman or appropriate supervisor any suspicious, unethical, or illegal conduct by co-workers or suppliers and cooperation with County investigations.

### **Outside Employment:**

No employee may engage in any paid employment in addition to his/her employment with the County which interferes with efficient performance of his/her duties and/or which presents a

conflict of interest. Outside employment shall require approval by the Department Head and the County Administrator.

An employee desiring to perform outside employment shall file a written request with the appropriate Department Head. The request shall state the type of employment, hours of work, length of employment, name of the employer and place of employment.

An employee granted permission to engage in outside employment shall make arrangements with the outside employer to be relieved from their outside duties if and when called for emergency service by the County.

### **Disciplinary Action:**

There are four (4) basic classifications of disciplinary action. The Emanuel County Board of Commissioners reserves the right to deviate from these classifications when it deems in its sole and absolute discretion that circumstances warrant deviation.

1. **Oral Reprimand:** A verbal, disciplinary counseling of an employee for unacceptable behavioral patterns or work performance standards. Oral reprimands may be given by a Department Head or designee and a record of the oral reprimand shall be provided to the Human Resources Director.
2. **Written Reprimand:** A written reprimand may be given to an employee when (a) an oral warning has not resulted in the desired improvement or (b) initial action requires greater discipline than an oral warning. A copy shall be submitted to the Human Resource Director. The employee will receive a written statement describing the problem and what must be done to correct the problem. The reprimand will also contain a statement describing the probable consequences of not correcting the problem. If the employee is at work, the written statement will be given to the employee during a private interview. The employee shall sign the reprimand acknowledging that they received a copy of the statement. If the employee refuses to sign the form, the issuing person shall note in writing the employee's refusal to sign the form. The original completed form shall be forwarded to the County Commissioner's Office for placement in the employee's personnel file.

The employee shall have the right to submit a written response to the written warning and such response shall be placed in the employee's personnel file together with the written warning.

3. **Suspension:** A Department Head may suspend an employee, with approval of the County Administrator, without pay for disciplinary reasons. Suspensions shall not exceed a combined total of fifteen (15) days in one calendar year. Over fifteen (15) days of suspension in one calendar year may be cause for dismissal from job. A suspension without pay shall be governed by notification and review procedures set forth in these policies. Ordinary and/or initial suspension for a particular offense will not exceed five (5) workdays. A notice of suspension will be given to the employee during a private

interview. The employee shall sign the notice of suspension acknowledging they received a copy and that the reasons for their suspension have been explained to them. If the employee refuses to sign the form, the issuing person shall note in writing the employee's refusal to sign the form. The original completed notice of suspension shall be forwarded to the County Commissioner's Office for placement in the employee's personnel file.

The employee shall have the right to submit a written response to the suspension and such response shall be placed in the employee's personnel file together with the notice of suspension.

4. **Demotion:** A Department Head may demote an employee for inefficient performance of his duties, for disciplinary reasons or for any other valid cause. A demotion shall be governed by the notification and review procedures set forth in these policies. Elected Officials have final approval over their department. A notice of demotion will be given to the employee during a private interview. The employee shall sign the notice of demotion acknowledging they received a copy and that the reasons for their demotion have been explained to them. If the employee refuses to sign the form, the issuing person shall note in writing the employee's refusal to sign the form. The original completed notice of demotion shall be forwarded to the County Commissioner's Office for placement in the employee's personnel file.

The employee shall have the right to submit a written response to the demotion and such response shall be placed in the employee's personnel file together with the notice of demotion.

### **Dismissal:**

In situations where verbal and written reprimands, suspensions and/or demotions have not resulted in the expected improvement, or where the Department Head believes more severe action is initially warranted, the employee shall be discharged by the Department Head with the approval of the County Administrator.

A Constitutional Officer or Department Head who discovers a violation warranting a suspension, demotion or dismissal shall immediately stop the infraction and submit a completed recommendation for disciplinary action to the County Administrator. These actions can only be taken after consultation with and approval by the County Administrator.

The following guidelines have been established to assist Constitutional Officers and Department Heads in uniformly administering discipline and shall serve as examples of the types of discipline that will be applied for specific violations of the County's personnel policies. These are examples only and no attempt is made to be exhaustive in this listing. These guidelines are not to be deemed to preclude the County or its Constitutional Officers' right to discipline employees for other just causes. Willful and inexcusable violations of these rules shall be dealt with firmly under a uniform policy that applies equally to all county employees. The degree of discipline shall be based on the number and type of offense and the seriousness of the action.

Using these examples as guidelines, the county retains the right to treat each offense upon its own merit, without creating any precedence for the treatment of any other offense that may arise in the future, and it retains the right to determine the degree of seriousness and the discipline to be taken.

**GROUP I:** Disciplinary action to offenses in this grouping are to be progressive in nature and shall begin with a verbal warning or written reprimand as determined by the Department Head.

(a) Penalties:

- First Violation- verbal warning
- Second Violation- written reprimand
- Third Violation- suspension without pay
- Fourth Violation- demotion or dismissal

(b) Violations:

- Non-acute safety of security violation
- Unscheduled absence or tardiness
- Failure to properly report an absence
- Leaving work without proper notification
- Failure to perform job duties as assigned
- Negligence
- Failure to perform any required daily or weekly maintenance checks on any piece of equipment or vehicle assigned for employee's use

**GROUP II:** Disciplinary action to offenses in this grouping are to be progressive in nature and shall begin with a written reprimand or suspension.

(a) Penalties:

- First Violation- written reprimand
- Second Violation- suspension without pay
- Third Violation- termination

(b) Violations:

- Intentional acts of discrimination or insult on the basis of race, sex, age, religion, national origin or disability
- Using obscene, threatening or insulting language toward a citizen
- Insubordination or disregard of a safety rule (i.e., willful disobedience of any direct order by the immediate supervisor, refusal to carry out work assignments, including verbal, written instructions or written policies)
- Willful or intentional neglect of duty or sleeping while on the job

- Failure to report for assigned overtime work without an excused absence from the immediate supervisor.
- Gambling of any type on County premises.
- Unauthorized use of County equipment for private/personal work or performing private/personal work on County time.
- Refusal to work without a legitimate excuse during an emergency situation (i.e., tornado, hurricane, etc.)
- Traffic violation while driving a County vehicle or equipment.
- Smoking in a designated Non-Smoking Area
- Failure to report to Constitutional Officer or Department Head any accident while on duty.
- Being absent without notification or unexcused absence.
- Inefficiency (i.e., lack of application or effort on the job, unsatisfactory work).

**GROUP III:** Disciplinary action to offenses in this group shall be grounds for recommendation for immediate termination.

(a) Penalties:

- Any Violations- termination

(b) Violation:

- Gross negligence of duty (i.e., endangering life, property, or public safety)
- Accepting bribes in the course of carrying out assigned duties
- Intentional misuse of Federal, State or County funds
- Dishonesty (i.e., falsifying any official document)
- Deliberate destruction, damage and/or theft of property of the County or a private citizen or another employee
- Consumption, possession, or being under the influence of alcoholic beverages or drugs while on duty. Employees who are not at work and are called back to work have an obligation to inform their immediate supervisor that they have consumed alcoholic beverages or used drugs.
- Gaining access to County property by unauthorized means
- The unauthorized use or possession of a weapon, firearm or explosives while on County property.
- Signing another employee's time card, falsifying a time card or unauthorized altering of a time card
- Striking or attempting to injure another person or fighting at work or on County property. To include any workplace violence or intimidation
- Utilization of disability leave with intent to defraud the County
- Making or publishing false, vicious or malicious statements concerning any employee, Constitutional Officer or Department Head
- Gross insubordination (i.e., willful disobedience of any direct order by the immediate supervisor including arguing, shouting or using obscene, threatening or insulting language to the immediate supervisor)

- Immoral conduct
- Incompetence

## **SECTION 7: APPEAL POLICY**

It shall be the policy of the County to address grievances of permanent employees promptly and fairly.

### **Notification and Review Procedures:**

Whenever a department head has reason to believe disciplinary action is warranted and that a suspension without pay, demotion or dismissal is appropriate, the department head shall personally meet with the employee and provide oral notice of the charge and proposed disciplinary action, and the employee shall be afforded an opportunity to make an oral response to the department head. Except in an emergency or other unusual situation, this meeting shall take place before a suspension without pay, demotion or dismissal is actually imposed. The meeting is intended to provide a check against the possibility of a mistake as to the facts, and also to allow the employee to explain his or her actions and to respond to the proposed level of disciplinary action. A written record of the meeting shall be made by the department head. If the department head believes that an emergency or unusual situation exists such that the meeting cannot be had, the department head shall first obtain the concurrence of the County Administrator.

If, after considering the employee's response, the department head still believes a suspension without pay, demotion or dismissal is warranted, he or she will notify the employee and the County Administrator in writing within three (3) working days of the meeting. The disciplinary action shall take effect at the time specified by the department head in said notice.

In the absence of an emergency or other unusual situation, a department head may suspend any employee with pay until such time as the meeting described herein takes place and the department head's decision as to disciplinary action is made.

### **Appeal:**

A permanent employee who is suspended without pay, demoted or dismissed by his or her department head shall have a right of appeal to the County Administrator. Within five (5) working days of the written notice of disciplinary action as signed by the department head, the employee may file written notice of appeal with the department head and the County Administrator. The County Administrator shall consider the matter within five (5) working days of his receipt of the notice of appeal or shall within that time inform the employee and department head of when a decision will be made and the reason(s) for delay. The County Administrator's decision may be based upon a review of the employee's file only, or in the County Administrator's discretion, upon consultation with the employee, the department head, and any witnesses the County Administrator deems appropriate.

If the employee is not satisfied with the County Administrator's decision, the employee shall have a right to a hearing before the Board of Commissioners. Requests for such a hearing must

be submitted to the County Administrator in writing within five (5) working days of the County's Administrator's decision. Upon timely request for a hearing, the Board shall normally schedule a hearing within thirty (30) days of the request. The County Administrator shall prepare a written statement of the charge(s) and an explanation of the employer's evidence and list of witnesses, and the same shall be served upon the employee by hand delivery or certified mail at least five (5) calendar days prior to the hearing. The hearing shall be held in open, public session (although the Board shall be authorized to go into executive session for its deliberations). All open sessions of the hearing shall be recorded in a manner that will allow for an accurate transcription. At the hearing, the county will be represented by the department head taking the disciplinary action, the County Administrator, the county attorney, or an attorney specially retained for purpose of the hearing, and the county shall present its case first. The employee may be represented by counsel, and shall have the right to cross-examine the county's witnesses. The employee shall also have the right to present his or her own evidence and witnesses at the conclusion of the County's case (the Board will compel any current county employee to attend the hearing upon the request of either party; the parties themselves are responsible for securing the attendance of any other witnesses). The Board of Commissioners shall preside over the hearing and shall regulate its proceedings; the Board may retain independent legal counsel to advise it on legal matters. A majority vote of the Board members present at the hearing shall prevail.

A failure on the part of the employee to pursue an appeal within the time limitations contained herein shall constitute a waiver and forfeiture of the employee's right to an appeal and hearing.

Any appeal shall also serve as a "name-clearing hearing," and the employee shall be so informed.

Employees serving under an initial or extended probationary period do not have appeal rights unless there is alleged discrimination because of race, color, creed, sex, national origin, age or handicapped status.

## **SECTION 8: EMPLOYEE DEVELOPMENT AND PERSONNEL INFORMATION**

### **1. In-Service Training:**

Each department head shall be responsible for fostering and promoting in-service training of employees for the purpose of improving the quality of service and to assist employees in preparing themselves for advancement. Mandated training expenses will be reimbursed to employee.

### **2. Records and Reports:**

Personnel Transactions - All appointments, separations, and other personnel transactions shall be recorded on forms provided by the County Administrator. A separate file folder shall be prepared and maintained for each employee and shall contain the original or a copy of all pertinent documents.

Attendance Records - Regular attendance reports shall be prepared and submitted by each department head in the form designated by the County Administrator.

### **3. Payroll:**

a) Starting Pay- Upon the initial hiring of any employee, the Department Head and/or Elected Official shall submit to the County Administrator such information as is necessary to certify the employment status, title or position, and salary or wages of such employee. The Administrative Guidelines and Compensation Plan will serve as the basis for determining pay.

b) Recovery of Salaries Improperly Paid - Officers and employees may be held liable for the return of salaries improperly, accidentally or illegally paid to employees.

c) Payroll Deductions - There are three types of deductions that shall be withheld from employees' paychecks.

1. Standard deductions such as taxes
2. Benefits deductions elected by employee
3. Other deductions required by law

d) Overtime - Payment for overtime authorized by the department head shall be in accordance with the Fair Labor Standards Act.

## **SECTION 9: ATTENDANCE AND LEAVE**

### **1. Hours of Work:**

Each Constitutional Officer and Department Head shall establish the hours of operation of their department. For payroll purposes, the regular workweek for all full-time county employees shall be forty (40) hours. Because of the difference in job requirements in the different departments, the required workweek may vary from job to job and department to department. Constitutional Officers and Department Heads have the authority to set employees' schedules within the regular workweek, including lunch times and breaks. The County Administrator must be notified of any changes to a regular office schedule.

The Emanuel County Road Department has established a ten-hour workday and a four-day workweek.

Public Safety positions work week will alter between A 36-hour work week and a 48-hour work week.

All Constitutional Officers and Department Heads shall post in a prominent location, the hours of operation for their department.

For payroll purposes the weekly pay period will begin on Wednesday and end on the following Tuesday. The official payday will be Friday but the direct deposit will be distributed as soon as they are ready. Payroll advances are not allowed under the policies of the Emanuel County Board of Commissioners.

An employee who, without valid reason, fails to report for three (3) consecutive days without authorized leave shall be separated from the payroll and reported as a constructive resignation. Such an employee may not be eligible for re-employment.

Hourly employees shall keep a daily record of hours worked for payroll and accounting purposes on a time card. Employees are required to clock in when beginning work and clock out when leaving work. This also applies to lunch periods, employees must clock out when leaving for lunch and clock in when returning from lunch. Salaried Exempt Employees shall keep a log of days worked. All employees shall note PTO, Holidays, and Bereavement Leave when appropriate. The appropriate Constitutional Officer or Department Head must initial handwritten notations on the time cards. Each employee is responsible for their own time cards and cannot clock in or out for another employee. Employees caught tampering with time cards, working off the clock or punching in/out for another employee will be subject to disciplinary action including dismissal. Employees must notify the County Administrator of any request by a supervisor to work without clocking in on their timecard.

Exempt salaried employees are those who meet the criteria as established by the Fair Labor Standards Act. All exempt employees must notify the County in writing of all vacation, sick or other leave taken to assure proper leave calculations.

All Constitutional Officers or Department Heads must sign the time cards of their employees certifying the correctness of the hours posted to that card. All time cards must be submitted to the Office of the Commissioners by 10:00 AM on Wednesday.

**On Call Employees:**

Emanuel County utilizes, on an as needed basis, employees to respond to various emergencies of non-threatening matters and that are not handled by law enforcement or EMS. Said employees receive overtime compensation. Any hours actually worked are added to that employee's time.

To qualify one must: Be a permanent employee; Agree to carry a cell phone/pager/radio at all times on call; Be able to respond at all times within fifteen (15) minutes of a call;

**2. Holidays:**

All permanent full-time employees shall be eligible for a minimum of thirteen (13) holidays leave; for the following days and other days as designated by specific action of the County Commissioners.

1. New Year's Day
2. Martin Luther King's Birthday
3. Good Friday
4. Memorial Day
5. Juneteenth
6. Independence Day
7. Labor Day
8. Columbus Day
9. Veterans Day
10. Thanksgiving (2)
11. Christmas (2)

An employee who is not on approved PTO and fails to report (WORK AT LEAST 4 HOURS) on his or her scheduled work day before and after a holiday shall not be paid for the holiday.

Holidays which occur during approved PTO shall not be charged against PTO. Only full-time permanent employees shall be paid holiday pay for holidays. Part-time and temporary employees are not eligible to receive holiday pay.

If an employee calls in sick the day before, or the day after a holiday, the employee will not be eligible for holiday pay. If an employee is able to provide a valid doctors excuse, showing that the employee went to the doctor, consideration will be given to compensating the employee for the holiday, but it is not guaranteed. Employees shall also still be required to have a sufficient PTO balance to cover the absence.

Any permanent employee who is required to work on an official county holiday shall receive one work day in paid compensation.

Holiday pay does not count towards overtime calculations.

### 3. Paid Time Off (PTO)

In an effort to provide our employees with greater flexibility and to simplify our leave system, Emanuel County is transitioning from separate vacation and sick leave accruals to a consolidated Paid Time Off (PTO) system.

Accrual: Effective January 1, 2024 all employees will accrue PTO at the rates listed below. The rate of accrual varies based on years of service and other factors as determined by the County.

#### FORTY HOURS PER WEEK ACCRUAL

YEARS OF SERVICE	PER MONTH ACCRUAL
0-2.....	11.5 HOURS
3-6.....	15 HOURS
7-9.....	18.5 HOURS
10-AND OVER.....	22 HOURS

#### THIRTY-SIX/FOURTY-EIGHT HOUR SCHEDULE ACCRUAL

YEARS OF SERVICE	PER MONTH ACCRUAL
0-2.....	12 HOURS
3-6.....	16 HOURS
7-9.....	20 HOURS
10-AND OVER.....	24 HOURS

Usage: PTO can be used for any reason, including vacation, illness, personal time, or other needs. Employees are encouraged to schedule PTO in advance when possible, especially for vacations or planned absences.

Caps: Employees are allowed to carry over up to 360 HOURS of unused PTO. PTO must be approved by department heads so as to meet operating requirements of the County with due regard to the wishes of the employee. While department heads should work with employees to

make sure that they use their time when they wish, it should not be assumed that leave time will always be granted.

**Payout:** Any regular employee with more than one (1) year of service will be entitled to payment for unused PTO if they leave the county in good standing. These hours will be paid at the employee's current rate of pay. Failure to provide a working two weeks' notice without a department head's approval shall result in the employee being classified as not in good standing. Employees who are terminated are considered not in good standing.

**Overtime Calculation:** For overtime calculation purposes, PTO leave does not apply towards overtime. PTO can only be used to bring an employee's time up to the employee's regular scheduled hours.

All employees will be required to use PTO to bring their hours up to the regular scheduled shift hours.

**Unscheduled Absences:** While PTO is a more flexible leave option, employees that are absent for three consecutive unscheduled absences due to illness are required to provide a qualifying doctor's excuse. Employees that have shown trends of having multiple reoccurring unscheduled absences may be required to provide doctor's excuses even in cases of single day absences. Failure to provide the appropriate documentation shall result in an unexcused absence without pay, which may also result in disciplinary action.

**Accrual Period:** The accrual period will run from the first day of a pay period in which the pay period ends in the month of accrual to the last day in a period in which the pay period ends in the month of accrual.

**Accrual Requirements:** In order to be eligible for the monthly accrual, an employee shall physically work at least 72 hours over the course of the accrual period, and have sufficient PTO to cover other missed shifts. PTO does not count as physical time worked.

**Transition:** All accrued vacation and sick leave shall be converted to PTO up to 360 hours. Existing Employees that have larger balances will have additional time converted into a Long-Term Sick Leave Bank.

**Long-Term Sick Bank (LTSB):** This bank can only be used by the individual employee that had hours converted and cannot be shared. These hours can only be used in cases where an employee is out on approved FMLA, or once all PTO hours have been exhausted it can be used as sick time. LTSB hours shall not be paid out at termination. The LTSB program will go away when all employees that have converted hours are terminated, and/or have exhausted these hours.

**4. Military Leave**

Any regular employee who is a member of the Public Health Administration, National Guard, or the armed forces of the United States will be allowed leave of absence as required by law. Up to eighteen (18) calendar days (or in compliance with state law) of such leave during any Federal fiscal year shall be paid. Such leave shall not be charged to annual leave, although the employee may request that any period of unpaid military leave may be charged as vacation leave.

Employees who plan to take military leave must give advance written notice of expected military service. Advance notice from an appropriate military officer will be acceptable. This notice requirement will be excused only if precluded by military necessity or if the giving of such notice is otherwise impossible or unreasonable. Employees who comply with applicable legal requirements will be granted leave of absence to fulfill their military service obligations.

An employee on a leave of absence for military service may continue group health care coverage for 18 months or until the day after the employee fails to make a timely application for reemployment, whichever occurs first. An employee will be required to pay applicable premiums for this continuation of coverage except for absences of fewer than (30) days, in which case, employee will only be required to pay regular contribution for such benefits.

To the extent provided by law, the County will reemploy employees after their military service in accordance with the statutory time periods in which reemployment is required, provided that such employees comply with applicable statutory provisions, including advance notice requirements, timely notification of intent to return to work requirements, requirements related to reporting to work, and provided that employees were not subject to any disqualifications with respect to character of military service. An employee returning from military service will be credited with seniority status equal to that which the employee would have had, but for the period of service. Upon reemployment subsequent to military service, the County will take steps necessary to bring compensation and benefit levels of any employees who have fulfilled military service obligations into compliance with applicable law.

The County will undertake reasonable efforts to accommodate individuals seeking reemployment who have a disability that was caused or aggravated during a period of military service.

**5. Bereavement Leave**

An employee at the discretion of the department head may be granted leave as needed in the event of death to an immediate family member.

<u>Family Member</u>	<u>Days Pay</u>
Spouse, Child, Step-Child.....	5 days
Mother, Father, Sister, Brother, Grandchild Step-Grandchild, Step-Mother, Step-Father	
Father-in-law, Mother-in-law.....	3 days

Grandmother, Grandfather, Son-in Law,  
Daughter-in-Law

Sister-in-law, Brother-in-law, Grandmother-in-law,.....1 day  
Grandfather-in-law

A day of pay will be equal to an employee's regular shift at the employee's standard hourly rate. The department head with due respect to the employee, will determine the days off an employee may take. The employee will only be paid bereavement leave for days noted above. For overtime calculation purposes, bereavement leave does not apply towards overtime.

Bereavement pay will only be for scheduled working days. If an employee's schedule shift does not fall on the day of leave, the County will not provide compensation.

Bereavement leave will be given over consecutive days from the day after the death. In cases where weekends coincide with this leave time, the county will not provide compensation for these days, nor will these days be compensated the following week. In cases where the funeral falls outside of the consecutive days of leave, one day may be reserved for the day of the funeral.

It is recognized that strong relationships exist outside of the categories listed, thus Department Heads are encouraged to make all efforts to approve PTO.

## **7. Jury Duty- (Civil Leave)**

When a full-time employee is called to serve on the jury of State Court, Superior Court or Federal Court, the employee will be compensated as follows:

(Hourly Employees): The County will also pay the employee as per day served.

- Up to employee's regular shift hours
- Jury duty hours do not count towards overtime
- For the employee to be paid by the County for days served on jury duty, the employee must relinquish any compensation to the employer (County).
- Employees are expected to return to work if released from jury duty or judicial service during the employees' normal working hours.

## **SECTION 10: SALARY, WAGES COMPENSATION, AND BENEFITS**

- It shall be the policy of the Emanuel County Board of Commissioners to pay competitive salaries and wages in the form of base salaries and wages.
- The County Administrator shall maintain a list of approved job classifications for each department.
- The County Administrator and Human Resources Director shall be responsible for periodically benchmarking salaries and wages and adjust pay rates as necessary with approval of the Board of Commissioners. Any raises granted will take effect on October 1<sup>st</sup>.
- Employees will be compensated based on the Administrative Guidelines and Employee Compensation Plan that has been approved by the Board of Commissioners. (Refer to Document for Additional Details).
- The County will provide employee life insurance for each employee in the amount of \$25,000.00 unless otherwise curtailed by policy limits. Employees must complete the appropriate form when hired for enrollment in the program. Insurance is effective after the probationary period following the employee's hire date.
- The County provides a group health insurance plan. Each permanent employee has the option of joining the group plan. The County will pay a portion of the premium for individual employee coverage with the balance being deducted from the employee's payroll check. If an employee wishes to have dependent coverage through this plan, the dependent's portion of the monthly premium will also be deducted from the employee's payroll check and mailed to the insurance company as appropriate. Insurance forms are available through the Commissioner's Secretary who is available to assist employees with any questions or problems. Insurance is effective the first day of the month following the employee's hire date.
- Each permanent employee is eligible to participate in any retirement plan that may be offered now, or in the future, by the County.

## **SECTION 11: NEPOTISM**

It is hereby declared to be the policy of Emanuel County that no department head, member of the County Commission, or County Administrator shall appoint or employ any person to any regular classified position in the County who is a relative of such officer if such appointment or employment would cause a relative of such office to come under the direct supervision of such officer.

The employment of relatives is not prohibited by the County as long as none of the related persons are employed in a supervisory role in which they might have an effect on a relative's progress, performance, or welfare as an employee.

An employee may not be promoted into a position in which they would have supervisory responsibility over a relative, unless the relative can be transferred to another position that would not be under the supervision of the relative that is being promoted.

For this nepotism policy, "relatives" are defined as spouse, mother, father, stepmother, stepfather, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, brother, brother-in-law, sister, sister-in-law, half-brother, half-sister, grandchild, grandparent, and grandparents of spouse.

## **SECTION 12: POLITICAL ACTIVITIES**

- An employee shall not take part in political management or political campaigns during any period of time for which he/she is expected to be on duty.
- No employee shall solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party from any employee during either employee's hours of duty, service or work with the County.
- Employees shall not represent the Board of Commissioners by wearing any uniform, or portion thereof, that is issued by the Board of Commissioners, while participating in any campaign activities, demonstrations or political gatherings or while attending any other governmental meeting unless on official business.
- The Board of Commissioners in no way seeks to influence employees in their choice of party affiliations or candidates, recognizing that this is a matter for each person to decide. Therefore, nothing contained herein shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he/she chooses, to express opinions on political subjects or candidates, to maintain political neutrality, to attend political parties outside of working hours, or to campaign actively during off duty hours in all areas of political activity.
- Employees shall not utilize any County equipment or vehicles in support of any political campaign, candidate, political party or cause, or use their county position to persuade, coerce, or intimidate any person in the interest of a political candidate, party, or cause.
- No employee shall be permitted to seek, or participate in the management or affairs of a campaign for, any elective public office if, in the discretion of the Board of Commissioners, such political activity will interfere with the employee's scheduled work time or would create a conflict, or apparent conflict, between private interest of the individual and his/her official duties and responsibilities.
- An employee who intends to seek or to participate in a campaign for an elective public office within Emanuel County government may be required, at the discretion of the Board of Commissioners, to resign or obtain a leave of absence for the duration of such political activity. If leave of absence is granted, the employee is required to maintain their contribution towards employee benefits.
- Any employee who qualifies to run for County Commissioner shall resign their positions immediately.

## SECTION 13: SUBSTANCE ABUSE POLICY

### 1. Policy Statement:

It is the position of the Emanuel County Board of Commissioners that alcohol and controlled substance abuse is a significant health problem in the United States today. The costs involved with this problem include human costs, such as lost jobs, morale problems, injuries, illnesses, and deaths, as well as economic costs, such as property damage, absenteeism, tardiness, lost productivity, increased health insurance costs, and the costs involved in replacing and retraining new employees. Further, in professions that serve the public, alcohol and substance abuse represents a real danger to the health and safety not only of the employees themselves, but also of the constituents served by those employees.

It is the objective of the Emanuel County Board of Commissioners to provide safe and effective public service. To meet this objective, the problem of alcohol and controlled substance abuse must be identified, confirmed and defeated. In order to achieve this, the Emanuel County Board of Commissioners has developed a comprehensive alcohol and controlled substance abuse policy.

### 2. Definitions:

Within this Substance Abuse Policy, and on any accompanying forms, the following terms shall have the meanings associated therewith:

- **Controlled Substance** shall have the meaning and include the substances defined as "controlled substances" in the Georgia Controlled Substances Act, O.C.G.A. § 16-3-20 and 16-12-21 (4) as said Act shall appear from time to time.
- **Safety Sensitive Position** shall be those positions where inattention to duty or errors in judgment by the employee or applicant while on duty will have the potential for significant risk of physical harm to the employee, other employees or the general public. A list of such positions is attached as Exhibit D.
- Whenever an initial test for drugs or alcohol is found to be positive, the laboratory will carry out additional tests pursuant to laboratory testing guidelines to confirm that the initial positive indication was correct. If the second procedure also indicates the presence of drugs or alcohol, the test result will be considered a **Confirmed Positive Result**.
- **Medical Review Officer** shall mean a properly licensed physician who reviews and interprets the results of drug tests and evaluates those results together with medical history and any other relevant biomedical information to confirm positive results.

### **3. Drug and Alcohol Use Prohibited:**

Alcohol and controlled substance use by employees during assigned working hours, in county buildings or on county grounds, or otherwise while on official business shall be prohibited. This shall include the use or possession of controlled substances, the abuse of prescription medications, the possession of prescription medications by anyone other than the person for whom the medication was prescribed (except as required by official duty), and the use or abuse of alcohol. This prohibition (and the procedures set forth below) is in addition to any other drug and alcohol policy, including any policies or programs required by federal or state law.

### **4. Types of Testing to be Implemented:**

#### **1. Pre-employment Testing:**

Because substance abuse is not easily detectable in an applicant without the provision of a drug and alcohol screening, and because the safety and health of employees and the health and safety of citizens depend upon a workforce free from drug and alcohol abuse, all job applicants being considered for employment in positions for which pre-employment drug and/or alcohol screening is allowed by law, shall be required to pass a drug and/or alcohol screening test prior to being hired. Pre-employment testing shall take place only after an offer of employment has been made but before employment actually commences.

#### **2. Random and Periodic Drug Testing:**

Employees in all positions designated as safety sensitive, involved in drug interdiction, or having unsupervised access to prisoners or contraband shall be required to submit to a drug and alcohol screening test at random or on a periodic basis from time to time as determined by the County Administrator.

#### **3. Drug and/or alcohol screening test based on reasonable suspicion:**

Any employee shall be required to submit to drug and/or alcohol testing when there is reasonable suspicion to believe that such employee is under the influence or effects of drugs and/or alcohol immediately before, during or immediately after assigned working hours or while otherwise on duty or in control of government property.

Reasonable suspicion means a reasonable belief based on specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Situations that may give rise to a conclusion that an employee is under the influence of drugs and/or alcohol include, but are not limited to, the following:

- An employee is involved in a physical or verbal altercation on the job.
- An employee has an excessive number of incidents or accidents on the job.
- An employee exhibits unusual behavior such as slurred speech or unsteady walking or movement on the job.

- An employee is in possession of alcohol, drugs, or drug paraphernalia on the job.
- An employee is observed using illegal drugs or alcohol or has exhibited the symptoms and manifestations of being impaired due to alcohol or drug use.
- An employee has caused or contributed to an accident while on the job.

In the event a supervisor determines that reasonable suspicion exists that an employee is under the influence of drugs and/or alcohol, the supervisor shall immediately report the incident to his/her immediate supervisor or department head and shall complete the form entitled Observation Checklist (Exhibit B).

The determination of whether reasonable suspicion exists shall be made by the department head or, in his/her absence, by the highest ranking supervisory staff on-duty at the time.

Following the determination that reasonable suspicion exists, the facts underlying the determination of reasonable suspicion shall be disclosed to the employee at the time the demand to submit to testing is made. The employee shall be transported to and from the testing site by the employee's supervisor or a designee. Following the testing procedure, the person transporting the employee shall make appropriate arrangements to transport the employee home.

Supervisors shall be required to document in writing, by the next working day, the specific facts, symptoms or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. All documents created in connection with the determination of reasonable suspicion shall be forwarded to the County Administrator.

#### 4. Testing after accidents or injury:

All employees shall be subject to a drug and alcohol test conducted while on duty or while operating County equipment or vehicles:

- The employee is operating a vehicle and/or equipment causing damage or bodily injury;  
or
- The employee is involved in a fatality; or
- The employee is cited with a traffic violation; or
- The employee sustains a work-related injury.

#### **5. Prescription Drug Use:**

Any employees using prescription medication while on the job shall do so in strict accordance with medical directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure the physician approves the use of the

prescription medication while the employee is performing his/her duties. The County reserves the right to clarify the employee's job duties with the prescribing physician.

The abuse and or inappropriate use of legally prescribed drugs, including the performance of duties when the employee knows or should know that he or she is potentially impaired due to prescription drug use, shall be prohibited and may be deemed a violation of this policy. Job performance or attendance deficiencies resulting from use shall be cause for disciplinary action up to and including termination. If any employee's behavior or job performance give rise to a reasonable suspicion that the employee is abusing or inappropriately using prescription medication, the employee may be required to submit to drug testing and to take leave until such time as the employee is cleared to return to work by the employee's physician, the Medical Review Officer, and the County Administrator.

#### **6. Consent:**

Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a Consent Form (Exhibit C) authorizing the test and permitting release of test results to the employer and the Medical Review Officer. The consent form shall provide a space for employees and job applicants to acknowledge that they have been notified of the requirements of this policy.

#### **7. Refusal to Consent:**

Job applicants: any applicant for a position for which pre-employment drug and/or alcohol screening is permitted by law who refuses to consent to a drug and/or alcohol test shall be denied employment, and any conditional offer of employment shall immediately be rescinded.

Employees who fail to appear at the designated collection site to submit to a required drug and/or alcohol test when so directed shall be deemed to have refused to submit to the test shall be deemed to have violated this policy. A "no show" shall include any attempt to adulterate a test sample or otherwise frustrate, impair, or otherwise impede the testing process.

#### **8. Testing Laboratory Guidelines:**

All testing procedures shall be administered and accounted for by an approved laboratory and/or medical facility operating in compliance with the National Institute of Drug Abuse (NIDA) or College of American Pathologists (CAP) guidelines.

Urine samples shall be provided in a private restroom stall or similar enclosure so that employees and applicants may not be viewed while providing the sample, unless circumstances require monitored testing. Outer garments, bags, briefcases, purses, or other containers will not be permitted into the test area. The water in the commode shall be colored with dye to protect against dilution of test samples.

If the drug and/or alcohol test is to be conducted using a specimen other than urine (e.g. hair, saliva, blood, etc.), the sample shall be collected in a manner consistent with the privacy of the

employee and the need to minimize the possibility of adulteration and/or mislabeling of the sample.

Whenever an initial test for drugs and alcohol is found to be positive, the laboratory will then carry out additional tests pursuant to laboratory testing guidelines to confirm that the initial positive indication was correct. If the second procedure also indicates the presence of drugs or alcohol, the test result is considered a Confirmed Positive Result.

#### **9. Confidentiality of Test Results:**

To the extent allowed by law, all information from an employee's or job applicant's drug and Alcohol screening shall be confidential and only available to the Medical Review Officer, department head, County Administrator and those with a need to know at the discretion of County Administrator. Disclosure of test results to any other person, agency, or organization shall be prohibited unless written authorization is obtained from the employee or job applicant. In any case, the results of an initial positive drug or alcohol test shall not be released until the results are confirmed.

#### **10. Violations of this Policy:**

Any violation of this policy shall be handled in a manner consistent with disciplinary procedures up to and including termination of the employee.

#### **11. Employee Assistance Program:**

Employees who, prior to notice of selection for testing and prior to an accident requiring post-accident testing, come forward and report a problem with alcohol/and/or drug abuse will not be deemed in violation of this policy. The county will assist to the best of their resources to refer the employee to an assistance program or rehabilitation program.

#### **12. Drug and Alcohol Convictions:**

Consistent with the Federal Drug-Free Workplace Act of 1988, employees shall report to his or her department head within five (5) working days any arrest or conviction made under a criminal drug or alcohol law and any charge made under a drug or alcohol law for which conviction could cause the loss of driving privileges. The department head shall then investigate and make appropriate recommendations to the County Administrator.

## **SECTION 14: HARASSMENT**

### **Non-Harassment Policy:**

Emanuel County, Georgia is committed to providing a professional work environment that maintains employee equality, dignity, and respect. In keeping with this commitment, the County strictly forbids discriminatory practices, including sexual harassment and other forms of harassment, as defined in this Policy. Any harassment prohibited by this Policy, whether verbal, physical or environmental, is unacceptable and will not be tolerated, whether it occurs in the workplace or at outside work sponsored activities.

### **Harassment Defined:**

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

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

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

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

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

**Scope:**

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

**Responsibility:**

- It shall be the joint responsibility of managers, supervisors and County Administrator to ensure adherence to this Policy. The County Administrator will assist in the coordination and the implementation of this Policy.
- All supervisors and managers have the duty of ensuring that no individual or employee is subjected to sexual harassment or any other form of unlawful harassment, and of maintaining a workplace free of such harassment. Supervisors and managers shall discuss this Policy with employees and assure them that they are not required to endure any form of unlawful harassment.

**Complaint Procedure:**

- The County encourages employees to report all perceived incidents of harassment, regardless of the position of the alleged offender. Any employee who has a harassment complaint against a supervisor, coworker, visitor, customer or other person, must bring the problem to the employer's attention.
- If you believe that you have been harassed, you should immediately report the incident to the department head or to the County Administrator. If you are uncomfortable with reporting the harassment to either person or if you believe that your complaint was not properly addressed, you should report the incident to the Chairman of the Board of Commissioners or County Attorney.
- The complaint will be thoroughly investigated in a professional manner. You will be notified of a decision or the status of the investigation as soon as possible. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven.
- There will be no discrimination or retaliation against any individual who participates in the investigation of a harassment complaint. If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action (up to discharge) will be pursued. Disciplinary action (up to discharge) will also be taken against individuals who make false accusations. An allegation will not be found to be "false" merely because the allegation cannot be proven following investigation.

- Actions taken internally to investigate and resolve harassment complaints shall be conducted confidentially to the extent practicable and appropriate, and consistent with the Georgia Open Records Act, in order to protect the privacy of persons involved.

**General Provisions:**

- If a harassment complaint is directed against the County Administrator, the functions assigned to (those) people(s) by these procedures will be transferred to the County Board of Commissioners or County Attorney.
- Retaliatory action of any kind taken as a result of any individual or any employee seeking redress under these procedures is prohibited, and shall be regarded as a separate and distinct cause for complaint and discipline under these procedures.

## **SECTION 15: GRIEVANCE**

It is the policy of Emanuel County that all Department Heads and Constitutional Officers maintain an open door policy. All employees should feel free to discuss any work-related issue with their supervisor without fear of reprisal. The Department Heads and County Administrator will maintain an open door policy for all county employees.

### **Definitions:**

**Grievance** - A grievance is a complaint made by an employee. A grievance is defined as a disagreement between management and the employee as to the interpretation or application of county policies, applicable state laws, county resolutions or ordinances, or other policies and procedures established for use by county departments.

**Appeal** - An appeal is the right of an employee for any disciplinary action taken that affects their job status such as a demotion, suspension, involuntary transfer, or termination.

### **Guidance:**

Constitutional Officers and/or Department Heads are responsible for making certain that employees within their jurisdiction have knowledge of and understand the grievance and the appeal procedures. Emanuel County employees must feel free to use the procedure without fear of criticism or any action being taken against them to affect their job security or chances of advancement.

### **Non-Grievable Areas**

The following areas are not grievable:

- Issues which are pending before or have been concluded by other administrative or judicial procedures;
- Work assignments which do not result in a demotion or salary reduction;
- Budget allocations and expectations, and organizational structure, including the persons or number of persons assigned to particular jobs or units;
- The content or rating of a performance appraisal except when the employee can show that they have been adversely affected by the appraisal;
- The selection of an individual to fill a position through appointment, promotion or transfer except when the employee can show that he or she has been adversely affected because of unlawful discrimination;
- Any matter which is not within the jurisdiction or control the Constitutional Officer, or Board of Commissioners

- Internal security practices established by the Constitutional Officer, or Board of Commissioners; and
- Decisions, policies, practices, resolutions, or ordinances made or passed which are not job or work related and which do not contradict these policies.

## **Grievance Procedure**

The grievance procedure is a communications process for hearing grievance claims of employees arising from those misunderstandings that will develop in the day-to-day activities. The grievance procedure is established to ensure that policies and laws are administered in a uniform, fair and equitable manner. The employee and supervisor should make an effort to resolve any grievance informally before initiating a formal procedure.

Grievances must be processed in accordance with the designated step progression to be considered at the next step. An employee may withdraw a grievance at any point by submitting a written statement to that effect, to the County Personnel Officer or by permitting the time requirements to elapse without further appeal. If management within the stated time limits does not answer a grievance, the employee may appeal directly to the next step in the grievance process. In the interest of prompt resolution of employee grievances, the action taken at each step of the process shall be quickly as possible, but no later than the prescribed time limits. In the event of extenuating circumstances, a time limit may be extended by mutual agreement of the parties at that step.

The following steps must be followed in processing a grievance:

**Step 1.** The grievance begins with an oral discussion between the employee and the appropriate Constitutional Officer or Department Head within five (5) working days following the dated of the occurrence of the event being grieved, or within five (5) days after becoming aware of the event. If the employee within the prescribed time limit does not present the grievance, it will be considered not to have existed. It will be the responsibility of the appropriate Constitutional Officer or Department Head to investigate the grievance and provide the solution or appropriate written explanation within five (5) working days following the day on which the supervisor was presented the grievance.

**Step 2.** If the grievance remains unsettled, it shall be presented in writing to the Emanuel County Board of Commissioners within five (5) working days after the appropriate Constitutional Officer's or Department Head's response. The Board of Commissioners shall respond in writing to the employee within five (5) working days following the report of the grievance. The decision of the Board of Commissioners shall be final except in the case of employees under the specific authority of a Constitutional Officer. In this situation, the Board of Commissioners shall only make a written recommendation to the appropriate Constitutional Officer.

## **Filing an Appeal**

Any regular status employee who has been demoted for cause, suspended, involuntarily transferred or dismissed shall have the right of appeal. The employee or their representative shall file the appeal in writing, with the office of the County Administrator within five (5) working days of the effective date of the action and shall file a copy of the appeal with the appropriate Constitutional Officer or Department Head. **THE RIGHT TO AN APPEAL DOES NOT CONVEY A PROPERTY INTEREST IN THEIR EMPLOYMENT TO ANY EMPLOYEE.**

## **Hearing an Appeal**

Appeal not alleging discrimination:

Once a timely appeal not involving discrimination based on race, color, creed, sex, national origin, age, or handicapped status has been filed, a three-member Hearing Committee consisting of the County Administrator, the Commissioner with oversight responsibility of the appealing employee's department and Chairman of the Board of Commissioners shall conduct a hearing. The County Attorney shall provide legal advice to the Committee. The hearing shall be held not less than five or more than twenty working days after the filing of the appeal unless mutually agreed upon by the employee and the committee.

Hearing shall be conducted in an informal manner but all testimony shall be given under oath. The hearing shall be recorded.

Decisions by the Hearing Committee shall be final.

Appeals alleging discrimination:

Once a timely appeal alleging discrimination based on race, color, creed, sex, national origin, age, or handicapped status has been filed, a three-member Hearing Committee consisting of the County Administrator, the Commissioner with oversight responsibility of the appealing employee's department and Chairman of the County Commissioners shall conduct a hearing. The County Attorney shall provide legal advice to the Committee. The hearing shall be held not less than five or more than twenty working days after the filing of the appeal unless mutually agreed upon by the employee and the committee.

Hearing shall be conducted in an informal manner but all testimony shall be given under oath. The hearing shall be recorded.

Decisions by the Hearing Committee shall be final unless the Employee files a notice of appeal within five (5) working days of the Hearing Committees decision with the office of the County Administrator or the Hearing Committee refers the appeal to the entire Board of Commissioners.

Notification of Ruling:

The affected employee and the Constitutional Officer or Department Head shall be promptly notified of the decision in writing.

## **SECTION 16: INTERNET & ELECTRONIC COMMUNICATON POLICY**

### **1. Policy statement:**

Computers and computer-related services are made available to departments and employees of Emanuel County for business-related purposes. In particular, Internet and electronic mail (email) services are provided to support open communications and exchange of information and the opportunity for collaborative government-related work. While Emanuel County believes that computers and computer-related services, including Internet and email, are essential tools for its departments and employees, access to such services is a revocable privilege. As such, conformance with acceptable use, as expressed in this Policy, is required. Departments of Emanuel County are expected to maintain and enforce this Policy. While personal electronic devices are allowed in the workplace, their use should be limited to breaks and lunch periods. The County expects these devices to be used responsibly, similar to using a workplace County phone.

### **2. Relationship to Other Policies:**

This Policy supplements any and all Emanuel County policies relating to workplace harassment, discrimination, retaliation, conflicts of interest discipline and discharge, records retention, and Open Meetings Act compliance.

### **3. No Expectation of Privacy:**

Emanuel County computers and any data stored in them are the property of Emanuel County and may be accessed at any time by authorized officials of Emanuel County. Employees shall not expect privacy in the use of Emanuel County computers. Emanuel County may, without notice, monitor Internet usage and/or email and review computer files to ensure that computers are not being used for impermissible purposes.

### **4. Public Records:**

Many emails and other electronic files constitute public records for purposes of state record retention laws. As such, whether a given email or electronic file is subject to a retention schedule must be determined by its content rather than its format. As a general rule, any email or other electronic file which is a substitute for a letter, memorandum, notice, report, or other traditional record that would be subject to a particular retention schedule, then it too is subject to the schedule. Conversely, if the email or other electronic file is merely transitory, it need not be retained beyond its useful life (e.g., listserv messages, meeting notices, general staff announcements, invitations to events, etc.). Users of Emanuel County computers and other computer-related services must also bear in mind that all emails and other electronic files are generally subject to disclosure under the Open Records Act.

## **5. Acceptable Uses:**

The following constitute examples of acceptable uses of the internet and email made available to employees by Emanuel County:

- Communication and information exchange directly related to the user's duties and responsibilities as an employee of Emanuel County or the mission and function of his/her department.
- Communication and exchange for the user's professional development as an employee of Emanuel County, to maintain currency of his/her relevant training or education, or to discuss issues related to his/her research, projects, or programs as an employee of Emanuel County's research or programs.
- Use in applying for or administering grants or contracts for Emanuel County's research or programs.
- Use for advisory, standards, research, analysis, and professional society activities related to the user's duties and responsibilities as an employee of Emanuel County.
- Announcements of new Emanuel County regulations, ordinances, procedures, policies, rules, services, programs, information, or activities.
- Any other authorized Emanuel County-related administrative communication is not requiring a high level of security.
- Occasional personal use during lunch time is permitted.

## **6. Specifically Unacceptable Uses:**

The following constitute a non-exhaustive list of unacceptable uses of the internet and email made available to employees by Emanuel County and may subject an employee to disciplinary action, up to and including termination of employment:

- Visiting inappropriate web sites (erotica, hate groups, etc.).
- Unauthorized attempts to access any computer or network.
- Sending or posting threatening or otherwise inappropriate messages.
- Sending or posting racially and/or sexually harassing messages or images, sending or posting any sexually suggestive or explicit messages or any other use in violation of Emanuel County POLICIES REGARDING WORKPLACE HARASSMENT, DISCRIMINATION, AND/OR RETALIATION.
- Accessing or copying confidential and/or proprietary software, program, or other electronic files without permission.

- Sending or posting confidential information without authorization.
- Downloading, uploading, or sending viruses or other malicious files or programs.
- Intentionally opening or sending emails or other electronic files that may endanger Emanuel County computers and/or network.
- Using the internet and/or email for any purpose which violates a federal, state, or local law.
- Using the internet and/or email for any private business or other for-profit activities unrelated to the user's duties and responsibilities as an employee of Emanuel County.
- Accessing, downloading, or sending computer games that have no bearing on the user's duties and responsibilities as an employee of Emanuel County, recognizing that some games designed to teach, illustrate, train, or simulate agency-related issues may be acceptable.
- Accessing, copying, or modifying electronic files stored within Emanuel County computers outside of the user's duties and responsibilities as an employee of Emanuel County without authorization.
- Disclosing or exchanging passwords or seeking or obtaining passwords of other employees of Emanuel County or other authorized users of Emanuel County computers and computer-related services.
- Representing oneself as another user, either on Emanuel County internal network or elsewhere on the internet, without authorization.
- Intentionally developing programs designed to harass other users or infiltrate a computer or computing system and/or damage or alter the software components of same.
- Fundraising or public relations activities not specifically related to the user's duties and responsibilities or to Emanuel County approved activities.
- Social networking or blogging during work hours.

## **7. Procedures:**

Department Heads, or their designees, are responsible for their employee's compliance with the provisions of this Policy and for promptly investigating non-compliance. Suspension of service to users may occur when deemed necessary to maintain the operation and integrity of Emanuel County computer system network. User accounts and password access may be withdrawn without notice if a user violates the acceptable use policy. Disciplinary action up to and including termination of employment may be imposed depending on the severity of the violation. Criminal or civil action against users may be initiated when laws are violated.

## **8. Guidelines:**

The following additional guidelines apply to uses of the internet and email made available to employees by Emanuel County:

- *Checking/or Viruses.* Any software obtained from outside Emanuel County shall be scanned prior to use for viruses and other malicious files or programs.
- *Logging Off.* Always make a reasonable attempt to complete the logoff or other termination procedure when finished using a remote, internet-accessed system or similar resource. This will help prevent potential breaches of security.
- *Email Security.* Always remain mindful that unencrypted email sent or received outside any department and on the internet cannot be expected to be secure.
- *Conduct and Etiquette.* Know and follow generally accepted internet and email etiquette. Refrain from language or other uses of the internet and email that reflect poorly on Emanuel County.
- *Correspondence with Legal Counsel/Disclaimer.* Any email or other correspondence sent to the County Attorney or other legal counsel for Emanuel County, if sent for the purpose of assisting legal counsel in providing legal advice to Emanuel County, must include the following disclaimer; "This communication and all attachments may contain privileged and confidential legal communications/attorney work product intended solely for the use of the addressee. If you are not the intended recipient, any reading, distribution, copying or other use of this communication and/or any attachments hereto is prohibited and you should delete this message from all locations, and advise the sender at [INSERT TELEPHONE NUMBER AND/OR EMAIL ADDRESS]. Thank you."

## **9. Use of Computer Software:**

- In compliance with federal copyright laws, Emanuel County will not participate in or condone the illegal duplication of licensed microcomputer software. Such activity is strictly prohibited on Emanuel County premises and/or computers. Emanuel County does not own the copyright to any software or its related documentation and, unless authorized by the software developer, does not have the right to reproduce it for use on more than one computer.
- With regard to use on local area networks or on multiple machines, Emanuel County employees and other authorized users shall use the software only in accordance with the license agreement.
- Emanuel County employees are required to promptly report any misuse of software or related documentation within Emanuel County to their department head or to the County Administrator. Computers are provided for the use of conduct of county business.

Occasional personal during lunch is permitted. Use must be in compliance with this Internet and Electronic Communication Policy of Emanuel County.

**Employee Cell Phone Use:**

- All employees who use a personal cell phone during business hours are expected to answer a call, on said phone, from their supervisor or return a missed call within fifteen (15) minutes of the call. Supervisors are required to leave a voicemail if possible. A personal cell phone will not be called unless there is no other way of reaching the employee.
- Personal calls are to be taken or placed in cases of emergencies only.
- If an employee operating a vehicle takes or places a call or needs to send a message electronically, said employee should bring the vehicle to a stop in a safe location and place it in parking gear. Failure to comply will result in disciplinary action.

## **SECTION 17: EMPLOYEE INTRANET AND SOCIAL MEDIA**

The purpose of this policy is to establish guidelines for employees who post information to and access personal web pages or social networking technologies. Despite the fact that social media is still an emerging technology, Emanuel County, through this policy, seeks to establish some basic guidelines for county employees who use social media technologies, both at the worksite and away from it. The intent of this policy is not to prohibit employees' personal expression on the internet. However, an employee's online presence reflects upon the County, and employees should be aware that actions captured via images, posts, or comments may discredit the County or adversely affect the efficiency or integrity of the County.

**\*NO EMPLOYEE HAS THE RIGHT TO UPLOAD ANY SOFTWARE ONTO A COUNTY OWNED MACHINE\***

### **Statement of Policy:**

#### 1. Policy

It is the policy of Emanuel County that employees may not use social media technologies during the workday for personal use. It is permitted when directly related and necessary to perform job duties. However, it is the responsibility of employees to ensure that such use does not cause a decline in public confidence in and/or respect for the County of the individual employee while on or off the job. Employees must exercise appropriate discretion, so as not to discredit the County or themselves as employees.

#### 2. Scope

This policy shall apply to all Emanuel County personnel. This policy applies to an employee's use of social media technologies, both at the worksite (when authorized) during business hours and away from the worksite during non-business hours. Personnel who violate this policy may be subject to disciplinary action, up to and including termination of employment.

#### 3. Definition & Applicability

This policy shall apply to the technologies and practices that employees use to share opinions, insights, experiences, and perspectives, known familiarly as "social media." In many cases social media is associated with an internet-based website where members of that site can electronically gather to share personal profiles with other members. Social media can take many different forms, including text, images, audio, and video. Social media sites typically use technologies that include, but are not limited to, blogs, message boards, podcasts, posts, wikis, and vlogs. Examples of current social media applications include, but are not limited to Facebook®, Twitter®, Etc. The term "friend" or follower" in the world of social media has a different connotation than the traditional definition might imply. When an employee is a "friend" or "follower" of someone, the County interprets this as a communication connection, similar to storing a phone number in an e-mail or phone address

book. Social media is still an emerging technology and the way in which people use the technology will continue to change. As new tools are introduced, this policy and its interpretation will evolve accordingly.

#### 4. Privacy

Emanuel County employees should be aware that information posted on the internet is not secure or private, even if active steps are taken to restrict access to an employee's site. Once information has been posted on the internet, it is generally traceable and accessible indefinitely. In addition, police employees, in particular, are advised that, in the event information has been posted on the Internet identifying them as a police officer, they may be ineligible for specialized positions in which anonymity is required.

#### 5. Liability

All employees should be aware that due to the nature of their employment in the public sector, they are held to a higher standard. As a result, certain kinds of internet postings may be detrimental in both the employee's personal and professional capacity. Whether social media technologies are used during or after business hours or posts made on personal or publicly accessible websites, employees should assume they are at all times representing Emanuel County, and employee postings, images, etc. are a reflection of both the County and its staff. In the event employees choose to post information that is in violation of this policy, they should be aware that they will be held accountable through the County's standards of conduct and action may be taken as outlined in the County's disciplinary policies. Employees should consider the possible adverse consequences of some Internet postings with respect to future employment, cross-examination in court cases, and potential public/private embarrassment. Employees are encouraged to seek the guidance of supervisors regarding any posting that they are concerned may adversely reflect upon either the County or upon the professionalism or integrity of the employee.

#### 6. Restrictions

- *General Use.* Employees may post personal information that is not inconsistent with this or any other County policy. Such posts may include generally known and available information about County activities, including information about the workplace, an employee's projects, etc. for certain positions; the County recognizes social media as a significant and effective communication tool.
- *Co-Worker Interactions.* Employees may be "friends" of other employees, at each employee's discretion. No employee is obligated, however, to interact with co-workers through social media technologies. Supervisors are discouraged from being "friends" with subordinates.
- *Photographs.* If otherwise compliant with copyright and other legal restrictions, employees may post photographs or other depictions of Emanuel County, including public areas of County facilities, events, etc.

- *Logos & Trademarks.* Employees may not post the County's adopted logos and trademarks without written approval of the County Administrator.
- *Respect.* Demonstrate respect for the dignity of the County, its citizens, its customers, its vendors, and its employees. Internet postings or messages left on social media sites are available for public viewing, and employees are encouraged to avoid embarrassing, harassing, or bullying other users of such sites, as well as County employees, customers, vendors, or citizens. You are encouraged to refrain from using ethnic slurs, personal insults, or obscenity, or using language that may be considered hateful or bullying. Even if a message is posted anonymously, it may be possible to trace it back to the sender.
- *Post disclaimers.* If an employee identifies himself or herself as a County employee or discusses matters related to the County on a website, web log, or social media site, the employee's web log or social media site must include a disclaimer on the front page stating that it does not express the views of the County and that the employee is expressing only his or her personal views. For example: "the views expressed on this website/weblog are mine alone and do not necessarily reflect the views of my employer." Place the disclaimer in a prominent position and repeat it for each posting expressing an opinion related to the County or the County's business. Employees must keep in mind that if they post information on a web log or social media site that is a violation of County policy and/or federal, state, or local law, the disclaimer will not shield them from disciplinary action.
- *Worksite Usage.* The County recognizes that social media technologies are an emerging form of communication. The County permits use of social media when directly related and necessary to perform job duties. The County does not permit any form of personal usage during working hours.
- *Files from County Devices.* Employees may not upload any audio/video files or other data files captured on devices owned by Emanuel County, without prior approval by his/her department manager.
- *Political Communications and Participation.* Employees are not permitted to use social media technologies to influence or affect the results of any election or nomination while acting in their official County capacity, on County time, or using any County equipment.
- *Privileged & Confidential Information.* Employees are not permitted to post any privileged or confidential information.
- *Judgment.* Employees should use good judgment in their postings and social media activity. If the content of a post is not something that an employee would feel comfortable with their supervisor reading or viewing, it is probably inappropriate and may conflict with this policy.

## **SECTION 18: FAMILY MEDICAL LEAVE ACT, ACCIDENT REPORTS AND WORKERS COMP**

Emanuel County will comply with the Family and Medical Leave Act of 1993 ("FMLA") in accordance with the applicable Statutes Regulations and Department of Labor Guidelines ("FMLA Statutes"). See Exhibit E.

This FMLA policy is intended to explain the FMLA Statutes, and any terms herein used that are defined in the FMLA Statutes carry the same definitions as in the FMLA Statutes. This policy neither adds to nor subtracts from the rights and obligations under the FMLA statutes.

### **Eligibility:**

Provided that Emanuel County employs at least 50 employees within 75 miles of the requesting employee's worksite, all full-time and part-time employees who have been employed by Emanuel County for one year (not including any period of employment preceding any break in service of at least seven (7) years) and who have worked at least 1,250 hours during the twelve-month period preceding a request for leave, are eligible for FMLA leave for the following reasons:

- The birth of the employee's child and to care for the newborn child,
- The placement with the employee of a child for adoption or foster care,
- The care for the employee's spouse, child or parent with a serious health condition,
- The care of the employee's own serious health condition,
- The care of a Covered Servicemember who is a spouse, child (any age), parent, or next of kin, and
- Attention to matters arising from an Exigency of Deployment of a spouse, child or parent in the National Guard or Armed Forces Reserves.

**"Covered Servicemember"** means any current member of the US Armed Forces, including National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty that may render the individual medically unfit to perform the duties of the individual's office, grade, rank, or rating.

**"Next of kin"** means the nearest blood relative, not including spouse, parent, son, or daughter, in the following order of priority: (A) Blood relatives granted legal custody of the Covered Servicemember, (B) brothers and sisters, (C) grandparents, (D) aunts and uncles, (E) and first cousins, unless the Covered Servicemember has specifically designated in writing another blood relative for purposes of this leave, which relative shall be deemed the only blood relative for this purpose. Documentation may be required to establish the qualifying relationship.

An **Exigency of Deployment** is a call to active duty in support of a contingency operation pursuant to: 10 USC §§ 688, 12301(a), 12302, 12304, 12305, or 12406 or 10 USC Chapter 15 or any other provision of law during a war or during a national emergency declared by the President or Congress, and only in connection with a Federal call to duty, unless a State call to duty is pursuant to one of the foregoing provisions or order of the President, and regardless of whether the call to duty is initiated by a State or the Federal government, provided that one of the following exists:

- *Short Notice deployment.* Leave for up to 7 days may be taken if the servicemember receives 7 or fewer days' notice of the deployment.
- *Military events and related activities.* Leave may be granted to attend official military ceremony or program or to attend family support or assistance programs and informational meetings sponsored or promoted by the military, military service organizations, or the American Red Cross, provided that all of the foregoing relate to the call to active duty.
- *Childcare and school activities.* Leave to arrange, in connection with the child (including stepchildren and adopted or foster children who are under the age of 18 or are age 18 or older and are incapable of self-care) of the servicemember, for alternative or changed childcare or schooling, to provide urgent or immediate care (as opposed to routine or regular care), or to attend meetings with school or childcare staff when the need to make such arrangements or provide such care arises from the call to active duty.
- *Financial and legal arrangements.* Leave to make or update financial arrangements in connection with the servicemember's absence or, during active duty status and for a period of 90 days following the termination of the servicemember's active duty status, to act as the servicemember's representative in connection with obtaining, arranging, or appealing military service benefits.
- *Counseling.* To attend counseling by someone other than a healthcare provider for the employee, the covered servicemember, or the child of the servicemember in connection with the call to active duty.
- *Rest and recuperation.* Leave for up to 5 days in connection with each instance in which the servicemember is on short-term leave for rest and recuperation.
- *Post-deployment activities.* Leave to attend arrival ceremonies, reintegration meetings and events, and any other official ceremony or program sponsored by the military within 90 days of termination of the servicemember's active duty status or to address issues arising from the servicemember's death.
- *Additional activities.* Leave to address other events with arise out of the call to active duty, provided that the Company and the employee agree that such leave qualifies as an exigency and agree on the timing and length of the leave.

### **Required Use of Paid Leave:**

Employees are required to apply all paid and unpaid leave (including annual leave time, compensatory time, etc.) concurrent with FMLA leave. Employees receiving pay for the use of paid leave will be required to comply with all of the requirements of Emanuel County's paid leave policies. An employee's accrued sick leave, workers' compensation and/or disability leave will not be applied towards FMLA leave if the employee is taking FMLA leave for any purpose other than that allowed under those policies and provided further that an employee will not be required to take paid leave concurrent with FMLA leave if the employee is receiving income benefits under the County's group disability plan (if any) or under workers' compensation law.

### **Serious Health Condition:**

A Serious Health Condition means an illness, injury, impairment, or physical or mental condition that results in an incapacity (i.e., the individual is unable to care for themselves or unable to perform the essential functions of the job or, if a child, unable to attend school). A serious health condition must also involve one of the following:

- *Hospital Care.* At least one night's stay in a hospital, hospice or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to the inpatient care.
- *Absence Plus Treatment.* A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves either (1) treatment two or more times within 30 days of the onset of the incapacity, provided that the first in-person visit with the healthcare provider occurs within 7 days of the onset of incapacity, by, or under the supervision of or pursuant to referral by a Health Care Provider, or (2) treatment by a Health Care Provider on at least one occasion, provided that the first in-person visit with the healthcare provider occurs within 7 days of the onset of incapacity, which results in a regimen of continuing treatment under the supervision of a Health Care Provider. A regimen of continuing treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves, or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a Health Care Provider.
- *Pregnancy.* Any period of incapacity due to pregnancy or for prenatal care.
- *Chronic Condition Requiring Treatment.* A chronic condition which (1) requires periodic visits (at least twice a year) for treatment by, or under the direct supervision of, a Health Care Provider, (2) continues over an extended period of time (including recurring episodes of a single underlying condition), and (3) may cause episodic rather than a continuing period of incapacity (examples: asthma, diabetes, epilepsy).
- *Permanent/Long-term Conditions Requiring Supervision.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The individual must be under the continuing supervision of, but need not be receiving active

treatment by, a Health Care Provider (examples: Alzheimer's, a severe stroke, or the terminal stages of a disease).

Any period of absence to receive multiple treatments (including any necessary recovery period) by a Health Care Provider or by a provider of health care services under orders of, or on referral by, a Health Care Provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

**Notice Required of Employee:**

When use of FMLA leave is foreseeable, an employee must provide a 30 day advance notice to Emanuel County. If the employee becomes aware of the need for leave less than 30 days in advance, notice must be provided as soon as practicable. If an employee fails to provide 30day advance notice, and it is determined that use of FMLA leave was reasonably foreseeable, then FMLA leave may be denied until 30 days have elapsed from the date notice was given or should have been given. If additional FMLA leave is needed for qualifying reason previously approved, the employee should specifically refer to that reason or specifically request FMLA leave.

When scheduling medical treatment, the employee should consult with the immediate supervisor and department head regarding the schedule so as to minimize undue disruption caused by the employee's absence(s).

If a leave request in connection with an Exigency of Deployment is not accompanied by a copy of the military orders or other acceptable military documentation, such documentation will be requested in connection with the first request for leave for each deployment.

**Medical Certification:**

If an employee is taking FMLA leave, the leave request should be accompanied by a medical certification of the need for leave on a form approved by Emanuel County. If the leave request does not include a medical certification, Emanuel County will request, in writing, that the employee provide medical certification to Emanuel County on or before the later of (1) fifteen (15) calendar days after the written request from Emanuel County for the certification, or (2) the commencement of the leave. Failure to submit the certification may result in denial of FMLA leave or delay of the leave until the certification is submitted. Additional medical opinions may be obtained by Emanuel County at its option and will be binding in accordance with the FMLA statutes.

Emanuel County requires that the employee provide subsequent medical certifications on the approved form. Generally, the re-certifications will be required no more often than every thirty (30) days. However, recertification may be required more or less frequently in accordance with the FMLA Statutes.

**Medical Benefits:**

Emanuel County will continue all health care benefits for the duration of FMLA leave, provided the employee pays the employee's portion of the health care benefit premiums.

Any employee on FMLA leave will be required to continue to pay health care benefit premiums during the time the employee is on FMLA leave, by submitting to Emanuel County at the beginning of each month an amount equal to the monthly premiums that would have been deducted from the employee's pay were the employee not on FMLA leave. Emanuel County may cancel all health care benefits if the employee's premium payment is more than thirty days late if Emanuel County has provided fifteen days' written notice to the employee prior to cancellation. Emanuel County will continue health benefits during these thirty days.

If an employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, Emanuel County will be entitled under certain circumstances to recover the health care benefit premiums paid by Emanuel County during the period of unpaid FMLA leave. An employee must return to work for a minimum of thirty days in order to qualify as "returning to work."

**12-Month Period:**

Eligible employees are entitled to take up to twelve weeks of FMLA leave during a rolling twelve-month period measured backward from the date an employee uses any FMLA leave. An employee's entitlement to leave for a birth or placement for adoption or foster care expires at the end of the 12-month period beginning on the date of the birth or placement. Spouses who are both employed by Emanuel County are limited to a combined total of twelve weeks of leave during any 12-month period if the leave is taken for the birth of the employee's child or the placement of a child with the employee for adoption or foster care.

An eligible employee is entitled to twenty-six (26) weeks of Covered Servicemember Leave on a per Covered Servicemember per injury/ illness basis, provided that no more than 26 weeks of FMLA leave for any reason (although no more than 12 weeks may be taken for a qualifying reason other than Servicemember Leave) may be taken during a single 12-month period as measured from the start of each such period of Covered Servicemember Leave. If both spouses intend to care for a Covered Servicemember and are both employed by Emanuel County, they are limited to a combined total of 26 weeks of leave if the leave is in connection with Covered Servicemember Leave and is limited as set forth in the paragraph above.

**Reinstatement:**

On return from FMLA leave, the employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits pay, and other terms and conditions of employment, provided the employee is able to perform the essential functions of the position. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave period.

**Return to Work Certification:**

An employee with a Serious Health Condition who has been out on FMLA leave must provide certification that the employee is fit to return to work. The employee will be provided with a list of the essential functions of his/her job with Emanuel County's response to a request for FMLA leave. For certain positions, an employee on intermittent leave may be required to submit a fitness-for-duty certification every 30 days due to safety concerns. The employer may delay restoration until the certification is provided.

**Intermittent and Reduced Schedule Leave:**

FMLA leave for the Serious Medical Condition of the employee or a family member, for an Exigency of Deployment, or Covered Service member, may be taken in increments or result in a reduced schedule of work, provided (except in the case of an Exigency of Deployment) the need for intermittent/reduced- schedule leave is certified by the Health Care Provider on the approved medical certification form. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the employer's operations. In addition, if an employee takes intermittent or reduced-schedule leave, Emanuel County has the right to assign the employee to an alternative position with equivalent pay and benefits if the alternative position better accommodates the need for such leave. Regardless of the manner in which any paid leave is taken by an employee pursuant to Johnson County policies, leave may not be deducted from an employee's "bank" of FMLA leave in increments of time that are less than one hour.

**Termination of Employment:**

Unless otherwise required by law, employment with Emanuel County will, following review of the circumstances, normally terminate if the employee does not return to work after the maximum amount of FMLA leave has been taken.

**Key Employees:**

At the time FMLA leave is requested, Emanuel County will designate an employee as a "key employee" if that employee is among the highest paid ten (10) percent of Emanuel County employees at the time the FMLA leave is requested.

The key employee will be given a written notice at the time FMLA leave is requested, or as soon as practicable thereafter, that the employee qualifies as a key employee. In addition to informing the employee that he/she qualifies as a key employee, Emanuel County, will also inform the employee of the potential consequences with respect to reinstatement and maintenance of health benefits.

When Emanuel County makes a determination that substantial and grievous economic injury to its operations will result if a key employee who has requested or is using FMLA leave is reinstated, Emanuel County will notify the employee as soon as practicable in writing of its

determination, stating that it intends to deny restoration to employment on completion of the FMLA leave (Notice of Intent). This Notice of Intent will explain the basis for Emanuel County's determination and will provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return.

If an employee does not return to work in response to the Notice of Intent, the employee will continue to be entitled to maintenance of health benefits during the remainder of the FMLA leave, provided that the requirements of the above are met, and Emanuel County will not recover its cost of health premiums.

After the Notice of Intent is given to the employee, the employee will remain entitled to request reinstatement at the end of the leave period. Emanuel County will then again determine whether there will be substantial and grievous economic injury from reinstatement, based on the facts at that time.

Any written notices given to a key employee must be either sent by certified mail or given in person.

## **WORKERS COMPENSATION/ACCIDENT REPORTS**

When an employee suffers a job-related injury, the employee shall report the accident to their supervisor immediately. The supervisor will complete the required injury report. This form will be prepared whether or not medical attention is required and forwarded to the County Secretary as soon as completed but within 24 hours of the injury. A worker's compensation claim cannot be certified until the report of injury has been received.

If the injury is serious, notify the County Commissioners' Office immediately so an investigation can be conducted. All worker's compensation claims must be processed in the County Commissioner's Office. All worker's compensation documents are to be sent to the County Commissioners' Office.

The appropriate Constitutional Officer or Department Head should notify the Human Resource Director each week of the status of the employee and the date they are expected to return to work.

## **RETURN TO WORK POLICY**

It is the policy of Emanuel County to provide and establish a return to work policy and procedure for employees with work related injuries and illnesses that are unable, temporarily or permanently, to return to their regular job duties.

Because Emanuel County recognizes that their employees are a valued and limited resource, this program is designed to:

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

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

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

Emanuel County through its reasonable accommodation program will make efforts to retain employees who are permanently disabled.

**It is the policy of Emanuel County to make every effort to return injured employees to their previous positions. However, this must be balanced with the duty of the County to provide its citizens with its services in a reliable, consistent, and efficient manner. Any employee injured on the job will be placed on FMLA leave regardless of whether that employee is receiving benefits under worker's compensation. For all non-key employees who fail or are unable to return to any duty after twelve months will be released. Any key employee will be noticed and afforded the opportunities discussed under "Key Employees" above.**

## **SECTION 19: VEHICLES, SEAT BELTS AND SAFETY VESTS POLICY**

### **Vehicles:**

All employees that are assigned County vehicles are to maintain service on the vehicle. Falsifying service records on any County vehicles will result in termination. No one except County employees or individuals doing contract work with the County are allowed inside County vehicles. If anyone else is reported to be in a County vehicle, disciplinary action will be taken against the employee said vehicle is assigned to.

### **High Visibility Safety Vests:**

- All County employees and County officials are required to wear the high visibility vests while within the right of way of any public road- County, State or Federal. All persons visiting a job site are required to follow the same safety regulations as County employees and County officials.
- All operators of equipment within the right of way as described above are required to wear the high visibility vest when off equipment on ground within the right of way.
- All personnel working in or about moving traffic such as off-street parking areas, pit areas or burn areas when on ground are required to wear vests.
- Flagmen are required to wear safety vests at all times.
- At certain times vests may be required to be worn by designated personnel as mandated by working conditions at particular job sites.
- Operators of mowing equipment, trucks or other equipment associated with mowing operations shall wear safety vests at all times whether on or off equipment.

### **Seat Belts:**

- All employees or visitors riding in County owned vehicles must wear seat belts as prescribed by Georgia law- employees operating any equipment owned by, leased or rented to Emanuel County that is equipped with seat belts must wear these belts while operating said equipment. The term vehicle is inclusive of all equipment that has seat belts.

### **Disciplinary Action of Employee in Violation:**

- First violation of safety rules will result in an issuance of a verbal warning and written proof of said warning will be placed in the employee's file.
- Second violation of safety rules will result in a written warning to be placed in the employee's file.

- Third violation of safety rule will result in a one (1) day (automatic) suspension for work without pay.

## **SECTION 20: POLICY CHANGES**

These policies shall reflect and be suspended by any changes mandated by State or Federal legislation.

EXHIBIT A  
OBSERVATION CHECKLIST

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Physical Signs of Conditions:

**1. Walking**

- Stumbling
- Swaying
- Staggering
- Holding On
- Unable to Walk
- Unsteady
- Falling

**2. Standing**

- Swaying
- Sagging at knees
- Rigid
- Unable to stand
- Feet wide apart
- Staggering

**3. Speech**

- Shouting
- Silent
- Whispering
- Slow
- Rambling
- Mute
- Slurred
- Slobbering
- Incoherent

**4. Demeanor**

- Cooperative
- Calm
- Sleepy
- Crying
- Silent
- Talkative
- Excited
- Sarcastic
- Fighting

**5. Actions**

- Resisting communications
- Fighting
- Withdrawn or improperly talkative
- Spends excessive amount of time on telephone
- Displays violent behavior
- Avoids talking with supervisor regarding work issues
- Has exaggerated sense of self-importance

**6. Eyes**

- Bloodshot
- Watery
- Dilated
- Glassy
- Droopy
- Closed

**7. Appearance/Clothing**

- Unruly
- Messy
- Dirty
- Partially dressed
- Body excrement stains
- Having odor
- Neat
- Clean

**8. Breath**

- Alcoholic odor
- Faint alcoholic odor
- No alcoholic odor

**9. Accidents**

- Taking needless risks
- Disregard for safety of others
- Higher than average accidents on the job

EXHIBIT B  
DRUG TESTING  
CONSENT AND RELEASE FORM

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I hereby consent to submit to urinalysis and/or other tests for the selection process of applicants for employment, for the purpose of determining the drug content thereof.

I hereby acknowledge that I have been notified of the Emanuel County Substance Abuse Policy requirements.

I agree that Emanuel County Regional Medical Center or another authorized entity may collect these specimens for these tests and may test them or forward them to a testing laboratory.

I further agree to and hereby authorize the release of the results of said tests to the County Administrator/Clerk.

I further agree to hold harmless Emanuel County and its agents (including the above named physician, clinic, etc.) from any liability arising in whole or in part, out of collection of specimens, testing, and use of the information from said testing.

I further agree that a reproduced copy of this pre-employment consent and release form shall have the same force and effect as the original.

I have carefully read the foregoing and fully understand its contents. I acknowledge that my signing of this consent and release form is a voluntary act on my part and that I have not been coerced into signing this document by anyone.

Applicant:  
Print Name: \_\_\_\_\_ SS# \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Applicant:  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness Printed Name: \_\_\_\_\_

Witness Signature: \_\_\_\_\_

Guardian Signature (if applicant/employee under 18): \_\_\_\_\_

- |   |   |
|---|---|
| <input type="checkbox"/> DRUG TEST      | <input type="checkbox"/> PRE-EMPLOYMENT             |
| <input type="checkbox"/> BLOOD ALCOHOL  | <input type="checkbox"/> CAUSE/REASONABLE SUSPICION |
| <input type="checkbox"/> BREATH ALCOHOL | <input type="checkbox"/> POST ACCIDENT              |
|   | <input type="checkbox"/> RANDOM                     |
|   | <input type="checkbox"/> FOLLOW-UP TREATMENT        |
|   | <input type="checkbox"/> OTHER _____                |