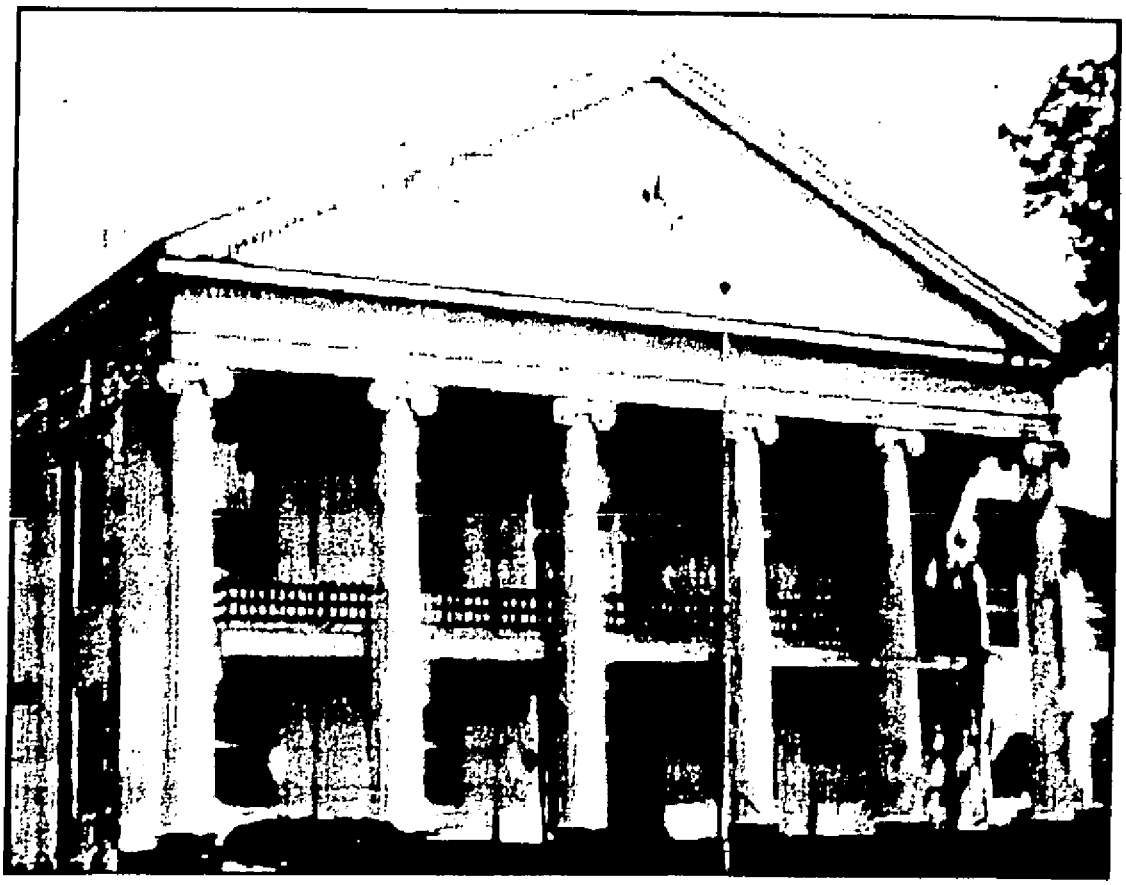
PERRY COUNTY
EMPLOYEE POLICIES AND PROCEDURES



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CONTENTS

CHAPTER 1

GENERAL PROVISIONS

1.1 GENERAL PROVISIONS RELATED TO POLICIES AND PROCEDURES

1.1.1. Purpose. It is the purpose of these policies and procedures to establish guidelines for personnel actions which facilitate recruitment, selection and retention of qualified employees; enhance effective and efficient employee performance in providing services for the citizens of Perry County; and enable county employees to derive satisfaction in their work.

1.1.2. Scope of Policies and Procedures. The provisions of these personnel policies and procedures shall apply to all individuals employed by the county except as exempted by these policies and procedures:

(a) Elected officials;
(b) Appointed members of boards and commissions;
(c) Volunteer personnel who receive no compensation from the county;
(d) The county attorney and similar individuals employed in their professional capacity;
(e) Persons whose employment is subject to the approval of the United States Government or the State of Alabama;
(f) Other persons so designated by the county commission who meet the intent of this section; and
(g) Contract Employees.

1.1.3. Amendment or Supplementation. The personnel officer is responsible for the development and submission to the county commission of such amended and/or additional policies, procedures, rules, regulations and guidelines as may be necessary to implement and maintain an effective personnel system that complies with applicable federal and state laws and county resolutions. Such

recommended policies, procedures, rules, regulations and/or guidelines will be approved by majority vote of the county commission.

1.1.4. Administrative Guidelines. The provisions contained herein are not intended to be inclusive of all the guidelines that may be necessary at an operational level. Therefore, they may be supplemented by such administrative guidance as deemed, by a department head, to be necessary for efficient and effective operations in his/her department. No such administrative guidance, however, will be in conflict with these basic policies and procedures.

1.1.5. Responsibility for Personnel Administration. The personnel officer is responsible for ensuring compliance with the provisions of the established personnel system. The personnel officer may delegate to other employees responsibility for administrative tasks required by these guidelines. Department heads and supervisors are responsible for proper support and administration of the approved personnel system and for keeping employees under their direction cognizant of the requirements of these guidelines. Employees are responsible for acquainting themselves with all personnel policies and procedures, subsequent revisions and compliance with such guidelines.

1.1.6. Equal Employment Opportunity. Perry County will provide equal employment opportunity to all individuals and will employ applicants on the basis of their job-related qualifications and performance potential without regard to age, sex, religion, race, color, national origin, political affiliation, or disability (except where age, sex, or disability constitute a bona fide occupational qualification).

1.1.7. Contract Disclaimer. Nothing contained herein will be construed as creating any contract of employment between the county and any individual or restricting the right of the county to:

(a) Refuse or discontinue employment and/or prohibit the future service of any person when it is considered to be in the best interests of the county;
(b) Decrease proportionately the compensation of all employees when required as an economy measure; or
(c) Use independent contractors for performance of work or rendering of services.

Continuation of employment will be contingent upon an employee's job performance, the need for the position and/or the availability of funds for the position. Nothing contained herein shall be construed as preventing the removal of any employee, now or in the future, in the manner prescribed by these policies and procedures.

1.2 GENERAL PROVISIONS RELATED TO EMPLOYEES

1.2.1. Nepotism. No individual will be employed by the county if he/she would be subject to administrative or supervisory control by a member of his/her immediate family. For this purpose, immediate family will be interpreted to include an individual's spouse, parent, child, brother, sister, grandparent, grandchild, nephew, niece and the like relationships of the individual's spouse or others with whom a similar close family tie exists. In the event that such relationship is created between two existing employees, after they are employed, one or both employees may be transferred to another available position, provided that the department head determines that a conflict, or the appearance of a conflict might occur. If such transfer is not possible, one of the employees will be

required to resign. If one of the employees does not resign, the department head will initiate action to dismiss one of them.

1.2.2 Secondary Employment. Employment with the county shall be considered by all classified employees as their primary jobs. Such employees will not commit themselves to second jobs that may conflict with the county's demand on their availability for work or reflect unfavorably upon the county. If an employee engages in such work, his/her department head may direct the employee to terminate the second job. If the employee refuses, the department head may terminate the employee.

1.2.3. Residence. Residence within the county limits will not be required unless, in the judgment of the department head, the job specifically requires that the incumbent live within the county jurisdiction. However, all employees are expected to be able to carry out the duties and responsibilities of their jobs. This may require that an employee live within a reasonable distance of his/her workstation to meet these responsibilities.

1.2.4. Attire. All employees are expected to dress appropriately for work. The department head is responsible for setting an appropriate dress standard for his/her department. Such standards may include the wearing of uniforms when required. In setting this standard the department head will consider the:

(a) Nature of the work;
(b) Safety considerations;
(c) Nature of the employee's public contact;
(d) Prevailing practices of other workers in similar jobs; and
(e) Performance of department employees, including consideration of the type of image the department wishes to project.

The dress standards for women will be, to the extent that it is practical, comparable with that for men.

1.2.5. Smoking Policy Statement. Perry County recognizes the need of its employees to work in an environment free of tobacco smoke. The county also respects the rights of its employees who choose to smoke to make personal decisions without interference, as long as these decisions do not interfere with the rights of other employees. The county commission has designated all county owned buildings and vehicles as smoke free.

1.3 POLITICAL AND RELIGIOUS ACTIVITY PROVISIONS.

The following policies are adopted regarding political and religious activities.

1.3.1 Not to Affect Employment. No individual will be appointed, promoted, demoted, or dismissed from his/her position because of political or religious opinions or affiliations.

1.3.2 Improper Use of Influence. No individual connected with the county will use, or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to affect employment, promotion, increase in pay, or other advantages in employment for any individual for the purpose of influencing an individual's vote, political action, or any other consideration.

1.3.3 Participation Rights. No employee shall be denied the right to participate in city, county, or state political activities to the same extent as any other citizen of the State of Alabama, including endorsing candidates and contributing to campaigns of his or her choosing. See section (11.9.3.)

1.4 SEXUAL AND OTHER FORMS OF HARASSMENT PROVISIONS.

Perry County prohibits any form of unlawful employment harassment based on sex, race, color, religion, national origin, age, disability, or Vietnam era or special disabled veteran's status. Improper interference with the ability of county employees to perform their expected duties will be investigated immediately, thoroughly, and confidentially to the maximum extent possible. Employees filing complaints shall be protected from any forms of retaliation. If investigation leads to a determination that the charges are true, appropriate disciplinary action will be taken, up to and including termination of employment. The following policies are adopted regarding sexual and other forms of harassment.

1.4.1. Sexual Harassment Prohibited. Sexual harassment, either stated or implied, will not be tolerated.

1.4.2. Defined. Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, or physical contact of a sexual nature under any of the following conditions:

(a) Submission to such conduct is considered a condition of employment;
(b) Submission, or refusal, is used, or might be used, as the basis of an employment decision which affects the individual; and
(c) Conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile or offensive.

1.4.3. Identified. Sexual harassment may occur in a variety of forms. Four categories of sexual harassment and some concrete examples of conduct that may constitute sexual harassment are:

(a) Verbal - unwelcome words of a sexual nature directed at another, including: making sexual demands or sexual propositions; sexual innuendos; demeaning sexual jokes; references to a person's anatomy;

catcalls; whistles; demeaning name-calling; remarks on the intimate details of one's life or sexual likes or preferences; and, if unwelcome, invitations for lunch, dinner, drinks or dates.

(b) Visual - unwelcome exposure to visual objects such as: pictures, photos, drawings, cartoons, magazines, objects, or posters (including poster calendars); sexually obscene gestures or obvious staring; and nudity.

(c) Written – unwelcome notes or letters of sexual content or propositions; sexually-explicit literature, poems, magazine articles; and obscene words, phrases or graphics on walls, bulletin boards, or posters.

(d) Physical - unwelcome physical contact with another, including: touching, hugging, kissing, patting, fondling, grabbing, rubbing, pinching, and in some instances close physical positioning.

This list does not include all possible behavior which could be viewed as sexually harassing by the county and which could result in job discipline. It is merely a list of offensive behaviors. Other behavior might be viewed as being sexually harassing depending on the circumstances and frequency in which they occur. Employees are reminded, however, that certain behaviors may be inappropriate for other reasons, even if the behavior is not sexually harassing. For example, intimate behavior at work, such as kissing and handholding with a willing partner, is always unprofessional. The county wishes its employees to err on the safe side.

1.4.4. Who Can Be Involved in Sexual Harassment. Sexual harassment can occur in a wide variety of circumstances and may encompass many variables. It is important to realize that:

(a) Victims can be of either gender (male or female);

(b) Harassers can be of either gender (male or female);

(c) Harassers may be supervisors of victims, but harassers may also be co-workers or even non-employees;

(d) Harassers and victims need not be of the opposite gender, if the conduct is still based upon sex;

(e) Victims may be third-party observers, affected by the behavior of others and exposed to a hostile or abusive atmosphere based upon sex;

(f) Victims need not suffer any financial loss;

(g) The sexual harassment need not seriously affect a victim's psychological well being or lead the victim to suffer injury; instead, conduct or an environment based upon sex that a reasonable person would and does believe to be hostile or abusive constitutes sexual harassment.

1.4.5 Other Forms of Harassment Prohibited. Harassment based on race, color, religion, national origin, age or special veterans status in form of slurs, jokes, or epithets either verbal, visual, written or physical about or to another employee will not be tolerated.

1.4.6. Reporting Procedure. All complaints of harassment will be promptly reported to a department head or to the county personnel officer who will ensure that each complaint is thoroughly investigated, all actions documented and corrective action taken as necessary. See section 10.4 for specific reporting steps and procedures.

1.4.7. Harassment Training. The county shall provide harassment training to all new and current employees so that employees may better understand the county's philosophy, policies and applicable laws pertaining to workplace harassment.

1.5 DRUG AND ALCOHOL PROVISIONS.

1.5.1. PERRY COUNTY COMMISSION is committed to providing a safe working environment for all employees while serving the citizens of Perry County. Perry County Commission recognizes that any employee who improperly uses intoxicating substances, including drugs and alcohol, poses a serious threat to his or her self, his or her coworkers, and to the public in general. Even small quantities of narcotics, abused prescription or over-the-counter drugs or alcohol can impair judgment and reflexes.

This impairment can have dire results, particularly for employees operating vehicles or potentially dangerous equipment.

It is therefore the policy of the PERRY COUNTY COMMISSION that all employees or any person performing any kind of work for PERRY COUNTY COMMISSION must report to work completely free from alcohol, illegal or unauthorized drugs, or any other substances that may have a mind-altering or intoxicating effect or otherwise impair the employee's judgment, reaction times, or functioning.

Perry County Commission also prohibits all employees from using, possessing, manufacturing, distributing or making arrangements to distribute alcohol, illegal or unauthorized drugs, or any other intoxicating substances while at work or on or about any county property.

In order to avoid creating safety problems and violating this Policy, employees must inform their supervisor when they are legitimately taking any medication, including prescription drugs or over-the-counter medications, which may affect their ability to work. Employees whose job performance may be affected by such medications may be required to provide a fitness-for-duty certification before being allowed to resume their job duties.

Any employee who violates this Policy in any way shall be immediately removed from his or her job duties and shall be subject to discipline, up to and including immediate termination.

No part of this Policy shall be construed to create a contract of continued employment or to confer upon any employee or applicant a property interest in his or her employment. Perry County Commission maintains the right to change this policy at any time without notice. To the extent that any portion or provision of this Policy and Procedure conflicts with any applicable federal or state laws or regulation, such federal or state laws or regulations will be controlling.

Perry County Commission has designated {DeAndre Kimbrough} as the Drug Program Coordinator. If you have any questions or concerns regarding this Policy or its application, please contact him/her at: County Highway Department

1025 West Green Street

Marion, Alabama 36756

DEFINITIONS

- “Accident” means any on the job accident. “Accident” includes vehicular accidents as well as any acts or omission causing an accident or injury to any person, or damage to any equipment or property belonging to the county.
- “Administrator” means the person or entity that implements drug testing on employees and applicants.
- “Alcohol” means distilled or fermented beverage containing ethyl alcohol, including, but not limited to, beer and wine.
- “Chain of Custody” means procedures implemented by the Perry County Commission for the identification and integrity of each urine specimen. Perry County Commission requires [person responsible for policy implementation] to track the handling and storage of each urine specimen from the point of specimen collection to final disposition of the specimen. These procedures include an appropriate drug testing chain of custody form to be used from time of collection to receipt by the testing laboratory. Chain of custody forms shall document the date and purpose of each time a specimen is handled or transferred and shall identify every individual in the chain of custody.
- “Collector” means a person who instructs and assists tested employees and applicants for eligible positions at a collection site and who receives and makes an initial examination of the urine specimens. The collector shall have successfully completed training to carry out this function or shall be a licensed medical professional or technician who shall be provided instructions for collection under this

procedure and certifies completion as required herein. In any case, where a collection is observed or monitored by non-medical personnel, the collector shall be a person of the same gender as the employee or applicant.

- "Collection Site" means a place designated by Perry County Commission where employees present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of specified controlled substance and alcohol. The site will possess necessary personnel, materials, equipment facilities, and supervision to provide for the collection, security, temporary storage, and the transportation or shipment of the samples to a laboratory.
- "Controlled Substance" means any substance defined or classified as a controlled substance according to Federal or State law. Title II of the Comprehensive Drug Abuse Prevention Act of 1970 (Controlled Substance Act), as it is amended from time to time, provides the basic standard. Controlled substances include, but are not limited to, any and all forms of marijuana, stimulants or hallucinogens the sale, and purchase, transfer, use or possession of which are prohibited or restricted by law.
- "County" means Perry County.
- "DOT Employee" is an employee who is subject to the rules and regulations of the United States Department of Transportation regarding drug and alcohol testing because of the job duties that he or she performs.
- "Drug Program Coordinator" is the person designated by Perry County Commission to ensure compliance with this Policy, including, but not limiting, ensuring that proper testing procedures are followed, ensuring that the lab(s) used by Perry County Commission are properly certified, and ensuring that the Medical Review Officer is

properly credentialed. The name and contact information of the Drug Program Coordinator will be distributed to all employees.

- "Perry County Commission Premises" includes all property owned, leased, used or under the control of Perry County Commission, including, but not limited to, the job site of any employee, structures, building offices, facilities, vehicles and equipment, or transportation to and from those locations while in the course and scope of County employment.
- "Employee" means any employee and all employees of Perry County Commission.
- "Illegal/Unauthorized Drug" means any drug (A) which is legally obtainable but has not been legally obtained or, even if legally obtained, is not being used in accordance with instructions given either by a physician or, if over-the counter, on the drug's label; or (B) all illegal drugs, including, but not limited to, methamphetamine, marijuana, cocaine, etc.
- "Intoxicating Substance" means any substance, whether legal or illegal, that may have an intoxicating or mind-altering effect when ingested, snorted, smoked, or otherwise introduced into the body. Intoxicating substances include, but are not limited to, "bath salts," nitrous oxide, glues, solvents, or herbs or other plants such as salvia.
- "Legal Drug" means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used appropriately for their intended purpose in accordance with directions given either on the label or by employee's treating physician.
- "Possession" means actual or constructive care, custody, control or immediate

access.

- ”Under the Influence” means being unable to perform work in a safe and productive manner; being in a physical or mental condition which creates a risk to the safety and well-being of the individual, other employees, the public and/or having any laboratory evidence of the presence of drugs, alcohol, prohibited or controlled substance in the employee’s body.
- “Medical Review Officer” (MRO) means a licensed physician (medical doctor) responsible for receiving laboratory results generated by the county’s drug testing program. The MRO shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual’s confirmed positive test result, together with his/her medical history and any other relevant biomedical information.
- “Random Selection Process” is the process used to ensure that each employee holding a safety-sensitive position has an equal chance of being drug-tested every time that random drug tests are conducted. This process means that some employees may be tested multiple times in any given year.
- “Reasonable Cause” means that the County believes the actions or appearance or conduct of an employee on duty are indicative of the use of a controlled substance or alcohol.
- “Safety-Sensitive Employees” are those persons who are subject to random drug and alcohol testing. These employees include, but are not limited to, persons who inspect, service, repair or maintain a vehicle or other heavy equipment, operate or load a vehicle or heavy equipment, use tools, including both power and hand tools,

that have the capacity to injure any person, and those who are authorized to carry weapons of any kind. An employee is engaged in a safety-sensitive function at all times from the time that an employee begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work.

PERSONS SUBJECT TO TESTING

The following employees have been designated by Perry County Commission to submit at any time to be tested for illegal drug abuse and alcohol abuse:

- All employees who hold positions or regularly perform duties that have been designated to be “safety sensitive” by Perry County Commission.
- Any employee who, during the course of said employee’s employment, is involved in an accident causing physical injury to any person or damage to any property.
- Any employee, regardless of whether he or she holds a safety sensitive position, whose conduct, behavior, or physical symptoms establishes reasonable cause to believe that said employee is under the influence of any, drug and/or alcohol while performing his or her job duties, or while being physically present on the premises of the Perry County Commission’s property during any activity sponsored, supervised, or in which the Perry County Commission participates.

TYPES OF TESTING

Pursuant to Perry County Commission's policy and procedures, employees will undergo testing as follows:

1) PRE-EMPLOYMENT TESTING: All employees applying for a position that has been designated as safety-sensitive will be required to submit to a pre-employment drug and alcohol test before a final offer of employment is extended. All pre-testing offers of employment to such persons are explicitly conditioned on the employee successfully taking and passing the drug and alcohol test. Pre-employment testing will also be done when an employee transfers from a non-safety-sensitive position to a safety sensitive position.
2) RANDOM TESTING: All employees holding safety-sensitive positions will be subject to testing on a random basis without advance notice to them.
3) REASONABLE CAUSE TESTING: Perry County Commission may schedule a drug/alcohol test when behavioral observations indicate to the employee's supervisor that any employee may be involved in illegal use of a controlled substance, use of alcohol, or abuse of legal drugs. Before testing, the employee's supervisor shall either (a) contact another supervisor to observe the employee's behavior and to concur with the decision to test the employee, or (b) review the employee's behavior with another supervisor to obtain concurrence with the decision to test the employee. The employee shall be promptly escorted to the collection site for testing by the employee's supervisor or designee.
    - Employees arrested or convicted for the off-the-job use or possession of

illegal or controlled substances shall undergo testing to assist Perry County Commission in determining fitness for duty. If the employee tests positive, Perry County Commission shall discharge the employee.

4) POST ACCIDENT TESTING: All employees are required to report all injury or damage related accidents and submit to a post accident drug/alcohol test as set out in this policy. Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident shall be subject to testing. The employee's supervisor or his designee shall schedule the drug screening test immediately following an incident reportable or a reportable accident.
5) RETURN-TO-DUTY TESTING: If you have violated the prohibited drug and alcohol rules, you must take and pass a drug and alcohol test before being returned to work. Further, any person who has violated the prohibited drug and alcohol rules is required to take a drug and/or alcohol test before returning to safety-sensitive functions for any DOT regulated Perry County Commission and is also subject to unannounced follow-up testing at least six (6) times in the first twelve (12) months following a return to active safety-sensitive service.

Any and all drug testing conducted by Perry County Commission will not be used to identify the existence of any disability.

In the event there is reasonable suspicion of a violation of this policy, Perry County Commission also reserves the right to search all property, cabinets, tool boxes,

vehicles, including personal vehicles brought onto Perry County Commission's property, or any other property on Perry County Commission's property, under control of any employee or in the personal vehicle of any employee, and located on Perry County Commission's property and used by said employee in commuting to work or in that employee's duty as an employee.

SAFETY-SENSITIVE EMPLOYEES

Employees are considered to be "safety-sensitive" when their job duties regularly require them to engage in activities that have the potential to cause physical injury to themselves or others or to cause serious property damage. Such activities include, but are not limited to,

- Maintaining or repairing motor vehicles or heavy equipment, including, but not limited to, bulldozers, tractors, and riding mowers
- Maintaining or repairing tools that have the capacity to seriously injure the user or another person, including, but not limiting to, chainsaws or weed-eaters
- Regularly operate motor vehicles or heavy equipment as part of his or her job duties, including equipment such as tractors or riding mowers for which licensure is not required by the State of Alabama
- Regularly operate tools that have the capacity to seriously injure the user or another person
- Loading and unloading vehicles or heavy equipment.
- Any activity related to the safe operation of a mass transit system, including

dispatching vehicles.

- Carrying any weapon or object that could reasonably be used as a weapon, including, but not limited to, firearms, knives, machetes, blades, tasers, or batons.
- Answering emergency calls and/or directing the provision of emergency services.
- Providing emergency medical services.

A list of positions that have been designated as safety sensitive by Perry County Commission is attached hereto as Attachment A listed in the index. Some safety-sensitive positions are specifically subject to regulation by the Department of Transportation (DOT). These positions are indicated by an asterisk. An accredited testing laboratory will maintain two different random testing pools, including one pool for persons specifically subject to regulation by DOT and one pool for all other safety-sensitive employees.

All employees are subject to drug and alcohol testing when there is reasonable cause to believe that they have violated this policy and after any accident involving physical injury or serious property damage. However, employees who have been designated as safety-sensitive are also subject to pre-employment testing and random testing. Random drug tests can be performed any time a safety-sensitive employee is on duty. An alcohol test can be performed when the safety-sensitive employee is performing a safety sensitive duty, just before, or just after the performance of a safety sensitive duty.

In addition, employees occupying positions deemed to be “safety-sensitive” must promptly report any arrests, charges, or convictions for drug or alcohol related criminal offenses, including both misdemeanors and felonies, to his or her supervisor. FAILURE TO REPORT SUCH ARRESTS, CHARGES, OR CONVICTIONS MAY BE GROUNDS FOR DISCIPLINE, UP TO AND INCLUDING IMMEDIATE DISMISSAL.

NECESSITY OF COMPLIANCE WITH TESTING REQUIREMENTS

All employees are subject to reasonable suspicion and post-accident testing as a condition of their employment. In addition, all safety-sensitive employees will be subject to pre-employment and random urine drug test and breath alcohol testing as a condition of their employment.

Any employee who refuses to take a drug and/or alcohol test to which he or she is properly subject shall be considered to have a verified positive test result. An employee who has a verified positive test result, including by refusal, shall be immediately removed from their duties and may be subject to immediate termination. In addition, any employee subject to DOT regulations will receive educational and rehabilitative information and a referral to a Substance Abuse Professional.

Refusals can include a variety of behaviors, including as follows:

- Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the Perry County Commission;
- Failure to remain at the testing site until the testing process is complete;
- Failure to provide a urine specimen for any required drug test;

- Failure to permit the observation or monitoring of the specimen collection when required to do so;
- Failure to provide a sufficient amount of urine when directed without an adequate medical explanation for this failure;
- Failure to take a second test when directed to do so by the Perry County Commission or collector;
- Failure to undergo a medical examination when directed to do so by the MRO or Perry County Commission;
- Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector);
- Failure to follow the observer's instructions during an observed collection, including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process; and
- Admit to the collector or MRO that you adulterated or substituted the specimen
- Failure to sign step 2 of the alcohol test form
- Leaving the scene of an accident without a valid reason before post accident tests have been completed. Failure to remain "readily available."

OFF-DUTY CONDUCT

Off-the-job use of drugs, alcohol, or any other prohibited substance which results in impaired work performance, including, but not limited to, absenteeism, tardiness, poor work product, or harm to the County's image, tasks, or government is prohibited. Employees should realize that these regulations prohibit all illicit or illegal drug use, on and off duty.

PRESCRIPTION DRUGS

The proper use of medication prescribed by a physician is not prohibited; however, Perry County Commission prohibits the misuse of prescribed and/or over-the-counter medications or other intoxicating substances and requires all employees using drugs at the direction of a physician to notify the Perry County Commission's Medical Review Officer (MRO), or their Drug Program Coordinator where these drugs may affect their job performance, such as by causing drowsiness. Employees may not perform safety-sensitive functions while using any controlled substances unless the employee's physician certifies that the substances will not adversely affect the employee's ability to perform his or her job.

PRE-EMPLOYMENT

All safety-sensitive applicants shall undergo urine drug testing prior to performing safety sensitive duties. This requirement also affects employees not in safety-sensitive positions who seek reclassification into a safety-sensitive position. Receipt by Perry County Commission of a negative test result is required prior to performing safety sensitive duties in a covered position. A cancelled test result is not acceptable and

must be retaken. If the applicant has a positive pre-employment drug test, he/she cannot be hired for a safety sensitive position.

A negative result on a pre-employment test by a job applicant is valid for thirty days. If a current covered employee has not performed a safety sensitive duty for 90 days or longer, and has been removed from the random pool, the employee must submit to a new pre-employment test and receive a negative result before resuming safety-sensitive duties.

A MRO may report negative pre-employment rest results for individuals who are unable to provide sufficient volume due to permanent disability, but has a medical evaluation that indicates no chemical evidence of illegal drug use.

All applicants for safety-sensitive positions will be notified in writing that they will be required to undergo pre-employment/reclassification drug testing prior to their employment and that they will be subject to drug and alcohol testing throughout the period of their employment. Applicants will acknowledge in writing their understanding of these provisions for their application and employment. Perry County Commission will retain on file the negative drug test results of all new hires.

In addition to undergoing pre-employment testing, applicants for a safety-sensitive position will be asked to sign forms for release of information from any previous Perry County Commission for whom the applicant performed safety sensitive functions. Failure to sign this form will result in not being hired. When a covered applicant has previously failed a pre-employment drug test with a prior Perry County Commission, the employee must present proof of successfully having completed a referral, evaluation and treatment plan.

REASONABLE CAUSE

All employees (whether or not safety-sensitive) will be required to submit to screening whenever a supervisor observes circumstances which provide reasonable cause to believe an employee has used a controlled substance or has otherwise violated the substance abuse rules. Examples of circumstances that may establish reasonable cause to warrant testing include supervisor observation, co-worker complaints, performance decline, attendance or behavior changes, involvement in workplace or vehicular accident, or other actions which indicate a possible error in judgment or negligence, or other violations of the drug or other Commission policy. Before testing the employee, another supervisor shall be contacted to observe the employee's behavior and to concur with the decision to test the employee, or the observing supervisor will review the employee's behavior with another supervisor either face to face or via telephone, to obtain concurrence with the decision to test the employee. The documentation of the employee's conduct shall be prepared and signed by the witnesses within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier.

Upon the reasonable suspicion determination being made, Perry County Commission shall ensure that the employee is transported immediately to a collection site for the collection of a urine sample. The employee shall be counseled not to drive a vehicle and a supervisor shall provide transportation for the employee to the collection site.

All persons designated to make a determination that reasonable suspicion exists to require an employee to undergo testing under this provision shall receive at least sixty (60) minutes of training on both alcohol and controlled substance use. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

Any employee refusing to submit to reasonable suspicion testing or any employee having a positive drug and/or alcohol test of 0.04 BAC or more will be terminated.

RANDOM TESTING

Perry County Commission will conduct random unannounced screening of all designated employees at unannounced times throughout the year. An accredited laboratory will maintain two computerized random testing pools including one DOT pool and one non-DOT pool. There will be no maximum number of samples that any one individual will be required to provide during the testing schedule in either pool.

Employees will be required to report to the designated collection site for testing as soon as possible but in no case later than two (2) hours following notification. Failure to report for drug/alcohol screening within two (2) hours of notification will be treated as a positive test result.

POST ACCIDENT TESTING

Employees are required to immediately notify the Drug Program Coordinator or his designee of any accident resulting in injury or damage to any county property or personnel.

Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to an accident shall provide a urine specimen to be tested for the use of controlled substances and/or alcohol as soon as possible after the accident, but in no case later than eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing.

Employees will be required to undergo urine drug and breath alcohol testing if they are involved in an accident that results in a fatality. A post-accident test will also be conducted in situations where there is no fatality but the following occurs: (1) an individual requires immediate transport to a medical treatment facility as a result of collision or non-collision; (2) any time one or more vehicles incurs disabling damage that prevents any of the vehicles involved from leaving the scene of the occurrence in their usual manner in daylight after simple repairs; or (3) with respect to any occurrence in which a vehicle including a mass transit vehicle (rail car, trolley car, trolley bus or vessel) is removed from operation. In a non-fatal accident as previously described, post-accident testing will be conducted unless the operator's performance (and any other covered employees whose performance could have contributed to the accident) can be completely discounted as a contributing factor to the accident as determined by Perry County Commission suing the best information at the time of the decision. In

addition, drug screening and alcohol screening will be required for any driver receiving a citation for any moving violation resulting from an accident.

After notification of any accident, County will arrange for the employee to be taken as soon as practicable to collection site designated by County. The supervisor or designee will schedule the employee and assure that he/she is tested the same day as the reportable accident, if possible.

If an employee is injured, unconscious, or otherwise unable to evidence consent to the drug test, all reasonable steps must be taken to obtain a urine sample. A supervisor may elect not to test under these circumstances, but such a decision must be made based upon information received as a result of an investigation of the accident. Nothing in this document should be construed to require the delay of necessary medical attention for injured people following an accident, or prohibiting a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

Any employee subject to post-accident testing must refrain from consuming alcohol or taking any controlled substance for eight hours following an accident, or until he/she submits to an alcohol test, whichever comes first. As stated above, the employee will be tested not to exceed eight (8) hours following an accident for alcohol and not to exceed thirty-two (32) hours post-accident for drug testing. If there is a delay of greater than 2 (two) hours for an alcohol test, a reason must be given in writing, retained in a file for possible later referral, and the Perry County Commission must still attempt to administer an alcohol test for up to 8 (eight) hours following the accident or until the employee undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing must remain available and follow these guidelines, or the County may consider the employee to have refused to submit to testing.

The Commission will discipline or terminate any employee who fails to report an accident or submit to substance screening where required by law or this policy. The Drug Program Coordinator shall insure that an Accident Report is filed in compliance with Commission Policy and applicable laws and regulations.

GENERAL TESTING PROCEDURES

Perry County Commission will contract with a properly certified testing laboratory that will ensure that all proper testing procedures are followed in accordance with this Policy and all applicable laws. The following is a list of the general procedures that will be followed for all drug and alcohol testing, regardless of the reason why the test is being performed:

- All testing procedures, including collections, will be performed by certified technicians and/or laboratories.
- Upon arrival at the collection site, the employee must provide proof of identification. The employee will be required to read and sign the controlled substance testing consent form provided by County. The signature shall be witnessed by the collector. Acceptable proof of identification shall be a current driver's license, with photo, other form of picture identification, or identification by a County representative.

- The Employee shall complete a drug testing custody and control form.
- The Drug Program Coordinator shall notify the employee directly of the results of any positive drug test in order to give the employee an opportunity to challenge the findings. The County may, but shall not be required to, reanalyze the employee's original sample to clarify the findings.
- Controlled substance testing must follow split sample procedures. Under this provision, an employee whose urine sample has tested positive for a controlled substance has the option of having the other portion of the split sample tested at another laboratory. The employee must notify the County within 72 hours after notification of a positive sample that he/she desires a retest under this provision.
- If a split sample test produces a negative result or if they second portion is not available, the test is considered negative and no sanctions will be imposed.
- All persons who receive information by County regarding drug tests shall maintain this information on a confidential basis.

Both Perry County Commission and the laboratory shall rely, when practical, on the guidance of the Federal Department of Transportation, Procedures for Transportation Workplace Drug Testing Programs.

SUBSTANCES TESTED FOR

DOT employees will regularly be tested for:

1) Marijuana (THC Metabolite)
2) Cocaine
3) Amphetamines
4) Opiates (including heroin)
5) Phencyclidine (PCP)
6) Alcohol
7) Prescription medications to which employee does not have a valid prescription

Non DOT-employees may be tested for other substances without advance notice. DOT employees may also be separately tested for other substances without advance notice by the Perry County Commission for safety purposes. Such tests will be coordinated with the Drug Program Coordinator.

COLLECTION SITES

Perry County Commission will designate a collection site in a reasonably accessible location.

COLLECTION PROCEDURES

Drug testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy. The collector seals and labels the specimen, completes a chain of custody document and prepares the specimen and accompanying paper work for shipment to a drug-testing laboratory. The specimen collection procedures and chain of custody ensures the specimen's security, proper identification, and integrity is not compromised.

Split specimen procedures:

1) Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen.
2) Both bottles are sent to a laboratory.
3) Only "primary" specimen is opened and used for analysis.
4) "Split" specimen remains sealed and stored at the laboratory. If the "primary" specimen confirms the presence of illegal, controlled substances, the employee has 72 hours to request in writing the "split" specimen be sent to another DHHS certified laboratory for analysis.
5) If it is positive for one or more of the drugs then a continuation test is performed for each drug using state-of-the-art gas chromatography/mass spectrometry ("GC/MS") analysis.
6) GC/MS confirmation insures that over-the-counter medications or prescriptions are not reported as positive results.

DIRECT OBSERVATION

Observed collections are required in a number of situations for DOT employees. Any employee subject to a drug test may also be required to undergo observed collection. The purpose of direct observation is to guard against employee attempts to mask the testing process. Observed collections are required in the following circumstances:

1) All return-to-duty tests
2) All follow-up tests
3) Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90 – 100 degrees Farenheit
4) Anytime the employee is directed to provide another specimen because the original specimen appears to have been tampered with;
5) Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
6) Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determines that there is not an adequate medical explanation for the result'
7) Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.

The employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt as appropriate, above the waist, lower clothing and underpants, and turn around completely at the direction of the observer in order to show that he or she is not wearing any prosthetic device.

Where necessary, an Perry County Commission representative or medical personnel may obtain a specimen outside of a designated collection site (such as the emergency room following an accident investigation, etc.).

ALCOHOL TESTING PROCEDURES

All employees are prohibited from possessing, drinking, or being impaired or intoxicated by alcohol while at work or on duty. In addition, safety-sensitive employees are prohibited from consuming any alcohol four hours prior to going on duty. A BAC of 0.04 will be accepted as presumptive evidence of intoxication.

Any employee may be subject to alcohol testing either for reasonable suspicion or post-accident. Safety sensitive employees are also subject to random alcohol testing. Random testing will be conducted just before, during, or just after the employee has performed a safety-sensitive function. Safety sensitive employees with a BAC of 0.02 will be immediately removed from the safety sensitive duties for a period of at least twenty-four (24) hours.

All alcohol tests will be conducted using evidentiary breath testing devices approved by the National Highway Traffic Safety Administration by a properly trained person. Any result showing greater than a 0.02 BAC will be repeated.

EVALUATIONS AND RETURN OF RESULTS

The MRO will be responsible for reviewing the quantified test results of employees and confirming that the individuals testing positive have used drugs in violation of policy. Prior to making a final decision, the MRO shall give the individuals testing positive an opportunity to discuss the result either face to face or over the telephone. If the test result is negative dilute, the MRO may decide that the employee must take another test. If this second test results in a negative dilute result, the test will ordinarily be considered to be a negative and no additional testing will be required unless the MRO so directs. The MRO shall then promptly tell the Drug Program Coordinator which employees or applicants test positive.

REQUEST FOR RETEST

An employee may submit a written request for a retest of the original specimen within 72 hours of receipt of the final test results. Requests must be submitted in writing to the Drug Program Coordinator. The employee may be required to pay the associated costs of retest in advance but will be reimbursed if the result of the retest is negative.

RELEASE OF TEST RESULTS

Except where otherwise specifically required by law, employee drug testing results and records are maintained under strict confidentiality by the Perry County Commission, the drug testing laboratory, and the medical review officer. They cannot be released to others without the written consent of the employee. Exceptions to this confidentiality are limited to DOT agencies when license or certification actions are required or to the decision-maker in arbitration, litigation, or administrative proceedings arising from a positive drug test.

However, all employees will be required to execute a consent/release form permitting the Perry County Commission to release test results and related information to the Department of Industrial Relations or other relevant government agency. Applicants for safety-sensitive positions will also be required to execute a consent/release form permitting Perry County Commission to review records of previous drug and alcohol testing information.

RETENTION OF RECORDS

All records will be maintained so as to preserve confidentiality and prevent unauthorized persons from accessing, releasing, or tampering with records. The following records will be maintained:

(1) Records related to the collection process, including:

(i) Collection logbooks, if used.

(ii) Documents relating to the random selection process.

(iii) Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol tests.

(iv) Documents generated in connection with decisions on post-accident drug and alcohol testing.

(v) MRO documents verifying existence of a medical explanation of the inability an employee to provide adequate urine or breathe sample.

(2) Records related to test results:

(i) The Perry County Commission's copy of the custody and control form.

(ii) Documents related to the refusal of any employee to submit to a test

(iii) Documents presented by an employee to dispute the result of a test

(3) Records related to referral and return to duty and follow-up testing, including records of any DOT employee’s entry into and completion of the treatment program recommended by the substance abuse professional.

(4) Records related to employee training:

(i) Training materials on drug use awareness and alcohol misuse, including a copy of the Perry County Commission's policy on prohibited drug use and alcohol misuse.

(ii) Names of employees attending training on prohibited drug use and alcohol misuse and the dates and times of such training.

(iii) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and alcohol testing based on reasonable suspicion.

(iv) Certification that any training conducted under this part complies with the requirements for such training.

(5) Copies of any annual MIS reports submitted to FTA.

The following records will be maintained for no less than five years: Records of verified positive drug or alcohol test results, documentation of refusals to take required drug or alcohol tests, referrals to the substance abuse professional, and copies of annual MIS reports submitted to FTA.

The following records will be maintained for no less than two years: records related to the collection process and employee training.

The following records will be maintained for no less than one year: records of negative drug or alcohol test results, with the exception that all post-accident testing records will be maintained for at least three (3) years after an accident.

EMPLOYEE EDUCATION AND TRAINING

Perry County Commission will provide written information in drug/alcohol use and treatment resources to safety-sensitive employees. Perry County Commission will provide one hour of training for employees on the dangers of controlled substance use annually. All supervisors of safety-sensitive employees must also attend one hour of training on the signs and symptoms of drug abuse. The training is necessary to assist supervisors in making appropriate determinations for reasonable suspicion testing.

EMPLOYMENT ASSESSMENT

Any safety-sensitive employee or applicant who tests positive for the presence of illegal drugs and/or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, or has refused to submit to a drug or alcohol test (except in the case of an applicant) will be referred to a Substance Abuse Professional (SAP). A SAP can be a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, or employee assistance professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission. The SAP will follow the protocols and meet the requirements defined in 49CFR part 40. All employees and applicants will be given contact information for a USDOT qualified SAP if they test positive

EMPLOYEE ASSISTANCE PROGRAMS (EAP)

The County's EAP shall include:

a) Education and training for employees regarding drugs and alcohol.
b) Education and training for Supervisors regarding drugs and alcohol, including:
    1) Effects and consequences of substance use on personal health, safety, and work.
    2) Manifestations and behavioral causes that may indicate substance use.
    3) Documentation of training provided.
c) A written statement on file and available at the Commission office outlining the EAP.

The Drug Program Coordinator or his designee should be contacted for further guidance.

DeAndre Kimbrough

County Highway Department

1025 West Green Street

Marion, Alabama 36756

INVESTIGATION/SEARCHES

Where a supervisor has reasonable cause to suspect that an employee has violated the substance abuse policy, he/she may inspect vehicles which an employee brings on the Commission's property, lockers, work areas, desks, purses, briefcases, tool boxes, or other belongings, and at locations where County related activities are being conducted without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the Drug Program Coordinator will do so for him/her. The Commission may release any illegal, or controlled drugs, or paraphernalia to appropriate law enforcement authorities.
All searches should be coordinated with the Drug Program Coordinator or his designee.

1.6 VEHICLE AND EQUIPMENT USAGE PROVISIONS.

County vehicles and equipment shall not be used to do private work or for private purposes. After hours driving of county vehicles shall be limited to those employees on call and supervisory personnel who have been assigned vehicles

as part of their job duties. Other employees who have been assigned vehicles may drive them only to and from work or when called out after hours. Passengers who are not on official county business will not be transported since they are not covered by the county's insurance.

1.7 WORKPLACE VIOLENCE POLICY.

The county is concerned for the safety of employees and shall not tolerate harassment, intimidation, threat or assaults of employees both at and away from county property. Employees are encouraged to report all instances of threats, harassment, intimidation or actual assault directly to their immediate supervisor or department head. Reports can also be made to the personnel officer. The county shall take necessary actions to ensure the safety of employees reporting incidents, pending investigation of reported incidents, including temporary job reassignment, job modification or other actions as determined appropriate by the circumstances. The department head or personnel officer shall conduct an investigation of all reports/complaints and prepare a report. The county shall take disciplinary or other actions as determined appropriate by the outcome of the investigation and these policies and procedures.

1.8 DEFINITIONS.

The following words, terms, and phrases wherever used in these policies and procedures have the following meanings.

1.8.1. Board – The Perry County Personnel Review Board.

1.8.2. Classified Employee - a full-time or part-time employee of the county employed in an ongoing position. A full-time classified employee is normally

scheduled to work forty (40) hours per work week. A part-time classified employee is normally expected to work less than thirty (30) hours in a workweek. The appointment, discipline, and separation of regular status classified employees are to be administered pursuant to certain appointment, disciplinary, and separation guidelines of these policies and procedures.

1.8.3. Classified Service - that category of service in which classified employees are engaged.

1.8.4. County – Perry County, Alabama.

1.8.5. Department Head - a county elected official, excluding the commissioners, or other individual designated by the county commission,

to carry out required management and personnel actions in his/her department as established in the county's personnel system.

1.8.6. Disciplining Individual - a department head, or other individual designated by the department head, charged with the responsibility and authority to administer discipline in his/her department pursuant to these guidelines.

1.8.7. Eligibility List - a list of applicants, who have been determined to be qualified pursuant to these guidelines for appointment to a vacant position.

1.8.8. Employee - a person who occupies a position in the county service and is paid from county controlled funds (other than a temporary employee obtained through a temporary services company) or a person who is on authorized leave of absence, and whose position is being held for the individual pending his/her return.

1.8.9. Exempt Employee - an employee whose job duties are of such a nature that they are covered by exemptions from the overtime provisions of the Fair Labor Standards Act (FLSA).

1.8.9(a). Positions designated as exempt are as follows: County Administrator, Deputy Administrator, County Engineer, Assistant Engineer, and Superintendent(s).

1.8.10. Non-Exempt Employee - an employee whose job duties do not exempt the employee from the overtime provisions of the Fair Labor Standards Act (FLSA).

1.8.11. Part-Time Employee - an employee employed in an ongoing position in which the employee is normally scheduled to work less than thirty (30) hours per week.

1.8.12. Personnel Officer – The County Clerk

1.8.13. Probationary Status - that employment status in which new or promoted employees in the classified service serve until they have successfully completed the established probationary period. A probationary status employee may be terminated by his/her department head without a hearing and without recourse at any time.

1.8.14. Promotion - the non-temporary appointment of a regular status classified employee to a vacancy in the classified service in a higher pay grade than the job to which the employee was assigned prior to the new assignment.

1.8.15. Provisional Appointment – An appointment made by a department head to fill a vacancy until normal staffing procedures for filling the vacancy can be followed.

1.8.16. Regular Status - that employment status enjoyed by employees in the classified service who have successfully completed a probationary period of six (6) months.

1.8.17. Temporary Employee - an employee employed in a short-term situation of usually no more than six (6) continuous months in duration. Typically, temporary employees perform special projects, fill authorized and funded temporary positions, or substitute for or replace classified employees on approved leave. Temporary employees are always considered to be in a probationary status.

1.8.18. Temporary Service - that category of service in which temporary employees are engaged.

1.8.19. Vacancy - a position that has been duly created and funded by the county commission, which is not occupied or is occupied by a temporary employee.

1. 9 E-MAIL AND INTERNET POLICY

The county restricts the use of county e-mail and Internet for county business purposes only. Employees may not use these systems for personal reasons.

Electronic communications, including the contents of county owned computers and telephones, are the properties of the county. This policy is meant to set forth guidelines regarding access to and disclosure of information/messages sent or

received by county employees using the system. This policy may be changed at any time. The Internet, electronic mail, phone mail or any other communication of information system of the county is not to be used in any way that may be disruptive, offensive to others, or harmful to morale. The county's electronic communication systems, including computers and telephones (including all hardware and software) are the exclusive property of the county. All contents of county electronic communication systems are the exclusive property of the county. The county treats all computer files, including electronic mail (e-mail) sent or received as business information. The county has the capability to access, review, copy and/or delete any computer files, including e-mail sent or received. If employees make incidental use of the computer system for personal files or e-mail, employees should not expect personal files or e-mail to be protected from review by other employees. Accordingly, employees should not use computer systems to create or transmit any information they wish to keep private.

1.10 OFFICE TELEPHONE AND EMPLOYEE CELLULAR TELEPHONE POLICY

Each department head will issue guidelines to their employees regarding the use of office telephones for personal reasons. Employees may not use personal cell phones at work during work time. However, in the case of an emergency, cell phone use is prohibited but all steps should be taken to minimize the distractions associated with such use. Cell phone use is permitted during lunch and breaks if the devices are used in an area that will not disrupt other employees. Employees

driving county vehicles are not permitted to use cell phones while vehicles are in motion.

CHAPTER 2

RECORDS AND REPORTS

2.1 PERSONAL HISTORY RECORD (PHR).

The purpose of the employee Personal History Record (PHR) is to establish and maintain a central source of information that is required to support employee personnel actions. Information contained in a PHR will be closely controlled as to its release. The PHR will be established and maintained by the personnel officer and will be the official source of information for responding to authorized requests for official information about present and former employees.

2.1.1. Content. The material that is authorized to be included in the PHR is restricted to those items for which authenticity has been confirmed through established procedures, e.g., official personnel forms, statements from the employee, supervisors, and statements provided by references named by the employee. The PHR will exclude material that is not appropriate for use in making judgments in personnel actions. Subject to the above restrictions, the PHR will include the information described in the following sections which, when filed in the PHR, will become a permanent part of the employee's record.

2.1.2. Qualifications Information. The PHR will contain information related to the employee's qualifications including:

(a) Evidence of the employee's knowledge, skills, abilities, experience, training, and character;
(b) Completed application form for county employment;
(c) Supplementary qualification information provided by the employee or his/her supervisor;
(d) Test results, if applicable;

(e) Interview reports;
(f) Reference reports;
(g) Performance appraisals; and
(h) Employee's job description.

2.1.3. Personal History Information. The PHR will contain other information including:

(a) Personal information such as age, next of kin, address, etc. needed for processing required personnel actions;
(b) Records of benefit enrollments; and
(c) Medical examination results (should be maintained in a separate file).

2.1.4. Other Information. The PHR will contain other information pertinent to the employee's employment including, but not limited to the following:

(a) Personnel action forms and correspondence pertaining to appointment, status change, leaves of absence, separation, and reappointment;
(b) Letters of commendation; and/or
(c) Records of disciplinary actions.

2.1.5. Confidentiality. The personnel officer will ensure that the PHR for all employees is maintained in a strictly confidential manner. Access to the PHR's will be in accordance with the following guidelines:

(a) An employee may have access to his/her own PHR upon written request to the personnel officer;
(b) A department head may have access to the PHR's of those employees assigned to his/her department;
(c) The county's attorney will have access to the PHR's of any employee where needed in the representation of the county; and
(d) Other individuals may have access to the PHR of an employee when needed for officially approved reasons.

2.1.6. Record of Access. The personnel officer will maintain a record of all individuals who have accessed an employee's PHR.

2.1.7. Inactive PHR's. An employee's PHR will be maintained in an inactive status for five (5) years after he/she leaves the county's employment.

2.2 CENTRAL RECORDS.

The personnel officer will also establish and maintain other administrative records that are necessary for the proper implementation of the county's personnel system.

2.3 FORMS AND SUPPLIES.

The personnel officer will establish and provide such forms, blanks, and other record-keeping materials necessary for the preparation and maintenance of required personnel records and reports.

CHAPTER 3

CATEGORIES OF SERVICE AND EMPLOYMENT STATUS

3.1 CATEGORIES OF SERVICE.

Every job that exists now or in the future within the county service will be assigned to one (1) of the categories of service identified in this chapter. Such assignments will be approved by the county commission.

3.2 CLASSIFIED SERVICE.

The classified service will include those ongoing positions, as authorized and funded by the county commission, based upon requests from the department heads. Full-time classified employees are normally scheduled to work forty (40) hours each workweek. Part-time classified employees are normally scheduled to work less than thirty (30) hours each workweek.

3.2.1. Positions Included. It is intended to include within the classified service all positions in which the incumbents are paid out of county commission controlled funds, regardless of the source of the revenues making up such funds, which have not been excepted by these policies and procedures, and have not been assigned to another category of service.

3.2.2. Continuous Service Provision. Part-time classified service employment will not count as continuous years of service, if a part-time classified employee is later employed as a full-time classified employee.

3.2.3. Transfer Provisions. Part-time classified employees may be transferred to an equivalent, vacant, full-time job in the classified service if they are qualified.

3.2.4. Benefits. Full-time classified employees will be eligible to participate in all county provided benefits, including group hospitalization and life insurance, retirement, annual and sick leave, and holiday pay. Part-time classified employees are not eligible for benefits except for those required by law.

3.3 TEMPORARY SERVICE.

The temporary service will include those individuals who have been employed to perform special or emergency functions, authorized and funded temporary work or authorized by the county commission as replacements for employees on approved leave.

3.3.1. Length of Employment. Temporary service employment will not normally exceed six (6) consecutive months in duration. Individuals hired for the temporary service may work either a full or part-time workday. Because of their short-term status, temporary employees are always considered to be in a probationary status.

3.3.2. Continuous Service Provision. Temporary service employment will not count as continuous years of service, if a temporary individual is appointed to a position in the classified service.

3.3.3. Transfer Provisions. Temporary individuals may not be transferred directly to a job classified service. However, they may apply for vacancies in accordance with the staffing guidelines of these policies and procedures. Temporary and part-time individuals seeking employment will not be given preferential consideration over any other applicants for a vacancy in the classified service.

3.3.4. Benefits. Temporary and part-time individuals will not be eligible to participate in any county provided employee benefits, except as provided by law.

3.4 EMPLOYMENT STATUS.

Each individual employed in a position in the classified service will be placed in an employment status in accordance with the following provisions.

3.4.1. Probationary Status. Initially, each individual hired as a classified service employee will be placed in a probationary status until the employee has successfully completed the established six (6) months probationary period. A probationary status employee may be separated by his/her department head without a hearing and without recourse under these guidelines at any time.

3.4.2. Regular Status. Regular status will be afforded every classified service employee who successfully completes the county's established six (6) months probationary period and is approved for regular status by his/her department head. An employee who acquires regular status may, subject to the provisions of these policies and procedures, remain in his/her position so long as there is a need for the position, the position is funded, the employee's performance is acceptable, and the employee's conduct meets established county standards.

3.4.3. Status of Present Employees. Each employee who is serving in a position that is assigned to the classified service at the time of adoption of these policies and procedures and who has completed the county requirements to be designated a regular status employee in accordance with these policies and procedures is designated as a regular status employee. All other employees who are presently serving in the classified service at the time of adoption of these

policies and procedures are designated as probationary status classified employees, until they complete the probationary period and are approved by their department head as regular status employees.

3.5 PROBATIONARY PERIOD.

The probationary period is considered an integral part of the training and evaluation process for each new employee and will be utilized by the employee's department head to closely observe the employee's work, to obtain the most effective adjustment of the employee, and to separate any new employee who is considered to be unacceptable for continued employment.

3.5.1. Duration. The county's probationary period is established as six (6) months.

3.5.2. Evaluation. The department head will evaluate the performance of all probationary status employees at least during their first, third and final month of service. A copy of all evaluations will be furnished the personnel officer for inclusion in the employee's personnel file.

3.5.3. Termination. During the probationary period, the department head may terminate the employment of a probationary employee at the department head's discretion and with the approval of the county commission. The department head will notify the probationary employee in writing of his/her termination. A copy of the termination notice will be provided the county commission and the personnel officer for inclusion in the individual's personnel file.

3.5.4. Procedure for Attainment of Regular Status. During the last ten (10) days of an employee's probationary period, the department head will complete a

written evaluation of the employee's work. The evaluation will include a statement that the employee's service has been satisfactory and that the employee is being retained as a regular status classified employee. If the employee receives an unacceptable evaluation, the evaluation will include a statement that the individual is not being retained. Normally, a terminated probationary status employee will be given up to one (1) calendar week's notice. However, when determined by the department head to be necessary, the employee may be given a shorter notice. All employees who are designated as regular status employees will be notified in writing by their department head of their completion of the probationary period and designation as regular status employees. A copy of the department head's letter, along with a copy of the employee's final performance evaluation, will be furnished to the county commission for review and the personnel officer for inclusion in the employee's personnel file.

3.5.5. Appeals. Probationary status employees will not be eligible to file appeals from any separation or disciplinary action taken against them or to file grievances as provided by the county's grievance procedure unless such grievance is based upon their claim that they have been discriminated against because of race, color, religion, sex, age, disability, or national origin.

CHAPTER 4

STAFFING

4.1 GENERAL PROVISIONS.

4.1.1. Filling Vacancies. All vacant positions will be filled in accordance with these guidelines. Staffing actions will be initiated only for vacant positions that have been authorized and funded by the county commission.

4.1.1.1. Vacancies in Classified Service. Vacant positions in the classified service will be filled by the department head through the appointment of qualified applicants in accordance with the guidelines contained herein and with the approval of the county commission.

4.1.1.2. Vacancies in Temporary Service. The department head will fill vacancies in the temporary service with individuals who meet the job related qualifications for such positions in accordance with the guidelines contained herein and the approval of the county commission.

4.1.2. Character and Ability. All applicants for employment with the county must be of good moral character and be able to perform the essential functions of the position for which they have applied.

4.1.3. Fraud on Application. Any person who has fraudulently secured an appointment will be removed in accordance with these policies and procedures and will not thereafter be eligible for consideration for any position covered by the county's personnel system.

4.1.4. Employee Consideration. Current county employees and employees on the reemployment eligibility list shall be given first consideration for classified job openings. See Chapter 5 for specific policies and procedures.

4.2 RECRUITING GUIDELINES.

4.2.1. Classified Service. When a vacancy in the classified service occurs, the personnel officer will ensure that the approved job description on hand is current and that the job has been assigned to a pay grade in the county's classification plan. If a current approved job description is not on hand and/or the job has not been assigned to a pay grade in the classification plan, the personnel officer will, in coordination with the department head, initiate action to have a job description written and the job assigned to a pay grade in the classification plan in accordance with Chapter 12 of these policies and procedures. If a department head wishes to add a position in his/her department that was not approved by the county commission during budget preparation, the department head shall submit his/her request to have the position approved and funded by the commission. Such request will include a current job description and recommended pay assignment. The recommended pay grade assignment will be made in accordance with Chapter 12 of these policies and procedures.

4.2.2. Temporary Positions. When there is a need to fill a temporary service vacancy that has been approved by the county commission, the department head may fill the position through a temporary service agency or through the employment of an employee in accordance with these guidelines.

4.2.3. Job Posting. Employment opportunities, other than those which have been determined to be filled through a contracted temporary services company, will normally be posted through local newspaper(s), the Alabama State Employment Service and in county buildings.

4.2.4. Content of Posting. All postings will provide a description of the job, necessary qualifications, pay grade, pay range, deadline for applying, date and time of any qualifying examination and where applications may be picked up and returned. All advertisements will contain the statement: "Perry County is an Equal Opportunity Employer."

4.2.5. Duration of Postings. All postings will remain open for receipt of applications for at least seven (7) calendar days from the date of the notice.

4.2.6. Application Forms. Applications for all posted job opportunities, will be made on forms provided by the county.

4.2.7. Acceptance of Applications. All applications will be submitted to the Alabama State Employment Service as specified in the job opportunity notice. The county will not accept any applications unless it is actively seeking applicants for specific jobs.

4.3 SELECTION OF INDIVIDUALS FOR THE CLASSIFIED SERVICE.

4.3.1 Referral of Names. Applications will be screened by the Alabama State Employment Service and all successful applications for the vacancy will be referred to the Personnel Committee for consideration in filling the vacancy. If required, the job shall be posted again if no qualified applicant is found.

4.3.2. Interviews. The department head, or the department head's designated representative, will hold interviews with at least the top five (5) qualified individuals whose names have been referred to the department head. An interview form will be completed for each interview held with an applicant. The personnel officer will prepare the form.

4.3.3. References Checked. Appropriate inquiries of former employers and other references, when required, will be made by the department head, or the department head's designated representative. If agreeable to an applicant, inquiries may also be made to the applicant's present employer.

4.3.4. Applicant Selected. After all interviews have been completed, the department head will make the selection and make a recommendation to the county commission. The department head will forward his or her recommendation along with all applications to the commission. All selections will be tentative, subject to a medical determination that the individual is able to perform the essential duties required in the position. The selection will also be subject to favorable background investigation, a driving record check, and/or a determination that the individual can be bonded, when required and the approval of the county commission**.**

4.4 SELECTION FOR TEMPORARY SERVICE.

Selections to fill positions in the temporary service will be made by the department head, or the department head's designated representative. Interviews may be held with applicants, if determined by the department head to be necessary. The selection will be forwarded to the commission for approval.

4.5 EMPLOYMENT OFFERS.

Employment offers to individuals who have been selected for classified service positions will be made in writing by the county commission. No individual (including temporary employees) may consider that an offer of any type has been made to the individual unless the individual has been so notified. A copy of the notification will be provided the personnel officer.

4.5.1. Notification of Offer. The written notification will inform the applicant that the offer is contingent upon:

(a) The individual successfully undergoing a background investigation, when required;
(b) The individual successfully demonstrating through a driving record check that he/she will be accepted by the county's insurance carrier under preferred rates, when driving is required because of job duties;
(c) The individual successfully being issued a bond when required because of the job duties;
(d) The individual successfully meeting any standards or certifications as required by law and/or the county; and
(e) The individual successfully meeting any other job related requirements established at the time of the offer.

4.5.2. Starting Work. Upon approval of the department head, the individual may be allowed to start work prior to meeting the requirements listed in paragraph 4.5.1. However, the individual will be informed in the written notification that continuation of employment will be contingent upon his/her meeting such requirements in a reasonable time period. If the individual does not satisfy such requirements within the time period established, he/she may be separated.

4.5.3. Medical Exam. Notwithstanding the provisions of paragraph 4.5.2 above, the selected individual may be required to complete a medical exam prior to

starting work. The personnel officer will schedule, at the county's expense, a medical examination for the individual with a county designated physician.

4.5.4. Starting Pay. The starting pay for a new or currently employed individual will be established in accordance with the approved classification and pay plans and the guidelines established in Chapter 12 of these policies and procedures.

CHAPTER 5

EMPLOYEE REASSIGNMENTS

5.1 GENERAL PROVISIONS.

Vacant classified service positions will be advertised in-house to allow existing county employees an opportunity to apply for them. Such advertisement will be posted prior to notifying the general public.

5.1.1. Equal Opportunity. All employees will be considered for reassignment without regard to race, color, religion, sex, age, national origin, or disability. All selections will be based solely upon an applicant's qualifications, prior performance, efficiency, longevity, ability to perform the essential functions of the position, and/or the needs of the county.

5.1.2. Consideration to Type of Assignment. Current county employees and employees on the reemployment eligibility list shall be given priority in the following order:

(a) Former employees on the reemployment eligibility list qualified for a job in or below their former pay grade;
(b) Current employees applying for a promotion or transfer; and
(c) All other employees applying for the position.

The department head has the right to not to select a county employee for the vacancy if no county employee is sufficiently qualified for the vacancy. The department head may request that the job opening be posted to the general public.

5.1.3. Records Updated. The personnel officer will ensure that all employee reassignments meet the intent of these guidelines and that the appropriate personnel records are updated as required.

5.1.4. Exceptions to these Guidelines. In those situations where a regular status classified employee's:

(a) Position is being abolished and he/she would otherwise be laid off; or
(b) Performance, as demonstrated through performance evaluations and/or reports, indicates he/she is not qualified to render satisfactory service in the current position.

The department head may, at his/her discretion, reassign an employee to any available position of equal or lower pay grade that exists in his/her department, as an exception to the guidelines below. Such reassignments will be made in accordance with Chapter 7 of these policies and procedures.

5.2 GENERAL GUIDELINES.

5.2.1. Posting. Upon determination that a vacancy exists in an authorized and funded position, the personnel officer will, in coordination with the department head, prepare and post, for at least seven (7) consecutive calendar days, a vacancy notice in work areas that are readily accessible to eligible employees. The personnel officer is responsible for reviewing the reemployment eligibility list for qualified individuals.

5.2.2. Applications. Interested eligible employees may apply for any posted vacancy for which they are qualified. Such application will be made in accordance with the instructions specified in the vacancy notice. All applications will be delivered to the personnel officer prior to the closing date and time listed in the vacancy notice.

5.2.3. Review of Applications. After the closing date for receipt of applications, the personnel officer shall forward all applications, along with other relevant employee information and records, to the appropriate department head.

5.2.4. Selection. The department head shall interview top applicants and make a recommendation to the county commission. The department head is not required to select a current employee if none are found to be qualified. If there are no qualified current employees, the department head shall inform the personnel officer and request that the position be advertised to the public.

5.2.5. Effective Date. If an employee is selected for a vacant position, the department head will coordinate the effective date of the reassignment with the employee's current department head and the personnel officer. The personnel officer will ensure that all records are updated, as required.

5.2.6. Written Notification. The selected employee will be notified in writing of his/her selection for the vacancy. Such notification will be in accordance with paragraph 4.5 above.

5.2.7. Determination of Pay Level. When an employee is selected to fill a vacancy, the employee's pay level will be established in accordance with the following criteria:

5.2.7.1. Transfer. If the employee is assigned to a position in the same pay grade as the current position, the reassignment will be considered a transfer and the employee’s pay will remain the same in the new position as it was before reassignment.

5.2.7.2. Promotion. If the employee is assigned to a position in a higher pay grade than the current position, the reassignment will be considered a promotion and the employee's pay will be set at the entry-level pay for the pay grade of the new position. However, such pay level will be at least five (5) percent above the pay received prior to the promotion.

5.2.7.3. Demotion. If the employee is assigned to a position in a lower pay grade than the current position, the reassignment will be considered a demotion and the employee's pay will be set at the same relative position in the pay range of the pay grade for the employee's new position as it was in the pay range of the pay grade of the employee's old position. However, the employee's pay will be established at least five (5) percent below the pay held prior to the demotion. No employee who is demoted will have pay established that is less than the entry or more than the maximum of pay for the pay grade of the employee's new position.

5.2.8. Probationary Period. Any employee who is transferred, promoted or demoted to a classified service position will serve a probationary period of six (6) months in the employee's new position. During the probationary period the employee's performance will be evaluated by the employee's department head, or the department head's designated representative, in accordance with the provisions of Chapter 6 of these policies and procedures. If the employee's performance during the probationary period is documented to be inadequate, the employee may be separated or reassigned to another position in the same or lower pay grade in the classified service, if one is available and the reassignment

is approved by the department head in whose department the position exists. However, an employee who has been assigned to a lower level position because the employee's performance was not acceptable in the employee's previous position, and whose performance is still unacceptable in the employee's new position, will not be considered for reassignment, but, will be separated.

5.2.8.1. Pay Level Upon Reassignment During Probationary Period. If an employee is reassigned to a position of equal or lower pay grade because the employee's performance has been unacceptable during the employee's probationary period, the employee's pay will be adjusted in accordance with paragraph 5.2.8 above. However, the employee will be entitled to any pay adjustments that would have been received, if he/she had not been reassigned.

5.2.8.2. Notice of Separation. If the individual is to be separated due to unacceptable performance during the probationary period, the employee may be given up to seven (7) calendar day's notice prior to separation. However, if the department head considers that it is in the best interest of the county, the department head may give the employee less notice.

5.3 TEMPORARY ASSIGNMENTS.

Any employee may, at the discretion of his/her department head and with the approval of the county commission, be placed on temporary assignment in another position for such purposes as training, accomplishing special projects, filling temporary vacancies, or other similar reasons.

5.3.1. Duration. Normally, an employee may be temporarily assigned to another job by the employee's department head for no more than one hundred and twenty (120) continuously scheduled calendar days.

5.3.2. Pay. If the employee is temporarily assigned to a position that is of equal or lower pay grade to his/her regular position, the employee's pay will not change. If the employee is placed in a position in a higher pay grade level than that of the employee's regular position and the assignment exceeds fifteen continuous calendar days, the employee's pay will be adjusted to at least the entry level pay of the pay grade of the employee's temporary job assignment for the duration of such assignment or five percent above his or her current pay rate, which ever is greater. Upon completion of the temporary assignment, the employee's pay will revert back to his/her regular pay.

CHAPTER 6

EMPLOYEE PERFORMANCE APPRAISAL

6.1 GENERAL PROVISIONS.

The job performance of all employees, except temporary employees, may be evaluated periodically in accordance with guidelines approved by the county commission. Such guidelines will be reduced to writing and annexed to these policies and procedures as the Perry County Performance Appraisal System. The appraisal system will be job-related and will provide supervisors and employees documented information concerning an employee's performance level in the employee's job.

6.1.1. Purposes. Performance appraisal results will be used for the following purposes:

(a) To determine if an employee is meeting performance standards,
(b) To determine an employee's qualifications for promotion,
(c) To determine training and development assistance an employee needs,
(d) To determine layoffs when Reductions in Force (RIFs) are required, and
(e) To determine eligibility of new and reassigned probationary employees for designation as regular status in the classified service.

6.2 PROCEDURES.

Performance appraisals will be performed in accordance with the following procedures.

6.2.1. Regular Status Classified Employees. The department head, or an individual designated by the department head, will evaluate regular status classified employees. Normally, such employees will be evaluated annually; however, if an employee's evaluation indicates that performance is less than

satisfactory, additional appraisals will be scheduled and conducted until performance is acceptable.

6.2.2. Probationary Status Classified Employees. The department head, or an individual designated by the department head, will evaluate probationary status classified service employees assigned to his/her department. Normally, such evaluations will be conducted at the end of the first and third month of the employee's probationary period. However, if the employee's performance is less than satisfactory and the department head is considering either reassigning the employee to another position of equal or lower pay grade or separating the employee, a special evaluation will be made to support the department head's decision.

6.2.3. Appraisal Guidelines. All evaluations will be conducted in accordance with the guidelines established in the Perry County Performance Appraisal System.

6.2.4. Evaluator Training. The county commission will establish, in coordination with the department heads, training activities as necessary to ensure that employee evaluators are capable of conducting acceptable evaluations.

6.3 REPORTS.

All evaluations will be discussed with the employees involved. The employee and the individual performing the evaluations will sign the appraisal form. A copy of the completed appraisal report will be provided to the personnel officer and filed in the employee's personnel file. Appraisal reports will be considered confidential

employee information and will be safeguarded in accordance with the guidelines of these policies and procedures.

CHAPTER 7

DEMOTIONS

7.1 GENERAL PROVISIONS.

As an exception to Chapter 5 of these policies and procedures, any regular status employee in the classified service may be demoted to a position of a lower pay grade in the same category of service for which he/she is qualified for one of the following reasons.

7.1.1. Position Abolished. An employee may be assigned to a position in a lower pay grade, if the employee's position is being abolished and he/she would otherwise be laid off.

7.1.2. Unsatisfactory Service. An employee may be assigned to a position in a lower pay grade, if the employee's performance has not demonstrated the ability to render satisfactory service in his/her position as determined by a performance appraisal conducted in accordance with the Perry County Performance Appraisal System and these policies and procedures.

7.2 ADMINISTRATIVE ACTION.

A demotion made in accordance with the guidelines of this chapter will be considered an administrative action rather than a disciplinary action. Such demotions may only be made when there is a position available to which the employee may be demoted and the department head in whose department the vacancy exists agrees to the assignment of the employee to the vacancy. Absence of the availability of such vacancy, the employee will be separated

under the separation guidelines contained in Chapter 8 of these policies and procedures. An employee who is serving in a probationary status as a result of a reassignment in accordance with the guidelines of Chapter 5 will be processed in accordance with the provisions of that chapter.

7.2.1. Reasons Submitted for Approval. For any demotion that is to be made in accordance with this chapter, the personnel officer will ensure that the proposed action is supported by the facts and circumstances.

7.2.2. Unsatisfactory Performance Demotion. If the demotion is due to the employee's performance not demonstrating the ability to render satisfactory service, the same procedure outlined for dismissal of employees in paragraph 8.7 below based on unsatisfactory performance will be followed.

7.3 PROCEDURES.

When a department head determines that he/she wishes to demote an employee, the following procedures will be followed.

7.3.1. Coordination. The department head will coordinate the proposed demotion with the personnel officer to determine if there is a vacancy available for which the employee may be qualified. If a vacancy does exist but it is outside the department head's department, the personnel officer will submit a written request to the department head in whose department the vacancy exists. The request will provide the employee's name and the circumstances involved with the demotion. The department head in whose department the vacancy exists may interview the employee before providing an answer to the personnel officer. If the employee is acceptable to the department head he/she will notify the

personnel officer of the approval of the employee for the vacancy. If a vacancy does not exist or the employee is not acceptable to the department head in whose department the vacancy exists, the employee will be separated.

7.3.2. Notification. Written notification will be provided a demoted employee of the demotion. Such notice will state the reason(s) and the effective date of the demotion and will be provided to the employee at least seven (7) calendar days prior to the effective date of the demotion. The department head will sign the notification. A copy of the notification will be provided to the county commission for approval and the personnel officer for filing in the employee's personnel file.

7.3.3. Pay. The pay of a demoted employee will be reduced to the same relative position in the pay range of the pay grade level for the employee’s new job that it was in the pay range for his/her old job. Normally, such reduction will be at least five (5) percent of the employee's pay before the demotion. However, under no circumstances will the pay level of a demoted employee be less than the entry level or more than the maximum level authorized for the pay grade of the employee's new job.

7.3.4. Appeal. An employee may appeal the demotion. Such appeal will be made under the same procedures and standards provided for a dismissal based on unsatisfactory performance, in accordance with paragraph 8.7 below.

CHAPTER 8

SEPARATIONS

8.1 GENERAL PROVISIONS.

8.1.1. Types of Separations. All separations of individuals from employment will be designated as one of the following types:

(a) Resignation;
(b) Reduction-in-force (RIF);
(c) Disability;
(d) Death;
(e) Retirement; or
(f) Dismissal.

8.1.2. Processing Separations. At the time of separation, or prior to payment of any final compensation, all records, assets, and other items of county property in the employee's custody will be returned to county control. Certification to this effect, will be made by the employee and the employee's department head before any final payment is made to the employee. A copy of such certification will be provided the personnel officer and filed in the employee's personnel records. Any indebtedness owed the county will be withheld from the employee's final compensation, unless waived by the commission. At separation each individual will be informed of any rights and/or benefits for which he/she may be eligible, after separation.

8.2 RESIGNATION.

Any employee may voluntarily resign by submitting written notification to his/her department head of the reason(s) and the effective date for his/her resignation.

A copy of the resignation will be provided the personnel officer for inclusion in the individual's file.

8.2.1. Notice. Classified full and part-time employees should submit their notifications as far in advance as possible; notice should be given at least fourteen (14) calendar days prior to the effective date of the resignation.

8.2.2. Failure to Give Notice. Failure to comply with the notification requirement of paragraph 8.2.1 will be cause for denying the individual future employment with the county.

8.2.3. Withdrawal. An employee may withdraw his/her resignation up to the effective date of the resignation, if approved by the department head. If the individual's request for withdrawal of the resignation is denied, the employee will be separated on the effective date of the resignation. If the employee's request to withdraw his/her resignation is approved, the employee will suffer no loss of service, benefits, entitlements, and/or pay.

8.2.4. Unauthorized Absence as Resignation. Any unauthorized or unjustified absence from work for a period of two (2) consecutive working days may be considered as a voluntary resignation by the individual's department head.

8.3 REDUCTION IN FORCE (RIF).

An employee may be separated by being laid off through a RIF action. RIF actions may be approved as part of a general cost reduction program or when a particular position is no longer needed.

8.3.1. Guidelines. In a general RIF the county commission will, in coordination with the department heads, establish guidelines to be used in identifying those positions to be eliminated and the individuals to be laid off.

8.3.2. Priority of Service Category and Status. Typically, employees assigned to a job that has been identified to be included in the RIF will be separated based upon their service category and employment status, as detailed below. However, the county commission and department heads will determine the actual order that will be followed and may choose to alter the priority criteria described in these guidelines:

(a) Temporary service employees;
(b) Employees in the part-time service;
(c) Probationary employees in the classified service;
(d) Regular status employees in the classified service.

8.3.3. Priority Within Service Category and Status. Employees within a particular service category and employment status will be separated based upon:

(a) The critical nature of their job;
(b) Their performance level, as indicated by written evaluations;
(c) Their length of service in the particular service category; and
(d) The needs of the county.

8.3.4. Consideration for Reassignment. When a regular status classified service employee is scheduled to be laid off, he/she may be considered for reassignment in the employee's department to any vacant position of equal or lower grade in the classified service for which he/she is qualified. If a vacancy exists in another department, the employee's name will be referred by the personnel officer to the department head of that department for consideration.

8.3.5. Notification of Effective Date. Employees in the classified service will be notified in writing of their layoff at least seven (7) calendar days prior to the effective date of their layoff. Temporary service employees will be given as much written notice as possible. The department head will prepare all RIF notices. A copy of the RIF notice will be provided the personnel officer for inclusion in the employee's personnel file.

8.3.6. Recall Rights. Regular status classified service employees who are laid off will be placed on a reemployment eligibility list in the order of their separation. Such individuals will have recall rights to positions of the same category and grade or lower grade for which they qualify for two (2) years from the effective date of their lay off. The personnel officer is responsible for maintaining the reemployment eligibility list and for notifying persons on the list of vacancies for which they qualify. Any person who is re-appointed to a classified service position from the reappointment eligibility list will be given credit for previous service and if eligible, any unused sick leave previously earned and not used. The employee will be paid at the same rate of pay received prior to the RIF, along with any across-the -board adjustments which were made to the pay plan, if he/she is hired into a position in the same grade as his/her former position. If the position is in a lower grade it will be treated as a demotion.

8.4 DISABILITY.

Any employee may be separated, when he/she cannot perform the essential functions of his/her job because of extended physical or mental impairment and a reasonable accommodation is not possible. Reasonable accommodation may

include job restructuring or reassignment. Normally, such separation will be taken after the expiration of any leave without pay granted the employee in accordance with Chapter 11 of these policies and procedures, if the employee is not able to perform assigned duties.

8.4.1. Medical Evidence. In all disability separations, the separation will be supported by medical evidence provided by a physician. The county commission may require an opinion by a physician of its choice, if deemed necessary.

8.4.2. Exhaustion of Leave. Normally, except in the case of an employee with a work-related impairment who is receiving workers' compensation benefits, a disability separation will become effective only after an employee's accrued leaves with pay have been exhausted and the expiration of any leave without pay granted the employee is accordance with Chapter 11 below.

8.4.3. Retirement Option. An employee who is eligible for retirement will be entitled to retire and receive retirement benefits in accordance with the county's retirement program.

8.5 DEATH.

Separation is effective as of the date of death. All compensation due the employee as of that date will be paid to the estate of the employee, except for such sums that must be paid by law. Any indebtedness owed to the county will be withheld from the individual's final compensation, unless waived by the commission.

8.6 RETIREMENT.

Whenever an employee meets the eligibility requirements set forth in the county's retirement program, he/she may elect to retire and receive benefits earned under the provisions of the retirement program. An employee who wishes to retire should notify his/her department head and the personnel officer in writing at least sixty (60) days prior to the requested effective date.

8.7 DISMISSAL.

Any employee may be dismissed for:

(a) Unacceptable job performance;
(b) Failure to qualify for licensure, insurance, or certification required for continued employment;
(c) Violation of county rules; and/or
(d) The good of the county.

8.7.1. Procedure for Dismissal for Unacceptable Job Performance. When the dismissal of a regular status classified service employee is for unacceptable job performance, the following procedures will apply.

8.7.1.1. Counseling Session. The employee will be counseled by his/her department head, or the department head's designated representative, concerning unacceptable performance. The counseling session will include the action(s) that the employee must take to improve performance and the length of time the employee has to improve. The employee will also be warned that if performance does not improve he/she will be dismissed. A written record of each counseling session will be prepared by the counseling individual and will be signed by both the counseling individual and the employee. A copy of the written record will

be provided the employee and a copy will be provided the personnel officer for inclusion in the employee's personnel file. The department head, or the designated representative, will also conduct such performance appraisals as required by the county's performance appraisal system to document the employee's performance level.

8.7.1.2. Monitoring. The employee's performance will be monitored during the established period to determine if the employee is improving as required. Written feedback will be provided the employee. A copy will also be provided the personnel officer for inclusion in the employee's personnel file.

8.7.1.3. Dismissal Actions. If the employee's performance continues to be unacceptable after the period established for the employee to demonstrate acceptable performance and the department head determines that the employee should be dismissed, the department head will notify the employee in writing of his/her intention to separate the employee for unacceptable job performance and that the employee has a right to submit a written request within three (3) working days to the department head for an opportunity to present his/her response and any other pertinent information in an informal hearing. If the department head decides, after holding the hearing, to continue with the dismissal, he/she will notify the employee in writing of the dismissal. A copy of the dismissal will be furnished the county commission for approval and to the personnel officer for inclusion in the employee’s file.

8.7.1.4. Appeal. Upon dismissal pursuant to these guidelines, the employee shall be informed by his/her department head of his/her right to file a written request within five (5) working days of the date of dismissal with the personnel officer for a hearing before the personnel board.

8.7.2. Procedure for Dismissal for Failure to Qualify for Licensure, Insurance or Certification Required for Continued Employment. When a regular status classified employee fails to maintain qualifications for licensure, insurance, or certification required for continued employment, he/she may be dismissed in accordance with the following procedures.

8.7.2.1. Reasons for Dismissal. A department head may dismiss any employee in his/her department in the following situations:

(a) When information has been obtained and verified by the department head that the driving privileges of an employee who is required to drive to do his/her job have been suspended or revoked, or restricted in such a manner that the employee is rendered incapable of performing his/her job without violating such restrictions;
(b) When information has been obtained and verified by the department head that the employee is considered by the county's insurance carrier to be an unacceptable, or high risk for insurance and if allowed to operate a vehicle on the county's behalf, either would not be covered with liability coverage, would cause a cancellation of the county's policy, would cause an increase in the county's insurance premium, or would prevent the county from receiving a preferred rate for which it would otherwise qualify;
(c) When information has been obtained and verified by the department head that the employee is unacceptable for employee honesty or fidelity bonds required for the position occupied by the employee; or
(d) When information has been obtained and verified by the department head that the employee has lost, has been unable to acquire, or has failed to maintain certifications required by the county for the position occupied by the employee.

8.7.2.2. Dismissal Actions. Upon determining that the employee should be separated due to one or more of the reasons listed in paragraph

8.7.2.1 above, the department head will notify the employee in writing of his/her intention to separate the employee and that the employee has a right to request in writing within three (3) working days of receipt of the notification an informal meeting with the department head to present the employee's response and any other pertinent information. If the department head decides, after holding the meeting, to continue with the dismissal, the department head will notify the employee in writing of the dismissal. A copy of the initial notification and the dismissal action will be provided the county commission for approval and the personnel officer for inclusion in the employee's file.

8.7.2.3. Appeal. Upon dismissal pursuant to these guidelines, the department head shall notify the individual of his/her right to file, within five (5) working days of the date of the dismissal, a written request with the personnel officer for a hearing before the personnel review board.

8.7.3. Procedure for Dismissal for Disciplinary Reasons and/or the Good of the County. Dismissal for disciplinary reasons (violation(s) of county rules and/or the good of the county) is to be distinguished from administrative dismissal for unacceptable job performance and for failure to maintain qualification required for licensure, insurance, or certifications as discussed above in paragraphs 8.7.1 and 8.7.2. When a regular status classified service employee is to be dismissed for violation(s) of county standards and rules or for the good of the county, the guidelines established in Chapter 9 of these policies and procedures will be followed.

CHAPTER 9

DISCIPLINARY PROCEDURES

9.1 GENERAL PROVISIONS FOR DISCIPLINARY ACTION

Employees of the county are expected to maintain high standards of cooperation, efficiency, and economy in their work. Each employee is expected to display conduct both on and off the job in such a manner as to reflect credit on both the employee and the county. The maintenance of high standards of honesty, integrity and conduct is essential to assure the proper performance of county business, while maintaining the confidence of its citizens.

9.1.1. Reasons Taken. Employees will be disciplined only for violations of established county rules and regulations and/or for the good of the county. Disciplinary action will be fairly, promptly, and consistently applied to the maximum extent possible.

9.1.2. By Whom Taken. Normally, disciplinary actions will be administered by an employee's department head. However, if the department head fails to take disciplinary action for an obvious violation of county rules, the county commission may take action, so long as such action is consistent with the intent of these policies and procedures.

9.1.3. Counseling Sessions. When practical, counseling sessions will be used to correct an employee's conduct before disciplinary action is required. A written report will not be required for a routine counseling session, but, if one is prepared the employee will be provided a copy and a copy will be provided the personnel officer for inclusion in the employee's personnel file.

9.2 TYPES OF DISCIPLINE

All employees covered by the Perry County personnel system are subject to disciplinary action as described herein for unacceptable conduct that falls under the intent of this section. Normally, disciplinary action will be taken only against regular status classified service employees, since temporary employees serve at the pleasure of their department head. However, nothing should be interpreted herein to prevent the disciplining of any employee, if circumstances warrant.

9.2.1. Written Warning. A written warning report will normally be used for unacceptable conduct by an employee that is deemed to require more than a verbal reprimand or an informal counseling session but does not warrant more serious disciplinary action.

9.2.2. Suspension Without Pay. A suspension without pay will normally be administered when an employee's conduct continues to be unacceptable after he/she has been given a written warning. However, nothing should be interpreted herein to prevent the suspension of an employee at the first occurrence of unacceptable conduct, when circumstances warrant.

9.2.3. Dismissal from Service. Dismissal from service normally will be administered when an employee's conduct continues to be unacceptable after previous warnings and or disciplinary actions. However, nothing should be interpreted herein to prevent the dismissal of an employee at the first occurrence of unacceptable conduct, when circumstances warrant.

9.3 CLASSIFICATION OF OFFENSES.

Examples of employee conduct that are considered to be unacceptable are grouped below with a summary of the disciplinary actions that are normally recommended for each group. Such employee conduct as described are rule violations pursuant to these policies and procedures. However, the offenses and disciplinary actions as described in these guidelines are neither all inclusive nor automatic. A department head is permitted and expected to treat individual situations according to the circumstances and facts involved.

9.4 GROUP ONE OFFENSES.

Group one offenses are instances of unacceptable conduct by an employee which, while serious, will not normally merit, upon the first occurrence, suspension without pay or dismissal, and which normally, upon the first occurrence, may be addressed by a lesser degree of discipline, as outlined below. Examples of group one offenses include, but are not limited to, the following types of situations:

9.4.1. Notice of Absence - failure to give proper notice of an absence;

9.4.2. Absenteeism - irregular attendance and/or absenteeism;

9.4.3. Tardiness - tardiness (not at assigned work station at the beginning of the first hour of the employee's workday);

9.4.4. Work Interference - interfering with the work of others to include offensive personal habits which interfere with efficient operations;

9.4.5. Inefficiency - excessive inefficiency to include waste, loafing, leaving the work area without permission, and defective workmanship;

9.4.6. Safety Violations - violation of normal safety practices to include failure to report a work-related accident or injury, accident proneness, or failure to attend safety classes when directed;

9.4.7. Abuse of Property - improper use and/or care of county property;

9.4.8. Political Activities - political activities during working time;

9.4.9. Refusal of Required Overtime - failure to respond to any requirement to work outside normal scheduled work day when directed by his/her supervisor;

9.4.10. Court Judgments - willful and/or repeated failure to honor court judgments;

9.4.11. Promiscuity - promiscuous behavior on county property;

9.4.12. Solicitation – non-authorized solicitation and/or distribution of any literature to another employee during the other employee's working time (to include posting of cards, literature, notices, or other materials of any kind on bulletin boards in work areas or distributed in working areas of any employee at any time); and

9.4.13. Other Conduct - similar conduct that meets the intent of the definition of a group one offense.

9.5 DISCIPLINARY ACTION FOR GROUP ONE OFFENSES.

Disciplinary action for group one offenses will be taken in accordance with the guidelines established in this chapter. Disciplinary action normally recommended for a group one offense is as follows:

9.5.1. First Offense - written warning.

9.5.2. Second Offense - final written warning or suspension without pay.

9.5.3. Third Offense - dismissal (any combination of three (3) written warnings and/or suspensions without pay within a twenty-four (24) month period will constitute justification for immediate dismissal).

9.6 GROUP TWO OFFENSES.

Group two offenses are instances of unacceptable conduct by an employee that are very serious and will normally constitute grounds for dismissal upon the first occurrence of such conduct, unless mitigating circumstances, as determined by the department head, render lesser discipline more appropriate. Examples of group two offenses include, but are not limited to, the following types of situations:

9.6.1. Drugs and Alcohol - possession and/or use of alcohol, non-prescribed drugs, or similar intoxicants while on county property or on the job;

9.6.2. Driving County Vehicle Under the Influence - operation of a county vehicle or motorized equipment while under the influence of intoxicants such as alcohol, non-prescribed drugs, and/or prescribed drugs which induce an unsafe mental and/or physical state;

9.6.3. Firearm Possession - unauthorized possession and/or use of firearms, other weapons, explosives, or other dangerous materials on/in county property;

9.6.4. Falsification - deliberate falsification of records and/or personal misrepresentation of statements given to a supervisor, an official, the public, or any duly authorized committee;

9.6.5. Dishonesty - dishonesty as related to an individual's job duties and/or profession, or use of one's official position for personal advantages;

9.6.6. Fighting - fighting, except when the employee is a victim of an unwarranted assault;

9.6.7. Serious Leave Offenses - excessive tardiness or absenteeism, unauthorized absence, or fraudulent or abusive use of a sick leave;

9.6.8. Conviction - conviction of a felony or other crime or misdemeanor involving moral turpitude, or conviction during employment of misdemeanors which affect the employee's effectiveness on the job;

9.6.9. Theft or Abuse of Property - theft, destruction, careless or negligent use, or willful damage of county property or property of others;

9.6.10. Horseplay - dangerous horseplay on the job;

9.6.11. Flagrant Safety Violations - flagrant violation of safety practices that might endanger the life or health of the employee or others;

9.6.12. Serious Rule Violations - serious violation of county regulations, department rules, or lawful orders or directions made or given by a supervisor;

9.6.13. Proponent of Violent Overthrow of Government - membership in any organization that advocates the overthrow of the government of the United States by force or violence;

9.6.14. Bribes or Rewards - acceptance of any consideration of value or gratuity that was given to improperly influence the employee in the performance of his/her duties;

9.6.15. Refusal of Medical Exam - refusal to be examined by an authorized, fully licensed physician when so directed by the department head or the county commission;

9.6.16. Violations of Hatch Act - political activities that are gross violations of federal and/or state laws and these policies and procedures;

9.6.17. Harassment - sexual, racial, ethnic, religious or other forms of harassment against any individual;

9.6.18. Sleeping - sleeping on the job;

9.6.19. Abusive Conduct - abusive personal conduct or language toward the public or fellow employees, or abusive public criticism of a superior or other county official;

9.6.20. Willful Violation of Rules or Law - willful violation of any duly adopted county policy or rule, or state/federal law in the performance of one's duties;

9.6.21. Conduct Unbecoming an Employee - conduct unbecoming an employee, while on or off duty which tends to bring discredit upon the county and its employees, or which otherwise threatens order, safety, or health;

9.6.22. Insubordination - acts of insubordination, including refusal to obey legitimate orders, or delay or failure to carry out assigned work, disrespect, insolence, and like behavior;

9.6.23. Unauthorized Use of Property - unauthorized use, misappropriation, destruction, theft, or conversion of public property;

9.6.24. Refusal to Cooperate - refusal to fully and truthfully answer questions of a supervisor or other designated individual during any inquiry, interrogation, hearing, or court proceeding;

9.6.25. Unauthorized Release of Information - unauthorized release of privileged or confidential information;

9.6.26. Conflicts of Interest - conduct or actions determined to be a conflict of interest or ethics violation as defined by state law and/or county resolutions, rules, regulations, or procedures;

9.6.27. Fraud in Personnel Matters - fraudulent misrepresentation or omission in securing an appointment or promotion in the county service;

9.6.28. Repeated Violations of Group One Offenses - repeated violation of group one type offenses;

9.6.29. Failure to Comply with Ethics Law - Failure to comply with the Alabama Ethics Law to include filing of required annual statements of economic interests and any activity which is considered to be a violation of the ethics law; and

9.6.30. Other Conduct - similar conduct not listed herein that meets the intent of the definition of a group two offense.

9.7 DISCIPLINARY ACTION FOR GROUP TWO OFFENSES.

Disciplinary action for group two offenses will be taken in accordance with the disciplinary guidelines established in this chapter. Disciplinary action normally recommended for a group two offense is dismissal. However, a lesser disciplinary action may be taken, when a department head determines mitigating circumstances so warrant.

9.8 GENERAL DISCIPLINARY GUIDELINES.

9.8.1. Rights Protected. A department head will ensure that an employee's rights are protected during any disciplinary action.

9.8.2. Facts and Circumstances Considered. Normally, disciplinary actions will be administered uniformly and according to the order listed for each group of offenses. However, a department head is expected and may take action according to the facts and circumstances of each situation.

9.8.3. Actions Recorded in Writing. All disciplinary actions will be recorded in writing. The department head and the employee will sign the record and the employee will be provided a copy. The employee's signature acknowledges receipt of a copy, but does not necessarily mean that he/she agrees with the action taken, nor will it affect the right to appeal that action. Refusal of an employee to sign the record of a disciplinary action will be so noted on the record. A copy will also be provided the personnel officer for inclusion in the employee's personnel file.

9.9 DISCIPLINARY GUIDELINES FOR WRITTEN WARNINGS.

The following guidelines will be used in administering written warnings.

9.9.1. When Given. An employee may be issued a written warning when he/she fails to meet standards and/or commits a group one offense, and it is determined that more severe action is not necessary.

9.9.2. Procedure. Before any action is taken against the employee, the department head will advise the employee orally of the reason(s) that he/she is considering disciplinary action and allow the employee an opportunity to respond. If the department head determines that the facts of the case do not support the allegation, the employee will be notified orally of such decision and advised that the matter is closed. If the department head determines that the facts of the case

do support the allegation, but a written warning is not necessary to correct the situation, he/she will counsel the employee and warn the individual that in any future case stronger action may be taken. If the department head determines that the facts of the case do support the allegation and a written warning is sufficient to correct the situation, the department head will prepare and deliver a written warning to the employee. If the department head determines that the facts of the case do support the allegation, but stronger disciplinary action is warranted, he/she will proceed to follow the guidelines required for the anticipated disciplinary action.

9.9.3. Content of Written Warnings. The written warning will contain the following information:

(a) References to the discussion held, including the date, time and place;
(b) Specific reason(s) for the warning, the employee's explanation as given during the discussion, other relevant information discovered during the inquiry, and the department head's conclusions;
(c) Warning that future infractions could result in more severe disciplinary action; and
(d) Where appropriate, recommendations for corrective action.

9.9.4. No Affect on Benefits. A written warning will not affect the rights, privileges, or benefits to which an employee may have been entitled before the warning.

9.10 DISCIPLINARY GUIDELINES FOR SUSPENSION WITHOUT PAY.

The following guidelines will be used in administering suspensions without pay.

9.10.1. When Given. An employee may be suspended from duty without pay for a period of time not to exceed ten (10) workdays, at any one time, when it is determined by his/her department head to be justified.

9.10.2. Notice of Proposed Action. Before any action is taken against the employee, the department head will notify the employee in writing of the proposed disciplinary action that is being considered and that he/she will conduct a hearing concerning the allegation against the employee. A copy of the notice will be provided the county commission and the personnel officer for inclusion in the employee's personnel file. The written notice to the employee will contain the following information:

(a) Date, time and place of the hearing;
(b) Grounds for the proposed disciplinary action;
(c) Proposed disciplinary action to be taken and the effective date;
(d) Notice of the employee's right to appear in person and/or be represented by someone of his/her own choosing and expense.
(e) Notice of the employee's right to respond to the allegations orally or in writing; and
(f) Notice that the employee has the right to present evidence in his/her defense

9.10.3. Response. The employee will have three (3) workdays in which to file a response to this notice with the department head.

9.10.4. Informal Hearing. The hearing will be conducted informally by the department head at the time and place designated in the notice to the employee. Formal rules of evidence will not apply.

9.10.4.1. Modification of Discipline Proposed. If the department head determines after the hearing that the facts of the case do not support the proposed discipline, he/she may impose a lesser disciplinary action or advise the employee that the matter is closed. If a lesser action is taken, the guidelines for that action will be followed.

9.10.4.2. Discipline Made Effective. If after holding the hearing, the department head determines that the facts of the case support the suspension, the suspension without pay will become effective on the date specified in the notice. The employee's suspension without pay will be recorded on the department's time and attendance report.

9.10.4.3. More Severe Discipline. If the department head determines during the hearing that the facts of the case appear to support dismissal, he/she will proceed with the guidelines required for such action.

9.10.5. Hearing Declined. If the employee declines a hearing or fails to respond to the notice, the employee will be suspended without pay on the date specified in the notice.

9.10.6. Notice of Suspension. A notice of suspension under this procedure will be in writing, dated, signed by the department head, and delivered to the employee at least on the day immediately prior to the effective date. The notice will contain:

(a) Nature of the action being taken;
(b) Effective date, and the length of the suspension;
(c) Specific grounds for the suspension; and
(d) Description of the appeal rights of the employee.

9.10.7. Record of Action. A record of the completed suspension without pay action, to include a written summary of the hearing results, will be provided the county commission and the personnel officer for inclusion in the employee's personnel file. Such record need not be a transcribed record.

9.10.8. Return to Work. When the employee returns to work, he/she will be considered to be in good standing with the county and will be restored to all rights, privileges, and benefits he/she had prior to said suspension. However, a suspension may be considered by the county during any personnel actions, such as promotion, RIF, subsequent disciplinary actions, etc.

9.11 DISCIPLINARY GUIDELINES FOR DISMISSALS.

When an employee is to be dismissed due to disciplinary reason(s) and/or the good of the county, the following guidelines will be used. (Administrative and/or job performance dismissals are not covered by these guidelines. Such dismissals are covered by Chapter 8 of these policies and procedures.)

9.11.1. When Given. An employee may be dismissed from employment when his/her department head determines such action to be justified. Normally, a dismissal will be warranted, when an employee repeatedly commits a group one type offense or upon the first occurrence of a group two type offense. However, nothing should be interpreted herein as prohibiting the dismissal of an employee at any time when, in the opinion of the employee's department head, it is justified.

9.11.2. Notice of Proposed Action. Before any action is taken against the employee, the department head will notify the employee in writing of his/her intention to dismiss the employee and that the department head will conduct a hearing concerning the allegation against the employee. A copy of the notice will be provided the county commission and the personnel officer for inclusion in the

employee's personnel file. The written notice to the employee will contain the following information:

(a) Date, time and place of the hearing.
(b) Grounds for the proposed disciplinary action;
(c) Proposed disciplinary action to be taken and the effective date;
(d) Notice of the employee's right to appear in person and/or be represented by someone at his/her own expense at the hearing;
(e) Notice of the employee's right to respond to the allegations orally or in writing; and
(f) Notice that the employee has the right to present evidence in his/her defense.

9.11.3. Response. The employee will have three (3) working days in which to file a response to this notice.

9.11.4. Informal Hearing. The hearing it will be conducted informally by the department head at the time and place designated in the notice to the employee. Formal rules of evidence will not apply.

9.11.4.1. Modification of Proposed Discipline. If the department head determines after the hearing that the facts of the case do not support the dismissal, the department head may impose a lesser disciplinary action or advise the employee that the matter is closed. If a lesser action is taken, the guidelines for such action will be followed.

9.11.4.2. Discipline Made Effective. If after holding the hearing, the department head determines that the facts of the case support the dismissal, it will become effective on the date specified in the notice.

9.11.5. Hearing Declined. If the employee declines the hearing or fails to respond to the notice, the employee will be dismissed on the date specified in the notice.

9.11.6. Notice of Dismissal. A notice of dismissal under this procedure will be in writing, dated, signed by the department head and delivered to the employee no later than the effective date of the action. The notice will contain:

(a) Nature of the action being taken and the effective date;
(b) Specific grounds for the dismissal; and
(c) Description of the appeal rights of the employee.

9.11.7. Record of Action. A record of the completed dismissal action, to include a written summary of the hearing results will be provided the county commission and the personnel officer for inclusion in the individual's personnel file. Such record need not be a transcribed record.

9.12 SUSPENSION WITH PAY.

In the event of a violent action, an intolerable offense on the part of an individual (e.g. fighting, destruction of county property, gross insubordination, etc.) or other similar cause in which it is anticipated that the individual will be dismissed, the department head may request the approval of the county commission to suspend the employee with pay for up to ten (10) working days, pending completion of a hearing and dismissal. A copy of the department head's request and the commission's approval will be provided the personnel officer for inclusion in the employee's file. The employee's suspension with pay will be recorded on the department's time and attendance report.

9.13 CRIMINAL CHARGES.

If an employee is charged with a felony, that is considered a serious violation of these policies and procedures, the department head will notify the employee and conduct a hearing concerning the alleged violation. Such notification and hearing

will be held according to the guidelines required by paragraph 9.11 above. If the department head determines there is sufficient information available to indicate that the county's rules or standards of employment were violated, the department head may take appropriate disciplinary action, to include suspension without pay or dismissal, as the case may warrant.

9.14 APPEAL.

A regular status classified service employee may appeal a suspension without pay exceeding three working days or dismissal directly to the personnel review board.

CHAPTER 10

GRIEVANCE PROCEDURE

10.1 GENERAL PROVISIONS.

Recognition is given to the fact that grievances can sometimes be very helpful to an organization by calling matters to the attention of county officials and supervisors where action is needed. When a grievance procedure is used properly, it can assist in establishing a harmonious, cooperative working relationship between the county's employees, supervisors, managers, and elected officials.

10.1.1. Intended Use. The intended use of the county's grievance procedure is to provide a standard process for speedy investigation and resolution of an eligible employee's complaint.

10.1.2. Employees Eligible to File Grievance. Regular status classified employees may file a written request for personal relief in any matter of concern or dissatisfaction relating to their employment which is subject to the control of the county. Normally, temporary and probationary employees may not file grievances. However, classified employees who are serving in a probationary status as a result of their being reassigned will also be eligible to file grievance actions.

10.1.3. Right to Discuss Grievance. An eligible employee who feels that he/she has been adversely affected by a county policy, practice, or incident will have the right to discuss such with his/her immediate supervisor, or anyone designated to hear such grievance. Every eligible employee will have the right to

present his/her grievance in accordance with the established procedure free from fear, interference, restraint, discrimination, coercion, or reprisal.

10.1.4. Uses Excluded. The grievance procedure is not intended and will not be used for the following purposes:

(a) Resolve personal differences between/among employees;
(b) Appeal pay reductions which are part of a general plan to reduce salaries and wages, when such reductions are pro-rated to all employees;
(c) Appeal non-selection for a position when properly established staffing procedures have been followed; or
(d) Appeal the content of approved and published county resolutions or other legal actions.

10.1.5. Good Faith Timely Presentation. An employee's grievance must be submitted in good faith and within a reasonable period of time after the occurrence of the incident upon which the grievance is based. Grievances that do not meet these requirements will not be considered. If an employee willfully files a false grievance action, he/she may be subject to disciplinary action to include dismissal.

10.1.6. Withdrawal. An employee may withdraw his/her grievance at any step in the process.

10.2 GRIEVANCE PROCEDURE.

An employee's grievance will be resolved informally, through a discussion with his/her department head, when possible. However, in a situation where the grievance is not resolved informally, an eligible employee may reduce the grievance to writing and submit it formally for consideration. When an eligible employee wishes to submit a formal grievance, the following procedure will be used.

10.2.1. Time Period. Within five (5) calendar days of the time the employee has knowledge of, or should have had knowledge of, the situation or circumstances he/she wishes to grieve, the employee will submit such grievance to his/her department head.

10.2.2. Content of Written Grievance. The employee's grievance will contain, as a minimum, the following information:

(a) Statement of the employee's grievance and/or any policies, rules, regulations and procedures that he/she believes have been misapplied or violated and the date and description of such misapplication or violation;
(b) Previous supervisory decisions, if any;
(c) Specific remedy which the employee is seeking; and
(d) Names of any witnesses that the employee wishes to be present.

10.2.3. Department Head's Review. After receipt of the employee's written grievance, the department head will investigate and/or review the facts as presented by the employee. If the department head determines that he/she needs to interview individuals knowledgeable of the employee's grievance, the department head will schedule such meeting(s). The employee will be notified of such meeting(s) and will be allowed to attend, if so desired.

10.2.4. Department Head's Findings and Decision. Within five (5) calendar days of receipt of the employee's grievance, the department head will notify the employee of all findings and his/her decision. The department head's notification will be in writing and will contain as a minimum the following information:

(a) Summary of the investigation and/or findings;
(b) The decision; and
(c) The employee's right to request, in writing, within fourteen (14) calendar days that the grievance be submitted to the Perry County Personnel Review Board for resolution in accordance with these policies and procedures, if the employee is not satisfied with the department head's findings and/or decision.

10.2.5. Personnel Review Board's Review. The board will schedule a hearing with the employee within twenty-one (21) calendar days of its receipt of the employee's appeal. The board will review the department head's findings and decision and may interview other individuals as requested by the employee, the department head, and/or as it determines necessary. The employee and/or the employee's representative, and the department head and/or the department head's representative may address the board and present their positions on the appeal.

10.2.6. Personnel Review Board's Findings and Decision. Within ten (10) calendar days of the board's review, the board will render its decision. The board's decision will be in writing and will contain the following information:

(a) Summary of the board's findings; and
(b) Board's decision.

The board may recommend to sustain, amend, or overrule any previous decisions rendered.

10.2.7. Commission's Review. The commission shall review the board's decisions and either accept, amend or overrule the board's decision.

10.3 RETALIATION FOR GRIEVANCE/APPEAL PROHIBITED.

Employees should feel free to use the county's grievance/appeal procedure. Therefore, no employee, official, or supervisor will discriminate against, coerce, or interfere with any employee, witness, representative, or appellant in the presentation or adjudication of any grievance action brought in good faith, or take any reprisal action against such persons. An allegation of any violation of these

protected rights may be submitted, in writing, directly to the county commission. Any individual found to have violated an employee's protected rights will be subject to disciplinary action, to include dismissal.

10.4. **DISCRIMINATION AND SEXUAL HARASSMENT COMPLAINT PROCEDURES**.

When any employee believes that he/she is being discriminated against on the basis of race, religion, color, disability, national origin, gender, age, or political affiliation, he/she may register a complaint with his or her department head or the personnel officer.

10.4.1. Investigation. Upon receipt of the employee's complaint, the department head or personnel officer, will investigate the situation thoroughly. If the complaint is against another employee or supervisor, the personnel officer and the department head will coordinate findings to determine what action, to include disciplinary action, the department head will take to correct the situation. If the complaint involves the employee's department head, the personnel officer will investigate the situation and report all findings to the county commission. The personnel officer or department head will complete the investigation as soon as possible, but no later than thirty (30) calendar days after receiving the employee's complaint.

10.4.2. Report. A report will be completed by the investigator and will include the findings and any remedies. If the complaint is against the department head the report will contain only the personnel officer's findings.

10.4.3. Department Head's Action. If the complaint is against another employee or supervisor, the department head will ensure that appropriate action, to include disciplinary action, is taken, as necessary, to correct the situation.

10.4.4. County Commission's Action. If the complaint is against a department head, the commission will ensure that action is taken as necessary to correct the situation. If the complaint is against another employee or supervisor, the commission will review the findings and remedies to ensure they are adequate to prevent future occurrences.

10.4.5. Notification to Employee. Upon coordination of the report with the department head and/or the county commission, the employee will be notified, in writing, of the findings and corrective action. Such notification will be provided the employee within five (5) calendar days of the commission's review and approval of the report.

10.4.6. Records. The personnel officer will ensure that the report and supporting documents, to include a copy of the employee's notification, are secured in the county personnel files.

10.5 RECORDS.

The review, investigation, and findings associated with all formal grievance actions will be fully documented. A copy of the completed action will be placed in the employee's personnel file.

CHAPTER 11

ATTENDANCE AND LEAVE

11.1 HOURS OF WORK

County offices and activities will be open for business as established by the county commission in coordination with the department heads.

11.1.1. Work Schedule. A department head will establish the actual work schedule for his/her employees in accordance with the needs of the department. Work schedules will be posted in prominent locations that are readily available to all employees.

11.1.2. Regular Workweek. The regularly scheduled time for full-time classified non-exempt employees to work in a workweek will normally be forty (40) hours. Department heads shall establish, in writing, a workweek to meet departmental requirements. The workweek will be documented in writing, with a copy provided each employee who will be affected and to the commission office.

11.1.3. Part-time Employee Workweek. The hours that a part-time employee works in a regularly scheduled workweek will be established by the department head based upon the hours funded for the position by the county commission at the time of its approval. Normally, a part-time employee will be scheduled to work less than thirty (30) hours in a workweek. However, if required to meet temporary needs of the county, a part-time employee may be scheduled to work additional hours.

11.1.4. Temporary Employee Workweek. The hours that a temporary employee works in a workweek will be established by the department head based upon the hours funded by the county commission at the time of their approval of the position. A temporary employee may work a full or part-time workweek, as required by his/her department head.

11.1.5. Responsibility for Attendance at Work. All employees are responsible for ensuring that they are present at work or on approved absence during their scheduled work time. If an employee is unable to report for work, or to report on time, he/she must notify the department head or the individual designated by the department head, within two (2) hours before the normally scheduled starting time or as soon as possible there after, only if unusual circumstances prevent notification as required. If an employee has a need to leave the assigned work area during the normally scheduled work time, the employee will notify his/her department head, or the designated substitute, in order to obtain permission for such absence.

11.2 OVERTIME.

All jobs in the county service will be designated to be either non-exempt or exempt from the overtime provision for the FLSA. Such determinations will be made by a department head, in coordination with the personnel officer, based upon the criteria contained in the Fair Labor Standard Act (FLSA). Each individual will be notified in writing of the designation for the position he/she occupies. A copy will be provided to the personnel officer for inclusion in the individual's file.

11.2.1. Non-Exempt Employees. All employees who are designated a non-exempt from the overtime provisions of the FLSA will earn overtime entitlements on the basis of one and one-half (11/2) times the hours they work which qualify as overtime in accordance with the FLSA. All hours worked during the workweek that exceed forty (40) will be treated as overtime work and the employee will be entitled to overtime pay in accordance with the FLSA and the guidelines below.

11.2.1.1. Time Records. A non-exempt employee will have a workweek established in accordance with FLSA and paragraph above. All time that an employee works in a workweek will be accounted for on a time and attendance report in accordance with procedures established by the county commission. Those records required by the FLSA for hours worked, wages earned, and wages paid will be maintained by the county commission.

11.2.1.2. Approval for Extra Work. Any work that exceeds a non-exempt employee's normal scheduled workday will be approved prior to the work being accomplished. Such work will be approved in accordance with guidelines established by the county commission and the department head.

11.2.1.3. Overtime Worked. When the time a non-exempt employee works in a workweek constitutes overtime as determined by the FLSA, he/she will normally be paid overtime pay for all overtime work. Such pay will be computed at one and one-half (1 ½) times the regular rate of pay

for all overtime work. However, the employee may be provided compensatory time in accordance with a paragraph 11.2.5 below.

11.2.1.4. Compensatory Time. Non-exempt employees may earn compensatory time in lieu of overtime pay in accordance with the provisions of the FLSA and any relevant state laws. An employee shall use any accumulated compensatory time within thirty (30) days after the pay period in which it is earned. If an employee is not able to take leave within the specified time, the employee shall be paid for the compensatory time at the overtime rate of pay for the hours worked. Compensatory time will be computed at one and one-half (1 ½) times the overtime hours worked. A non-exempt who earns compensatory time will be allowed to use such time at his/her convenience, if time off does not cause a hardship on work activity.

11.2.2. Exempt Employees. Exempt employees are excluded from the overtime provisions of the FLSA. Exempt employees perform work that is directly related to establishing policy, carrying out policy, and/or supervising employees. Such employees are typically salaried and are paid to accomplish a supervisory and/or a managerial function. Exemption of employees from the overtime provisions of the FLSA must be determined in accordance with the provisions of the FLSA and these policies and procedures.

11.2.2.1. Work Schedule. Exempt employees are not scheduled to work a specific number of hours in a particular workweek, since they are not paid by the hour. However, they are expected to work the typical workday

as established by their department head. If they need to work outside the normal workday to attend meetings, such as commission meetings, or perform other work, it is considered part of their job.

11.2.2.2. No Overtime Entitlements. Exempt employees will not earn overtime entitlements regardless of the number of hours they work during a workweek. Routine absences for sickness, annual leave, etc. will be charged as leave in accordance with the leave guidelines of these policies and procedures so long as such action is in accordance with the provisions of the FLSA. However, exempt employees who work unusually long hours during peak work periods or emergencies may be allowed to take time off when their work load permits with the approval of their department head.

11.3 OFFICIAL HOLIDAYS

11.3.1. Eligibility. All full-time classified employees are eligible for holiday pay for authorized paid holidays. Part-time and temporary employees will not receive holiday pay.

11.3.2. Scheduled Holidays. The county commission will publish a list of holidays that will be observed by the county at the beginning of each year. If the county commission does not publish a list of official holidays, the following will be observed:

New Year's Day
Martin Luther King's Birthday
Washington Birthday
Thanksgiving Day
Jefferson's Birthday
Memorial Day
Good Friday
Labor Day
Columbus Day
Independence Day
Christmas Day
Obama Day

11.3.3. Holiday Pay. An eligible employee will receive holiday pay for all county approved holidays. If the employee is required to work on a holiday, the department head will normally coordinate with the employee for comparable time off on another day. If the department head cannot schedule comparable time off, the employee will be paid for the actual hours he/she worked on the holiday. The pay for the hours will be in addition to the holiday pay. Such pay will be at the regular rate of pay.

11.3.4. Entitlement to Overtime. If an employee does not work on the holiday, the hours that he/she is paid for such holiday will not count as hours worked in determining the entitlement to overtime pay or compensation time in lieu of overtime pay. Only the time that an employee actually works on the holiday will be counted to determine if he/she is entitled to overtime during the workweek as specified by the FLSA.

11.3.5. Preceding and Succeeding Workdays. To be entitled to receive holiday pay for an authorized holiday, an eligible employee must be present at work, or on approved leave with pay, on the scheduled workdays immediately preceding and following the paid holiday. If the employee is in a non-pay status for either of these days, holiday pay will not be paid.

11.3.6. Holiday Pay in Lieu of Sick or Annual Leave. If an eligible employee is on approved sick or annual leave when an approved paid holiday occurs, such time will be charged against the holiday and not as sick or annual leave.

11.4. TYPES OF LEAVE.

The county provides the following types of leave for its eligible employees: annual leave, sick leave, administrative leave, military leave, and leave without pay.

11.5 ANNUAL LEAVE.

All full-time classified employees will earn annual leave with pay in accordance with these guidelines. Probationary employees shall not accrue leave until they successfully complete the probationary period and attain regular status.

11.5.1. Leave Year. The annual leave year will run from January 1 through December 30 of each year.

11.5.2. Accrual of Annual Leave. All eligible employees will earn annual leave according to the schedule below:

Completed Years of Continued Service	Annual Leave Earned
0 –1year	4 hours per month
Over 1 - 3 years	6 hours per month
Over 3 -10 years	8 hours per month
Over 10	10 hours per month

11.5.3. Proration of Annual Leave Credit. Annual leave credits will be earned by an eligible employee for each month in which he/she is eligible to earn annual leave. However, an employee will not earn any leave credit for any month in which he/she is a non-pay status for more than twelve (12) scheduled working days.

11.5.4. Use of Annual Leave. Annual leave is considered to be a benefit to an employee and he/she is expected to take the earned leave each year. However, employees may accumulate and carry over an amount equal to twenty five (25) days of annual leave, when approved in writing by the employee's department head and forwarded to the commission at least ninety (90) days before the end of the leave year. Any additional unused annual leave will be forfeited. Annual leave will be approved in advance of each absence, except in unusual circumstances. Failure to comply with this requirement may result in an absence being treated as unauthorized leave. A department head may require, with the approval of the commission, that all employees in his/her department to take their leave at the same time if he/she feels it is in the best interest of the department to do so.

11.5.4. (a) Exempt employees may accumulate an unlimited number of vacation days, but upon separation they shall only be compensated for 200 hours.

11.5.5. Requests for Annual Leave. Requests for annual leave will be made by employees as far in advance as possible of the time desired and will be submitted on the county's approved leave form. Before the start of a new leave year the employees in each department should attempt to schedule their projected leave days for the year. The order of selection will be based on the employees' continuous years of eligible service with the department and will be made in accordance with guidelines to be established by the department head.

Employees shall request annual leave in excess of two days at least two weeks in advance.

11.5.6. Scheduled Holiday During Annual Leave. When a scheduled paid holiday occurs during an employee's annual leave, the day will be credited as a paid holiday and not as a annual leave day.

11.5.7. No Advances. Annual leave will not be advanced to any employee.

11.5.8. Pay Upon Separation. Upon separation from county service, an hourly/nonexempt employee will be paid for any accrued annual leave up to twenty-five (25) days.

11.6 SICK LEAVE.

Sick leave is a benefit provided full-time classified employees. It is provided to ensure that eligible employees who are unable to work due to illness or injury do not feel compelled to do so for financial reasons.

11.6.1. Accrual of Sick Leave. Full-time classified employees will earn sick leave credit of eight (8) hours each month for a total of ninety-six (96) hours of sick leave per year. Eligible employees may accumulate up to four hundred eighty (480) hours of sick leave credit. Probationary employees will not accrue sick leave until they successfully complete the probationary period and attain regular status.

11.6.2. Non-Pay Status. Eligible employees will not earn any sick leave credit for any month in which they are in a non-pay status for more than twelve (12) working days.

11.6.3. Separation. No employee will be paid for unused sick leave when he/she separates from county service. However, if the individual is rehired by the county within two (2) years of the separation date, in a job that is eligible to accrue sick leave, he/she shall have his/her previous sick leave balance restored upon completion of six (6) months of service.

11.6.4. Use of Sick Leave. Sick leave with pay will be granted to an eligible employee for any of the following types of reasons:

(a) When an employee is unable to work due to personal illness, injury incurred off-duty, or when the employee's presence may endanger the health of fellow workers; or
(b) Keeping a doctor, dentist, chiropractor or optometrist appointment; or
(c) Any impairment related to pregnancy and/or actual confinement. A female employee who requests time away from work for pregnancy, maternity and childbirth will be treated equally to other employees with other forms of disability or sickness who request leave; or
(d) The emergency illness or incapacitation of a member of their immediate family; i.e., child, spouse, parent, requiring the care of the employee.

11.6.5. General Requirements for Use. To be granted sick leave, an employee should notify his/her supervisor within two (2) hours before the normal workdays begins, or as soon as possible thereafter, of his/her inability to report to work. Failure to do so may be cause for denial of sick leave for the period of absence. Denial of sick leave will result in the employee being charged with annual leave, or placed in some non-pay status, at the discretion of his/her supervisor. Sick leave will be charged in two (2) hour units.

11.6.6. Requirements for Extended Use. For a period of absence of two (2) or more consecutive working days, or anytime at the request of the department head, the employee may be required to submit a medical report signed by a licensed physician stating that he/she has been incapacitated for work for the

period of absence and when it is anticipated that the employee will again be physically able to perform work duties. The department head may require an employee to undergo an examination and obtain a second opinion by a county designated physician. An employee, returning to work after a sickness or injury, may also be required to undergo a medical examination to determine whether or not the employee is able to return to work. Such examination, when required, will be paid by the county and will be conducted by a physician or physicians as designated by the county commission. Employees may use compensatory time, and annual leave as sick leave to cover absences if they exhaust accumulated sick leave hours.

11.6.7. Fraudulent Use Prohibited. Any unjustified or fraudulent use of sick leave may result in loss of pay, charged as annual leave, and/or punished by disciplinary action (to include dismissal when appropriate).

11.6.8. Use During Holiday. When an authorized paid holiday occurs during the period an employee is on sick leave, the employee will receive regular holiday pay and that day will not be charged against sick leave.

11.7 ADMINISTRATIVE LEAVE.

All employees will be granted administrative leave with pay in accordance with the following guidelines provided the absence is on a normally scheduled workday for the employees. The number of hours of leave granted for each day will not exceed the number of hours the employee would normally have been scheduled to work for that day. Administrative leave will not be charged against

the annual or sick leave of an employee who earns such leaves. The following types of administrative leave are provided by the county.

11.7.1. Civil/Legal. Leave will be granted to eligible employees for jury duty, court attendance as a witness in a case not involving personal litigation, or voting. The length of time granted for voting will be the reasonable time necessary to vote and normally will be granted at the start or end of a workday. When an employee is granted leave for jury duty or court attendance, he/she will return to work immediately upon release by the court.

11.7.2. On Duty Court Appearances. Attendance in court by employees who are acting in an official capacity will not be considered as administrative leave but as regular work time. The provisions of any law or county policy that requires any fees provided an employee who is attending court in an official capacity to be turned in to the county will be observed. In other situations, any fees paid to employees will be retained by the employee in addition to administrative leave pay.

11.7.3. Hazardous Weather. When considered necessary for the safety of its employees, the county commission may authorize the closure of offices and/or a late arrival or early departure time for hazardous weather conditions. Such time will be reported on an attendance report as administrative leave (hazardous weather). When a hazardous weather situation occurs, employees who are needed to perform essential operations may be required to work. Emergency closing and/or late arrival times will normally be broadcast over the local radio station. However, it is the responsibility of the employee to contact his/her

department head, if the employee is uncertain as to the situation. If the county commission does not declare a hazardous weather condition and authorize a late arrival time, employees are expected to make a good faith effort to get to work during inclement weather conditions. An employee who is unable to get to work under such conditions is expected to notify his/her department head. The employee shall be placed on annual leave or leave without pay.

11.7.4. Bereavement. Leave will be granted employees who have a death in their immediate family. For purpose of this leave immediate family is defined to include the employee's spouse, parents, children, siblings, and parents-in-law. Included within the definition of immediate family are those persons who live with the family as a member of the family whether related or not. Bereavement leave will not exceed three (3) consecutive calendar days in length and will be granted the day before, the day of and the day after the funeral; an employee will only receive pay for regularly scheduled work days. If additional time is required, the employee may use, sick leave, annual leave, compensatory time or leave without pay.

11.8 MILITARY LEAVE.

Military leave will be authorized in accordance with Section 31-2-13 of the Alabama Code, 1975, as summarized below.

11.8.1. Entitlement. Classified employees who are active members of the Alabama National Guard, naval militia, or the Alabama State Guard organized in lieu of the national guard or of any other reserve component of the Armed Forces of the United States, will be entitled to military leave of absence from their

respective duties on all days that they are engaged in field or coast defense or other training, or on other service ordered under the provisions of the National Defense Act, or of the federal laws governing the United States Reserves, without loss of pay, time, performance rating, annual or sick leave, or any other county provided benefit.

11.8.2. Limitation. No persons granted such leave of absence will be paid for more than one hundred sixty-eight (168) hours per calendar year.

11.8.3. Extended Limitation. Eligible employees will be entitled, in addition to the above, to be paid for no more than one hundred sixty-eight (168) hours at any one time while called to duty by the governor in active service of the state or nation.

11.8.4. Procedure. An eligible employee who wishes to be granted military leave will submit a copy of the military orders or other documentation necessary to support the request and a leave request to the personnel officer. Such request will be submitted as soon as the employee becomes aware of the projected dates of services.

11.9 LEAVE WITHOUT PAY.

The county provides leave without pay to eligible employees in certain situations as described below. An employee who is granted a leave without pay will be placed in a non-pay status.

11.9.1. Family and Medical Leave Act. Those employees who meet the eligibility requirements as specified in the Family and Medical Leave Act (FMLA)

of 1993 may be granted leave for a period not to exceed twelve (12) weeks per calendar year for the following reasons:

(1) Serious health condition of a spouse, child, or parent; or

(2) Serious health conditions of the employee; or

(3) Birth of a child or placement of an adopted or foster child.

Such leave is not automatic and will become effective only after the county determines that the employee qualifies and approves the employee's request.

11.9.1.1. Leave Request. Each request will be in writing at least thirty (30) days in advance when the leave is foreseeable and the request will be supported by a written statement from the employee's or family member's physician or other recognized authority as needed to support the leave request. The county's approval of the leave request will be in writing. Under FMLA, the employee will be eligible to return to the same position or equivalent position with equivalent benefits and pay at the expiration of the leave unless the employee otherwise would have been laid off, terminated or transferred. An employee who fails or is unable to return to work at the expiration of an authorized leave of absences will be deemed to have resigned as of the end of the leave.

11.9.1.2. Coordination With Other Provided Leaves. Normally, FMLA leave will be charged against an employee's accrued leaves in the following order:

(1) Sick leave;

(2) Annual Leave (after sick leave is exhausted).

Upon exhaustion of sick and vacation pay leave, employees will be placed in unpaid status. FMLA (Family Medical Leave Act) must be requested and approved, by the commission, in order to maintain health insurance. Also, the employee portion of the health insurance premium must be paid while in unpaid status while on FMLA in order to maintain health insurance. If FMLA is not requested and subsequently approved by the commission, employee will unable to maintain the health insurance.

11.9.1.3. Benefits While Using FMLA. As an exception to paragraph 11.9.4., the county will continue to pay its portion of any benefit premiums (such as medical, etc.) for an employee using FMLA that it normally pays on behalf of an employee. Sick and annual leave will not continue to accrue during any unpaid leave taken over four (4) working days per pay period.

11.9.2. General Leave Without Pay. Regular status classified employees may be granted leave of absence without pay or a period not to exceed ninety (90) calendar days.

11.9.2.1. Guidelines for General Leave Without Pay. The following guidelines apply to approval of any general leave of absence without pay;

(a) **<u>Leave request will be made in writing, will be for a justifiable reason and will require majority approval from the county commission;</u>**
(b) Leave will not cause an undue hardship on the county;
(c) Employee understands that he/she may be required to return to work before the leave expires; and
(d) Employee understands that failure to report for duty promptly when requested or at the end of the leave will be considered a resignation and the employee will be separated.

11.9.3. Political Leave Without Pay. A county employee desiring to campaign for a Perry County political office shall be granted a leave of absence without pay beginning on the date they qualify until they complete their participation in the election process.

11.9.3.1. If the employee is elected, the employee will resign from his/her position with the county and assume elected office, or if the employee is defeated for political office, the employee, may within five (5) working days, be reinstated to his/her former position, or one of comparable rank and pay.

11.9.3.2. An employee may elect to be paid for any accumulated annual leave upon beginning the leave of absence without pay to campaign for public office.

11.9.3.3. No county employee shall campaign or otherwise engage in political activity in support of or against a candidate or any cause during the employee's working hours.

11.9.3.4. No employees shall be rewarded or penalized in any way for using authorized political leave.

11.9.4. Expiration of General Leave Without Pay. When the leave of absence expires, the employee will be reinstated to the position he/she held at the time the leave was granted or to a similar position, if the previous position is no longer available. However, the employee is not guaranteed a position if there has been a Reduction in Force (RIF) in the employee's department, and he/she would

have been separated due to the RIF. Under such circumstances the guidelines pertaining to RIF actions will apply.

11.9.5. Benefits While in General Leave Without Pay Status. No county paid benefits (annual leave, sick leave, etc.) will be provided an employee for any pay period in which the employee been placed in a leave without pay status for a period that exceeds four (4) working days, however, those employees covered under the FMLA will continue to be covered by the county for medical insurance benefits. An employee who is on leave without pay for more than ten (10) working days in a month will be required to reimburse the county for any insurance premium benefit costs paid on behalf of the employee for that month. Any unused sick leave days an employee was entitled to at the time he/she was placed in a general leave without pay status will be made available upon return to work. If the employee does not return to work, these days will be forfeited. An employee in a leave without pay status will accrue credit toward longevity and pay increases.

11.9.6. Approval. All leaves without pay must be approved by the county commission.

11.10 ATTENDANCE RECORDS.

A centralized attendance record will be maintained by the personnel officer for all employees covered by the county's personnel system.

11.10.1. Content. Each employee's attendance record will record:

(a) Approved workweek;
(b) Scheduled hours of duty and hours worked for each duty day during the workweek;

(c) Authorized and/or unauthorized absences, including sick leave, annual leave, administrative leave, military leave, leave without pay, and non-pay status/worker's compensation;
(d) Earned overtime pay; and
(e) Overtime paid.

11.10.2. Availability. An employee's attendance record will be made available to the employee for inspection upon request.

11.10.3. Responsibility for Maintenance. Department heads are responsible for ensuring the accurate completion of time and attendance reports for each employee within their activity. Such time and attendance reports will be submitted to the commission office for each pay period in accordance with procedures established by the county commission.

CHAPTER 12

COMPENSATION AND BENEFITS

12.1 GENERAL PROVISIONS

12.1.1. Policy Statement. Perry County will, so far as financially practical, provide its employees fair and equitable compensation. Such compensation will include an employee's regular pay and county provided benefits.

12.1.2. Responsibility. Every employee's pay and benefits, as provided for herein, will be established and maintained fairly, equitably, and consistent with the intent of these guidelines. The personnel officer will monitor the county's compensation system and recommend, in coordination with the department heads, needed changes to the county commission.

12.1.3. Deviations Not Authorized. Deviations from the approved county classification and pay plans and the guidelines contained herein will not be authorized. If warranted, such plans and/or guidelines will be changed, as required.

12.2 JOB DESCRIPTIONS

The personnel officer will ensure that a job description is prepared for each classified service job. Each job description will be approved by the county commission and the appropriate department head.

12.2.1. Purpose. Each job description will identify the representative duties and tasks, along with the job-related knowledge, skills, and abilities (KSA's), that are required for proper performance of the job. The job description, and its

associated job analysis information, will be used to evaluate each job and to assign it to an appropriate pay grade in the county's classification plan.

12.2.2. New/Revised Jobs. When a department head determines that a new/revised job description is required because he/she wants to create a new job or to make a substantial change in an existing job, the department head will provide the personnel officer the required duties and KSA's associated with the job. The personnel officer will prepare a new/revised job description and submit it to the county commission and department head for approval.

12.3 CLASSIFICATION PLAN

A classification plan will be maintained in the county. The classification plan will recognize that jobs of comparable responsibility, scope, complexity, and required knowledge, skill and ability will be assigned to the same pay grade. All classified service jobs will be assigned to one of the pay grades established in the plan.

12.3.1. Plan Requirements. The classification plan will contain a sufficient number of pay grades to adequately and fairly distinguish between the compensable differences between jobs assigned to the plan. The assignment of a job to a pay grade in the plan will be made through the evaluation of each job, using job evaluation criteria and procedures approved by the county commission for such purposes. The classification plan will be approved by the county commission.

12.3.2. Additions/Changes. When a new/revised job description is prepared in accordance with paragraph 12.2.2 above, the job will be evaluated or re-evaluated using the approved job evaluation criteria and procedures and a

recommended pay grade assignment will be determined and submitted by the personnel officer to the county commission for approval. Upon approval, the personnel officer will ensure that the classification plan is revised as required.

12.3.3. Periodic Reviews. In addition to required changes made in accordance with paragraph 12.3.2 above, the county commission will cause the approved classification plan to be reviewed on a periodic basis to ensure that each job's pay grade assignment is still valid. Upon completion of such review, an updated classification plan will be submitted to the county commission for approval.

12.4 PAY PLAN

A pay plan will be established and used in conjunction with the approved classification plan to determine the pay rates for all classified service employees.

12.4.1. Development. The pay plan will establish a minimum and maximum pay for each pay grade contained in the classification plan. The county commission is responsible for the development and approval of an equitable and fair pay plan to be used in determining pay ranges for each pay grade in the classification plan. Such pay ranges will be established with due regard to:

(a) Rates of pay paid by public and private organizations in the local area;
(b) Rates of pay paid by other counties;
(c) Cost of living factors;
(d) County financial policies and available resources; and
(e) Availability of qualified applicants for job vacancies.

12.4.2. Periodic Review. The pay plan will be reviewed periodically and appropriate "across the board" adjustments made by the county commission, when needed to meet inflationary and/or labor market changes and when funds are available. During the preparation of the annual budget, the county

commission will, as needed, cause to be made such comparative pay studies of those factors that affect pay levels.

12.5 EMPLOYEE ANNIVERSARY DATE

12.5.1. Purpose. The purpose of the employee anniversary date is to establish a point from which an employee's years of service can be determined. An employee's anniversary date will be used to determine his/her eligibility for longevity pay increases, benefits, and other areas, which are related to an employee's years of service.

12.5.2. Establishment. Each classified employee will have an anniversary date established. An employee's anniversary date will not change except as provided for in paragraph 12.5.3 below.

12.5.3. Break in Service. If an individual is separated and subsequently re-employed as a classified service employee, his/her new employment date will be established as the anniversary date. If an employee is placed in a leave without pay status for more than thirty (30) calendar days, his/her anniversary date will be adjusted to reflect the break in service.

12.6 ESTABLISHMENT OF EMPLOYEE PAY

The pay of all employees will be established and maintained in accordance with the guidelines contained herein.

12.6.1. Salaried Employees. All employees who are assigned to jobs that have been determined to be exempt from the overtime provisions of the FLSA and such other non-exempt employees who are designated by the county commission as salaried employees will be paid a salary each pay period.

Normally, such salary will be based upon the hours that the employee routinely works during the pay period and the approved hourly rate of pay for his/her job. However, the actual hours used in the calculation of a non-exempt salaried employee's pay will be approved by the county commission, in coordination with his/her department head.

12.6.1.1. Salaried Employees Overtime Entitlement. An exempt salaried employee will not receive overtime entitlement, regardless of the hours that are worked. A non-exempt salaried employee will receive overtime entitlement when the hours worked in the established workweek qualify as overtime. Such overtime will be computed at one and one-half (1½) times the employee's hourly rate of pay in accordance with the provisions of the FLSA.

12.6.2. Hourly Employees. All employees who are not designated as salaried employees in accordance with paragraph 12.6.1 above are designated as hourly employees. Hourly employees will be paid only for those hours they work per pay period. Such pay will be based on the employee's approved hourly rate of pay. All new employees work schedule will start at the beginning of a regularly scheduled pay period as established by the County. A minimum of forty (40) hours will be withheld from all new employees compensation.

12.6.2.1. Hourly Employees Overtime Entitlement. Hourly employees are non-exempt from the overtime provisions of the FLSA and will receive overtime pay for all hours that they work that qualify as overtime in accordance with the FLSA. Such overtime pay entitlement will be

computed at one and one-half (11/2) times the employee's hourly rate of pay in accordance with the FLSA. A non-exempt employee may, however, receive compensatory time in lieu of overtime pay.

12.6.3. Entry Level Pay for Classified Employees. New classified employees will receive a rate less than the established entry level of pay for their jobs unless that amount does not meet minimum wage requirements. An established formula will be used to determine the specific amount. Upon successful completion of the probationary period, the rate of pay will normally be raised to the minimum rate of pay for his/her job, as authorized in the county classification and pay plan. If a department head determines that an individual's documented job related qualifications justify a higher level of pay than the entry level, the employee may request that the county commission approve a higher rate.

12.6.4. Entry Level pay for Part-time Employees. The minimum hourly rate of pay used to determine the pay of a salaried or hourly part-time employee will be established at the time the position is authorized and funded. Such pay levels will be based upon the content of the employee's job; however, no pay level will be established at less than the federal minimum hourly wage.

12.6.5. Entry Level Pay for Temporary Employees. The hourly pay level for all temporary employees will be established by the county commission at the time the position is authorized and funded. Such pay levels will be based upon the content of the employee's job; however, no pay level will be established at less than the federal minimum hourly wage.

12.6.6. Entry Level Pay for Former Employees. Former employees who are rehired by the county from the reemployment eligibility list, to a job in the same pay grade that he/she held prior to separation would be started at the same pay he/she was paid at the time of his/her separation. If the individual is rehired to a job in a lower grade, his/her pay will be set at the same percent of the new pay grade range that his/her pay was in previous range.

12.6.7. Pay Level After Leave of Absence Without Pay. An employee who returns to work after a leave of absence without pay will have his/her pay established at the same rate of pay he/she was paid prior to the leave of absence. However, any general adjustments applied to other employees while he/she was on leave without pay status will also be applied to the employee.

12.7 PAY INCREASES

Pay increases will be awarded to classified service employees only if funds are available and have been set aside by the county commission during budget approval. Normally, a pay increase will be awarded to eligible employees in accordance with the guidelines contained herein. However, the county commission is responsible for establishing and approving the actual criteria to be used in awarding a pay increase for a specific year.

12.7.1. Longevity Increases. Longevity pay increases will be provided to eligible employees for each twelve (12) months of satisfactory service they complete, as calculated from their anniversary date. Satisfactory service shall be defined as the employee's receipt of a satisfactory rating on his/her latest written performance appraisal. Once an employee's pay level meets the maximum pay

level for the job, he/she will not be entitled to any other longevity increase. Promoted employees shall use their date of promotion to determine future longevity increases.

12.7.2. Across the Board Increases. When the commission approves an "across the board" increase, the pay rates for each pay grade of the pay plan will be adjusted to reflect the approved increase. Normally, all employees will have their pay increased by the amount of an "across the board" increase. However, the county commission will establish the actual categories of employees who will receive an "across the board" increase at the time of the approval of the increase.

12.7.3. Across the Board and Longevity Increases in Same Budget Year. When the county commission approves an "across the board" and longevity increase in the same budget year, an eligible employee who has not reached the maximum pay level for his/her pay grade will receive both increases. However, an employee will receive only that amount of a longevity increase that does not cause his/her pay to exceed the maximum rate of pay for his/her pay grade. An employee whose pay is at the maximum rate of pay for his/her job will receive only the "across the board" increase.

12.8 ESTABLISHMENT OF EMPLOYEE PAY UPON REASSIGNMENT

When an employee is transferred, promoted, or demoted to another job, his/her pay will be established in accordance with the following guidelines.

12.8.1. Transfers. When an employee is transferred to another job, his/her pay level will remain the same as before his/her reassignment. However, any

adjustments required due to a change in the approved hours to be worked during the pay period by a salaried employee will be made.

12.8.2. Promotions. When an employee is promoted to a new job, his/her pay level will be established at least at the minimum pay level for the pay grade of his/her new job. However, the employee's increase in pay will be at least five (5) percent above his/her previous pay level. The actual amount of increase will be approved by the county commission based upon a recommendation from the department head.

12.8.3. Return to Old or Comparable Job Before Completing Probationary Period. If an employee is returned to his/her old job, or a comparable job, prior to completing the required probationary period, his/her pay will be returned to the pay level it was prior to the employee's promotion. However, the employee's pay level will be increased or decreased to reflect any general adjustments applied to other employees during his/her probationary period that would have otherwise affected his/her pay.

12.8.4. Demotions. When an employee is demoted to a new job, his/her pay level will be established at the same relative position or step in the pay grade for his/her new job that it was in the pay grade for his/her prior job. Such pay level will be established at least five (5) percent below his/her pay level prior to the demotion. However, under no circumstances will a demoted employee's pay exceed the maximum level of pay or be less than the minimum rate for the pay grade of his/her new job.

12.8.5. Temporary Assignments. When an employee is temporarily assigned to another job, his/her pay will be adjusted, when required, in accordance with the guidelines of paragraph 5.3 of these policies and procedures.

12.9 SPECIAL PAY PROVISIONS

Under certain situations employees may be entitled to special pay for activities and/or duties performed as a part of their assigned work. Such special pay will be provided in accordance with the following guidelines.

12.9.1. Call-Out Duty. Every employee is expected to respond to requests from his/her department head, even without pre-arrangement, to work in the event of an emergency. Any non-exempt employee, regardless of whether or not the employee is serving in a standby status, who responds to a request from his/her department head to work at a time other than scheduled work hours will be considered to be in a call-out status. An exempt employee who reports to work outside of the normal work schedule will not be considered to be in a call-out status.

12.9.2. Call-Out Duty Pay. An employee who is considered to be in a call-out status will be paid during the call-out in accordance with the following guidelines:

(a) Length of time the employee works is less than two (2) hours, the employee will be paid for two (2) hours;
(b) Length of time the employee works is more than two (2) hours, the employee will be paid for all hours worked;
(c) Employee is called-out more than once and the total time worked for all call outs is more than two (2) hours, the employee will be paid for all hours worked;
(d) Employee is called-out prior to the starting time of a regularly scheduled work day and continues working through starting time, he/she will be paid for all time worked and will not receive call-out pay;

(e) Employee continues working through normally scheduled quitting time, he/she will be paid for all time worked and will not receive call-out pay; and

(f) Travel time spent on reporting to a call will be considered as work time.

12.9.3. Rate of Pay for Call-Out Duty. Call-out pay will be paid at the employee's regular rate of pay. Overtime entitlement will be awarded only for that time that qualifies as overtime work during a workweek.

12.9.4. Military Leave Pay. Eligible employees who are placed on military leave in accordance with paragraph 11.8 above will receive the standard pay they would have received if they had reported to work and were not on military leave.

12.9.5. Coordination of Employee's Pay with Workers' Compensation. When an employee is absent due to a job-related injury or illness, his/her workers' compensation payments may be coordinated and supplemented with compensatory time, or accrued sick or annual leave to ensure the employee receives an amount equal to his/her regular pay. If the employee exhausts his/her accrued compensatory time and leave, then the employee shall receive only the workers' compensation benefits.

12.10 PAY PERIOD

The county commission has established pay periods for all employees. The pay period and pay days for all employees will be posted.

12.11 PAYROLL DEDUCTIONS

The county commission may, upon request of a classified service employee, withhold specified amounts of money from the employee's pay. Withholding will only be made for county commission approved types of transactions.

12.12 EMPLOYEE BENEFITS

Benefits are provided to eligible employees as part of their overall compensation. Such benefits are in addition to the paid leaves as authorized in Chapter 11 of these policies and procedures and will be provided in accordance with the specific criteria established for each benefit. The information contained herein is considered general information concerning the county's provided benefits. Specific details about a particular benefit may be obtained from the personnel officer.

12.12.1. Workers' Compensation. The county provides workers' compensation insurance coverage in accordance with Alabama law for any qualifying injury or illness that might be sustained on the job. Benefits and eligibility in each case will be determined in accordance with criteria specified in Section 25, Code of Alabama.

12.12.1.1 Reporting Requirements

- All job related accidents must be reported to the employee's immediate supervisor Office within 24 hours.

- An Accident Report and the Supervisor's Accident Investigation Report must be completed and returned to HR. If medical attention is required the

employee will be referred to the employers approved doctor at the expense of the employer.

- Employees must follow the treatment program established by the workers ‘compensation doctor. Services rendered by the employee’s personal physician may not be compensable.

- It is the employee’s responsibility to notify their supervisor and the Human Resources Office if authorized time-off by the workers’ compensation doctor. It is also the employee’s responsibility to keep their supervisor informed of the treatment and recovery process. It is the supervisor’s responsibility to investigate the accident and complete the Supervisor’s Accident Investigation Report; the Supervisor’s Investigation Report must be returned to Human Resources, not given to the employee.

Employees who are absent due to a job related incident, will be removed from the payroll system and paid accordingly by the employers Workers’ Compensation Carrier. If an employee receives a check from the Workers’ Compensation Carrier for loss time, the check maybe forwarded to the HR office for documentation of the payment.

12.12.1.2. Compensation. Employees will be able to coordinate accumulated leave while receiving workers’ compensation benefits. (See section 12.9.8).

12.12.2. Employee Group Insurance. The county provides full-time classified employees health and life insurance coverage under its group insurance program. Coverage and benefits shall be subject to the

provisions and requirements as stated in the policies providing the coverage.

12.12.2.1. Dependent Coverage. Health coverage may also be provided an eligible employee's authorized dependents. Dependent eligibility will be determined in accordance with the provisions of the existing group policy.

12.12.2.2. Costs. Costs of coverage and the amount of employee contribution will be determined by the current contract in effect.

12.12.2.3. Effective Date. Insurance coverage for an eligible employee and his/her dependents will become effective in accordance with the specific policies in effect for the coverage. If an individual takes a leave of absence or is separated from the county, the continuation of coverage will be in accordance with the terms of each policy and federal law.

12.12.2.4. Non-pay Status. An employee will be required to reimburse the county for any premiums normally paid by the county for any month in which he/she is in a non-pay status for more than ten (10) working days, unless otherwise provided by federal law.

12.12.3 Unemployment Insurance. The county provides unemployment insurance benefits to its employees. When employees are laid-off due to lack of work or lack of funds, they are ordinarily eligible for unemployment compensation benefits, provided they have completed the normal required work time. When an employee is fired or suspended due to unsatisfactory performance of work

he/she is not normally eligible for benefits, nor are those employees who resign or quit the workforce.

12.12.4. Social Security. Federal Law requires that the county deduct each pay period from the employee's salary, that amount specified for Social Security benefits. The county is required to match these deductions.

12.12.5 State Retirement System. Eligible employees will have withheld from their salary each pay period, that amount required for participation in the State Retirement System of Alabama. The county also contributes toward the employee's retirement.

CHAPTER 13

PERSONNEL REVIEW BOARD

13.1 PURPOSE

The Perry County Personnel Review Board is created to serve in a quasi-judicial capacity to hear grievances and appeals from eligible county employees in accordance with the guideline established in these policies and procedures.

13.2 BOARD MEMBERSHIP

The board will consist of five (5) members who will be known for their recognized good character, ability, and judgment. Board members must meet the following eligibility qualifications:

(a) Each member shall be a duly qualified elector of Perry County and shall reside within the limits of the county during his term of office; and
(b) Each member shall be over the age of twenty-one (21) years; and
(c) Each member shall be known and recognized for their good character and ability; and
(d) No two members may reside in the same district; and
(e) At least two of the board members should be of a different gender from the other three.

13.2.1. Selection. The county commission will select the board members.

13.2.2. Term. Members of the board will serve staggered terms. Each appointee will serve a term of three (3) years, or until his successor is appointed. A board member may be reappointed to successive terms of three years on the board at the pleasure of the commission.

13.2.3. Replacement of Members. When a board member does not serve his complete term, an individual will be appointed to serve the remainder of the vacant term. The county commission will select a replacement member.

13.2.4. Oath. Each person appointed to the board will, within fifteen (15) calendar days after appointment, qualify by taking an oath of office. Such oath will be filed in the probate judge's office.

13.2.5. Disqualification. No person will be eligible for appointment, or continue to be a member of the board, if he holds an elective office in the state, county or any city therein, or if he is a candidate for elective office.

13.3 REMOVAL

Any board member who is no longer eligible for board membership, or who fails to or for any reason cannot fulfill his responsibilities to the board, will be asked to resign his membership. In the event the requested board member does not resign he may be removed by majority vote of the county commission. Reason(s) for removal of any board member will include, but not be limited to, the following situations:

(a) Improper conduct in the performance of the board's functions and/or general conduct that reflects unfavorably upon the board's good character;
(b) Excessive absence from board meetings;
(c) Failure to properly perform the duties of a board member as established by the county personnel policies and procedures and/or the board's own rules; or
(d) Written request of a majority of the board members.

13.4 CLERK OF THE BOARD

The personnel officer is designated as the clerk of the board. The clerk shall assist the board as necessary in carrying out its duties.

13.5 ADMINISTRATIVE PROCEDURES

13.5.1. Chairperson. The board will annually select from its members a chairperson, who shall carry out those duties as required by the board's own rules and procedures.

13.5.2. Quorum. Three (3) members will constitute a quorum for the transaction of any business, which may properly come before the board.

13.5.3. Meetings. The board shall meet only as needed.

13.5.4. Notice of Meetings. The chairperson will determine the time and place for all board meetings. The clerk of the board will make notice of all board meetings. Such notice will be given to each member and to other interested parties.

13.5.5. Rules. The board will adopt reasonable rules and procedures establishing guidelines to be followed by the board in carrying out those duties required by these policies and procedures.

13.5.6. Compensation and Expenses. Members of the board will not be compensated for their services on the board as established by the county commission but may be reimbursed for necessary and reasonable expenses incurred in the performance of their duties. Such expenses will be reimbursed in accordance with procedures to be established by the county commission. The commission will make necessary appropriations to pay reasonable board expenses that are incurred in carrying out the board's responsibilities. The commission will approve such expenses prior to being incurred by the board.

13.5.7. Records. The board will maintain adequate records to ensure proper documentation of all its actions. Such records will include minutes of its proceedings showing the vote of each member upon any question. The clerk of the board will maintain all board records pertaining to appeals by employees. All records related to appeals will be kept confidential by the clerk of the board and will not be open for review except by order of a court of competent jurisdiction or by written release of the employee who has filed the appeal and the board chairperson.

13.5.8. Legal Assistance. The board may, with prior approval of the commission, call upon the county attorney to render such legal services to the board, as the board deems necessary or advisable. In any action where a possible conflict of interest may result, the board may, with the approval of the commission, select other legal counsel to provide such legal services. The county will pay such alternate counsel.

13.6. COUNTY PERSONNEL RECORDS.

The board shall have access to the personnel records of the county

for the transaction of its business. Such access will be through a written request from the board. The request will identify those records to be reviewed and the purpose of the review.

Attachment A

Safety-Sensitive Positions

All positions were reviewed for safety-sensitive duties, as defined in 49 CFR part 655, to determine the safety-sensitive positions. Additionally, any new positions created in the future will be reviewed for safety-sensitive duties. The following positions were determined to be safety-sensitive:

Dispatchers

Operations Manager

Full-time Bus Drivers

Part-time Bus Drivers

Leadman/Mechanic

Mechanic

Sheriff's Office Employees

Road Department/Highway Department Employees

Janitors

County Mapping/Appraisal Department(s)

Contract employees operating county vehicles and handling county equipment