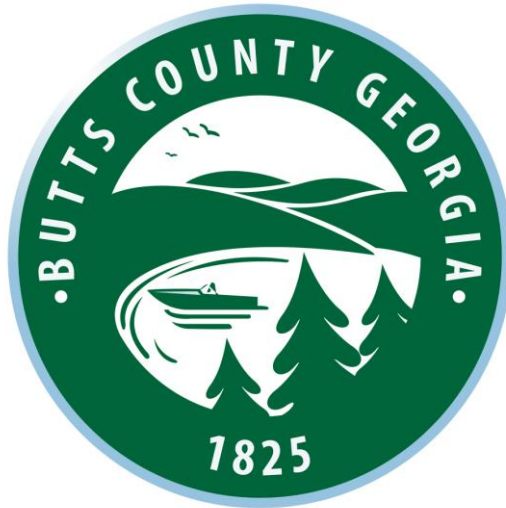


BUTTS COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL



Sixth Edition, Update 4, Effective January 1, 2025



**Approved by Act of the Board of Commissioners
December 9, 2024**

**Updated by Act of the Board of Commissioners
January 27, 2025**

by Butts County Board of Commissioners Office

TABLE OF CONTENTS

TITLE I	GENERAL PROVISIONS	1
ARTICLE 1.01	INTRODUCTION	1
ARTICLE 1.02	CODE OF ETHICS AND CONFLICTS FOR PUBLIC SERVICE	1
ARTICLE 1.03	PURPOSE OF PERSONNEL POLICIES AND PROCEDURES MANUAL	2
ARTICLE 1.04	AT WILL EMPLOYMENT	3
ARTICLE 1.05	APPLICABILITY	3
ARTICLE 1.06	COMMISSIONERS	4
ARTICLE 1.07	COUNTY OFFICERS	4
ARTICLE 1.08	ADMINISTRATION	5
ARTICLE 1.09	DEPARTMENTAL OPERATING RULES	5
ARTICLE 1.10	REVISIONS TO MANUAL	5
ARTICLE 1.11	EQUAL EMPLOYMENT OPPORTUNITY	6
ARTICLE 1.12	WORKPLACE ENVIRONMENT	6
TITLE II	POSITION CLASSIFICATION AND COMPENSATION PLAN.....	7
ARTICLE 2.01	ESTABLISHMENT AND AMENDMENT.....	7
ARTICLE 2.02	INTERPRETATION OF JOB DESCRIPTIONS	7
ARTICLE 2.03	MINIMUM QUALIFICATIONS.....	7
ARTICLE 2.04	CLASSIFICATION AND PAY SCALE	7
TITLE III	EMPLOYEE PERFORMANCE EVALUATIONS.....	8
ARTICLE 3.01	STATEMENT OF PURPOSE	8
ARTICLE 3.02	TIME OF AND PERIOD OF EVALUATION.....	8
ARTICLE 3.03	DISAGREEMENT WITH EVALUATION	8
TITLE IV	TRAVEL EXPENSE REIMBURSEMENT	9
TITLE V	POSITION PLACEMENT AND RECRUITING.....	10
ARTICLE 5.01	TYPES OF EMPLOYMENT	10
ARTICLE 5.02	APPLICATION FOR EMPLOYMENT.....	11
ARTICLE 5.03	CONDITIONS FOR REJECTION OF APPLICANTS	12
ARTICLE 5.04	EMPLOYEE ELIGIBILITY VERIFICATION	13
ARTICLE 5.05	PHYSICAL EXAMINATIONS, DRUG TESTING, & POLYGRAPH.....	14
ARTICLE 5.06	BACKGROUND CHECKS	15
ARTICLE 5.07	METHOD OF FILLING PROMOTIONAL POSITIONS	15
ARTICLE 5.08	MINIMUM AGE FOR EMPLOYMENT	15
ARTICLE 5.09	NEPOTISM	15
ARTICLE 5.10	EMPLOYEE HIRING PACKAGE	15

ARTICLE 5.11	CHANGE OF STATUS.....	16
TITLE VI	WORKING TEST/PROBATION PERIOD	18
ARTICLE 6.01	STATEMENT OF PURPOSE	18
ARTICLE 6.02	INITIAL PROBATION PERIOD	18
ARTICLE 6.03	POSITION PROBATION PERIOD	18
ARTICLE 6.04	PROBATIONARY REVIEW PERFORMANCE EVALUATIONS.....	19
ARTICLE 6.05	ABSENCES DURING PROBATIONARY REVIEW	20
ARTICLE 6.06	CONDITIONS OF THE INITIAL PROBATION PERIOD	20
TITLE VII	DISCIPLINARY ACTION	21
ARTICLE 7.01	STATEMENT OF POLICY	21
ARTICLE 7.02	PROHIBITED CONDUCT GENERALLY; CAUSES FOR DISCIPLINARY ACTION.....	21
ARTICLE 7.03	CONDUCT PROHIBITED BY DEPARTMENTAL SOP AND RULES.....	24
ARTICLE 7.04	PROGRESSIVE DISCIPLINE	24
ARTICLE 7.05	VERBAL REPRIMAND	24
ARTICLE 7.06	WRITTEN REPRIMAND	24
ARTICLE 7.07	SUSPENSION WITHOUT PAY	25
ARTICLE 7.08	DEMOTION	26
ARTICLE 7.09	DISMISSAL	26
ARTICLE 7.10	PRE-DISCIPLINARY PROCESS	27
ARTICLE 7.11	APPEAL PROCESS.....	28
TITLE VIII	GRIEVANCES & APPEALS NOT INVOLVING DISCIPLINARY ACTIONS.....	32
ARTICLE 8.01	STATEMENT OF PURPOSE	32
ARTICLE 8.02	DEFINITION	32
ARTICLE 8.03	STEPS.....	32
ARTICLE 8.04	GRIEVANCE FILING PROCESS	33
ARTICLE 8.05	GRIEVANCE HEARINGS.....	34
ARTICLE 8.06	NON-GRIEVABLE AREAS.....	34
TITLE IX	WORKPLACE HARASSMENT	36
ARTICLE 9.01:	PROHIBITED HARASSMENT	36
ARTICLE 9.02:	APPLICATION TO ALL EMPLOYEES, SUPERVISORS, ELECTED OFFICERS/ DEPARTMENT HEADS	37
ARTICLE 9.03:	REPORTING HARASSMENT.....	37
ARTICLE 9.04:	DISCIPLINARY ACTION.....	39
ARTICLE 9.05:	IMPORTANCE OF POLICY	39
TITLE X	HOLIDAYS	40
ARTICLE 10.01	HOLIDAYS ALLOWED.....	40

ARTICLE 10.02	WORK ON HOLIDAYS	40
TITLE XI	WORK HOURS, OVERTIME, AND COMPENSATORY TIME	41
ARTICLE 11.01	WORK HOURS	41
ARTICLE 11.02	ABSENTEEISM & TARDINESS	41
ARTICLE 11.03	OVERTIME.....	41
ARTICLE 11.04	COMPENSATORY AND FLEX TIME	42
ARTICLE 11.05	OVERTIME, LEAVE, AND HOLIDAY PAY PARAMETERS.....	42
TITLE XII	EMPLOYEE LEAVE.....	43
ARTICLE 12.01	TYPES OF LEAVE.....	43
ARTICLE 12.02	APPLICATION FOR LEAVE GENERALLY	43
ARTICLE 12.03	PERSONAL LEAVE.....	43
ARTICLE 12.04	MILITARY LEAVE.....	50
ARTICLE 12.05	COURT LEAVE.....	50
ARTICLE 12.06	FAMILY AND MEDICAL LEAVE.....	50
ARTICLE 12.07	BEREAVEMENT LEAVE	55
ARTICLE 12.08	BLOOD DONATION LEAVE	55
ARTICLE 12.09	VOTING LEAVE	55
ARTICLE 12.10	LEAVE DUE TO COUNTY OFFICE CLOSURE.....	56
ARTICLE 12.11	ADMINISTRATIVE LEAVE.....	56
ARTICLE 12.12	WORKERS' COMPENSATION LEAVE FOR ON-THE-JOB INJURY	56
TITLE XIII	WORKPLACE SAFETY AND HEALTH	59
ARTICLE 13.01	STATEMENT OF PURPOSE.....	59
ARTICLE 13.02	HEALTH AND SAFETY RULES	59
ARTICLE 13.03	DEPARTMENTAL POLICIES	60
ARTICLE 13.04	REPORTING OBLIGATIONS.....	60
TITLE XIV	WEAPONS AND WORKPLACE VIOLENCE.....	61
ARTICLE 14.01	STATEMENT OF PURPOSE.....	61
ARTICLE 14.02	SCOPE	61
ARTICLE 14.03	DEFINITION OF WORKPLACE VIOLENCE	61
ARTICLE 14.04	REPORTING COMPLAINTS	63
ARTICLE 14.05	COUNTY EXPECTATIONS OF EMPLOYEES	64
ARTICLE 14.06	SEARCH POLICY	64
TITLE XV	JOB ABANDONMENT.....	66
ARTICLE 15.01	DEFINED.....	66
TITLE XVI	REDUCTION IN FORCE	67
ARTICLE 16.01	DEFINED	67

ARTICLE 16.02	PROCEDURAL	67
TITLE XVII	PROMOTIONS.....	69
ARTICLE 17.01	PROMOTIONAL GRADE.....	69
ARTICLE 17.02	EFFECT OF A PROMOTION.....	69
ARTICLE 17.03	RELATIONSHIP OF PROMOTIONS TO PERFORMANCE PAY INCREASE	69
ARTICLE 17.04	EFFECTIVE DATE.....	69
TITLE XVIII	RESIGNATION	70
ARTICLE 18.01	RESIGNATION DEFINED	70
ARTICLE 18.02	RESIGNATION IN GOOD STANDING.....	70
ARTICLE 18.03	REFUSAL TO ACCEPT RESIGNATION	70
ARTICLE 18.04	EXIT INTERVIEW	70
ARTICLE 18.05	RESIGNATION FINAL	70
TITLE XIX	EMPLOYEE DEVELOPMENT	71
ARTICLE 19.01	INSERVICE TRAINING	71
ARTICLE 19.02	SCHOOLS AND CONTINUING EDUCATION.....	71
TITLE XX	UNIFORMS, EQUIPMENT, AND COUNTY PROPERTY	72
ARTICLE 20.01	UNIFORMS AND EQUIPMENT.....	72
ARTICLE 20.02	APPEARANCE AND COURTESY	72
ARTICLE 20.03	COUNTY VEHICLE USE.....	73
ARTICLE 20.04	COMMUNICATIONS POLICY	73
ARTICLE 20.05	SAFETY CONSIDERATIONS AND HANDSFREE ACT	75
ARTICLE 20.06	SEATBELT USE	76
ARTICLE 20.07	SOCIAL MEDIA	76
ARTICLE 20.08	SMOKE FREE ENVIRONMENT	77
ARTICLE 20.09	ABUSE AND MISUSE OF COUNTY PROPERTY	77
TITLE XXI	DUAL EMPLOYMENT	78
ARTICLE 21.01	OUTSIDE EMPLOYMENT	78
ARTICLE 21.02	DUAL EMPLOYMENT.....	78
TITLE XXII	GARNISHMENTS AND WITHDRAWALS FROM COMPENSATION	80
ARTICLE 22.01	GARNISHMENTS AND BAD DEBTS	80
ARTICLE 22.02	CONTACT WITH COMMISSIONERS OFFICE.....	80
TITLE XXIII	DRUG AND ALCOHOL-FREE WORKPLACE	81
ARTICLE 23.01	STATEMENT OF POLICY	81
ARTICLE 23.02	DRUG AND ALCOHOL USE PROHIBITED FOR ALL EMPLOYEES	81
ARTICLE 23.03	DRUG AND ALCOHOL USE PROHIBITED ON COUNTY PREMISES.....	81
ARTICLE 23.04	IMPAIRMENT	82

ARTICLE 23.05	PROHIBITED SUBSTANCES	82
ARTICLE 23.06	WHEN TESTING IS REQUIRED	84
ARTICLE 23.07	PERSONS SUBJECT TO TESTING	87
ARTICLE 23.08	PROCEDURES FOR TESTING	88
ARTICLE 23.09	CONSENT FOR TESTING	89
ARTICLE 23.10	ARRESTS FOR DRUG OR ALCOHOL RELATED OFFENSES.....	89
ARTICLE 23.11	SEARCHES	90
ARTICLE 23.12	CONFIDENTIALITY	90
ARTICLE 23.13	DISCIPLINE	90
ARTICLE 23.14	DRUG FREE AWARENESS PROGRAM	91
TITLE XXIV	POLITICAL ACTIVITIES	92
ARTICLE 24.01	PROTECTION AGAINST COERCION	92
ARTICLE 24.02	PROHIBITED ACTIVITY.....	92
ARTICLE 24.03	EMPLOYEE SEEKING OFFICE	92
ARTICLE 24.04	LIMITATIONS ON CANDIDATES.....	92
ARTICLE 24.05	TAKE HOME VEHICLE PROHIBITION	92
TITLE XXV	SECURITY CLEARANCES	94
ARTICLE 25.01	SECURITY CLEARANCES POLICY	94
TITLE XXVI	OFFICIAL & EMPLOYEE COPIES	95
ARTICLE 26.01	OFFICIAL COPIES	95
ARTICLE 26.01	EMPLOYEE COPIES AND ACKNOWLEDGMENT OF RECEIPT	95
TITLE XXVII	EMPLOYEE ASSISTANCE PROGRAM.....	96
ARTICLE 27.01	STATEMENT OF PURPOSE.....	96
ARTICLE 27.02	REFERRAL METHODS	96
ARTICLE 27.03	CONFIDENTIALITY	97
ARTICLE 27.04	EAP AND A DRUG AND ALCOHOL FREE WORKPLACE.....	97
TITLE XXVIII	ANTI-RETALIATION/WHISTLEBLOWER PROTECTION	98
ARTICLE 28.01	STATEMENT OF PURPOSE.....	98
ARTICLE 28.02	POLICY COVERAGE.....	98
ARTICLE 28.03	PROTECTED ACTIVITY	98
ARTICLE 28.04	GOOD FAITH	99
ARTICLE 28.05	PROHIBITED RETALIATION; ADVERSE ACTION	99
ARTICLE 28.06	CAUSAL CONNECTION	100
ARTICLE 28.07	REPORTING RETALIATION.....	100
ARTICLE 28.08	RESTRICTIONS RELATING TO DISCLOSURES	100
ARTICLE 28.09	REMEDIAL AND DISCIPLINARY ACTION	100

ARTICLE 28.10	EXPECTED EMPLOYEE CONDUCT	101
ARTICLE 28.11	EXPECTED MANAGER AND SUPERVISOR CONDUCT	101
ARTICLE 28.12	ROLE OF THE HUMAN RESOURCES DIRECTOR	102
TITLE XXIX	NEWS MEDIA PROTOCOL.....	103
ARTICLE 29.01	POLICY STATEMENT	103
ARTICLE 29.02	PROCEDURE	103

Certification & Authorization of Ordinance

Certification:

Prepared by: _____
Sharon S. Robinson, Human Resources Director

Date: _____

Approved by: _____
Brad Johnson, County Manager

Date: _____

Authorization: **Passed in Regular Session of the Board of Commissioners, Date**

District 1: _____
Commissioner Ken Rivers

District 2: _____
Commissioner Robert L. Henderson, Sr.

District 3: _____
Commissioner Joe Brown

District 4: _____
Commissioner Keith Douglas

District 5: _____
Commissioner Russ Crumbley

Attest: _____
County Clerk

~ S E A L ~

TITLE I GENERAL PROVISIONS

ARTICLE 1.01 INTRODUCTION

Butts County welcomes you as an employee. Butts County is committed to ensuring that you have a positive work environment in which to pursue your career. To assist in creating such an environment, Butts County expects its employees to meet the following minimum employment principles:

- A. **Honesty and Integrity.** All County employees will be honest and ethical. Always.
- B. **Have Regular and Prompt Attendance.** You can't be productive and fulfill our purpose and our commitment to the public if you are not here.
- C. **Positive Attitude.** Your attitude and demeanor are infectious. When it is positive, both you and the County can accomplish great things. That is our standard and our expectation. If you have a problem, let's get it addressed through the proper channels quickly. Negativism is nonproductive and harmful. It is inconsistent with our mission.
- D. **Be Courteous and Helpful to the Public.** Not one of us should ever forget that our customers and citizens provide us our jobs. They deserve excellent service and to be treated with respect.
- E. **Be Productive.** Use all of your abilities, every day, to accomplish our mission. Our work is too important, and our standards too high, to spend our time doing anything other than our best. Expect excellence from yourself.
- F. **Respect Yourself and Each Other.** The County will not allow racial, gender, religious, or cultural bias. Jokes or other behaviors that demean or insult others are not appropriate and will not be tolerated.
- G. **Be Safe.** Some of us work with equipment and vehicles and under conditions that expose us, and the public, to safety hazards. Accidents hurt everyone. Be careful and use safety equipment.
- H. **Work Smart.** Be responsible for your own performance and set high standards for yourself. Be creative. If some rule or process is in the way, bring it to the attention of those who can change it. Always try to do the right thing.
- I. **Be Accountable.** Make yourself responsible for your own performance. Don't make excuses or blame others when problems arise. Take it upon yourself to solve problems. Supervisors should always give credit where it is due.
- J. **Be Committed.** We all spend a significant part of our lives at work. Let's make it count for something. Let's make a difference!

ARTICLE 1.02 CODE OF ETHICS AND CONFLICTS FOR PUBLIC SERVICE

It is the policy of the Butts County Board of Commissioners (sometimes referred to as the "Board" or "Board of Commissioners") to uphold, promote, and demand the highest standards of ethics from ALL County employees.

County employees shall conduct themselves in accordance with the Code of Ethics for Government Service found in O.C.G.A. § 45-10-1:

Any person in government service should:

- A. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or government department.
- B. Uphold the Constitution, laws, and legal regulations of the United States and the State of Georgia and of all governments therein and never be a party to their evasion.
- C. Give a full day's labor for a full day's pay and give to the performance of the employee's duties and the employee's earnest effort and best thought.
- D. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
- E. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and never accept, for the employee or the employee's family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of the employee's governmental duties.
- F. Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.
- G. Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of the employee's governmental duties.
- H. Never use any information coming to the employee confidentially in the performance of governmental duties as a means for making private profit.
- I. Expose corruption wherever discovered.
- J. Uphold these principles, ever conscious that public office is a public trust.

No employee should accept gifts or gratuities from anyone who might expect to receive return favors from the County. Neither shall an employee have any financial interests in the profits of any contract service or other work performed by the County, nor shall he/she personally profit directly or indirectly from any contract, purchase, sale of service between the County, any person or company, nor shall he/she personally or as agent, provide any surety, bail or bond required by law of by the appointing authorities.

ARTICLE 1.03 PURPOSE OF PERSONNEL POLICIES AND PROCEDURES MANUAL

This Personnel Policies and Procedures Manual (the "Manual") provides general information about Butts County policies, procedures, expectations, and benefits. The information in this Manual, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this Manual will not apply in every situation. The County Manager or his/her designee shall make interpretive decisions for those situations that are not specifically covered by the provisions of this Manual.

Butts County wants to ensure high morale for its employees and a high level of productivity for the people of the County. To accomplish these goals, Butts County is committed to fair and equitable treatment of applicants and employees. Although jobs are not identical and, therefore, all conditions of employment will not be identical, many personnel practices can be the same in various departments. Among those practices are hiring and disciplinary procedures, as well as the methods of requesting, earning and accumulating leave. By including these provisions in this Manual, it is the County's desire to provide equitable treatment to employees and to assure good personnel practices.

These policies are established to provide for the recruitment of qualified employee applicants, the development of employees, and the establishment of orderly procedures for administering the personnel system in accordance with the following principles:

1. Recruiting, selecting and advancing employees based upon their relative ability, knowledge and skills, including open competition of qualified applicants for initial appointment;
2. Establishing pay grades and rates consistent with the principle of comparable pay for comparable work;
3. Training employees to ensure high-quality performance;
4. Retaining employees on the basis of their performance;
5. Assuring fair treatment of applicants and employees in the administration of the personnel system;
6. Utilizing a procedure for the presentation and adjustment of employee grievances promptly and fairly; and
7. Pursuing a workplace that is free from discrimination and harassment.

ARTICLE 1.04 AT WILL EMPLOYMENT

This Manual is not intended to and does not create an employment contract between Butts County and its employees. Your employment is for no specific period of time, and this Manual does not limit your right or Butts County's right to terminate your employment at any time for any reason or no reason. The employment at will relationship exists for all employees, with the exception of any employee who is working pursuant to a contract approved by the Board of Commissioners.

ARTICLE 1.05 APPLICABILITY

This Manual shall apply to all Departments in County government, including employees of participating Elected and Appointed Officers, provided, however, that all participating Elected and Appointed Officers desiring their employees to participate must notify the Butts County Board of Commissioners in writing that they wish to participate. If such communication is not made, employees in such offices will not be covered by this Manual. For purposes of this Manual, the term "Elected Officer" includes all Elected and Appointed Officers, including the Sheriff, Clerk of the Superior Court, Probate Judge, Tax Commissioner the Magistrate Court, Juvenile Court, Board of Tax Assessors, Library Board, Board of Elections, and the Coroner's Office, and employees of such shall be governed by this Manual only upon written application of the appointing authority within each office.

Specifically excluded from all provisions of this Manual are: County Manager, members of the County Commission, members of any appointed board or commission, persons employed to make or conduct a temporary or special inquiry, Elected and Appointed Officers, and those persons hired under written contract or paid on a retainer or contract basis (such as the County Attorney). Additionally, at the discretion of the appointing authorities, certain employees considered to be personal staff can be excluded and retained pursuant to contract, provided the exclusion is designated in writing and a copy provided to the affected

employee at the time of hire. The County Commissioners may, at their discretion, elect to place excluded full-time employees (such as the County Manager) under certain provisions of this Manual such as compensation, evaluations and benefits, provided that such provisions shall be made at the time of appointment and noted in the applicable contract.

ARTICLE 1.06 COMMISSIONERS

The County Commissioners are the elected local legislative body. In this capacity, the commissioners are responsible for passing ordinances, establishing zoning, passing the budget, levying taxes and other functions prescribed under law. The authority vested in this Manual is the authority of the Board of Commissioners, which has been delegated to the County Manager.

ARTICLE 1.07 COUNTY OFFICERS

County Officers comprise the executive branch of the County Government and function as the administrative arm of the Board of Commissioners. The County Officers will provide administrative support to the Elected Officers, in addition to supervisory controls over non-elected County Departments, all subject to administrative oversight by the County Manager.

A. County Manager

The County Manager is the Chief Administrative Officer (CAO) of the County Government and functions as the Chief of Staff for the Board of Commissioners. He or she manages the implementation of policies as directives of the Board of Commissioners and serves as the liaison between the Board and the Department Heads, Elected Officers and associated departments. The County Manager oversees the staffing process, compensation plans, human resources, staff development, disciplinary actions, hearings and associated staff who are assigned to the functions related to these areas. The County Manager directly oversees the operations of the Administrative Department, the Deputy County Manager, the County Clerk, Chief Financial Officer, and all appointed County Department Heads that are not assigned to the supervision of others as outlined in the County Organizational Chart. The County Manager also acts as the County Clerk Pro Tempore for the purpose of attesting documents and actions in the absence of the County Clerk.

B. Deputy County Manager

The Deputy County Manager serves as second-in-command to the County Manager and acts in support of the County Manager's duties and functions as assigned by the County Manager. The Deputy County Manager also serves as the County Clerk.

C. County Clerk

The County Clerk functions as the Executive Secretary to the Board of Commissioners and may also serve as Deputy County Manager at the direction of the County Manager or Board of Commissioners. The County Clerk functions as the keeper of the Commission records and oversees and processes record requests from the public including documents, minutes of meetings and all associated materials. In the absence of the County Clerk, an appointed Deputy County Clerk may perform these functions. The County Clerk also directs Government Relations functions that include communications, public affairs, public policy and legislative coordination. The County Clerk often represents the County at events and

meetings and may act in the absence of the County Manager if directed. He or she also performs a variety of special projects and related functions, including the planning of community outreach functions of the Board of Commissioners at the direction of the County Manager and/or the Board of Commissioners.

D. Chief Financial Officer

The Chief Financial Officer (CFO) of the County Government oversees all financial processes of the County, subject to oversight by the County Manager. He or she supervises employees assigned to fiscal procedures such as accounting, expenditures, revenue and development of fiscal controls to ensure that county funds are safeguarded throughout all processes. The CFO develops the County Operating and Revenue Budget and works with the County Manager on the presentation of the annual budget, as well as monitors the budget and the spending activities of all County departments, elected offices and agencies of the County. The CFO attends a variety of meetings and may act in the absence of the County Manager and Deputy Manager if directed.

E. County Attorney

The County Attorney is typically a practicing attorney employed by a firm or self-employed, who is appointed by the Board of Commissioners as Chief Legal Officer (CLO) to the County Government. The County Attorney is not an employee of the County, but rather is a contracted professional on retainer to the County.

ARTICLE 1.08 ADMINISTRATION

The County Manager is charged with the faithful and impartial administration of and execution of this Manual. The day-to-day execution of this Manual is generally assigned to the Human Resources Director for practical application.

ARTICLE 1.09 DEPARTMENTAL OPERATING RULES

Departmental Operating Rules (sometimes referred to as “Standard Operating Procedures” or “SOPs”), not in conflict with this Manual, may be established and used by any Elected Officer or any Department Heads, as applicable. All such Departmental Operating Rules, and subsequent amendments thereto, adopted pursuant to this Section shall be submitted to the Human Resources Director for maintenance in the Human Resources office. The Board of Commissioners has no involvement with the creation, administration, or enforcement of any Departmental Operating Rules established by any Elected Officer. In the event that a conflict arises between an employee’s conduct or performance required by Departmental Operating Rules and the conduct or performance required by this Manual, then the rule or regulation requiring the higher standard of conduct or performance shall control.

ARTICLE 1.10 REVISIONS TO MANUAL

The appointing authorities (Board of Commissioners in non-elected offices and Elected Officers in other offices that do not report to the Board of Commissioners) or their authorized agents are the only County officials authorized to appoint employees. Any statement contrary to the terms set forth in this Manual regarding employment or conditions of employment, made by any County Officer or employee, shall not be construed or interpreted as modifying or changing the conditions of employment contained in this Manual.

This Manual may only be amended, in whole or in part, from time to time at the sole discretion of the Board of Commissioners to maintain legal compliance, operative effectiveness, and desired workplace conditions. Any such amendments will be adopted at a public meeting of the Board of Commissioners and distributed to all covered employees upon adoption.

ARTICLE 1.11 EQUAL EMPLOYMENT OPPORTUNITY

Butts County is an equal opportunity employer. It is the policy of Butts County to provide equal employment opportunity to qualified persons without regard to race, color, religion, sex, national origin, age, disability, genetic information, uniformed service status, sexual orientation, gender identity, pregnancy, childbirth, or related medical conditions, or any other legally protected category. This policy relates to all phases of employment, including, but not limited to, recruitment, appointment, promotion, lateral transfer, reduction in force, separation, training, compensation, and benefits. All decisions regarding hiring, placement, promotion, lateral transfer, demotion, dismissal, or any other term or condition of employment will be based upon the qualification and performance of the employee or prospective employee.

In addition, Butts County will not discriminate against any qualified employee or applicant on the basis of a physical or mental disability or membership in any other protected category. Butts County, consistent with the Americans with Disabilities Act and the Pregnant Workers Fairness Act will strive to provide reasonable accommodations to assist disabled individuals, and individuals who are pregnant with known limitations related to pregnancy, childbirth, or related medical conditions, to apply for a job or perform essential job functions, as long as the accommodation does not cause the County undue hardship.

Any concerns regarding Butts County's equal employment opportunity policies should be reported to the Human Resources Director. Please also refer to Title IX for harassment reporting procedures.

ARTICLE 1.12 WORKPLACE ENVIRONMENT

Butts County is committed to ensuring that all employees enjoy a work environment free from discrimination, harassment, health and safety risk, and violence. These issues are discussed in more detail in Title IX (concerning Harassment), Title XIII (concerning Workplace Safety), and Title XIV (concerning Weapons and Workplace Violence). If you have any concerns regarding your workplace environment, report those concerns pursuant to these applicable policies.

TITLE II POSITION CLASSIFICATION AND COMPENSATION PLAN

ARTICLE 2.01 ESTABLISHMENT AND AMENDMENT

The Board of Commissioners, through the County Manager, has established an employee classification and compensation plan. The nature and content of the plan is at the discretion of the County Commissioners and is subject to be changed or be discontinued at any time without prior notice to employees.

ARTICLE 2.02 INTERPRETATION OF JOB DESCRIPTIONS

One element of the position classification plan is job descriptions. The job descriptions are descriptive and not restrictive. They are intended to indicate the kinds of duties, responsibilities, and job requirements normally associated with the position, but are not intended to be exhaustive. Employees may be assigned other duties not included in the descriptions and also may be required to work across departmental lines, provided that the County will not assign duties that are not within the normal skillset or abilities of an employee. The County Manager is charged with the responsibility for reviewing and updating job descriptions for Department Heads. Department Heads are responsible for preparing and submitting for approval the job descriptions for subordinate positions, based on the needs of the County, the Department Heads and the provisions of personnel law. The Human Resources division will review all job descriptions for accuracy and compliance with current laws. Final approval of all job descriptions rests with the County Manager.

ARTICLE 2.03 MINIMUM QUALIFICATIONS

The minimum qualifications contained in each job description are considered comprehensive statements of the minimum required education, experience, and other qualifications for all classes as evidence of an employees' ability to perform the work properly and shall be strictly followed.

ARTICLE 2.04 CLASSIFICATION AND PAY SCALE

The Human Resources Division is responsible for creating and maintaining the Classification and Compensation Plan, which shall include all positions approved by the Board of Commissioners for County offices as well as a definitive scale of pay which corresponds to each position in the Plan. The County Manager shall assign staff to update this classification regularly as the needs of the County dictate and adjust the pay scale when changes are prescribed by the Board of Commissioners (such as COLA or other adjustments). The County Manager shall coordinate pay schedule changes far enough in advance to allow for adequate budgetary provisions to be made by the Chief Financial Officer and Board of Commissioners. Any adjustments to the Compensation Plan and its pay scale shall be subject to the sole discretion of the Board of Commissioners and availability of funds.

TITLE III EMPLOYEE PERFORMANCE EVALUATIONS

ARTICLE 3.01 STATEMENT OF PURPOSE

The County shall utilize an annual performance appraisal system for evaluating employees. The evaluation system utilized will be at the discretion of the Board of Commissioners or Elected Officers, as applicable, and is subject to change without prior notice to the employee.

Employee performance evaluations are a management tool used in an attempt to effectuate higher levels of employee productivity and also may be a factor in determining salary increases. Performance evaluations are also used to evaluate the effectiveness of an employee during the probationary period.

ARTICLE 3.02 TIME OF AND PERIOD OF EVALUATION

A performance evaluation will be performed each year on the anniversary of employment by the employee's direct supervisor. Additional evaluations must be performed as required at the conclusion of any probation period as set forth in Title VI or at any time as deemed appropriate by the employee's supervisor for purposes of enhancing employee performance.

ARTICLE 3.03 DISAGREEMENT WITH EVALUATION

If an employee disagrees with any statement in an evaluation, he or she may submit, within 10 days following the evaluation, a written statement to the Human Resources Director and the statement will become a part of the employee's personnel file. This action does not constitute a grievance or appeal, but rather is merely an administrative procedure requiring no action or response by the appointing authority or any of their designees.

TITLE IV TRAVEL EXPENSE REIMBURSEMENT

Any employee who is approved for travel on County business shall be reimbursed for expenses in accordance with the policies adopted by the Board of Commissioners and the procedures of the Finance Department. Failure to seek reimbursement in accordance with the rules may result in forfeiture of reimbursement. If an employee has any questions about travel reimbursement, the employs should seek clarification of the rules with the Finance Department before incurring the expense.

TITLE V POSITION PLACEMENT AND RECRUITING

ARTICLE 5.01 TYPES OF EMPLOYMENT

It is provided that there shall be six (6) categories of positions, defined as follows:

A. Full-Time

This includes employees who work 40 hours or more per week in positions which have been created with the anticipation that it will be necessary to maintain the existence of such positions indefinitely on a continuous year-round basis. As full-time employees, these workers are subject to all rules and regulations contained in this Manual and receive all fringe benefits as provided by this Manual, including personal leave. Additionally, it is important to note that in some departments, such as Fire/EMS, Sheriff and EMA/911, hours of part-time work may exceed 40 hours in a given week for some employees who are not full-time. In these cases, it is not the intent to classify these employees as full-time.

B. Acting

Normally, this occurs when an existing full-time employee is placed in a higher-level position on a temporary basis without going through the recruitment process, until an eligible replacement can be hired. Normally, a position of this type would not exceed six months but may be extended if the need occurs. These employees are subject to all rules and regulations contained in this Manual. Also, when the position involves existing employees and a full-time position, employees are eligible for all fringe benefits, personal leave, and pay at the higher rate for the temporary position, as provided by this Manual, including leave. An employee may be removed from an Acting status and returned to his or her previous position with or without cause, and shall have no right to an appeal or grievance with respect to such action. In situations where the employee is identified as "Interim," the intent is the same as that of "Acting" and these provisions shall govern.

C. Substitutes

This includes employees who are hired for placement on a Substitute Eligibility Roster for the purpose of temporarily filling existing positions on an intermittent and "as needed" basis (such as the Fire Department). These are essentially the same as temporary employees, except that they involve substitutes for existing employees in exigent circumstances. Duration of this position may vary, but normally will not be in excess of six months. As a substitute employee, the worker is subject to all rules and regulations contained in this Manual; however, they are not eligible for benefits or personal leave, and shall not enjoy a right to file an appeal or grievance or to notice and hearing upon dismissal, which may be imposed with or without cause. Substitutes of the Fire/EMS, Sheriff's Office or EMA-911 may exceed 40 hours per week occasionally, but it is not the intent of this Manual to convey full-time status to these employees. Typically, employees who are classified this way are called in to work on an as-needed, irregular basis, and therefore, have no reasonable expectation that they will be scheduled to work any hours from week to week. Substitute employees are subject to all recruitment and on-boarding requirements in the same form and manner as other full-time employees in order to be hired for placement on the Substitute Eligibility Roster.

D. Part-Time

This includes employees who generally work time equal to or less than 29 hours per week but are routinely scheduled to work a certain number of hours each week (such as recycling attendants) and therefore have a reasonable expectation that they will be scheduled to work a certain number of hours each week. Use of these employees will be dictated by the needs of the County, which are subject to change at any time. As part-time employees, the worker is subject to all rules and regulations contained in this Manual. While these employees are not entitled to expect benefits or personal leave, a part-time employee may file an appeal of a disciplinary action and a grievance pursuant to the applicable procedures set forth in this Manual.

E. Temporary

This includes employees who are working in positions which have been created for a period of six months or less and which shall remain in existence only as long as the temporary work situation requires it. A temporary position may be either full or part-time. As temporary employees, the worker is subject to all rules and regulations contained in this Manual; however, they are not eligible for benefits or personal leave, and shall not enjoy a right to file an appeal or a grievance or to notice and hearing upon dismissal, which may be imposed with or without cause.

F. Seasonal

This includes employees who are working in positions that have been created for a seasonal period, such as summer work programs, summer recreational programs, etc. These positions may be either full or part-time. The duration of the position may vary but normally will not exceed six months. As seasonal employees, the worker is subject to all rules and regulations contained in this Manual; however, they are not eligible for benefits or personal leave, and shall not enjoy a right to file an appeal or a grievance or to notice and hearing upon dismissal, which may be imposed with or without cause.

ARTICLE 5.02 APPLICATION FOR EMPLOYMENT

A. Filling Vacancies

All vacancies will be filled consistent with this Title 5. All applicants for a position within the Butts County government shall complete the required "Application for Employment" form available from the Human Resources Department or on the County website. This requirement shall apply to any and all former employees who desire to return to county employment, regardless of the duration of their break in service.

B. Screening of Application

The Human Resources Director shall review all applications for completeness, to ensure the applicant meets the Minimum Qualifications for the position, and to consider the conditions for rejection of applicants as set forth in Article 5.03, minimum age as set forth in Article 5.08, and compliance with the nepotism policy as set forth in Article 5.09. After such pre-screening for eligibility, the Human Resources Director shall submit the eligible applications to the respective Department Head or Elected Officer.

C. Review, Interviews, Selection, and Reference Process

Upon receipt of the eligible applications, the applicable Elected Officer/Department Head shall review the applications and select candidates to interview and/or go through departmental skills testing, if applicable. Upon selection of a winning candidate, the applicable Elected Officer/Department Head shall notify the Human Resources Director for purposes of having the Human Resources Director conduct desired reference checks as requested by the applicable Elected Officer/Department Head before an offer of employment is extended.

D. Offer of Employment

Upon completion of the reference checks, the Human Resources Director shall provide the results to the applicable Elected Officer/Department Head for review. If the Elected Officer/Department Head wishes to continue with selection of the candidate, an offer of employment can be extended by the applicable Elected Officer/Department Head.

E. Post-Offer Investigation

After an offer of employment has been extended, the Human Resources Director shall commence with, and coordinate, all post-offer investigations as applicable and provided for further in this Title, including but not limited to, employee eligibility verification, physical exams, drug testing, polygraph, and/or background checks.

F. Final Approval of Hiring

All application paperwork and Post-Offer Investigation must be completed and signed off on by all appropriate personnel *prior* to the person actually being employed or performing any work for Butts County. This includes a final approval process requiring the signatures of the Chief Financial Officer and the County Manager.

ARTICLE 5.03 CONDITIONS FOR REJECTION OF APPLICANTS

The Human Resources Director may reject any application from consideration when the following determinations are made:

- A. The application was not received on or before 5:00 p.m. on the published closing date noted on the recruitment announcement.
- B. The applicant does not possess one or more of the minimum requirements as specified in the Job Description for the position sought.
- C. The applicant falsified statements, practiced deception, or materially omitted information on the application.
- D. The applicant does not reply to, or return, a telephone inquiry within two (2) days.

- E. The applicant was previously employed by Butts County and was dismissed for cause or resigned not in good standing, and is not currently eligible for re-employment.
- F. The application is incomplete in that the applicant has not completed the entire application by filling in all applicable spaces and providing all requested information.
- G. The applicant has been convicted of a criminal offense involving the manufacture, distribution, trafficking, or sale of a controlled substance, dangerous drug, or marijuana. Such applicants shall be automatically rejected.
- H. The applicant has been convicted of a crime involving a violent crime such as assault with a deadly weapon, aggravated assault, or murder. Such applicants shall be automatically rejected.
- I. Applicants convicted of any other crime will be considered on a case-by-case basis.
- J. The applicant has received information regarding a qualification examination that other applicants did not receive and to which the applicant was not entitled such that the applicant had an unfair advantage over other applicants taking the examination.
- K. The applicant has used or attempted to use political influence or bribery to gain an advantage in securing employment.
- L. The applicant has, within two (2) years, tested positive to a drug or alcohol test administered by Butts County and/or been found to have submitted an application containing untruths, misrepresentations, or material omissions.

ARTICLE 5.04 EMPLOYEE ELIGIBILITY VERIFICATION

- A. Under Title 8, United States Code, Section 1324 A, any person hired after November 6, 1986 is required to complete an "Employee Eligibility Verification Form," (I-9 form) as approved by the U.S. Attorney General, to verify employment eligibility.
- B. These forms will be used to verify the individual's eligibility for employment in the United States. Failure to present this form for inspection to officers of the Federal or State Government charged with inspection of such documents within the time period specified in the statute, or improper completion or retention of this form, shall be a violation of law and will result in a civil penalty and disciplinary action.
- C. The Human Resources Director is required to utilize said forms for ALL new hires and attach said form to submitted personnel status forms when processing paperwork.
- D. The Human Resources Director is responsible for the placement of the forms in each employee's personnel file.
- E. These forms may be updated from time to time. Failure to comply with a directive to complete a new form will result in the employee being suspended from work without pay until such time as the form is completed and may result in termination from employment.

ARTICLE 5.05 PHYSICAL EXAMINATIONS, DRUG TESTING, & POLYGRAPH

When an offer of employment has been extended to an individual, based upon the particular position, the individual selected **may** be subject to a physical examination and **will** be subjected to a drug test performed by persons selected and paid by the County. The examination shall include a medical history questionnaire. Additionally, the County reserves the right to require a physical examination of an existing employee be conducted at any time necessary to determine physical fitness to perform required duties.

A. Physical Examination

If, in the opinion of the examining physician, there are no medical concerns that would impair or hinder the individual's ability to satisfactorily perform the essential functions of the job for which he or she has been selected, and there is no history of medical problems which would affect the applicants ability to perform such essential job requirements, the examining physician shall certify the same to the Human Resources Director in writing. At such time as certification is received, the employee may be permitted to begin employment. If an existing employee is required to receive a physical examination to determine fitness to perform their duties, the employee will be allowed to resume their duties once the physician employed by the County signs off on the medical certification of fitness.

If the physical examination and/or medical history indicate the individual cannot perform the essential physical requirements of the job for which he or she has been selected, the offer of employment will be withdrawn unless the County is able to employ the individual by making reasonable accommodations. Under such circumstances, the County will engage in an interactive process with the employee in which the selected individual and his or her medical care providers will be permitted to request any such accommodation for the County's consideration before a final decision is made. In the case of an existing employee, the County will engage in such interactive process for consideration of a reasonable accommodation and further, if positions are available, may allow the employee to transfer to a position suitable to the employee's fitness capability. A salary adjustment may have to be made depending on whether the position the employee is able to transfer to is a higher or lower paying position.

If the selected individual falsifies any statements on the job application or makes a false statement regarding his or her physical condition or medical history, either to the examining physician or to the County, the individual shall be subject to rejection as an applicant and/or termination, as applicable.

B. Drug Testing of Employees

Butts County strongly adheres to the Drug and Alcohol Free Workplace policy adopted by the Board of Commissioners (See Title XXIV). The County has determined that the use of illegal drugs, as well as controlled substances, whether illegal or prescribed by a physician, by County employees presents a clear and present danger to the public, other County employees, and public and private property. The County intends to use all lawful means to prevent the use of illegal drugs and/or controlled substances by County employees. As a result, all selected applicants will be subject to pre-employment testing prior to commencing employment with Butts County. Please see Title XXIV for details on Butts County's Drug and Alcohol Free Workplace policy and testing procedures.

C. Polygraph Testing

Subject to state and federal laws, subsequent to an offer of employment and employees may be required to take a polygraph examination prior to employment and, for sufficient cause as determined by the Elected Officer or the Department Head with the concurrence of the County Manager, as applicable, during employment. Failure on the part of an employee to take a required polygraph test may result in termination from employment, as applicable.

ARTICLE 5.06 BACKGROUND CHECKS

All persons selected for hiring by Butts County shall be subject to a Criminal History Record Inquiry (CHRI) which shall be included as part of the normal hiring process and the results of which may result in the withdrawal of the offer. Department Heads who have made a selection to fill a position, whether full-time or part time, and who have made a formal offer of employment, shall inform the potential hire of this requirement and shall have the applicant fill out a signed consent form consistent with current legal requirements and as defined by the Terminal Agency Coordinator (TAC) of the Butts County Sheriff's Office. The Department Head or their designee shall deliver this in person to the TAC or designee at the Sheriff's Office for processing and shall retrieve the same. Any and all historical information obtained shall be submitted with the employee's hiring package. A driver's history will also be performed on all new hires, but this will be handled by the Human Resources Department.

An employment offer may be withdrawn or employment terminated in the event that a background check reveals an adverse criminal and/or driver's history to the extent consistent with applicable law.

ARTICLE 5.07 METHOD OF FILLING PROMOTIONAL POSITIONS

The County does not discriminate on the basis of race, color, sex, religion, national origin, age, mental or physical disability, pregnancy, or political affiliation. In general, the County will attempt to promote from within, provided such promotions are consistent with non-discrimination laws and fair employment practices.

Existing employees desiring to apply for vacancies that are promotional in nature must apply for the position to the appropriate Department Head or Elected Officer consistent with Article 5.02.

ARTICLE 5.08 MINIMUM AGE FOR EMPLOYMENT

The minimum age for employment of Full-time and Acting employees shall be eighteen years of age unless otherwise established by State Law. The minimum age for employment of all other categories shall be sixteen years of age. There is no mandatory retirement age.

ARTICLE 5.09 NEPOTISM

Butts County strives to ensure its employees avoid any perceived or actual conflict of interest between their employment responsibilities, and other personal or family relationships. To foster a more inclusive and flexible work environment, and to attract a broader pool of talent, particularly in our small community where family ties are often a key component of local networks. We are adjusting our approach to nepotism, and we aim to strengthen our recruitment efforts and ensure that we are competitive in attracting skilled candidates, while maintaining the integrity of our workforce and avoiding potential conflicts of interest.

Employees who are immediate family members, as described, shall not have direct supervision of one another. Immediate family, for purposes of this section, shall be defined as spouse (and ex-spouses), parent, sibling, offspring, uncle, aunt, niece, nephew and grandparent, first cousins, plus in-laws and steps.

Only the County Manager shall be authorized to make exceptions to this policy, such that employees may be assigned to departments where relatives will be employed in the same department.

To ensure transparency and accountability, we will require that all family relationships within Butts County be disclosed through a formal acknowledgment process. This will include completing disclosure and acknowledgment forms to identify any potential conflicts of interest and ensure proper oversight of the hiring process. These forms will be maintained in compliance with our policies to safeguard against any issues that may arise from family members working together.

Butts County employees shall always be expected to conduct themselves in a professional manner while on duty, without bias regarding personal relationships. All employees shall be accountable for his/her own conduct.

ARTICLE 5.10 EMPLOYEE HIRING PACKAGE

- A. All persons employed by Butts County in all departments, whether serving under the Board or other Elected Officer and those who serve on boards where compensation is given, are required to have a depository account where pay may be direct deposited. This can include either a checking account, savings account, or a debit card account. Butts County will not draft and cut a manual check to an employee for compensation except under circumstances where an error on the part of the County resulted in an erroneous paycheck or in circumstances where an employee is separated from the County and the final paycheck is held in lieu of turning over County equipment prior to departure.
- B. The names of all persons selected for employment shall be submitted to the Human Resources Director.
- C. The Human Resources Director shall promptly commence the on-boarding process for the new employee consistent with the internal operating procedures of the Human Resources Director as those exist or may be amended from time to time.

ARTICLE 5.11 CHANGE OF STATUS

- A. During the application process and after hiring, if applicable, each applicant or employee shall inform the appointing authority (in the case of an applicant) or his or her immediate supervisor (in the case of an employee) of any of the following changes as soon as possible:
 - 1. Name
 - 2. Address
 - 3. Telephone Number
 - 4. Marital Status
 - 5. Number of Dependents
 - 6. Citizenship
 - 7. Status with regard to the U.S. Armed Forces
- B. All Elected Officers and Department Heads are required to report any of the above information changes to the payroll benefits coordinator as soon as possible. The status information change is needed to

update the employee's personnel file and to execute any necessary forms to complete the changes, if appropriate.

TITLE VI WORKING TEST/PROBATION PERIOD

ARTICLE 6.01 STATEMENT OF PURPOSE

The Working Test/Probation Period, whether Initial Probation or Position Probation as defined herein, is intended as an opportunity for supervisors to closely observe the employee's work and development for securing the most effective adjustment of an employee to a new position, and/or for rejecting any employee whose performance is not satisfactory or does not meet the required work standards or any applicable licensing and/or certification requirements.

ARTICLE 6.02 INITIAL PROBATION PERIOD

Each newly hired employee or reinstated employee (not including an employee reinstated after Suspension or Administrative Leave) shall be subject to an Initial Probation Period and shall be designated as a probationary employee for a period of the first six (6) months of employment.

A. Extension of Initial Probation Period

If during the Initial Probation Period, the employees' performance has not been adequately proficient, and the applicable Elected Officer or Department Head believes that the performance could be improved during an extension of the Initial Probation Period, the applicable Elected Officer or Department Head, upon approval by the County Manager, may extend the duration of the Initial Probation Period for an additional period not to exceed six (6) more months. The applicable Elected Officer or Department Head shall notify the employee prior to the end of the Initial Probation Period. Initial Probation Period extensions may be considered only when extenuating circumstances exist and it is reasonably believed that an employee will show significant improvement. No extension shall be allowed which would make the total Initial Probation Period longer than one year.

B. Dismissal During Initial Probation Period

An Initial Probation Period employee may be dismissed at any time during the Initial Probation Period, with or without reason, and without the right to file an appeal or grievance. An Initial Probation Period employee is also not eligible to file a non-disciplinary Grievance, as provided for in Title VIII, during the Initial Probation Period.

ARTICLE 6.03 POSITION PROBATION PERIOD

If an employee is transferred, demoted or promoted to a new position (unless such position placement is an Administrative Demotion), the employee shall be subject to a Position Probation Period for six (6) months. Upon assuming the new position, an employee shall be notified as to the six-month Position Probation Period by the Human Resources Department.

A. Extension of Position Probation Period

If during the Position Probation Period, the employee's performance has not been adequately proficient, and the applicable Elected Officer or Department Head believes that the performance could be improved during an extension of the Position Probation Period, the Human Resources Director upon request from

the applicable Elected Officer or Department Head, may extend the duration of the Position Probation Period for a period not more than six (6) months. The Human Resources Director shall notify the Position Probation Period employee of any extension no later than prior to the end of the Position Probation Period. Position Probation Period extensions may be considered only when extenuating circumstances exist and/or it is believed that an employee will show significant improvement during the extended Position Probationary Period. No extension shall be allowed which would make the total Position Probation Period longer than one year.

B. Dismissal During the Position Probation Period

At any time during the Position Probation Period, the applicable Elected Officer or Department Head may terminate the Position Probation Period employee for any reason or no reason at all. During the Position Probation Period, a Position Probation Period employee is eligible to file a Grievance, as provided for in this Manual, for any grievable action, with the exception that a Position Probation Period employee shall not, however, have a right to file a grievance for any disciplinary action, dismissal, or in the event action is taken to place a Position Probation Period employee in lay-off status.

C. No Reversion to Prior Position

Failure of an employee to satisfactorily complete the Position Probation Period does not entitle the employee to revert back to the employee's prior position, but may result in the employee's separation from employment. If it is determined that the Position Probation Period employee is unsuitable for the position, the applicable Elected Officer or Department Head may return the employee to the position previously occupied in his/her sole discretion, if the position is vacant. If not vacant, the applicable Elected Officer or Department Head may attempt to place the employee in a comparable position for which the employee meets the requirements in his/her sole discretion. If such placement is not feasible, the employee may be dismissed or placed in lay-off status and may be considered for placement when a suitable position becomes available. Alternatively, if the placement in lay-off status is not likely to produce a job offer in the immediate future for the employee in the sole discretion of the applicable Elected Officer or Department Head, the applicable Elected Officer or Department Head may terminate the employee.

ARTICLE 6.04 PROBATIONARY REVIEW PERFORMANCE EVALUATIONS

A Performance Appraisal shall be performed for Initial and Position Probation Period employees at the end of the six (6) month Probation Period, and at the end of any authorized extension of the Initial or Position Probation Period. A Performance Evaluation must be completed before allowing an Initial or Position Probation Period employee to successfully complete an Initial or Position Probation Period. Additionally, not less than thirty (30) calendar days prior to the end of the Initial or Position Probation Period, the applicable Elected Officer or Department Head should notify the Human Resources Director whether the employee is: performing satisfactorily; should be retained in the position; should be dismissed if an Initial Probation Period employee; or, if a Position Probation Period employee, should be reinstated in the employee's former position, placed in a comparable position for which the employee meets the requirements, should be separated, or should be placed in a lay-off status. Performance Evaluations may be completed more frequently at the discretion of the applicable Elected Officer or Department Head. If the Initial or Position Probation Period is extended, a Performance Evaluation may be performed at the end of each month up to the end of the extended probation period.

ARTICLE 6.05 ABSENCES DURING PROBATIONARY REVIEW

Authorized and/or unauthorized absences specifically including, but not limited to, lay-off, FMLA leave, military leave, or medical absences, as may be applicable, shall not count toward completion of an employee's Initial or Position Probation Period.

ARTICLE 6.06 CONDITIONS OF THE INITIAL PROBATION PERIOD

Employees who are within their first six months of employment and therefore considered to be under an Initial Probation Period, do not have the rights of full employment that is vested in those who have completed the Initial Probation Period. An employee does not gain those rights until the completion of their Initial Probation Period. For example, an employee serving in an Initial Probation Period shall begin accrual of personal leave, but shall not be permitted to utilize personal leave during the Initial Probation Period for personal reasons or vacation, but shall only be permitted to utilize accrued personal leave for sick leave upon presentation of a doctor's note.

TITLE VII DISCIPLINARY ACTION

ARTICLE 7.01 STATEMENT OF POLICY

Butts County employees are terminable at will and at the sole discretion of the appointing official and/or Butts County. Nonetheless, Butts County seeks to resolve performance and conduct problems in the most positive and constructive manner possible. When situations occur that warrant disciplinary action, Butts County will treat all employees fairly and consistently. Disciplinary actions will not be based on bias, favoritism, discrimination, or irrelevant factors.

ARTICLE 7.02 PROHIBITED CONDUCT GENERALLY; CAUSES FOR DISCIPLINARY ACTION

In general, conduct that interferes with the operations of Butts County, brings discredit to Butts County, or is deemed inappropriate by supervisors, co-workers, or the public is not tolerated. The following are examples of conduct that is not permitted, and will subject the individual involved to disciplinary action, up to and including immediate dismissal. The following examples of conduct are not intended to be an all-inclusive list. Any violation of the County's policies, minimal expected conduct standards, or any conduct considered inappropriate, unsatisfactory, or contrary to the County's best interest may subject the employee to disciplinary action, up to and including, termination of employment.

- A. Insubordination or uncooperative attitude, including, but not limited to, disrespect to a supervisor, a higher-ranking employee or official, co-worker, or the public, refusal to carry-out a work assignment, and/or failure to follow the lawful orders of a supervisor;
- B. Failure to do work at an acceptable level of competence;
- C. Excessive tardiness, excessive absenteeism, unexcused absences, and absences when the employee does not have accrued personal leave to accommodate the absence;
- D. Conviction of a felony or a crime involving moral turpitude, if the conduct leading to such conviction is job related and the disciplinary action is consistent with business necessity;
- E. Theft, abuse or misuse of County property or vehicles, violation of traffic laws while driving a County vehicle, failure to report damage or destruction of County property to a supervisor, loaning property or equipment of the County without permission or proper authority;
- F. Willfully giving false statements to supervisors, officials, or the public;
- G. Violation of County ordinances, administrative regulations, provisions of this Manual, or Departmental rules;
- H. Consumption or distribution of alcoholic beverages or illegal drugs or abuse of prescription drugs or over-the-counter medication in a manner that violates the Butts County Drug and Alcohol-Free Workplace policies;
- I. Acts during duty hours which are incompatible with public service;

- J. Use of profane or abusive language or discourteous treatment of the public, supervisors or other employees;
- K. Consumption of alcoholic beverages or use of illegal, prescription, or over-the-counter drugs outside work hours in such a manner as to adversely affect attendance or job performance;
- L. Falsification or destruction of official records or documents, or use of official position for personal benefit, profit, or advantage;
- M. When duly and properly called as a witness before any County board, appeals board, state or federal judicial or administrative tribunal, and when before such tribunal, failing to answer truthfully any question concerning performance of official duties with the County;
- N. Failure to report an occupational injury or accident during the shift in which it occurred;
- O. Absence due to incarceration;
- P. Use of any form of physical abuse of the public, supervisors, or other employees, or making threats to the public, supervisors, or other employees;
- Q. Violating any lawful official regulation or order or failing to obey any proper directive made and given by a supervisor or superior officer;
- R. Disgraceful or dishonest conduct;
- S. Being careless or negligent with the monies or other property of the County;
- T. Failure to pay or make reasonable provisions for future payment of debt to such an extent that such failure is detrimental to the work relationship;
- U. Use or threatening of use, or attempt at use of personal or political influence to secure employment benefits, including, but not limited to, promotion, leave, transfer, change of pay rate, or character of work;
- V. Taking for personal use from any person or organization any fee, gift, gratuity, or other valuable thing in the course of work or in connection with it, when such gift or other such valuable thing is given in the hope or expectation of receiving a favor or better treatment than that afforded other persons;
- W. Violating established security procedures during an examination process or obtaining information, through unauthorized or illegal means, which provides an unfair advantage on an examination;
- X. Failure to acquire a valid license, registration, or certification when such license, registration, or certification is required and specified in the specifications for the class to which the position occupied by the employee is classified;
- Y. Wasted time, inefficiency, and/or loitering or loafing during working hours;

- Z. Violation of any provisions of the Code of Ethics for Government Service and/or Conflict of Interest provisions (as fully set forth in Title I), any provision of this Manual, or any applicable Departmental SOP;
- AA. Release of confidential information learned as a result of employee's position without specific approval of the applicable Department Head, Elected Officer, or the Board of Commissioners;
- BB. Lending money or borrowing money from another County employee who makes a practice of loaning money and charging interest to employees;
- CC. Violation of the County's non-discrimination policies, anti-harassment policies, anti-bullying policies, and/or anti-retaliation/whistleblower protection policies;
- DD. Neglect of duty (i.e., carelessness, failure to follow operational work rules, failure to commence duties at the beginning of the work period);
- EE. Improper or misuse of County radio system or other communication system or device;
- FF. Carelessness with tools, keys, equipment or failure to keep equipment and assigned work area in good order;
- GG. Creating or contributing to unsanitary or unsafe working conditions or poor housekeeping;
- HH. Violation of safety rules or disregard of common safety practices;
- II. Inappropriate attire or personal appearance;
- JJ. Performing private work or engaging in personal pursuits during County working hours/the Workday;
- KK. Engaging in horseplay or throwing things;
- LL. Accepting bribes in the course of carrying out assigned duties;
- MM. Working unauthorized overtime;
- NN. Misuse of Federal, State or County funds;
- OO. Sleeping on the job (except Fire/EMS during reasonable approved sleeping periods);
- PP. The unauthorized use or possession of firearms, weapons, or explosives while on County property or during working hours;
- QQ. Falsifying any County document or form;
- RR. Inefficiency (i.e., lack of application of any effort on the job, etc.;

SS. Utilization of leave with the intent to defraud the County.

ARTICLE 7.03 CONDUCT PROHIBITED BY DEPARTMENTAL SOP AND RULES

Notwithstanding the conduct prohibited generally in Article 7.02 above, an employee will be subject to disciplinary action for violation of Standard Operating Procedures or rules adopted by the applicable Elected Officer or Department Head (the “Departmental SOPs”) that are not in conflict with this Manual. In the event that the applicable Departmental SOP imposes a higher standard of conduct than the conduct guidelines contained in this Manual, the Departmental SOP shall control.

ARTICLE 7.04 PROGRESSIVE DISCIPLINE

Whenever possible, the applicable Elected Officer or Department Head should provide employees with an opportunity to correct problematic behavior or poor performance. All supervisors are encouraged to follow specific steps of progressive discipline. However, depending upon the nature of the employee’s misconduct, poor performance, and/or length of employment, the use of progressive discipline shall be discretionary. Thus, while this Title sets forth available mechanisms for discipline, certain steps may be skipped in a disciplinary process depending upon the nature of the employee’s misconduct, poor performance, Probation Period status and/or length of employment. To the extent that progressive discipline is being utilized, when an employee engages in different types of misconduct or poor performance, each incident can provoke increased discipline, even if the incidents of misconduct or poor performance are in different areas or unrelated to other previous incidents. The primary mechanisms for progressive discipline may include, but are not limited to, verbal reprimand, written reprimand, suspension without pay, demotion, and dismissal. While there are multiple steps identified in this Title, this Title should not be construed to require multiple incidents of misconduct or poor performance prior to dismissal being an appropriate disciplinary sanction. All disciplinary actions shall be reduced to writing and forwarded to the Human Resources Director for maintenance in the employee’s personnel file. All such disciplinary actions shall remain in the employee’s personnel file.

ARTICLE 7.05 VERBAL REPRIMAND

A verbal reprimand is an oral notice of a policy violation, mistake, inefficiency, misconduct, poor performance, or other factors that may adversely influence an employee’s ability to carry out their duties and responsibilities. Any supervisor may verbally reprimand a subordinate employee at any time. Verbal reprimands may affect the employee’s employment status, particularly if the employee does not take corrective action. All verbal reprimands should be documented in the employee’s personnel file.

ARTICLE 7.06 WRITTEN REPRIMAND

A written reprimand is a written notice of a policy violation, mistake, inefficiency, misconduct, poor performance, or other factors that may adversely influence an employee’s ability to carry out duties and responsibilities. Any supervisor may reprimand in writing a subordinate employee at any time. Written reprimands are required to be shown and explained to the employee who will acknowledge receipt of same by their signature. If the employee refuses to sign, the same shall be noted. If the employee feels the written reprimand to be unjust, the employee must so state in writing giving the reasons, which must be done within five (5) calendar days. No response will be made to the employee’s response. An original copy of the reprimand, with the employee’s response, if any, must be forwarded to the Human Resources Director to be placed in the employee’s personnel file. A written reprimand may be presented on a form adopted by the applicable Elected

Officer or Department Head or available from the Human Resources Department, or the written reprimand may be in letter or memo form.

ARTICLE 7.07 SUSPENSION WITHOUT PAY

The applicable Elected Officer or Department Head, or respective designee, may, by written notice to the employee, suspend an employee without pay. Any such notice of suspension must be forwarded to the Human Resources Director to be placed in the employee's personnel file. An employee who is suspended for any reason may not utilize Leave time so as to be compensated during the suspension without pay period.

An employee may be suspended in the following manner:

A. Disciplinary Suspension

In an attempt to correct unacceptable behavior and/or work performance issues, an employee may be suspended for a specified period of time without pay. The applicable Elected Officer or Department Head may suspend without pay any employee under supervision for a length of time as considered appropriate, not exceeding ten (10) Working Days. A written statement specifically setting forth the reasons for such suspension shall be furnished to the affected employee by the applicable Elected Officer or Department Head and sent to the Human Resources Director.

B. Suspension Pending a Court Decision

An employee shall be suspended indefinitely without pay at the discretion of the applicable Elected Officer or Department Head when awaiting trial on criminal charges, the nature of which would impede or undermine the employee's ability to satisfactorily perform their job. The employee will be given the opportunity to demonstrate that the criminal charges should not subject him or her to suspension from employment with the County. Thereafter, the County Manager will make a determination on whether said suspension is job related and consistent with business necessity for those employees under the supervision of the Board of Commissioners.

In the alternative, if the employee's actions and/or the criminal charges are such that it is not in the best interest of the County for the employee to remain in the County workforce, the applicable Elected Officer or Department Head may elect to terminate the employee upon notice of the criminal charges or at any time thereafter. The employee will be given the opportunity to demonstrate that the criminal charges should not subject him or her to dismissal from employment with the County. Thereafter, the County Manager will make a determination on whether said dismissal is job related and consistent with business necessity for those employees under the supervision of the Board of Commissioners.

If the County does not elect to terminate the employee during the pendency of criminal charges, upon receipt of notice from the employee that the criminal matter has been resolved by dismissal, plea, or trial, the applicable Elected Officer or Department Head shall make a determination as to whether the employee shall be reinstated and whether any such reinstatement shall be with or without loss of pay.

C. Suspension Pending Drug/Alcohol Testing

An employee shall be suspended without pay immediately upon being required to submit to a reasonable suspicion drug or alcohol test. The total period of any Suspension without pay shall be for

an indefinite period of time, which shall conclude upon completion and receipt of the drug or alcohol test and any applicable confirmation tests.

An employee who initially tests positive for drugs or alcohol pursuant to any other type of drug or alcohol testing (such as workers' compensation testing, return to duty testing, post-accident testing, and/or random testing) shall be immediately suspended without pay pending any applicable confirmation of the positive test results. The period of Suspension shall be for an indefinite period of time, which period shall end upon completion and receipt of the applicable confirmation test results. If the drug or alcohol test is ultimately concluded to be negative, the employee will be reinstated without loss of pay, privileges, benefits, or status.

ARTICLE 7.08 DEMOTION

The applicable Elected Officer or Department Head may, by written notice to the employee no later than five (5) working days prior to the effective date, demote an employee for disciplinary purposes. When an employee is demoted to a lower salary range, the employee's salary will decrease to the grade of the lower position. Employees will be subject to a Position Probation Period upon a disciplinary demotion.

ARTICLE 7.09 DISMISSAL

An employee may be dismissed from employment with Butts County for disciplinary purposes. Immediate Dismissal, in the absence of progressive discipline, may be necessary in certain circumstances. The following list includes some, but not all, offenses that may be grounds for Immediate Dismissal:

- A. Theft;
- B. Falsification of documentation and/or other acts of dishonesty;
- C. Fighting or other physical violence or threats of violence;
- D. Wrongful or negligent destruction of Butts County property;
- E. Conviction of a felony or other offense that, in the opinion of the County, conflicts with and/or undermines the employee's performance of the job duties. The employee will be given the opportunity to demonstrate that the conviction should not exclude them from employment with the County. Thereafter, the County will make a determination on whether said dismissal is job related and consistent with business necessity;
- F. Possession of firearms, weapons, or explosives on Butts County property in violation of this Manual;
- G. Use, possession, sale, or testing positive for alcohol or illegal drugs on Butts County property or while on duty, and/or failure to submit to testing for same;
- H. Use, possession, sale, or testing positive for prescription or over-the-counter drugs that lead an employee to be unfit for duty;
- I. Falsification of an employment application or other information for the purposes of obtaining

employment or any benefits from Butts County;

- J. Violation of safety rules that endanger lives or safety and/or any conduct that endangers lives or safety;
- K. Violation of the Butts County's anti-harassment, non-discrimination, anti-bullying, anti-retaliation/whistleblower protection, social networking, and/or internet use policies;
- L. Job Abandonment;
- M. Unauthorized and repeated tardiness; and
- N. Gross insubordination.

ARTICLE 7.10 PRE-DISCIPLINARY PROCESS

A. Applicability

This Article shall establish the procedures to be followed whenever a suspension without pay, disciplinary salary reduction, disciplinary demotion or dismissal is to be imposed upon a full-time employee who has successfully completed his or her Probation Period. Employees who are serving in their Initial Probation Period or a Position Probation Period, Temporary, Seasonal, Acting and/or Part-Time employees are not subject to this section.

B. Pre-Disciplinary Review

Whenever the applicable Elected Officer or Department Head has reason to believe cause for disciplinary action exists and that a suspension without pay, disciplinary salary reduction, demotion or dismissal is warranted, the applicable Elected Officer or Department Head shall consult with the Human Resources Director for guidance. The Human Resources Director will begin the necessary paperwork process and contact the County Manager who shall contact the County Attorney if deemed necessary. The Human Resources Director may, at his or her discretion, hold a pre-action hearing to determine validity of the facts against the employee or to investigate further the allegations presented by the applicable Elected Officer or Department Head. If the Human Resources Director is satisfied that conditions warrant the adverse action, he/she will make the proper notifications and schedule a pre-disciplinary hearing. The applicable Elected Officer or Department Head, along with the Human Resources Director or other suitable witness, shall personally meet with the employee in a pre-disciplinary hearing to provide oral notice and a written summary of the charge and proposed disciplinary action.

During the disciplinary hearing, the employee shall then be afforded the opportunity to make an oral response to the ground for disciplinary action. This meeting shall take place before a suspension without pay, salary reduction, demotion or dismissal is actually imposed. The meeting is to provide a check against the possibility of a mistake as to the facts, and also to allow the employee to explain his or her actions and to respond to the proposed level of disciplinary action. A written record of the meeting shall be made, and the employee shall be required to sign the record for the limited purpose of establishing that the meeting occurred. If the employee refuses to sign the written record of meeting, the adverse action shall be imposed and the employee forfeits any rights to appeal. The written record is not an admission of guilt but a statement acknowledging the meeting occurred.

If, after considering the employee's response, the applicable Elected Officer or Department Head still believes a suspension without pay, salary reduction, demotion or dismissal is warranted, he or she will so advise the employee and the Human Resources Director and proceed with the disciplinary action. This may occur at the conclusion of the disciplinary hearing, or the applicable Elected Officer or Department Head may deliberate on the employee's response for up to three (3) days after the meeting, during which time the affected employee may be placed on Administrative Leave.

If the applicable Elected Officer or Department Head chooses to deliberate on the employee's response, then their final decision should be delivered to the employee in person where possible or in a manner calculated to ensure confirmation of receipt by the employee.

Employees who are placed on Administrative Leave for purposes of the applicable Elected Officer or Department Head to deliberate on the disciplinary action must immediately turn over all County property, including keys, access cards, electronic devices, etc. to their applicable Elected Officer or Department Head, depart County premises and provide a number where they can be reached. During periods of Administrative Leave, the affected employee shall make no attempt to contact other County employees or discuss the situation with any other County employee other than their applicable Elected Officer or Department Head who participated in the disciplinary hearing. Failure to follow this provision shall result in the Administrative Leave being converted to termination from employment without any further due process.

ARTICLE 7.11 APPEAL PROCESS

A permanent, full-time employee, not otherwise exempted by Article 7.10, who is suspended without pay, subjected to a disciplinary salary reduction, demotion, or dismissal shall have a right of appeal. All appeals are limited to the consideration of whether the procedures for disciplinary action as outlined in this Manual were followed and/or whether there was any unlawful discrimination in the imposition of the disciplinary action based upon race, color, religion, sex, pregnancy, age, disability, and/or national origin. Within five (5) calendar days of the date of the written notice of disciplinary action as signed and delivered by the applicable Elected Officer or Department Head, the employee may file a written notice of appeal to the Human Resources Director. The written notice of appeal shall include a copy of the disciplinary action that is being appealed, a detailed statement that identifies what procedures the County violated by citation to the provision in the Manual and/or the detailed facts alleged to demonstrate that the disciplinary action was based on unlawful discrimination on the basis of race, color, religion, sex, pregnancy, age, disability, and/or national origin, and a statement as to what remedy the employee is seeking. Failure to submit a written notice of appeal containing the elements described herein may result in the appeal being denied for failure to state a claim as determined by the Human Resources Director. Failure to submit a written notice of appeal within five (5) days shall constitute a waiver of all rights of appeal. If the final day falls on a weekend or holiday, the appeal period will be extended through the next business day of normal operation for the County. An appeal of a decision by an Elected Officer will be reconsidered by the applicable Elected Officer and the Elected Officer's decision shall be final. An appeal of a decision by a Department Head will proceed according to the following steps.

A. Appeal Process for Disciplinary Suspension

Upon timely notice of appeal, the Human Resources Director will forward the appeal to the County Manager. The County Manager will consider the appeal and issue a written decision to uphold, reduce or overturn the suspension. The decision of the County Manager is final.

B. Appeal Process for Disciplinary Salary Reduction and Disciplinary Demotion

Upon timely notice of appeal, the Human Resources Director will arrange an appeal hearing with the County Manager. The County Manager will conduct an investigation and gather information, if deemed necessary, in the sole discretion of the County Manager. The County Manager will meet with the employee in an appeal hearing and hear the employee's testimony. The employee is not entitled to present any witnesses or to have an attorney present at the meeting with the County Manager. The employee may however submit documents and written statements or affidavits from others. Upon deliberation, the County Manager will issue a written decision to uphold, reduce or overturn the action. The decision of the County Manager is final.

C. Appeal Process for Disciplinary Dismissal from Employment - County Manager Level

Upon timely notice of appeal, the Human Resources Director will arrange an appeal hearing with the County Manager. The County Manager will conduct an investigation and gather information, if deemed necessary, in the sole discretion of the County Manager. The County Manager will meet with the employee in an appeal hearing and hear the employee's testimony. The employee is not entitled to present any witnesses or to have an attorney present at the meeting with the County Manager. The employee may however submit documents and written statements or affidavits from others. Upon deliberation, the County Manager will issue a written decision to uphold, reduce or overturn the action. The employee may exercise further appeal rights if they choose to pursuant to subparagraph (D) below.

D. Appeal Process for Disciplinary Dismissal from Employment - Hearing Officer Level

The only disciplinary actions that are appealable beyond the level of County Manager is a Disciplinary Dismissal from Employment (termination). Additionally, any employee whose employment is severed due to reduction of force due to budgetary or financial conditions or for any other reason unrelated to disciplinary action does not have any right of appeal.

Employees who have gained the full rights of employment and who are subject to a disciplinary dismissal have the right to appeal the decision of the County Manager to a hearing officer if the decision of the Manager upholds termination from employment. If the County Manager reduces the termination to a lesser level of discipline where the employee is retained, the decision of the County Manager becomes final.

Upon timely notice of the receipt of an appeal of the County Manager's decision to uphold termination, the County Manager will notify the County Attorney of the filing of the appeal by the affected employee. The County Attorney will select an impartial Hearing Officer. The Hearing Officer will schedule the hearing and conduct the appeal as set forth in subparagraph (E) below. Following the appeal hearing and upon deliberation, the Hearing Officer will issue a written decision to uphold, reduce, or overturn the action within five (5) days of the appeal hearing. The decision of the Hearing Officer is final.

E. Rules of Procedure for Appeal Before Impartial Hearing Officer

1. Scheduling the Appeal Hearing

Upon receipt of the request by the County Attorney to conduct a hearing, the Hearing Officer shall set a date for hearing the appeal. The Hearing Officer shall notify the employee and the County Attorney in writing of the date and time on which the hearing is to be held. The hearing shall be held during normal business hours for the County.

2. Qualifications of Hearing Officer

The Hearing Officer shall be an attorney in good standing practicing law outside of Butts County or a Magistrate, Probate, or Superior Court Judge from outside of the County.

It shall be the duty of the Hearing Officer to be impartial in the conduct of proceedings and in its rulings. The appeals hearing shall be conducted in a quasi-judicial tone and in a dignified atmosphere. Witnesses shall testify under oath. The hearing is intended to receive testimony and evidence that either refutes or substantiates the dismissal and the charges that led to the dismissal.

3. Rules of Evidence

The Rules of Evidence that apply in courtroom proceedings are not applicable in this appeal hearing. However, the hearing is not a forum for the presentation of extraneous or irrelevant material or evidence. The Hearing Officer shall follow accepted legal procedure insofar as it is practicable; however, the hearing and its proceedings are not bound by the technical rules of evidence. The Hearing Officer may accept affidavits and deposition testimony if it deems it appropriate to do so.

The questions posed and evidence submitted by either side will pertain only to the case at hand and the pertinent facts regarding the case at hand. The manner in which other employees were or were not disciplined for arguably similar misconduct is inadmissible and not allowed, because it is the policy of the County to treat each employee and each offense independently, as no two employees or situations are exactly the same. Previous disciplinary action against the employee bringing the appeal is relevant and shall be considered in determining if the disciplinary action at hand is warranted.

4. Legal Counsel

An employee appearing before the Hearing Officer may, if desired, be represented by legal counsel at the employee's own expense. The County and the Department Head may also be represented by the County Attorney or other legal counsel.

5. Recordation of Appeal Hearing

The County Clerk shall make an electronic recording of all appeal hearings. At the request of either party, a court reporter may also be secured and a typed transcript of the hearing will be provided at the cost of the requesting party.

6. Open Hearing

Under Georgia's Open Meetings Act, the Hearing Officer appeal must be open to the public. They may not be closed even if the parties consent. Because the appeal before the Hearing Officer is de novo, the County Manager's reasons for his or her decision are irrelevant.

7. Procedure

The County shall make the initial presentation of evidence. Appellant or counsel may question the witnesses presented in support of the dismissal. The Hearing Officer shall allow fair examination of the witness but shall not permit any witness to be harassed, insulted, ridiculed or yelled at during the hearing. Appellant may present his/her case at the conclusion of the County's presentation and said witnesses may be questioned by the County.

8. Burden of Proof

It is incumbent upon the County or the Department involved to prove by a preponderance of the evidence that the dismissal, which is the subject of the appeal, was imposed in accordance with procedures for issuance of disciplinary actions as outlined in this Manual and/or was not based upon unlawful discrimination on the basis of race, color, religion, sex, pregnancy, age, disability, and/or national origin.

9. Length of Hearing

When a Hearing is scheduled, the Hearing Officer shall make every attempt to keep the proceedings at a time limit of two hours but in no case shall a hearing proceed for more than four hours.

10. Decision of Hearing Officer

The Hearing Officer shall render a written decision within five (5) calendar days following the conclusion of the hearing, unless both parties mutually consent to the extension of this time period. The Hearing Officer's decision shall be delivered or mailed to the Appellant, his/her counsel, if applicable, and the County Attorney. The rights granted to the Hearing Officer in the determination of the decision shall be as follows and shall be final. The Hearing Officer may:

- i. Uphold the decision of the County Manager and allow the decision to stand; or
- ii. Overturn the decision of the County Manager and reduce the adverse action to a lesser disciplinary action; or
- iii. Overturn the decision of the County Manager and return the employee to his/her position with conditions; or
- iv. Overturn the decision of the County Manager and return the employee to his/her position.

In the event the dismissal is reversed, the employee shall be returned to employment with no reduction of pay or fringe benefits.

TITLE VIII GRIEVANCES & APPEALS NOT INVOLVING DISCIPLINARY ACTIONS

ARTICLE 8.01 STATEMENT OF PURPOSE

The purpose of the employee grievance procedure is to provide an orderly process for hearing the grievable claims that are not involving disciplinary actions from full-time and part-time employees, as well as employees who are serving in a Position Probation Period. Employees serving in their Initial Probation Period do not have a right to file a grievance or appeal. The object of the process is to reach a fair and equitable decision in a timely manner through an informal process. The employee and supervisor should make an effort to resolve any grievance informally before initiating a formal procedure. This Title only covers employee-initiated grievances and does not preclude the employer or their representative from conducting an internal investigation to determine whether an employee has been aggrieved based on credible information. The Human Resources Director, County Manager, Deputy County Manager, Elected Officer, or Department Head (within their department) may initiate an internal investigation without a grievant having come forward if they believe they must act to protect an employee's interests. These grievance procedures are offered to employees under this Title voluntarily, not as a matter of right, and these procedures do not impose any burden of proof upon the County or the Board of Commissioners.

ARTICLE 8.02 DEFINITION

A non-disciplinary grievance is a claim initiated by an employee alleging:

- A. That his or her employment or productivity has been adversely affected by unfair treatment;
- B. Unsafe or unhealthy working conditions;
- C. Erroneous or capricious application of County policies and procedures; or
- D. Unlawful discrimination, reverse discrimination or other type of discrimination, except that any complaint concerning workplace harassment shall be reported and handled according to Title IX of this Manual.

ARTICLE 8.03 STEPS

Normally, a grievance procedure will provide for a minimum of two steps. When practical, an attempt will be made to provide at least two basic steps to the aggrieved party. However, the organizational structure of the County may, as a practical matter, prevent all grievants from receiving two steps. For instance, a supervisor who reports directly to a Department Head will receive a first level grievance hearing from the Department Head with a right of appeal to the County Manager. However, a non-supervisory employee will receive a first level grievance hearing from his/her supervisor and then could appeal for a second level grievance appeal to the Department Head, and a final appeal to the County Manager. The following represents the order of the maximum grievance levels and progression of levels for employees:

Non-Elected Offices

- (1) Supervisor
- (2) Department Head

Elected Offices

- (1) Supervisor
- (2) Elected Officer

ARTICLE 8.04 GRIEVANCE FILING PROCESS

A. Filing Grievance

An employee may file a written grievance with the Human Resources Director. Any such grievance must be filed within ten (10) days after the occurrence of the event being grieved, or within ten (10) days after becoming reasonably aware of the event. The grievance statement must be submitted in writing and should state the specific claim, the provision of this Manual alleged to be violated, if applicable, and the specific relief desired.

B. Scheduling and Notification

Upon receipt of the grievance, the Human Resources Director will conduct an internal investigation and determine the grievability of the claim. If the claim is determined to be grievable, a hearing should be held within five (5) days after the grievance is filed consistent with Article 8.05.

C. First Level Grievance

The individual in the grieving employee's chain of command, as applicable, at the first level shall notify the grievant of his or her decision in writing within five (5) days after the initial hearing and inform the employee that he/she may request a further hearing at the next level, if applicable.

D. Second Level Grievance

If the grieving employee is not satisfied with the first level decision, the employee must, within five (5) days of the first level decision, request a grievance consultation with the Human Resources Director in writing if the employee wishes to further appeal the decision.

If a second level hearing is requested, the Human Resources Director shall schedule and notify the employee of the date of the second level grievance hearing. The individual in the grieving employee's chain of command, as applicable, at the second level, shall hear the grievance and render his/her decision within five (5) days of the date of the hearing. If the decision is not in favor of the employee, the notification shall include a statement that the employee is allowed to request a hearing before the County Manager.

E. County Manager Grievance Level

If the grieving employee is not satisfied with the second level decision, the employee must, within five (5) days of the second level decision, request a grievance consultation with the Human Resources Director in writing if the employee wishes to further appeal the decision. If an additional hearing is requested, the Human Resources Director shall schedule and notify the employee of the date of the hearing before the County Manager. The County Manager shall hear the grievance and render a decision within five (5) days of the date of the hearing. The County Manager's decision is final.

ARTICLE 8.05 GRIEVANCE HEARINGS

A. First & Second Level (if organizationally possible and available)

Grievance hearings at these two levels are semi-formal in nature. The individual hearing the case should listen to the grievant's presentation and question the grievant to obtain pertinent facts about the claim and the situation relevant to the claim. The employee must represent himself/herself and may bring witnesses to the hearing to testify. Both the grievant and the person hearing the case may question the witnesses. These are information sessions and under no circumstances should they be allowed to become adversarial in nature.

B. Appeal Hearing by the County Manager

If a hearing before the County Manager is held on appealable grievances, both the grievant and the county shall represent themselves and the same rules as stated above shall apply. The decision of the County Manager is final.

C. Standard of Review

Appeals of hearings provided to employees under this Title are offered voluntarily, not as a matter of right, and these procedures do not impose any burden of proof upon the County or the governing authority.

ARTICLE 8.06 NON-GRIEVABLE AREAS

The following areas are not grievable:

- Issues that are pending or have been concluded by other administrative or judicial procedures.
- Work assignments that do not result in a demotion or salary reduction, including scheduling or shifting of responsibilities.
- Budget allocations and expenditures and organizational structure, including the persons or number of persons assigned to particular jobs, units or departments.
- The content or rating of a performance appraisal, except where the employee can show that he or she has been adversely affected because of unlawful discrimination.
- The selection of an individual by the appointing authority to fill a position through appointment, promotion, or transfer, except when the employee can show that he or she has been adversely affected because of unlawful discrimination.
- Any matter that is not within the jurisdiction or control of the appointing authorities.
- Internal security practices established by the appointing authorities.

- Decisions, policies, practices, resolutions or ordinances made or passed by the Board of Commissioners or the applicable Elected Officer.
- Disciplinary actions. Title VII governs disciplinary matters that are subject to the disciplinary grievance and appeal process. Any other disciplinary or corrective action not covered by Title VII are not subject to any type of grievance process.
- Allegations and/or complaints of workplace harassment, as such claims are covered by Title IX of this Manual, shall be raised pursuant to the complaint procedures in Title IX, and are not subject to the grievance process.

TITLE IX WORKPLACE HARASSMENT

ARTICLE 9.01: PROHIBITED HARASSMENT

A. Discriminatory Harassment

It is Butts County's policy to maintain a working environment free of any and all harassment, including harassment based on a person's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status. To assist in preventing or eliminating any such unwelcome harassment, Butts County will not tolerate any form of harassment or unlawful discrimination by or against its employees, supervisors, and Elected Officers/Department Heads.

All employees, supervisors, and Elected Officers/Department Heads are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any form of harassment related to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status, is a violation of this Title and will be treated as a disciplinary matter. For purposes of this Title, the term "discriminatory harassment" shall be construed consistent with applicable law and may include, but is not limited to, any of the following:

1. Offensive remarks, comments, jokes or slurs pertaining to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;
2. Offensive pictures, drawings, posters, photographs, reading materials, computer monitors, or other tangible items, or communications including e-mail, that are reasonably offensive or that reasonably exploit an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;
3. Threatening reprisals based on an employee's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status; or
4. Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance and/or conduct that creates an intimidating, hostile or offensive working environment.

B. Sexual Harassment

Sexual harassment is a form of harassment and will be treated in accordance with the express terms of this Title. Sexual harassment is unwelcome conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment;
2. Submission to or rejection of such conduct is used, either in part or in full, as the basis for employment decisions; or

3. The conduct has the purpose or the effect of unreasonably interfering with the individual's job performance or when such conduct creates an intimidating, hostile, or offensive working environment.

For purposes of this Title, the term "sexual harassment" shall be construed consistent with applicable law and may include, but is not limited to, any of the following:

1. Sexual assaults, including rape and molestation, or attempts or threats to commit such acts;
2. Unwanted intentional physical contact of a sexual or suggestive nature, such as touching, pinching, patting, grabbing, kissing, brushing, or poking of another person's body regardless of the gender of the individuals involved;
3. Offensive sexual remarks, sexual advances or requests for sexual favors regardless of the gender of the individuals involved;
4. Threatening reprisals for an employee's refusal to respond to requests for sexual favors;
5. Disciplining or retaliating against any individual in any way because he or she has resisted, reported or complained about sexual harassment;
6. Preferential treatment, or the promise of preferential treatment, for engaging in sexual conduct;
7. Offensive pictures, drawings, posters, reading materials, calendars, photographs or other physical objects, or communications, including e- mail, that are sexually suggestive, sexually demeaning or pornographic;
8. Any conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's work performance and/or conduct that creates an intimidating, hostile or offensive working environment; or
9. Suggesting or inferring to any employee, supervisor, Elected Officer/Department Head (or applicant for any such position) that his or her employment, advancement, or treatment will be affected in any way by entering into (or refusing to enter into) any form of personal or sexual relationship.

ARTICLE 9.02: APPLICATION TO ALL EMPLOYEES, SUPERVISORS, ELECTED OFFICERS/ DEPARTMENT HEADS

All employees, supervisors, Elected Officers/Department Heads are subject to the terms and provisions of this Title, and are to avoid any behavior or conduct that could be interpreted as discriminatory or sexual harassment as set forth above. All employees, supervisors, and Elected Officers/Department Heads have a responsibility to inform an individual whenever his or her behavior is unwelcome, offensive, in poor taste, or inappropriate and to report harassment as set forth herein.

ARTICLE 9.03: REPORTING HARASSMENT

A. Officials to Whom Complaints Shall Be Made

Incidents interpreted by any individual to be in violation of this Title should be brought to the attention of the individual's supervisor or to the attention of the applicable Elected Officer/Department Head or to the Human Resources Director, depending on whomever the employee feels most comfortable reporting. Any individual who has not personally experienced conduct prohibited by this Title, but who believes that such conduct has occurred, shall report that information to the applicable Elected Officer/Department Head or to the Human Resources Director.

1. Investigation of Harassment Complaints

- i. Investigation will be as timely and as confidential as possible.

Incidents reported by anyone pursuant to this Title will be handled in a timely manner, and as confidentially as possible. Due to the nature of the investigation process, however, Butts County cannot guarantee confidentiality. Information reported by any individual pursuant to this Title will not be unnecessarily released to third parties or to any person not involved in the investigation or involved in the conduct forming the basis of the complaint. Upon conclusion of the investigation, any such information will only be released to the extent required by law. No person involved in the investigation shall discuss the complaint or investigation with any person outside of the investigation process. This provision is intended to protect the confidentiality of anyone who files a complaint, to encourage the reporting of all incidents of harassment, and to ensure the fair treatment of all parties involved.

- ii. Investigation by duly appointed agent.

Upon receiving a complaint of harassment pursuant to this policy, Butts County will conduct an investigation into the allegations. The investigation will be conducted by the Human Resources Director, unless an alternate arrangement has been made with the applicable Elected Officer/Department Head. If the complaint involves an individual in the Human Resources Department, the investigation shall be conducted by the County Manager or his/her designee.

- iii. Intent and purpose of the investigation.

The intent of the investigation is to obtain further information about the events or conduct complained of, to enable the person(s) named in the complaint to tell his or her side of the story, to determine whether harassment has in fact occurred, and to develop an appropriate resolution. Anyone making a complaint pursuant to this Title may be asked to put his or her complaint in writing. The person to whom the complaint is made, or the person or persons investigating the complaint, may take notes and may request the complainant to sign those notes. All employees, supervisors, and Elected Officers/Department Heads are expected to fully cooperate with any investigation of a complaint of harassment.

- iv. No reprisal against Complainant.

No individual will be retaliated against for reporting a violation of this Title or for cooperating with an investigation of a complaint of harassment. However, intentional or malicious false accusations of misconduct could have a serious effect on an individual who has been falsely

accused. Individuals falsely accusing another of misconduct will be disciplined based on the extent of the false accusation, up to and including termination.

- v. Notification of belief that investigation is not being handled properly.

If, at any time, anyone feels that his or her complaint is not being handled properly, he or she should immediately contact the Human Resources Director, the County Manager, or the applicable Elected Officer/Department Head.

ARTICLE 9.04: DISCIPLINARY ACTION

Violation of any provision of this Title will subject the offender to disciplinary action, up to and including immediate termination. If anyone has any questions about what constitutes harassing behavior or what conduct is prohibited by this Title, he or she should contact the Human Resources Director.

ARTICLE 9.05: IMPORTANCE OF POLICY

Butts County is very serious about enforcing its policy against harassment. However, Butts County cannot respond to complaints of harassment unless it is aware of those complaints. Therefore, it is the responsibility of each employee, supervisor, Elected Officer/Department Head to report any incident of harassment so that Butts County can take corrective action as needed. Anyone who experiences or observes any violation of this Title is required to report the same under the terms of this Title prior to the end of the workday or the following workday on which the violation was believed to occur.

TITLE X HOLIDAYS

ARTICLE 10.01 HOLIDAYS ALLOWED

The following are the official paid holidays that will be observed by eligible employees:

- A. New Years Day
- B. Martin Luther King's Birthday
- C. Friday before Easter
- D. Memorial Day
- E. Juneteenth
- F. Independence Day
- G. Labor Day
- H. Columbus Day
- I. Veterans Day
- J. Thanksgiving Day
- K. Day after Thanksgiving
- L. Christmas Eve or Day After Christmas (Depending on Calendar)
- M. Christmas Day

ARTICLE 10.02 WORK ON HOLIDAYS

A. Non-Public Safety Employees

Employees may be required to work during the above holidays. Those employees who are required to work will be paid normal hourly rates for each holiday worked; that is, they will be paid at the regularly hourly rate if no overtime is involved during the pay period. If, however, overtime is involved during the pay period all overtime hours will be paid at overtime rate. If an employee of a non-public safety department is required to work on a holiday, the Department Head will ensure that the employee is given an alternate day off with pay during the same pay period.

B. Public Safety Employees

All public safety personnel who are assigned to a shift and who may be subjected to working holidays are paid 8 hours of straight time for the holiday, regardless of whether their working day falls on the holiday or not. This means an employee, depending on his schedule, may or may not be scheduled to work a holiday, but would still be paid for the holiday because paid holidays are a benefit of employment.

C. Holiday Pay During Absence for Illness

If an employee is scheduled to work on a holiday but is required to be absent due to illness, the employee shall receive pay for the holiday but shall not receive additional compensation for paid sick leave during the holiday. Holidays on which employees do not work (as well as days absent for leave) do not count towards hours worked for purposes of computing overtime pay.

TITLE XI WORK HOURS, OVERTIME, AND COMPENSATORY TIME

ARTICLE 11.01 WORK HOURS

Because of differences in job requirements, the required work hours or work period may vary from job to job and department to department.

ARTICLE 11.02 ABSENTEEISM & TARDINESS

- A. Absenteeism and Tardiness are defined as lost time from work without reasonable and acceptable reason.
- B. All employees are expected to be at their assigned work location and ready to go to work at their designated starting time for the Elected Officer/Department Head with whom they are employed.
- C. Each Department Head or Elected Officer shall be responsible for informing employees in his/her department of the designated starting and quitting time.
- D. All employees are expected to remain on duty and at their assigned locations until the designated quitting time unless an unforeseen emergency occurs.
- E. Employees failing to report to work to their assigned locations by the designated starting time or leaving work early without the express permission of their immediate supervisor shall be subject to disciplinary action and shall have their wages reduced accordingly, if the employee is a non-exempt hourly employee.
- F. When an employee is unable to work, he/she shall notify his/her immediate superior within one (1) hour before the time he/she is scheduled to report to work on each day of absence unless an emergency condition makes it impossible to report or other specific arrangements have been made in advance such as leave. Individual department policies may require more advanced notice of absence, in which case that policy shall supersede this Article.
- G. Any unexcused absence or absence without the proper notification provided by the employee shall be grounds for immediate disciplinary action by the appropriate authority.
- H. Any unexcused absence of three (3) continuous scheduled working days without proper notification being provided to the County shall be considered abandonment of job and termination proceedings will be initiated immediately.

ARTICLE 11.03 OVERTIME

Non-exempt employees whose work period is one week will be paid at the rate of one and one-half times the normal hourly rate for all hours physically worked over forty (40) hours per week. Public Safety personnel of the County have separate established work periods based on applicable overtime laws, exemptions and other factors. Exempt employees will receive the normal salaries for any work period. At no time shall overtime be paid except in situations where the employee physically works beyond the minimum threshold in a week (non-public safety) or in a pay period (public safety).

ARTICLE 11.04 COMPENSATORY AND FLEX TIME

The County DOES NOT recognize compensatory time for any employee. Instead, all overtime is compensated in monetary funds.

Under certain circumstances and upon approval of the applicable Elected Officer/Department Head, an employee who works hours outside the employee's normal working hours may be allowed to use flexible time within the pay period such hours are earned or within two weeks of said date. For example, an employee who attends an after-hours meeting for two (2) hours outside of the employee's normal work schedule may be permitted by the Elected Officer/Department Head to come in the next morning two (2) hours late. The purpose of allowing flex time is to prevent the employee from exceeding the scheduled hours and accruing overtime. Nonetheless, any overtime hours worked will be fully compensated as required by federal law. Because there is no compensatory time, there shall be **NO** accumulation of compensatory time.

ARTICLE 11.05 OVERTIME, LEAVE, AND HOLIDAY PAY PARAMETERS

Examples of how employees are paid overtime, leave and/or holiday are outlined below. They typically work 40 hours per pay period. This is straight time. Overtime pay (1.5 times the hourly rate) is paid only for actual hours worked above 40 within a pay period. If an employee uses leave or is out and does not physically work 40 hours during the pay period, the employee cannot get overtime pay on any hours worked. Overtime must be approved by employee's Elected Officer/Department Head prior to working it unless an emergency arises. Examples:

- A. Employee works 40 hours normally. During his pay period, the employee works 10 hours overtime. Employee would be paid 40 hours of straight time and 10 hours of overtime at time and one-half.
- B. Employee is scheduled for 40 hours normally. During his pay period, he takes one day of annual leave (8 hours). Employee would be paid for 32 hours of work at straight time and 8 hours of annual leave at straight time. The final pay would be the same as in example A.
- C. Employee is scheduled for 40 hours normally. During his pay period, he takes one day of annual leave (8 hours), but then works overtime for 12 hours. Employee has actually worked a total of 44 hours in the pay period. The employee would receive 40 hours of straight pay and 4 hours of overtime pay because the overtime pay can only be paid for actual time worked above 40 hours of work.

TITLE XII EMPLOYEE LEAVE

ARTICLE 12.01 TYPES OF LEAVE

The County recognizes multiple classes of leave that are available to employees, which allow an employee to be away from work in either a paid or unpaid status. These types of leave are addressed in this title.

ARTICLE 12.02 APPLICATION FOR LEAVE GENERALLY

- A. Except as otherwise stated herein, all County Employees will utilize the approved “Application for Leave” form, available from their applicable Elected Officer/Department Head, for appropriate circumstances that require the employee to be absent from his/her job assignment.
- B. Any employee who fails to prepare and submit the required leave request form shall not be paid for any time off the job.
- C. The appropriate Department Head or Elected Officer shall review, approve and sign the form prior to submission to payroll for processing.
- D. The payroll office will be responsible for keeping the appropriate records of all time off for payroll and auditing purposes.

ARTICLE 12.03 PERSONAL LEAVE

A. General Provisions

Personal Leave is leave that is earned by the employee to be used for whatever purpose the employee chooses, such as vacation, illness or personal activities.

1. Eligibility

All full-time employees and acting full-time employees will be eligible. Part-time, seasonal, substitute and temporary workers are not eligible.

2. Probationary Employees

Employees who are in a probationary period will accrue leave, but may not take any accumulated leave during their probationary period, except in cases of illness or scheduled medical evaluations, and then only when approved by their appointing authority. Upon successful completion of probation, an employee may then make a request for leave as outlined in Article 12.02.

3. Accrual Schedule

The amount of personal leave to which the employee is entitled is based upon length of service as follows:

Full-time employees (who normally would work 2080-2236 hours per year) will accrue:

- i. Completed 0 – 1 year of service, four (4) hours of personal leave per pay period, for a total of one hundred and four (104) hours for the year.
- ii. Completed 1 – 5 years of service, five (5) hours of personal leave per pay period, for a total of one hundred and thirty (130) hours for the year.
- iii. Completed 6 – 10 years of service, six (6) hours of personal leave per pay period, for a total of one hundred and fifty six (156) hours for the year.
- iv. Completed 11 years of service and over, seven (7) hours of personal leave per pay period for a total of one hundred and eighty two (182) hours per year.

4. Maximum Accrual

Personal Leave shall not accrue in any calendar year above 160 hours.

5. Limitations on Accrual

No personal leave will accrue while the employee is on any unpaid leave.

6. Approval of Leave

All use of personal leave shall be approved by the appropriate Department Head or Elected Officer prior to leave so that, to the extent possible, it does not create a hardship for any County operation. Requests for personal leave shall be made in advance based on the individual department's policy. If no written department policy exists, then requests for leave in excess of one (1) day shall be submitted no less than one week in advance. Requests for leave of over one week must be made at least one month in advance. Requests for one day or less must be submitted four (4) days in advance. Exceptions to request deadlines may be made by the applicable Elected Officer/Department Head if extenuating circumstances so warrant.

7. Payout on Separation

Employees with accrued personal leave at the time of retirement or separation in good standing shall be paid for accumulated leave. If an employee is separated involuntarily, all accrued personal leave is forfeited.

8. Carryover of Accrued Leave

Employees may carry over a maximum of 160 hours into the New Year (January 1). If an employee has more than 160 hours on December 31st, the amount above 160 will be forfeited. The most an employee can carry into a new year is 160 hours, though they may accumulate up to an additional 80 hours for a maximum accrual of 240 hours.

9. Accrual for 24-hour Shift Employees

Annual leave for 24-hour shift employees (firefighters and emergency medical who work an average of 2920 hours per year minimum) are as follows:

- i. Completed 0 – 1 year of service, five (5) hours of personal leave per pay period, for a total of one hundred and twenty (120) hours for the year.
- ii. Completed 1 – 5 years of service, seven and one half (7.5) hours of personal leave per pay period, for a total of one hundred and ninety five (195) hours for the year.
- iii. Completed 6 – 10 years of service, nine (9) hours of personal leave per pay period, for a total of two hundred and thirty four (234) hours for the year.
- v. Completed 11 years of service and over, ten and one half (10.5) hours of personal leave per pay period for a total of two hundred and seventy three (273) hours per year.
- vi. Personal leave for 24-hour shift employees shall not be accrued for more than 273 hours.

B. Treatment of Personal Leave Upon Death

Upon death, eligible employees with the County will be paid for the amount of personal leave accrued up to the maximum allowable accrual established in section (A)(4) above. The beneficiary of the deceased employee will be paid for the accrued leave based on the criteria outlined above. This includes any frozen sick leave (pre 1999), which shall be paid out in full.

C. Other Personal Leave Factors

1. Cash Payments

Cash payment will not be paid in lieu of taking personal leave, except in the case of death benefits or separation in good standing from the County. There is no cash payout of frozen sick leave, except as specified above in the event of an employee's death while in the service of the County.

2. No Credit

Employees will not be granted personal leave in excess of the amount they have accrued.

3. Unscheduled Leave

If leave taken is unscheduled leave (such as for emergencies or illness), the appropriate leave request forms will be filled out by the employee for approval by their Department Head or Elected Officer as soon as they return to work. However, the affected employee must notify the applicable Elected Officer or Department Head of the reason for his/her unscheduled absence no later than two hours prior to the employee's regular starting time. 4. Requirement of Medical Certification for Unscheduled Leave: A physician's certificate, which is a medical statement signed by a licensed physician, may be required to substantiate unscheduled leave for medical purposes. Said certificate shall be required if absences are for three or more consecutive working days. Said certificate may also be required in the event absences recur frequently or habitually, provided the employee has

been forewarned. A job description of the employee's duties may be provided to the physician at the request of the Department Head or Elected Officer by the Human Resources Director.

4. Failure to Follow Notice Requirements

If the employee fails to notify the applicable Elected Officer/Department Head or working supervisors/managers of an absence in compliance with these policies, then the employee shall not be granted leave, except in the case of a dire emergency, as determined by the Department Head or Elected Officer.

D. Leave Donation Program

1. General Statement of Purpose

The Butts County Board of Commissioner's leave donation program has been established to permit eligible employees to assist other eligible employees who are or will be absent from work for an extended period of time due to a personal illness or disability/maternity leave, or the illness/disability of a qualifying family member. The program is administered by and through the Human Resources Department. Leave may not be donated for vacation or normal sickness purposes and must be approved by the applicable Elected Officer/Department Head of the donor and recipient employees and the Human Resources Director.

2. Definitions

- i. *Donor*: an eligible employee as defined below who has elected to donate leave to another employee.
- ii. *Recipient*: an eligible employee as defined below who has been authorized to solicit and receive donations of leave from other employees

3. Procedures

- i. An employee desiring to participate in the leave donation program as a Recipient must formally request participation by submission of the Request to Solicit Leave Donations form to the Human Resources Director and be approved by the Human Resources Director for donated leave before any solicitation can commence.
- ii. Eligibility for requesting donated leave alone does not ensure that a request will be approved.
- iii. The donation of leave by eligible Butts County employees is voluntary.
- iv. Donated leave can be used by a recipient only for absences that qualify under the donated leave provisions and for the specific leave purpose for which donations were solicited.
- v. The identity of donors is confidential and will not be provided by individual(s) administering this program.
- vi. No more than 160 hours of donated leave may be received and credited to any recipient in any twelve (12) calendar months.

4. Eligible Recipient

All criteria referenced below must be met for an employee to be an eligible Recipient to solicit and use donated leave.

- i. An employee must be employed in a position entitled to earn and use leave.
- ii. An employee must have been continuously employed by Butts County in position(s) entitled to earn and use leave for at least twelve calendar (12) months immediately preceding a request to solicit leave donations.
- iii. An employee must be on an approved leave without pay to solicit leave donations.
- iv. To use donated leave, a Recipient must first have exhausted all of his/her accrued personal leave.
- v. An employee can only use donated leave while absent for the specific sick leave purpose for which the donations were solicited (i.e., due to a personal illness/disability/pregnancy or for the necessary care due to the illness/disability of a spouse, child, parent, brother, sister, or any other person who resides in the employee's household and is recognized by law as a dependent of the employee).
- vi. An employee is not eligible to solicit or use leave donations if the employee was on an attendance plan or under disciplinary or other corrective action for leave abuse or misuse in the twelve (12) month period preceding the request.
- vii. An employee is not eligible to solicit or use leave donations for an absence due to a job-related injury or illness for which Worker's Compensation benefits may be received or a disability incurred while committing a felony or assault, or while receiving any other form of compensation.
- viii. An employee cannot solicit leave donations after returning to work to retroactively cover a period of absence.
- ix. A Recipient may initiate a request for donated leave no earlier than forty calendar (40) days prior to transitioning into a leave without pay status.

5. Eligible Donor

All criteria referenced below must be met for an employee to be an eligible Donor to donate leave:

- i. A Donor must have worked continuously for Butts County for a period of twelve (12) calendar months in a position entitled to earn and use leave.
- ii. A Donor must have a leave balance of at least eighty (80) hours after a donation has been transacted.

6. Request for Donated Leave by Eligible Recipient

- i. An employee may request to solicit leave donations no more than forty (40) calendar days prior to moving into an authorized leave status.
- ii. A completed Request to Solicit Leave Donations Form must be submitted to the Human Resources Director by the employee or the employee's designee if the employee is unable to personally submit the request. The request must describe the reason the request was initiated and include a medical statement from the employee's attending health care professional supporting the need for the leave of absence.
- iii. All medical information associated with a request for donated leave shall be considered confidential. The request and accompanying medical statement and/or medical information shall not be maintained in the employee's official personal file. Instead, the materials shall be maintained in a separate file with other medical information/documents.
- iv. The Human Resources Director shall review to make a determination as to whether the request to participate in the Leave Donation Program should be approved or denied.

7. Determination

- i. Requests to solicit leave donations shall be approved or denied at the discretion of the Human Resources Director upon consideration of the eligibility criteria.
- ii. When reviewing the request, the Human Resources Director should consider the following additional information:
 - a. the reason for the absence;
 - b. the employee's years of service with Butts County;
 - c. the employee's documented performance, as applicable, disciplinary history, and attendance records, and
 - d. the needs of the Department.
- iii. If the request to solicit leave is approved, the Human Resources Department will assist the Recipient employee in developing a Solicitation for Leave Donations Notice.
- iv. If the request to solicit leave is not approved, the Human Resources Director will notify the employee of the decision in writing. The correspondence/memorandum will include the reason(s) the request was not approved.

8. Solicitation Notice

- i. The Solicitation for Leave Donations Notice must include the following information:
 - a. the posting date;
 - b. the deadline to receive leave donations;
 - c. the employee's (recipient's) name, work location, and position title;
 - d. the general reason leave donations are requested (e.g., sickness, maternity, care of family member); and,
 - e. the name of the staff member in Human Resources responsible for receiving completed Leave Donation Authorization Forms.

- ii. The Recipient employee or his/her designee must agree, in writing, that the solicitation notice is satisfactory prior to the notice's circulation.
- iii. The Human Resources Director or his/her designee will publish the solicitation notice for a minimum of ten (10) business days in an effort to encourage donations.
- iv. If an employee does not receive the maximum amount of donated leave, he/she may request that the solicitation notice be published one additional time (for a minimum of ten [10] business days) during the period of absence, whichever is less, to encourage additional donations.

9. Making a Donation

- i. Leave can only be donated to another eligible employee in response to a specific solicitation.
- ii. Leave donations must be made in whole hour increments.
- iii. A Donor can donate any amount of leave, provided that he/she has a leave balance of at least eighty (80) hours after the donation has been accomplished.
- iv. A Donor must complete a Leave Donation Authorization Form to:
 - a. authorize the deduction of leave from his/her accrued leave balance and
 - b. identify the recipient.
- v. The completed Leave Donation Authorization Form must be submitted to the Human Resources Director for processing to:
 - a. certify the Donor's initial leave balance(s) before donations are made;
 - b. to make appropriately adjustments to the Donor's leave balance after deductions are made;
 - c. to ensure that the donated leave is added to the Recipient's leave balance; and,
 - d. to report the amount of leave to be deducted from the Donor's leave balance.
- vi. Human Resources will time stamp and date each Leave Donation Authorization Form upon receipt to determine the order of donations received.

10. Crediting Donated Leave

- i. All leave donations, up to a maximum of 160 hours, will be credited to a Recipient in the order received and on an as-needed basis.
- ii. Donations received after the maximum has been reached or after the posted deadline date will not be accepted or processed. In these instances, the completed forms will be returned to each Donor.
- iii. The Recipient will be advised in writing by Human Resources of the amount of leave donated.
- iv. The donated leave will be credited to the Recipient at the rate of the Recipient Employee.

ARTICLE 12.04 MILITARY LEAVE

Butts County shall comply with the applicable State of Georgia law and federal law for public employees.

An employee who is a member of the National Guard, an organized military reserve of the United States, or any employee who is otherwise engaged in the performance of military duty, and while any of the above described employees are going to and/or returning from such duty, shall be paid his/her salary or other compensation and will be allowed leaves of absence with pay for periods not to exceed eighteen (18) working days (one working day equals one twelve (12) hour shift for public safety employees and two continuous twelve (12) hour shifts for fire suppression employees) during any federal fiscal year (beginning on October 1st and ending on September 30th) and not exceeding eighteen (18) days in any one continuous period of absence. This shall include the attendance at training camps upon presentation of orders pursuant to such training. Such leaves shall not be charged to personal leave and may be intermittent in nature. Such an employee shall also receive his/her salary or other compensation for a period not exceeding thirty (30) days in any federal fiscal year and not exceeding thirty (30) days in any one continuous period if ordered to active duty service.

In addition, any employee who is called up to active duty in any branch of the military service of the United States will be allowed leaves of absence and maintenance of rights and benefits consistent with State and federal law upon presentation of orders pursuant to such active duty.

All military leave time shall be counted towards all seniority rights and towards eligibility of FMLA leave. All military leave shall be eligible to receive holiday compensation for the holidays recognized by the County.

ARTICLE 12.05 COURT LEAVE

A. Jury Duty

An employee may retain full jury pay and full County pay in accordance with these procedures. The employee shall provide his or her Department Head with a copy of the jury summons as soon as it is received. In the event that a law enforcement officer is called for court duty (other than a juror) on a scheduled off day, the employee will record the hours as regular time and be paid in accordance with the FLSA overtime requirements.

B. Court Appearance

An employee will not be paid for having to be in court unless their appearance in court is related to a County legal matter that either their job or their knowledge of something has direct relevancy to the said case, in which case the employee's salary will not be affected nor charged against their personal leave. If the employee is called to appear in court and it is not related to a County legal matter, it shall be considered a personal matter and the employee's personal leave will be charged.

ARTICLE 12.06 FAMILY AND MEDICAL LEAVE

A. Statement of Policy and Eligibility

The County complies with the provisions of the 1993 Family and Medical Leave Act (FMLA). Employees who have been employed by the County for at least twelve (12) months and who have worked at least

1,250 hours during the twelve month period immediately preceding a request for leave under this Section are eligible for unpaid leave for up to twelve (12) weeks during any rolling one-year period for one or more of the following reasons and subject to the conditions and limitations provided in the FMLA:

1. The birth of a child and to bond with the newborn child within one year of birth;
2. The placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one year of placement;
3. To care for the employee's spouse, son, daughter, or parent who has a serious health condition;
4. A serious health condition that makes the employee unable to perform the functions of his or her job, including incapacity due to pregnancy and for prenatal medical care;
5. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status;
6. In addition, eligible employees may take up to 26 workweeks of leave in a single 12-month period to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member (referred to as military caregiver leave). An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reasons during the single 12-month period.

B. Request for Leave

It shall be the responsibility of the employee to ensure that the appropriate forms required by the Human Resources Director are timely submitted to the Human Resources Director or designee in order to request leave pursuant to the FMLA. Failure to submit an application and required supporting documentation for leave pursuant to the FMLA within a reasonable period prior to the requested effective date of the leave, when the reason for the leave is foreseeable, may constitute grounds for denial of the request. Upon receipt of a request for leave and a completed medical certificate pursuant to the FMLA, the Human Resources Director shall respond in writing with approval or denial of the Leave within five (5) Business Days. An approval should specify the terms and conditions of the Leave. If a request is denied in whole or in part, the response of the Human Resources Director will specify the reasons for the denial and shall include a notice of the right to appeal consistent with this Section.

C. Concurrent Utilization of Paid Leave

Personal leave must be used concurrently with FMLA Leave. An employee requesting Leave pursuant to the FMLA is required to utilize all available personal leave as part of the twelve (12) week (or twenty-six (26) workweeks to care for an injured or ill servicemember over a twelve (12) month period) leave period. If the available paid leave for the employee is less than twelve working weeks, the additional weeks of FMLA leave shall be provided without compensation. In any event, any combination of personal leave and/or unpaid FMLA Leave shall not exceed twelve (12) weeks. However, FMLA Leave to care for an injured or ill servicemember shall not exceed twenty-six (26) weeks over a twelve (12) month period.

D. Concurrent Workers' Compensation and FMLA Leave

FMLA Leave will run concurrently with all concurrent and/or intermittent Workers' Compensation Leave.

E. Concurrent Pregnant Workers Fairness Act Leave

Leave provided under the Pregnant Workers Fairness Act (PWFA) shall run concurrent with FMLA leave if the PWFA leave qualifies for FMLA leave.

F. Intermittent Leave or Reduced Schedule Leave

Leave for childbirth, adoption, or foster care may not be taken intermittently or on a reduced schedule. Leave for a serious health condition of a qualifying family member (parent, spouse, child) or of the employee may not be taken on an intermittent basis or on a reduced Leave schedule, unless medically necessary. The taking of any Leave intermittently or on a reduced schedule basis shall reduce the total amount of FMLA Leave that has been approved for the eligible employee according to the actual hours of Leave taken. For example, if an eligible employee takes ten hours of Leave intermittently over twenty Business Days, the employee's bank of available FMLA Leave will be reduced only by ten hours and not by twenty days.

G. Spouses Employed by Same Employer

In any occasion in which both spouses in a married couple are eligible for Leave under the FMLA and both are employed by Butts County, the aggregate number of work weeks of Leave to which both will be entitled may be limited to twelve (12) work weeks during each twelve (12) month period (designated by Butts County as a rolling year), in the case where Leave is taken for childbirth, adoption, foster care, or to care for a sick parent (as "parent" is defined at 29 C.F.R. § 825.122(c)).

In any occasion in which both spouses in a married couple are eligible for Leave under the FMLA and both are employed by the County, the aggregate number of work weeks of Leave to which both may be entitled will be limited to twenty-six (26) work weeks during each twelve (12) month period (designated by the County as the County's rolling year), in the case where Leave is taken to care for a covered injured or ill service member.

H. Foreseeable Leave

In any case in which the necessity for Leave under the FMLA is foreseeable, the employee shall provide the Human Resources Director with written application for the requested Leave and certification no less than thirty (30) days before the date the Leave is to begin.

In a case where the necessity for Leave is based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the County, subject to the approval of the health care provider and shall provide the Human Resources Director with at least thirty (30) days' Notice before the date the Leave is to begin, except that if the date of the treatment requires Leave to begin in less than thirty (30) days, the employee shall provide such Notice as soon as is practicable.

I. Certification of Serious Health Conditions

An eligible employee who requests Leave for a serious health condition of the employee or a qualifying family member shall submit certification from an appropriate health care provider to the Human Resources Director when requesting Leave.

Certification shall be sufficient if it states:

1. the date on which the serious health condition commenced;
2. the probable duration of the treatment or condition;
3. the appropriate medical facts within the health care provider's knowledge; and
4. the estimated amount of time the employee needs to care for the qualifying family member or a statement of the extent to which the employee is unable to perform the essential functions of the employee's position.

J. Certification of Serious Health Conditions – Intermittent Leave

An eligible employee who requests intermittent Leave for a serious health condition of the employee or a qualifying family member shall submit certification from an appropriate health care provider to the Human Resources Director when requesting Leave.

Certification shall be sufficient if it states:

1. If an employee requests Leave on an intermittent or reduced schedule basis for planned medical treatment of the employee's or a covered family member's serious health condition, information sufficient to establish the medical necessity for such intermittent or reduced schedule Leave and an estimate of the dates and duration of such treatments and any periods of recovery;
2. If an employee requests Leave on an intermittent or reduced schedule basis for the employee's serious health condition, including pregnancy, that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced schedule Leave and an estimate of the frequency and duration of the episodes of incapacity; and
3. If an employee requests Leave on an intermittent or reduced schedule basis to care for a covered family member with a serious health condition, a statement that such Leave is medically necessary to care for the family member, as described in 29 C.F.R. §§ 825.124 and 825.203(b), which can include assisting in the family member's recovery, and an estimate of the frequency and duration of the required Leave.

K. Certification of Qualifying Exigency for Military Leave

The County requires certification of the qualifying exigency for Military Family Leave. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of Leave. This certification will be provided using the United States Department of Labor Certification of Qualifying Exigency for Military Family Leave.

L. Certification for Military Caregiver Leave

The County requires certification for the serious injury or illness of a covered service member. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of Leave. This certification will be provided using the United States Department of Labor Certification for Serious Injury or Illness of Covered Servicemember.

M. Accruals and Benefits During FMLA Leave

An employee on unpaid FMLA Leave shall not be entitled to the accrual of any seniority or employment benefits during the period of unpaid FMLA Leave, including but not limited to, the accrual of personal leave. The employee, while on paid FMLA Leave, is entitled to accrue personal leave during the periods of paid FMLA Leave. For the purposes of pension or retirement plans, any period of FMLA Leave will be treated as Continuous Service for the purposes of vesting and eligibility to participate.

FMLA time will not be counted as part of an employee's Probation Period, but will be added to the remaining Probation Period, extending the ending date of the Probation Period.

During any period of Leave, Butts County will maintain any health insurance provided by Butts County to the employee for the duration of the Leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such Leave. If, however, the employee fails to pay his/her portion of the insurance premium on County health insurance the County reserves the right to cancel the employee's health insurance coverage. Additionally, if the employee fails to return from Leave after the period of Leave to which the employee is entitled has expired and the employee fails to return for a reason other than the continuation, recurrence, or on-set of a serious health condition or other conditions beyond the control of the employee, Butts County may recover the premium(s) that the County may have paid for maintaining coverage for the employee during the period of Leave. If the employee is unable to return to work because of the continuation, recurrence, or on-set of a serious health condition, the Human Resources Director may require that the employee provide a certification of such circumstance.

During any period of FMLA Leave, Butts County will continue to make available to the employee coverage for health insurance for dependents and other supplemental insurance, provided however, that the employee pays all premiums owed on a monthly basis. Failure to pay such premiums on a timely basis each month will result in coverage for health insurance for dependents and supplemental insurance being terminated. Employees will be required to execute a form with the Human Resources Department identifying the premiums for which the employee is responsible prior to the commencement of the Leave.

None of the above and foregoing limits the accrual of seniority or personal leave time for those on Workers' Compensation Leave that runs concurrently with FMLA Leave.

N. Return to Duty from FMLA Leave

As a condition for return to duty, the employee shall be required to provide certification from the employee's health care provider that the employee is able to resume work. Upon expiration of the period of leave pursuant to the FMLA, the employee shall be returned to the former position or a position

of equal classification and pay, provided that the employee has complied with the terms of the Leave and reported for return of duty at the appropriate time. While the employee shall be restored to a position of employment without loss of employment benefits accrued prior to the date on which the Leave commenced, the employee shall have no greater rights than those in effect prior to the commencement of the Leave.

ARTICLE 12.07 BEREAVEMENT LEAVE

- A. All full-time employees of the County shall be granted a leave of absence, with pay, to attend the funeral of a member of the immediate family under the following conditions:
 - 1. A paid leave of absence will be granted from the day of the death until and including the day of the funeral, not to exceed three (3) working days, and shall not be charged against personal leave, up to a maximum total of 36 hours per calendar year.
 - 2. Additional time off, if needed, may be granted to the employee with the approval of the appropriate Elected Officer or Department Head. The employee will be required to prepare and submit the appropriate "Application for Leave" form. Said request shall be charged to the employee's personal leave.
- B. For the purposes of this section, "immediate" family shall be defined as the employee's father, mother, (or parent-in-law) sister, brother, grandparent or grandchild, spouse, daughter, son or legal guardian.

ARTICLE 12.08 BLOOD DONATION LEAVE

- A. Subject to manpower requirements, employees who wish to voluntarily donate blood will be paid their regular basic rate of pay for any time lost from work as a result of donating blood up to one (1) hour as scheduled below.
- B. In order to qualify for such time off, the employee shall receive advance approval from the appropriate Elected Officer or Department Head. The employee must schedule said donation during the last hour of his/her normal work schedule or at a time mutually agreed upon by the employee and the appropriate Elected Officer or Department Head.
- C. Blood Donation Leave shall be limited to two (2) times per year.
- D. Upon return to the office the day following donation, the employee must provide proof of the donation in order to receive the one (1) hour of paid leave.

ARTICLE 12.09 VOTING LEAVE

The County encourages all employees to vote in all local, state, and national primary and general elections for which the employee is qualified and registered to vote. Each employee may, upon at least twenty-four (24) hours prior notice to his/her supervisor, take necessary time off from employment without loss of pay to vote in any municipal, county, state, or federal primary or election for which the employee is qualified and registered to vote. Such time off to vote shall not exceed two (2) hours. However, if the hours of work of the employee

commences at least two hours after the opening of the polls or ends at least two hours prior to the closing of the polls, an employee is not entitled to any time off pursuant to this Section. For example, voting polls are open from 7:00 a.m. until 7:00 p.m., and thus an employee who works from 8:30 a.m. until 5:00 p.m. should require no time off to vote. Any time off taken to vote pursuant to this Section must be approved by the applicable supervisor and will not be charged against the employee's personal leave.

ARTICLE 12.10 LEAVE DUE TO COUNTY OFFICE CLOSURE

In the event of hazardous weather or other occurrence resulting in the closure of the County offices, employees who are scheduled to work during the period for which the County is officially closed will be paid up to a maximum of three (3) eight-hour shifts. In the event a closure lasts longer than three days, any additional inclement weather pay must be approved by the Board of Commissioners. Full-time employees shall be paid closure pay according to regularly scheduled shifts. If a Full-time employee has previously scheduled personal leave, they must take the personal leave and will not receive inclement weather pay. Closure pay shall not be used in computing overtime hours. Part-time, temporary, and seasonal employees shall not receive closure pay.

If questionable weather exists, but the County is open for business, employees should make their own independent safety determinations concerning travel to work. If the employee elects not to attend work due to safety concerns when the County is open for business, the employee's absence will be charged against accrued personal leave. If no personal leave is available, the employee will not be compensated. Public Safety and Fire Suppression employees are expected to monitor weather conditions and report to work as scheduled.

ARTICLE 12.11 ADMINISTRATIVE LEAVE

An employee may be placed on administrative leave with pay by the applicable Elected Officer or Department Head or the Human Resources Director for purposes of conducting an investigation for possible misconduct in connection with a complaint and/or in any instance in which it is considered to be in the interest of the County and/or the employee. Written notification must be provided to the employee and filed with Human Resources.

The purposes of Administrative Leave are to provide an investigatory opportunity or to relieve the employee of his/her duties when it is deemed in the best interest of the County and the employee. Designation of the leave as "administrative leave" is to prevent any possible stigma against an employee during a period of Administrative Leave. Notice of the conclusion of the Administrative Leave period shall be provided in writing to the employee by the applicable Elected Officer/Department Head with copies of the written notice provided to the Human Resources Director.

ARTICLE 12.12 WORKERS' COMPENSATION LEAVE FOR ON-THE-JOB INJURY

A. Reporting Injury, Drug Test, and Exam

An employee who sustains an injury on-the-job must, at the time of the injury, notify his/her supervisor and complete the forms prepared and maintained by the Human Resources Department. The employee must also submit to a drug/alcohol test immediately. The employee must, upon request, submit a physician's statement, from a physician who is listed on the Workers' Compensation approved Panel of Physicians (the "Authorized Treating Physician"), to the effect that the injury will prevent the employee from performing regular duties. The County shall reserve the right to refuse payment of medical services for any employee examined by a physician not listed on the Workers' Compensation approved Panel of

Physicians. The only exception would be when the on-the-job injury requires prompt emergency care. In such cases the initial emergency treatment may be done at an emergency medical facility. However, once the emergency is over all related follow-up testing and/or treatment shall be performed by a physician listed on the Workers' Compensation approved Panel of Physicians.

B. Compensation

If the injury necessitates an employee's absence from work as certified by the Authorized Treating Physician, the employee shall receive the regular rate of pay for a maximum of seven (7) Working Days. The County's Workers' Compensation Insurance Carrier shall determine if the employee is eligible for further compensation. However, employees may at no time receive Workers' Compensation income benefits and paid Leave benefits in excess of their average weekly wage as determined by O.C.G.A. § 34-9-260.

An employee qualifying for Workers' Compensation Leave must run any FMLA Leave concurrently with that of all concurrent and/or intermittent Workers' Compensation Leave.

C. Leave Accrual and Health Insurance Benefits

An employee on Workers' Compensation Leave shall continue to accrue personal leave until such time as the Authorized Treating Physician returns the employee to work, except that if an employee is out of work on workers' compensation leave for more than six (6) months, the employee will cease to accrue personal leave until the employee returns to duty.

After an employee is out of work on workers' compensation leave for more than six (6) months, the County will no longer pay the employee portion of health insurance coverage, but the employee may continue health insurance coverage by self-paying for coverage.

D. Return to Work Program

Employees are returned to their regular job when the Authorized Treating Physician releases the employee to return to work. It is the policy of Butts County to provide and establish a return to work policy and procedure, whenever possible, for employees with work-related injuries and illnesses who are unable, temporarily and permanently, to return to their permanent job duties. No employee is guaranteed light duty work. Considerations are based upon work available, skills of the employee, and the extent of the physical restrictions.

Butts County recognizes that employees are a valued and limited resource. Where possible, this program is designated to:

1. Assist the medical recovery process by providing a focus and a goal for return of the injured employee;
2. Benefit employees by allowing them to return to full wages as soon as possible; and
3. Benefit employer by reducing Workers' Compensation costs.

Butts County will seek return to work opportunities through the use of transitional employment for all employees who are temporarily disabled due to an on-the-job injury. Transitional employment opportunities will be considered in all Departments, not just the Department in which the injured employee was working before the injury or illness occurred. Transitional employment assignments are intended to assist workers who are transitioning back to work after a temporary disability that resulted from a work-related injury. All transitional employment duties must be productive. Duties must never be demeaning or appear worthless in any way.

Butts County, through a reasonable accommodation program, will make efforts to retain employees who are disabled as defined by the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008.

TITLE XIII WORKPLACE SAFETY AND HEALTH

ARTICLE 13.01 STATEMENT OF PURPOSE

Safety and health is a matter of great concern to Butts County. The lack of proper safety procedures can result in lost hours of work with lost income to the employee and his/her family. More important the failure to use proper safety and health precautions may result in the injury or death of the employee. It is therefore necessary for the County to establish specific safety rules and procedures for the protection of all County employees.

Safety and health rules are not established to restrict or punish employees; rather, they are a necessary reminder and guideline for employees to follow as they perform their duties for the County.

Often, employees become so involved in getting the work accomplished that they fail to use necessary health and safety precautions. All of the health and safety rules, regulations and equipment are of little value if the employees fail to take a positive approach toward maintaining and improving safety and health in the workplace.

ARTICLE 13.02 HEALTH AND SAFETY RULES

The following safety and health rules have been established to initiate a positive attitude toward occupational safety and to inform the employee of the health and safety regulations incumbent upon them:

- A. All County vehicles and equipment shall be operated in a safe, efficient manner in accordance with all applicable State of Georgia and local vehicle laws. Seat belts shall be worn in all County vehicles at all times. All traffic citations received by an employee operating a County vehicle/equipment shall be paid by the employee and NOT the County.
- B. Each work site along any public roadway which obstructs traffic, in any manner, shall be properly marked in order to route traffic safely around the work area and that will notify approaching motorists of danger. When traffic cannot be re-routed around a work area, a flagman shall be provided.
- C. Hard hats SHALL be worn by ALL County employees in any situation where employees must work in or adjacent to traffic; when working near or operating equipment subject to discharge rocks and debris; when the employee is working in any excavation or manhole; and when the employee is working on or adjacent to any unstable structure or structure under construction/renovation.
- D. All equipment and vehicles shall be maintained with proper safety features and guards that are designed to prevent injury to any employee, such as seatbelts, horns, etc. No safety equipment shall be deliberately bypassed, rendered inoperable or removed by any employee. Any equipment or vehicle NOT in safe operating condition shall be reported immediately by the employee to his/her immediate supervisor.
- E. All employees shall wear appropriate eye and ear protection when working with or near grinders, chippers, jackhammers and other similar equipment that presents danger to an employee's eyes or ears.
- F. No employee shall operate any County vehicle or equipment while under the influence of alcohol or illegal drugs.

- G. All open excavations or road hazards shall be properly covered, marked and barricaded in order to prevent injury to the general public.
- H. Employees shall not carry firearms, explosives, or other illegal weapons while on duty EXCLUDING those approved by the Sheriff or County Manager.
- I. Employees shall not engage in “horseplay” or other activities which may cause injury to the employee or his fellow employees.
- J. All excavations deeper than five (5) feet shall be cut in such a manner or properly shored in order to prevent possible cave-in on employees while working.
- K. Office machines shall be maintained with proper safety features.
- L. Office and work areas shall be kept clean and orderly and FREE from all hazards.

ARTICLE 13.03 DEPARTMENTAL POLICIES

Each Elected Officer/Department Head may establish additional health and safety rules to meet the specific needs to protect his or her employees and shall issue appropriate safety equipment deemed necessary to protect employees from injuries while on duty. The employee shall be responsible for securing and maintaining all safety equipment assigned to him/her and shall wear equipment issued as appropriate. The employee shall be responsible for replacement of any safety equipment lost or destroyed due to employee’s negligence.

ARTICLE 13.04 REPORTING OBLIGATIONS

Employees should report any safety or health risk to the Human Resources Director immediately upon knowledge of an unsafe condition or health risk. A safety or health risk may consist of, among other things, an equipment defect, condition in the workplace, or the manner of operation of other employees. The Human Resources Director shall examine the problem in consultation with the applicable Elected Officer or Department Head and take corrective action to eliminate the risk.

TITLE XIV WEAPONS AND WORKPLACE VIOLENCE

ARTICLE 14.01 STATEMENT OF PURPOSE

Butts County is committed to preventing workplace violence and to maintaining a safe work environment. Butts County is concerned about the well-being and personal safety of its employees and anyone doing business with the County. Given the increasing violence in society in general, Butts County has adopted the following guidelines to deal with intimidation, harassment, or other threats of violence that may occur during business hours or on its premises. The County consequently strictly prohibits workplace violence. Acts of violence and/or threats of violence, whether expressed or implied, toward individuals in the County workplace, are prohibited and will not be tolerated. All regular and temporary employees, Elected Officers, members of the public and guests, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. All reports of incidents will be taken seriously and will be addressed appropriately. This policy defines prohibited conduct, as well as general procedures and potential responsive steps in the unfortunate event that workplace violence occurs despite these preventive measures. In addition, unless otherwise permitted by County policy and/or law, firearms, Weapons, ammunition, or explosives on County property is strictly prohibited.

Butts County specifically prohibits the transporting, carrying or possession of weapons of any kind by any employee while on County property unless your job requires that you carry a weapon in the normal course of business and within the course and scope of your employment. Except where permitted by law (O.C.G.A. § 16-11-135 authorizes an individual to transport and store a firearm in their personal vehicle when that personal vehicle is parked in a public or private, non-restricted parking facility so long as it is secured in a locked area within the vehicle and the individual has a valid weapons carry license; O.C.G.A. § 16-11-127 contains general prohibitions on carrying weapons by a licensed holder), this ban includes keeping or transporting a weapon in a vehicle in a parking area, whether public or private. Employees who are not sworn law enforcement officers are also prohibited from carrying a weapon while performing services within the County. This paragraph shall have no application to Elected Officers and their respective employees, and any other County officer or agent, to the extent an exemption specifically authorized by law is applicable to them.

ARTICLE 14.02 SCOPE

This prohibition against threats and acts of violence (including domestic violence) applies to all persons involved in the operation of the County, including but not limited to, County personnel, contract and temporary workers, and anyone else on County property.

ARTICLE 14.03 DEFINITION OF WORKPLACE VIOLENCE

Workplace violence is any conduct that is severe, offensive or intimidating enough to make an individual reasonably fear for personal safety or the safety of family, friends or property. Examples of workplace violence include, but are not limited to, threats or acts of violence or behavior that causes a reasonable fear or intimidation response that occurs:

- A. On County premises, no matter what the relationship is between the County and the perpetrator or victim of the behavior.

- B. Off County premises, where the perpetrator is someone who is acting as an employee or representative of the County at the time, where the victim is an employee who is exposed to the conduct because of work for the County, or where there is a reasonable basis for believing that violence may occur against the targeted employee or others in the workplace.
- C. Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to the following:
1. Threatening physical or aggressive contact directed toward another individual or engaging in behavior that causes a reasonable fear of such contact.
 2. Threatening an individual or family, friends, associates or property with physical harm or behavior that causes a reasonable fear of such harm.
 3. Intentional destruction or threat of destruction of the County's or another's property.
 4. Harassing, bullying or threatening physical, verbal, written or electronic communications, including verbal statements, phone calls, e-mails, texting, social media, letter, faxes, website materials, diagrams or drawings, gestures and any other form of communication that causes a reasonable fear or intimidation response in others.
 5. Stalking. Stalking is defined as a pattern of conduct over a period of time, however short, which evidences a continuity of purpose and includes physical presence, telephone calls, e-mails and any other type of correspondence sent by any means.
 6. Veiled threats of physical harm or like intimidation or statements, in any form, that lead to a reasonable fear of harm or an intimidation response.
 7. Communicating an endorsement of the inappropriate use of firearms or Weapons of any kind.
 8. Unauthorized possession of Weapons of any type. Weapons, include, but are not limited to:
 - i. Any Weapon which, per applicable law, is illegal to possess or unauthorized to possess at a particular location;
 - ii. Any firearm, loaded or unloaded, assembled or disassembled, including pellet, "BB", and stun guns;
 - iii. Knives (and other similar instruments) other than those present in the workplace for approved work purposes or for the specific purpose of food preparation and service;
 - iv. Any switchblade knife;
 - v. Brass knuckles, metal knuckles, and similar Weapons;
 - vi. Bows, cross-bows and arrows;
 - vii. Explosives and explosive devices, including fireworks, ammunition and/or incendiary devices;

- viii. Throwing stars, nunchucks, clubs, saps, and any other item commonly used as, or primarily intended for use as a Weapon;
 - ix. Self-defense chemical sprays (mace, pepper spray) in canisters or containers larger than two ounces, unless otherwise approved by the Chairman of the Board of Commissioners or applicable Elected Officer;
 - x. Tasers, stun guns or any other electroshock Weapon, unless otherwise approved by the Chairman of the Board of Commissioners or applicable Elected Officer; and
 - xi. Any object that has been modified to serve as, or has been employed as, a dangerous Weapon, unless otherwise approved by the Chairman of the Board of Commissioners or applicable Elected Officer.
9. Domestic violence is defined as a pattern of coercive tactics carried out by an abuser against an intimate partner (the victim) with the goal of establishing and maintaining power and control over the victim. Where the abuser's tactics include any of the above-described conduct on County premises, this policy applies. Where such tactics include any of the above-described behaviors off County premises, this policy applies where the abuser is someone who is acting as an employee or representative of the County at the time, where the victim is an employee who is exposed to the conduct because of work for the County, or where there is a reasonable basis for believing that violence may occur against the victim or others in the workplace. The term "intimate partner" includes people who are legally married to each other, people who were once married to each other, people who have had a child together, people who live together or who have lived together, and people who have or have had a dating or sexual relationship, including same sex couples.

ARTICLE 14.04 REPORTING COMPLAINTS

If you observe the unauthorized possession of Weapons on County premises, or if you are subjected to or threatened with Weapons by a co-worker or member of the public, or if you become aware of another individual who has been subjected to or threatened with violence, you must report this information to your Supervisor or the Human Resources Director immediately. Supervisors must report all potential violations so the Human Resources Director can handle them appropriately. Do not assume that any violation or threat is not serious. All complaints will be thoroughly investigated, and all complaints that are reported to management will be treated with as much confidentiality as possible. Employees who become angry, upset, or concerned with the actions of a co-worker, Supervisor, member of the public or the County in general, are encouraged to seek assistance from the Human Resources Director.

A 9-1-1 call may be appropriate first, in the good judgment of the employees, Supervisors, Department Heads, administrators, or managers involved. Under this policy, decisions may have to be made quickly to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.

Failure to appropriately report any threats or acts of violence in violation of this policy is itself a violation of this policy, and may subject any employees involved to discipline up to and including Dismissal.

Retaliation against anyone for reporting an actual or suspected violation of this policy in good faith will not be tolerated and will subject the individual engaging in the retaliation to discipline up to and including Dismissal. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported.

ARTICLE 14.05 COUNTY EXPECTATIONS OF EMPLOYEES

A. Stay Away Orders/Orders of Protection

The County reserves the right to seek orders of protection (also known as restraining orders or stay away orders) against any person who violates the Workplace Violence Policy. Additionally, employees themselves may seek and obtain orders of protection against individuals outside of the workplace. Employees so protected are obligated to immediately notify the Human Resources Director and their Supervisor if: (a) an order of protection extends to the workplace; or (b) they reasonably believe that their safety (or the safety of others) in the workplace is affected by the order of protection. Employees should provide written notification of:

1. the existence of any such order and provide a copy of the order;
2. any violations or attempted violations of the order;
3. any changes to the order that affect the workplace; and
4. the order being lifted.

Employees who are subject to orders of protection requiring them to stay away from or refrain from contacting other individuals who are or may be in the workplace (including employees, customers, vendors and others) must immediately notify the Human Resources Director and provide a copy of the order.

Upon being notified of an order of protection, Human Resources will contact the reporting party to gather information about the individual and assess the situation. The County will make every effort to maintain confidentiality of such orders with the understanding that it will use the information as necessary to maintain safety in the workplace.

ARTICLE 14.06 SEARCH POLICY

If the County reasonably suspects that an employee either has or may have violated this policy, or that the employee possesses evidence that others pose a threat of workplace violence as defined by this policy, the County may request the individual to submit to a search of person, personal effects, desks, lockers, bags and empty their pockets, and vehicles. If an individual is asked to submit to a search, and refuses, that individual will be considered insubordinate and will be subject to discipline, up to and including, Dismissal.

In addition, the County may conduct searches of any County property including, but not limited to, work stations and areas, desks, lockers, credenzas, file cabinets, computers and computer-stored information, voicemail, e-mail, business records, County vehicles and any other property or equipment owned by the County, at any time, without Notice to or permission from affected employees, for purposes of enforcing the no violence policy.

Searches will be conducted by a Supervisor with a second witness and may or may not be conducted in the presence of the person whose property is searched. Any Weapons or evidence of violations of this policy will be confiscated, and may be turned over to law enforcement, as appropriate. Any illegal activity discovered during an inspection is subject to referral to the appropriate law enforcement authorities.

TITLE XV JOB ABANDONMENT

ARTICLE 15.01 DEFINED

Employees who are absent from work for three (3) or more consecutive days without having received leave approval or without having called in to report the absence for which the employee has accrued leave, will be considered as having voluntarily abandoned their job. Additionally, employees who are absent after being denied approval of leave – whether the employee has accrued leave or not – will be deemed to have voluntarily abandoned their job upon the first day of absence. Any separation due to declared job abandonment will not be considered in good standing, will prohibit payment of accrued leave benefits, and may adversely affect opportunities for re-employment.

TITLE XVI REDUCTION IN FORCE

ARTICLE 16.01 DEFINED

A reduction in force may be imposed when a position or group of positions must be eliminated because of a lack of work or a significant reduction in workload, due to reorganization, or due to the County's difficulty in funding the position(s) due to economic conditions, fiscal liabilities or financial position. The imposition of a reduction in force is a matter within the Board of Commissioners' discretion. No grievances, hearings, or appeals will be available for reductions in force as they are not intended to be disciplinary in nature. Employees who are separated in a reduction-in-force may, at the discretion of the appointing authority, receive preference in rehiring should a position for which they are qualified open within one year. It is the policy of the County that if it must reduce employment because of adverse economic or workload related conditions, said reduction will be conducted in a manner that is consistent with the procedures outlined below.

ARTICLE 16.02 PROCEDURAL

The County will attempt to avoid layoffs through a reduction in force and, when possible, will consider alternatives to layoff, such as reduction in force through attrition, furlough days, across the board salary decreases, etc., before any final decisions are made. The final decision concerning the measures to be taken is, however, a legislative policy decision committed to the discretion of the Board of Commissioners, and is not subject to grievance or appeal. In the event that a reduction in force is expected, the County will attempt to communicate information about an impending reduction as soon as possible; however, management reserves the right to alter the reduction procedure and withhold information about the reduction as permitted by law in order to protect the interests of the County.

Reductions will generally be handled as follows:

A. Non-Exempt Employees

Non-exempt employees (those employees covered by the minimum wage and overtime provisions of the Fair Labor Standards Act) within each affected department or operation will be selected for reduction in the following order:

1. New employees who are still serving in their Initial Probation Period will be laid off first.
2. Temporary and part-time employees will be laid off next.
3. Full-time employees will be laid off next, based on their length of service, from least to greatest, and their demonstrated ability to perform the available work.

B. Exempt Employees

Exempt employees within each affected unit typically will be selected for reduction based on evaluation of the following criteria:

1. Demonstrated ability to perform the available work.
2. Promotion potential and transferability of skills to other positions within the department or the County.
3. Length of service with the County.

C. Assessment of Demonstrated Ability

For purposes of Paragraphs A and B above, the assessment of employees' demonstrated ability to perform the available work will be made by the Department Head or Elected Officer who supervises the employees. The Board of Commissioners should not be involved in that assessment. The decision as to which employees do or do not have a demonstrated ability to perform the available work, or the ranking of employees based on such demonstrated ability, is a matter committed to the discretion of the Department Head/Elected Officer, and, when made because a reduction in force has been imposed by the Board of Commissioners, is not subject to grievance or appeal.

D. Length of Service Considerations

An employee's length of service is measured from the original date of employment with the County, as long as there has not been a break in service greater than 90 days. During a reduction, as well as for other purposes of determining seniority, employees with breaks in service greater than 90 days are considered rehires and will receive credit for service only from their most recent date of hire with the County. A break in service generally means an employee was separated from the employ of the County and then later rehired. This applies in all cases, not just in Reduction of Force rehire cases.

E. Notice

Employees selected for reduction in force will be given as much notice as is required by law or as much as is reasonable under the circumstances. The County will provide reasonable assistance in helping the employee find opportunities to apply for other jobs within the County, if possible.

F. Right to Immediate Reduction

The County reserves the right to immediately separate any employees selected under reduction of force if it determines this is in the best interests of the County.

G. Severance Pay

County employees separated from employment due to reduction in force will be paid the following severance pay provided that they depart in good standing:

1. All accumulated personal leave will be paid out.
2. Any accumulated sick leave under the pre-1999 frozen leave plan will be credited toward retirement length of service.
3. One week's salary (based on the employee's current rate of pay) for every two years of continuous employment with Butts County, pro-rated based on actual time served.

H. Rehire

Employees who are discharged through reduction in force and who are in good standing with the County at the time of such discharge will be eligible for rehire in other County positions that come available subject to meeting all minimum requirements for the position and participating in the recruitment process.

TITLE XVII PROMOTIONS

ARTICLE 17.01 PROMOTIONAL GRADE

Promotional vacancies may be filled with applicants external to the County's work force at the discretion of the Elected Officer/Department Head. Normally, however, the County will attempt to fill the vacancy from within if there is a qualified applicant already working with the County and such action would not be in conflict with the County's anti-discrimination or unfair employment policies. The Elected Officer/Department Head should consult with the County Manager on whether a particular recruitment will be internal, external, or both.

ARTICLE 17.02 EFFECT OF A PROMOTION

A promoted employee will remain in his/her current step within the position classification plan but will move up to the grade associated with the position to which the employee has been promoted. The employee will be subject to a Position Probationary Period in his or her new position. No additional pay increase is warranted at the end of the working test period as is applicable to new employees working test period.

ARTICLE 17.03 RELATIONSHIP OF PROMOTIONS TO PERFORMANCE PAY INCREASE

If the County, at the time of promotion, has a system for performance pay in effect, the promotion will not interfere with the employee's consideration for a performance pay increase at the next scheduled performance evaluation date.

ARTICLE 17.04 EFFECTIVE DATE

The effective date of any promotion, for compensation purposes, will be the first day of the next pay period following the date the appointing authority approves the promotion.

TITLE XVIII RESIGNATION

ARTICLE 18.01 RESIGNATION DEFINED

Resignation is the separation of an employee from the County through the submittal of a notice that he or she wishes to resign.

ARTICLE 18.02 RESIGNATION IN GOOD STANDING

Employees are expected to provide a minimum of two weeks notice in order to resign in good standing and be eligible for certain benefits. This notice must be in writing. Failure to provide such notice may adversely affect the employee's chances of reemployment with the County should a reemployment application be submitted at a later date. Additionally, in order for an employee to be paid any unused accrued leave benefits, the employee must resign in good standing. The Elected Officer/Department Head has the authority to allow an employee to resign with less than two weeks notice and still be considered separated in good standing if special conditions exist.

ARTICLE 18.03 REFUSAL TO ACCEPT RESIGNATION

Notwithstanding Article 17.05, the appointing authority may choose not to accept an employee's resignation, and may instead choose to dismiss the employee.

ARTICLE 18.04 EXIT INTERVIEW

Employees who are working a notice of resignation will be asked to fill out an Exit Interview survey prior to their departure from the County and to turn said form in to the Human Resources Director only. Information derived from the Exit Interview survey will be kept confidential within the Executive Management team unless permission is obtained to publish or release certain data from the survey and except as otherwise required by law. The purpose is to evaluate the effectiveness of our workforce environment and make improvements that make employment with Butts County more desirable and stable. If an employee politely declines to fill out the Exit Interview survey, this will not weigh against the employee's resignation in good standing. Employees should view this as an opportunity to help the County improve, which can improve the work environment of the employee's co-workers.

An opportunity will be afforded to employees who fill out the Exit Interview to meet with Human Resources in person to discuss their employment experience should they desire to do so.

ARTICLE 18.05 RESIGNATION FINAL

Once an employee submits his/her resignation in writing, it is final and the employee may not withdraw it.

TITLE XIX EMPLOYEE DEVELOPMENT

ARTICLE 19.01 INSERVICE TRAINING

The County is interested in promoting in-service training of employees for the purpose of improving the quality of personal service rendered to the County and to assist employees to equip themselves for advancement in the County. The Elected Officer/Department Head may establish standards for training programs, see that training is carried out as approved, prepare certificates or other standard forms of recognition to persons who satisfactorily complete approved courses and programs and develop supervisory and management training and other types of training programs common to all departments. Additionally, the County through the Administration Department may offer in-service training programs to county employees as well.

ARTICLE 19.02 SCHOOLS AND CONTINUING EDUCATION

Subject to the departmental budgets approved by the Board of Commissioners, the County and its departments will make use of approved courses of education at the discretion of the Department Head at institutes of education applicable to the employee's position. Upon the written approval of the Elected Officer/Department Head for a training course, the employee will be paid their salary while at school and will be reimbursed certain costs associated with travel and training. Personal training not related to the job or training taken solely at the option of the employee will require use of personal leave.

TITLE XX UNIFORMS, EQUIPMENT, AND COUNTY PROPERTY

ARTICLE 20.01 UNIFORMS AND EQUIPMENT

Uniforms for the Sheriff's Office, Fire Department, Emergency Management Agency, Animal Control and such other employees as the appointing authorities may authorize, may be furnished by the County. Such other equipment as the appointing authorities may deem necessary to job performance may also be furnished. Upon termination of employment, an employee is expected to return all such equipment and uniforms to his/her superior.

ARTICLE 20.02 APPEARANCE AND COURTESY

An important aspect of the County's public image is the employee's personal appearance, as people tend to judge employees and the organization they represent by their appearance and the impression they make. Employees should try to dress and maintain their appearance in a manner that creates a good impression on the citizens of Butts County. All County employees will adhere to the following standards:

- A. Sweatshirts, T-Shirts, tank tops, "ragged" type shorts or trousers are NOT considered appropriate in any County business office.
- B. Employees who work the majority of their time in outdoor areas will wear full length shirts or t-shirts as climactic conditions permit, work boots, and long pants at all times.
- C. Public safety personnel will wear standard duty uniforms and other appropriate clothing as permitted by his/her Elected Officer/Department Head.
- D. Business casual attire may be worn by non-public safety personnel in any county business office. Business casual attire includes slacks that are similar to Dockers and other makers of cotton or synthetic material pants, wool pants, flannel pants, dressy capris, and nice looking dress synthetic pants are acceptable. Inappropriate slacks or pants include jeans, sweatpants, exercise pants, Bermuda shorts, short shorts, shorts, bib overalls, leggings, and any spandex or other form-fitting pants such as people wear for biking.
- E. Casual shirts, dress shirts, sweaters, tops, golf-type shirts, and turtlenecks are acceptable attire for work. Most suit jackets or sport jackets are also acceptable attire for the office, if they violate none of the listed guidelines. Inappropriate attire for work includes tank tops; midriff tops; shirts with words, terms, pictures, cartoons, or slogans (other than standard commercial logos); halter-tops; tops with bare shoulders; sweatshirts; and t-shirts unless worn under another blouse, shirt, jacket, or dress. Shirts with County logos or department insignia are also encouraged.
- F. Conservative athletic or walking shoes, loafers, clogs, sneakers, boots, flats, dress heels, and leather deck-type shoes are acceptable for work. Flashy athletic shoes, flip-flops, and slippers are not acceptable in the office. Closed toe and closed heel shoes are required in safety sensitive areas.
- G. If clothing fails to meet these standards, as determined by the employee's supervisor and Human Resources staff, the employee will be asked not to wear the inappropriate item to work again. If the problem persists, the employee may be sent home to change clothes (with time away from the job being

reduced from any personal leave accrual or unpaid, as applicable), and the employee will be subject to disciplinary action. Progressive disciplinary action will be applied if dress code violations continue.

ARTICLE 20.03 COUNTY VEHICLE USE

- A. Upon proper authorization by the appropriate Elected Officer or Department Head, County employees are authorized to use County vehicles for official County business. These vehicles are to be used only for authorized County business and under NO circumstances are family members to be transported in County vehicles for personal reasons. These vehicles may not be kept overnight, except as outlined in Section B.
- B. County vehicles are to be parked at the office to which they are assigned after business hours and are not to be taken home. Exceptions to this rule are authorized public safety and some public works vehicles assigned to employees who must be able to respond to emergencies at any time of the day or night. Such vehicles are considered emergency vehicles and must be equipped with emergency lights (Blue or Red) and a siren (public safety only). Public Works and Animal Control employees on call may be permitted to take their vehicle home if approved by the Department Head and only for the duration of the period of on-call. Said vehicles will be equipped with emergency lights (Amber or White) only.
- C. County employees who are assigned vehicles are responsible for insuring that all maintenance is performed when due or needed.
- D. Any employee involved in a traffic accident while driving a County vehicle will notify the appropriate law enforcement agency and his or her immediate superior immediately. An accident report shall also be filed with the Human Resources Department. County employees judged to be at fault in an accident while driving a County vehicle will be subject to disciplinary action. Employees involved in an accident with a county vehicle will be drug tested.
- E. Employees driving County vehicles will possess a valid Georgia driver's license of a class appropriate to the vehicle(s) they are assigned to use.
- F. If an employee loses his or her drivers license either by misplacement or through any legal action, they shall notify his/her supervisor immediately. The employee will have a total of twenty (20) working days from the time the license is lost to acquire a new, valid drivers license. If an employee fails to acquire the replacement license within the period specified, his or her employment may be terminated unless an emergency situation exists. Likewise, if an employee loses his or her license and fails to notify his/her superior, the employee will receive immediate disciplinary action, up to and including termination. During the period the employee is without a license, he or she will not be permitted to drive any County vehicle.

ARTICLE 20.04 COMMUNICATIONS POLICY

It is the policy of Butts County to provide or contract for the provision of communications services and equipment necessary to promote the efficient conduct of its business. This includes but is not limited to mail, electronic mail, courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, internet and intranet connections, computer filing systems, telex systems, audio/video recording equipment and recording media, pagers, cellular phones, voice mail and bulletin boards (all collectively referred

to as “Communications Equipment”). Supervisors are responsible for instructing employees on the proper use of the Communications Equipment used by the County for both internal and external business communications as it pertains to the employee’s particular job. For purposes of this Article, the following provisions constitute the minimum standards for all employees’ use and operation of the County’s Communications Equipment.

- A. Most Communications Equipment have toll charges or other usage related expenses. Employees should be cognizant of these costs and should consider both cost and efficiency needs when choosing the proper method for each business communication. If unsure of this, employees should check with their supervisor.
- B. All County Communications Equipment, including the messages transmitted or stored by them are the sole property of the County. Accordingly, the County may access and monitor employee communications and files as it deems appropriate. Employees have no expectation of privacy in their use of any County’s Communications Equipment.
- C. Online and internet services may be accessed only by employees specifically authorized by the County. Authorized employees will either be assigned passwords or must disclose passwords to authorized personnel of the County but should not share these with co-workers or others. On-line use should be limited to work-related activities except as outlined in subsection E. Additionally, employees should not download or duplicate from the internet or an email any software or materials that are copyrighted, patented, trademarked or otherwise identified as intellectual property without express permission from the owner of the material.
- D. Employees should not use e-mail, facsimiles, cellular telephones or any other insecure communication system to communicate confidential, proprietary or personnel information that is protected under law.
- E. Incidental personal use by employees of the County Communications Equipment is allowed as long as the use does not interfere with the employee’s work or the County’s operations and does not violate any County policies. Employees must properly document any personal use charges and reimburse the County for them. Any such personal use is subject to inspection at any time by the County and production pursuant to the Georgia Open Records Act.
- F. Employees who do not have direct access to a County telephone should make provisions to have emergency or other necessary incoming calls routed to their supervisor or Department Head. Although the County will attempt to deliver personal messages to employees, it cannot and does not accept responsibility for the prompt or accurate relay of these messages. It is highly recommended that persons working away from landline telephones and who are not provided a County telephone carry a personal cellular telephone for receipt of personal calls.
- G. Personal correspondence must not appear to be official communications of the County or to represent the County’s interest in any way. Employees may not use the County addresses for receiving personal email or mail or use County stationery or postage for personal letters. Employees may make arrangements, on a limited basis, for delivery of personal packages to their work location in situations where home delivery is not possible because of the employee’s presence at work. This should be cleared with the Department Head and is subject to the individual department’s operating rules and procedures for security.

- H. Improper use of County Communications Equipment will result in disciplinary action, up to and including termination. Improper use includes any misuse in violation of this Article, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating or sexually suggestive written, recorded or electronically retrieved or transmitted communications.
- I. Upon separation of employment, any County-issued Communications Equipment must be immediately surrendered to the County without the separating employee taking any steps to alter, delete, damage, or destroy the Communications Equipment or the data thereon. In addition, the separating employee must immediately surrender all applicable passcodes, user IDs, etc., to ensure the County can fully access and retrieve data from the Communications Equipment. Failure of a separating employee to comply with this section may result in the County seeking payment for damages or loss of data and/or reporting any alteration or destruction to the pertinent authorities.

ARTICLE 20.05 SAFETY CONSIDERATIONS AND HANDSFREE ACT

All employees shall follow applicable local, state and federal laws and regulations regarding the use of cellphones and other electronic devices at all times. In particular, employees are obligated to familiarize themselves with and follow the Hands-Free Georgia Act, O.C.G.A. § 40-6-241, while in the course and scope of county employment. Employees shall take note of the following:

- A. The county does not require any employee to use or operate a cellphone or other wireless telecommunications device while driving.
- B. The Hands-Free Georgia Act prohibits drivers from holding a cell phone while driving or touching a cell phone while driving in order to make or receive telephone calls or text messages. In order to lawfully use a cell phone while driving, the cell phone must be equipped or paired with hands-free technology.
- C. An employee cited for violating the Hands-Free Georgia Act while in the course and scope of employment shall report that violation to the County Manager in writing within three (3) business days of the issuance of the citation.
- D. Employees are responsible for paying all fines associated with violating the Hands-Free Georgia Act.
- E. Consistent with the Hands-Free Georgia Act, employees may use a hands-free device to make and receive calls while driving.
- F. In the absence of hands-free technology, employees are required to come to a complete and safe stop before initiating or receiving a phone call. Employees are only permitted to pull off to the side of the road to initiate or receive a phone call when it can be accomplished in a safe manner taking into account the safety of passengers and other motorists.
- G. Because the county does not require any employee to use or operate a cellphone or other device while driving, the majority of county-issued vehicles do not have hands-free technology. The county is not obligated to upgrade or replace those vehicles that lack hands-free technology. Employees permitted to operate county-issued vehicles are required to drive those vehicles “as is.”
- H. “Texting and Driving” is prohibited at all times unless the receipt or initiation of text messages can be accomplished in a manner that is consistent with the Hands-Free Georgia Act.

- I. The county as employer has the right to hold its employees to a higher-standard of conduct than its citizens and residents. In this regard, to the extent that this policy is more restrictive than the Hands-Free Georgia Act, this policy shall control for employment purposes.
- J. Notwithstanding the foregoing, all law enforcement officers, firefighters, emergency medical services personnel and ambulance drivers employed by the Board of Commissioners are exempted from the restrictions outlined in the “Safety Considerations” portion of this policy while performing their official duties, within the allowances provided by law.

Employees violating this policy will be subject to disciplinary action, up to and including, termination of employment.

ARTICLE 20.06 SEATBELT USE

- A. Any and all passengers, including the driver, while traveling on County business, shall use available safety belts. Occupants must use safety belts in County owned, leased, or rented vehicles whenever such vehicles are in use and also in personal vehicles when utilizing the same for County business. All employees operating equipment that contains seatbelts must wear the seatbelts.
- B. If an employee is provided a County owned vehicle that is used in the course of employment and is also available for that employee’s personal use, that employee, together with all passengers who occupy the vehicle at any time and for any purpose, are required to use safety belts at all times the vehicle is in motion. Safety belt use shall be enforced in the same manner and with the same enforcement standards as any other work rules. The driver of the vehicle is responsible for enforcing seatbelt use by all occupants.
- C. Exceptions are as follows:
 - 1. Tractors/equipment not equipped with “Roll-Over Protection System.”
 - 2. Specialized construction equipment.
 - 3. Prisoners/suspects of law enforcement officers being transported for short distances in the back seat of the vehicle when restraining devices or other documented circumstances prevent the proper wearing of seat belts.
 - 4. Emergency Services Personnel are not required to wear seat belts in the back of an ambulance while engaged in patient care.
 - 5. Other exceptions as approved in writing by the Human Resources Director.

Failure to follow this policy will result in disciplinary action up to, and including, Dismissal.

ARTICLE 20.07 SOCIAL MEDIA

A. Statement of Policy

Employees of Butts County shall not use any form of social media in any way so as to tarnish the image or reputation of the County or its employees. Social media includes all means of communicating or posting information or content of any sort on the internet, including to your own or someone else’s web

log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with Butts County, as well as any other form of electronic communication.

B. Rules and Guidelines

1. Employees of Butts County are prohibited from using social media during working hours or on equipment that is provided by the County, unless it is work-related as authorized by the applicable Elected Officer/Department Head and consistent with the Internet and Use of County Property Policy. Employees are not permitted to use their assigned County e-mail address to register on social networks, blogs or other online tools utilized for personal use.
2. Employees who choose to maintain or participate in social media or social networking platforms while off-duty shall conduct themselves with professionalism and in such a manner that will not reflect negatively upon Butts County. Employees shall be mindful that any conduct that adversely affects job performance, the performance of other County employees or otherwise adversely affects members of the community or Butts County's legitimate business interests may result in disciplinary action.
3. In administering this policy, Butts County is mindful that employees are private citizens with legitimate interests in matters of public concern. Prior to the taking of any adverse employment action in connection with this policy, the County will evaluate whether or not the activity was (1) made by the employee in capacity as a private citizen; (2) addressed a matter of public concern; and (3) if the County's interest in promoting the efficiency of public services outweighs the employee's interest in the activity.

ARTICLE 20.08 SMOKE FREE ENVIRONMENT

Consistent with the public health concerns addressed by the adoption of the Georgia Smoke-free Air Act of 2005, all Butts County property, enclosed buildings, and vehicles, unless permitted and formally designated by the Butts County Board of Commissioners, are smoke-free areas. This includes, but is not limited to, cigarettes, cigars, e-cigarettes, and vaporizers. Outdoor areas where cigarette smoking is permitted will be formally designated as such by the Butts County Board of Commissioners.

ARTICLE 20.09 ABUSE AND MISUSE OF COUNTY PROPERTY

All supplies, equipment, computers, desks, information, any other material obtained and used during the course of employment with Butts County, and the County Communications Equipment (as define above in Article 19.04) is property exclusively owned by Butts County (hereinafter collectively referred to as "County Property"). As a result, an employee should have no expectation of privacy with respect to County Property. Employees should not make personal use of County Property, except as permitted in this Manual.

Employees who abuse and/or misuse County property, equipment, and supplies will also be liable for the repair and/or replacement costs of any such property, equipment or, supplies that are damaged from such abuse.

TITLE XXI DUAL EMPLOYMENT

ARTICLE 21.01 OUTSIDE EMPLOYMENT

- A. No Full-time County Employee shall accept outside employment that interferes with the employee's performance of his/her duties or responsibilities for the County, or that compromises the employee's position with the County through a conflict of interest. The position with the County must be considered the priority job. An example of conflict of interest includes, but is not limited to:
 - 1. Any establishment that does work for the County.
- B. No County employee is permitted to engage in any action or financial interest that is inconsistent, incompatible, in conflict with or harmful to the duties and functions of the Elected Officers or Department Heads.
- C. The County Manager or the appropriate Elected Officer must approve all outside employment in advance prior to the acceptance of such employment or the job of the employee may be placed in jeopardy. Said approval shall be documented and placed in the employee's personnel file.
- D. Employees who are permitted to work outside employment may not wear any apparel, including t-shirts, that would identify them as being affiliated with the County or utilize any county-issued equipment apparatus during such times of employment.
- E. Employees working outside employment shall understand that the needs of the full-time position with the County is the primary responsibility; the County's needs must supersede those of the needs of the secondary employer.
- F. Employees who engage in a personally owned business on the side must also understand that the needs of the County must supersede those needs of the individual. No employee may engage in a business practice that is in conflict with their employment with Butts County or the ordinances regulating businesses in Butts County.
- G. Employees who wish to appeal the decision of the County Manager may submit an appeal in writing through the Manager to the Board of Commissioners. The Board will review the request for appeal and may choose to uphold the decision of the Manager, overturn the decision of the Manager, or request more information, either in person or writing, from the affected employee prior to making a final decision. The decision of the Board will be the final decision.

ARTICLE 21.02 DUAL EMPLOYMENT

A. Holding Multiple Positions with the County

An employee is not allowed to hold more than one full-time position with Butts County. Full-time public safety employees may, however, work part-time jobs for Butts County with the express written approval of the employee's applicable Elected Officer/Department Head and the express written approval of the Human Resources Director, provided that the part-time job is during different hours than that required

for the full-time job. Any employee electing to hold multiple positions will be paid at the rate of each respective position for the time spent working in that position. Employees must be exclusively committed to each job during the scheduled hours for the job respectively.

TITLE XXII GARNISHMENTS AND WITHDRAWALS FROM COMPENSATION

ARTICLE 22.01 GARNISHMENTS AND BAD DEBTS

Employee indebtedness is a personal concern of the employee but multiple garnishments of an employee's salary creates administrative difficulties that will lead to disciplinary action. The Human Resources Director and County Manager shall review each incidence of employee garnishment for a determination as to whether disciplinary action may be required. Multiple garnishments may result in termination of employment.

ARTICLE 22.02 CONTACT WITH COMMISSIONERS OFFICE

Employees who are paying child support, garnishments, or other court-ordered drafts from their compensation are solely responsible for the conduct of others with regards to these matters. The County nor its employees shall provide any information or discuss any pay-related matter with the beneficiary of said drafts and are not authorized to discuss or release any information to persons who do not work for the County on employee personal matters.

If persons who are related to an employee or who are the beneficiary of employee garnishments either harass or disturb employees of the County regarding an employee's personal affairs, the employee may be discharged from employment.

TITLE XXIII DRUG AND ALCOHOL-FREE WORKPLACE

ARTICLE 23.01 STATEMENT OF POLICY

Butts County is committed to maintaining a work environment free from the adverse impact of employee drug and alcohol abuse. Employee drug and alcohol abuse constitutes a direct threat to the lives and property of the employees and citizens of the County and to the public health, safety, and welfare of all persons in the County.

Butts County does not and will not tolerate any employee's possession, sale, distribution, consumption or presence in the body of alcoholic beverages or illegal drugs while on County property and/or on County business at any time. Each employee must certify in writing understanding of the County's Drug and Alcohol Free Workplace Policy.

This Chapter is intended to comply with federal regulations and state laws that mandate pre-employment, reasonable suspicion, random, and post-accident testing of certain positions of employment, and to further the objective of protecting the persons and property of the County's employees, citizens and the public. This Chapter will be strictly enforced against all employees. To the extent that this Chapter and any results from a fitness for duty test conflict, the most strenuous provision favoring a drug and alcohol-free workplace shall govern.

ARTICLE 23.02 DRUG AND ALCOHOL USE PROHIBITED FOR ALL EMPLOYEES

This Chapter applies to all employees. This Chapter applies to off-site lunch periods or breaks when an employee is scheduled to return to work, as well as to County Premises as discussed in Section 1303 below. Visitors, vendors, and contractors are governed by this Chapter to the extent they are on County Premises or in County vehicles and will not be permitted to conduct business if found to be in violation of this Chapter.

ARTICLE 23.03 DRUG AND ALCOHOL USE PROHIBITED ON COUNTY PREMISES

Substance and alcohol use by Butts County employees during assigned working hours on County Premises, or otherwise while on County business is prohibited. This shall include the use of illegal substances, the abuse of prescription medications and over-the-counter medications, and the use of or abuse of alcohol. Any employee giving, sharing or selling drugs to another employee shall be terminated.

As used herein, "County Premises" includes all property, facilities, land, platforms, buildings, structures, fixtures, installations, parking lots, and vehicles, whether leased or used by Butts County government or its officials, managers, Supervisors, employees, or other agents. This definition also includes locations other than County headquarters and offices, including all other locations of County-sponsored recreational, social, or educational events, and any place where a Butts County employee is located while traveling to or from such location in the course and scope of his or her duties on behalf of the County, including an employee's own vehicle when the employee is using it on County business, or when the vehicle is parked on County property. This definition shall not be interpreted to imply that the County assumes or accepts responsibility for any wrongful, tortious, negligent or criminal acts of any person whom it employs when such person is not acting pursuant to a Supervisor's instruction in furtherance of the County's business, nor shall it constitute a waiver of any immunity which Butts County or its officials or employees might have under federal, state or local laws or ordinances.

ARTICLE 23.04 IMPAIRMENT

Drug and alcohol abuse on or off County Premises is entirely inconsistent with fitness for duty and as such shall constitute an impairment. Butts County prohibits employees from being at work, on County Premises, operating County equipment, or operating any other equipment or vehicles on County business while impaired due to any illegal drug(s), legally obtained drug(s), or alcohol.

ARTICLE 23.05 PROHIBITED SUBSTANCES

A. Illegal Drugs or controlled substances

1. "Illegal drug(s) or controlled substance(s)" means any drug or substances the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene or other drugs made unlawful under federal or state laws, or a metabolite of any such substances, "look-alikes", "designer drugs" having the same or similar psychotropic effects, unauthorized alcoholic beverages, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and/or are not used in strict accordance with this Chapter and with the prescribing physician's instructions, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person's perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes Urinaid or other substances, natural or synthetic, of a similar nature or purpose designated or used to alter a urine specimen or to conceal illicit chemical substances or their metabolites in an initial screening test.
2. Butts County prohibits employees from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling or otherwise transferring any illegal drug(s) or controlled substance(s) while on the job, on call, on County Premises, while operating County equipment or vehicles, or while operating any other equipment or vehicle while on County business.
3. An employee is impaired due to the influence of illegal drug(s) or controlled substance(s) if such employee's drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

B. Legally Obtained Drugs

1. A "legally obtained drug" includes prescription drugs and over-the-counter drugs. A "prescription drug" means any substance that is attainable only by lawful prescription from a physician. "Over-the-counter" medication includes any substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to perform.

2. Employees must not be on the job, on call, on County Premises, operating County equipment or vehicles, or operating any other equipment or vehicle while on County business while impaired due to any drug, legal or illegal, that renders the employee unfit for duty. An employee is “unfit for duty” if, in the County’s opinion, the employee’s use of legally obtained drugs jeopardizes the ability to work safely and efficiently. An employee who is using legally obtained drugs must notify their immediate Supervisor of any and all symptoms and probable adverse side effects that may render the employee unfit for duty. An employee’s failure to so notify the County constitutes grounds for disciplinary action, up to and including, Dismissal. If any employee’s medically required use of legally obtained drugs renders the employee unfit for duty and, in the opinion of the County, a temporary alternative job assignment is not available, the employee will be considered unfit for duty.
3. Employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer’s directions. It is the employee’s responsibility to notify the prescribing physician of the duties required by the employee’s position and to ensure that the physician approves the use of the prescription medication while the employee is performing their duties. Employees are required to notify the County regarding usage of any mind-altering substance. For example, an employee is prescribed a medication for pain. The employee must report the pain medication usage to the County.
4. The abuse and/or inappropriate use of legally obtained drugs while on the job, on call, on County Premises, while operating County equipment or vehicles, or while operating any other equipment or vehicle while on County business shall be prohibited and is a disciplinary matter. Job performance or attendance deficiencies resulting from abuse and/or inappropriate use shall be cause for disciplinary action.
5. Because the FDA does not presently regulate Cannabidiol (CBD) products other than Epidiolex, an employee has no guarantee that use of a CBD product, (including a hemp-based CBD product) believed by the employee to be legal does not contain a substance capable of triggering a positive drug test. Hemp-based CBD contains amounts of THC or Tetrahydrocannabinol, the psychoactive ingredient in marijuana, and when used can trigger a positive response on a drug test. The amount of THC in hemp-based CBD varies from manufacturer to manufacturer. Consequently, there exists a possibility of testing positive on a drug test while using a hemp-based CBD.

C. Alcohol

1. “Alcohol” includes any beverage or substance containing alcohol manufactured for the primary purpose of personal consumption. Butts County prohibits employees from using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring alcoholic beverages on the job, on call, on County premises, while operating County equipment or vehicles, or while operating any other equipment or vehicles while on County business.
2. No employee shall use alcohol while on the job, on call, on County Premises, while operating County equipment or vehicle, or while operating any other equipment or vehicle while on County business. In addition, no employee shall use alcohol within twelve hours of reporting for duty. Violation of these provisions is prohibited and subjects the employee to discipline, up to and including Dismissal.
3. Butts County also prohibits employees from being on the job, on call, on County Premises or operating County equipment or vehicles, or operating any other equipment or vehicles on County

business while under the influence of alcohol. An employee is “under the influence of alcohol” if, based upon the employees’ speech statements, behavior, conduct, appearance, or odor, the County reasonably believes the employee is under the influence of alcohol in a manner that is adversely affecting the employee’s behavior. An employee is also under the influence if an evidential breath test indicates a result of 0.02 percent or higher. An employee is further considered under the influence of alcohol if he or she has been arrested for operating under the influence of alcohol in any County equipment or vehicles, or any other equipment or vehicles while on County business.

ARTICLE 23.06 WHEN TESTING IS REQUIRED

A. Pre-Employment/Post-Offer Testing

All Applicants for positions of employment with Butts County will be tested for drugs after a conditional offer of employment has been extended. Drug tests must also be performed on all seasonal and shift employees in Safety Sensitive or CDL positions (as those terms are defined in Section 1307 below) returning to employment with the County after any period of time absent from employment.

No such Applicant/new hire or such seasonal or shift employee as described above shall report to duty or be allowed to report to duty until the results of the drug test are obtained. Any such Applicant/new hire or seasonal or shift employee described above who refuses a pre-employment/post-offer drug test(s) or who tests positive, shall not be extended a final offer of employment and will not be considered for any subsequent employment for a period of at least two (2) years. The Applicant will, however, be afforded the opportunity to contest the test results as set forth in this Chapter.

B. Random Testing

All employees who are required to hold a commercial driver’s license (hereinafter referred to as “CDL” or “CDL positions”) and employees in Safety Sensitive Positions shall be subject to random testing as follows:

1. Tests will be ordered on a random, unannounced basis from the pool of identified CDL and Safety Sensitive employees.
2. A random selection method and test rates, as adopted by the Human Resources Director, will be used to select employees, thereby allowing each employee an equal chance of being tested each month. Random selection test rates are subject to change as determined by the Human Resource Director.
3. An employee’s name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that any CDL or Safety Sensitive employee, who is randomly selected for testing, may be randomly selected again during the same year.

C. Return to Duty Testing

All employees in Safety Sensitive or CDL positions who are absent from work for more than thirty (30) days, for any reason, shall be tested for drugs immediately upon returning to work and before performing any job duties.

D. Position Testing

Employees who are transferred, reclassified, promoted, or demoted from a non-CDL/non-Safety Sensitive Position into a CDL or Safety Sensitive Position will be tested for drugs before performing any job duties in the new position.

E. Reasonable Suspicion

All employees will be subject to testing when there is reasonable suspicion that the employee has used drugs or misused alcohol in violation of this Chapter. Any employee who is required to take a reasonable suspicion test will be immediately suspended without pay pending the results of the test and confirmation of the results, if applicable.

1. Any Supervisor who has received training in the signs and symptoms of drug and alcohol use and impairment may require an employee to undergo a reasonable suspicion test(s) for drugs or alcohol. A reasonable suspicion test may be required based upon, but not limited to the following:
 - i. the personal observation of the employee's job performance, appearance, behavior, speech, or odor by the trained individual creating a reasonable suspicion that the employee has used drugs or alcohol in violation of this Chapter;
 - ii. personal observation of the employee by another individual who has fully disclosed the observation to the trained Supervisor;
 - iii. observation of the employee by a nurse or physician engaged in the treatment or evaluation of a work-related injury who has disclosed such observations to the County; or
 - iv. information from a law enforcement agency received by the County.

Additionally, any untrained Supervisor may require a reasonable suspicion test(s) for drugs or alcohol when a trained Supervisor or the Human Resources Director has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.

The observing Supervisor will make a written report of the incident which should include a description of the behavior upon which reasonable suspicion is based.

2. Specific and objective facts indicating that an employee's drug or alcohol use may have caused or have been a contributing factor to an on-duty Motor Vehicle accident will give rise to a reasonable suspicion test(s) for drugs or alcohol. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion:
 - i. The appearance, behavior, speech or odor of the employee immediately prior to or after the accident;
 - ii. The employee left the scene or attempted to leave the accident scene without legal authority or permission to do so, or failed to report the accident to the appropriate individual or otherwise

attempted to keep appropriate persons from learning about the accident or the extent of the accident;

- iii. The employee acted contrary to a safety rule, established safety practice or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;
- iv. The employee was arrested or received a traffic citation;
- v. The employee or any other person received medical attention as a result of the accident; and
- vi. The employee has been involved, as a contributing factor, in a pattern of repetitive on-duty accidents whether or not they involved actual or potential injury.

Notwithstanding the foregoing factors indicating reasonable suspicion of drug or alcohol use due to involvement in an on-duty Motor Vehicle accident, it is the policy of the County to administer drug and alcohol tests to any and all employees involved in any of the accidents described in paragraph (f) below.

- 3. Specific and objective facts indicating that an employee's drug or alcohol use may have caused or been a contributing factor to an on-duty accident involving the use of heavy machinery will give rise to a reasonable suspicion test(s) for drugs or alcohol. The following facts, if present, may independently or collectively, depending on the circumstances, give rise to reasonable suspicion:
 - i. the appearance, behavior, speech or odor of the employee immediately prior to, or after, the accident;
 - ii. the employee left the accident scene or attempted to leave the accident scene without legal authority or authorization to do so, or failed to report the accident to the appropriate individual or otherwise attempted to keep appropriate persons from learning about the accident or the extent of the accident;
 - iii. the employee acted contrary to a safety rule, established safety practices or otherwise engaged in demonstrably unsafe behavior without a reasonable explanation;
 - iv. the employee or any other person received medical attention as a result of the accident; and
 - v. the employee has been involved as a contributing factor in a pattern of on-duty accidents whether or not they involved actual or potential injury.

Notwithstanding the foregoing factors indicating reasonable suspicion of drug or alcohol use due to involvement in an on-duty accident involving the use of heavy machinery, it is the policy of the County to administer drug and alcohol tests to any and all employees involved in any of the accidents described in paragraph (f) below.

F. Post-Accident Testing

Alcohol and drug test(s) should be completed immediately. Any other time frame should be confirmed with Human Resources for the events described below. This testing is to be performed in addition to

any drug or alcohol test(s) ordered by law enforcement authorities. It is the responsibility of the immediate Supervisor to ensure the involved employee or individual reports immediately for testing. Failure to do so can result in disciplinary action taken against the Supervisor and/or employee up to and including immediate termination.

Drug and alcohol testing must be performed within policy guidelines when any employee, while operating a County vehicle, transit vehicle or heavy machinery is involved in an accident that results in: (1) a fatality; (2) a citation issued to the employee; (3) an injured person requiring immediate medical treatment away from the scene; (4) damage to County or personal property; or (5) damage to a vehicle to the extent that it is towed away.

G. Post-Workplace Injury Testing

Alcohol and drug tests should be completed immediately following the involvement of any workplace injury. Any other time frame should be confirmed with Human Resources. The involved employee must report immediately for testing, or be subject to immediate termination.

ARTICLE 23.07 PERSONS SUBJECT TO TESTING

A. CDL Employees

Employees who are required to possess a CDL license as a job requirement are subject to all testing provisions of this Chapter, including, but not limited to, pre-employment, post-accident, reasonable suspicion, random testing, position testing, return to duty and follow-up testing. CDL employees will be tested based on procedures in compliance with the U.S. Department of Transportation's Transportation Workplace Drug and Alcohol Testing Programs regulations set forth in 49 CFR Part 40 ("DOT Guidelines").

B. Safety Sensitive Employees

Safety Sensitive employees occupy positions where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates, or others. Safety Sensitive Positions include, but are not limited to, those which, as a part of the essential job functions, require: operation of a County vehicle two (2) or more times during a normally scheduled workweek of that position; the performance of law enforcement duties as a POST-certified law enforcement officer; possession of a firearm; providing emergency medical, rescue, or fire suppression services; interacting with incarcerated persons or persons on probation for drug charges; direct involvement in the enforcement of drug laws; direct involvement, access to, handling of or testing of illegal drugs that have been seized, confiscated by or taken into custody by law enforcement; the performance of duties essential to drug interdiction; primarily operating motorized equipment, heavy machinery or heavy equipment or the maintenance of Motor Vehicles, motorized equipment, heavy machinery or heavy equipment and are not otherwise designated as a CDL position subject to DOT Guidelines; or the performance of duties which directly affect public health or safety. Safety Sensitive employees are subject to all testing provisions of this Chapter, including, but not limited to, pre-employment, post-accident, reasonable suspicion, random, position testing, return to duty and follow-up testing. Safety Sensitive employees will be tested based upon procedures in compliance with DOT Guidelines.

C. All Employees

All employees are subject to the post-accident, reasonable suspicion, position testing, and post-workplace injury testing provisions of this Chapter. Employees not holding a CDL or Safety Sensitive Position shall be drug tested via non-DOT drug testing guidelines.

D. Job Applicants

All Applicants for Safety Sensitive or CDL positions of employment are subject to pre-employment testing after a conditional offer of employment has been extended.

E. Employees in Offices of Elected Officers

Employees in the offices of Elected Officers are subject to the testing provisions contained in this Chapter, unless the Elected Officer has adopted a more stringent drug and alcohol workplace policy specific to the Department.

ARTICLE 23.08 PROCEDURES FOR TESTING

- A. Whenever a drug or alcohol test(s) is to be performed under this Chapter, the Elected Officer/Department Head or designee shall be notified of the circumstances necessitating the test(s) as soon as possible.
- B. Alcohol screening will be conducted using a federally approved evidential breath-testing device or the use of a swab/saliva test performed by an approved independent medical facility.
- C. All drug tests, regardless of the purpose for the test, shall be performed as a Panel 5 test for the following five drugs or classes of drugs: (1) Marijuana metabolites; (2) Cocaine metabolites; (3) Amphetamines; (4) Opiate metabolites; and (5) Phencyclidine (PCP).
- D. All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that is operating in compliance with the U. S. Department of Health and Human Services (DHHS). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the DHHS.
- E. All positive test results for drugs will be interpreted by a physician approved by the County as a medical review officer ("MRO") before the results are reported to the County. Prior to notifying the County, the MRO will make reasonable efforts to contact the employee for the purpose of allowing the employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the Applicant or employee and determines there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the County. The MRO's inability to contact the Applicant or employee before providing test results to the County will not void the test results or make the test results unusable in any subsequent disciplinary action. An Applicant or employee who fails to respond to an inquiry by the MRO within forty-eight (48) hours of such inquiry shall have waived their opportunity to offer an alternative medical explanation for the positive test result or to request confirmation testing. Because the employee is present for interpretation of an alcohol test, the procedure concerning prior notification by the MRO is not applicable.

- F. Upon notification by the MRO of a confirmed positive result for drugs, the employee may request, within five (5) calendar days of such notification, that the remaining portion of specimen undergo a second confirmation test at his/her expense at a DHHS laboratory of their choice. If the test conducted by the laboratory selected by the employee is negative for the presence of drugs, a third test may be made at the County's sole expense at a separate DHHS facility of its own choosing. The results of the third facility will be determinative. If the results from the third facility are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action. This option of a confirmation test is contingent upon there being enough of the specimen remaining to allow for a confirmation test.
- G. The County will make reasonable efforts to notify the employee verbally and in writing of a positive drug test within five (5) days from the date it receives the test results. Because the results of a breath alcohol test are immediately available, this provision will not apply to alcohol tests conducted in such a manner.
- H. Any employee ordered to be tested based upon reasonable suspicion, shall be immediately removed from duty, escorted to the testing facility, and taken home (unless other suitable arrangements have been made to transport the employee). Under no circumstances will the employee be allowed to drive himself or herself home. The employee shall be suspended without pay pending the results of the test. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the employee shall be reinstated with back pay and the Suspension without pay will be expunged from the employee's personnel file.
- I. In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test, the County reserves the right to test for the presence of drugs or alcohol by a blood test analysis. If this procedure is used, the County will make reasonable efforts to notify the employee of the results within ten (10) days after the results are received. A MRO will not be used when a blood test for alcohol is conducted.

ARTICLE 23.09 CONSENT FOR TESTING

Prior to date of hire, all employees and job Applicants are required to sign a consent form consenting to any and all frequency of drug and/or alcohol test(s) set forth in this Chapter and permitting the release of test results to the County and/or the medical review officials. Signed consent forms are kept on file by the Human Resources Department and are enforceable for the duration of employment.

Any employee subject to drug and alcohol testing under this Chapter who refuses to submit to a drug and alcohol test as required herein shall be subject to termination. Employees who refuse to be escorted or fail to appear at the designated collection site to take the test when so directed or as required by this Chapter shall also be subject to termination.

Refusal can include an inability to provide a sufficient urine specimen, breath or saliva sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

ARTICLE 23.10 ARRESTS FOR DRUG OR ALCOHOL RELATED OFFENSES

Any CDL or Safety Sensitive employee who is arrested for a drug or alcohol related offense or who is subject to a temporary or permanent suspension of driving privileges must notify their Elected Officer/Department Head

of the arrest or suspension immediately. A determination will be made at that time whether the arrest or suspension causes a temporary or permanent disqualification from holding that position, or constitutes grounds for disciplinary action. All convictions for alcohol or drug related offenses must be reported immediately by a CDL or Safety Sensitive employee to their Elected Officer/Department Head. The County reserves the right to take appropriate action based upon such conviction.

All non-CDL and non-Safety Sensitive employees who are required to operate a County vehicle as a regular part of their job must report any drug or alcohol arrest, temporary or permanent suspension of driving privileges, and any drug/alcohol related conviction to their Elected Officer/Department Head immediately. The County reserves the right to take appropriate action, including relieving the employee from duty, transferring the employee to a non-driving position, or instituting disciplinary action up to and including termination.

Any employee arrested and/or convicted of a violation of any criminal drug statute must notify the applicable Elected Officer/Department Head of such arrest and/or conviction. The Department Head must notify the Human Resources Director. The Human Resources Director shall notify the Board of Commissioners.

ARTICLE 23.11 SEARCHES

All County-issued equipment, property and facilities, including but not limited to, desks, lockers, and vehicles (collectively "Materials") are subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any County-issued Materials. No personal property may be searched unless the owner of the property has consented or a search is otherwise legally permissible. If an individual is asked to submit to a search, and refuses, that individual will be considered insubordinate and will be subject to discipline, up to and including, termination.

If a search uncovers evidence of employee wrongdoing, illegal activity, or employee violations of County rules or policies, the evidence may be used to support disciplinary actions up to, and including, termination. In cases involving suspected illegal activities, the evidence may be turned over to the proper legal authorities.

ARTICLE 23.12 CONFIDENTIALITY

All reports of test results for drug and alcohol, searches, or any employee referral to, or participation in an assistance program or treatment program for addictive disorders, will be maintained in strict confidence. Any person authorized to have access to such confidential information, who, without authorization, discloses it to another person shall have engaged in gross misconduct and be subject to severe disciplinary action, up to and including, termination. The confidentiality of such information shall not apply to any use by or communication to the Butts County attorneys, or where the information is relevant to the County's defense in an administrative or civil action. Such information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

ARTICLE 23.13 DISCIPLINE

A. Immediate Suspension

An employee who tests positive for drugs or alcohol shall immediately be relieved from duty, placed on Suspension without pay, and sent home pending disciplinary action. If the positive test is explained or

negated by the MRO and/or subsequent confirmation testing, the employee shall be reinstated with back pay and the Suspension without pay will be expunged from the employee's personnel file.

B. Disciplinary Action

An employee who violates any provision of this Chapter is subject to discipline, up to and including termination. If terminated, the employee will not be eligible for rehire.

C. Immediate Termination

The following reasons shall be presumed to result in immediate termination of an employee:

1. Manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, or selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, on call, on County Premises, while operating County equipment or vehicles, or while operating any other equipment or vehicles on County business.
2. Operating County motorized equipment while unfit for duty due to the use of drugs and/or alcohol.
3. Conviction for violation of any drug law.
4. Refusing to consent to or to take a drug or alcohol test pursuant to this Chapter.
5. Failure to appear at the designated collection site to take a drug or alcohol test when so directed or as required by this Chapter.
6. A confirmed positive test for drugs or alcohol.

ARTICLE 23.14 DRUG FREE AWARENESS PROGRAM

The County will provide a Drug Free Awareness Program, the purpose of which is to inform employees of:

- A. the dangers of drug abuse in the work place;
- B. the County's intent to maintain a drug free workplace;
- C. any available drug counseling, rehabilitation, and employee assistance programs; and
- D. the penalties that may be imposed for drug abuse violations occurring in the workplace.

TITLE XXIV POLITICAL ACTIVITIES

ARTICLE 24.01 PROTECTION AGAINST COERCION

All employees have the right to vote for the candidate of their choice. The County strictly prohibits any attempts to obtain or influence an employee's vote that is based upon a promise or threat of favorable or unfavorable job treatment. No employee shall be hired, promoted, favored, or discriminated against with respect to employment because of political opinions or affiliations. If any employee believes such a promise or threat has been made, it must be reported to the County Manager or County Attorney within five (5) days of the occurrence.

ARTICLE 24.02 PROHIBITED ACTIVITY

Employees of the County are encouraged to exercise their right to vote, but no employee shall make use of government time or equipment to aid a political candidate, party, or cause, or use government position to influence, coerce, or intimidate any person in the interest of a political candidate, party, or cause. Neither an employee's position, nor County time, nor County property shall be used by covered employees for political purposes, nor shall the employee actively campaign for any candidate for public office during work hours, but employees may express their political opinions privately and may be involved in any political activity which would not constitute a conflict of interest.

ARTICLE 24.03 EMPLOYEE SEEKING OFFICE

Except where resignation from office is otherwise required by Georgia law based on qualifying or becoming a candidate for another office, an employee who intends to seek elected public office may be required, at the discretion of the employee's applicable Elected Officer or the County Manager, to resign or obtain an unpaid leave of absence for the duration of such political activity if the political activity is deemed to create a conflict of interest and interference with job duties. If an unpaid leave of absence is granted, the employee is required to maintain his/her contribution towards employee benefits.

No employee may campaign for a candidate or solicit votes for a candidate while on duty, or while wearing a County uniform or displaying any other form of County identification or while occupying a County vehicle, whether on or off duty. No County Communications Equipment or any other County property may be used for political purposes.

ARTICLE 24.04 LIMITATIONS ON CANDIDATES

Candidates for elected office are prohibited from campaigning on County property, except at public rallies or events that the general public is a participant at. Candidates are specifically prohibited from talking to employees while on the job in any attempt to garner support for the candidate or to distribute any printed literature or other media to employees while they are engaged in the work of the County.

ARTICLE 24.05 TAKE HOME VEHICLE PROHIBITION

Any County employee who is issued a take-home County vehicle shall not, during any time that a political sign is displayed on the home property of the employee, take said County vehicle to their premises. Take home

vehicles shall be parked at the office of the employee until such time as the political signs are removed. This is to avoid any appearance of a County endorsement of any candidate running for political office.

TITLE XXV SECURITY CLEARANCES

ARTICLE 25.01 SECURITY CLEARANCES POLICY

In employment areas such as public safety and finance where the employee has a compelling interest in the security of property and life, applicants for employment, promotion and transfer may be asked to supply personal information that would not be needed in other employment areas.

Additionally, any County employee on duty who is requested to provide identification to a citizen, government agency, an agency where security measures are in place or a public safety official shall immediately present such identification or face immediate separation from employment. Identification may consist of a Drivers License, employee ID card or other form of picture ID.

Employees who are issued building keys, electronic keys or other pass codes for entry into County facilities shall not loan these to another County employee for any reason or divulge passwords to another employee. Failure to abide by this policy will result in termination of employment.

TITLE XXVI OFFICIAL & EMPLOYEE COPIES

ARTICLE 26.01 OFFICIAL COPIES

Upon approval by the Board of Commissioners, there shall be two official master copies of this Manual, which shall be signed by the Board of Commissioners and any other participating Elected Officers and attested to by the County Clerk. One master copy shall be placed on file in the County Commissioner's Office and the other in the Human Resources Office. Photocopies shall be on file in all County Departments and in all participating Elected Offices.

ARTICLE 26.01 EMPLOYEE COPIES AND ACKNOWLEDGMENT OF RECEIPT

All employees shall sign (digitally or manually) a statement that they have been made familiar with this Manual and know where they may view it or obtain copies of it and that they are responsible for reading and understanding the content therein. Department Heads are responsible for ensuring that each of their employees have access to a copy of this Manual and for retrieving any issued hard copies when they leave the employ of the County.

TITLE XXVII EMPLOYEE ASSISTANCE PROGRAM

ARTICLE 27.01 STATEMENT OF PURPOSE

An Employee Assistance Program (EAP) is sponsored and paid for by the County and is available to all employees and their immediate family members. This program provides confidential professional assistance for any type of personal or work-related problem. Typical problems are emotional or family distress, alcoholism, drug abuse, financial difficulties, or legal problems.

Participation in the program is voluntary, even if referred by management. Participation in the EAP does not relieve the employee of his/her responsibility to meet job performance requirements, attendance standards or compliance with all county policies. Absence from work to attend an EAP appointment is subject to established Policy for excused absence.

ARTICLE 27.02 REFERRAL METHODS

- A. Any employee or family member with a personal problem may request a confidential, professional consultation by calling the EAP support line and asking to speak to an EAP consultant. The Employee Assistance Consultant will arrange to see the employee in a local office or will provide the necessary assistance on the telephone.
- B. A manager, Elected Officer, Department Head, or Human Resources Director may refer an employee to the EAP based upon:
 - 1. a request by the employee for assistance with a personal problem; or
 - 2. a decline in work performance on the part of the employee; or
 - 3. a particular on-the-job incident which indicates the possible presence of a personal problem, excluding incidents of misconduct which require immediate suspension, termination, or other severe disciplinary action.
- C. When an employee has come to a manager, Elected Officer, Department Head, or Human Resources Director to seek advice regarding a personal problem, the manager, Elected Officer, Department Head, or Human Resources Director should make the employee aware of the professional assistance available through the EAP and encourage the employee to call for an appointment with an Employee Assistance Consultant.
- D. The manager may call the EAP to inform them of a possible EE referral. The EAP may contact the manager to obtain all pertinent information relevant to the performance problem of the employee. Only with informed, signed consent by the employee, will the EAP tell the manager whether or not the employee kept the appointment and if the employee is working with the EAP on a plan of action. The specifics of the plan or personal problem are usually not discussed with the manager.

ARTICLE 27.03 CONFIDENTIALITY

The Employee Assistance Program will comply with all federal and state laws regarding confidentiality and privilege. All information between the EAP consultant and the employee or family member will be held confidential with the following exceptions:

- A. the employee provides written authorization to release information;
- B. based upon the EAP consultant's opinion, the employee or family member presents a *serious* danger to self or others;
- C. suspected child abuse/neglect, elder abuse/neglect, or dependent adult abuse/neglect is suspected; or
- D. a court order is presented.

ARTICLE 27.04 EAP AND A DRUG AND ALCOHOL FREE WORKPLACE

The ultimate responsibility for dealing successfully with and eliminating addiction and chemical dependency shall be solely with the affected employee. Butts County's policy shall be to encourage all employees with addictive disorders or chemical dependency to seek proper medical and/or psychological treatment, in addition to the appropriate disciplinary action, if applicable.

No employee shall be terminated, disciplined, or suffer any adverse employment action solely for requesting a referral to an assistance program, provided the employee is not in violation of County policies. Similarly, no employee who identifies himself/herself as in need of such assistance before an incident leading to detection occurs and before receiving notice of an upcoming drug or alcohol test shall suffer any adverse term or condition of employment because of his or her disclosure of such condition.

This is provided the employee discloses the condition and then seeks such assistance and adheres to the treatment plan prescribed by his or her physician or other competent medical, psychological, or addiction counselor, and provided that he or she remains free of the illicit chemical substance, and provided that the employee is otherwise eligible, qualified, and entitled to the position.

No employee shall be subject to any discriminatory treatment if the employee has successfully completed a drug or alcohol addiction program, provided that the employee remains drug and alcohol free and otherwise complies with all County policies. Notwithstanding the foregoing provisions, the requirement that an employee who has returned to duty following completion of a drug or alcohol addiction treatment program submit to more frequent unscheduled drug screening tests as a means of ensuring the employee's continued compliance shall not be considered as adverse or discriminatory treatment.

Contact the Human Resources Department for current EAP contact information.

TITLE XXVIII ANTI-RETALIATION/WHISTLEBLOWER PROTECTION

ARTICLE 28.01 STATEMENT OF PURPOSE

Butts County is committed to prohibiting retaliation against those who report, oppose, or participate in the investigation of alleged policy violations or other forms of wrongdoing in the workplace. The purpose of this policy is to comply with all federal and state laws prohibiting retaliation.

ARTICLE 28.02 POLICY COVERAGE

This policy prohibits all employees, Supervisors, and Elected Officers/Department Heads from retaliating against Applicants, employees, or former employees because of Protected Activity.

ARTICLE 28.03 PROTECTED ACTIVITY

For purposes of this policy, the term “Protected Activity” includes any of the following:

- A. Filing or pursuing an administrative charge or complaint with a federal, state, or local enforcement agency (such as the U.S. Equal Employment Opportunity Commission [“EEOC”]), including assisting another employee in filing or pursuing such a charge or complaint;
- B. Making, filing, or pursuing, in Good Faith, a grievance or internal complaint with Butts County or otherwise placing Butts County on notice regarding an alleged policy violation or unlawful activity, including assisting another employee, in Good Faith, in making, filing, or pursuing such a grievance or complaint or in providing such notice;
- C. Making, filing, or pursuing, in Good Faith, an internal complaint with Butts County or otherwise placing Butts County on notice regarding alleged activity constituting fraud, waste, and abuse in or relating to any State programs and operations under the jurisdiction of Butts County, including assisting another employee, in Good Faith, in making, filing, or pursuing such a complaint or in providing such notice;
- D. Participating in or cooperating with a federal, state, or local enforcement agency (such as the EEOC) that is conducting an investigation of Butts County regarding alleged unlawful activity;
- E. Participating in or cooperating with, in Good Faith, an internal investigation conducted by or on behalf of Butts County regarding an alleged policy violation or unlawful activity;
- F. Testifying as a party or witness or otherwise participating in a trial, hearing, or other legal or administrative proceeding regarding alleged unlawful activity;
- G. Testifying as a party or witness or otherwise participating, in Good Faith, in a hearing or other administrative proceeding conducted by or on behalf of Butts County regarding an alleged policy violation;
- H. Associating with another employee who has or is engaged in Protected Activity;

- I. Making a disclosure, in Good Faith, of a violation of – or noncompliance with – a federal, state, or local statute or ordinance, or any rule or regulation adopted pursuant to any federal, state, or local statute or ordinance, including assisting another employee in making such a disclosure. For purposes of this subsection:
 - 1. The term “disclosure” means an employee’s communication of information to an appropriate government agency or to a Supervisor;
 - 2. The term “appropriate government agency” means an agency of the federal, state, or local government charged with enforcing the statute, ordinance, rule, or regulation that is the subject of the disclosure; and
 - 3. The term “supervisor” means:
 - i. Any Butts County employee or official responsible for directing and controlling the work performance of the employee making the disclosure;
 - ii. Any Butts County employee or official whose duties and responsibilities include taking corrective action regarding the subject matter of the particular disclosure; or
 - iii. Any Butts County employee or official designated to receive disclosures as defined herein.
- J. Objecting to, or refusing to participate in, any activity, policy, or practice of Butts County that the employee has reasonable cause to believe is in violation of, or noncompliance with, a federal, state, or local statute or ordinance, or any rule or regulation adopted pursuant to any federal, state, or local statute or ordinance.

ARTICLE 28.04 GOOD FAITH

For purposes of this policy, a complaint, grievance, report, or disclosure is made in “Good Faith” if the Applicant, employee, or former employee genuinely believes it to be true and such belief is reasonable under the circumstances. A complaint, grievance, report, or disclosure is not made in Good Faith if it is made with knowledge of its falsity or with willful or reckless disregard for its truth or falsity.

ARTICLE 28.05 PROHIBITED RETALIATION; ADVERSE ACTION

This policy prohibits any Adverse Action that is taken against an employee because he/she has engaged in Protected Activity. For purposes of this policy, the term “Adverse Action” includes, but is not limited to, the following:

- A. Discharging, demoting, suspending, or otherwise disciplining an employee because of Protected Activity;
- B. Refusing to hire an Applicant or promote an employee because of Protected Activity;
- C. Issuing a poor evaluation, denying a salary increase, or transferring an employee because of Protected Activity;

- D. Providing a poor job reference or otherwise interfering with a former employee's reemployment efforts because of Protected Activity;
- E. Altering a work schedule or work assignment, extending a Probationary Period, denying a leave request, or any other act or omission negatively affecting, in a significant manner, an Applicant, employee, or former employee because of Protected Activity; and
- F. Threats, intimidation, harassment, or other conduct (real or implied) designed to prevent or discourage an Applicant, employee, or former employee from engaging in Protected Activity or to coerce or pressure an Applicant, employee, or former employee to cease engaging in or to retract Protected Activity.

ARTICLE 28.06 CAUSAL CONNECTION

This policy prohibits Adverse Action that is taken because of an Applicant, employee, or former employee's Protected Activity. This policy does not prohibit disciplinary action or other action adversely affecting an Applicant, employee, or former employee that is taken for legitimate, non-retaliatory reasons unrelated to Protected Activity. An employee cannot avoid the legitimate disciplinary consequences of his/her own misconduct by engaging in Protected Activity.

ARTICLE 28.07 REPORTING RETALIATION

An Applicant, employee, or former employee who believes that he/she has been subjected to retaliation in violation of this policy should immediately report the conduct so that the matter can be investigated and resolved fairly and quickly. Such reports should be made in the same manner as complaints of harassment or bullying under Title IX of this Manual.

ARTICLE 28.08 RESTRICTIONS RELATING TO DISCLOSURES

The following additional provisions shall apply with respect to any disclosure made as provided in Article 29.03(I) above:

- A. No ordinance, resolution, policy, procedure, or practice of Butts County shall be interpreted or applied so as to prohibit an employee from making any such disclosure; provided, however, that this provision shall not apply to any ordinance, resolution, policy, procedure, or practice which implements – or any disciplinary action taken against an employee who violates – any privilege or confidentiality obligations recognized by constitutional, statutory, or common law.
- B. The identity of an employee making any such disclosure shall not be revealed without his/her written consent; provided, however, that upon written notice provided to the employee at least seven (7) days in advance, his/her identity may be revealed if Butts County determines that such action is necessary and unavoidable in investigating the disclosure.

ARTICLE 28.09 REMEDIAL AND DISCIPLINARY ACTION

If the investigation concludes that a violation of this policy has occurred, Butts County will notify the offended and offending parties of the general conclusion(s) of the investigation and will take effective remedial action that is designed to end and prevent any reoccurrence of the violation(s).

- A. Any Butts County employee determined to be responsible for violating this policy will be subject to appropriate corrective and/or disciplinary action, up to and including termination.
- B. Corrective and/or disciplinary action may also be taken against any manager or supervisor found to have ignored or condoned potential violations of this policy or to have failed to take appropriate action to enforce this policy.

ARTICLE 28.10 EXPECTED EMPLOYEE CONDUCT

All employees of Butts County are expected to:

- A. Conduct themselves in a manner consistent with this policy;
- B. Report any act they believe in Good Faith constitutes retaliation as defined here, whether or not the alleged retaliation is directed to them or to another Applicant, employee, or former employee;
- C. Cooperate fully with any investigation conducted by or on behalf of Butts County under this policy, by responding fully and truthfully to all questions posed during the investigation; and
- D. Maintain the confidentiality and integrity of any investigation conducted by or on behalf of Butts County under this policy by not disclosing the substance of any investigatory interview.

ARTICLE 28.11 EXPECTED MANAGER AND SUPERVISOR CONDUCT

In addition to those expectations set forth in Section 2708 above, management and supervisory personnel are expected to facilitate the successful implementation and enforcement of this policy within their Departments or areas of responsibility by:

- A. Being familiar with this policy and modeling behavior that is consistent with it;
- B. Informing all employees under their direction of this policy and periodically reminding them of the policy's requirements as appropriate;
- C. Receiving reports of alleged retaliation in a fair and serious manner, promptly forwarding each such report to the Human Resources Department, and taking appropriate interim remedial measures to ensure that the alleged behavior stops and that there are no reprisals;
- D. Reporting any potential violations of this policy of which they become aware, regardless of whether a formal complaint, grievance, or report has been submitted, to the Human Resources Department;
- E. Based on the findings of the investigation, implementing appropriate disciplinary and/or remedial action; and
- F. Regularly monitoring the work environment and taking immediate appropriate action to prevent or stop potential violations of this policy.

ARTICLE 28.12 ROLE OF THE HUMAN RESOURCES DIRECTOR

The Human Resources Director is responsible for administering the reporting procedure under this policy, authorizing and/or conducting an investigation and, in consultation with the appropriate Department Head or manager, recommending disciplinary action commensurate with the severity of the offense, and recommending other appropriate remedial action.

TITLE XXIX NEWS MEDIA PROTOCOL

ARTICLE 29.01 POLICY STATEMENT

The purpose of this Title is to ensure that when the County speaks to the public through news media outlets that our messaging is accurate, on-point, avoids legal risk from release of unauthorized information, and helps to mitigate needless speculation and rumor that can make critical situations worse or difficult for county personnel to manage properly. This policy is therefore created for those departments that fall under the Board of Commissioners and the direct supervision of the County Manager.

ARTICLE 29.02 PROCEDURE

If you or a member of your team are contacted by any news media outlet, you must adhere to the following protocols:

- A. Politely inform the media representative that you are not authorized to provide information.
- B. Notify the County's Communications Director as soon as possible about the media inquiry, including the name of the media outlet, the nature of their inquiry, and any other relevant information such as whether they are on scene, enroute, or just a phone call.