

# **BEN HILL COUNTY**

## **PERSONNEL MANAGEMENT POLICY HAND BOOK**



*Revised –January 7, 2014*

*Drug Policy Amended September 11, 2018*

**BEN HILL COUNTY**  
**AT WILL EMPLOYMENT**  
**PERSONNEL MANAGEMENT POLICES**

**SECTION 1 INTRODUCTION**

**Par 1.000:** At-Will Employment – It is the policy of the Board of County Commissioners that all employees who do not have a written employment contract with Ben Hill County for a specific, fixed term of employment are employed at the will of the county for an indefinite period.

No county official is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship. County officials are not to make any representations to employees or applicants concerning the terms or conditions of employment which are not consistent with the adopted policies of Ben Hill County. No statements made in pre-hire Interviews, discussions, or in recruiting materials of any kind, shall alter the at-will nature of employment.

**Par. 1.100:** Personnel Management Policies - The Ben Hill County Personnel Management Policies have been established by the Ben Hill County Board of Commissioners and Constitutional Officers to provide a fair, equitable, and productive work environment for those employees covered by the policies.

**Par. 1.200:** Authority - These policies have been authorized by the Ben Hill County Board of Commissioners and Constitutional Officers.

**Par. 1.300:** Purpose - The personnel policies have been adopted by the Board of Commissioners and Constitutional Officers to be consistent with the following principles:

1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open competition of qualified applicants for in appointment.
2. Providing equitable and adequate compensation.
3. Training employees, as needed, to assure high quality performance.
4. Retaining employees on the basis of the adequacy of their performance,

correcting inadequate performance and employees whose inadequate performance cannot be corrected.

5. Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, color, race, disability, national origin, sex, or religion and with proper regard for their privacy and constitutional rights as citizens.

In a broader sense, the Board of Commissioners and Constitutional Officers want to ensure high morale for the employees of the county and high productivity for the people of the county. To accomplish these goals, the officials feel that fair and equitable treatment of all applicants and employees is desirable. Although all jobs are not identical, and therefore, all conditions of employment will not be identical, many personnel practices can be the same in all departments. Among those practices are the methods of accruing and requesting annual and sick leave, the method of administering disciplinary action, and the methods of administering employee complaints. By including those provisions in the policies, the county officials hope to provide equal benefits to each employee and to assure good personnel practices.

**Par. 1.400:** Establishment - These personnel policies have been voluntarily established by the Board of Commissioners and Constitutional Officers of Ben Hill County. The policies are intended to standardize the personnel practices in the various departments where standardization is possible. In establishing these practices and privileges, the officials are not creating a property interest for employees that leads to the expectancy of continued employment at any time, in any position, pay grade or pay step. The privileges are considered good personnel practices and are consistent with the above stated goals.

**Par. 1.500:** Coverage - These policies apply to all employees with the exception of the following:

1. County Commissioners, Constitutional Officers, and other Elected Officials.
2. Any person appointed to a position designated by the Board of Commissioners and Constitutional Officers as excepted, which because of its nature cannot or should not be appropriately included in the regular service. Included in this category are confidential, policy determining, or key management positions. These positions include the following: County Manager and any employee designated by the appointing authority as a department head.

The Board of Commissioners and Constitutional Officers may give excepted, temporary or irregular employee coverage under any part of these policies.

3. Members of appointed boards, committees, commissions, judges or other persons performing special duties, and persons appointed to perform work for the county on a retainer or fee basis.
4. Temporary employees, employees hired to work on an irregular basis, part-time employees, and volunteer employees.
5. These conditions shall be formally documented as exceptions to the Personnel Management Policies, and a copy of this documentation shall be maintained in the individual personnel or contractor file.
6. Those provisions of the Personnel Management Policies which involve compliance with Federal or State Law may not be waived by County Commissioners, Constitutional Officers, and other elected officials.

Excepted employees shall have their pay and other conditions of employment established individually by the Board of Commissioners and Constitutional Officers.

**Par. 1.600:** Administration - The County Manager is responsible for administering these policies.

**Par. 1.700:** Statement of Non-Discrimination – Ben Hill County is committed to providing people with disabilities an equal opportunity to benefit from all the programs, services and activities the County provides or supports (e.g. employment, recreation, health care, social services, courts, voting, and public meetings.)

The County prohibits discrimination on the basis of disability in the provision of or admission to its programs, services and activities; as required by the Title II ADA and Section 504 regulations.

The Ben Hill County Manager is responsible for insuring compliance with this policy and can be contacted at the Ben Hill County Commission Office, 402 East Pine Street, Fitzgerald, GA 31750, or by phone at (229) 426-5100, from 8-5 Monday thru Friday. The alternate point of contact is the Ben Hill County Human Resource Manager, at the same location, phone and business hours.

## **Personnel Management Policies**

### **SECTION 2 DEFINITIONS**

**Par. 2.100:** Adverse Action - An action taken for any reason by the County Manager or Constitutional Officer that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, or disciplinary dismissal.

**Par. 2.101:** Adverse - The results of an action or decision that is not an adverse action but which deprives the employee of income or the opportunity to earn more income.

**Par. 2.102:** Appointing Authority - The person who has, among other authorities, the authority to appoint and discharge all covered employees. The County Manager is the appointing authority for the Board of Commissioners. The Constitutional Officers are the appointing authority for their elected office.

**Par. 2.103:** County Attorney - The attorney retained by the County to represent the County in matters requiring legal advice and assistance.

**Par. 2.104:** Covered Employees - Employees whose positions are not excluded in paragraph 1.500.

**Par. 2.105:** Days - When the word "days" is used as a method of counting, it means calendar days unless stated otherwise.

**Par. 2.106:** Designee - The person or persons to whom the appointing authority delegates certain duties for the administration of the county government.

**Par. 2.107:** Disable/Handicapped - Any person who has a physical or mental impairment that substantially limits one or more major life activity, who has a record of such an impairment, or who is regarded as having such an impairment.

**Par. 2.108:** Exempt Employee - An employee exempt from the overtime provisions of the Fair Labor Standards Act.

**Par. 2.109:** Full-Time Employee - An employee appointed to a continuing position who works 35 or more hours per week. Employees being grand fathered, may play into this section.

**Par. 2.110:** Immediate Family - Included are the employee's spouse, children, parents, brothers, sisters, grandparents, grandchildren, mother-in-law, father-in-law, brothers-in-law, and sisters-in-law. The definition is extended to any other person

who resides in the employee's household and who is recognized by law as a dependent of the employee.

**Par. 2.111:** Irregular Employee - An employee subject to call to fill in occasionally for regular employees or during peak workload periods.

**Par. 2.112:** Non-Exempt Employee - An employee subject to the overtime provisions of the Fair Labor Standards Act.

**Par. 2.113:** Part-Time Employee - An employee appointed to a continuing position who works less than 40 hours per week.

**Par. 2.114:** Regular Employee - A full-time covered employee who has completed all employment requirements including the probationary period. The term is used solely to identify covered employees who have completed their probationary period.

**Par. 2.115:** Should - This word denotes a condition that may be desirable as a condition or act, but which is not mandatory.

**Par. 2.116:** Temporary Employee - An employee whose position is not authorized to exceed one year; or who is employed in a continuing position but the period of employment is scheduled for less than one year. A temporary employee may be full-time or part-time.

**Par. 2.117:** Unlawful Discrimination - Employment practices which state and federal laws prohibit, and which include discrimination because of race, color, sex, religion, national origin, age, mental or physical disability, and political affiliation.

**Par. 2.118:** Probationary Period - A period of six (6) months, during which a new employee or an employee who has been transferred or promoted to a higher position is being tested on job capability and performance.

**Par. 2.119:** Emergency Declaration - In the event of a local declaration of emergency by the Board of Commissioners, all exempt employees shall be temporarily converted to non-exempt status and become subject to the overtime provisions of the Fair Labor Standards Act.

The County Manager shall be responsible for mobilizing on-call administration part-time help to manage accountability of timesheets, equipment, and mutual aid support from outside the County.

## **Personnel Management Policies**

### **SECTION 3 CONDITIONS OF EMPLOYMENT**

**Par. 3.100:** Working Hours - Normally, the minimum workweek for covered employees will be forty (40) hours in a seven-day work period. Because of the differences in job requirements in the different departments, the required work period will vary from job to job and department to department. Non-exempt employees will be assigned specific work periods and will receive overtime compensation accordingly. Exempt employees are expected to perform their necessary duties without overtime compensation. Non-exempt employees are instructed by their Supervisor for clock in and out times and should follow the rules for his or her department.

**Par. 3.101:** Overtime - Non-exempt employees will be compensated for all hours worked over forty (40) hours per week as required by the Fair Labor Standards Act, as amended. Public safety departments will establish work periods and overtime policies separately as a part of the departmental operating policies. Exempt employees will receive their normal salaries for any work period, regardless of the number of hours worked. Non-exempt employees may not perform overtime work without the prior knowledge and consent of his or her department head. Under no circumstances may a non-exempt employee donate work time to the county.

**Par. 3.102:** Compensatory Time - Compensatory time may be given in lieu of overtime pay for hours worked in excess of the normal work period. The employee and supervisor must agree on the form overtime compensation is to take before actual overtime work is performed. Exempt employees may take compensatory time at the discretion of their appointing authority. Constitutional Officers must authorize for their respective departments to utilize overtime.

**Par. 3.200:** Holidays - The following are official holidays:

- A. New Year's Day
- B. Martin Luther King Day
- C. National Memorial Day
- D. Independence Day
- E. Labor Day
- F. Thanksgiving Day and the day after
- G. Veteran's Day
- H. Christmas Eve and Christmas Day

**Par. 3.201:** Observation - Employees may be required to work during the above holidays. Employees who are required to work on a holiday will receive one times their regular pay in addition to their regular pay for eight hours worked. Any hours worked over eight hours will be paid at regular rate of pay. Employees that work shift scheduling and are scheduled off on the holiday will be paid eight hours holiday pay at their regular rate of pay. No part time employee will receive holiday pay.

If a holiday falls on a Saturday, it will generally be observed on the preceding Friday. If the holiday falls on a Sunday, it will generally be observed on the following Monday. For employees that work shift scheduling the holiday will be observed on the actual day it falls on.

No part time employee will receive holiday pay.

**Par. 3.300:** Prohibited Activities - Because public employees are in positions created for the public and funded by the public, the public has the right to expect that the incumbents in the positions will not abuse the trust placed in them. The employees of Ben Hill County are expected to observe and honor the laws of the State of Georgia and the ordinances of Fitzgerald and Ben Hill County. The following are some of the activities that are specifically prohibited.

Par. **3.301:** Political Activities - No employee of the county shall:

- Violate the Federal Hatch Act:
- Use any official county position or authority, or the influence of his or her office or position, for the purpose of interfering with or affecting the result of any election, referendum or any nomination for political office;
- Directly or indirectly coerce, attempt to coerce, command, direct or advise any state or local officer or employee to pay, lend or contribute anything of value to any party, committee, organization, agency or person for any political purposes;
- Be a candidate for nomination or election to any public office.

Nothing herein shall affect the right of any employee to contribute to, hold membership in, serve as an officer of, or support a political party, to vote as he or she chooses, to support or campaign for state or national political candidates, to express privately his or her opinions on all political subjects and candidates, to maintain political neutrality, or to attend political meetings.

**Par. 3.302:** Outside Employment - No employee may engage in any paid employment in addition to his or her employment with the county which interferes with efficient performance of his or her duties and/or which presents a conflict of interest. The employee is responsible for notifying his or her Supervisor of any outside employment.

**Par. 3.303:** Gifts and Gratuities - No employee shall accept significant gifts or gratuities from anyone who might expect to receive return favors from the county.

**Par. 3.304:** Conflict of Interest - No relatives should be employed in positions where their familial interests could conflict with the interests of the county.

**Par. 3.305:** Use of Intoxicants - Employees shall neither possess nor consume any intoxicating drugs such as alcohol during work hours.

**Par. 3.306:** Drug Free Workplace - No employee of Ben Hill County shall illegally engage in the manufacture, distribution, dispensation, possession or use of a controlled substance at the workplace. No employee of Ben Hill County shall use or consume illegal drugs or alcohol outside the workplace so that his/her ability to perform work duties is impaired in any way. Such activity will be considered a sufficient ground for a serious adverse personnel action up to and including dismissal from employment.

If an employee is convicted of violating any criminal drug statute, regardless of whether the alleged violation occurred at the workplace or elsewhere, the employee must notify the County Manager in writing of each conviction within five (5) calendar days of the conviction.

Failure to comply with any part of this policy will result in serious adverse personnel action up to and including dismissal from employment.

In the event probable cause exists to believe an employee or a group of employees may be violating this policy, the County Administrator may require said employee or group of employees to submit to drug testing to determine whether any such violation has occurred. Any employee failing to comply with the County Administrator's request for drug testing shall be guilty of insubordination and subject to adverse action.

***Random Drug Testing Is For The Commission to decide. (Amended 9/11/2018)***

**A. Drug testing of new employees.**

- a. The County strongly adheres to the Drug Free Workplace policy set forth in these Personnel Policies. The County has determined that the use of illegal substances by County employees presents a clear and present danger to the public, other County employees, and public and private property. The County intends to use all lawful means to prevent the use of illegal substances by County employees. While these statements apply equally to all County employees, public safety demands that persons hired for certain **“safety sensitive”** positions must be tested for illegal substances before they may begin employment with the County. Accordingly, any and all persons selected for employment in any of the following positions shall submit to a drug test as a part of the physical examination requirement set forth in this section: sworn law enforcement personnel; sworn fire department personnel; correctional officers; E-911 personnel/public safety dispatchers; licensed EMS personnel; drivers or operators of the following County vehicles/heavy

equipment: tractors, motor graders, backhoes, street sweepers, forklifts, or any other heavy equipment/heavy-duty vehicle used for excavation/digging, construction or maintenance and large outdoor power equipment; sanitation truck operators (including employees responsible for operating mechanized equipment thereon) and employees who must be randomly tested by virtue of federal or state-mandated regulations or guidelines. The County has determined that the duties and responsibilities associated with these positions are such that inattention to duty or errors in judgment while on duty presents a significant risk of harm to the employee, other employees, and the general public. Failure to pass the drug test shall disqualify the individual for the position and will result in a withdrawal of the offer of employment. **(Further, these employees in these “safety sensitive” positions are subject to random drug testing.)**

- b. For purposes of this Section specifically and this policy generally, the term –illegal substances shall mean marijuana, as defined in paragraph (16) of O.C.G.A §16-13- 21, as amended; a controlled substance, as defined in paragraph (4) of O.C.G.A. § 16-13-21, as amended; a dangerous drug, as defined in O.C.G.A. §16-31-71, as amended or any other controlled substance or dangerous drug that persons are prohibited from using under Georgia or Federal law. These terms shall not apply to any drug an individual is authorized to take pursuant to a valid medical prescription or when used as otherwise authorized by State or Federal law, provided the physical examination indicates such usage will not interfere with the employee’s performance of essential job functions and safety responsibilities. The term drug test shall mean the collection and testing of bodily fluids administered in a manner equivalent to that required by the Mandatory Guidelines for Federal Workplace Drug Testing Programs (HHS Regulations 53 Fed. Reg. 11979 et seq.), as amended, or any other professionally valid procedures approved by the Georgia Department of Human Resources.
- c. **All constitutional officers of the County are welcome to implement these provisions relating to drug testing.**

**Par. 3.307:** Garnishments - Employee indebtedness is a personal concern of the employee, but multiple garnishments of an employee's salary creates administrative difficulties that may lead to disciplinary action.

**Par. 3.308:** Abuse and Misuse of Equipment and Supplies - Employees are entrusted with the use of public equipment and supplies. The abuse or misuse of equipment and supplies will lead to appropriate disciplinary actions.

**Par. 3.309:** Sexual Harassment - Unlawful sexual harassment will not be permitted in any department of the county government. If an employee feels that unwelcome sexual advances or language is interfering with their productivity or comfort at the work place, or if they feel that any term or condition of employment depends on sexual favors, the employee should report to the appointing authority immediately. It should be clearly understood that a claim of sexual harassment bypasses the normal grievance procedure, and if necessary the claim can be expressed privately before the County Attorney.

Harassment also includes any action by another employee, a supervisor, a commissioner, a contractor, or a member of the public that creates a hostile work environment for a Ben Hill County employee. Employees, who believe they have been subjected to harassment, or who have knowledge of another employee being harassed, shall immediately report it to their supervisor.

Harassment is a violation of Federal Law and the Civil Rights of an employee and will not be tolerated. It is the Policy of the Ben Hill County Commission to immediately investigate reports of harassment, protect the employee, and seek legal redress.

**Par. 3.310:** Policies and Procedures Not Contracts - These personnel policies and the procedures designed to implement the policies are not intended to be contracts on the terms or conditions of employment. The policies or procedures may be changed at any time by the appropriate action of the Board of Commissioners and the Constitutional Officers.

**Par. 3.311:** Compliance with State and Federal Laws - State and federal laws supersede local ordinances and policies. It is the intent of these policies to implement and enforce several state and federal laws. If state or federal laws are passed or changed, they will take precedent over the policies.

**Par. 3.400:** Education Expense - When pre-approved by the County Commissioners, a covered employee voluntarily taking and passing a job-related course will be reimbursed for tuition and other approved costs. Reimbursement will be made when a copy of an official school document showing the passing grade is presented to the County Clerk.

**Par. 3.500:** Language Incentive Pay -

1. Ben Hill County has a growing Hispanic population, and its Emergency Services need to have a Spanish-language capability.
2. (1) employee per shift in the Sheriff, 911 and EMS Departments may qualify to receive a Spanish Language Proficiency Incentive Pay supplement each pay period. All employees within these departments may apply.
3. Application is made thru the respective Constitutional Officer or Department Head. Testing will be conducted by the Ben Hill County Manager or a qualified linguist.
4. The standard is demonstrating basic literacy in Spanish and English; including reading, writing, and speaking. Applicants will be tested on their ability to understand and translate common questions, phrases, instructions and documents; both from Spanish-to-English, and from English-to-Spanish. Test materials will be drawn from information commonly handled by first responders. Retesting is at the discretion of the County Manager.
5. In addition to their normal duties, the Probate and Magistrate Courts may request recipients help Spanish-speaking defendants understand the proceedings and communicate with the Courts. This does not include legal representation or official translator services.
6. County and Constitutional Offices may also request help in communicating with Spanish-speaking customers.
7. If there are not enough qualified employees, the Constitutional Officer and Department Head may request Spanish-language training support. Funding may be approved for a 4-month course of training per employee; including formal classroom instruction, a recognized self-study program, and/or tutoring. At the end of the 4-month period, the employee must be tested and demonstrate basic literacy in both English and Spanish if they are to receive the Incentive Pay supplement. Individual training may not be repeated at County expense. Alternatively, on-site Basic Conversational Spanish training may be conducted for all employees.
8. Incentive Pay expires at the end of the calendar year, and all recipients must be retested. The County Manager will include program funding in the annual budget.

## Personnel Management Policies

### SECTION 4 EMPLOYMENT PRACTICES

**Par. 4.100:** Objective - The objective of establishing the following employment practices are (1) to comply with the accepted principles of good personnel practices, and (2) to enhance the employment conditions in the County with the belief that fair and equitable employment practices lead to greater job satisfaction and productivity.

**Par. 4.200:** Announcements - Except where employment development needs take priority, and as long as these needs do not deprive protected groups of an equal opportunity, job opening announcements will be posted in conspicuous public places and announced in appropriate public communications media.

**Par. 4.300:** Security Clearance - In employment areas such as public safety and finance where the public has a compelling interest in the security of property and life, applicants for employment, promotion, and transfer will be asked to supply personal information that would not be needed in other employment areas.

**Par. 4.400:** Types of Appointments - The County recognize two (2) types of appointments that apply to both original appointments and to promotions. They are non-competitive and competitive appointments.

**Par. 4.401:** Non-Competitive Appointments - It will be the policy of the County to promote from within whenever possible. Non-competitive promotions shall be consistent with fair employment practices. This type of appointment applies to temporary and part-time employees who are not covered by these policies.

**Par. 4.402:** Competitive Appointment - Competitive appointments are the normal practices of the departments. When a vacancy occurs, a recruitment plan will be developed and implemented by the County Manager. An applicant must be considered qualified for the job to be employed, and in general, the best qualified applicant will be employed.

**Par. 4.500:** Provisional Appointment - An appointment made only in the absence of a qualified applicant.

1. When there is need to fill a vacancy and a qualified applicant is not available, a provisional appointment may be made.
2. Provisional appointments shall not exceed six (6) months. When necessary, extensions may be approved by the appointing authority.

3. An employee shall not attain regular status while serving on a provisional appointment.

**Par. 4.501:** Temporary Appointment - Temporary appointments may be made to fill positions when the work of the county requires the services of one or more employees on a seasonal or intermittent basis, or in cases of emergency. Temporary appointments shall not exceed ninety (90) calendar days.

**Par. 4.502:** Regular Status - An employee shall acquire regular status upon the satisfactory completion of the probationary period.

**Par. 4.503:** Probationary Period - As a final test of employability, the first six (6) months of employment in positions of original appointment, promotion, or transfer to a position that has different qualifications shall be a probationary period. During this period, the department head or elected official will evaluate the ability of new employees to determine their potential to make satisfactory employees. It is a part of the examining process and is considered to be the last step in the selection of a new employee. If, at any time up to the date the probationary period ends, it becomes apparent an employee will not make a satisfactory worker, a dismissal action will be taken. An employee who is to be dismissed will be notified in writing and that the reason is failure to qualify during the probationary period. The employee will be given a letter in person prior to the date of the separation, or the last day of the probationary period. No employee will be given a cost of living raise until his/her probationary period is complete.

**Par. 4.600:** Job Mobility - It is possible for employees to voluntarily move upward, downward, or laterally in the organization. It is also possible for the employee to be involuntarily moved in all three directions.

**Par. 4.601:** Transfer - If a position is open at an equivalent pay grade, an employee may request transfer to that position. If the knowledge, skills, and abilities required for that job are not the same as the employee's present job, the employee will be tested and interviewed for the new position, and will be on probationary period status for the new job if transferred. The County Manager may transfer an employee to any position, at the same pay grade, if the employee is qualified to do the work and if their salary is not changed. The County Administrator may temporarily transfer an employee to a higher or lower position without a change in salary. A temporary transfer to a higher position may be made for up to ninety (90) days without giving a salary increase.

**Par. 4.602:** Promotion - It will be the policy of the County to promote from within when possible.

**Par. 4.603:** Demotion - Employees may request that they be demoted to open positions at lower pay if they are qualified for the position. The employee's salary will be reduced to the amount appropriate for the new position. Disciplinary demotions will be administered according to Section 6 of these policies. All disciplinary demotions will result in a salary reduction.

**Par. 4.700:** Pay Increases - Pay increases are implemented by department managers. Department managers will make determination for employee pay increases by a written and communicated employee performance evaluation. The performance evaluation is used to provide a formal means of communicating information to the employee concerning his or her work related strengths and weaknesses and also factors in determining promotions. A copy of the completed performance evaluation will be placed in the employee's personnel file.

**Par. 4.701:** Instrument - The appointing authority will select performance appraisal instruments for the jobs in their department. The instrument may be the same for all jobs, or the appointing authority may select special instruments which apply to a particular class series.

**Par. 4.702:** Frequency - A performance appraisal will be performed on new employees at the end of the probationary period. For regular employees, a performance appraisal will be performed yearly.

**Par. 4.703:** Interview - Each time a performance appraisal is performed for an employee, the appraising supervisor will hold a private interview with the employee to explain the rating and the reason for the rating.

**Par. 4.704:** Signature - After the interview, the employee shall sign the appraisal instrument, indicating that the appraisal and rating has been explained. The signature does not necessarily indicate that the employee agrees with the appraisal or rating.

**Par. 4.800:** Separations - An employee may voluntarily resign, abandon the job, and be separated in a reduction-in-force, be dismissed for disciplinary reasons as described in Section 6, or be dismissed for any reason deemed appropriate by the appointing authority.

**Par. 4.801:** Job Abandonment - Employees who are absent from work for two (2) or more consecutive days without having received leave approval or without having

called to report the absence will be considered as having voluntarily abandoned their jobs. The separation will not be in good standing, and may affect the receipt of accrued benefits.

**Par. 4.802:** Loss of Benefits - Once separated, an employee will lose all accrued sick leave and any elected medical coverage, and if rehired, will be treated as a new employee in the accrual of benefits.

**Par. 4.803:** Reduction-in-Force- A reduction-in-force may be necessary when a position or group of positions must be closed because of lack of work or funds. Employees who are separated in a reduction-in-force will be treated as if they were on leave-of-absence for one (1) year and will receive preference in rehiring should a position for which they are qualified opens within that year. Reduction in force includes but is not limited to: lay off and furloughs, partial work days.

## **Personnel Management Policies**

### **SECTION 5 LEAVE**

**Par. 5.100:** Types of Leave - The County recognizes eight (8) types of leave that are available to regular, full-time employees. They are: annual leave, sick leave, holiday leave, military leave, court leave, leave-without-pay, family and medical leave, and funeral leave.

**Par. 5.101:** Donation of Vacation Time - When an employee is under the care of a physician, is unable to return to work, and has exhausted all their accrued sick and annual leave, accrued vacation time may be donated to them by another employee as an exception to policy.

An employee who desires to donate accrued leave must make the request in writing thru their Constitutional Officer or Department Head to the County Manager. The donation must be of equal or greater value than the cost of the salary and benefits being paid to the employee who will receive it. If approved, adjustments will be made to both employees pay records.

**Par. 5.200:** Anniversary Date - The anniversary date is the day of original appointment in a covered position. In calculating the accrual of annual and sick

leave, accrual begins after the completion of the six (6) months probationary period. If an employee takes leave-of-absence, the anniversary date will be moved forward by as many calendar weeks as the employee was on leave-of-absence.

**Par. 5.300:** Annual Leave - Annual leave is leave that is earned to be used for vacations, personal business activities, and other personal activities. Accrual of annual leave is an earned right. Taking annual leave is a privilege that must be approved by the appointing authority or his or her designee.

**Par. 5.301:** Eligibility - All regular employees shall begin to accrue annual leave after the probationary period in a covered position. If the employee is separated before the six month period ends, all accrued leave is forfeited.

**Par. 5.302:** Accumulation Rate - Annual leave is accrued at the following rate:

- An employee with six (6) months but less than five (5) years service earns six (6) hours for each calendar month of service.
- An employee with five (5) but less than fifteen (15) years service earns eight (8) hours for each calendar month of service.
- An employee with fifteen (15) but less than twenty-five (25) years service earns ten (10) hours for each calendar month of service.
- An employee with twenty-five (25) or more years of service earns twelve (12) hours for each calendar month of service.

**Par. 5.303:** Maximum Accumulation - Annual leave may not be accrued in excess of thirty (30) days. With approval of Department head or Supervisor, after one year of employment, the employee will be paid for unused annual leave up to their credit.

**Par. 5.304:** Request for Leave - All annual leave must be approved in advance by the appointing authority or designee.

**Par. 5.400:** Sick Leave - Sick leave is leave accumulated to be taken for an employee's bona fide illness and injury, and other medically related necessities such as physician appointments, medical examinations, and dental appointments. Sick leave is available for the employee's personal health care, as well as for the care of members of the immediate family. Sick leave may require approval of the appointing authority or designee.

**Par. 5.401:** Eligibility - All regular employees shall begin to accrue sick leave after the six (6) months probationary period in a covered position.

**Par. 5.402:** Accumulation Rate - After probationary period, employees will earn sick leave at the rate of (6) hours per month.

**Par. 5.403:** Maximum Accumulation - Sick leave may not be accrued in excess of thirty (30) days. Employees will not be paid for accumulated sick leave upon separation.

**Par. 5.404:** Reporting - The employee should report any sick leave absence prior to his or her scheduled work time if possible, and if not, the employee should see that his or her absence is reported within one (1) hour after the scheduled time for the employee to begin work.

**Par. 5.405:** Approval - Sick leave may require the approval of the appointing authority or designee.

**Par. 5.406:** Physician's Certificate - A medical statement signed by a licensed physician will be required to substantiate sick leave for:

- A. Absence of three (3) or more consecutive work days.
- B. To support a request for sick leave during annual leave.
- C. At any time when absence recurs frequently or habitually, provided the employee has been warned.

**Par. 5.407:** Workers' Compensation - No employee out on workers' compensation will accrue leave time. Employees will have to use leave time for all workers compensation doctor appointments. If the employee does not have any leave time accrued, the time off work will be leave without pay.

**Par. 5.500:** Military Leave - Georgia law requires that paid leave be granted to members of the Reserve and National Guard under certain conditions, and leave-of-absence is required under other conditions. These policies are in compliance with the law.

**Par. 5.501:** Ordered Duty - In compliance with Georgia Code 38-2-279, any employee ordered to military duty shall be placed on military leave with pay for a period of time not exceeding a total of eighteen (18) days in any one calendar year and not exceeding eighteen (18) days in any one continuous period of absence.

**Par. 5.502:** Declared Emergency - According to Georgia Code 38-2-279, in the event the Governor declares an emergency and orders any employee to State active duty as a member of the National Guard, the employee shall receive pay for a period not exceeding thirty (30) days in any one calendar year and not exceeding thirty (30) days in any one continuous period of active duty service.

**Par. 5.503:** Military Leave-of-Absence - According to Georgia Code 38-2-279, any voluntary member of the Reserve or National Guard shall be entitled to absent himself and shall be deemed to have a leave-of-absence as an employee while in attendance at any service school conducted by the armed forces of the United States for a period up to six months during any four (4) year period.

**Par. 5.600:** Leave-Without-Pay (LWOP)

- A. Conditional Leave without pay: is an employee's approved absence from work without pay (other than military leave) and guarantees reinstatement **only if the employees' position is available when he or she desires to return from leave.** This leave may be granted in emergency situations and must be approved by the department head and county manager. If the position is not available, the employee will be discharged and may be employed again only after going through the normal recruitment and selection process. The employee must use his/her sick and annual leave time before LWOP begins. No benefits such as annual/sick leave or time toward retirement shall accrue during LWOP. This leave is limited to twelve (12) weeks. The effective date of this conditional LWOP is the first work day missed.
- B. Unconditional Leave without pay: may be granted for reasons that include: Educational purposes which pertain to his/her job requirements and that require longer periods of absences than that permitted for leave without pay twelve (12) weeks.

**Par. 5.700:** Family and Medical Leave - The Family and Medical Leave Act is intended to provide employees with the option of taking leave, due to an illness, family illness (spouse, child or parent, birth of a child, adopted or foster child, surgery, etc.) without pay for a maximum period of twelve (12) weeks. The county will afford employees all rights under the Act in accordance with the Act's guidelines for employers. All duties imposed upon employees and the county, including exceptions, apply even if not stated in this policy.

Employees who have been employed for at least one (1) year and for at least 1,250 hours during the preceding 12-month period are eligible for family and medical leave, not to exceed twelve (12) weeks. If leave is requested for any qualified medical

reason, the employee must first use all of his or her accrued annual leave, compensatory time, and sick leave. If leave is requested for any other qualified reason, the employee must first use all of his or her accrued annual leave and compensatory time. The remainder of the twelve week period will then consist of unpaid leave.

In all cases, an employee requesting leave must do so in writing. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave. An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his or her immediate supervisor as soon as the necessity for the leave arises.

The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted. An employee, who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of his or her own serious health condition, or of the serious health condition of the employee's spouse, child, or parent, must submit a request for an extension, in writing, to the appointing authority or designee. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period.

**Par. 5.800:** Court Leave - An employee performing court duty as a subpoenaed witness or juror will be granted paid leave.

**Par. 5.900:** Funeral Leave - Funeral leave is paid time off, up to three days, to attend the funeral of a member of the employee's immediate family. Paid funeral leave not to exceed one day will be granted to attend the funeral of a near relative. Near relative is defined as nieces and nephews, and uncles and aunts. The duration of funeral leave is at the discretion of the appointing authority or designee.

**Par.5.950:** Holiday Leave - An employee may use leave time to make the number of regular scheduled hours that they work each pay period. They will not be paid overtime for these hours. Only overtime hours will be paid at the overtime rate of pay.

Employees who are required to work on a holiday will receive one time their regular pay in addition to their regular pay for eight (8) hours worked. Any number of hours worked over eight (8) hours will be paid at the regular rate of pay.

Regularly scheduled employees who are off on the holiday will be paid for eight (8) hours at their regular rate of pay.

Shift workers who work on the holiday will be paid at holiday pay rate. Shift workers who do not work on the holiday will accrue the holiday time to be used as vacation or sick leave per approval of the department head.

## **Personnel Management Policies**

### **SECTION 6 DISCIPLINE**

**Par. 6.100:** Progressive Discipline - Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity. The County advocates progressive discipline when applicable. The action taken should depend on the degree and the circumstances of the violation. An employee who fails to adequately perform assigned duties or who violates established policies will be disciplined. These policies recognize six (6) degrees of progressive actions, as detailed in paragraphs 6.400 - 6.504.

**Par. 6.200:** At-Will Policy - As an at-will employer, the County is not required to give causes of disciplinary action either in these policies or at the time of the adverse personnel action, nor is the County required to dismiss only for "just causes". The appointing authority may discipline for any combination of reasons, for reasons not listed, or for un-communicated reasons at any time.

**Par. 6.201:** Timeliness of Actions - Normally, disciplinary action shall be initiated within one week after an offense has been committed or discovered. For extremely serious offenses, action may be taken as soon as management becomes aware of the infraction regardless of the period of time which has elapsed since the offense occurred.

**Par. 6.300:** Types of Actions - The six disciplinary actions fall into two (2) general categories reprimands and adverse actions.

**Par. 6.400:** Reprimands - A reprimand is a formal means of communicating to the employee a warning that a problem exists and that it must be corrected. There are two (2) degrees of formality, the oral reprimand and the written reprimand.

**Par. 6.401:** Oral Reprimand - In an oral reprimand, the appointing authority or designee should verbally and privately explain to the employee that he or she is being

reprimanded and describe the problem and what must be done to correct the problem.

**Par. 6.402:** Written Reprimand - In the written reprimand, the employee should receive a written statement describing the problem and what must be done to correct the problem. The reprimand should also contain a statement describing the probable consequences of not correcting the problem. If the employee is at work the written statement should be given to the employee during a private interview.

An employee receiving three (3) or more written reprimands may be subject to immediate dismissal.

**Par. 6.500:** Adverse Actions - An adverse action is an action taken for any reason by the appointing authority or designee that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, or disciplinary dismissal.

**Par. 6.501:** Suspension With-Out Pay - An employee may be suspended without pay. The suspension without pay should not exceed ten (10) days.

**Par. 6.502:** Disciplinary Salary Reduction - An employee's salary may be reduced for disciplinary purposes.

**Par. 6.503:** Disciplinary Demotion - An employee may be demoted for disciplinary reasons if a lower position is open and if the employee is qualified to perform the work at the lower position. A disciplinary demotion should include a decrease in salary.

**Par. 6.504:** Dismissal - An employee may be dismissed for disciplinary reasons when all other alternatives have failed to solve a problem.

**Par. 6.600:** Notice and Response - The appointing authority or designee should give the employee a written notification of the proposed adverse action at least five (5) days prior to the effective date of the action. The following notification and response procedures should be observed.

**Par. 6.601:** Notice of Proposed Adverse Action - The notification should contain the following:

- A. the effective date of the action;
- B. the specific charges or reasons for the action;
- C. a statement informing the employee that he or she may respond to a named

official within ten (10) days of receiving the notice of proposed adverse action;

D. a warning that failure to respond to the named official will result in a waiver of all further appeals.

**Par. 6.602:** Employee Response to Proposal - The employee must respond in person or in writing to the named official within five (5) days of receiving the notice of proposed adverse action.

**Par. 6.603:** Notice of Final Action - The appointing authority, after considering the employee's response, should give the employee a written notification of the decision on the action to be taken within two (2) days of the effective date of the action. The notification should contain a statement informing the employee of his or her privilege of appealing the action.

**Par. 6.604:** Postponement of Deadlines - If the employee responds to the named official, the official may postpone the deadline for the final notice by a specific number of days to conduct further investigation. If the deadline for the final notice is postponed, the effective date of the final action should be postponed by as many days.

**Par. 6.700:** Emergency Action - The appointing authority or the designee may take immediate disciplinary action against an employee under emergency situations. Examples of emergency situations are: when crimes of moral turpitude are committed, when an employee may be injurious to himself/herself, to fellow workers or the general public, or when an employee may damage public property.

## **Personnel Management Policies**

### **SECTION 7 HEARINGS**

**Par. 7.100:** Grievance Procedure - The grievance procedure is a communications process for hearing the grievable claims of employees.

**Par. 7.200:** Purpose - The purpose of the employee grievance procedure is to provide an orderly process for hearing the grievable claims of both regular and probationary period employees. The object of the process is to reach a fair and equitable decision in a timely manner. The employee and supervisor should make an effort to resolve any grievance informally before initiating a formal procedure.

**Par. 7.201:** Definition - A grievance is a claim initiated by an employee alleging that his or her employment or productivity has been adversely affected by:

- A. unfair treatment;
- B. unsafe or unhealthy working conditions;
- C. capricious application of or departmental policies and procedures;
- D. alleged unlawful discrimination.

This definition applies to all covered employees and to all qualified handicapped employees.

**Par. 7.202:** Filing - An employee may file a written grievance with his or her immediate superior within fifteen (15) days after the occurrence of the event being grieved, or within (15) days after becoming aware of the event. The grievance statement must be submitted to the supervisor in writing, and it should state the specific claim and the specific relief desired.

**Par. 7.203:** Steps - The employee grievance procedure provides for a minimum of two (2) steps for covered and handicapped employees who do not report directly to their department heads. Normally, the immediate supervisor will hear the grievance in the first step and the department head will hear the grievance in the second step. For covered department heads and other employees reporting directly to the County Manager or Constitutional Officer, the sole grievance hearing will be conducted by the appointing authority or designee.

**Par. 7.204:** Scheduling and Notification - If the claim is determined to be grievable, the first hearing should be held within twenty (20) days after the grievance is filed. The first hearing officer should notify the grievant of his or her decision in writing within fifteen (15) days of the hearing. If the grievant is entitled to have a second hearing, he or she should notify the department head within fifteen (15) days after receiving the initial decision. The second hearing officer should schedule the second hearing within fifteen (15) days of receiving the request. If there is a second hearing, the second hearing officer should notify the grievant of his or her decision within fifteen (15) days of the hearing.

**Par. 7.205:** Hearing - The grievance hearing is intended to create a formal means for the grievant to communicate his or her complaint in an informal setting. The hearing

officer should listen to the grievant's presentation and question the grievant to obtain pertinent facts about the claim and the situation relevant to the claim. The employee will represent himself/herself, but may bring witnesses to the hearing to testify. Both the grievant and the hearing officer may question the witnesses. A handicapped employee may be accompanied by an interpreter when necessary.

**Par. 7.206:** Review and Reporting - After the hearing, the hearing officer will review the claim, evidence, and requested relief, and should report his or her decision in writing to the grievant according to the schedule in Par. 7.204. The decision of the hearing officer will be the final decision in each step of the grievance process.

**Par. 7.300:** Non-Grievable Areas - The following areas are not grievable.

- A. Issues which are pending or have been concluded by other administrative or judicial procedures.
- B. Work assignments which do not result in a demotion or salary reduction.
- C. Budget allocations and expenditures, and organizational structure, including the persons or number of persons assigned to particular jobs or units.
- D. The content or rating of a performance appraisal except when the employee can show that he or she has been adversely affected by the appraisal.
- E. 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.
- F. Disciplinary actions other than reprimands.
- G. Any matter which is not within the jurisdiction or control of the County Manager or Constitutional Officers.
- H. Internal security practices established by the County Administrator or Constitutional Officers.
- I. Decisions, policies, practices, resolutions, or ordinances made or passed by the governing authority, County Administrator, or Constitutional Officers which are not job or work related and which do not contradict these policies.

**Par. 7.400:** Appeal - An appeal is a request for a formal review of a personnel action or a decision made to the Board of Commissioners.

**Par. 7.401:** Purpose - The purpose of the appeal is to ensure that due process is available to handicapped employees and to give other employees an equal

opportunity to voice their views formally. It is also intended to help prevent violations of these policies and unlawful discrimination.

Par. 7.402: Reasons - An appeal to the Board of Commissioners may be filed by covered employees and handicapped employees as a result of:

- A. an adverse action (unless taken during the probationary period);
- B. unlawful discrimination against an employee;
- C. unlawful or unjust coercion or reprisal;
- D. other unlawful or unjust practices that adversely affects an employee.

All reasons except A. must be grieved before they can be appealed. Dismissal during the probationary period may not be appealed as probationary employees do not have the right to appeal.

**Par. 7.403:** Filing. - An appellant must file an appeal with the Board of Commissioners within fifteen (15) days of learning of the event or decision. The appeal shall contain a statement describing what is being appealed. The County Manager will determine if the case is appealable, with merit, and properly filed. If appealable, the hearing officer will notify the appellant of the date, time, and place of the hearing, and the name of the hearing officer.

**Par. 7.404:** Hearing Officer - The appointing authority or designee will designate a hearing officer for all appeals.

**Par. 7.405:** Hearing - The hearing process is intended to be less formal than a court hearing, but orderly. To ensure orderliness, the hearing procedure of a civil case in Georgia's Superior Courts will be used. The hearing officer will compile evidence, prepare findings of facts, conclusions of law, and issue a recommendation to the Board of Commissioners. The hearing may be conducted before the Board of Commissioners and any interested citizens, and the hearing may be recorded.

**Par. 7.406:** Representation - The County Manager and Constitutional Officers and the appellant may represent themselves at the appeal hearing, or either may choose to be represented by an attorney.

**Par. 7.407:** The Decision - The hearing officer shall submit the recommendation to the Board of Commissioners within fifteen (15) days after completion of the hearing, and the Board of Commissioners will notify the appellant of the final decision within

seven (7) days after receiving the recommendation. The decision of the Board of Commissioners will be the final decision.

**Par. 7.408:** Terminated Employees - Terminated employees will receive their final check on the next regular scheduled payroll. Any annual leave that has been accrued will be paid on the final check.

## **Personnel Management Policies**

### **SECTION 8 CODE OF EMPLOYEE CONDUCT**

**Par. 8.100:** Purpose - Employees are expected to conduct themselves, both on and off the job, in a manner which will reflect favorably upon themselves and the county. Although the county does not wish to interfere in the private lives of its employees, they are expected to be honest, reliable, trustworthy, and of good character and reputation. Employees are expected to be loyal to the county. The following rules of conduct set forth in general what is expected of employees.

**Par. 8.200:** Conduct on the Job - Good taste will dictate employee's conduct. Courtesy and good manners are basic to good relations, both on and off the job. Violations of these two principles could lead to breaches of good conduct which may result in disciplinary action.

**Par. 8.201:** Code of Ethics - Every employee of the county should:

- A. Put loyalty to the highest moral principles and to the county above loyalty to persons, party, or departments;
- B. Uphold the charter, ordinances, resolutions, and regulations of the county and never be a party to their evasion;
- C. Perform a full day's work for a full day's pay; giving to the performance of your duties your earnest effort and best thought;
- D. Seek to find and employ more efficient and economical ways of getting tasks accomplished;
- E. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for self or family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties;

- F. Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty;
- G. Never use any information received confidentially in the performance of county duties as a means for making private profit;
- H. Expose corruption wherever discovered;
- I. Uphold these principles, ever conscious that public office is a public trust.

**Par. 8.300:** Work Rules - Employees are expected to observe the following rules and practices, as well as any special rules and practices of the department to which they are assigned:

- A. Be at work on time, and observe the time limits established for meals and break periods.
- B. Do not leave work during duty hours without proper permission.
- C. Notify supervisors as soon as possible, but no later than one hour after starting time, if unable to report for work on time due to emergency or illness.
- D. Do not abuse sick leave privileges.
- E. Do not report for work under the influence of alcohol or other drugs, or use them on duty.
- F. Obey all proper orders from supervisors. Insubordination includes refusal to obey instruction, use of abusive, profane, or threatening language towards supervisory personnel.
- G. Do not coerce or harass fellow employees, or use profane or insulting language or gestures toward them.
- H. Do not engage in arguing, fighting, horseplay, or conduct violating common decency or morality.
- I. Do not bring firearms or other weapons to work unless it is a job requirement (Sheriff's Department, Jail) and only after weapons have been issued to you by the appointing authority.
- J. When required by the position, report for duty in a clean, neat, correct uniform.

- K. Do not sleep on duty unless authorized.
- L. Do not use county tools or equipment for personal use or remove them from county premises or control without proper permission.
- M. Gambling on duty or on county property is forbidden.
  
- N. Do not knowingly give false information on reports or other required documents.  
Do not knowingly violate any procedure or practice. Perform work so as to protect against accidents to self and others.
- O. Observe all rules, regulations, policies, guides and laws which require compliance by the county.