

MERIT SYSTEM OF PERSONNEL POLICIES AND PROCEDURES

**For Employees of the
Butts County Board of Commissioners**



Fifth Edition, 2018



Approved by Act of the Board of Commissioners

2018

by Butts County Board of Commissioners Office

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Certification & Authorization of Ordinance

Certification:

Prepared by:


Michael Brewer, County Clerk

Date:

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Approved by:



Steve Layson, County Administrator

Date:

10-16-18

Authorization: Passed in Regular Session of the Board of Commissioners, Date JULY 9, 2018

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District 2:


Commissioner Robert L. Henderson, Sr.

District 3:


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District 4:


Commissioner Keith Douglas

District 5:


Commissioner Russ Crumley

Attest:


County Clerk



TITLE I

CIVIL SERVICE PROVISIONS

ARTICLE 1.01 PURPOSE AND STATEMENT OF INTENT

This ordinance of personnel policies and procedures is intended to be a statement of the personnel policies of Butts County, Georgia and is subject to change only by resolution of the Butts County Board of Commissioners.

Under Article IX of the Constitution of the State of Georgia, the General Assembly may, by general law, authorize the establishment by County governing authorities of civil service systems covering County employees. The General Assembly has passed such an act, and since at least 1989, Butts County has adhered to a civil service merit system for its employees. It is the intent of the Butts County Board of Commissioners, by the adoption of these policies and procedures, to maintain and perpetuate this civil service system for its employees. This document effectively becomes the Personnel Ordinance of Butts County, Georgia.

The appointing authorities (Board of Commissioners in non-constitutional offices and Constitutional Officers in constitutional offices) or their authorized agents are the only County officials authorized to appoint employees. Any statement contrary to the terms set forth in this document 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 these policies and procedures.

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, the County feels that fair and equitable treatment of applicants and employees is desirable. 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 these procedures, 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;
7. Assuring employees protection against partisan political coercion; and
8. Prohibiting a political official from using his or her authority or influence over an employee to interfere with or affect the results of an election, the nomination for an appointment or the performance of their duties.

All employees covered by these civil service policies shall possess and enjoy the rights and benefits described herein. Covered employees who have successfully completed their working test shall possess a limited property right to continued employment, which shall not be taken without due process as provided herein. However, these policies and procedures do not create a contract of employment for a fixed term of definite duration. Any employee or official who has obtained a written contract of employment apart from this document shall be employed under the terms and conditions of said contract, and shall be excluded from coverage under this Personnel Ordinance, unless said contract specifically contains provisions that are referenced in the Personnel Ordinance (such as provisions for leave, as an example).

A. Benefits of County Employment

1. Eligible employees may earn, accumulate and take leave as specified by these procedures.
2. Eligible employees may receive holiday pay for each holiday observed by the County.
3. Eligible employees may participate in County retirement programs only if available.
4. Eligible employees may participate in group insurance and group medical coverage if offered by the County. Specific provisions for eligibility and participation will be in accordance with the terms and specifications as outlined in the group contract or plan in effect or as amended.
5. An employee may take military leave with full County pay and, in some cases, leave without pay as specified in these procedures and as provided by Law. (For the most recent law governing this, see Human Resources)
6. An employee may retain full jury pay and full County pay in accordance with these procedures. In the event that a law enforcement employee is called for court duty (other than as a juror) on a scheduled day off, the employee will record the hours as regular time and be paid accordingly in accordance with FLSA overtime requirements (1.5 time for hours in excess of 86), OR if the employee receives a flat fee for services rendered, the employee may elect to retain this fee in lieu of charging hours against the County for court appearance.
7. An employee may obtain outside employment in accordance with these procedures.

ARTICLE 1.02 ESTABLISHMENT, APPLICABILITY AND COVERAGE

These personnel procedures shall apply to all Departments in County government, including employees of participating Constitutional Officers; provided, however, that all participating Constitutional Officers desiring their employees to participate must notify the Butts County Board of Commissioners in writing that they do wish to participate. If such communication is not made, employees in such offices will not be participants in this Civil Service system. For purposes of this Ordinance, the term "Constitutional Officer" includes the Sheriff, Clerk of the Superior Court, Probate Judge and Tax Commissioner. Additionally, for purposes of these policies, the Magistrate Court, Juvenile Court, Board of Tax Assessors, Library Board, Board of Elections and the Coroner's Office shall be treated the same as Constitutional Officers, and employees of such shall be governed by these policies only upon written application of the appointing authority within each office. In the case of the Elections Board, Assessors and Library, employees are covered under this Personnel Ordinance except titles covering discipline, hiring and termination of employment, which rests with their specific appointed boards.

Specifically, six types of employees may be covered, in whole or in part, in participating departments or offices. These types of employees are covered in Title V, which defines the types of employees and the outlines the level of coverage, if any, of each.

Specifically excluded from all provisions of these procedures are: County Administrator, members of the County Commission, members of any appointed board or commission, persons employed to make or conduct a temporary or special inquiry, elected officials, 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, 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 Administrator) under certain provisions of this Ordinance such as compensation, evaluations and benefits; such provision shall be made at the time of appointment.

ARTICLE 1.03 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 the Merit System is the authority of the Board of Commissioners. The various roles associated with County Commissioners are outlined below:

- A. **County Commission Chair**-The County Commission Chair is the Chief Elected Official (CEO) of Butts County. He or she is normally elected by the members of the Board of Commissioners at the first regular meeting of the year. The Chair shall be given any powers authorized by the Members of the Board of Commissioners, including signing documents on behalf of the Board and exercising any special powers granted by the same.
- B. **Vice Chair**- The Vice Chair is normally elected by the members of the Board of Commissioners at the first regular meeting of the year. The Vice Chair shall function as the Chairman at any Board meeting in which the Chair is unable to attend and may exercise the powers of the Chair in the absence of the same. In the event of the death, resignation or removal of the Chair during the calendar year, the Vice Chair has the right if they choose to assume that position and the members shall elect a new Vice Chair.
- C. **Commissioners**- The Members of the Board of Commissioners including the Chair, Vice Chair and three regular commission members, all of which comprise the Board. The Board is the legislative and policymaking elected body of the County government.

ARTICLE 1.04 COUNTY OFFICERS

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

- A. **County Administrator**- The County Administrator 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, Constitutional Officers and associated departments. The County Administrator 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 Administrator directly oversees the operations of the Administrative Department, 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 Administrator also acts as the County Clerk Pro Tempore for the purpose of attesting documents and actions in the absence of the County Clerk.
- B. **County Clerk**- The County Clerk functions as the Executive Secretary to the Board of Commissioners and Assistant to the County Administrator. In this capacity, he or she functions as the keeper of the Commission records and oversees the 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 Administrator 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.
- C. **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 Administrator. 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 Administrator 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 Administrator if directed.
- D. **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 1.05 ADMINISTRATION OF MERIT SYSTEM

The County Administrator is charged with the faithful and impartial administration of and execution of this Personnel Ordinance. The day to day execution of this Personnel Ordinance is generally assigned to the Human Resources Generalist for practical application.

TITLE II

POSITION CLASSIFICATION PLAN

ARTICLE 2.01 ESTABLISHMENT AND AMENDMENT

The Board of Commissioners, through the County Administrator, may establish an employee pay and classification plan. The nature or content of the plan, if established, will be 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 Administrator 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.

ARTICLE 2.03 CLASSIFICATION AND PAY SCALE

The Human Resources Division is responsible for creating and maintaining the classification list, 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 classification list. The Administrator 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 Administrator shall coordinate pay schedule changes far enough in advance to allow for adequate budgetary provisions to be made by the Chief Financial Officer.

TITLE III

EMPLOYEE PERFORMANCE EVALUATIONS

ARTICLE 3.01 OBJECTIVES

The County shall utilize a performance appraisal system for evaluating employees. The type system utilized will be at the discretion of the Board of Commissioners or Constitutional Officers in Constitutional Departments 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 increments. Performance evaluations are also used to evaluate the effectiveness of an employee during their probationary period.

ARTICLE 3.02 QUALIFICATIONS

In no case should employees view the evaluations as a right or obligation of the County; rather, they are a management tool to be used at the discretion of the appointing authorities.

ARTICLE 3.03 TIME OF AND PERIOD OF EVALUATION

If the County elects to utilize an evaluation system, they will determine the time the evaluation will take place and the period of time to be covered by the evaluation. Exception: a performance evaluation will be utilized to determine if an employee will exit working test periods (probation).

ARTICLE 3.04 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 Personnel Office 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

ARTICLE 4.01 POLICY

Reimbursement procedures for travel are outlined in a separate policy entitled “*Butts County Travel Policy Regulations*” which was passed by the Board of Commissioners in November of 2002 and effective December 1, 2002. Specific regulations governing travel, reimbursement and other expenses are outlined in detail within that policy.

ARTICLE 4.02 DEFINITIONS

- A. AGENCY means any department, board, commission, or other unit of county government that is subject to the Statewide Travel Policies.
- B. COMMERCIAL TRANSPORTATION means any entity that offers transportation of people or goods to the public for pay.
- C. COUNTY AND MUNICIPAL EXCISE TAX means the local taxes charged by hotel/motels for lodging. This tax is separate from the state sales tax.
- D. EMPLOYEE/ELECTED OFFICIAL/APPOINTED OFFICIAL TRAVEL EXPENSE STATEMENT means the accounting document used to reimburse a county employee/elected official/appointed official for travel expenses incurred while on official business.
- E. COUNTY PER DIEM RATE means the maximum reimbursements allowed to county employees, elected officials/and or appointed officials who are on travel status. The available rates only include locations within the continental United States.
- F. HIGH COST AREA means any area within Georgia within which meal expenses may be reimbursed at a higher amount than the limits that otherwise apply to travel within Georgia. High cost areas are limited to the following areas: metropolitan Atlanta (Cobb, DeKalb, Fulton, and Gwinnett Counties), Augusta (Richmond County), Brunswick (Glynn County) and Savannah (Chatham County).
- G. LODGING means a hotel, motel, inn, apartment, or similar entity that furnishes lodging to the public for pay.
- H. MEAL EXPENSE means the cost of a meal including applicable taxes and tip.
- I. MISCELLANEOUS TRAVEL EXPENSE means a necessary and reasonable expense incurred by a county elected official and/or appointed official employee while traveling on official business. The County Administrator or Financial Officer shall approve these expenses on an individual basis. This term does not apply, however, to meals, lodging, mileage, or transportation costs.
- J. POINT OF DEPARTURE means the beginning location used to calculate state-use miles traveled in a personal vehicle. For the normal workweek, the point of departure will be either the employee’s residence or headquarters, whichever is nearer to the destination point. During weekends and holidays, employees should use the actual point of departure to calculate travel mileage.
- K. PRIVATE AIRCRAFT means any personally owned or leased aircraft that is not available for commercial use.
- L. TRAVEL ADVANCE means any payment to an employee, elected office and/or appointed official for travel expenses that will be incurred for a scheduled, future trip.

- M. TRAVEL ADVANCE AUTHORIZATION FORM means the form used to document approval of cash advances by a Department Head, Constitutional Officer or his/her designee and to document receipt of the cash advance by the employee.
- N. TRAVEL EXCEPTION means written authorization for travel reimbursement of expenses generally not allowable under the County Travel Policies.
- O. TRAVEL EXPENSES means meals (to include tips), lodging, mileage, transportation, and miscellaneous expenses.

ARTICLE 4.03 AUTHORIZATION FOR TRAVEL

General Provisions

Subject to the provisions outlined in these travel policies, the Butts County Board of Commissioners has authorized travel reimbursement for the following expenses:

- Meals incurred associated with overnight lodging and for certain circumstances when there is no overnight lodging;
- Lodging expenses;
- Mileage for use of personal vehicle or aircraft;
- Transportation expenses, including parking and toll fees; and
- Certain approved miscellaneous expenses associated with travel.

The specific policies regarding the reimbursement of travel expenses, as well as expense limited and required documentation are outlined in the following chapters.

Exceptions to Travel Policies

Situations may arise in the course of performing job duties that may require employees to incur travel expenses that are generally not reimbursable. The Administrative Office of the Board of Commissioners is authorized to grant one-time exceptions for unusual circumstances.

Employee Authorization for Travel

Employees who are required to travel for their job and are eligible for travel reimbursement should receive authorization from their department head or other designated official prior to performing the travel.

Each department should establish a written policy designating persons/positions who may authorize and approve travel. Agencies may authorize blanket routine travel authorization for instate travel. However, the **County Administrator** or his designee prior to each trip should specifically authorize all out-of-state travel.

ARTICLE 4.04 REIMBURSEMENT OF MEAL EXPENSES

Meal Expenses Associated with Overnight Travel within Georgia (General Rule)

Employees traveling overnight may be reimbursed for the actual cost of meals, within the maximum limits established in these travel policies. Limits are based on the length of day that an employee is officially on travel status. The following limits apply to meal reimbursements for all employees traveling within most areas of Georgia. Meal limits applicable to employees traveling to high cost areas within Georgia, as defined in Chapter 1 of these travel regulations, are outlined on page 10. The daily meal limits shall reflect those of the State of Georgia. The County follows the State of Georgia travel guidelines and allowable expenses are subject to change.

(1) Taxes and tips are allowable expenses, however, they should be included in the total expense for the meal. * Calculate tip amount at 15%.

Generally, employees who travel overnight should not be reimbursed for three full meals on the day of departure or return. The following guidelines apply to reimbursement of meal expenses for these days:

- Employees may only be reimbursed for the meals purchased while officially on travel status. (For example, if an employee departs at 3:00PM, the employee should not claim breakfast or lunch expenses for the day of departure.)
- Employees may be reimbursed for meal expenses incurred outside a 50 -mile radius or an hour travel time
- Employees who depart for an overnight trip prior to 6:30AM are entitled to reimbursement for breakfast expenses, provided an expense was incurred.
- Employees, who return from an overnight trip later than 7:30PM are entitled to reimbursement for dinner expenses, provided an expense was incurred.
- When meals are included as part of a registration fee, employees who choose to obtain their own meals will be responsible for the costs.

Meal Expenses Associated with Overnight Travel within High Cost Areas in Georgia

In some areas of Georgia, employees may experience high costs that cause the employee to exceed the general meal limits. In recognition of this fact, certain areas, as defined in Chapter 1 of these travel policy regulations, have been designated “high cost areas.” These are defined by the State of Georgia’s travel policies and are subject to change.

(1) Taxes and tips are allowable expenses, however, they should be included in the total expense for the meal. Calculate tip amount at 15%.

Employees are considered traveling in high cost areas of Georgia when their official responsibilities must be performed at a location in the high cost area. Employees who are not both working and spending the night in lodging in a designated high cost area are subject to the general meal limits shown on page 9.

Meal Expenses Associated with Overnight Travel outside Georgia

Employees traveling outside Georgia should make every effort to remain within the meal limits prescribed in these travel policy regulations. However, employees may experience some high cost areas that cause the employee to exceed the authorized meal expenses. Employees who experience this situation should refer to the federal per diem rates included in Appendix B. This listing should be used as a guide to determine appropriate meal expenses for various cities throughout the United States. Meal expenses associated with travel to high cost out-of-state areas should be approved by the department head, and/or constitutional officer or his designee prior to the trip. It should be noted that Appendix B does not include information for locations outside the United States.

Employees are considered traveling outside Georgia when their official responsibilities must be performed at an out-of-state location.

Reimbursement of Meals Not Associated with Overnight Travel

Employees who are required to travel for their job and do not stay overnight may be reimbursed for certain meal expenses under the following situations:

- Employees acting as an official representative for their department and/or constitutional officer may be reimbursed for meals that are an integral part of a scheduled, official meeting. Reimbursement is only authorized, however, if the meeting is with persons outside the employee’s department or constitutional office and if the meeting continues during the meal. Employees cannot be reimbursed for meal expenses if they leave the premises of the meeting site.
- Employees may be reimbursed for a noon meal not associated with overnight lodging if the meal is a scheduled part of an intra-departmental meeting or training session. (i.e., the meeting or training session continues during lunch)

and the employees do not leave the premises of the meeting site.) Reimbursement is only authorized, however, if the meeting or training was previously approved by the department head and/or constitutional officer, equaled or exceeded six hours in length, and was held more than 30 miles from the employee's office. Reimbursement for the meal expense may be documented by a copy of the formal written agenda.

- Employees may be reimbursed for noon meals that are part of a required registration fee.
- Employees who are more than 50 miles away from home or office on a work assignment and are away for more than 13 hours may be reimbursed for meals, even when there is no overnight lodging. In this situation, employees are entitled to reimbursement for the noon meal. In addition to the noon meal, employees who depart prior to 6:30AM are entitled to reimbursement for breakfast expenses, and employees who return later than 7:30PM are entitled to reimbursement for dinner expenses.
- Employees who are more than 50 miles away from home or office on a work assignment and depart prior to 5:30AM are entitled to reimbursement for breakfast expenses, even when there is no overnight lodging.

Employees who are reimbursed for any of these circumstances are still expected to remain within the authorized meal limits.

Meal Expenses Incurred while Taking Leave

Employees who take annual leave while on travel status may not be reimbursed for meal expenses incurred during the period of leave.

Required Documentation of Meal Expenses

All meal expenses must be itemized on the employee travel expense statement, indicating the date, location, and the actual cost of each meal. Taxes and tips are also reimbursable; however, they should be included in the total meal cost subject to the authorized limits. Receipts for meals are not required. However, expenses that exceed the authorized general meal limits due to travel to high cost areas or out-of-state should be explained on the expense statement.

ARTICLE 4.05 LODGING EXPENSES

General Provisions

Employees who travel more than 50 miles (and outside the county) of their home office or residence may be reimbursed for lodging expenses associated with overnight travel.

Employees will be reimbursed for the actual lodging expenses, provided the expenses are reasonable. Each department, constitutional office may establish its own policy regarding the maximum reasonable rates for overnight lodging.

Responsibilities of Employee

Employees traveling overnight are responsible for ensuring the most reasonable lodging rates are obtained. To accomplish this, employees should:

- Make reservations in advance, whenever practical, by use of credit card.
- Utilize minimum rate accommodations,
- Avoid the "deluxe" hotels and motels, and
- Obtain corporate/government rates, whenever possible.
- Determine costs ahead of time and make arrangements with the Commissioner's Office to have a check cut for the total amount of lodging.

Reimbursement of Lodging Expenses for Overnight Travel outside Georgia

Lodging expenses for hotels/motels outside Georgia may exceed the maximum reasonable rates. Employees traveling out-of-state should refer to the federal per diem rates (see Appendix B) to identify high cost areas of the United States, and to determine whether higher expenses are justified. The rates published by the federal government, however, should only be used as a guide. The department head, constitutional officer or his/her designee prior to the trip should approve lodging

expenses associated with travel to high cost areas. It should be noted that Appendix B does not include information regarding locations outside of the United States.

Lodging Associated with a Meeting or Seminar

Employees who stay at a hotel/motel that is holding a scheduled meeting or seminar may incur lodging expenses that exceed the rates generally considered reasonable. The higher cost may be justified in order to avoid excessive transportation costs between a lower cost hotel/motel and the location of the meeting.

Authorization for Lodging within the 50 Mile Radius

On occasions, departments of the county may be required to sponsor conferences, trade shows, and other functions that require personnel to work at the event. In many cases, the persons planning and coordinating the event reside or work less than 50 miles from the scheduled meeting site. Department heads are authorized to approve overnight travel for such persons who are coordinating department sponsored events, provided the affected employees are required to begin work within 9 hours of completing the previous day's activities. In addition to mileage, affected employees may be reimbursed for meals and lodging in accordance with the provisions of the County Travel Policies.

Departments are required to keep records of all persons authorized for travel status under this provision. Such records must be maintained in a central file and must include the names of all persons approved for travel under this provision, the dates of the event, the purpose of the event, the responsibilities of the individuals approved for travel status, and the written and signed authorization of the department head. Authorization for such travel must be done in advance of the scheduled event.

It should be noted that this provision only applied to conferences and other department sponsored events that occur. This provision does not authorize persons to claim travel reimbursement for activities that are part of their normal responsibilities. In addition, this provision would not apply for persons who are required to attend evening meetings as part of their normal responsibilities.

Sharing Lodging

When employees on travel status share a room, reimbursement will be calculated, if practical, on a prorated share of the total cost. When a county employee on travel status is accompanied by someone who is not a county employee on travel status, the employee is entitled to reimbursement at a single room rate.

Exemption of County and Municipal Excise Tax

Section 48-13-51 of the Official Code of Georgia Annotated exempts Georgia State and local government officials and employees, who are traveling on official business, from paying the county or municipal excise tax on lodging. This optional excise tax is normally 3%, but can be as much as 6% in some locations. County employees are still required to pay sales tax associated with lodging expenses.

Employees are required to submit a copy of the tax-exempt form when they register at a hotel/motel. A copy of this form is provided in Appendix A. This exemption does not apply to employees staying at an out-of-state hotel/motel.

Employees should be sure to present the tax-exempt form to the hotel at check-in. If the hotel refuses to accept the tax-exempt form at check-in, the employee should attempt to resolve the issue with hotel management before checking out at the end of their stay. If the matter is not resolved by the time the employee checks out, the employee should pay the tax. The employee should explain the payment of the tax as an unusual expense on their travel expense statement.

The employee's department is authorized to reimburse the employee for the hotel/motel tax if the employee provides the department with the following information: employee name; date(s) of lodging; name, address, and telephone number of hotel.

Lodging Expenses Incurred while Taking Leave

Daily lodging expenses, including applicable taxes, must be itemized on the employee travel expense statement. Employees requesting reimbursement for lodging expenses are required to submit receipts with their expense statement. In addition,

any expenses that exceed the maximum reasonable rates established by the respective department should be explained on the travel statement. Individuals responsible for approving travel expenses should review these explanations to determine whether the higher costs are justified and allowable.

Required Documentation of Lodging Expenses

Daily lodging expenses, including applicable taxes, must be itemized on the employee travel expense statement. Employees requesting reimbursement for lodging expenses are required to submit receipts with their expense statement. In addition, any expenses that exceed the maximum reasonable rates established by the respective department should be explained on the travel statement. Individuals responsible for approving travel expenses should review these explanations to determine whether the higher costs are justified and allowable.

ARTICLE 4.06 TRAVEL BY COUNTY OWNED OR PERSONAL VEHICLES

General Provisions

County employees shall utilize county-owned vehicles, if available, for travel within the State of Georgia, and when appropriate for travel outside the State. However, if county owned vehicles are not available, then employees may use their personal vehicle. The County may reimburse county employees for the mileage incurred during the employee's use of a personally owned vehicle. With the exception of tolls and parking expenses, the mileage reimbursement includes all expenses associated with the operation of a personally owned or leased vehicle.

Mileage Reimbursement Rate for Use of Personal Vehicles

Employees may be reimbursed for business miles traveled in a personal vehicle. As of *November 21, 2005*, employees will be reimbursed for each county-use mile traveled in a personal vehicle. *The amount of the reimbursement rate will coincide with the prevailing rate of the State of Georgia in effect on the day such mileage is accumulated. For example, if the prevailing state rate is \$0.485 per mile, then the County rate would be the same and remain the same until such time as the state either raised or lowered the rate.* The actual reimbursement is calculated by multiplying the number of county-use miles by the legally authorized mileage rate. Employees using personal vehicles shall be required to furnish proof of insurance.

Employees may be reimbursed for the mileage incurred from the point of departure to the travel destination. During the normal workweek, the point of departure will be either the employee's residence or office; whichever is nearer to the destination point. During weekends and holidays, employees should use the actual point of departure to calculate travel mileage.

Prohibited Mileage Reimbursements

Employees are not entitled to mileage reimbursements for:

- Travel between their place of residence and their office, or
- Personal mileage incurred while on travel status.

Reimbursement for Parking Fees and Tolls

The County may also reimburse employees who incur parking and toll expenses while on official travel for the county. These expenses are reimbursable for travel in both county owned and personal vehicles.

While there are no maximum limits for parking, employees are encouraged to utilize low-cost, long-term parking to minimize the cost.

Required Documentation of Mileage, Parking, and Toll Expenses

All requests for reimbursement of mileage, parking, and toll charges must be documented on the employee travel expense statement.

Employees traveling by personal vehicles and requesting reimbursement must record the actual odometer readings on the expense statement. Personal mileage is then excluded to determine the actual state-use miles. Employees should claim mileage based on the most direct route from the point of departure to the destination. Deviations from the most direct route (i.e., due to field visits, picking up passengers, etc.) should be explained on the travel expense statement.

Requests for reimbursement of parking fees and tolls paid should also be recorded on the travel expense statement. Employees are expected to obtain receipts for these expenses. If it is not possible to obtain a receipt, then a written explanation should be included on the expense statement.

Employees who share a county owned or personal vehicles with another employee and do not claim reimbursement for mileage should indicate the name of the person they rode with and the dates of the trips on the travel expense statement.

ARTICLE 4.07 TRAVEL BY RENTED OR PUBLIC TRANSPORTATION

General Provisions

County employees are encouraged to travel by county owned or personal vehicles when feasible. However, when commercial transportation is necessary, employees may be reimbursed for the expenses incurred. Employees will be reimbursed for actual expenses incurred, provided the appropriate steps were taken to obtain the lowest possible fare or cost.

Travel by rented or public transportation must be approved by the county administration prior to the date of travel. When considering such a request, county personnel should consider the distance to be traveled, the travel time, and the cost.

Commercial Air Transportation

The county may reimburse employees for expense incurred for air travel, provided these expenses were approved prior to the date of travel.

Employees who require air travel should contact a travel agency for the purpose of identifying the lowest available airfare to a specified destination.

Many travel agencies now charge small fees for issuing tickets. These fees, if reasonable, are part of the cost of travel. Employees may, therefore, be reimbursed for such costs.

Travel agencies used for making travel arrangements should not be related to the employee making, authorizing, or approving the arrangements. The travel agencies should also not be related to the employee actually traveling. A “related” party would include any members of the employee’s family or any organizations in which the employee or his/her family members have a financial interest. The purpose for not using such travel agencies is to maintain the county’s integrity in financial matters. It is important that the actions of all county departments and/or constitutional offices be above reproach.

In general, it is the county’s policy that county officials or employees traveling by commercial air carrier travel in the most cost-effective manner and utilize the lowest possible coach fares. Officials or employees traveling by commercial air carrier will not be reimbursed for the portion of non-coach (first class, business class, etc.) airfare that exceeds the cost of the lowest, available fare on the same flight unless:

- There is no other space available on the needed flight;
- A licensed medical practitioner certifies that because of a person’s mental or physical condition, specific air travel arrangements are required.

Upgrades to Non-Coach Travel

County officials or employees may, at any time, use personal frequent flyer miles or similar programs to upgrade to non-coach travel. In addition, nothing in this policy shall preclude a county official or employee from personally paying for an upgrade to non-coach travel.

For purposes of conducting official county business, county officials or employees may negotiate or arrange for upgrades to non-coach travel with individual commercial carriers if:

- The flight is international and over five hours in duration; and
- The carrier agrees not to charge any additional cost to the county.

Indemnification Received Due to Travel Inconveniences Imposed by Airlines

Occasions may arise when airlines overbook, change, delay or cancel flights, thereby imposing travel inconveniences on their passengers. In these instances, airlines often offer the impacted passengers indemnification for these inconveniences. Examples of indemnification that may be offered by an airline include vouchers for meals or lodging, upgrades to non-coach travel, and credits toward future flight costs. County employees are authorized to accept such indemnification if the travel inconvenience was imposed by the airline and there is not additional cost to the county.

Rental of Motor Vehicles

The use of commercially leased vehicles will be left to the discretion of county personnel responsible for authorizing travel.

Travel by Railroad

The county may reimburse employees for the actual cost of rail transportation, provided the appropriate personnel authorized the travel expense in advance. Employees traveling by rail are encouraged to obtain the lowest possible fare.

Travel by Mass Transportation, Taxi, or Airport Vans

Employees officially on travel status may be reimbursed for necessary costs of transportation by bus, taxi, or airport vans for the following situations:

- Between the individual's departure point and the common carrier's departure point;
- Between the common carrier's arrival point and the individual's lodging or meeting place; and
- Between the lodging and meeting places if at a different locations.

It is expected that airport vans will be utilized when available, when arrival or departure is during daylight hours, and when they are the lowest cost alternative.

Reimbursement for Baggage Handling Services

Employees may be reimbursed for expenses associated with baggage handling services (portage) when an expense is actually incurred in moving luggage into or out of lodging places and common carriers.

Required Documentation of Expenses

All travel by rented or public transportation must be recorded on the employee travel expense statement. Employees requesting reimbursement must submit receipts for travel by commercial air carrier or railroad and for the cost of rented vehicles. Although receipts are recommended, employees are not required to submit receipts for travel by mass transportation, taxi, or airport vans. However, a point-to-point explanation is required for each item reimbursed. All transportation expenses should be itemized on the employee travel expense statement.

ARTICLE 4.08 MISCELLANEOUS TRAVEL EXPENSES

Telephone/Telegraph/FAX Expenses

Employees may be reimbursed for expenses incurred for work related telephone, telegraph, laptops, and FAX messages. Employees must document these claims on the travel expense statement, and indicate the location from which each call was made, the person contacted, and the reason for the communication. Personal calls made while on travel status are not

reimbursable. When overnight travel is required, employees arriving at their destination may make one reimbursable personal phone call to notify their family of their arrival and how to reach them in an emergency.

Stationery/Supplies/Postage Expenses

Reimbursement for stationery, supplies, stenographic, or duplicating services may be reimbursed, provided the expense is directly associated with a work related project and the cost is reasonable. In addition, work related postage expenses might be reimbursed. Employees requesting reimbursement for these expenses must document actual expenses on the travel statement and explain the purpose for these expenses. Receipts/invoices should accompany the travel expense statement.

Registration Fees

Registration fees required for participation in workshops, seminars, or conferences that an employee is directed and/or authorized to attend will be allowed when supported by a paid receipt or a copy of the check showing payment.

Unallowable Expenses

The following expenses are not reimbursable unless specific legal authority has been established:

- Laundry
- Valet services
- Theater
- Entertainment
- Alcoholic beverages

ARTICLE 4.09 CHARGE CARDS AND CASH ADVANCES

General Provisions

In general, the county administration is authorized to set specific policies and procedures regarding travel advances, provided the policies and procedures do not conflict with any regulations addressed in the remainder of this chapter.

Purpose of Travel Advances

The purpose of travel advances is to minimize the financial burden on employees while traveling on behalf of the county. This objective can be accomplished either by the issuance of corporate charge cards or by cash advances to the employees.

County Charge Cards

County charge cards may be issued to eligible employees upon approval by the county administrative office or its designee and the department issuing the county charge card. County charge cards are beneficial because they:

- Reduce the employee's and the county's cash flow by minimizing the need for cash advances;
- Reduce the frequency of reimbursements for travel expenses;
- Require no annual membership fee or finance charges if paid within the terms of the agreement;
- Eliminate the need for the agency to direct pay airline tickets, travel agencies, and car rental agencies;
- Provide guarantee for hotel rooms and other services requiring a deposit; and
- Provide the county with various financial reports regarding employee travel expenses.

Employees who are issued county charge cards are authorized to use the charge cards for business purposes only, and are subject to the following guidelines:

- Employee shall prepare a travel expense statement for submission to the Accounts Payable Clerk upon their return.
- Employees shall sign all credit card receipts and attach these to the travel expense statement.
- Credit card will be signed back in with the Accounts Payable Clerk along with the travel expense statement. County Credit cards will be turned back in within three (3) business days of the end of the authorized use of the card.

Authority to Advance Cash for Travel

The county administration is authorized to advance county funds to employees traveling on behalf of the county. Funds may be advanced for anticipated subsistence (meals and lodging), as well as for mileage and other transportation costs which are reimbursable under these travel policies. Travel advances are not required by county law or by these policies, but are left to the discretion of the county administration.

Approval of Cash Advances for Travel

The County Administration must specifically authorize each cash advance made to an employee. The written authorization for a cash advance should be included on the travel advance authorization form (see Appendix A). This form should also be signed by the employee to document that the cash advance was received.

Amount of Cash Advance

The County Administration may establish policies regarding cash advance limits. The county should consider the nature and probable duration of the travel when determining cash advance limits. The amount of a cash advance shall be related to the estimated cost of travel, as outlined on the travel authorization form, but shall be held to a minimum and allowed only when the county administration determines that an advance is warranted.

Employee and County Accountability of Funds Advanced

Each employee receiving a cash advance shall sign and date the travel advance authorization form acknowledging receipt of the funds. All employees are fully responsible for funds advanced to them and shall account for the funds in accordance with the County Travel Policy Regulations. Employees are liable for any advanced funds that are lost or stolen. Neither state law nor these policy regulations, however, in any way relieve the county from the responsibility of accounting for all funds expended for travel purposes.

Recovery of Cash Advances Made for Specific Trips

When the actual travel expenditures reported on the travel expense statement exceed the amount of the cash advance, the employee shall be reimbursed for the additional travel costs incurred.

Cash advances for specific trips shall be recovered under the following four circumstances:

- When the actual travel expenditures reported on the travel expense statement are less than the amount of the cash advance, the employee shall reimburse the county for the difference. This reimbursement shall be made at the same time that the travel expense statement is submitted;
- In the event of cancellation or indefinite postponement of authorized travel, any cash advances which were made shall be refunded immediately;
- Outstanding travel advances should be recovered from terminating employees. The county shall establish procedures to ensure that terminating employees do not have outstanding cash advances and have turned in any county charge cards.

ARTICLE 4.10 REIMBURSEMENT PROCEDURES

Required Documentation of Travel Expenses

Employees requesting reimbursement for travel expenses are required to submit their claim to authorized personnel on the employee travel expense statement. A copy of the standard travel expense statement is included in Appendix A. The county is authorized from time to time to make revisions to the standard form.

Requests for reimbursement should include the following information:

- Itemized expenses for authorized meals, lodging, mileage, transportation, and miscellaneous expenses. The types of expenses which are authorized and the allowable limits are discussed in chapters three through seven;
- Explanation of any expenses which exceed the established limits and of any unusual expenses;

- Explanation of the purpose for the trip; and
- Description of the type(s) of transportation used.

Employees are required to sign their travel expense statement, attesting that the information presented on the form is accurate. Employees who provide false information are subject to criminal penalty of a felony for false statements, which is subject to punishment by fine of not more than \$1,000 or by imprisonment for not less than one nor more than five years.

Employees are also required to submit receipts for the following expenses:

- Lodging
- Airline or Railroad Fares,
- Rental of Motor Vehicles,
- Supplies, and
- Registration Fees.
- Any and all credit card expenditures

Receipts for parking, toll way, mass transit/taxi/airport vans, and communications expenses are recommended. However, if receipts are not available, employees are required to include an explanation of the expense on the travel expense statement. Receipts for meals are not required.

Frequency of Reimbursement

The county should reimburse employees for travel expenses at least semi-monthly.

Responsibility of the County

The county shall designate a person (or persons) responsible for examining and approving claims for reimbursement under these travel regulations. Claims should be reviewed to ensure they are reasonable, accurate, and only cover expenses that were actually incurred by the employee. Claims that exceed the established limits should be reviewed more closely to ensure the explanations are sufficient to justify the higher expenses. Employees should not assume that all expenses that exceed the authorized limits and are explained on the travel expense statement would be automatically approved.

The accounting review process for approving travel expense statements will be left to the discretion of the individual(s) so designated by the County.

ARTICLE 4.11 EXCEPTIONS TO TRAVEL REGULATIONS

General Provisions

Sometimes unusual circumstances may arise that require employees to incur travel expenses that are not reimbursable under the current travel regulations. When this occurs, the department and/or constitutional officer may request an exception to the travel policy regulations, for the purpose of reimbursement.

Departments and/or Constitutional Officers should not consider approved exceptions to be a blanket waiver of the travel policy regulations. Exceptions are only granted for an individual or individuals participating in a scheduled event, and are only allowable for the specified dates of the event.

Departments and/or Constitutional Officers are encouraged to request exceptions for unusual travel circumstances, as needed.

Procedures for Requesting Travel Exceptions

Departments and/or Constitutional Officers requesting travel exceptions should submit their request in writing to the County Administration. All written requests must be from the department head or constitutional officer must be submitted prior to the expected travel date. All written requests should include:

- The name(s) of the person(s) for which the exception is requested,
- An explanation of the purpose of the trip,
- An explanation of the types of expenses to be incurred, and
- The anticipated travel dates.

Approval/Denial of Travel Exceptions

The County Administration is responsible for approving or denying all requests for travel exceptions. Written documentation will be submitted to the department and/or constitutional officer indicating whether the request was approved or denied.

Revisions: Mileage reimbursement amount amended on November 21, 2005 to reflect the rate of the State of Georgia. This rate will fluctuate based on economic factors and will be set by the State.

TITLE V

EMPLOYMENT

ARTICLE 5.01 TYPES OF EMPLOYMENT

It is provided that there shall be six (6) categories of employee, 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. This definition refers to the position, not the incumbent. As full time employees, these workers are subject to all rules and regulations contained in this Ordinance and receive all fringe benefits as provided by these personnel procedures, including 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 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 these procedures. Also, when the position involves existing employees and a full time position, employees are eligible for all fringe benefits and pay as provided by these personnel policies, including leave, provided they meet the full time requirement. 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 of appeal 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 temporarily to fill existing positions (usually 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. These positions also may be full time or part time, but the substitute employee in the position is a temporary employee. 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 these procedures; however, they are not eligible for fringe benefits such as leave, and shall not enjoy a right 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 Ordinance 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.
- 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. While these employees have no right to expect fringe benefits, the procedure for adverse action when necessary shall follow those of full time employees. A part-time employee classified this way may appeal a termination up to the County Administrator.
- 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 these procedures; however, they are not eligible for fringe benefits such as leave, and shall not enjoy a right 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 these procedures; however, they are not eligible for fringe benefits such as leave, and shall not enjoy a right to notice and hearing upon dismissal, which may be imposed with or without cause.

ARTICLE 5.02 APPLICATION FOR EMPLOYMENT

- A. All applicants for a position within the Butts County government shall complete the required "Application for Employment" form available from the Personnel Office 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. The appropriate Constitutional Officer or Department Head shall review all applications/resumes, arrange for background checks, interview the most qualified candidates and determine the appropriate appointment. All application paperwork and background checks 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 Administrator.
- C. ALL temporary and/or emergency appointments shall be for a period NOT to exceed twelve (12) months, and must be approved for funding by the Board of County Commissioners. Said compensation for the temporary and/or emergency appointments shall be in accordance with the Position Classification Plan and within the current approved budgeted amounts for salaries.

ARTICLE 5.03 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. Additionally, potential employees will be required to fill out forms to verify their status as US Citizens or resident aliens.
- 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 Generalist 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 Generalist is responsible for the placement of the forms in each employee's personnel file.
- E. These forms must 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 5.04 METHOD OF FILLING PROMOTIONAL POSITIONS

The County does not discriminate on the basis of race, color, sex, religion, national origin, age, mental or physical handicap 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 positions vacancies that are promotional in nature must apply by written letter for the position to the appropriate Department Head or Constitutional Officer. The County will make every reasonable effort to notify eligible employees of vacancies.

ARTICLE 5.05 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 5.06 NEPOTISM

Nepotism, or the employment of two or more members of the same immediate family, can undermine the effectiveness of government as well as the integrity and reputation ascribed to it. To that end, no two members of an immediate family will be employed by Butts County within the same department, or under the same supervisor. Additionally, no two members of an immediate family will be employed at the same time, regardless of the department in which either employee works, if such employment could result in an employee supervising, directly or indirectly, any member of his or her immediate family.

This Article covers a broad spectrum of applications, which Administration is charged with interpreting and applying within the scope of this policy. This spectrum includes but is not limited to promotions, demotions, transfers, reinstatements and the hiring of new employees, all classes of which could be potentially affected by nepotism issues. The provisions of this Article will not be retroactive, in that no action is to be taken concerning the continued employment of persons employed by the County on the date this Article is adopted; but action will be taken where promotion, demotion, transfer, reinstatement or new hiring after adoption of this policy is concerned.

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. Additionally, because all departments under the Board of Commissioners are ultimately under the supervision of the Board, the provisions of this article will be applied in all departments that fall under the jurisdiction of the Board of Commissioners. Employees who may be working for the County at such time as a relative is elected to serve as a Commissioner will not be affected by this but relatives of Commissioners will be prohibited from entering into employment with a County department for the duration of their time in office.

The Board of Commissioners reserves the right to deny Merit System benefits to any employee hired by a Constitutional Officer whose employment would result in a nepotism conflict as defined in this Article, provided that said denial is imposed at the time of hiring.

ARTICLE 5.07 PHYSICAL EXAMINATIONS, DRUG TESTING & POLYGRAPH

When an offer of employment has been extended to an individual, 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.

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 Chief Human Resources Officer in writing. At such time as certification is received, the employee may be permitted to begin employment. If an existing employee is being 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 selected individual and his or her medical care providers will be permitted to suggest any such accommodation for the County's consideration before a

final decision is made. In the case of an existing employee, the County will, if positions are available, allow the employee to transfer to a position suitable to the employee's fitness capability. A salary adjustment will 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 dismissal.

A. Drug Testing of Employees

Butts County strongly adheres to the Drug 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.

1. Assistance

The County recognizes that alcohol and drug abuse and addiction are treatable. The County also realizes that early intervention and support improve the success of rehabilitation. To support our employees, our drug free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family member may have a drug and/or alcohol problem
- Offers all eligible employees options covered under our County health insurance policies assistance with alcohol and drug problems

2. Confidentiality

All information received by the County through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

3. Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to place.

4. Duty Not to Report for Work

All employees are required not to report to work or be subject to duty while their ability to perform job duties is impaired due to on or off duty use of alcohol or other drugs. In addition, employees are encouraged to:

- Be concerned about working in a safe environment
- Support fellow workers in seeking help
- Utilize services available to employees, both through internal and external practices
- Report dangerous or aberrant behavior to their supervisor, supervisors to their managers, managers to directors, etc.

It is the agency supervisor or department director's responsibility to refer employees for assistance programs available.

5. Communication

Communicating the County's drug-free workplace policy to both management and employees is critical to the County's success. All employees shall be given a copy of this policy and are notified at that time of their responsibility to support the drug free workplace program.

B. Testing for Drugs and Alcohol

It is the intent and policy of Butts County to prevent the use of and eliminate the presence of alcohol and illegal drugs in the workplace. It is the County's intention to provide a safe work environment for all employees, protect County property and equipment from damage, assure all County business is conducted with efficiency and quality and protect the public and its property against endangerment due to the impairment of County employees' physical or mental capabilities. Therefore, as a condition of employment with Butts County, Georgia, all employees must comply with the requirements of this policy.

Definitions

1. *"Employees subject to random drug-testing"* means any employee who is: (a) required to be certified by the Georgia Peace Officer Standards and Training Council under the provisions of O.C.G.A. Section 35-8-1 et seq.; (2) any employee working in "high-risk" jobs, as hereinafter defined; or (3) any employee required by state or federal law or regulations to be so tested.
 2. *"Established Drug Test"* means the collection and testing of bodily fluids administered in a manner equivalent to that required by the Mandatory Collection Guidelines for Federal Workplace Drug Testing Programs (HHS Regulation 53 Fed. Reg. 11979, et. Seq.) as amended or any other professionally valid procedures approved by the Georgia Department of Human Resources.
 3. *"High-risk" jobs* means those duties where inattention to duty or errors in judgment while on duty will have the potential for significant risk of physical harm to the employee, other employees, or the general public; or potential serious harm relating to County technical operations. For purposes of this policy, the following positions shall be considered "high-risk work" and employees holding such positions shall be subject to random drug testing: Department Directors/Managers, Deputy Directors/Managers, designated Supervisors, I.T. (Information Technology) personnel, drivers or operators of any County vehicle, including automobiles, trucks, tractors, motor graders, pavers, back hoes, street sweepers, fork lift, or any other vehicle used for transportation, construction or maintenance work; employees responsible for collecting, investing or handling of County funds, Firefighters, Mechanics responsible for the maintenance of County vehicles and/or equipment, employees holding a CDL (Commercial Driver's License) as a requirement of their job, Public Safety employees (Certified law enforcement officer, firefighter, communications officer, emergency manager, EMT, Cardiac Technician, Paramedic) operators of outdoor power equipment, employees who maintain county facilities that work with electrical, plumbing, heating, air conditioning or structural repairs and those employees who handle hazardous materials and/or chemicals.
 4. *"Illegal Drug"* means marijuana as defined at O.C.G.A. Section 16-13-21 (16), as amended, cocaine as defined at O.C.G.A. Section 16-13-21 (17)(D), as amended, methamphetamine as defined at O.C.G.A. Section 16-13-26 (3)(B), as amended, any Schedule I controlled substance as defined at O.C.G.A. Section 16-13-25, as amended, or any other controlled substance or dangerous drug that persons are prohibited by law from using. The term "illegal drug" shall not include any drug when used pursuant to and in strict compliance with a valid and current medical prescription or when used as otherwise authorized by state or federal law.
 5. *"Positive Drug Test"* means a drug test that displays the presence of illegal drugs and/or drugs which are not authorized by the issuance of a valid and current prescription. (Drug tests that show the presence of a prescription drug that is authorized and substantiated by a valid and current prescription shall be ruled as a negative drug test and shall not constitute a violation of this policy; an employee under a valid and current prescription may, however, be required to complete a fitness for duty form signed by his or her attending physician).
 6. *"Positive Alcohol Test"* means a blood-alcohol concentration of 0.04 grams or more as measured by any chemical test authorized under the provisions of O.C.G.A. Section 40-6-392 (a)(1)(A), or by any chemical test administered by a drug testing entity licensed to conduct drug and alcohol testing in Georgia, or by any chemical test administered under medical supervision in a hospital or clinic licensed in Georgia.
- C. Employees Subject to Random Drug Testing

Any and all employees working for the Butts County Board of Commissioners, its departments, divisions, agencies and for Constitutional offices that have chosen to be subject to the County Personnel Ordinance and whose job functions fall within the "High-risk" jobs definition set forth in Article 5.07, Paragraph B, Section 3 shall be subject to

random drug testing for evidence of use of illegal drugs. The Human Resources Generalist shall be responsible for ensuring employees are selected on a random basis for drug testing.

D. Employees Subject to Testing for Cause

The County reserves the right to require an employee to submit to a drug and/or alcohol test screening for cause. Cause shall be deemed to mean any unusual behavior, unsteady muscle reactions, the odor of alcohol on or about the employee's breath or person, slow reaction to stimuli, inappropriate behavior, slurred speech, accidents while driving County equipment or vehicles, or any other behavior that leads to a reasonable suspicion that may indicate an employee could be under the influence of drugs or alcohol as provided in this section. The employee's direct Supervisor shall immediately contact the Department Director or Agency Chief who will notify the Human Resources Generalist. The HR Generalist shall immediately conduct an investigation. In the event the HR Generalist or higher determines the employee may be under the influence of drugs or alcohol, a test to determine the same shall be administered.

E. Post Accident Drug Testing

Any employee involved in a work-related accident or incident which results in bodily injury and/or damage to property, will be required to submit to a drug and/or alcohol test. Any employee refusing to submit to testing will be subject to termination of employment without appeal. Any Department Director, Division Manager, Agency Chief or Supervisor who fails to ensure employee compliance with this policy will be subject to disciplinary action up to and including termination.

F. Duties of the Human Resources Generalist

1. Assure that employees subject to random testing are selected on a random basis;
2. Assure that privacy intrusions are minimized during collection of body fluid specimens;
3. Except as provided by law, assures that the knowledge of the identity of employees who test positive is limited to the staff who is entitled to this information.
4. Restricts access to test records or results only to those persons entitled to the information. The HR Generalist, who acts in this area as a Risk Manager, shall recommend to the County Administrator such other rules as he/she deems appropriate to carry out the provisions of this Article.

G. Penalties for Use of Illegal Drugs or Alcohol

Any employee subject to testing by virtue of this policy who produces a positive drug test result or a positive alcohol test result will be notified of the test results and shall be given a copy of this policy, at which time the employee (either in person or in writing) may rebut the test, explain any mitigating circumstances or offer any other explanation. A positive drug test result will be reviewed by a Medical Review Officer, who is a licensed physician, to determine the validity of the drug test and any mitigating circumstances or explanations offered. A valid, positive drug test result (as defined in Section B-5 above) or positive alcohol test result may result in disciplinary action up to and including termination of employment.

H. Drug Testing of Potential New Hires

All potential new hires for any position with the Butts County Government shall be required to submit to an alcohol and drug screen as part of the hiring process. The general welfare and safety demands that persons employed for work with Butts County must be tested for illegal drugs prior to beginning employment with the County.

It is the responsibility of every County employee who goes for medical treatment 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. If you are unsure about your duties, please check with your department manager. An employee using prescription medication while on the job shall do so in strict accordance with medical directions for dosing and application.

I. Polygraph Testing

Subject to state and federal laws, employees may be required to take a polygraph examination prior to employment and, for sufficient cause as determined by the Department Head and with the concurrence of the County Administrator, during employment. Failure on the part of an employee to take a required polygraph test may, depending on state and federal laws in force at such time, result in termination from employment.

ARTICLE 5.08 CHANGE OF STATUS

- A. Each employee shall inform his or her immediate supervisor 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 Constitutional 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.

ARTICLE 5.09 BACKGROUND CHECKS

- A. All persons hired by Butts County shall be subject to a Criminal History Record Inquiry (CHRI) which shall be included as part of the normal hiring process. 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 history 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 within Administration.
- B. 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. A felony conviction that stands (i.e. has not set aside or satisfied through the requirements of the First Offender Act) shall be grounds for the withdrawal of an employment offer or termination from employment.

ARTICLE 5.10 EMPLOYEE HIRING PACKAGE

- A. All persons employed by Butts County in all departments, whether serving under the Board or other elected official 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. All persons being submitted to Administration for actual employment should be accompanied at the time of hire by a representative of the Department.
- C. An appointment shall be made with the HR Generalist in Administration prior to bringing any potential hire to the Administration Department for processing. As a rule, due to the requirements of payroll processing and related matters, the only days that a new employee may be hired and put on the payroll shall be the week opposite from payroll processing. Appointments for new hires shall not be made less than 24 hours in advance to confirm availability of the HR Generalist.

- D. Potential employees who are brought to the Administration Department without an appointment or during the week of payroll processing will not be processed and will have to secure an appointment before they may be processed into the system.
- E. New prospective employees shall have with them, at the time of such appointment the following documentation at minimum:
 - 1. An original application, signed by the applicant
 - 2. Two documents as defined by the Department of Homeland Security's I-9 Form
 - 3. A voided check for Direct Deposit (County Requirement)
 - 4. A completed Form 0500 (Butts County Change of Status Form)
 - 5. The Criminal History Record Inquiry and all accompanying printouts
 - 6. Work Permit (if applicable to age)

Failure to comply with the provisions of Article's 5.09 and 5.10 may result in a rejected application and unnecessary delays in the processing of the potential hire.

TITLE VI

WORKING TEST PROBATION

ARTICLE 6.01 WORKING TEST DEFINED

As a test of employability, the first six months of employment in positions of original appointment shall be a probationary or working test period to determine if the employee can be considered capable of performing satisfactorily in that position. Additionally, if an employee is promoted, transferred, or demoted to another position or a similar position in another department, they shall be placed back on a six-month working test period to determine whether they can perform satisfactorily in the new position. In cases where a position requires State certification, the employee will remain on working test until certification is. A working test probation may be extended beyond six months at the discretion of the Department Head with the approval of the County Administrator, providing said extension is in writing and a copy is furnished to the affected employee.

Satisfactory completion of the initial working test is a condition precedent to the vesting of any perceived property right to continued employment. The employee who successfully completes working test is vested to a property right of continued employment with all benefits of such vestment. An employee who is promoted begins a new working test period of six months but receives the appropriate pay increase at the time of promotion unless other considerations are mutually agreed upon at the time of the promotion.

ARTICLE 6.02 CONDITIONS OF WORKING TEST PROBATION

Employees who are within their first six months of employment and therefore considered to be under a working test probation, do not have the rights of full employment that is vested in those who have completed working test. An employee does not gain those rights until the completion of their initial working test.

TITLE VII

DISCIPLINE

ARTICLE 7.01 PROGRESSIVE DISCIPLINE

Progressive Discipline is a process in which disciplinary action is taken in degrees of increasing severity. Butts County advocates the use of progressive discipline when appropriate. The action taken will depend on the degree and the circumstances of the violation. An employee who fails to satisfactorily perform assigned duties or who violates established procedures should be disciplined in accordance with the provisions of the Personnel Ordinance. Some violations can be sufficiently severe to require dismissal regardless of past conduct. The County recognizes six (6) degrees of progressive actions that fall into two general categories:

- A. Reprimands
 - 1. Oral (will still be documented by supervisor)
 - 2. Written and permanent file

- B. Adverse Actions
 - 1. Suspension without pay
 - 2. Disciplinary Salary Reduction
 - 3. Disciplinary Demotion
 - 4. Dismissal

The following list of possible reasons for disciplinary action is intended to communicate to employees several general reasons that are universally accepted as grounds for discipline in public sector employment. These reasons are neither mutually exclusive nor collectively exhaustive. The department head or executive may discipline for any combination of reasons or for reasons not listed, as long as the employee's constitutional rights are not violated. Additionally, managers and department heads will be held to a higher standard of accountability than other employees because by their very nature, they are expected to set the proper example and tone for their respective organization at all times.

ARTICLE 7.02 POSSIBLE CAUSES OF DISCIPLINARY ACTION

- A. Chronic tardiness, absenteeism or failure to observe proper work hours as established by their department
- B. Negligence in performing assigned duties
- C. Inefficiency in performing assigned duties
- D. Inability or unfitness to perform assigned duties;
- E. Insubordination
- F. Misconduct or Conduct Unbecoming a County Official which reflects discredit on the County or Agency
- G. Commission of a felony or any crime involving moral turpitude;
- H. Failure to report to work without justifiable cause;
- I. Abuse of Leave
- J. Unauthorized actions not in keeping with job responsibilities, including wasting time
- K. Diminished Capacity that obstructs an employee from carrying out responsibilities
- L. Unauthorized use, misuse, or damage to county equipment or property (including computers)

As a guideline to Department Heads, Supervisors, and Employees, the following categories of offenses and penalties are provided. The facts of a particular incident, however, may permit a penalty other than that suggested. The penalties for specified violations as set forth below are guidelines, not entitlements.

Paragraph A Group 1 Penalties

- 1. 1st Group 1 Violation = Oral Reprimand (Department head documents particulars of incident or violation)
- 2. 2nd Group 1 Violation = Written Reprimand to personnel file as part of permanent record.

3. 3rd Group 1 Violation = Suspension without pay (8 to 24 hours)
4. 4th Group 1 Violation = Long Term Suspension without pay (over 24 hours)

Paragraph B Group 1 Violations

1. Neglect of Duty-Carelessness, failure to follow operational work rules, failure to commence duties at the beginning of the work period and /or leaving work prior to the end of the work period, leaving work area during normal working hours without the permission of the appropriate supervisor, stopping work or making preparations to leave work without prior permission before lunch or specified quitting time, carelessness with tools, keys, equipment or failure to keep equipment and assigned work area clean.
2. Inappropriate Remarks of a sexual, ethnic, racial, national origin, religious or disability related nature that are offensive, lewd, or serve to foster a hostile working environment; the use of “pet terms” that could be construed as sexually offensive or related.
3. Loitering or loafing while on duty or failure to observe proper break periods.
4. Unauthorized use or misuse of county equipment and/or vehicles
5. Improper, unauthorized use of or misuse of county radio systems and other communications devices (telephones, both fixed and wireless)
6. Violation of safety rules, regulations or disregard of common safety practices.
7. Failure of a supervisor to discipline employee(s) as instructed by a higher authority.
8. Failure of a supervisor to ensure that policies, regulations, procedures and rules of the County are followed.
9. Failure to notify supervisor or designated person of any absence
10. Two or more tardiness violations within a period of 60 days or less
 - a. Failure to complete time cards, time sheets or other required mechanism of logging work time
 - b. Arrival for work late (Unauthorized)
 - c. Leaving work early (Unauthorized)
11. Failure to fill out appropriate forms following any absence from work (i.e. leave request form)
12. Failure to fill out or turn in required reports to the County
13. Creating or contributing to unsanitary or unsafe working conditions including poor housekeeping of office space, poor personal hygiene which is offensive to co-workers, leaving equipment unsecured, etc. This includes the unauthorized storage or partaking of food substances in areas not unauthorized for such use.
14. Failure to perform any required routine maintenance check on any piece of equipment or vehicle assigned for employee’s use.

Paragraph C Group 2 Penalties

1. 1st Group 2 Violation = Suspension without pay (8 to 24 hours)
2. 2nd Group 2 Violation = Long Term Suspension without pay (over 24 hours)
3. 3rd Group 2 Violation = Termination

Paragraph D Group 2 Violations

1. Intentional acts of discrimination or insult on the basis of race, sex, age, religion, national origin or disability.
2. Using obscene, threatening or insulting language towards a citizen, co-worker, superior or elected officials.
3. Insubordination, i.e. willful disobedience of any lawfully given direct order by a person defined as the employee's supervisor, refusal to carry out a work assignment, including verbal and written instructions or policies and/or disregard of the chain of command.
4. Willful or intentional neglect of duty (non-public safety or no potential for injury or harm to others)
5. Failure to report for assigned overtime work without an excused absence from the agency head or designee.
6. Gambling of any type on County property
7. Use of County equipment for private work or performing private work or secondary employment on County time. This may also result in a revocation of the County's consent to allow an employee to work a second job.
8. Refusal to work without a legitimate excuse during an emergency situation such as natural or man-made emergency, disaster or other type of situation where a state of emergency exists.
9. Discourteous treatment of the public.
10. Traffic violation while driving a County vehicle.
11. Failure to report to the appropriate supervisor any accident while on duty (vehicular, on-the-job accidents, or any other type of accident occurring while on duty).
12. Horseplay or inappropriate contact between employees; throwing things;
13. Being absent from duty without notification or unauthorized absence.
14. Use of county computers, telephones or other county equipment to engage in personal business or a personal relationship, whether done on or off duty.
15. Failure of a Department Manager to properly supervise subordinates; allowing subordinates to engage in practices not in keeping with their responsibilities and duties or to engage in practices that could cause safety issues.
16. Making statements about employees or perpetuating the spread of information about others of a personal nature, the effect of which causes a disharmonious or hostile working environment, i.e. gossip.

Paragraph E Group 3 Penalties

1. Any Group 3 Violation = Termination from Employment (Violation # 1 below may merit other actions)

Paragraph F Group 3 Violations

A Group 3 Violation is a violation serious enough to warrant termination but may require substantial documentation on areas such as job performance, reasonable suspicion of intoxicant usage, documentation of absenteeism, ability to perform duties and so forth. The violations listed below, with the exception of number 1 (which is reviewed on a case by case basis) requires

that progressive disciplinary measures have been attempted or that corrective action plans have been implemented and deemed unsuccessful by the Department Manager before termination proceedings can be initiated.

1. Consumption, possession, or being under the influence of alcoholic beverages or drugs while on duty. Employees who are not at work and are called back to work have an obligation to inform their immediate supervisor that he/she has consumed alcoholic beverages or used drugs in the past 24 hours and are therefore unfit for duty. This violation and disciplinary action will be reviewed on a case-by-case basis.
2. Any combination of three or more Group 1 or Group 2 violations occurring in one standard work week.
3. Gross inefficiency, i.e. total lack of application of any effort on the job.
4. Absent from work habitually or for three or more continuous days without any notification or approval of the employee's department head. If absent for three or more continuous days without notification or approval, this constitutes job abandonment.
5. Utilization of any type of leave with the intent to defraud the County.
6. Incompetence
7. Consistently failing to perform to expected standards of work. (If on probation, no previous adverse actions are required to justify termination).
8. Filling out or turning in any report, log or other document required to be turned in where the employee has intentionally misrepresented his or her activities at work, or the activities of another employee.

Paragraph G Group 4 Penalties

1. Any Group 4 Violation = Termination from Employment

Paragraph H Group 4 Violations

A Group 4 Violation is a violation where the nature of the offense is serious enough to terminate without any historical documentation of violations, i.e. it is not progressive in nature but has the immediate effect of severing one's employment with the County.

1. Gross neglect of duty, or the lack of doing one's duty to the point that it has strong potential of endangering life, property or public safety.
2. Accepting bribes in the course of carrying out assigned duties
3. Intentional misuse of Federal, State or County funds, County equipment or facilities
4. Falsifying any official document or making false statements to superiors where the intent is to avoid disciplinary action or prosecution, whether on the behalf of the employee or another person.
5. Deliberate destruction, damage and/or theft of property of the County or a private citizen or another employee.
6. Consumption, possession, or being under the influence of illegal drugs while on duty.
7. Gaining access to County property, records, facilities, etc. by any unauthorized means.
8. The unauthorized use or possession of a firearm, weapon or explosive while on County property.
9. Signing another employee's time sheet, card or electronic log or unauthorized altering of the same.

10. Striking or attempting to injure another person or fighting at work or on County property.
11. Making or publishing derogatory, insulting, false, vicious or malicious statements concerning any employee, Constitutional/Elected Official, Department Head or Administrator or making any statements that are disrespectful in nature about an employee's superiors.
12. Gross insubordination, i.e. willful disobedience of any direct order by an immediate supervisor that could result in a threat to life or property or any act of disobedience that includes arguing, shouting, or using obscene, threatening or insulting language to the immediate supervisor or higher authority.
13. Misconduct, Immoral Conduct or Conduct Unbecoming a County Official that reflects discredit on the County or Agency
14. Commission of a felony or any crime involving moral turpitude
15. Violation of one's Oath of Office (Where Applicable)
16. Failure to comply with a directive to submit to job related medical evaluation or testing as provided by the County (such as job related physicals, drug testing, polygraph, etc.)
17. Deliberate interference with a criminal investigation or internal affairs investigation; failure to cooperate with an investigation or any act that can be construed as failure to cooperate with an internal or external affairs investigation.

ARTICLE 7.03 DISCIPLINARY ACTIONS

The forms of disciplinary action are defined as follows:

- A. Reprimands**-A reprimand is a formal means of communicating to the employee a warning that a problem exists and that it must be corrected. It may be oral or written.
 - 1. Written Reprimand**-In the permanent written reprimand, the employee should receive a written statement describing the problem and what must be done to correct the problem. If the employee is at work, the written statement should be given to the employee during a private interview. A permanent written reprimand is issued only if the problem is a repeat of a previous problem occurring within one year and a non-permanent reprimand was issued first within that year. If this is the case, the non-permanent reprimand becomes a permanent reprimand and remains in the file along with the newer reprimand.
- B. Adverse Actions**-An adverse action is an action taken for any reason by the Department Head or higher that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion or disciplinary dismissal. The Human Resources Generalist shall be consulted prior to any adverse action and the County Administrator made aware of pending action prior to delivery of the same by the Department Head issuing the Adverse Action.
 - 1. Suspension Without Pay** - An employee may be suspended without pay by the Department Head, their designee or higher authority. A short-term suspension is anywhere from 8 hours to 24 hours. A long-term suspension is anything above 24 hours to a maximum of 10 days.
 - 2. Disciplinary Salary Reduction** – An employee's salary may be reduced from one pay step to a lower pay step for disciplinary purposes. The salary reduction does not constitute a demotion in pay grade.
 - 3. Disciplinary Demotion** – An employee may be demoted from one job classification or position to a lower classification or position if a lower position is open and if the employee is qualified to perform the work at the lower position. A disciplinary demotion includes a decrease in salary to the grade of the lower position.

4. **Dismissal** – An employee may be dismissed for disciplinary reasons when all other alternatives have failed to solve the problem or if, in the judgment of the Department Head, dismissal is the appropriate action.

ARTICLE 7.04 NOTIFICATION AND REVIEW PROCEDURE FOR ADVERSE ACTIONS

This section 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 working test (persons holding non-merit exempted positions, as well as working test, Temporary, Seasonal, Acting and Part-Time employees have no property right to their positions and therefore are not subject to this section).

Whenever a 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 Department Head shall consult with the HR Generalist for approval of action and provision of guidance. He/she will begin the necessary paperwork process and contact the County Administrator who shall contact the County Attorney if deemed necessary. The HR Generalist 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 Department Head. If he/she is satisfied that conditions warrant the adverse action, he/she will make the proper notifications and the Department Head along with the County Clerk or other suitable witness shall personally meet with the employee and provide oral notice and a written summary of the charge and proposed disciplinary action.

The employee shall then be afforded the opportunity to make an oral response to the Department Head. 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. The meeting should be electronically recorded if possible but is not mandatory.

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 Department Head still believes a suspension without pay, salary reduction, demotion or dismissal is warranted, he or she will so notify the employee and the HR Generalist. The 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; or, they may choose to immediately carry out the action proposed without further deliberation.

If the 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 by registered mail if necessary. The disciplinary action shall not be imposed until such time as all procedural requirements set forth herein have been provided.

The County may suspend any employee with pay until such time as the final decision of the Department Head as described herein takes place and all necessary legal review is completed. This does not mean that the County *will* suspend the employee with pay. This is known as Administrative Leave and it can be imposed with or without pay, depending on the advice of Legal Counsel. Furthermore, the HR Generalist may administratively suspend any employee during an investigational process if he/she feels it is necessary to preserve evidence, to prevent potential damage to County property, to mitigate potential tampering or for other reasons that threaten the interests of the County.

Employees who are administratively suspended are to immediately turn over all County property, including keys, access cards, electronic devices, etc. to their 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 department manager. Failure to follow this provision shall result in the Administrative Suspension being converted to termination from employment without any further due process.

NOTE: Employees of the Butts County Board of Assessors, Board of Elections and Library Board are considered County employees but are appointed by their respective boards who reserves the authority to hire employees and terminate them

for cause. These employees are not covered under all of the provisions of the merit system given to appointees of the Board of Commissioners. They may file an appeal directly with their board, who must give them a hearing if they request it and can elect to overturn their initial decision if they feel the weight of the employee's argument against the termination merits a reversal of their original decision. All other disciplinary actions are non-appealable.

Legal Note: It should be noted that if an employee of a Board commits a Group 3 or Group 4 violation and does not act in accordance with policy to remove an employee that commits such a violation, that this would expose the County and the Board of Commissioners to liability. This "failure to act" on the part of a Board could be deemed sufficient cause for removal of Board members by the Commission.

ARTICLE 7.05 APPEAL PROCESS

A permanent, full-time employee, not otherwise exempted by these Policies, who is suspended without pay, subjected to a disciplinary salary reduction, demotion, or dismissal shall have a right of appeal. Within five (5) calendar days of the date of the written notice of disciplinary action as signed by the Department Head or Constitutional Officer, the employee may file written notice of appeal to the County Clerk. Failure to submit a written notice of appeal within five (5) days shall constitute a waiver of all rights of appeal or review. 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. Employees of Constitutional Officers who are not a part of the County's merit system will have to follow the procedure that that Office provides. If the County Clerk is unavailable, then the employee should file the notice with Chief Financial Officer in the Clerk's absence.

Paragraph A: Appeal Process for Suspension

The following outlines the appeal process for Disciplinary Suspension

1. Employee files a written appeal to the County Administrator
2. The County Administrator will issue a written decision to uphold, reduce or overturn the suspension
3. The decision of the County Administrator is final.

Paragraph B: Appeal Process for Disciplinary Salary Reduction or Disciplinary Demotion

1. Upon timely notice of appeal, the HR Generalist will arrange an appeal with the County Administrator.
2. The County Administrator will conduct an investigation and gather information that is needed.
3. The County Administrator 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 Administrator. The employee may however submit documents and written statements or affidavits from others.
4. Upon deliberation, the County Administrator will issue a written decision to uphold, reduce or overturn the action.
5. The decision of the County Administrator is final.

Paragraph C: Appeal Process for Disciplinary Dismissal from Employment-County Administrator Level

1. Upon timely notice of appeal, the HR Generalist will arrange an appeal with the County Administrator.
2. The County Administrator will conduct an investigation and gather information that is needed.
3. The County Administrator 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 administrator. The employee may however submit documents and written statements or affidavits from others.
4. Upon deliberation, the County Administrator will issue a written decision to uphold, reduce or overturn the action.
5. The employee may exercise further appeal rights if they choose to.

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

The only adverse actions that are appealable beyond the level of County Administrator 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 does not have any right of appeal.

Employees who have gained the full rights of employment and who are dismissed or terminated for cause have the right to appeal the decision of the County Administrator to a hearing officer if the decision of the Administrator upholds termination

from employment. If the County Administrator reduces the termination to a lesser level of discipline where the employee is retained, the decision of the County Administrator becomes final.

Upon timely notice of the receipt of an appeal of the County Administrator's decision to uphold termination, the following processes will be observed:

1. The County Administrator will notify the County Attorney of the filing of the appeal by the affected employee.
2. The County Attorney will schedule a hearing before an impartial Hearing Officer.
3. The Hearing Officer will schedule a date on which the appeal of the employee can be heard.
4. Upon deliberation, the Hearing Officer will issue a written decision to uphold, reduce or overturn the action.
5. The decision of the Hearing Officer is final.

Paragraph D: Rules of Procedure for Hearing by Impartial Hearing Officer

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. 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 adverse action being taken and the charges that led to the adverse action.

It is not a forum for the presentation of extraneous or irrelevant material or evidence. The Rules of Evidence that apply in courtroom proceedings are not applicable in this appeal hearing. All evidence submitted by the County to prove its case will be accepted unless deemed by the Hearing Officer to be fraudulent information. 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.

An appellant 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. The employee will be required to testify if the County chooses to question the employee and must answer all questions posed or else forfeit the appeal. 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.

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.

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. In all cases in which the County Administrator is not the person initiating the disciplinary action, but instead served as the first level reviewing official, the County Administrator shall be exempt from being questioned by either side in an appeal hearing. Because the appeal before the Hearing Officer is de novo, the County Administrator's reasons for his or her decision are irrelevant.

The County or appropriate department head shall make the initial presentation of evidence. Appellant or counsel may question the witnesses presented in support of the adverse action. 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 or appropriate department head. It is incumbent upon the County or the department involved to prove by a preponderance of the evidence that the adverse action taken, which is the subject of the appeal, for just cause.

The Hearing Officer shall have the power to summon and require the attendance of any County employee at the hearing and may require the County to produce documents for the Hearing Officer's inspection and consideration. He or she may conduct such prehearing conferences as he or she deems appropriate in order to:

- Simplify the issues
- Examine the possibility of conciliation or settlement of the appeal;
- Identify potential witnesses and documentary evidence of either party;
- Limit the number of witnesses and documents;
- Obtain stipulations of fact; and
- Address other matters, which may aid in the disposition of the appeal.

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. 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, their counsel and the County Attorney. The rights granted to the Hearing Officer in the determination of the adverse action shall be as follows and shall be final. The Hearing Officer may:

1. Uphold the decision of the County Administrator and allow the decision to stand
2. Overturn the decision of the County Administrator and reduce the adverse action to a lesser action
3. Overturn the decision of the County Administrator completely (reverse the decision or dismiss).

In the event an adverse action is reversed or dismissed, the employee shall be returned to employment with no reduction of pay or fringe benefits. However, the Hearing Officer may also impose reasonable conditions on any employee who is reinstated or whose suspension, demotion or termination is reversed or modified by the decision.

TITLE VIII

GRIEVANCES & APPEALS NOT INVOLVING ADVERSE ACTIONS

ARTICLE 8.01 PURPOSE

The purpose of the employee grievance procedure is to provide an orderly process for hearing the grievable claims of both regular and working test employees. The object of the process is to reach a fair and equitable decision in a timely manner through arbitration. 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 Generalist, member of the Executive Staff 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.

8.02 DEFINITION

A 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

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, organizational structure of the County may, as a practical matter, prevent all grievants from receiving two steps. The following represents the order of the maximum grievance levels for employees:

Non-Constitutional Offices

- (1) Supervisor
- (2) Department Head
- (3) County Administrator

Constitutional Offices

- (1) Supervisor
- (2) Constitutional Officer

ARTICLE 8.04 GRIEVANCE FILING PROCESS

- A. An employee may file a written grievance with his or her Chain of Command within ten (10) days after the occurrence of the event being grieved, or within ten (10) days after becoming aware of the event. The grievance statement must be submitted in writing and should state the specific claim and the specific relief desired.
- B. **Scheduling and Notification**-Upon receipt of the claim, the receiving employee shall immediately notify the Human Resources Generalist who will conduct an internal investigation and determine the grievability of the claim. If the claim is determined to be grievable, a hearing by the Department Head should be held within five (5)

days after the grievance is filed. The Department Head should 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 before the County Administrator.

- C. The employee must, within five (5) days of the decision of the Department Head request a grievance consultation with the HR Generalist if the employee wishes to further appeal the decision of the Department Head.
- D. If a second hearing is requested the HR Generalist should schedule and notify the employee of the date of the second hearing. They will hear the grievance and should render their decision within five (5) days of the date of the hearing. If the decision is not in favor of the employee (and if it is an appealable matter) the notification should include a statement that the employee may be allowed to request a hearing before the County Administrator.

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 Administrator-If a hearing before the County Administrator 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 Administrator is final.
- C. 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 by the appraisal.
- 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 governing authorities or appointing authorities that are not job related and which do not contradict these policies.
- Disciplinary actions. Title VII governs disciplinary matters.

ARTICLE 8.07 APPEALS

As stated under Title VII, an employee may appeal an adverse action. Additionally, employees may appeal certain other personnel actions that adversely affect an employee provided that the claim must be grieved before it is appealed. These include:

- Unlawful discrimination against an employee
- Unlawful or unjust coercion or reprisal
- Other unlawful or unjust practices that adversely affect an employee.

Appeals or 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 8.08 SEXUAL HARASSMENT & HOSTILE WORKING ENVIRONMENT

It is the policy of Butts County that all employees should enjoy a working environment free from all forms of discrimination, reverse discrimination & sexual harassment. No employee, either male or female, should be subjected to unsolicited and unwelcome sexual, racial, and other discriminatory conduct, either verbal or physical in nature. The County will act positively to investigate alleged harassment claims of these types and effectively remedy them when an allegation is determined to be valid. The County will not tolerate any form of sexual harassment, racial discrimination, reverse discrimination or other factors of discriminatory conduct that serve to create a hostile working environment and will enforce disciplinary action against any employee or supervisor found to be engaging in such conduct.

If anyone feels that unwelcome sexual advances, discriminatory comments or conduct, language or other forms of harassment is interfering with their productivity or comfort at the work place, or if they feel that any terms or conditions of employment depend on sexual favors, the employee should report that to his or her department manager immediately. However, it should be understood that a claim of sexual harassment, discrimination or other elements of a hostile working environment bypasses the normal grievance procedure and that the claim can first be expressed privately to the Chief Human Resources Official if necessary. If the claimant feels that reporting to the Chief Human Resources may adversely affect his or her employment, the claim may be expressed in writing to the County Administrator and copied to the County Attorney. Finally, if the issue is with the County Administrator, the claim may be expressed in writing to the County Attorney through the County Clerk of Butts County.

TITLE IX

HOLIDAYS

ARTICLE 9.01 HOLIDAYS ALLOWED

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

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

ARTICLE 9.02 OBSERVATION OF HOLIDAYS

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 hours over 40 (including the holiday worked) will be paid at overtime rate. If an employee of a non-public safety department is required to work on a holiday (and will be paid as shown above), the department head will ensure that the employee is given an alternate day off with pay during the same pay period.

Non-salaried employees of the Sheriff's Office, Jail, Fire Department and Emergency Management who are required to work shifts that may or may not fall on any given holiday will be paid their hourly rate for eight hours, which is the normal holiday time given to County employees, regardless of whether their working shift falls on a holiday or not. This pay will be in addition to their regular pay since these employees cannot take a holiday off paid, as do salaried employees who are eligible to be off on holidays. The addition of such holiday pay does not affect their overtime threshold as this is actually pay for a holiday.

Departments who receive pay as such will be as follows:

- A. Sheriff's Office Personnel who work on shifts
- B. E-911 Communications Officers
- C. Fire Department Personnel who work on shifts
- D. Animal Control Officers if assigned to shifts

All employees of other County offices will receive the holiday off with pay for all holidays officially observed by the County. 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 X

WORK HOURS, OVERTIME AND COMPENSATORY TIME

ARTICLE 10.01 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 10.02 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 Constitutional Officer/Department Head with whom they are employed.
- C. Each Department Head or Constitutional 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.
- 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 10.03 OVERTIME

Non-exempt employees whose work period is one week will be paid at the rate of one and one-half 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 10.04 COMPENSATORY TIME

The County DOES NOT recognize compensatory time for any salaried employee. Compensatory time may be taken in lieu of overtime by hourly employees at the discretion of their department head if said department has a written policy that has been approved by Human Resources and signed off on by the County Administrator.

Compensatory time must be used within two weeks of it being earned. There shall be **NO** accumulation of compensatory time. The County reserves the right to establish a separate, detailed policy that governs in more detail the use of compensatory time or to abolish the practice entirely with one month's notice.

ARTICLE 10.05 OVERTIME, LEAVE AND HOLIDAY PAY PARAMETERS

Examples of how employees are paid overtime, leave and/or holiday are outlined below. For these examples, the Sheriff's Office will be utilized. They typically work 86 hours per pay period. This is straight time. Overtime pay (1.5 times hourly rate) is paid only for actual hours worked above 86 within a pay period. If an employee uses leave or is out and does not physically work 86 hours during the pay period, the employee cannot get overtime pay on any hours worked. Overtime must be approved prior to working it unless an emergency arises.

Examples:

A). Employee works 86 hours normally. During his pay period, the employee is called in to work an extra 12-hour shift.

Employee would be paid 86 hours of straight time and 12 hours of overtime (86 x hourly rate + 12 x overtime rate)

B). Employee is scheduled for 86 hours normally. During his pay period, he takes one day of annual leave (12 hours).

Employee would be paid for 74 hours of work at straight time and 12 hours of annual leave. The final pay would be the same as in example A. (74 x hourly rate + 12 x hourly rate)

C). Employee is scheduled for 86 hours normally. During his pay period, he takes one day of annual leave (12 hours) but then gets called in to work two additional shifts (24 hours). Employee has worked a total of 98 hours in the pay period. The employee would receive 86 hours of straight pay and 12 hours of overtime pay because the overtime pay can only be paid for actual time worked above 86 hours of work. The annual leave day would not be debited from his account because he was called back in to work time. Paying the employee annual leave on top of the 98 hours he had already been paid for would be "double dipping" and is not permitted. (86 x hourly rate + 12 x overtime rate)

Holiday Pay

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.

Examples:

A). Employee works 86 hours normally. During the pay period, the 4th of July holiday occurs. The employee would receive his 86 hours of straight time plus 8 hours of holiday pay at straight time as a separate pay. (86 x hourly rate + 8 x hourly rate)

B). Employee works 86 hours normally. Employee also works an additional shift for 12 hours of overtime. During the pay period, the 4th of July holiday occurs. The employee would receive three types of compensation: 86 hours of straight working pay, 12 hours of overtime pay at overtime rates and 8 hours of holiday pay at straight time rates. (86 x hourly rate + 12 x overtime rate + 8 hours x hourly rate)

C). Employee has scheduled a day off. He has 74 hours of straight time that he actually worked. A holiday also falls within the pay period. The employee would be paid for 74 hours of work, 12 hours of personal leave and 8 hours of holiday pay, all at straight time. It would be like getting paid for 94 hours of straight time. (74 x hourly rate + 12 x hourly rate + 8 x hourly rate)

D). If an employee gets called in to work an extra day and that day falls on a holiday, the employee would still get overtime for working that day and the eight hours of holiday pay. He would get straight working time for 86 hours of work, 12 hours of overtime for the extra shift worked and 8 hours of holiday pay because he gets holiday pay regardless of other working conditions. (86 x hourly rate + 12 x overtime rate + 8 x regular rate)

TITLE XI

EMPLOYEE LEAVE

ARTICLE 11.01 TYPES OF LEAVE

The County recognizes five (5) classes of leave that are available to employees. These are Personal Leave, Military Leave, Court Leave, Leave of Absence and Bereavement Leave.

ARTICLE 11.02 APPLICATION FOR LEAVE

- A. All County Employees will utilize the approved "Application for Leave" form, available from their Department Head or Supervisor, 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 Constitutional 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 11.03 PERSONAL LEAVE

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.

- A. Eligibility: All full-time employees and acting full time employees will be eligible. Part-time, seasonal, substitute and temporary workers are not eligible.
- B. Employees who are in working test (i.e. probationary period) may not take any accumulated leave during their probationary period except in cases of illness or scheduled medical evaluations, unless approved by their appointing authority. Upon successful completion of probation, an employee may then make request for leave as outlined in Article 11.02.

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

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

- c) 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.
 - d) 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.
- 2. Personal Leave shall not accrue in any calendar year above 160 hours.
- 3. No personal leave is earned while the employee is on any unpaid leave of absence.
- 4. ALL use of annual leave shall be approved by the appropriate Department Head or Constitutional Officer prior to leave so that, to the extent possible, it does not create a hardship for any County operation.
- 5. Employees with accrued annual leave at the time of retirement or separation in good standing shall be paid for accumulated leave.
- 6. Employees may carry over 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.
- 7. Annual leave for 24-hour shift employees (firefighters and emergency medical who work an average of 2920 hours per year minimum) are as follows:
 - a) 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.
 - b) 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.
 - c) 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.
 - d) 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.
- 8. Annual leave for 24-hour shift employees shall not be accrued for more than 273 hours.

B. Death Benefits

- 1. Eligible employees with the County will be paid for the amount of personal leave accumulated up to the amounts limited above.
- 2. If an employee dies while in the service of the County, his or her beneficiary will be paid for their accumulated leave based on the criteria outlined above. This includes any frozen sick leave (pre 1999)

C. Other Personal Leave Factors

- 1. Cash payment will not be paid in lieu of taking annual leave except in the case of death benefits or favorable separation 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. Employees will not be granted personal leave in excess of the amount they have accumulated.

3. Requests for annual 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 should be submitted no less than one weeks 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.
4. 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 constitutional officer as soon as they return to work.
5. 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, OR 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 Constitutional Officer by the Human Resources Generalist.
6. If the employee fails to notify his or her department head or working supervisors/managers of an unauthorized absence, then the employee shall not be granted leave except in the case of a dire emergency, as determined by the Department Manager or Constitutional Officer.
7. The affected employee must notify their appropriate Constitutional Officer or Department Head of the reason for his/her absence no later than two hours prior to the employee's regular starting time.
8. 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.

Eligible employees may donate leave to other employees in cases where an employee is out for a serious medical illness/pregnancy that requires time beyond that which they have accumulated leave. Leave may not be donated for vacation or normal sickness purposes and must be approved by the department head(s) of the affected employees and the Human Resources Generalist.

Definitions:

Donor: an eligible employee who has elected to donate leave to another employee. *Recipient:* an eligible employee who has been authorized to solicit donations of leave from other employees

Procedures:

1. An employee desiring to participate in the leave donation program must formally request and be approved for donated leave before any solicitation can commence.
2. Eligibility for requesting donated leave alone does not ensure that that a request will be approved.
3. The donation of leave by eligible Butts County employees is voluntary.
4. 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.
5. The identity of donors is confidential and will not be provided by individual(s) administering this program.
6. No more than 160 hours of donated leave may be received and credited to any recipient in any twelve (12) calendar months.

Eligible Recipient

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

1. An employee must be employed in a position entitled to earn and use leave.

2. 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.
3. An employee must be in pay status or on an approved leave of absence without pay to solicit leave donations
4. To use donated leave, an employee must first have exhausted all accrued leave.
5. 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.
6. 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.
7. 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.
8. An employee cannot solicit leave donations after returning to work to retroactively cover a period of absence.
9. 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.

Eligible Donor

All criteria referenced below must be met for an employee to be eligible to donate leave pursuant to the provisions of this procedure.

1. 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.
2. A donor must have a leave balance of at least eighty (80) hours after a donation has been transacted.

Request

1. An employee may request to solicit leave donations no more than forty (40) calendar days prior to moving into an authorized leave status.
2. A completed Request to Solicit Leave Donations Form must be submitted to the donor's immediate supervisor 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.
3. All medical information associated with a request for donated leave shall be considered confidential and may only be shared on a need-to-know basis. 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.
4. The employee's immediate supervisor shall review to make a determination as to whether the request should be approved or denied.

Determination

1. Requests to solicit leave donations shall be approved or denied at the discretion of the employee's immediate supervisor (or his/her designee).
2. When reviewing the request, the reviewing official should consider the following 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, &
 - d. the needs of the Department
3. If the request to solicit leave is approved, the authorized Request to Solicit Leave Donations Form and supporting documentation should be forwarded to Human Resources within the pay period during which the request was approved. Human Resources will assist the employee in developing a Solicitation for Leave Donations Notice.
4. If the request to solicit leave is not approved, the immediate supervisor will notify the employee of the decision in writing. The correspondence/memorandum will include the reason(s) the request was not approved.

Solicitation Notice

1. 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 reason leave donations are requested; and,
 - e. the name of the staff member in Human Resources responsible for receiving completed Leave Donation Authorization Forms.
2. The employee or employee's designee must agree, in writing, that the solicitation notice is satisfactory prior to the notice's circulation.
3. Human resources or his/her designee will circulate the solicitation notice for a minimum of ten (10) business days in an effort to encourage donations.
4. If an employee does not receive the maximum amount of donated leave, he/she may request that the solicitation notice be circulated one additional time (for a minimum of ten [10] business days) during the period of absence or within a three (3) month period, whichever is less, to encourage additional donations.

Making a Donation

1. Leave can only be donated to another eligible employee in response to a specific solicitation.
2. Leave donations must be made in whole hour increments.
3. 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.
4. A donor must complete a Leave Donation Authorization Form to:
 - a. authorize the deduction of leave from his/her accrued leave balance;
 - b. identify the recipient; and,
5. The completed Leave Donation Authorization Form must be submitted to HR 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 to the amount of leave to be deducted from the donor's leave balance.

6. Human Resources will time stamp and date each Leave Donation Authorization Form upon receipt to determine the order of donations received.

Crediting Donated Leave

1. 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.
2. 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.
3. The recipient will be advised in writing by Human Resources of the amount of leave donated.

ARTICLE 11.04 MILITARY LEAVE

Georgia Law requires that paid leave be granted to members of the Reserve and National Guard under certain conditions.

- A. **Ordered Duty:** In compliance with Georgia Code 38-2-279, any employee ordered to military duty shall be placed on military leave with pay for a period of time not exceeding a total of eighteen (18) days in any one calendar year and not exceeding eighteen (18) days in any one continuous period of absence.
- B. **Declared Emergency:** According to Georgia Code 38-2-279, in the event the Governor declares an emergency and orders any employee to State Active duty as a member of the National Guard, the employee shall receive pay for a period not exceeding thirty (30) days in any one calendar year and not exceeding thirty (30) days in only one continuous period of active duty service.

ARTICLE 11.05 COURT LEAVE

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.

Case Rule: 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 said case calling for the employee's appearance is not related to a County legal matter, it shall be considered a personal matter and the employee's personal leave will be charged. Conversely, an employee who is summoned to jury duty will be paid by the County under this Article. (*Employee 669 vs. County, 2007*)

ARTICLE 11.06 LEAVE OF ABSENCE

- A. **For Military Purposes-**According to Georgia Code 38-2-279 any voluntary member of the Reserve or National Guard shall be entitled to absent himself and shall be deemed to have a leave of absence as any employee while in attendance at any service school conducted by the Armed Forces of the United States for a period up to six months during any four (4) year period. Such leave under this section will be unpaid leave.
- B. **Family and Medical Leave-**The County complies with the provisions of the 1993 Family and Medical Leave Act, set forth in U.S.C. Sections 2601 et seq. 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 entitled to unpaid leave for up to twelve (12) weeks during any one year period for one or more of the following reasons:

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, including incapacity due to pregnancy and for prenatal medical care;
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.

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.

The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves (a) in-patient care in a hospital, hospice, or residential medical care facility, or (b) continuing treatment by a healthcare provider.

In all cases in which the necessity for leave is reasonably foreseeable, the employee must provide his or her department head or constitutional officer with at least thirty (30) days advance notice of the employee's intention to take leave. The County may require certification and/or a second opinion from a healthcare provider for leave requests made under Sections 3 or 4 above, consistent with the provisions of 29 U.S.C. Section 2613. When leave is properly requested and permitted under this Section, the employee shall not be paid his or her wages or salary during the leave period, but the employee's group health insurance coverage will be maintained and there will be no loss of any employee benefits that had accrued prior to the commencement of leave, and the employee will be restored to the same or an equivalent position, with equivalent benefits, pay, terms and conditions of employment upon their return from leave. If the employee fails to pay their portion of the insurance premium on County health insurance or any voluntary benefits the employee pays for through payroll deduction, the County reserves the right to cancel the policy(s). No vacation leave or other employee benefits shall accrue while the employee is out on leave.

ARTICLE 11.07 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 (unless otherwise stated), and shall not be charged against annual or sick leave, up to a 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 Constitutional Officer or Department Manager. The employee will be required to prepare and submit the appropriate "Application for Leave" form available from the same. Said request shall be charged to available personal leave that they employee has accrued.
- 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 11.08 BLOOD DONATION

- 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.
- B. In order to qualify for such time off, the employee shall receive advance approval from the appropriate Constitutional 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 Constitutional Officer or Department Head.

TITLE XII

WORKER'S COMPENSATION PROCEDURES

ARTICLE 12.01 NON-EMERGENCY OCCUPATIONAL ACCIDENTS OR DISEASES

- A. Must be reported to Department Head or Constitutional Officer or appropriate supervisor within 24 hours
- B. Department Manager investigates accident and fills out report of injury or disease in full detail and forwards immediately to the Commissioner's Office.
- C. If medical attention of a physician is needed, appropriate County personnel makes appointment for employee with physician selected from the three physicians appointed by the County for Worker's Compensation Treatment.
- D. Employee is given appropriate Treatment Authorization forms to submit to doctor's office at the time of first treatment.
- E. Employee returns Treatment Authorization forms to Department Manager immediately after treatment is received.
- F. Department Manager forwards copies of complete Treatment Authorization forms to the Commissioner's Office
- G. Department Manager should direct any problem or questions concerning claim to Commissioners Office for discussion.
- H. Commissioner's Office must be informed of date employee returns to work.

ARTICLE 12.02 EMERGENCY-ACCIDENTS

- A. If a work related accident occurs that requires immediate emergency treatment, the supervisor should be notified immediately and treatment received at the emergency room. A drug test will also be administered any time an employee is injured on the job.
- B. After treatment is received, the Report of Occupational Injury or Disease should be filled out in detail and submitted to the Commissioner's Office. This includes non-emergency Occupational Disease or Accident that might occur at night or on weekends that requires medical attention before regular office hours.
- C. Subsequent treatment must be directed to one of the County's Worker's Compensation Insurance physicians, unless the injury requires specialized treatment and the emergency doctor refers the employee to a physician who specializes in the type injury incurred.

ARTICLE 12.03 LIGHT DUTY/RETURN TO WORK PROGRAM

It is the policy of Butts County to provide, if economically possible, an opportunity for an employee receiving Worker's Compensation benefits to return to work through a light duty program. All such employees will be afforded the opportunity to immediately discuss with the appropriate Constitutional Officer or Department Manager the following items PRIOR to returning to work:

- 1. Identification of light duty positions, if available.
- 2. Any specific job modifications necessary while on specific restrictions
- 3. Outlining the expectations and responsibilities

4. Level of work for specific job restrictions by attending physician.

Constitutional Officers and Department Managers should discuss light duty options with the Human Resources Generalist prior to extending an offer to return in light duty status. If the requirements of the Americans with Disabilities Act prevail, the following items will be specifically discussed PRIOR to the employee returning to work:

1. Job Description restructuring
2. Part-time or modified work schedules
3. Potential reassignment to vacant positions
4. Acquisition and modification of equipment in work station.

The County will provide a written notice to the affected employee offering the light duty position for a thirty (30) day period. IF the employee does NOT respond to the County within seven (7) working days, the offer of employment will be officially withdrawn.

If the position offered to the affected employee adheres to the job restrictions specified by the County's recognized Worker's Compensation physician and the employee refuses to return to work within five (5) working days, the County will appeal the employee's right to receive continued payments to the State's Workers Compensation Board.

If the claimant's refusal of the position is declared "unreasonable" by the County, the County will also appeal the employee's continued receipt of payments to the State's Worker's Compensation Board.

ARTICLE 12.04 SAFETY

Safety 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 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 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 safety precautions. All of the safety rules, regulations and equipment are of little value if the employees fail to take a positive approach toward maintaining and improving safety.

To that end, the following safety rules have been established to initiate a positive attitude toward occupational safety and to inform the employee of the 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 Administrator.
- 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.

Each Department Manager may establish additional 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.

Employees should report any unsafe condition to their immediate supervisor. Said supervisor shall examine the problem and take corrective action to eliminate the safety problem. Safety problems or equipment defects affecting the operation shall be reported to the appropriate Manager for corrective action.

TITLE XIII

NON-DISCIPLINARY DEMOTIONS OR TRANSFERS

ARTICLE 13.01 NON-DISCIPLINARY DEMOTIONS

Employees may request that they be demoted to open positions at lower pay grades if they are qualified for the position. If such a request is granted, the employee's salary will be reduced to their current step in the lower pay grade of the new job.

ARTICLE 13.02 NON-DISCIPLINARY TRANSFERS

Employees may request that they be transferred to open positions at an equal or lower pay grade if such position is open and they are qualified for the position. If such a request is granted, the employee's salary will be reduced to their current step in the lower pay grade of the new job.

TITLE XIV

TRANSFERS

ARTICLE 14.01 INITIATION AND AUTHORITY FOR TRANSFERS

The Department Head or Constitutional Officer may initiate a transfer or any employee may request a transfer under the following provisions:

- A. If a position is open at an equivalent or lower pay grade, an employee may request transfer to that position. If the knowledge, skills and abilities required for the job are not the same as for the present job, the employee will be tested and interviewed for the new position and will be on working test for the new job if transferred. The discretion to grant a transfer, if requested, rests with the appointing authority. If the position falls into a lower pay grade, the employee's salary will be reduced to that pay grade while retaining the same step on the pay scale.
- B. The appointing authority may transfer an employee to any position, at any pay grade, if the employee is qualified to do the work and if the salary step is not changed. A temporary transfer to a higher position may be made for up to ninety (30) days without giving a salary increase.

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 will be considered as having voluntarily abandoned their job. The separation 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, 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 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 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:

Paragraph 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 under one-year working test will be laid off first.
2. Temporary and part-time employees will be laid off next
3. Full time employees off of working test will be laid off next, based on their length of service, from least to greatest, and their demonstrated ability to perform the available work.

Paragraph 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

Paragraph 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 constitutional 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/constitutional officer, and, when made because a reduction in force has been imposed by the Board of Commissioners, is not subject to appeal.

Paragraph 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.

Paragraph 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 other employment, if possible.

Paragraph 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.

Paragraph 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.

Paragraph 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. Whether a reduction in force employee is given preference for rehire within their original department remains within the discretion of the department manager.

Note: Title XVI Revised and Reauthorized by the Board of Commissioners on July 14, 2008, and editions et. Seq.

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 Departmental Manager. 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 Department Head should consult with the County Administrator on which procedure will be employed towards selecting a candidate for promotion.

ARTICLE 17.02 EFFECT OF A PROMOTION

A promoted employee will move up to the grade associated with the position the employee has been promoted to. The employee will be on working test in his or her new position, which will become permanent upon completion of working test. 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. 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 Department Manager 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

Under certain circumstances, the appointing authorities 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 Generalist. 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. 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.

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 Department Manager 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

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. 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

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 trousers at all times.
- C. Public safety personnel will wear standard duty uniforms and other appropriate clothing as permitted by their Department Manager.
- D. Business casual attire may be worn by non-public safety personnel in any county business office. Business casual attire include 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 potentially offensive words, terms, logos, pictures, cartoons, or slogans; halter-tops; tops with bare shoulders; sweatshirts, and t-shirts unless worn under another blouse, shirt, jacket, or dress. Shirts with County logs 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, thongs, flip-flops, slippers, and any shoe with an open toe 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 and will receive a verbal warning for the first offense. All other policies about personal time use will apply. Progressive disciplinary action will be applied if dress code violations continue.

ARTICLE 20.03 COUNTY VEHICLE USE

- A. Upon proper authorization by the appropriate Constitutional Officer or Department Manager, 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 manager 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. An accident report shall also be filed with the Commissioner's Office. 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 driver's license either by misplacement or through any legal action, they shall notify their 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 driver's 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 their superior, they will receive immediate disciplinary action up to a suspension without pay. 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. Supervisors are responsible for instructing employees on the proper use of the communications services and equipment used by the County for both internal and external business communications. For purposes of this Article, the following provisions are made a part of the Personnel Ordinance of Butts County:

- A. Most equipment related to communications services and 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, they should check with their supervisor.
- B. All County communications services and 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.
- C. On-line 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. Email should be deleted after thirty (30) days unless necessary for records retention.
- E. Incidental personal use by employees of the County communications services and 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.
- 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 Manager. Although the County will attempt to delivery 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 mail or use County stationary 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 Manager and is subject to the individual department's operating rules and procedures for security.
- H. Improper use of County communications services and equipment will result in disciplinary action, up to and including termination (See Title VII, Article 7.02, Paragraph B5 and D7). Improper use includes any misuse as described in the Personnel Ordinance and/or Department Operating Policies, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating or sexually suggestive written, recorded or electronically retrieved or transmitted communications.

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 Administrator 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.

Consequences for Violation of this Policy

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

TITLE XXI

OUTSIDE EMPLOYMENT

ARTICLE 21.01 OUTSIDE EMPLOYMENT POLICY

- 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. Some examples of conflict of interest include but are not limited to:
 - 1. Any establishment that serves alcoholic beverages, either in a primary roll (such as a bar) or a secondary roll (such as a restaurant that serves alcohol).
 - 2. Any type of business or establishment that conducts business that is directly regulated by the County government or who does business directly with the County government as an outside agency (for example, a roofing company that may be engaged in contractual work with 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 Officials or Department Heads.
- C. The County Administrator or the appropriate Constitutional 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.

ARTICLE 21.02 OTHER RESTRICTIONS

- A. 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 any county issued apparatus during such times of employment.
- B. 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.
- C. 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.

ARTICLE 21.02 APPEAL RIGHT

- A. Employees who wish to appeal the decision of the County Administrator may submit an appeal in writing through the Administrator to the Board of Commissioners. The Board will review the request for appeal and may choose to uphold the decision of the Administrator, overturn the decision of the Administrator, 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.

TITLE XXII

GARNISHMENTS AND BAD DEBTS

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 HR Generalist and County Administrator shall review each incidence of employee garnishment for determination 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 a 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

ABUSE AND MISUSE OF EQUIPMENT AND SUPPLIES

ARTICLE 23.01 ABUSE & MISUSE OF EQUIPMENT AND SUPPLIES

Employees are entrusted with the use of public equipment and supplies. The abuse or misuse of County equipment and supplies can lead to appropriate disciplinary action. Although there are other misuses or abuses, the use of County vehicles for personal use is considered to be significant misuse or abuse.

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

TITLE XXIV

ALCOHOL AND CONTROLLED SUBSTANCE POLICIES

ARTICLE 24.01 ALCOHOL AND CONTROLLED SUBSTANCE POLICIES

The County employs a Drug Free Workplace Policy. This means that employees of the County shall neither possess, consume, nor maintain any trace amount of any intoxicating drug or alcohol during work hours.

In addition to prohibiting employees from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs in the workplace, this County prohibits its employees from engaging in any such illegal activity at all times and at all places. Such activity, even during non-working hours, clearly affects the employee's ability to perform his public duties

POLICY

- A. No employee of this County may illegally engage in the manufacture, distribution, dispensation, possession, or use of a controlled substance at any time or place, including while at the workplace. Such unlawful activity will be considered a sufficient ground for a serious adverse personnel action, including dismissal from employment.
- B. If an employee is arrested for or convicted (including a plea of nolo contendere) of violating any criminal drug statute of any jurisdiction, regardless of whether the alleged violation occurred at the workplace or elsewhere, the employee must immediately notify the County Administrator in writing of each arrest or conviction.
- C. Failure to comply with any part of this policy will result in serious adverse personnel action, including possible dismissal from employment.

ARTICLE 24.02 POLICY REGARDING DRUG AND ALCOHOL SCREENING

The County has determined that being under the influence of alcohol or drugs while on duty, and the unauthorized use of illegal drugs and/or controlled substances by County employees at any time, on or off duty, presents a clear and present danger to the public, County employees and to public and private property. Employees who have the authority and responsibility to operate vehicles, machinery or equipment endanger themselves, their fellow employees, and the public at large when their performance is impaired by alcohol or the unauthorized use of illegal drugs and/or controlled substances. The accomplishment of the County's mission and the successful discharge of the County's duties and responsibilities are uniquely dependent upon the sound judgment, attention to duty and physical dexterity of County personnel, and being under the influence of alcohol or the unauthorized use of illegal drugs and/or controlled substances materially impairs the employee's fitness for duty.

Furthermore, the unauthorized use of illegal drugs and/or controlled substances, even in an off-duty status, will seriously undermine the County's substantial interest in enforcing the criminal laws of this State, particularly those laws against the illegal drug trade. Use of such, especially if known by any member of the public, undermines public confidence and the integrity of the employee, and casts substantial doubt upon the County's ability to carry out its duties honestly and vigorously. Accordingly, this drug and alcohol testing policy shall apply to applicants and employees of the County.

The County strictly prohibits any employee from being under the influence of alcohol while on duty. The County also strictly prohibits the unauthorized use of prescription drugs, illegal drugs and/or controlled substances by any employee of the County at any time, whether on or off duty.

PARAGRAPH 24.02.01 Definitions and Procedures

- A. "Illegal Drug" and "Controlled Substance" shall mean marijuana as defined in paragraph (16) of O.C.G.A. § 16-13-21, as amended; a controlled substance as defined in paragraph (4) of O.C.G.A. § 16-13-21, as amended; a dangerous drug as defined in O.C.G.A. § 16-13-71, as amended, or any other controlled substance or dangerous drug that persons are prohibited from using under Georgia or Federal Law. (Additionally see Title V which covers prescription drug use)
- B. "Unauthorized use" of an illegal drug or controlled substance shall mean consumption or ingestion that is not authorized by a valid and current medical prescription issued by a medical doctor properly and presently authorized to practice medicine in the State of Georgia.
- C. "Drug Test" shall mean the collection and testing of bodily fluids administered in a manner equivalent to that required by the Mandatory Guidelines for Federal Workplace Drug Testing Programs (HHS Regulations 53 Fed. Reg. 11979 et seq.) as amended, or any other professionally valid procedures approved by the Butts County Board of Commissioners that meet the requirements of O.C.G.A. § 45-20-92 (c)
- D. County Procedures for Collecting Specimens and Maintaining Records:

Privacy intrusions shall be minimized during the collection of bodily fluid specimens. At the time of collection, the County may require the employee to produce the specimen in the presence of a supervisory officer, or an independent testing clinician, but the supervisory officer or clinician shall be of the same gender as the tested employee, and the specimen shall be collected in a restroom facility at a time when no one else is allowed to be present.

The specimen shall be marked and identified in the employee's presence. If positive results are produced, the specimen shall then be stored and transported to the testing laboratory at proper temperatures and under such conditions as specified in writing by the testing laboratory so as to assure that the quality of the specimen shall not be jeopardized.

The results of the drug test shall be made available only to the County Administrator and the Human Resources Generalist. The results shall be sealed and placed in a special file separate from the employee's personnel file and the envelope shall be prominently marked:

"BY ORDER OF THE COUNTY ADMINISTRATOR: NOT TO BE OPENED EXCEPT BY AUTHORIZED PERSONNEL". The sealed envelopes containing all drug and/or alcohol test results taken under this Policy shall be kept under lock and key in the office of the County Clerk. The test results will not be furnished or revealed to any other persons or entities except those authorized above or under subpoena or court order, or upon written request of the tested employee. Authorized personnel shall include the County Administrator or County Attorney.

- E. Any employee subjected to a drug or alcohol test shall have the right to obtain an independent test, at his or her own expense, and to have the independent test results furnished to the Personnel Office and the County Administrator. The County Administrator is not required, however, to disregard the County's test in light of any independent test results that may be submitted, but shall consider the totality of all the circumstances in deciding which test results are likely to be the most accurate and reliable.
- F. Unannounced and random drug testing is permitted under this policy and at least five County employees must be pulled in each random drug testing round. Persons selected shall be selected on a random basis, such as the drawing of names from a concealed group of names. No person shall be subjected to random testing more than once in any thirty (30) day period.
- G. Alcohol testing shall be conducted in any manner authorized by O.C.G.A. § 40-6-392, i.e. by a permitted instrument operator producing a blood alcohol analysis, the results of which would be admissible in court in a prosecution for driving under the influence of alcohol under O.C.G.A. § 40-6-391.
- H. For purposes of this policy, an employee shall be deemed "under the influence of alcohol" while on duty if the test taken while the employee is on duty reveals a blood alcohol of .05 grams or more as defined under O.C.G.A. § 40-6-391 (i) and O.C.G.A. § 40-6-392 (c) (1).

PARAGRAPH 24.02.02

DRUG AND ALCOHOL TESTING OF CURRENT EMPLOYEES

- A. Provisions Applicable to All Positions of Employment-Any and all employees must submit to drug or alcohol testing upon demand under the following circumstances:
- (1) Whenever there is reasonable, articulate suspicion, as determined by the supervisor or any person holding supervisory rank above the supervisor, that an employee is under the influence of alcohol while on duty, or that an employee had made an unauthorized consumption of illegal drugs and/or controlled substances within 48 hours of reporting for duty, or
 - (2) Whenever an employee is involved in a work related accident that results in a report of injury by any person sufficient to warrant medical attention, or
 - (3) Whenever an employee discharges a firearm in the performance of his or her duties (except when qualifying or practicing with a weapon at approved training and at the firing range.
 - (4) Any employee who either refuses to submit to a drug or alcohol test when requested to do so under the terms of this subsection, or who fails to pass the drug or alcohol test, shall be subject to dismissal.
- B. Unannounced and Random Drug Testing of Certain Positions

There are certain positions of employment with the County that are inherently dangerous and of high risk. These positions are those involving the operation of a vehicle or heavy equipment and machinery on a regular basis. The County has determined that the duties and responsibilities associated with these positions are such that inattention to duty or errors in judgment while on duty poses a substantial risk of harm to the employee, other employees and to the public. Random drug testing is therefore necessary in order to deter such activities, reduce these substantial risks of harm, and to identify offenders. This is spelled out in Title V.

PARAGRAPH 24.01.03

AUTHORITY FOR POLICY

This policy is adopted and shall be implemented under the authority of O.C.G.A. § 45-20-90; 1990 Op. Attorney General No. 90-11; National Treasury Employee's Union v. Von Raab, 489 U.S. 656, 109 S. Ct. 1384, 103 L.Ed.2d 685 (1989); Department of Corrections v. Colbert, 260 GA. 255, 391, S.E. 2d 759 (1990).

PARAGRAPH 24.01.04

SEVERABILITY

Each Paragraph and Subsection of this Title is separate and independent of the remaining portions, and is intended to survive on its own merits. If any Article, Paragraph, Section or Subsection of this Title is hereafter declared invalid, all remaining Articles, Paragraphs, Sections and Subsections shall survive and be fully enforceable.

TITLE XXV

CONFLICTS OF INTEREST

ARTICLE 25.01 CONFLICTS OF INTEREST

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.

TITLE XXVI

POLITICAL ACTIVITIES

ARTICLE 26.01 POLITICAL ACTIVITIES-POLICY

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. If any employee believes such a promise or threat has been made, it must be reported to the County Administrator or County Attorney within five (5) days of the occurrence.

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 equipment, such as telephones, photocopiers, Telefax machines, etc.) may be used for political purposes unless expressly approved by the Board of Commissioners.

No County Employee may campaign for any candidate of elected office, even if off duty, within 1000 feet of any County government building, regardless of its location. Failure to adhere to this policy will result in disciplinary action.

If any employee qualifies to run for elective office within Butts County or for State or Federal level offices, the employee must resign no later than the date the qualification fee is paid or the declaration of his or her candidacy is filed. This policy shall not apply to incumbent elected County officials, as they are permitted by state law to fill all portions of their term of office. This policy shall further not apply to candidates who are employees of a Constitutional Officer who obtain written permission from the Constitutional Officer to run for elected office, so long as their election activities do not interfere with the operation of the Constitutional office for which they work or that of other Constitutional Offices and the offices of the County. The Constitutional Officer may revoke this at any time. Additionally, employees who live in other jurisdictions outside of Butts County and choose to run for an elected office in their county will not be subjected to mandatory resignation so long as their election activities do not interfere with their job or any offices of the County, elected or otherwise. An employee who resigns pursuant to this Title has no right to re-employment after the election, but shall be considered for re-employment like any other applicant if and when a vacancy occurs.

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. This policy shall not apply to sitting Constitutional Officers who must make their own determination.

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 XXVII

SECURITY CLEARANCES

ARTICLE 27.01 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 Driver's 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. For those not under the County merit system, failure to abide by this policy will result in your electronic key being deactivated and other keys confiscated.

TITLE XXVIII

BULLETIN BOARDS & COMMUNICATIONS MEDIA

ARTICLE 28.01 BULLETIN BOARDS

Bulletin boards are important means of communication with all employees and the public. Proper maintenance of bulletin boards is essential, from an efficiency and liability standpoint. The appropriate Constitutional Officer or Department Manager will be responsible for seeing that new and updated information is properly posted and outdated materials are removed promptly from their respective department's bulletin boards.

All employees must seek approval from the Constitutional Officer or Department Manager prior to posting any materials on their respective department's bulletin boards. The Department Manager or Constitutional Officer must exercise extreme care to prohibit controversial information or offensive materials from appearing on the department's bulletin board.

ARTICLE 28.02 E-MAIL AND INTERNET

Certain departments and individuals of those agencies are provided with Internet access through County computers. Additionally, some employees may have e-mail accounts that are owned by the County. Employees of Butts County are prohibited from using personal email accounts for County business except in emergencies, with the understanding that said emails in a personal account will fall under the Georgia Open Records Act. The Internet should not be used for any purpose not directly associated with County business. Employee's internet and email use should not interfere with their duties and shall not contain content of a vulgar, lewd, discriminatory or otherwise inappropriate nature. Employees are advised that email of a personal nature that is received on a County computer may become subject to the Open Records Act at that point.

Employees who utilize County computers to access web sites or materials that are considered vulgar, lewd, discriminatory, of a pornographic or illegal nature will be subject to disciplinary action including termination from employment unless said activity is officially associated with an investigative matter under the purview of public safety and is being supervised by the appropriate department manager or Constitutional Officer. A full disclosure of this material and the authorized purposes for which it was accessed must be filed with the Office of the County Clerk.

TITLE XXIX

OFFICIAL & EMPLOYEE COPIES

ARTICLE 29.01 OFFICIAL COPIES

There shall be two official master copies of this Personnel Ordinance, which shall be signed by the appointing authorities and attested to. One master copy shall be placed upon 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 Constitutional Offices.

ARTICLE 29.01 EMPLOYEE COPIES

All employees shall sign a statement that they have been made familiar with this this Personnel Ordinance 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 the Personnel Ordinance and for retrieving any issued hard copies when they leave the employ of the County.

TITLE XXX

DEPARTMENT WORK RULES

ARTICLE 30.01 WORK RULES

- A. Each Constitutional Officer/Department Head shall establish his/her own departmental work rules pertaining to their individual operations.
- B. Said Departmental Work Rules shall NOT be inconsistent with the Personnel Ordinance of Butts County or policies established by the Board of Commissioners but may be greater in force than those issued by the Board. For example, the County may have a policy about reporting to work on time and the Fire Department may have a policy about reporting 15 minutes before scheduled work time. This is not inconsistent with the County policy but has the effect of being greater in force and should be considered the standard imposed.
- C. It is the responsibility of each Constitutional Officer and Department Head to acquaint all employees in his or her department of all applicable work rules.