



OLDHAM COUNTY FISCAL COURT

EMPLOYEE HANDBOOK

TABLE OF CONTENTS

CHAPTER 1: HUMAN RESOURCES ADMINISTRATION

	INTRODUCTION.....	04
	AUTHORITY AND RESPONSIBILITY.....	04
	INTERPRETATION.....	04
1.1	GENERAL PROVISIONS.....	04
	STATEMENT OF PURPOSE.....	04
	HUMAN RESOURCES ADMINISTRATION.....	05
	SCOPE OF COVERAGE.....	05
	PERSONNEL RECORDS.....	05
	ATTENDANCE RECORDS.....	06
	PAY, PAY STUBS, AND PAYROLL DEDUCTIONS.....	07
	HOURS OF WORK.....	07
	WORKWEEK.....	08
	FALSE CREDENTIALS.....	08
	SUGGESTION SYSTEM.....	08
	EMPLOYMENT RELATIONSHIPS.....	08
	ORIENTATION OF NEWLY HIRED PERSONNEL.....	08
	EQUAL EMPLOYMENT OPPORTUNITY.....	08
	AMERICANS WITH DISABILITIES.....	09
	TOBACCO USE.....	09
1.2	CLASSIFICATION PLAN.....	09
	GENERAL PROVISIONS.....	09
	AMENDMENTS.....	09
	POSITION EVALUATION.....	09
	JOB DESCRIPTIONS.....	09
	STATUS OF EMPLOYMENT.....	10
1.3	COMPENSATION.....	10
	FISCAL COURT PAY SCALE AND STEP PLAN.....	10
	PAY SCALE AND STEP PLAN ADMINISTRATION.....	11
	JOB CATEGORY.....	11
	NON EXEMPT PAY.....	12
	EXEMPT EMPLOYEE PAY.....	12
	APPOINTMENT RATES.....	13
	PERFORMANCE/MERIT INCREASES.....	13
	OTHER PAY ADJUSTMENTS.....	14
	ADDITIONAL COMPENSATION FOR ACTING DIRECTORS.....	15
1.4	EMPLOYMENT PROCESS.....	15
	PLACEMENT POLICY.....	15
	METHODS OF FILLING VACANCIES.....	15
	PROVISIONAL APPOINTMENT.....	16
	ANNOUNCEMENT OF VACANCIES.....	16
	APPLICATION FORM.....	16

OCFC APPROVED 2/21/2017

	CERTIFICATION OF ELIGIBILITY FOR POSITION.....	16
	REASSIGNMENT.....	17
	TRANSFER.....	17
	PROMOTION.....	17
	DEMOTION.....	17
1.5	CONDITIONS OF EMPLOYMENT.....	18
	INITIAL EMPLOYMENT PERIOD.....	18
	ABSENCES AND REPORTING.....	18
	TELEPHONE USE.....	18
	E-MAIL AND INTERNET USE.....	18
	CREDIT CARD PROCESSING AND HANDLING SECURITY POLICY.....	21
	OUTSIDE EMPLOYMENT.....	22
	BAD WEATHER / FISCAL COURT EMERGENCY POLICY.....	22
	RESIGNATIONS.....	22
	REHIRES.....	23
	RETIREMENT.....	23
	EXAMINATION (MEDICAL).....	23
	POLITICAL ACTIVITY.....	24
	MEAL BREAK.....	24
	LAY OFF.....	24
	GRATUITIES.....	25
	PERSONAL CONDUCT, APPEARANCE AND HYGIENE.....	25
	SAFETY AND INJURIES.....	25
	SOLICITATION POLICY.....	25
1.6	FRINGE BENEFITS.....	25
	HOLIDAYS.....	26
	VACATION.....	26
	LEAVES OF ABSENCE – GENERAL PROVISIONS.....	28
	HEALTH INSURANCE.....	36
	DENTAL INSURANCE.....	37
	CONSOLIDATED OMNIBUS BUDGET AND RECONCILIATION ACT (COBRA).....	37
	RETIREMENT BENEFITS.....	37
	LIFE INSURANCE.....	38
	DEFERRED COMPENSATION.....	39
	UNEMPLOYMENT INSURANCE.....	39
	WORKER’S COMPENSATION.....	39
	CREDIT UNION.....	39
	EXPENSE REIMBURSEMENT.....	40
1.7	EMPLOYEE RELATIONS.....	41
	CODE OF ETHICS.....	41
	TRAINING AND CAREER DEVELOPMENT.....	42
	HARASSMENT.....	42
	WORKPLACE VIOLENCE.....	44
	DRUG-FREE WORK PLACE.....	45
	DRUG-FREE WORKPLACE TRAINING.....	45
	DRUG AND ALCOHOL ABUSE.....	46
	PERFORMANCE MANAGEMENT.....	48

OCFC APPROVED 2/21/2017

	DISCIPLINARY ACTION.....	49
	DISMISSAL.....	52
	RESOLVING CONFLICTS IN THE WORKPLACE – MEDIATION.....	52
	LEAVING EMPLOYMENT.....	52
	EXIT INTERVIEW.....	52
1.8	ETHICS.....	53
	General Provisions.....	53

**** Sections illustrated in red have been revised since adoption date of 2/21/2017

CHAPTER 1: HUMAN RESOURCES ADMINISTRATION

INTRODUCTION

This manual contains important information on the general human resources ("personnel") policies of Oldham County Fiscal Court ("Fiscal Court", "Court", "County"). These policies shall guide the administration in managing the performance of employees.

The personnel policies contained in this manual comply with the provision of Kentucky Revised Statute (KRS) 67.710 concerning the powers and duties of the Judge-Executive and incorporate all aspects of personnel administration required by Kentucky Revised Statute (KRS) 68.005.

These policies supersede and replace all previously approved ordinances, resolutions and other Fiscal Court actions related to the matters contained herein. The procedures, practices, and policies may be modified from time to time due to changes in the law, regulations, or the needs of Oldham County Fiscal Court.

These policies are intended to provide guidance on personnel issues. They are not intended to be construed as a contract of employment. Unless otherwise provided by law, County employees are at-will employees and may be terminated at any time, for any reason, or without reason.

AUTHORITY AND RESPONSIBILITY

Under the provisions of state law, the Judge-Executive is authorized to recommend personnel policies and amendments thereto, to the Fiscal Court for its approval. The Judge-Executive shall be responsible for administering, interpreting and enforcing the personnel policies and shall have the responsibility for developing procedures and programs to implement the personnel policies.

Department directors may establish rules and regulations governing the conduct and performance of their employees. Departmental rules and regulations are subject to the review and approval of the Fiscal Court and shall in no way conflict with this Employee Handbook. The policies, procedures, and programs outlined in this manual shall be the final authority unless otherwise provided by law.

INTERPRETATION

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this Employee Handbook as those governing the interpretation of state law. The use of the masculine gender in this document applies to both genders unless otherwise stated.

Section 1.1: General Provisions

1. Statement of Purpose

The Fiscal Court and the administration recognize that a personnel system, which recruits and retains competent, dependable personnel, is indispensable to effective and efficient County government.

The policies set forth herein are intended to implement the personnel system by providing procedures for:

- A. Classifying positions in Fiscal Court service
- B. Recruiting persons for that service
- C. Compensating employees equitably for their services
- D. Management of benefits for employees

2. Human Resources Administration

The Judge-Executive as set forth in Kentucky Revised Statute (KRS) 67.710, or his designee, shall administer the human resources system set forth herein.

In addition to other duties, as set forth in these policies and procedures, the Judge-Executive shall ensure that subsequent amendments or additions by the Fiscal Court be made as follows:

- A. Immediately upon official amendment, the change(s) shall be written in a manner and format consistent with these policies and procedures.
- B. A memorandum explaining the change(s) with the amendment attached shall be distributed to all personnel assigned custody of a copy of the personnel policy and procedures section of this code.

The County Judge, or his designee, shall conduct an annual review of the Employee Handbook, preferably during the budget preparation process.

3. Scope of Coverage

Unless otherwise provided by law, the Employee Handbook as adopted, is applicable to all persons employed in positions at all levels in County government, with the exception of the following:

- A. All elected officials;
- B. Employees of the Sheriff, County Clerk, Jailer, and County Attorney, unless expressly requested by the elected official in writing;
- C. All members of boards and commissions; and consultants.

4. Personnel Records

Beginning the first day of employment, all new employees shall report to the Human Resources office to provide any information needed to complete personnel records.

Personnel files, to be maintained by Human Resources, shall be created for each employee. All relevant information, including application forms, resume, evaluation forms, disciplinary or commendation memoranda, insurance information and any other material deemed relevant to the employee's permanent record will be maintained in the file, which shall be accessible to each respective employee. A separate file shall be maintained on each employee for documents and information deemed confidential pursuant to state and federal law.

It shall be the obligation of the employee to update and keep current information in the personnel file by notifying Human Resources of all changes in personal or family status, home address, home telephone number or any other changes, which would affect payroll withholding or employee benefits.

Every change in the status of the employee shall be recorded in the personnel file and/or confidential employee file.

The contents of all employment-related files and employment records shall be the property of Fiscal Court. All persons desiring to inspect personnel files must make a request in writing three (3) days in advance to Human Resources.

The Human Resources Director shall not unreasonably withhold permission from the following individuals to inspect personnel files:

OCFC APPROVED 2/21/2017

- A. An employee requesting to inspect the personnel file which holds his employment history;
- B. A Department Director requesting the personnel file which holds the employment history of one of their employees;
- C. Any person who has written permission from an employee to inspect the personnel file which holds that employee's employment history.

Unless otherwise requested, all personnel files to be inspected will not be allowed to leave the premises of the Human Resources Office. Copies of personnel files will be made available by making a request in writing five (5) working days in advance to Human Resources at no charge to the employee. There will be a charge of .10/page for documents requested more than once by the employee and/or documents requested by others permitted above.

In accordance with opinions and ruling made by the Kentucky Attorney General as outlined in the "Open Records and Open Meetings" document as revised, portions of the personnel files are subject to open records requests and other portions are not.

Parts of the personnel file which are subject to an open records request are:

- A. Name
- B. Position
- C. Work Station
- D. Salary
- E. Portions of public employees' resumes reflecting relevant prior work experience, educational qualifications, and information regarding ability to discharge responsibilities of public employment.
- F. Reprimands to employee regarding job-related misconduct
- G. Lawsuit settlement documents
- H. Open records request letter and agency response
- I. Letters of resignation submitted by public employees
- J. Public employee time sheets
- K. Records reflecting improper use of public equipment

Parts of the personnel file which, in general, constitute a clearly unwarranted invasion of personal privacy and are not subject to the open records act are:

- A. Home address
- B. Social Security Number
- C. Medical Records
- D. Marital status of public employees
- E. Results of polygraph tests
- F. Employee evaluations
- G. Psychological and psychiatric records
- H. Race and gender of public employees

5. Attendance Records

Under the laws of Kentucky, all employee compensation must be accompanied by detailed records of every employee's time at work. Records of an employee's time at work are kept as a part of the county payroll system. All employees must accurately report their time spent at work. The Human Resources department and the Finance Officer shall determine the format all employees shall use for recording time spent working.

- A. Salaried employees shall maintain and submit a bi-weekly record of their time.
- B. Hourly employees shall always clock into work except where authorized otherwise by the Judge. Employees shall not clock into work more than 7.5 minutes prior to

their scheduled starting time, nor clock out of work more than 7.5 minutes after their scheduled stop time unless authorized by their supervisor.

- C. If an employee is unable to clock in due to a time clock malfunction, or forgets to clock in, the employee shall immediately notify their supervisor and/or the payroll department.
- D. All non-exempt employees shall record time spent at meals during the workday, except for 24/7 employees and those whose job descriptions specify that a significant portion of their work is done outside of the office ("field employees".) Field employees shall record time spent at meals in a work log.
- E. Non-exempt employees shall record and report all travel performed as part of their employment or time out of the workplace for a work related activity.

Tampering with or altering time clocks or the records of time spent working are criminal acts under the Kentucky Revised Statutes (see, for example, the offenses titled: "Theft by failure to make required disposition of property," "Altering Official Records" and Official Misconduct.") Violation of any policy for employee time keeping may result in disciplinary action. Failure to clock in or out two times within a workweek, or repeated instances of not clocking in or out within the allotted 15 minute window shall trigger an administrative investigation with the possibility of disciplinary action.

All records of time spent at work shall be reviewed for approval by the employee's Department Director or a person who is authorized by the department director prior to being submitted to the designated payroll administrator.

- A. Department Directors or their approved designee shall submit approved work records for a completed pay period to the payroll administrator by 10:00am on the first Monday of the following pay period. If that day should fall on a holiday, time records shall be submitted at a date and time to be determined by the payroll administrator.
- B. Records to be reviewed and approved by the appropriate supervisor before being forwarded to the payroll administrator shall include: exempt time sheets, work logs, time clock records and work related travel and activity reports.

6. Pay, Pay Stubs and Payroll Deductions

The employees are paid bi-weekly (every two weeks). Paychecks are issued on Fridays. If Friday is a holiday, paychecks will be issued on the last workday of the week.

The employee will have paychecks automatically deposited into the employee's credit union, bank account or pay card. Paychecks may be split between different banks and/or bank accounts at the request of the employee.

7. Hours of Work

Employees shall report to work in accordance with prescribed departmental schedules. All departments shall maintain daily attendance records of all employees.

Regular employees will be allowed two (2) rest periods of ten (10) minutes each per day, one in the morning and one in the afternoon. Lunch and rest periods may not be used to shorten working hours, alter time of arrival or departure, accrue vacation or count as overtime if not taken. Department heads shall ensure that rest period times and regulations are enforced. An hourly employee who works more than four (4) consecutive hours is entitled to one ten (10) minute break; hourly employees working less than (4) consecutive hours are not entitled to a break.

Flexible hours may be scheduled for employees if approved by the department head and Judge/Executive.

8. Workweek

The Fiscal Court's official workweek is Monday through Friday from 8:00am to 4:30pm. The workweek shall consist of 37.5 hours. Some departments operate on a 40 hour workweek. Fiscal Court may change the official workweek at any time but not to avoid overtime requirements.

9. False Credentials

If it should come to the attention of the department director, Human Resources or Judge/Executive, either during their introductory period or thereafter, that an employee was hired on the basis of false credentials, said employee will be subject to disciplinary action up to and including dismissal.

10. Suggestion System

Fiscal Court employees are encouraged to submit suggestions that could allow the government to operate more efficiently and effectively. Employees who submit suggestions that are approved will receive recognition at the time the suggestion is implemented.

11. Employment Relationships

No Fiscal Court officer or employee shall act in his capacity to recommend, appoint, contract or hire any member of his immediate family to be a direct report. Family includes domestic partners or of persons with a dating relationship within the same department.

For reasons related to effective management, related individuals may only be employed in the same department or administrative unit if the related individual is not under the direct and immediate supervision of another or within the same direct line of supervision. In cases where a conflict or the potential for conflict arises, the parties may be separated by reassignment or terminated from employment. Employees shall notify Fiscal Court or their Department Director immediately upon the commencement of any relationship prohibited by this Section. Concealment of the existence of a relationship prohibited by this Section will be subject to disciplinary action up to and including dismissal.

12. Orientation of Newly Hired Personnel

The Human Resources Office will conduct an orientation for all new employees, as soon as possible after initial employment. The orientation shall consist of at least the following:

- A. Explanation of the management policies and administrative procedures;
- B. Compensation schedule and employee benefits;
- C. Reiteration of job duties per job description; and
- D. Other elements deemed appropriate.
- E. Employees will be given access to the Employee Handbook and will sign an acknowledgement of having read and understood contents.

13. Equal Employment Opportunity

The Fiscal Court is committed to providing equal employment opportunities to all of its employees and applicants for employment and to prohibit discrimination based on race, color, disability, gender, genetic information, national origin, race or religion.

If the employee feels that he has been unfairly treated due to any of the reasons listed above, we ask that the employee immediately report the problem to his supervisor or Department Director. If for any reason the employee feels uncomfortable in reporting a problem to his supervisor or director, then report the problem to Human Resources.

14. Americans With Disabilities

Fiscal Court complies with the Americans with Disabilities Act of 1990 as amended by the Civil Rights Act of 1991, the 1973 Rehabilitation Act and the Kentucky Civil Rights Act. These statutes prohibit discrimination on the basis of disability and protects qualified applicants and employees with disabilities from discrimination.

15. Tobacco Use

Because of the hazards caused by exposure to environmental tobacco smoke and nicotine, as well as the life threatening diseases linked to the use of all forms of tobacco, it shall be the policy of Oldham County Fiscal Court to provide a tobacco-free environment for all officers, employees and visitors. This policy covers the smoking of any tobacco product, e-cigarettes and the use of oral tobacco products. The use of tobacco products shall not be permitted within the facilities or in any company vehicle of Oldham County Fiscal Court at any time.

Section 1.2: Classification Plan

1. General Provisions

The classification plan, as required by law and incorporated as a part of this Employee Handbook:

- A. Shall have a current written job description and job title for each position;
- B. Shall evaluate jobs and assign them to appropriate grade levels according to actual job duties.

A department Director shall request a reclassification study through Human Resources if the requirements or duties of a position changes.

2. Amendments

All amendments to the classification plan shall be presented to the Fiscal Court by Human Resources for approval. All approved amendments shall be recorded as set forth in this section.

3. Position Evaluation

All positions are subject to review and assignment to an appropriate pay grade by the Human Resources Department and subject to approval by Fiscal Court. The purpose of position evaluation is to relate the value of a given position to other positions in the organization and to the job market data.

4. Job Descriptions

Each job description shall describe the essential nature of the work, characteristics of the position, with examples where appropriate; a statement of minimum qualifications and summarize the knowledge, skills and abilities necessary to perform the duties assigned.

Every employee will sign an acknowledgement form stating that they have received a copy of their current job description from their supervisor.

5. Status of Employment

All employees shall be designated as full-time, regular part-time, limited part-time, temporary, seasonal or provisional.

- A. Full-time employee – An employee who works 37.5 – 40 hours per week on a regularly scheduled basis. (Note: Per the Affordable Care Act, “full-time” for medical benefit eligibility is a minimum of 30 hours per week.)
- B. Regular Part-time employee – An employee who works 20 – 29 hours per week, on a regularly scheduled basis.
- C. Temporary employee – An employee who works in a position which is of a temporary nature (full-time or part-time). All temporary employees shall have an employment duration not to exceed 30 days, subject to availability of funds in the budget.
- D. Seasonal employee – persons employed for a specified period of time or for a specified task. Such employees are not covered by any benefits or have an expectation of any coverage of benefits or any right to continued employment or change in level of compensation.
- E. Provisional employee – an employee who assumes a position contingent on later meeting a requirement of the job description within some predetermined period.

Temporary and seasonal employees shall not be entitled to any benefits (except those benefits required by federal or state law).

Section 1.3: Compensation

1. Fiscal Court Pay Scale and Step Plan

Oldham County Fiscal Court (OCFC) strives to attract, motivate and retain exceptional talent. To help accomplish this goal, OCFC has a market-based and performance-based total compensation pay scale that establishes parameters for base pay and benefit programs. Total employee compensation includes cash compensation as well as benefits. The pay scale is intended to compensate all employees on a fair, equitable basis and to recognize demonstrated performance and employee contributions. Employees hired into authorized positions are paid according to the current pay scale as described below unless the position is upgraded. Each position is assigned to a pay grade with placement in that pay grade typically at the minimum of the pay range unless otherwise approved.

Performance/ Merit increases that are awarded shall be effective on the annual anniversary from the last "Event" date for that employee. An Event date is any date that determines the current rate of pay. Event dates include: hire date, promotion date, demotion date, date of last performance increase, and any event that changes how the employee is compensated except for pay rate changes due to COLA adjustments of the pay scale and step plan. Generally, the event date for new employees will be their hire date. For current employees, at the time of this revision, the event date will be January 10, 2016 for all who received a compensation adjustment effective on that date. Further, all pay adjustments will be effective at the beginning of the pay period closest to the event date annual anniversary. For example, an employee hired on October 12, 2015 would not have received a pay adjustment on January 10, 2016. Their annual event date will be October 12, 2016. Any pay adjustment they receive will be effective for the pay period starting October 16, 2016. October 16, 2016 will become their event date at that time. If an employee was hired on October 7, 2015, any pay adjustment will be effective for the pay period starting October 2, 2016,

the pay period closest to their event date. The date of October 2, 2016 will become their event date.

For those current employees that have an event date of January 10, 2016, any pay adjustment for them shall be effective for the pay period starting January 8, 2017. The event date then would become January 8, 2017.

Oldham County Fiscal Court has determined that certain positions require specific on the job training as well as required training and certifications. These positions shall be compensated according to a step plan. When that employee completes the step plan, they shall then be compensated according to the pay scale.

The following positions shall start on the step plan as determined for each step group:

- A. Law enforcement: Recruits and patrolman up to five years of service
- B. Detention Employees: Employees hired with less than two years' experience.
- C. Emergency Services Dispatch: Employees hired that have not completed training required to be classified as a Telecom I
- D. Road: employees that have not completed Road Master & Road Scholar programs

The assignment of positions to a pay grade shall be based upon the relative level of difficulty of the duties and responsibilities of the job. The Fiscal Court shall approve the pay scale and step plan and all subsequent changes and modifications.

2. Pay Scale and Step Plan Administration

A pay scale (Appendix A) prepared, as required by the Kentucky Revised Statutes and incorporated as part of this Employee Handbook, shall prescribe for each position a minimum and maximum rate of pay. All employees occupying positions shall be compensated at a rate no less than the minimum and no more than the maximum amount of the grade in which the position is assigned. The pay scale is a guide used for hiring, promotions, demotions, and transfers.

Annually, effective on March 1 of each year, Oldham County Fiscal Court will adjust the pay scale and step plan based on the Cost of Living Adjustment (COLA) used by the Department for Local Government (DLG) to adjust the salary of county constitutional officers as required by Kentucky Revised Statutes (KRS) 64.5275(1998). It is the intention of the OCFC to adjust the pay and step plans each year using the COLA, however, OCFC has the authority to adjust the salary and wage ranges when warranted by changing economic and competitive factors, and subject to availability of budgetary funds. This adjustment is only to the pay and step plans and does not determine annual performance/merit raises.

At the start of the pay period following March 1 when the COLA adjustment is made, any employee who is below the minimum rate of pay for their pay grade, shall be adjusted to the new rate of pay.

All annual rates in the pay and step plans are those authorized for full time employment (37.5-40 hours per week) for 12 months with due allowances for holidays and approved leaves of absences with pay (e.g., vacation and sick days).

3. Job Category

Critical to proper administration of compensation and benefits is that employees be correctly classified for the purposes of federal, state, wage and hour laws. The Fair Labor Standards Act

(FLSA) required that employers classify employees as exempt or nonexempt. Exempt or nonexempt status determines whether an employee is entitled to overtime pay under the FLSA.

- A. Non-exempt – Employees in this category must be paid overtime for hours worked in excess of forty (40) hours within the workweek.
- B. Exempt – Employees in this category shall be exempt from overtime.

4. Non-Exempt Pay

- A. Non-Exempt employees must be paid for hours worked in accordance with the corresponding pay period.
- B. All non-exempt staff who works in excess of 40 hours in a workweek are eligible for overtime pay.
- C. Non-exempt employees shall receive overtime pay at the rate of one and one-half times the hourly wages for actual hours worked in excess of 40 hours in any workweek.
- D. Time off with pay (including vacation leave, sick leave, holidays, jury duty, funeral leave, etc.) may not be considered as hours worked for overtime pay purposes.
- E. Department Directors or their designee must approve, in advance, for an employee to work in excess of the assigned workweek should it be considered necessary for the effective and efficient operation of the department.
- F. Department Directors are responsible for assuring that required overtime is distributed among their employees on an equitable basis, considering seniority first, followed by employee skill level, department needs, and the welfare of the employees.
- G. Department Directors are responsible for recommending to the County Judge Executive changes in hours, shifts, to include split shifts, or other measures which will reduce or eliminate overtime.

5. Exempt Employee Pay

An exempt employee will be paid "on a salary basis" within the meaning of this administrative regulation. Exempt employees receive their full salary for any week in which they perform any work, without regard to the number of days or hours worked. It is expected of an exempt employee to be present at their assigned job a minimum number of hours per calendar year in order to meet the expectations of the position as it applies to the employee's performance review. This minimum includes leave time used such as vacation, holiday, and sick leave.

There are a few exceptions to the requirement to pay exempt employees on a salary basis:

- A. Exempt employees need not be paid for any workweek in which they perform no work (803 KAR 1:70 & 10 Subsection 1, (a) 2005).
- B. The County may exercise its right to deduct time not worked from accumulated leave banks. The deduction shall be from personal days and vacation in that order.
- C. Deductions may be for absences of one or more full days for personal reasons other than sickness or disability when the employee has exhausted all vacation time or the employee has requested leave without pay.
- D. Absences of one or more full days due to sickness or disability when the employee has exhausted all paid leave benefits or is still in the introductory period as a new hire.
- E. Disciplinary suspension.
- F. Deduction for unpaid leave taken in accordance with a legitimate absence under the Family Medical Leave Act. Rather, if an exempt employee takes unpaid leave under the Family Medical Leave Act, the County may pay a proportionate part of the full salary for the time actually worked. (803 KAR 1:70 & 10 subsection 2(g), 2005).

- G. Deductions for the first and last week of employment, when only part of the week is worked by the employee.

When calculating the amount of a deduction from an Exempt employee's pay, the County may use the hourly or daily equivalent of the employee's full weekly salary or any other amount proportional to the time actually missed by the employee.

6. Appointment Rates

An appointee (new hire) to a new or vacant position shall normally receive a wage at the minimum of the grade level of the pay scale to which the position is allocated or at the step rate of pay to which the position is hired. Through written documentation, the Judge Executive, with the approval of Fiscal Court, may cause the appointment to be made at a wage above the minimum, but not more than the maximum. There will be no exceptions to rates of pay of step plans.

7. Performance/Merit Increases

Subject to Fiscal Court's funding in the annual or amended budget, adjustments may be made in the compensation structure and individual employee compensation. Pay increases shall become effective on the event date.

A. Salary/Merit Increase Pool:

Each year the County will decide the amount of increase percentage, if any, to be allocated for the Salary/Merit Increase Pool. This increase will reflect the available dollars to fund the Judge's Discretionary Fund and performance increases. This increase only applies to those on the pay scale.

B. Performance Increase:

Performance increases apply to all full time and regular part time employees on the pay scale. Such increases are based on each employee's performance as documented by their performance appraisal. An employee whose performance is considered as unsatisfactory is not eligible for a performance increase. Human Resources shall certify that a performance evaluation has been prepared and completed prior to recommending a performance increase. The County Judge Executive will have final approval for all performance increases. Adjustments to an employee's base pay will be limited to the maximum of each pay range.

The supervisor or department director can recommend a delay in a merit increase if the employee's performance is not at an acceptable level.

A supervisor's evaluation of an employee may be amended by the department director.

C. Pay Increase Upon Promotion:

When an employee is promoted, the department director may request a promotional increase not to exceed five percent (5%) or to the minimum of the pay range for the new classification, whichever is greater. Promotional increases in excess of the above may be authorized by the County Judge Executive based on training, education and experience. The increase may not result in a salary above the maximum of the pay range for the new classification. Promotional increases will become effective at the start of the next pay period following the promotion. Promotions do not affect annual performance appraisal dates. Continuation of an employee in a position to which he has been promoted is subject to the employee's satisfactory job performance.

D. Attainment of Special Certifications or Additional Responsibilities

An employee is encouraged to develop their job-related skills, knowledge and abilities on a continuous basis. An employee may occasionally attain additional professional certification(s) pertinent to their job, or take on additional responsibilities clearly beyond the scope of the current job (but not sufficient to justify a promotion to a higher pay grade). Under these circumstances, the County Judge Executive reserves the right to use the Judge's Discretionary Fund to award an additional percentage increase of 3% to recognize these accomplishments. NOTE: Typically the 3% increase for professional certification is given onetime only; however, the County Judge Executive will review additional requests that come to him with a recommendation from the department Director and Human Resources. Increases will not be given for certifications/education that is required as a condition of employment (i.e. high school diploma, GED, Bachelor's Degree, professional certifications, etc.)

E. Judge's Discretionary Fund:

The Judge's Discretionary Fund is reserved for the following purposes: (a) salary/merit increase pool for employees who are direct reports of the Judge-Executive; (b) salary/merit increases that, at the Judge/Executive's discretion may be used to augment the salary/merit increase pool of a particular department; and (c) promotional increases. The Judge/Executive will have final approval for all Discretionary Fund increases.

8. Other Pay Adjustments

A. Reclassification

Reclassification occurs when a position is changed to a different title and/or pay grade based on duties, responsibilities, and job requirements. Reclassification of an employee's position from one job title to another job title in the same grade shall effect no change of wage for the employee.

An employee whose position is reclassified from one grade level to a position in a higher grade level shall enter the higher grade at its minimum wage, unless this minimum is lower than his wage at the time the reclassification is implemented. If that wage exceeds the minimum, he shall continue to receive at least his present wage.

In the event that a reclassification ends in a lower grade level then, Human Resources shall set a wage within the wage range of the class to which they have been demoted, but not less than the minimum of the wage range for the class.

B. Pay Upon Transfer

A qualified employee may be transferred to another position with the same pay grade as the new position.

A non-performing employee may be transferred from one position to another if the transfer would be in the best interests of the Fiscal Court, and the transfer has been reviewed by Human Resources and approved by the Judge Executive.

A transfer shall be made at the same rate of pay, but not below the minimum rate for the class to which transferred. In no case shall a transfer be made at a higher rate of pay.

C. Pay Upon Demotion

Upon demotion, an employee shall not be paid more than the maximum of the new salary grade for the lower position. Rate of pay on demotion is reviewed on an individual basis and must be approved by the Judge Executive. Length of service in the higher level position may be considered when determining the proper salary in the pay scale.

An employee not satisfied with a salary/merit increase or pay adjustment may appeal to the Judge-Executive.

9. Additional Compensation for Acting Directors

An employee temporarily performing the duties of and/or acting in the capacity of a department director shall receive a temporary salary increase of 8% of the employee's current salary.

An acting department director shall be appointed by the Judge Executive, subject to approval of Fiscal Court.

The request for approval must include an estimated length of time that the employee would be performing the duties of the department director.

Section 1.4: Employment Process

1. Placement Policy

An appointment to a position shall be made only after the individual being considered has been certified for the position as set forth in Section 1.4(6). This policy applies to new applicants, rehires, transfers and promotions.

Subject to approval by the Fiscal Court, the Judge-Executive shall make all appointments. The appointment shall state the name of the individual, to which position appointed, the beginning wage, and the beginning date of employment.

2. Methods of Filling Vacancies

Department directors shall notify Human Resources when vacancies occur or are imminent.

- A. Promotions: In considering the filling of a vacancy, current employees who meet job requirements shall be considered for the position after completing an Internal Application. However, in the event the Department Director determines the needs of the department are best accommodated by the employment of a person who is not a current employee, he may submit the appointment deemed to be in the department's best interest.
- B. Transfer: It shall be the policy of the Judge-Executive to consider filling vacancies by transferring any current employee who has requested a transfer. However, the Judge-Executive, or his designee must ascertain that any transfer is in the best interest of the department. Any employee being considered for transfer must be qualified for the position and complete the County's Internal Application form.
- C. Open Application Policy: It shall be the policy of the Court to accept applications for employment during regular business hours. Should it be determined that no current employee is qualified for promotion or transfer or that a new hire is in the best interest of the department, Human Resources may select for appointment consideration from applications on file with the Court. Any individual being

considered for employment from applications on file must be qualified for the position. To be considered, an applicant must have a Fiscal Court application on file or an application must be received by Human Resources on or before the filling deadline as stated in the vacancy announcement. The application must be properly completed and signed by the applicant. All applications will be kept on file in the Human Resources Office for one year.

- D. Recruitment: Should it be determined by Human Resources that no current employee qualifies for promotion or transfer, and that current applicants do not qualify or that it would be in the best interest of the department to recruit externally; he shall publicly recruit applicants to be considered in filling the vacancy(s). Any such public recruitment shall be in accordance with Section 1.4 (4), Announcements of Vacancies.

3. Provisional Appointment

With the approval of Fiscal Court a provisional appointment may be made to fill a vacancy until a qualified applicant is chosen. A provisional appointee's tenure shall terminate as soon as the position to which he has been temporarily appointed can be filled by a qualified person.

4. Announcement of Vacancies

If recruitment is initiated, notices of employment opportunities shall be publicized in-house via e-mail and bulletin boards, internet posting and in the local publications to provide interested and qualified persons with an opportunity to apply. Such notices shall:

- A. List the vacant position(s)
- B. Specify for each position: the job title; the starting pay (minimum-midpoint); the qualifications for employment; the nature of the work to be performed;
- C. Tell when and where to file applications for employment
- D. Give any other information deemed pertinent.
- E. Be posted in the offices at the Fiscal Court Courthouse and other such places determined by Human Resources where eligible candidates might reasonably expect to be located, such as the county website, local newspaper and state employment office.

5. Application Form

- A. Applicants must apply on forms provided by the Court.
- B. Applications will be considered active for twelve months.
- C. The application form is subject to change due to changes in state and federal laws. The form presented with this administrative code is hereby adopted by reference. (Appendix C)

6. Certification of Eligibility for Position

No person may be appointed to a position unless verified information on an Employment Application Form or Internal Application Form indicates that he meets the qualifications for the position as set forth in the class specification.

The qualifications of an applicant for a position shall be ascertained on the basis of one or more of the following:

- A. Information the applicant supplies on the official employment application form
- B. Written, performance or physical tests or examinations, or any combination, which may be required by state statute or regulation
- C. Personal interview

- D. Information and evaluations supplied by references given by the applicant; and/or
- E. Other appropriate information as determined.

The Court reserves the right to conduct background investigations on all applicants for employment.

7. Reassignment

A Department Director may reassign an employee to a position in the same salary grade. Human Resources must be notified of any reassignment. A reassignment that involves a change in grade level must be approved, in advance, by the Judge-Executive. The reassignment shall be recorded in the employee's personnel file. An employee who is reassigned must meet the minimum requirements for the new position. A reassignment will not result in a pay adjustment for the employee.

8. Transfer

Any employee occupying an established position may request a transfer from one position to a comparable position by completing the Internal Application form and submitting it to their department director and to Human Resources, if:

- A. He possesses the appropriate qualifications for the position
- B. He is not serving an original introductory period; and
- C. The position is vacant.

All transfers will serve a new introductory period. A transfer shall not result in changes in an employee's pay rate or eligibility date for a pay increase. An employee must meet the minimum requirements of the position to which he is being transferred. The "Methods of Filling Vacancies", Section 1.4(2), also includes procedures for employee transfers. All transfers shall be consistent with Fiscal Court objectives.

9. Promotion

A promotion cannot be made unless there is a vacancy or a new position is established. An employee may only be promoted to another position if he has the qualifications for the higher position and completes an Internal Application, when required. The same procedure as those authorized for ascertaining qualifications for initial appointment to a position as set forth in Section 1.4(6) "Certification of Eligibility for Position" shall be followed. Only an employee who meets the minimum requirements for the position may be considered for promotion. All promotions will serve a new introductory period. A promotion shall be based upon an employee's ability to perform the work of the new position and the employee's past performance within Fiscal Court. The "Methods of Filling Vacancies". Section 1.4(2), also includes the Court's policy relative to promotions. All eligible employees have the right to apply for vacant positions as set forth in Section 1.4(2), "Methods of Filling Vacancies" or through applicable promotional testing. Introductory employees are not eligible for promotion.

10. Demotion

- A. A Department Director may recommend that an employee be demoted as a disciplinary action
- B. A Department Director may recommend that an employee be demoted in lieu of a layoff
- C. An employee may request a demotion
- D. An employee must meet minimum requirements of the position to which the employee is demoted.

Section 1.5: Conditions of Employment

1. Initial Employment Period (Introductory)

All personnel initially appointed, rehired, transferred or promoted to an established position shall be on introductory status for 12 (twelve) months. An employee serving an initial introductory period may not apply for transfer or promotion for one year unless approved by the Judge-Executive.

Supervisors shall use the introductory period to observe closely and evaluate the work and fitness of the employee and to encourage adjustment to the particular job and to Fiscal Court service.

Any employee who has served an initial introductory period and is promoted or transferred to a new position shall be in secondary introductory status and may be reinstated to the position from which he was promoted or to a comparable position.

At all times, including during and after the introductory period, employment with the Court is considered to be "at will" and the employment relationship may be terminated at any time by either party.

2. Absences and Reporting

Any absence or tardiness shall be reported prior to your scheduled work time. Check with your supervisor for specific expectations or procedures in your department.

An employee shall not receive pay for an unauthorized absence from work. An absence without leave shall be grounds for disciplinary action.

Any employee, who is absent without notification for three (3) consecutive working days/shifts, will be dismissed. However, the Judge-Executive, may grant a retroactive leave of absence with or without pay when extenuating circumstances are found to have existed.

3. Telephone Use

Personal calls should be brief. Personal long distance calls are discouraged, however, if a personal long distance phone call must be made, the employee will be required to reimburse Fiscal Court/Department for all long distance calls upon receipt of a bill from the service provider.

4. E-mail and Internet Use

A. Policy

In recognition of the increased use of email as a means of communication, the County has established email as the recognized means for sending official information to employees.

In support of this objective, the County provides an email account to all Fiscal Court, Jail, Sheriff and County Attorney employees. This excludes seasonal employees, part-time building monitors.

The County has expects all email communications will be received and read in a timely fashion.

Employees are discouraged from setting up their County email to be forwarded to another email address. Employees who do so, do it **at their own risk**.

County government is not responsible for the handling of email by outside vendors and will not forward to alternate email addresses without approval of the Judge-Executive. Having email redirected does not absolve an employee from the responsibilities associated with official communications sent to their County email address (this includes open records request information).

All employees are expected to check their County email on a frequent and consistent basis in order to ensure that they are staying current with all official communications.

All employees are expected to manage their email accounts to the established size limits.

B. Acceptable Uses of the Internet and County E-mail

The County provided internet and e-mail access is intended for business purposes only. The County encourages the use of the internet and e-mail because it makes communication more efficient and effective. However, internet service and e-mail are County property, and their purpose is to facilitate County business. Every staff member has a responsibility to maintain and enhance the county's public image and to use County e-mail and access to the internet in a productive manner. To ensure that all employees are responsible, the following guidelines have been established for using e-mail and the internet. Any improper use of the internet or e-mail is not acceptable and will result in appropriate disciplinary action, up to and including dismissal.

B. Unacceptable uses of the Internet and County E-mail

The County internet and e-mail access may not be used for transmitting, retrieving or storage of any communications of a discriminatory or harassing nature or materials that are obscene and/or pornographic. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. No abusive, profane or offensive language is allowed to be transmitted through the County's e-mail or internet system. Electronic media may not be used for any purpose which is illegal, deceptive or against County policy or contrary to the County's best interest. Solicitation for personal gain on County e-mail or internet is prohibited. Employees are prohibited from chat room interchange unless established by government agencies. Nothing in this section shall prohibit law enforcement agencies from conducting official business.

C. Communications

Each employee is personally responsible for the content of all text, audio or images that they place or send over the county's e-mail/internet system. All messages communicated on the County's e-mail/internet system should contain the employee's name. Personal communications should be limited and excessive personal communications may result in appropriate disciplinary action, up to and including dismissal.

Any messages or information sent by an employee to another individual outside the County via a County-owned electronic network (e.g., bulletin board, online service or internet) are statements that reflect on the County. While some users include

personal "disclaimers" in electronic messages, there is still a connection to the County and the statements may be tied to the County. Improper representation is not acceptable and may result in appropriate disciplinary action, up to and including dismissal.

All communications sent by employees via the County's e-mail/internet system, to include social media sites, must comply with this and other County policies and may not disclose any confidential or proprietary information.

D. Software

To prevent computer viruses from being transmitted through the County's e-mail/internet system, there will be no unauthorized downloading of any unauthorized software. All software downloaded must be registered to the County and installed by the County's IT system operator. Exceptions to this rule shall require approval by the Judge-Executive.

E. Copyright Issues

Copyrighted material belonging to entities other than the County may not be transmitted by employees on the County's e-mail/internet system. All employees obtaining access to the companies' or individuals' materials must respect all copyrights and shall not copy, retrieve, modify or forward copyrighted materials, except with permission, or as a single copy, to reference only. Failure to observe copyright or license agreements may result in disciplinary action up to and including termination.

F. Security

The County routinely monitors usage patterns for its e-mail/internet communications. The reasons for this monitoring are many, including cost analysis/allocation and the management of the County's gateway to the internet. All messages created, sent or retrieved over the County's e-mail/internet are the property of the County. Employees should not assume electronic communications are totally private and should transmit highly confidential data in other ways. Passwords and sign-on access codes shall not be shared with anyone including co-workers, family members, or other unauthorized personnel. A county employee will be designated as system administrator for e-mail/internet purposes. Adherence to the confidential data policy does not mean employees are to use non-governmental e-mails to transact business in an attempt to circumvent official records requests.

The County shall abide by KRS 61.932 Personal Information Security Procedures; and the Kentucky Department for Local Government guidelines on reasonable security and breach investigation procedures and practices for personal information whether in electronic or paper formats.

G. Violations

Any employee who abuses the privilege of County-facilitated access to e-mail or the internet will be subject to corrective action up to and including termination. If necessary, the County reserves the right to advise appropriate officials of any suspected illegal violations.

5. Credit Card Processing and Handling Security Policy

A. Policy Statement

The County must take all appropriate measures to protect credit card numbers used to make payments to the County.

B. Rationale

Credit card transactions have become one method for making payments to the County. Every business that accepts credit and debit card payments is required to comply with the Payment Card Industry Data Security Standards (PCI-DSS). Additionally, the County's reputation would be seriously damaged by the exposure of credit or debit card numbers. To comply with the PCI-DSS, employees who work directly with credit card processing and documentation are required to review and sign this policy on an annual basis.

C. Applicability of the Policy

This policy applies to all County employees who have access to credit or debit card numbers accepted for payments to the County.

D. Definitions / Terms

- 1.) Credit Card Payment methods – Secured website, mail order, telephone order or in person.
- 2.) PII – Personal Identifiable Information – The full magnetic stripe of the card or the entire card number plus any of the following: cardholder name, expiration date and security code.
- 3.) Printed Data – Customer receipts, merchant duplicate receipts, settlement report and customer orders.
- 4.) PCI-DSS – The Payment Card Industry Data Security Standard. Adopted to assure the protection of customer data and credit card numbers.
- 5.) PCI environment – includes computers, network hardware and the segment of the County network configured to meet the PCI standards for electronic submission, processing or storage of cardholder data.

E. Procedures

Access to Customer Credit Card Data:

- 1.) Access is authorized only for County personnel who are responsible for processing or facilitating credit card transactions.
- 2.) Only authorized County personnel may process credit card transactions or have access to documentation related to credit card transactions.
- 3.) A copy of this policy must be read and signed by authorized personnel on initial employment and annually thereafter.
- 4.) Signed policies will be maintained by Human Resources.

Transmission of Credit Card Information:

- 1.) Unsecure (unencrypted) transmission of cardholder data is prohibited. Credit card numbers and cardholder data may not be emailed, faxed or sent via any electronic messaging technologies such as instant messaging or chat.

Telephone Payments

- 1.) When recording credit card information for processing via a dial-up terminal, only cardholder name, account number, expiration date, zip code and street

address may be recorded. It is not permissible to record and store the three-digit security code (CVV2)

- 2.) Store transaction documentation and merchant receipt in a secure (locked) area.

Card Present Transactions (Point of Sale)

- 1.) A valid picture ID is required if the card is not signed.
- 2.) Provide receipt to customer. Only the last 4 (four) digits of the credit card number are to be displayed on the receipt.
- 3.) Store transaction documentation and merchant receipt in a secure (locked) area.

Receipt of Credit Card Information in E-mail

- 1.) Under no circumstances will credit card numbers received in e-mail be processed.
- 2.) The recipient of the credit card information will respond to the sender with a standard template advising that the transaction cannot be processed and offering an acceptable method for transmitting card information.

Storage of Cardholder Data on County Computers

- 1.) Cardholder data should not be stored electronically. If there is a document required for such storage, appropriate encryption must be used and data must be stored on a computer belonging to the PCI environment.

Delivery of Transaction Documents to County Treasurer's Office

- 1.) Personally deliver all transaction documents to the County Treasurer. Never send transaction information through unsecure internal mail

Securing Transaction Documents

- 1.) During payment transactions, place merchant receipt and other transaction documents in drawer. At workstation, store securely until shift materials are placed in vault at end of day.
- 2.) Any transaction documentation retrieved from the vault for review or refund purposes must be handled securely and placed back in the vault as soon as possible but no later than the end of the business day.
- 3.) Credit card transaction documents must be stored in the vault. When retention period passes it may be taken from the vault and destroyed (shredded) immediately.

Retention and Destruction of Cardholder Data

- 1.) Cardholder data should be retained in a secure location only as long as is necessary for business purposes.
- 2.) Cardholder data will be destroyed when no longer needed. Paper will be cross-cut shredded. Electronic files will be destroyed in a manner appropriate to the media on which they are stored.

Any suspected loss or theft of materials containing PII data must be reported immediately. Employees must notify their supervisor or it can be reported anonymously to Human Resources.

****Template Response for Credit Card Information Received in E-mail****

Thank you for your recent communication regarding payment for _____. For your protection, we cannot accept credit card information via e-mail. E-mail is an insecure means of transmitting information and you should never use it to send your credit card number or sensitive personal information (passwords, Social Security

Number, etc.). Please call our office at _____ during regular business hours to complete the transaction. Thank you.

Delete the cardholder data from your response and delete the original message after replying.

6. Outside Employment

Your job with the County should be your primary job if you are a full time employee. When required by your departmental policies, you should notify your supervisor, in writing, before you accept outside employment and compensation. This is necessary to determine whether your outside job conflicts with the Court's interests.

7. Bad Weather / Fiscal Court Emergency Policy

Fiscal Court provides services in all kinds of weather. Because Court services are essential, some departments have special rules and reporting policies during bad weather situations. Although some departments may be closed to the public, employees will still be expected to report to work. Check with your supervisor for specific departmental policies and work assignments.

- A. If you are not able to work or have to leave early because of the weather, or any other emergency, call as soon as possible. You may ask to have the absence charged to vacation leave or to approved leave without pay, or with the specific permission of your supervisor, make up the time later in the week.
- B. Whenever the County Judge/Executive orders the closure of Fiscal Court due to the weather, or any other emergency, employees who work in the affected departments shall not report to work for safety reasons unless requested to do so by the employee's supervisor.
- C. Those employees who do not report to work because their department has been closed shall be paid for their normal work hours.
- D. Public Safety Employees are expected to report to work at their regular scheduled times during any closure unless they have been otherwise instructed by their supervisor.
- E. Direct any questions related to your department and your role during a weather emergency to your supervisor.

8. Resignations

An employee of Fiscal Court may resign at any time.

- A. An employee will be regarded as having resigned his position if he gives notice, written or oral (with witness), to his immediate supervisor or Human Resources.
- B. It is customary to give a two week notice. Unless approved in advance by the department director, failure to give at least a two week notice will be cause for denying future employment with Fiscal Court.
- C. An employee's resignation and its attending reasons, if noted, shall be recorded in the employee's personnel file.

Subject to the approval by the Judge-Executive, an employee will be considered to have abandoned the job and will be deemed to have resigned after having been absent from work for three (3) consecutive scheduled work days/shifts without notification to his supervisor and/or reasons other than those set forth under Section 1.6 (3) Leaves of Absences provisions. The

employee will be deemed to have resigned, and his employment with Fiscal Court shall terminate immediately.

9. Rehires

- A. Any employee having left employment with the County in good standing who is re-hired after 90 days or more of separation shall be considered a new employee.
- B. Individuals rehired into their former position within three months of leaving in good standing, shall have their original hire date, previous seniority and benefits reinstated.
- C. Any vacation and/or holiday time that was "paid out" upon termination shall not be reinstated upon rehire. In this instance, employees will begin accumulating and/or accruing time as a new hire.
- D. Employees hired into a different position, would be regarded as a new employee and are required to serve a new introductory period.

10. Retirement

Fiscal Court does not have a mandatory retirement age, except for where "age" has been established as a bona fide occupational qualification (BFOQ).

11. Examination (Medical)

Some positions may require submission to a medical or psychological examination to determine that person's competency to complete duties expected under the job description.

The results of any test taken pursuant to this subsection are confidential and are Protected Health Information as defined by The Health Insurance Portability and Accountability Act (HIPAA). The results are not to be disclosed to any person subject to the following conditions and exceptions:

- A. The records shall be maintained by the Human Resources Director under seal of confidentiality.
- B. The record shall remain confidential to all persons in all cases; except, results of the examination shall be available to the Human Resources Director or an official designated by Fiscal Court.
- C. The records may only be described in terms of whether they indicate that the candidate is fit or unfit for the position being offered.
- D. The result as set out above may only be communicated to the assembled Fiscal Court during a closed session of Court. No reference to the test and no reference to the results or report from the test shall be made in public, during a public hearing or debate of Fiscal Court.

12. Political Activity

Fiscal Court employees as are other citizen, may engage in political activities, however employees, by law, are protected from unethical political pressures:

- A. An employee may not use his authority or influence for purposes of affecting nomination or election to office. An employee may belong to a political party and attend political meetings.
- B. An employee on duty may not solicit any type of contribution for political purposes from elected official or employees. Employees may make personal financial contributions or solicit contributions on their own time.

- C. An employee may not display election materials on any Fiscal Court property or wear campaign buttons while on duty. The only exceptions are materials that are part of Election Day stating of polling places or material attached to private vehicles, which are not used for Fiscal Court duties. They may display materials on your personal property (home or vehicle) and wear campaign buttons off duty.
- D. Except as authorized by the Fiscal Court, an employee may neither lobby nor state opinions about public issues on behalf of any Fiscal Court agency. All statements of opinion identified with any agency of the Fiscal Court must be made by Fiscal Court or by official representatives. An employee may express opinions about issues, being clear that these are their personal opinions and do not represent those of the Court.

If you have questions or concerns about whether a particular activity is allowed, check with the Human Resources Department.

13. Meal Break

Emergency Services personnel are entitled to a paid 30 minute meal break during their work schedule. It should be noted that while on a meal break they are subject to calls. Every effort will be made to allow a meal break without interruption.

All other full-time Fiscal Court personnel are entitled to at least a thirty (30) minute meal break. These employees are not paid for this break.

14. Lay Off

Fiscal Court may, due to lack of funds, reorganization or a reduction in work, reduce the number of its employees. The order of layoff shall be established on the basis of the needs of Fiscal Court.

In layoffs:

- A. Consideration shall be given to both the seniority and merit of the persons considered for layoff.
- B. Part-time, temporary, seasonal and introductory employees in a class of positions shall be laid off before other persons in the class are laid off. An employee subject to layoff may first be considered for reassignment or demotion to a vacancy within the department.

One week before the effective date (except emergencies approved by the Fiscal Court) of the layoff of a regular full-time employee, Human Resources shall:

- A. Notify the employee of the layoff
- B. Explain the reasons for the layoff
- C. Certify whether his service has been satisfactory
- D. Inform the Fiscal Court of the layoffs.

A copy of the notice shall be retained in the employee's personnel file.

15. Gratuities

Refer to local ordinance 94-221-53 as adopted by the Fiscal Court

16. Personal Conduct, Appearance and Hygiene

Images presented and statements made by all employees of the Court can affect the entire organization. Therefore, employees are expected to be friendly, courteous and appropriately dressed at all times.

The Court expects its employees to present themselves for work in such a manner that is reflective of good personal hygiene. Normal hygiene, including such things as daily fresh clothing, socks and deodorant, is encouraged to prevent offensive odors and to promote professionalism in the workplace. Some roles may be required to wear uniforms as determined by Department Directors. The Department Director is responsible for determining appropriate workplace presentation.

17. Safety and Injuries

Employees shall comply with all safety and health regulations established by the Fiscal Court and by federal, state or local laws. The health and safety of all County employees is of major importance. It is the responsibility of every employee to report all hazardous conditions in their work area at once to their immediate supervisor.

All work related injuries must, no matter how slight, be reported to the employee's supervisor immediately so that first aid or medical treatment can be administered. It is the supervisor's responsibility to report an employee's injury to Human Resources as soon as possible. A "First Report of Injury" form must be completed and turned into Human Resources no later than the end of the workday (shift).

Employees are paid for their time on the first visit only, if required to the doctor for a work related illness or injury. Additional visits should be scheduled before or after your shift if at all possible. Absences due to appointments during work hours will be charged to sick leave.

18. Solicitation Policy

Fiscal Court recognizes and supports the right of individuals to be active in community affairs and to solicit others on behalf of particular organizations or causes. However, Fiscal Court must ensure that such endeavors do not interfere with the Court's ability to provide service to its customers or the ability of its employees to perform their assigned duties. Therefore, solicitation on Fiscal Court premises is prohibited unless approved by the Judge/Executive.

Section 1.6: Fringe Benefits

Fiscal Court offers a comprehensive benefit package to all employees who by the terms of their employment are required to work no less than 30 hours per week. Benefits outlined in this section will begin upon the day of hire except where otherwise stated in this handbook.

1. Holidays

The following days are declared paid holidays at the regular rate of pay for all County employees:

- A. The 1st day of January (New Year's Day)
- B. The 3rd Monday of January (Martin Luther King Day)
- C. The 3rd Monday of February (President's Day)
- D. One half of Good Friday (Friday before Easter)
- E. The last Monday in May (Memorial Day)

OCFC APPROVED 2/21/2017

- F. The 4th day of July (Independence Day)
- G. The 1st Monday in September (Labor Day)
- H. A full day for Veteran's Day
- I. The 4th Thursday in November (Thanksgiving Day)
- J. The day after Thanksgiving
- K. The 24th of December (Christmas Eve Day)
- L. The 25th of December (Christmas)
- M. The 31st day of December (New Year's Eve Day)

When any holiday listed above falls on Saturday, the preceding Friday will be observed. If the holiday falls on Sunday, the following Monday shall be considered a holiday.

When it is essential for an employee to work on a declared holiday or alternate declared holiday, the employee shall be permitted to take the holiday at a later date with supervisor's approval. Employees will be compensated at straight time for actual time worked.

In no case will compensatory time be given to any employee who works on an official County holiday.

Employees working for any of the twenty-four, seven day a week agencies, shall earn holiday leave in accordance with the following regulations:

- A. Holidays are determined each calendar year by the Oldham County Fiscal Court and shall not be carried over to the next calendar year.
- B. Such employees shall be awarded approved holiday hours in January of each calendar year, and may use those hours at anytime throughout the calendar year, as long as the appropriate leave request document has been approved by the employee's supervisor.
- C. Employees working holidays shall not receive special compensation for working on an approved holiday.
- D. If the employee terminates after using holiday hours prior to the recognized holiday, the employee will go into a negative balance for holiday pay. All negative balances will be taken from the last paycheck, as appropriate.

In addition to the above, any day may be designated as a holiday by proclamation of the County Judge/Executive. In order for an employee to be paid for a holiday, he must work the last scheduled day before and the first scheduled day after the holiday unless the absence(s) is/are approved in advance. Employees in their introductory period shall receive holiday pay.

2. Vacation

All **non-exempt** regular full-time and part-time employees shall be entitled to vacation leave for the calendar year in which they complete years of service according to the following chart:

Years of Service	Vacation Time
1st Year	Maximum of 1 week (see note 1) Up to 5 days
2nd - 5 Years	2 weeks
6 - 9 Years	2 weeks + 1 day each additional year

OCFC APPROVED 2/21/2017

10 - 15 Years	3 weeks
16 - 19 Years	3 weeks + 1 day each additional year
20+ Years	4 weeks

Note 1: An employee who completes six (6) months of service in the same calendar year in which the employee was hired shall be eligible **during that same calendar** year one (1) day of vacation for each **complete** months remaining in that calendar year, up to 5 (five) days, following the completion of six (6) months of service.

Note 2: Employees working less than 36 hours and at least 20 or more hours weekly, are considered part-time, and will accumulate vacation on a schedule in accordance to their hours worked.

All **exempt** regular full-time and part-time employees shall be entitled to vacation leave for the calendar year in which they complete years of service according to the following chart:

Years of Service	Vacation Time
1st Year	Maximum of 2 weeks (pro-rated)
2nd - 9 years	3 weeks
10 - 15 years	4 weeks
16 - 19	4 weeks + 1 day for each additional year
20+ years	5 weeks

Part-time exempt employees shall accumulate vacation on a schedule in accordance to their hours worked. Employees working less than 20 hours weekly are not eligible for vacation.

No employee will be permitted to take advance leave or leave that has not been earned. Vacation pay shall be at full rate at the current wage.

An employee, with the Department Director's approval, may elect to carry one (1) week of vacation over to the following calendar year. An employee who elects to carry a week's vacation over to the following year may not accumulate more than one (1) week more than they would normally be entitled.

The employee's Department Director must approve use of vacation leave in advance. A Department Director shall not approve any vacation leave that adversely affects the efficiency or effectiveness of the Court's operations.

An employee who has worked at least (1) full year and whose employment is terminated is entitled, not only to any unused vacation for the year worked, but also to vacation time earned for the partial year worked. The amount is to be based on a monthly accrual rate.

An employee who resigns, shall be paid for all vacation entitlement, provided that at least 10 working days' notice (30 days for department directors), in writing, was given to the supervisor and forwarded to Human Resources.

Absences due to illness, injury or disability in excess of that authorized for such purposes may, at the request of the employee, and with the approval of the department director, be changed to vacation leave credit.

3. Leaves of Absence – General Provisions

Fiscal Court recognizes that an employee occasionally will be required to be absent from work. Under certain conditions as outlined in the following policies, Fiscal Court may continue to compensate an employee at the regular rate during periods of absence. An employee utilizing a Leave of Absence with pay shall be compensated at his rate of pay in effect at the time leave is taken.

Fiscal Court reserves the right to discontinue any leave program, to change the qualifications for being granted leave, and to change any conditions of any leave program.

A Department Director may restrict the number of employees granted leave at any one time; he may require an employee to return early from leave; he may require an employee to provide proof necessary to support a request for leave of absences; and he may discipline an employee for the abuse of leave privileges.

Failure of an employee to give reasonable notice to a supervisor about leave requests, to return promptly from leave at the agreed upon time, or to provide sufficient proof to support a request for a leave, may result in the loss of compensation, if any, given during the leave or may result in other disciplinary action.

A. Sick Leave/Personal Leave

All regular, full-time employees shall be entitled to one full day sick leave credit with pay each month. Sick leave must be used for personal illness or injury, medical or dental appointments. You may also use sick leave if a family member is ill. The family for these purposes shall be deemed to include the parents, spouse, domestic partner, children, brother and sisters, and the immediate in-laws.

- 1) Part-time employees earn sick leave on a pro-rata basis equal to 12 average work days per year.
- 2) For accrual purposes, a new employee who reports for work on or before the 15th of the month shall accrue the full amount for that month. If an individual is employed on or after the 16th of the month, he shall begin accruing sick leave at the beginning of the following month.
- 3) Sick leave is to be accumulated and carried over from year to year. There is no limit on the amount of sick leave that can be accumulated.
- 4) All foreseeable leave for such purposes shall require specific prior written approval of the Department Director; and in the event of sick leave for any purpose, a certificate from a medical doctor giving information as to the circumstances involved can be required.
- 5) An employee on sick leave shall inform his Department Director of his absence as soon as possible; failure to do so within the first half hour of the first day of illness, and each subsequent day of illness, may be cause for denial of sick leave with pay for the period of absence.
- 6) Absence for part of a day that is chargeable to sick leave shall be charged proportionately in an amount not smaller than one (1) hour. Absence must be approved by their supervisor.
- 7) Human Resources shall keep complete records of sick leave. An employee fraudulently obtaining sick leave, or Department Director falsely certifying sick

leave allowance for absence from work, shall be disciplined up to and including suspension or dismissal.

- 8) A doctor's statement is required for all absences of three consecutive days or more due to illness. A supervisor or Department Director may require a doctor's statement for absences of less than three days due to illness where abuse of sick leave is suspected.

Sick Leave and Terminations

Employees are not entitled to receive pay for accumulated sick leave upon resignation/termination. However, sick leave is applied toward service when an employee retires in accordance with retirement rules and regulations in effect. Upon retirement from Oldham County Fiscal Court, the employee shall have the choice of a one-time cash payment equal to twenty-five percent (25%) of the accumulated sick leave or the County shall apply all of the accumulated sick leave toward the employee's retirement as time served in accordance with retirement rules and regulations in effect at such time.

Sick Leave Credit for Personal Business

Up to three (3) days of sick leave credit may be used per calendar year for personal leave. These personal days are not cumulative. The use of sick leave for personal leave shall be scheduled with the approval of the Department Director.

Sick Leave Donation Program: Eligibility

- 1) Both recipients and donors must be current employees of the County and entitled to sick time accruals.
- 2) A donor may not donate an amount of sick leave which would cause their leave balance to go below 75 hours.
- 3) An employee becomes eligible to receive donated sick leave at the point in time when the following criteria are met:
 - a. The employee or member of their immediate family suffers from a "medically certified" illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to go on leave for at least ten consecutive working days;
 - b. The employee's need for absence is certified by a licensed practicing physician;
 - c. The employee has exhausted all of their available paid leave; and
 - d. The employee has complied with administrative regulations governing the use of sick leave.

Participation in the Sick Leave Sharing Program is at the discretion of the employee and requires approval of the Judge-Executive or their designee.

Guidelines on Sick Leave Sharing Regulations

In the event of a prolonged or catastrophic illness or injury, or an extended absence due to illness of a family member, eligible employees who accrue sick leave and who have exhausted their leave balances may have sick leave donated to them by eligible County employees. The forms needed to receive or donate leave may be obtained from the Judge-Executive's office.

Listed below is the chronological flow of actions and documents.

- 1) Recipient completes application and submits it along with the physician's certification to Human Resources. Human Resources will collect all information and transmit the appropriate documents to the Judge-Executive or designee.
- 2) The application is reviewed to ensure that the certification of the physician is complete. Human resources will verify that the employee will exhaust their leave during the projected absence. Note that the employee does not have to have already been off for ten (10) days in order to apply, but must have a situation where it is likely to cause an absence for at least 10 consecutive dates. A file is created for the recipient by human resources. All medical information shall be kept in a locked file separate from the personnel files.
- 3) Donor(s) completes donation form and submits to Human Resources. Human Resources will verify the donor's leave balance for eligibility. After the form is signed by the Judge-Executive a copy is sent to payroll.
- 4) As the donation forms are received by Human Resources, they are stamped with a received date, and the time of receipt is recorded on the form. Human Resources will file the donor forms in the appropriate recipient's file.
- 5) Upon certification of eligibility, all donated leave is to be added to recipient's sick leave balance. As the employee utilizes leave for the sick leave sharing qualifying condition they will be paid as usual, reporting sick leave used.
- 6) Sequence of leave usage. Transfer all leave donated to the recipient at the time of donation, not on a pay period basis, up to the amount requested. As the recipient accrues leave of their own, their leave time must be used first. They can then use time donated to them. The recipient uses donated leave in the order in which it is received.
- 7) The recipient may retain the donated leave upon return to work only if the recipient documents that leave will be needed for continuing treatment relating to the documented condition which caused the individual's initial absence.
- 8) Unused donated leave shall not be returned to the donor.

B. Family and Medical Leave

In conjunction with vacation, sick leave and leave without pay, several different types of leave are available to be used for the birth, adoption of a child or for family emergencies.

Family and medical leave, created under the Family and Medical Leave Act (FMLA) is available to be used for leave required by certain situations, as described below. FMLA leave may in appropriate circumstances be used in conjunction with vacation, sick leave, and leave without pay.

- 1) Eligibility for FMLA Leave:
 - a. Have worked for the Oldham County Fiscal Court for a total of at least 12 months, and
 - b. Have worked at least 1,250 hours over the previous 12 months.
- 2) Circumstances in which FMLA Leave may be used:

An eligible employee may take FMLA leave for any one of the following reasons

 - a. Because of the birth of a child of the employee and in order to care for such child.
 - b. Because of the placement of a child with the employee for adoption or foster care.
 - c. In order to care for the spouse, child or parent of the employee, if such spouse, child or parent has a serious health condition.

- d. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
 - e. Because of a qualifying exigency arising from active military duty, in support of a contingency operation of the spouse, child or parent of the employee, or notification of call to such active duty.
 - f. To allow a family member or next of kin to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty.
- 3) Amount of FMLA Leave that may be used:
- a. Birth, adoption/foster placement, serious health condition and qualifying service member "exigency." Eligible employees may take family medical leave for up to 12 weeks during a 12 month period, for birth or adoption of a child, for personal and family medical conditions requiring employee absence, and for "qualifying exigency" arising out of a covered military member being on active duty or called to active duty status in support of a contingency operation.
 - b. Calculation of 12-month period – "rolling method." To calculate the amount of leave an eligible employee has available, start with the first day of the leave currently requested and count backwards for one year. Any leave previously taken during the preceding 12 months is deducted from the available 12 week balance.
 - c. Care of service member injury/illness. An employee who is the spouse, son, daughter, parent or next of kin of a military service member may take family medical leave for up to 28 weeks during a single 12-month period, to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty. This type of leave may occur only once.
- 4) What is a "Serious Health Condition"?
- A serious health condition for purposes of FMLA is an illness, injury, impairment or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or a period of incapacity requiring absence of more than **three calendar days** from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or any period of incapacity due to pregnancy, or for prenatal care; or any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or, any absences to receive multiple treatments (including any period of recovery there from), by, or on referral by a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).
- 5) Requirements to Take Leave – an Employee Desiring to use FMLA Leave must:
- a. Provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and must comply with the normal call-in procedures.

- b. Provide sufficient information for Human Resources to determine if the leave qualifies for FMLA protection, and the anticipated timing and duration of the leave.
 - 1. For leave due to a serious health condition, the necessary medical information will be provided on a medical certification form (sample for attached), to be completed by the employee's health-care provider.
 - 2. If there is a dispute about the medical opinion, Human Resources may require a second opinion by a physician of the Fiscal Court's choosing, at Fiscal Court's expense. If a third opinion is necessary, the Fiscal Court and the employee must agree on a physician, and the Fiscal Court must pay for it. The third medical opinion is binding.
 - c. Periodic reports during the leave regarding the employee's status and intent to return to work
 - d. Medical certification of ability to return to work, if the leave was caused by the employee's own health condition.
 - e. Employees also may be required to satisfy periodic recertification supporting the need for leave.
- 6) Special Considerations for Birth/Adoption/Foster Placement of Child
- a. Family medical leave for the birth, adoption or foster-care placement of a child must begin within 12 months of the birth, adoption or placement; however, such leave may begin before adoption or placement of the child if the absence from work is required for the adoption or placement for foster care to occur.
 - b. An expectant mother may take family medical leave before the birth of the child for prenatal care if her condition makes her unable to work.
 - c. In the event that both partners of a married couple are employed by Fiscal Court, the partners are entitled to a combined total of no more than 12 weeks of family medical leave per 12 month period for care of a newborn or adopted child or a child placed for foster care. However, if one of the married partners needs medical leave for his or her own health condition, then only such leave taken by that employee for care of the new child will count against his or her family medical leave balance. Domestic partners of employees, and the partner's children, are considered family under the FMLA.

7) Intermittent Leave

Generally FMLA leave must be taken in one continuous block of time. An employee may take intermittent leave only when it is medically necessary to care for a seriously ill family member, or because of the employee's serious health condition. Intermittent leave must be approved by Human Resources. If intermittent leave is foreseeable because of planned medical treatment, Human Resources may assist the employee in finding a position that better accommodates leaves of intermittent periods.

8) Use of Paid leave in Conjunction with FMLA Leave

- a. Employees using FMLA leave must use all available accrued paid leave (e.g., sick leave and vacation) before going on unpaid leave. If an employee exhausts paid leave before the 12 weeks of family medical leave is completed, then the employee may complete the 12 weeks of family medical leave without pay.

- b. Availability of paid leave for use on FMLA leave is determined by applicable policy concerning paid leaves and the employee's accrued leave balance.

9) Employment Benefit, and Return to Work

- a. No loss of benefits. An employee's use of FMLA covered family medical leave will not result in the loss of any employment benefit or status to which the employee would have been entitled had the employee not taken the FMLA covered leave.
- b. Health Insurance Coverage. Fiscal Court and the employee will continue to pay their usual shares of individual and dependent health care insurance coverage, as if the employee were not on leave, during an FMLA leave.
- c. Return from leave – regular employees. Upon return from FMLA covered family medical leave, the employee will be returned to his original job or an equivalent job with equivalent pay.
- d. Return from leave – key employees. Although the Fiscal Court is obligated to provide leave to all employees, it will not guarantee "key" employees the same position when they return. A key employee is one who is salaried and among the top ten (10) percent paid. Restoration to the original position can be denied if bringing the employee back would create "substantial and grievous economic injury to the operations of the employer." Fiscal Court will provide the notices required by DOL regulations to any "key" employee that the Court determines might not return to his position.

C. Disability Leave

In accordance with FMLA, any employee who suffers an injury or illness that is not service connected shall be eligible for disability leave. Employees will only be entitled to use accumulated paid time off (sick and vacation) while off on disability leave. Employees shall not continue to accrue sick leave and vacation leave while on disability leave due to a non-service connected accident or illness for a period of twelve (12) weeks after the accident or illness.

Employees must continue to pay their portion of any, and all, medical and dental insurances while on disability leave. Other deductions that the employee has authorized may also continue at the employee's discretion.

Employees who do not return to work after the twelve (12) week period will be considered to have resigned unless the employee keeps the supervisor and/or Human Resources abreast of his condition and return to work status while off on disability leave. Employees returning from disability leave shall be reinstated to the same or equivalent grade of position that the employee held prior to the beginning of the leave.

Fiscal Court will not continue salary or hourly pay for any employee off on disability leave except where stated above. No other benefit is implied.

D. Maternity Leave

In accordance with the Pregnancy Leave Act or FMLA, which ever governs, maternity leave may be granted for full-time employees with temporary disability due to pregnancy, childbirth or any impairment thereof, and miscarriage for a period not to exceed three (3) calendar months without pay. An additional period, not to exceed sixty days may be granted, if required by a medical doctor, without pay.

The employee may use accumulated sick leave, then vacation leave, and the remaining period off without pay.

E. Parental Leave

Parental leave beyond the 12 weeks required under the Family and Medical Leave Act (FMLA) may be approved for a period of up to six months, and may be extended to 12 months with the approval of the County Judge/Executive. If available, accrued leave must be exhausted prior to the utilization of unpaid leave for the Act during the period of disability of the employee or when the health condition of the spouse, domestic partner or child requires care. Leave without pay also may be requested.

The employee must submit, in writing, a request for this leave to his Department Director for approval. Any extensions of the leave time must be requested two weeks before the expected return date.

If the employee plans to request parental leave, he should see Human Resources for information regarding leave without pay, insurance considerations or other related subjects.

F. Bereavement (Funeral) Leave

Employees occupying full-time/part-time established positions may be granted up to three working days off, without loss of pay, for making funeral arrangements, traveling to and attending funerals of family members. For purposes of this policy, family is defined as an employee's spouse, domestic partner, child, step-child, parent, parent-in-law, step-parent, grandparent, grandparent-in-law, brother, step-brother, sister, sister-in-law, niece or nephew and grandchild or any relationship similar to that of persons who are related by blood or marriage (e.g., aunt or uncle who in all intents and purposes acted as or assumed the role of a parent.)

Funeral leave does not accumulate from year to year. Funeral leave must be approved prior to taking this leave time. Any extra time off may be charged as annual leave if available. Extra days may be granted based on the needs of the employee and the department.

G. Special Leave

In addition to authorized leaves, full-time employees may request a leave of absence, without pay for any period or periods of up to one year for educational, health or other reasons. Special leaves of less than one month without pay must be approved by the Judge/Executive. Special leaves of greater than one month without pay must be approved by Fiscal Court.

During the first three (3) months of a leave without pay, the Court will pay its usual share of individual and dependent insurance coverage. After three months, the employee must pay the full cost of individual and dependent insurance coverage.

H. Military Leave

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

- 1) You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:
- 2) You ensure that your employer receives advance written or verbal notice of your service;
- 3) You have five years or less of cumulative service in the uniformed services while with that particular employer;
- 4) You return to work or apply for reemployment in a timely manner after conclusion of service; and
- 5) You have not been separated from service with a disqualifying discharge or under other than honorable conditions.
- 6) If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

You have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries. Pursuant to KRS 61.394 and 61.396, all employees of the county, or of any department or agency thereof, who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders as specified in this section. In any one (1) federal fiscal year, officers or employees, while on military leave shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued.

Any additional military leave time must be charged to the employee's (existing) balance of accumulated vacation time. In the event that an employee who is serving military duty and is unavailable for work has used all of their vacation, his or her attendance record shall then be recorded as leave without pay.

A request in writing for military leave must be presented to Human Resources not less than two (2) weeks before the beginning of any leave period, unless to do so is impossible, unreasonable, or precluded by military necessity. Failure to give such notice shall be an unauthorized absence.

The Court will make up the difference, if any, in lost salary with no charge to annual leave. If the employee uses paid military leave, the employee must submit a copy of the military earnings records to Payroll. (An employee cannot receive both military and Court pay unless the employee chooses to use annual leave for the period of absence.)

If an employee is called to active duty, the employee will be granted a leave of absence, without pay, upon presentation of official orders. If an employee is called to active duty, Fiscal Court will compensate the employee's family up to fifteen (15) days or until such time as military pay is received, whichever occurs first, at the full rate of the employee's pay.

During a military leave of absence, employees will continue to accrue sick and vacation time. Military time served will count toward seniority. Any wage/salary increase(s) the employee would have been entitled to will apply. Fiscal Court will not pay employee's health insurance, life insurance or any clothing allowance and eligible employees will not receive KLEFPF pay.

I. Jury Duty / Witness Duty

When an employee is summoned for jury duty or subpoenaed, he shall be paid his regular wage or salary for the time spent on jury duty. However, all jury duty pay from the courts to the employee must be turned over to the County Treasurer for deposit into the general fund.

In order to be paid for this duty, the employee must give a copy of the court appearance records to your supervisor. A copy of this record must be submitted to Human Resources for the employee's personnel file. All employees serving on jury duty shall be absent from work only during the times required by the courts. If the employee normally works in the evening and the employee must appear during the day, he will have this duty charged as work hours. If the time at court is less than your normal shift and the employee elects not to work a part of the shift, the employee will be charged vacation or personal time for the balance. Employees dismissed from jury duty must report to their respective workstation.

Employees subpoenaed to a legal proceeding involving or arising from outside employment or personal business shall not be entitled to leave with pay, but may use accrued vacation leave or personal time during the absence.

If you are representing the Fiscal Court in a case, or testifying because of your work duties, your time in court is considered work time.

J. Voting Leave

Any full-time and part-time (if scheduled to work a full day) employee of Fiscal Court who is eligible to vote in any election in the Commonwealth of Kentucky shall, if application is made in writing prior to the day of election, be allowed up to four hours off, without compensation, during the time voting places are open. Fiscal Court may specify the hours during which each employee may be allowed time off to vote (KRS 118.035).

4. Health Insurance

Fiscal Court provides health insurance for all employees who are eligible under this subsection of this handbook.

Fiscal Court pays for single coverage and a percentage of the premium for spousal, dependent and family coverage.

Health insurance must be taken at the time of first availability. "First Availability" refers to when you are first hired. The next available time to enroll and/or make changes to health insurance is during the annual open enrollment period each year. The effective date of health insurance for new hires is the first day of the month following 30 days of continuous employment. Health insurance forms are available in the Human Resources office. In the event an employee is out of work due to non-work related illness, the Court limits the payment of the health insurance premium for a period not to exceed twelve (12) weeks.

Benefits are as set forth in the carrier contract. Fiscal Court reserves the right to change carriers, plans, brokers and participation rates without prior notice. No other medical benefit is implied.

Employees are covered under the Consolidated Omnibus Budget Act of 1986 (COBRA). In summary, COBRA provides that qualified beneficiaries who would lose coverage under the group health plan as a result of a qualifying event are entitled, under the plan, to elect, within the election period, continuation coverage under the plan at their expense for a limited time. This summary statement is not intended to supplant the Act. All rights are set forth in the Act and should be consulted for official decisions.

5. Dental Insurance

Fiscal Court makes available dental insurance for all full time employees working at least 30 hours per week. Fiscal Court pays a flat dollar amount toward the coverage each employee selects (employee only, employee + spouse, employee + child(ren), and family).

The effective date of dental insurance for new hires is the first day of the month following 30 days of continuous employment. Dental insurance forms are available in the Human Resources office.

In the event an employee is out of work due to non-work related illness, the Court limits the payment of the dental insurance premium for a period not to exceed twelve (12) weeks.

Benefits are as set forth in the carrier contract. Fiscal Court reserves the right to change carriers, plans, brokers and participation rates without prior notice. No other dental benefit is implied.

Employees are covered under the Consolidated Omnibus Budget Act of 1986 (COBRA). In summary, COBRA provides that qualified beneficiaries who would lose coverage under the group health plan as a result of a qualifying event are entitled, under the plan, to elect, within the election period, continuation coverage under the plan at their expense for a limited time. This summary statement is not intended to supplant the Act. All rights are set forth in the Act and should be consulted for official decision.

6. Consolidated Omnibus Budget and Reconciliation Act (COBRA)

Under the federal Consolidated Omnibus Budget and Reconciliation Act, employees are eligible to continue health insurance at group rates for up to 18 months after employment. The employee must pay 100% of the cost of both individual and dependent health insurance and any administration fees.

If a family member becomes ineligible for coverage under your policy (e.g., through divorce or a child who over 26 years of age), the family member may also purchase coverage at group rates for up to 36 months. Fiscal Court does not contribute toward the cost of this insurance.

7. Retirement Benefits

A. Social Security

When you reach age eligibility (at least 62) and if you have stopped full-time work, you are entitled to receive reduced Social Security and Medicare benefits; you may receive unreduced benefits if you draw benefits at age 65 to 67, depending on your year of birth. These benefits are built up during your working years through Social Security taxes. Fiscal Court and its employees contribute amounts at the rate determined by Congress. These taxes are deducted for you from your paycheck. Fiscal Court contributes an equal or larger amount for you.

When you become eligible for full benefits, you may receive these benefits and continue working without reduction in these benefits. In recent years, there have been changes in how Medicare works when an active employee turns 65 and is covered by a group health insurance policy. Social Security representatives can best explain your options. You should apply for this information 2-3 months before your 65th birthday.

In the event of your death, your eligible dependents will be entitled to apply for benefits. If you suffer a serious disability so that you cannot work, you may be eligible for Social Security disability benefits. If your disability lasts for a long time, these benefits could be very important to you.

For further information about disability, Social Security and Medicare benefits, contact your local Social Security Office. Social Security's internet address is: <http://www.ssa.gov>.

B. Retirement

The Court participates in the County Employees Retirement System (CERS) administered by the Kentucky Retirement Systems. CERS contribution regulations are established by the Kentucky Legislature and cannot be reduced. By contributing, employees are assured of a percent of average salary for each year employed. Employee's contributions are currently tax-deferred.

Fiscal Court shall deduct the current employee contribution rate as established by CERS from all eligible employees pay for hazardous and non-hazardous retirement.

Membership in the Retirement System begins on the one-year anniversary of the employee's hire date. If you have active service credits earned when you previously worked for another State agency or local government, this service will transfer. Employees who were already members of the Retirement System, and who transferred to employment as covered in this handbook, directly from a State agency or local government shall immediately be granted membership in the retirement program.

The employee contribution to the Retirement System is tax-deferred, which means that contributions come out pre-taxed, rather than after-tax. This gives the employee 2-4% more in take home pay, depending on individual income tax status.

The retirement plan is known as "defined benefit plan". This means the employee can count on a guaranteed percentage of their income at retirement. The percentage will depend on their highest average salary, their years of service, and, if they take early retirement, their age at the time they draw benefits.

Unused sick leave balance can be counted toward your years of service time. This means you could retire early or add extra service time for extra retirement income.

Employees are expected to keep the Retirement Office informed of their beneficiary choices, current home address and any inaccurate information shown on their annual statement, either through the Human Resources office or in person or in writing to the Retirement Office.

8. Life Insurance

All full-time employees are eligible for group term life insurance. This insurance includes accidental death and dismemberment (AD&D) coverage, and is paid by the Court. Coverage is \$20,000; if you die by accident the amount is doubled. The effective date of this life insurance for new hires is the first day of the month following 30 days of continuous employment. A benefit reduction schedule begins at the age of 65.

9. Deferred Compensation (457 Plan)

The Court also offers a long-range retirement savings program called Deferred Compensation under the Internal Revenue Service code number 457. This plan is a supplement to the Court's retirement program. Informational brochures and forms are available in the Human Resources office.

10. Unemployment Insurance

If an employee is laid off, and in some other circumstances, the employee may be eligible for unemployment when he leaves work with the Court. Fiscal Court pays the full amount for Unemployment Insurance.

11. Worker's Compensation

All employees of the Fiscal Court are covered by worker's compensation insurance, medical bills shall be paid and disability payments shall be made in accordance with the worker's compensation laws of the Commonwealth of Kentucky, when an employee becomes disabled or is injured as a result of and in connection with duties as an employee. Human Resources shall be responsible for the administration of this program.

An employee who sustains injuries on the job shall report such injuries to his supervisor as soon as possible. The supervisor shall, within 48 hours, report to Human Resources any injury sustained on the job by an employee. An employee who suffers a work-related injury or disability may utilize accumulated paid leave in an amount which, when added to Worker's Compensation benefits, would equal the normal weekly earnings of the employee. After all accumulated leave time has been exhausted; the employee will only be entitled to Worker's Compensation benefits.

Vacation and sick leave shall not accumulate during a leave of absence for injury sustained in the line of duty, in excess of three (3) months.

In order for injury leave to be granted, the injury must not have resulted from misconduct, gross negligence or contributory negligence on the part of the employee. The injury must not have resulted from work the employee had been medically disqualified to perform. The injury must result in a disability that is compensable under Worker's Compensation provisions. In the case where a lapse of time has occurred between the injury and the claim, the preponderance of medical opinion must agree that the injury was work related.

Every effort will be made to reinstate an employee returning from a Worker's Compensation leave to the position that the employee held prior to the beginning of the leave. Fiscal Court pays the full amount for Worker's Compensation Insurance.

12. Credit Union

The employee and family are eligible for membership in the Park Federal Credit Union. Many financial services are available including low interest loan rates and a variety of savings plans. The employee can have payroll deduction for savings accounts and loan payments to the Credit Union.

13. Expense Reimbursement

Any employee of Fiscal Court incurring expenses for approved travel shall be reimbursed as follows:

A. Transportation

For all reasonable necessary commercial transportation by reasonable economical means, the actual cost of fares, not to exceed costs of accommodations that are less than first-class, if available. For the use of privately owned vehicles advantageous to the purposes of the Court, mileage is reimbursed at the state rate.

B. Lodging

Reimbursement shall be made on an actual expense basis for the cost of lodging with a receipt required on all expenses claimed.

C. Meals

Reimbursement shall be made on an actual expense basis by receipt not to exceed forty dollars (\$40.00) per day. Exceptions can be made based on the location of travel. Employees on authorized travel shall be entitled to expenses for meals if they leave prior to their normal starting time and return one hour after their normal work schedule ends. When all or parts of meals are furnished by the registration fee, the applicable maximum per diem rate shall be reduced by such amount. Employees that do not require overnight lodging, but are required to be out of the area for a minimum of ten (10) hours are eligible for meal reimbursement. Reimbursement will be made for the cost of meals provided to others, for other employees, only with prior approval from their Department Director. Reimbursement will not be made for the cost of entertainment or alcoholic beverages. Exceptions to this may be approved by the Judge-Executive.

D. Miscellaneous

Lodging taxes, tolls, parking, baggage and car rentals are allowed on an actual expense basis when reasonable and necessary in conducting business for the Court. Expenses for laundry, cleaning, and pressing of clothing will be considered only with a minimum of four (4) consecutive nights lodging. Expenses incurred during the course of business must be (including required receipts and expense vouchers) submitted to Accounts Payable within one week after returning from travel. Expenses incurred while traveling to and from work will not be reimbursed.

All expenses related to an employee's spouse and/or children traveling with an employee on Court business will be at the expense of the employee. The Fiscal Court shall provide travel advances if requested and approved by the County Judge/Executive. No employee of Fiscal Court shall receive or be allowed any lump-sum expense allowance or contingent fund for personal or official expenses (KRS 64.710).

E. Vehicles, Materials, Uniforms, Equipment and/or Supplies

Fiscal Court vehicles, materials, uniforms, equipment and/or supplies used by or assigned to Court employees are for official business only. Any unauthorized or

inappropriate usage is strictly prohibited and may result in suspension, termination and reimbursement if warranted. Any and all of these items shall be returned prior to the employee's date of separation.

Fiscal Court Vehicles and Safety:

- 1.) An employee operating a Fiscal Court vehicle must do so in a safe, responsible manner.
- 2.) Employees are not allowed to operate a county owned vehicle while under the influence of alcohol or illegal drugs. A violation may result in disciplinary action including termination.
- 3.) Employees may not operate vehicles or equipment in an unsafe or negligent manner. A violation may result in disciplinary action including termination.
- 4.) The Court has the right to search any Court owned vehicle at any time. Therefore, employees have no reasonable expectation of privacy with respect to Court owned vehicles.
- 5.) County vehicles shall not leave the county unless on official business.
- 6.) Personal calls on County owned cell phones are prohibited.

Section 1.7: Employee Relations

1. Code of Ethics

Fiscal Court's ethics policy will be interpreted and applied in a manner, which does not unreasonably deny employees the same opportunities and rights available to other citizens to acquire and maintain private interest not in conflict with their duties and responsibilities. Listed below are some of the areas of concern with regard to ethics and standards of behavior. This list is not intended to be all-inclusive. Violations of these principles may constitute grounds for disciplinary action, up to and including dismissal.

- A. An employee, in conducting the business of Fiscal Court, shall deal with coworkers and the public in a respectful and courteous manner, and act in a manner consistent with the trust inherent in public employment.
- B. An employee shall strive to perform his work at a consistently high level of quality.
- C. An employee shall follow all the rules and regulations established for the department to which he has been assigned.
- D. Punctuality and attendance are expected. A record of habitually unexcused tardiness and/or absenteeism may result in disciplinary action up to, and including, dismissal.
- E. An employee shall report any illegal activity of co-workers or supervisors to Human Resources.
- F. Most of Fiscal Court business is a matter of public records. In conducting business, employees often acquire information, which is private. In sensitive and regulatory areas, employees should consider information as confidential until a determination is made otherwise.
- G. Employees shall not participate in any official/regulatory act which, directly or indirectly, affects a business, property or activity in which they or members of their family have a financial interest.
- H. No employee shall talk with the news media about matters related to Fiscal Court without prior approval from the County Judge/Executive. The designated Public Information Officer(s) of the Oldham County Police may conduct press conferences and make press releases pertaining to investigations and police department enforcement actions in accordance with policies established by the police department and of this section. All other inquiries by the media shall be directed to the County Judge/Executive or his designee.

- I. An employee shall follow and promote general standards of safety and health on the job.
- J. An employee whose job requires a valid driver's license shall immediately report any suspension or revocation of his license to his immediate supervisor.

If you need guidance in a particular situation, contact Human Resources for assistance.

Confidentiality Policy: Employees may be exposed to information which is confidential and/or privileged and proprietary in nature. It is the policy of the Fiscal Court that such information must be kept confidential both during and after employment. Confidential information includes, but is not limited to, financial, personal, payroll records, legal documents and health information. Care shall also be taken to ensure that unauthorized individuals do not over hear any discussion of confidential information and that documents containing confidential information are not left in the open or inadvertently shared. Employees are expected to return materials containing privileged or confidential information at the time of separation from employment. Unauthorized disclosure of confidential or privileged information is a serious violation of this policy and will subject the person(s) who made the unauthorized disclosure to appropriate discipline, including termination. If there is a question of whether certain information is considered confidential, employees should first check with their supervisor.

2. Training and Career Development

It is Human Resource's responsibility to see that each new employee is given a general orientation on the job, the nature, purposes and programs of the Court, and the personnel policies adopted by the Fiscal Court. Each department head shall maintain a copy of this personnel policy.

Human Resources, department heads or their respective designated representatives on a regular basis shall provide in-service training of regular full-time employees.

The department heads may permit or direct the attendance of employees at meetings, conferences, workshops or seminars intended to improve the knowledge, ability and skills of Court employees.

Training shall include the following as a minimum:

- A. Orientation of new employees
- B. Position specific (the job position/title as appointed)
- C. Safety training shall be departmental specific, as well as overall safety, and
- D. Employee conduct training

Training may be accomplished on site or at organized training seminars provided by educational institutions, the State of Kentucky, federal government or other means.

Attendance and participation in training arranged or provided by the Court is mandatory and a condition of employment. The Court will make every effort to provide training at reasonable times and with the convenience of the employee in mind. Training expenses will be paid by the Court, including travel, lodging, registration, and course materials. However, all course materials remain the property of the Fiscal Court to be maintained by the employee.

Each employee shall sign certification that they have been given an opportunity to review the County's personnel chapter of the administrative code and received orientation on his job.

Some occupational groups have more than one (1) level of work within the same class. Employees may be hired at the first or second levels and then, after a set period of time, advance to a higher

level, provided the employee meets the specified requirements or demonstrates specific skills. A salary increase normally accompanies advancement.

3. Harassment

The Fiscal Court is committed to maintaining a work environment free of discrimination and harassment.

Harassment on the basis of age, color, disability, gender, genetic information, national origin, race or religion constitutes discrimination in the terms, conditions and privileges of employment. Harassment is verbal or physical conduct that degrades or shows hostility or aversion toward an individual because of their age, color, disability, gender, genetic information, national origin, race or religion, and that:

- A. Has the purpose or effect of creating an intimidating, hostile or offensive work environment,
- B. Has the purpose or effect of unreasonably interfering with an individual's work performance,
- C. Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to:

- A. Epithets, slurs, negative stereotyping, threatening, or intimidating acts, that relate to age, color, disability, gender, genetic information, national origin, race or religion.
- B. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of age, color, disability, gender, genetic information, national origin, race or religion and that is placed on walls, bulletin boards, or elsewhere on the employer's premise, or circulated in the workplace

1.) Harassment – Complaint Procedure

Employees encountering harassment by any employee, supervisor, director, agency head, customer, vendor or citizen, should tell the offending person that their actions are inappropriate and offensive. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation. In addition, the employee shall notify his supervisor and/or Human Resources of the harassment, as soon as possible, so that steps shall be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated. If action taken does not satisfy the employee, he may file a complaint with Human Resources.

2.) Sexual Harassment

Inappropriate sexual advance, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitute sexual harassment when:

- a. Submission to such conduct is either explicitly made a term or condition of employment
- b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- c. Such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment
- d. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexual oriented "kidding" or "teasing", "practical jokes", jokes about gender specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact such as patting or pinching another's body

3.) Sexual Harassment – Complaint Procedure

All employees are responsible for helping to avoid sexual harassment. If you feel that you have experienced or witnessed harassment, you are to notify Human Resources. Reports are to be made as soon as practicable, preferably within 24 hours and preferably in writing. Verbal reports, however, will also be taken in the case of unusually sensitive circumstances.

The Fiscal Court is to investigate all such complaints. To the fullest extent practicable, the Court will keep complaints and the terms of their resolution confidential. If an investigation confirms that harassment has occurred, the Court will take corrective action in accordance with the nature and extent of the offense. Appropriate sanctions, depending upon the circumstances, can include a written warning in the file, up to and including termination.

4.) Harassment and Sexual Harassment – False Accusation Procedure

The Fiscal Court recognizes that false accusation of harassment and sexual harassment can have a serious effect on the innocent. Individuals falsely accusing another of harassment or sexual harassment will be disciplined in accordance with the nature and extent of his false accusation.

5.) Harassment and Sexual Harassment – Retaliation

Any retaliatory action of any kind taken by any person as a result of an individual making a report of sexual harassment is prohibited and shall be regarded as a separate and distinct cause for complaint.

6.) Harassment and Sexual Harassment – Employee Inquiry Procedure

The Fiscal Court encourages any employee to raise questions they may have regarding the harassment policy or sexual harassment with Human Resources.

4. Workplace Violence

Fiscal Court is committed to promoting a safe environment for its employees and working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation and other disruptive behavior.

Violence, threats, harassment, intimidation and other disruptive behavior will not be tolerated. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

Fiscal Court needs your cooperation to implement this policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating or other disruptive behavior. If you observe or experience such behavior by anyone on Court premises, whether they are a Fiscal Court employee or not, report it immediately to Human Resources at 222-9357 regarding investigating the incident and initiating appropriate action. (PLEASE NOTE: Threats or assaults that require immediate attention should be reported first to the police at 9-1-1.)

5. Drug Free Work Place

The United States Congress enacted the Drug-Free Work Place Act of 1988, effective March 18, 1988. The following is a policy statement regarding the County's commitment to a drug-free work place:

Employees shall not unlawfully manufacture, distribute, dispense, have possession of or use alcohol or a controlled or illicit substance on the job, in work place or report to work under the influence of such substances. It is the intent of the Court to maintain a work place free of these substances so that all employees may have the opportunity to have a safer, more productive work environment.

Any employee reporting to work under the influence of alcohol or illegal drugs or who commits a drug or alcohol related offense shall be disciplined under the established disciplinary process, which includes suspension and/or dismissal.

The manufacturing, possession and/or use of illegal drugs, alcohol or drug paraphernalia in the work place are strictly prohibited. This includes the misuse/abuse of prescribed medications, which could impair an employee's ability to function.

It is the responsibility of the employee to notify their supervisor of any drug and/or alcohol related arrests, citations and convictions within 24 hours of the incident or be subject to disciplinary action up to and including dismissal.

If a supervisor has reasonable suspicion, as defined in section 1.7(7)(B) to suspect an employee of illegal drug use on the job or of reporting to work under the influence, the employee may be required to submit to drug testing. Refusal to submit to a drug and/or alcohol test under this circumstance shall result in termination.

An employee reporting to work on medication prescribed by a physician, that impairs job performance, is to immediately notify one's supervisor and Human Resources. The employee must submit a doctor's statement indicating how the medication would affect their job performance and/or the health and safety of others, so appropriate steps may be taken by supervisors to prevent any hazards.

6. Drug-Free Work Place Training

Each employee shall be provided written materials explaining the Court's policies and procedures with respect to the drug-free workplace program. Each employee will receive at least one (1) hour of initial and at least thirty (30) minutes refresher each year thereafter, of alcohol and substance abuse education and awareness training which shall include at a minimum, information concerning:

- A. Alcohol and drug testing
- B. The effects of alcohol and drug use on an individual's health, work and personal life
- C. The disease of alcohol or drug addiction
- D. Signs and symptoms of an alcohol or drug problem
- E. The role of co-workers and supervisors in addressing alcohol or substance abuse
- F. Referrals to an employee assistance program.

Each supervisor, in addition to the training specified above will receive thirty (30) minutes each year of alcohol and substance abuse education and awareness training which shall include at a minimum, information concerning:

- A. Recognizing the signs of alcohol and substance abuse in the workplace
- B. How to document signs of employees alcohol and substance abuse
- C. How to refer employees to an employee assistance program or other alcohol and substance abuse treatment;
- D. Legal and practical aspects of reasonable suspicion testing for the presence of drugs and alcohol.

7. Drug and Alcohol Abuse

The Court is concerned with the safety of both employees and the public. Without improperly intruding on the private lives of employees, the Court wants to maintain a workforce that is free of drug and alcohol abuse or drug and alcohol use which interferes with job performance or safety.

Fiscal Court complies with 803 Kentucky Administrative Regulations (KAR) 25.2:80 the provisions of the federal Transportation Workplace Drug and Alcohol Testing program in working to assure a safe and substance-abuse free workplace.

If you have a substance abuse problem, you are encouraged to get help. Employees are encouraged to seek confidential assistance.

Where work performance or incidents indicate that substance abuse may be a problem, the Court will take action including documenting the problem, referring the employee to Employee Assistance Program (EAP) counseling, drug and alcohol testing based on 803 Kentucky Administrative Regulations (KAR) 25:280.

Federal Highway Administration (FHWA) regulations, 803 Kentucky Administrative Regulations (KAR) 25:280 and Fiscal Court policy prohibit employees from:

- A. Abusing drugs such as amphetamines, cannabinoids/THC, cocaine, opiates, phencyclidine (PCP), benzodiazepines, propoxyphene, methaqualone, methadone, barbiturates and synthetic narcotics.
- B. Coming to work under the influence of alcohol, using alcohol on the job, (.04 and above is considered the level of impairment. An employee with a blood alcohol level between .02 to .04 must be sent home and may be subject to disciplinary action; with a .04 or higher blood alcohol level, the Court must refer the employee for a substance abuse evaluation.)
- C. The unlawful manufacture, distribution, dispensation, possession or use of alcohol or a controlled or illicit substance in Court owned or controlled property, in Court vehicles or while engaged in Fiscal Court work is strictly prohibited.

Any of these actions are grounds for serious disciplinary action; including termination (prosecution may also result.)

As required by federal regulation and Court policy, drug and alcohol testing will be conducted for circumstances listed below:

- A. Pre-hire/reassignment: Fiscal Court conducts post-conditional offer, pre-employment drug testing for all positions. A negative drug test result is required before employment. For positions subject to CDL regulations, Fiscal Court is also required to obtain information about substance abuse tests during the past two (2) years from previous employers. (Safety-sensitive functions covered under these regulations include driving, inspecting, repairing and dispatching of CDL vehicles;

some of the jobs include, but are not limited to, Equipment Operator, Operator's position in Solid Waste services requiring CDL's, Road and mechanics.)

- B. Reasonable suspicion: An employee will be tested if he shows signs of alcohol or drug use or influence on the job, or when employees have performance problems suspected of being caused by drug or alcohol use. Breath or body odor of alcohol is considered one of the reasonable suspicion indicators of potential alcohol influence on the job. For cases where there appears to be a reasonable suspicion of substance abuse, as observed by a supervisor, Human Resources or the County Attorney will be consulted. If they concur that there are grounds for reasonable suspicion of drug or alcohol abuse, a test will be required. A negative test result is required.
- C. Random testing: During a calendar year, 50% of the numbers of public safety employees must be tested for drugs, 10% for alcohol. Every employee has an equal chance of being selected for random tests each time tests are conducted; therefore, some employees may have a random test more than one during the year. Refusal to submit to a test when required shall be grounds for suspension and possible termination. A negative test result is required.
- D. Post-accident: Any employee involved in an accident or receives a citation while operating a County vehicle shall immediately submit to a drug/alcohol test. Following the accident the supervisor will arrange for immediate drug and alcohol tests and remove the employee from duty pending results of the test. Employees must remain available for testing and should not drink alcoholic beverages until after a breath test has been conducted, or for at least eight (8) hours after the accident. A negative test result is required.
- E. Return to work: After a positive drug or alcohol test or confirmed substance abuse problem, employees will be required to pass a drug or alcohol test before being allowed to return to work. The employee will be subject to both drug and alcohol tests at any time of the department's choosing for the next five (5) years. All tests will be paid for by Fiscal Court.
- F. Voluntary tests: An employee may volunteer to take a drug or alcohol test if the employee feels a drug or alcohol test will clear up suspicion of substance abuse. All voluntary tests will be paid for by Fiscal Court.

Refusal to take any required drug or alcohol test is grounds for termination, as is leaving the scene of an accident without permission or attempting to compromise the test (such as tampering with or attempting to adulterate the sample or soliciting urine from another person).

An employee awaiting post-accident test results or an employee suspected of possible substance abuse will be put on leave with pay until results are received. If non-safety sensitive work is available, employees may be assigned this duty pending the results of the test. If the test is positive, the employee will be subject to further disciplinary action.

Drug tests are conducted by collecting a urine sample and having sample analyzed. Incomplete test results may result in additional testing, including hair samples. All drug tests will be conducted following federal government and the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA) requirements for specific collection and detailed lab procedures (including confirming tests) and careful chain of custody for samples.

Approved breath-testing personnel conduct alcohol breath tests. (Where law enforcement officials conduct breath tests as a part of an accident or other investigation of a safety-sensitive employee, the results of these tests may be used in addition or in place of department sponsored tests).

Employees who test positive for drugs or alcohol may be subject to disciplinary action up to and including termination or demotion; employees serving their initial introductory period will be terminated. A suspension of several days to two weeks will be the normal minimum disciplinary consequence of a positive test. In addition, employees who test positive (or acknowledge a drug or alcohol problem) will be required to go for evaluation and referral for treatment in order to keep their jobs.

Before an employee is allowed to return to duty, the County must receive clearance for return to work and clearance to perform safety-sensitive functions from a substance abuse professional; he/she must also be tested negative before being allowed to return to work. Drug and alcohol tests may be conducted at any time for at least one year with a minimum of one test per quarter. This will be a condition of return to work after a positive test and continued attendance in a court-approved treatment or aftercare program also may be required. A second positive test will result in termination.

8. Performance Management

Work performance will be evaluated regularly by the employee's supervisor. The employee and their supervisor will discuss areas where they are performing well and areas where they need improvement.

The Judge-Executive and department heads are responsible for appraising the performance and merit of personnel under their respective jurisdiction. The Judge-Executive will evaluate all Department Directors.

During the introductory period, the employee's supervisor will explain the work standards which apply to their job. Standards are different for each job, but will include work quality, work quantity and exactly how and when the work needs to be done.

Performance evaluation ratings are directly tied to your performance on the job and will be completed annually. The supervisor's appraisal of job performance is presumed to be accurate unless the employee can show arbitrary or discriminatory action or gross errors in judgment.

All appraisals must be done in a fair and equitable manner, and above all, shall be job related and consistent among all personnel appraised by the supervisor.

The following elements shall be considered in each evaluation:

- A. Job Proficiency – the ability to perform job tasks at or above the job standard
- B. Harmonious Work Relationships – The way an employee gets along with their supervisors and his fellow workers shall be appraised. Willingness to accept and to carry out instructions
- C. Absenteeism or Tardiness - The punctuality and consistency of attendance of an employee on the job. Excessive absences and/or tardiness are grounds for an unfavorable evaluation and disciplinary action.
- D. Errors or Accidents – Errors in work and/or accidents attributable to improper performance of job tasks shall be noted and evaluated.
- E. Failure to Follow Rules and Regulations – Any employee may receive an unfavorable evaluation if they disregard written or verbal rules and regulations

- F. Relationships with the Public –Discourteous treatment, lack of tact, and other elements of misconduct in dealing with the public are valid reasons for an unfavorable evaluation.
- G. Other –Other job related elements rather than those enumerated may be used in the appraisal.

After the evaluation is completed, each employee shall be given a copy within five working days. Employees shall have five days to review their evaluation. If an employee does not agree or is not satisfied with their evaluation, they may request a meeting with Human Resources within five days of receipt of the evaluation to discuss the contents. Each employee may submit a written rebuttal to the evaluation for inclusion in the personnel file.

Each employee evaluation shall be placed in the personnel file of that employee after having been signed by the employee, the evaluator and Human Resources.

9. Disciplinary Action

The policy of Fiscal Court is to be fair and consistent in the administration of the organization and its employees. When problems arise, emphasis is on improvement and/or correction rather than discipline. However, willful, continued or inexcusable breaches of employment rules must be dealt with firmly under a uniform policy, which applies to all employees.

An employee may be disciplined for failing to follow Fiscal Court established standards, Fiscal Court policies outlined in this handbook, and departmental procedures, including but not limited to:

- A. Incompetence
- B. Inefficiency
- C. Dishonesty
 - 1.) Deliberately making or using falsified records, materials requisitions, etc.
 - 2.) Lying
 - 3.) Personal use of County property
 - 4.) Theft of property
 - 5.) Deliberate waste
 - 6.) Supplying false information on an Employment Application form.
- D. Improper conduct
- E. Neglect of duty:
 - 1.) Repeated failure to be at workstation at starting time
 - 2.) Leaving assigned work area without permission
 - 3.) Failure to attend scheduled meeting(s)
 - 4.) Refusal to accept reasonable work assignment
 - 5.) Stopping work before specified time
 - 6.) Deliberate interruption of work
 - 7.) Loitering, loafing or sleeping on job.
- F. Unsatisfactory work and/or attitude
- G. Failure to keep attendance sheets accurately or completing another employee's attendance sheet
- H. Fighting or horseplay on Court's premises at any time
- I. Attempting bodily injury to another person
- J. Failure to observe safety rules
- K. Abusive language
- L. Discourtesy to the public
- M. Conviction of a felony
- N. Unprofessional appearance pursuant to departmental duties
- O. Reporting to work under the influence of intoxicants or illegal drugs

- P. Use of intoxicants or illegal drugs while on duty
- Q. Gambling
- R. Improperly discussing or disclosing confidential information
- S. An accumulation of any of the listed infractions in this section
- T. Failure to follow any other rule, regulation, operating procedure or job requirement not specifically mentioned above
- U. Frequent or excessive absenteeism
- V. Failure to provide notice to the County Judge/Executive (or designee) or department head within an hour of the starting time of your work shift on the day of absence (24/7 employees shall follow their departmental guidelines).
- W. Refusal to report to work when called, unless a bona fide personal emergency exists.

Generally, the Fiscal Court utilizes an application of progressive discipline. However, the Fiscal Court reserves the right to skip any step or requirement in the disciplinary action sequence outlined below depending on the severity of the misconduct or when the facts or circumstances otherwise warrant. Further, it is also noted that in establishing the following disciplinary procedures it is not the Court's intention to create any employment situation that compromises its "at-will" employment status. As expressly stated in these policies nothing in these policies is intended to create a contract of employment. Any individual may voluntarily leave employment or may be terminated by the County at any time, for any reason, the contrary are hereby expressly disavowed.

Progressive Discipline Process:

- A. Verbal Warning:
 - 1.) The immediate supervisor or Department Director and/or Human Resources shall administer counseling without rancor (ill will) and explain the actions necessary to correct the problem as soon as possible after the office.
 - 2.) The date of the counseling, along with a description of the occurrence which prompted the counseling, actions necessary to correct the problem, and any comments the employee may have made, shall be noted, signed and placed in the employee's department personnel folder by the person giving the counseling. A copy of the counseling shall be placed in the employee's file in the Human Resources office.
- B. Written warning / probation:
 - 1.) The immediate supervisor or Department Director and/or Human Resources shall give the employee a written warning specifying the reason(s) for such warning and noting any previous verbal and/or written warnings. Written warnings shall state that the employee's performance will now be reviewed on a regular basis for improvement and explain the consequences of continued infractions.
 - 2.) The employee shall sign the written warning or the warning shall be signed by a witness; a copy of the written warning shall be placed in the employee's personnel folder.
 - 3.) In serious cases the employee may be placed on probation, i.e., subject to later dismissal with a written understanding of duration of the probation and the expected change of behavior.
- C. Suspension:
 - 1.) In situations where Fiscal Court is aware of alleged misconduct by an employee which, if true, could result in disciplinary action, the appointing authority may suspend the employee. Employees may be suspended with pay pending an investigation and if it is determined the action is necessary to assure public

confidence in governmental oversight of its employees, or assure the integrity of the Court's inquiry in the allegations. In the event it is necessary to suspend an employee with pay, the following procedures shall be observed:

- a. The Court shall immediately provide written notification to the employed informing them of the suspension and the nature of the allegations being investigated. In the event it is deemed necessary to suspend the employee immediately upon learning of a particular situation, the employee shall be provided written verification of the suspension within 24 hours.
- b. Consistent with existing personnel procedures, the Court shall immediately begin an investigation into the allegations against the employee. This investigation shall be carried out expeditiously, and in no instances shall it be delayed beyond what is considered reasonable and necessary to conduct a complete investigation.
- c. Upon reaching a determination as to the culpability of the employee, the Fiscal Court shall take action as follows:
 1. In the event the allegations against the employee are valid, the Fiscal Court shall invoke disciplinary action as deemed appropriate. These actions shall not include payment of wages in the event the suspension is extended beyond the investigative period; or
 2. In the event the allegations against the employee are proven to be false, the employee shall immediately be reinstated to his position.
- d. During the time an employee is on suspension with pay they are considered to be performing service for the Court. Therefore, the employee must remain available to return to work within 24 hours of receiving written or verbal confirmation of his reinstatement from Human Resources. In the event the employee is notified of this reinstatement verbally, the County shall provide written verification within one (1) working day.
- e. As a result of the investigation, the Fiscal Court may deem it appropriate to suspend an employee without pay as a disciplinary action for serious infraction of workplace conduct rules. While an employee is suspended without pay, the employee will be temporarily removed from performing work duties. The Court shall provide written notice of the suspension which will include the length and dates of the suspension.

D. Demotion or Transfer:

- 1.) In the event that an employee becomes unable to perform the duties as stated in the job description, he may be transferred or demoted in lieu of taking any disciplinary action, provided the employee meets the qualifications for the position and the position is vacant.
- 2.) Such actions shall be recorded in the employee's personnel file.

E. Dismissal:

- 1.) Where an offense is continually repeated, or misconduct is serious enough for discharge on the first offense, the Department Director may recommend dismissal of an employee and effect immediate removal.
- 2.) The recommendation shall include the reason(s) for the discharge, details of previous disciplinary action taken against the employee and the recommended effective date and time of discharge.
- 3.) Final and formal discharge of an employee shall come from the County Judge/Executive (with or without departmental recommendation), who shall notify the employee in writing of the intent to discharge.
- 4.) A copy of the notification shall be placed in the employee's personnel file.

10. Dismissal

An employee may be dismissed at any time for any reason, which may include disciplinary action or for unsatisfactory performance. Upon the Department Director's recommendation of dismissal, an employee shall terminate service and be immediately removed from the premises. A dismissal becomes final upon recommendation of the Judge-Executive, subject to the approval of Fiscal Court. Upon Fiscal Court's approval of the dismissal, Human Resources shall notify the employee, in writing, of the action and the effective date.

11. Resolving Conflicts in the Workplace – Mediation

Problems arise in any job. Sometimes the conflict is between two employees or an employee and their supervisor. If conflicts cannot be resolved at the department level, third party mediation may be pursued.

To arrange mediation, either the supervisor or employee may contact Human Resources who will in turn inform the Judge-Executive. Arrangements will be made with either the County Attorney's office or with an outside mediator and the employee(s) and/or supervisor. Both parties must agree to the mediation request. The parties involved will meet at a mutually agreeable time with the mediator and the cost will be shared by both parties equally. The mediator will guide the discussion and help to work out a solution(s). The results of the mediation will be kept confidential unless both parties agree to release information.

12. Leaving Employment

If an employee plans to leave employment with the Court, it is important that they contact Human Resources. An appointment will be set up for them to discuss important information about insurance, retirement membership and contributions, and their final paycheck.

The employee is responsible for returning keys, equipment, uniforms and this manual to their department.

13. Exit Interview

Once an employee decides to resign, it is often helpful to contact Human Resources. Human Resources shall be responsible for developing and administering a program to elicit information from all employees who are separated from Fiscal Court's employment, to assist in improving its personnel programs and conditions of work.

CHAPTER 1.8 ETHICS

Section 1: General Provisions

The Code of Ethics originally adopted by the Fiscal Court on December 6, 1994, is incorporated by reference into the Administrative Code of Oldham County and this handbook – Ordinance #94-221-53.