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1 OLDHAM COUNTY ADMINISTRATIVE CODE (rev. June 2010)

1.1 GENERAL PROVISIONS

1.1.1 PURPOSE

This Administrative Code is designed to meet the requirements set forth in the Kentucky Revised Statutes as they relate to various functions and operations of the County government. This Code is also designed to meet the requirements of the federal regulations and guidelines, and further, to promote a more efficient operation of the various departments that are responsible to the Fiscal Court and the citizens of Oldham County. Unless otherwise noted hereinafter or in Kentucky Revised Statutes, this Code applies to all departments, offices of Fiscal Court and any boards which are directly funded from the General Fund, excluding the fee offices of County Clerk and Sheriff and excluding the office of Jailer except for the statutory oversight of budget and number of deputy jailers and salary amount for said deputies. The Fiscal Court acknowledges the need for future continuing review and/or revision of this Code due to the rapid growth of the County which will change the size of various departments and even create new departments.

1.1.2 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 Code as those governing the interpretation of state law. The use of the masculine gender in this document applies to both genders unless otherwise stated.

1.1.3 DEFINITIONS

For the purpose of this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CODE, THIS CODE OF ORDINANCES or THIS CODE. This Code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY: Oldham County, Kentucky.

FISCAL COURT or COURT: The legislative body of the County.

KRS: Kentucky Revised Statutes

MAY: The act referred to is permissive.

MONTH: A calendar month.

OFFICER, OFFICE, EMPLOYEE COMMISSION or DEPARTMENT: An officer, office, employee, commission, or department of this County unless the context clearly requires otherwise.

PERSON: Extends to and includes person, persons, firm, corporation, co-partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms PERSON or WHOEVER as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or FOLLOWING: Next before or next after, respectively.

SHALL: The act referred to is mandatory.

SIGNATURE or SUBSCRIPTION: Includes a mark when the person cannot write.

STATE: The State of Kentucky.

1.1.4 SEVERABILITY

If any provision of this Code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

1.1.5 PUBLICATION OF CODE

This Administrative Code shall be deemed published as of the day of its adoption and approval by the Fiscal Court and the Fiscal Court Clerk shall maintain the official copy as well as any subsequent amendments thereto.

01.1.6 EFFECTIVE DATE

This revised Administrative Code consisting of four (4) Chapters shall be in full force and effect on the date of its passage and approval by Fiscal Court.

1.1.7 ADOPTION OF CODE

Pursuant to KRS 68.005, the Fiscal Court adopts the revised Fiscal Court Administrative Code, to address provisions, procedures and designation of responsibility for the general administration of County government, administration of County fiscal affairs, personnel administration, the delivery of County services and County procurement.

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1.2 ADMINISTRATION

1.2.1 COUNTY JUDGE/EXECUTIVE

The County Judge/Executive shall be chief executive of the County and shall have all the powers and perform all the duties of an executive and administrative nature vested in, or imposed upon, the County or its Fiscal Court by law, or by agreement with any municipality or other subdivision of government, and such additional powers as are granted by the Fiscal Court insomuch as such authority is permitted by Statute and is not proscribed by Statute. The County Judge/Executive shall be responsible for the proper administration of the affairs of the County placed in his charge. His responsibilities shall include, but are not limited to, the following:

- (A) Provide for the execution of all ordinances and resolutions of the Fiscal Court, execute all contracts entered into by the Fiscal Court, and provide for the execution of all laws by the State subject to enforcement by him or by officers who are under his direction and supervision;
- (B) Annually provide for the preparation and submission to the Fiscal Court for approval an administrative Code in accordance to KRS 67.710 and KRS 68.005.
- (C) Furnish the Fiscal Court with information concerning the operations of the County departments, boards, or commissions, necessary for the Fiscal Court to exercise its powers or as requested by the Fiscal Court;
- (D) Annually prepare and submit to the Fiscal Court an organizational chart showing the agencies and departments of County government and their organization. The organizational chart shall show the relationship of each agency and department and the lines of authority within County government. If there are no changes to the organizational chart, the County Judge/Executive shall simply so advise the Fiscal Court.

- (E) Require all officials, elected or appointed, whose offices utilize County funds, and all boards, special districts, and commissions exclusive of city governments and their agencies located within the County to make a detailed annual financial report to the Fiscal Court concerning the business and condition of the office, department, board, commission or special districts;
- (F) Consistent with procedures set forth, prepare and submit to the Fiscal Court an annual budget and administer the provisions of the budget when adopted by the Fiscal Court;
- (G) Keep the Fiscal Court fully advised as to the financial condition and needs of the County and make such other reports from time-to-time as required by the Fiscal Court or as he deems necessary;
- (H) Exercise, with the approval of the Fiscal Court, the authority to appoint, supervise, suspend, and remove County personnel, unless otherwise provided by law; and
- (I) With the approval of the Fiscal Court, make appointments to or remove members from such boards, commissions, and designated administrative positions as the Fiscal Court, charter, law or ordinance may create. The requirements of Fiscal Court approval must be designated as such in the KRS.
- (J) Through the county finance department shall be responsible for performance and administration of the procurement function for County government that conforms, at a minimum, to KRS 424.260.
- (K) Purchasing procedures and the award of contracts for Oldham County government shall conform to the Oldham County Procurement Code, as it may be amended from time to time.

1.2.2 REPORTS TO FISCAL COURT

Prior to the first Monday in May the head of each County department, agency or commission shall provide the County Judge/Executive with the following information:

A statement which describes the activities of the department or agency during the fiscal year.

A financial statement for each agency or department. Such financial statement shall contain the total amount of appropriations for the agency or department, the amount spent and encumbered by the department or agency during the preceding month, the total amount encumbered during the fiscal year, and the amount of the total appropriation which is still available for spending.

The County Judge/Executive shall present the foregoing information to the Fiscal Court at the first meeting following the first Monday in May.

1.2.3 APPOINTMENT OF PERSONNEL

(A)The County Judge/Executive shall inform the Fiscal Court at a regular meeting of his intention to make an appointment of a member of a board or commission. If state law requires approval by the Fiscal Court of the nomination the Fiscal Court shall vote on such nomination no later than the next regularly scheduled meeting. A majority of those Fiscal Court members present at a meeting shall vote in favor of the nomination, in order for it to be approved.

The Fiscal Court may require the nominee to appear at a public hearing for the purpose of questioning such nominee about matters which relate to the position for which he has been nominated. The Fiscal Court may provide the nominee with an opportunity to make a statement to the Fiscal Court concerning his nomination and qualifications.

(B) No person shall be selected as a member of a board or commission or for an administrative position if such person holds or is employed in a position which is incompatible with the one for which nominated as set forth in 1.2.7.

(C) With the exception of the County Treasurer, as stated in KRS 68.010, it shall be the responsibility of the County Judge/Executive to make all appointments to any position created by Fiscal Court, subject to the approval of Fiscal Court as defined by KRS 67.710 (8).

(D) When Fiscal Court approval of an appointment is not required by state law, the County Judge/Executive shall make such appointment after notification to Fiscal Court.

1.2.4 REMOVAL OF PERSONNEL

The County Judge/Executive shall present to Fiscal Court for approval notice of intention to remove administrative personnel or any board or commission member.

1.2.5 REORGANIZATION

The County Judge/Executive shall submit to Fiscal Court for approval a written plan which describes the services and functions to be performed by each department, agency, commission or special district to be created.

An outline shall be prepared showing the relationship of each department and agency to others and the lines of authority. The outline shall be maintained in a current condition and available for public inspection during office hours.

A written statement or plan shall be prepared setting forth the need for any reorganization of County departments, agencies or special districts created by Fiscal Court and how the plan submitted will meet the need. The Plan shall state:

(1) Specific measurable goals and a time period indicated for meeting each goal.

(2) Any services to be abolished/reduced as a result of the Plan and the impact the Plan will have on other services.

(3) The cost, both long term and short term, of the changes proposed.

(4) The effect the Plan will have on any personnel or facilities.

In accordance to KRS 67.715, the reorganization plan shall be submitted to Fiscal Court for review prior to its effective date. If not disapproved within sixty (60) days, the Plan shall become effective.

1.2.6 REPRESENTATION

A. The Judge Executive shall assure the representation of the County on all boards, commissions, special districts, and joint city-county programs in which County participation is required.

B. Every independent board, commission, agency or special district which requires participation by County government shall submit a list of its governing body members, and a copy of its by-laws to the Judge Executive and the Fiscal Court, no

later than thirty (30) days before the selection of governing body members. When a vacancy exists, the list of governing body members and a copy of the by-laws must be submitted to the Judge Executive no later than seven (7) days before the Judge Executive nominates a candidate for the vacancy. Reference note: KRS 67.715 (3) The county judge/executive shall assure the representation of the county on all boards, commissions, special districts, and multi-county programs in which county participation is called for.

1.2.7 INCOMPATIBLE OFFICES

In accordance with KRS 61.080, no person shall, at the same time, be a state officer, a deputy state officer or a member of the general assembly, and an officer of any county, city or other municipality, or an employee thereof.

The offices of justice of the peace, County judge/executive, surveyor, sheriff, deputy sheriff; coroner, constable, jailer and clerk or deputy clerk of a court, shall be incompatible, the one with any of the others. The office of County judge/executive and County school superintendent are incompatible.

No person shall, at the same time, fill a County office and a municipal office.

1.2.8 GIFT POLICY

Oldham County Fiscal Court may by resolution approve an appropriation and direct an expenditure from the general fund of the County not to exceed \$50.00 for a gift to, or honorarium of, any current or former employee. Said appropriation shall only be made under the following circumstances: Retirement, hospitalization, or death of an employee or former employee.

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1.3 FISCAL COURT

1.3.1 POWERS

In accordance with KRS 67.080, the Fiscal Court has the power to:

- (1) Appropriate County funds according to state law;
- (2) Sell and convey any real estate belonging to the County, and buy land for the use of the County, when necessary;
- (3) Regulate and control the fiscal affairs of the County;
- (4) Cause correct accounts and records to be kept of all receipts and disbursements of the public funds of the County,
- (5) Exercise all the corporate powers of the County unless otherwise provided by law;
- (6) Cause the construction, operation and maintenance of all County buildings and other structures, grounds, roads and other property as needed;
- (7) Establish all appointive offices, set the duties of those offices, and approve all appointments to those offices;
- (8) Investigate all activities of County government;
- (9) Authorize the levy of all taxes not in conflict with the Constitution and statutes of this state and cry out governmental functions necessary for the operation of the County; and
- (10) Approve and set the performance bond of the County judge/executive, county clerk, sheriff, jailer, surveyor, coroner and constable at \$10,000 for each officer other than the county clerk.
- (11) Annually review, adopt and/or amend the County Administrative Code in accordance with KRS 68.005.

1.3.2 REGULAR MEETINGS

Regular meetings of the Fiscal Court of Oldham County shall be held on the first and third Tuesdays of each month at 2:00 o'clock p.m., provided, however, that if the regular meeting day or date falls on a legal holiday, the meeting may take place on the next regular working day at the same place and hour or another day set by the Fiscal Court.

In accordance with KRS 67.090, the date of the Fiscal Court meetings may be changed by the Judge/Executive. The starting times of Fiscal Court meetings shall be set by action of the Fiscal Court. (OAG 95-26)

1.3.3 OPEN MEETINGS

All meetings of the Fiscal Court at which any public business is discussed or any action taken shall be open to the public at all times except as otherwise permitted by KRS 61.810.

1.3.4 SPECIAL MEETINGS

The county judge/Executive may call a special term of the fiscal court to the transaction of any business of which that court has jurisdiction. If a special term is necessary and the county judge/executive is unable, or refuses to act, a majority of the members of the fiscal court may call the special term.

A special meeting may be called by the County Judge/Executive or a majority of the members of the Fiscal Court by delivering personally, or by mail, written notice to each member and to each local newspaper, of general circulation, each news service and each local radio or television station which has on file with the Fiscal Court a written request to be notified of special meetings.

Notice of the special meeting must be delivered to all members at least 24 hours prior to the time of the meeting as specified in the notice. If time does not permit giving 24-hour notice, then notice that is reasonable under the circumstances and calculated to inform the members shall be given.

It shall be the responsibility of the Fiscal Court Clerk to prepare and distribute the proper notices.

1.3.5 PRESIDING OFFICER

The County Judge/Executive shall be the presiding officer of the Fiscal Court at all regular and special meetings.

If the County Judge/Executive is not present or able to preside, a majority of the magistrates shall elect one of their number as presiding officer, with all the powers and duties vested in that office.

The presiding officer may present ordinances, orders, resolutions or motions and he may speak and vote on all matters before the Fiscal Court.

1.3.6 QUORUM

Not less than a majority of the members of the Fiscal Court shall constitute a quorum for the transaction of business.

No proposition shall be adopted except with the concurrence of at least a majority of the members present.

1.3.7 ORDER OF BUSINESS

The County Judge/Executive shall prepare an agenda for each Fiscal Court meeting in advance of any meeting.

The first order of business of any meeting of Fiscal Court will be to approve or amend and approve the agenda.

The County Judge/Executive shall prepare an itemized list of all claims to be submitted for approval. Such list shall accompany the agenda prepared and delivered by the County Judge/Executive.

No bill shall be disapproved for payment unless the Fiscal Court orders, for good cause, that the bill not be paid.

1.3.8 RECORDS AND MINUTES

The clerk of the Fiscal Court shall attend all meetings of the Fiscal Court and keep a full and complete record of its proceedings. Every official action shall be made a part of the permanent records of the County.

Fiscal Court shall approve the performance bond of the County judge/executive, the sheriff and the County clerk and file a record of each bond.

(1) The fiscal court is a court of record. Minutes of the proceedings of each meeting shall be prepared and submitted for approval at the next succeeding meeting.

(2) Every official action of the fiscal court shall be made a part of the permanent records of the county.

(3) The county budget ordinance shall be indexed so that each index list covers one (1) fiscal year and shall be listed in such index no later than thirty (30) days after passage and any required approval.

(4) County ordinances other than the county budget ordinance shall be indexed in a composite index of all county ordinances in force, and shall be listed in the index no later than thirty (30) days after passage and any required approval.

(5) A copy of all records required by this section shall be kept in the office of the county clerk.

The clerk of the Fiscal Court shall keep an index for all Fiscal Court records and make such index and records available for public inspection in accordance with the Kentucky Open Records Act. The County Budget Ordinance shall be indexed in accordance with KRS 67.100.

1.3.9 RULES OF ORDER

Except when in conflict with the foregoing provisions, Robert's Rules of Order shall serve as a guide for the deliberations of the Fiscal Court.

The rules of order, other than those prescribed by statute, may be suspended at any time by consent of a majority of members present at the meeting.

1.3.10 COUNTY ORDINANCES, ORDERS AND RESOLUTIONS

The sponsor member of the Court shall introduce all ordinances in writing to the Judge/Executive to be included on the agenda three (3) days prior to the Fiscal Court meeting.

The clerk of the Fiscal Court shall record the ordinances and shall be numbered and indexed.

A County ordinance is (a) an official act of the Fiscal Court of a general and lasting nature which is enforceable within the jurisdiction of the County or (b) a lawful appropriation of money.

All County ordinances shall be adopted in conformity with KRS67.075 to 67.077, except that emergency ordinances may be adopted as provided in KRS 67.078.

No County ordinance shall relate to more than one subject and each ordinance shall be prefaced in the following manner by a title which expresses that subject:

“AN ORDINANCE relating to (the subject of the ordinance)”

County ordinances shall be amended by ordinance and only by setting out in full each amended section.

There shall be inserted between the title and the body of each county ordinance an enacting clause written in the following manner: *“Be it ordained by the Fiscal Court of Oldham County, Commonwealth of Kentucky”*

Prior to the introduction of an ordinance by a member of the Court for first reading, the ordinance shall be submitted to the County attorney for approval as to form and legality. The County attorney shall take action to approve or disapprove the ordinance within two weeks of receipt by the County attorney’s office.

All ordinances introduced to Fiscal Court shall contain an effective date and shall only be passed by a majority vote of the members.

No County ordinance shall be passed until it has been read on two separate days, but ordinances may be read by title and a summary only.

No County ordinance shall be passed until it has been published pursuant to KRS 424.

All County ordinances and amendments shall be published after passage and may be published in full or in summary form at the discretion of the Fiscal Court.

Official actions of the Fiscal Court, other than those required to be in the form of a County ordinance, including, but not limited to, approvals required by the Fiscal Court, may be taken by resolution, order or motion.

1.4 FISCAL RESPONSIBILITY

1.4.1 BUDGET PROCEDURES

The County Judge/Executive, through the finance department, shall prepare the County budget for review and adoption by the Fiscal Court as provided by KRS Chapter 68 and the rules and regulations of the state and local finance office.

The County Judge/Executive shall prepare a report of anticipated revenue from intergovernmental transfers from city, state and federal governments. The County Judge/Executive shall review the expenditures in each classification of each fund for the preceding year and for the current year.

The County Judge/Executive shall obtain from the County treasurer receipts for actual expenditures made during the current fiscal year. An estimate shall be made of expenditures for the remainder of the current year and of any surplus, by fund, which will remain.

The County Judge/Executive shall obtain from the sheriff an annual settlement, showing County taxes collected, not later than May 1 of the current year.

By the first Friday of February of each year, each County agency and department and each County office shall receive official budget instructions. By the first Friday of March of each year, each such County agency and department and each County office, board or commission or other group that receives County funds shall submit to the County Judge/Executive a written budget request showing the amount of funds requested and containing a thorough explanation of the need for such resources.

1.4.2 BUDGET PREPARATION

The County Judge/Executive shall determine the net estimated receipts from tax levies for the next fiscal year, which net receipts shall include the amount of actual taxes paid the County for the current year plus estimated growth or reduction.

The County Judge/Executive shall post the anticipated revenues for all funds on the budget form and temporary borrowing, estimated surplus and transfer of funds to anticipated revenues to determine the amount available for the year.

1.4.3 BALANCED BUDGET

In the event the estimated expenditures exceed the estimated amount available, an adjustment should be made by reducing the expenditure as the County Judge/Executive finds in the best interest of the County to bring the budget into balance.

By May 1st of each year, the County Judge/Executive shall submit to the Fiscal Court for its consideration, proposed balanced budget for the ensuing fiscal year.

1.4.4 NOTICE

The County Judge/Executive shall cause copy of the proposed budget to be posted in a conspicuous place in the courthouse ten (10) days before final adoption.

(1) The budget summary shall be published in a newspaper of general circulation in the County not less than seven (7) days nor more than twenty-one (21) days before final adoption by Fiscal Court.

(2) The County Judge/Executive shall maintain a copy of the budget as adopted, together with any amendments adopted thereafter, for public inspection.

1.4.5 BUDGET ENACTMENT

Fiscal Court shall enact a balanced budget by June 30 of each year. The County Judge/Executive shall administer the County budget as enacted by the Fiscal Court and as provided by state law.

1.4.6 COUNTY TREASURER

The County Treasurer, appointed by the Fiscal Court in accordance with KRS 68.010, shall receive and receipt for all money due from this County from its collecting officers or from any other persons whose duty it is to pay money into the County's treasury, and shall disburse such money in such manner and for such purpose as may be authorized by appropriate authority of the Fiscal Court. He/she shall not disburse any money received for any purpose other than that for which it was collected and receipt shall be obtained when money is paid out. All warrants for the

payment of funds from the County treasury shall be co-signed by the County Treasurer and the County Judge/Executive or designee of the Judge/Executive.

The County Treasurer shall be responsible for preparing and keeping a complete financial system that records all receipts, revenues and expenditure appropriations for each budget fund, as well as, all general ledger accounting necessary to be in compliance with all pertinent laws, regulations and specific pronouncement of the Governmental Accounting Standard Board (GASB), financial accounting and reporting principles set forth in Governmental Accounting, Auditing and Financial Reporting (GAAFR) published by the National Council on Government Accounting, and Statements on Auditing Standards published by the American Institute of Certified Public Accountants.

The County's fund shall be paid out only on order of the Fiscal Court or warrants signed by County Judge/Executive from budgeted accounts. No expenditures may be made in excess of revenues or for purposes other than appropriated. No appropriations may be made which exceed adopted budget amounts.

The finance department shall invest and reinvest County funds as provided by KRS 68.020 and 66.480.

Claims against the County that are within aggregate budgeted amounts and that arise under duly authorized contracts are to be paid by checks cosigned by the County Judge/Executive or a designee of the Judge/Executive and the treasurer

1.4.7 CLAIMS AGAINST THE COUNTY

As used in this section CLAIMS shall mean authorized vendor payments, payments previously authorized through appropriations by Fiscal Court, reimbursements for County expenses and all approved legal claims.

The County Judge/Executive through the County Treasurer shall account for all claims against the County.

Any claim for payment from the County treasury shall be submitted in writing to the finance department and be in such form as to allow the finance department to

determine its legitimacy. The County Treasurer may require additional information on any claim as it deems necessary.

Any order of the Fiscal Court disapproving a claim shall be reflected in the minutes of the Fiscal Court meeting at which it occurred and shall state the reason in writing for such disapproval.

The payroll for County officials and regular County employees, as well as, other recurring payments such as interest and principal on bonded debt, insurance payments, utilities, that the Fiscal Court may designate shall not require monthly Fiscal Court approval.

1.5 Reserved

1.6 Administrative Agencies

1.6.1 RECORDS

Each County agency shall maintain a financial record of the agency activities containing the amount budgeted for the year, the amount expended to date and the balance available. A report of such information shall be submitted to the County Judge/Executive.

Within sixty (60) days after the close of each fiscal year, each administrative agency shall make a full report to the County Judge/Executive and to the Fiscal Court. The report shall include a financial statement and the general scope of operations of the agency during the preceding year.

Each administrative agency shall submit a detailed annual budget request to the County Judge/Executive within the time limits established.

The County Judge/Executive or Fiscal Court may cause the records and accounts of any administrative agency to be examined at any reasonable time.

1.6.2 MEETINGS

Each administrative agency shall set a time and place for regular meetings of the governing body of the agency and such meetings shall be convenient to the public. A schedule of all regular meetings shall be made available to the public.

All meetings at which County business is discussed or any action taken shall be open to the public unless exempt by KRS 61.810.

Each administrative agency shall prepare an agenda and order of business for each public meeting.

A majority of the members of the agency board shall constitute a quorum for the conduct of official business and no action or decision shall be made except upon concurrence of a majority of members present.

A record of all motions and official actions taken by the agency shall be kept.

1.6.3 SPECIAL MEETINGS

A special meeting of any administrative agency may be called by the County Judge/Executive or by a majority of the members of the governing body of the agency.

Written notice or direct contact of a special meeting shall be given to each member at least forty-eight (48) hours before the time set for the special meeting, unless all members are present at such meeting where a special meeting is called.

Action at a special meeting shall be limited to the issues stated in the call.

1.6.4 NOTICE

Each Agency shall submit to the County Judge/Executive and make available to the public in writing the following:

- (A) All procedures, instructions and forms to be used by the agency.
- (B) All rules, policies, and interpretations adopted by the agency.
- (C) All final decisions, orders and opinions.

1.7 COUNTY ROAD DEPARTMENT

1.7.1 ESTABLISHMENT

The County Road Department has been established by the Oldham County Fiscal Court in accordance with KRS Chapter 179. Since there are County job descriptions of Road Superintendent and County Engineer, this section of the Code shall refer to the function of Road Supervisor/Engineer that shall identify the function and responsibilities as defined in KRS Chapter 179 and is referred to in that chapter as "County Engineer." KRS 179.020 requires that a County Engineer or a County Road Supervisor be appointed by the Judge/Executive with the consent of Fiscal Court. KRS 179.010 defines the term "county engineer" as county road engineer. OAG 93-24 concludes that "county engineer" would also mean county road supervisor where applicable.

1.7.2 COUNTY ROAD SUPERVISOR/ROAD ENGINEER

Under the provisions of KRS 179.020, the Judge-Executive, with the approval of Fiscal Court, may appoint a Road Supervisor and/or a County Road Engineer. Each must meet the qualifications for their respective positions as set forth in KRS 179.020 and KRS 179.020(2), unless the Road Superintendent is reporting, and subordinate, to the County Engineer, in which case only the County Road Engineer must meet the requirements.

In accordance with Section 1.2.5 of this Code, and KRS 67.715, the Judge-Executive, with the approval of Fiscal Court, may direct that the Road Superintendent report to the County Engineer, or that one or both report directly to him.

One of these, i.e., either the Road Superintendent or County Engineer shall be appointed for a certain period of time, which will be either two or four years, as the County-Judge will recommend, measured from the 2nd Tuesday of January of the nearest odd-numbered year. This will normally occur at the beginning or mid-term of a Fiscal Court term. If an individual is appointed to this function to finish the term of a predecessor, the newly appointed individual shall only serve to the end of the predecessor's term.

The Road Superintendent or County Engineer appointed with this certain period may only be removed in accordance with KRS 179.060.

1.7.3 QUALIFICATIONS FOR ENGINEER

The County Judge-Executive, with the consent of the Fiscal Court, may employ a County Road Engineer. Any person so employed shall be either a civil or highway engineer licensed or qualified in accordance with KRS Chapter 322 and KRS 179.020.

The County Surveyor may be employed as County Road Supervisor or Engineer if qualified under KRS 179.020 and for his/her services as supervisor or engineer he/she shall receive a salary in addition to fees allowed by law for the additional services.

If no qualified applicant is found to serve as County Road Supervisor or County Engineer, the County Judge-Executive may appoint a temporary supervisor/engineer for a period not to exceed three months in accordance with the provisions above and below.

1.7.4 QUALIFICATIONS OF A ROAD SUPERVISOR

If the Fiscal Court does not provide for a County Road Engineer, the duties of the County Engineer, except insofar as they may be in conflict with the provisions of KRS Chapter 322, shall be performed by a County Road Supervisor. The County Judge-Executive shall appoint such County Road Supervisor, with a specified term of office (2 years or 4 years) and with the consent of the Fiscal Court.

The County Road Supervisor, if appointed in lieu of a County Engineer, must meet all the qualifications of KRS 179.020(2).

1.7.5 REMOVAL OF THE COUNTY ROAD SUPERVISOR/ROAD ENGINEER

Under the terms of KRS 179.020, either the County Road Supervisor or the Engineer will have an assured term of either two or four years. Whoever has that term may be removed by the County Judge-Executive at any time for incompetence, malfeasance or misfeasance in office upon written charges after a hearing of which

ten (10) days notice shall be given by serving a copy of the charges upon the County Road Supervisor or Engineer. The hearing shall be at the courthouse.

If upon the hearing the charges are sustained, the County Judge-Executive shall remove the County Road Supervisor or Engineer and immediately notify him by mail of his removal. The notice shall state specifically the grounds for removal. The record of the proceedings shall be filed in the office of the County Clerk.

Within ten (10) days after the removal, the County Judge-Executive, with the consent of the Fiscal Court, shall appoint a County Road Supervisor or Engineer to fill the vacancy caused by the removal. The person so appointed shall hold office for the unexpired term or until a final order of a court of competent jurisdiction determines that the original County Road Supervisor or Engineer was wrongfully and illegally removed and directs his reinstatement.

1.7.6 DUTIES OF ROAD SUPERVISOR/ROAD ENGINEER

The County Road Supervisor/Engineer shall be the head of the Road Department subject to the order and direction of the County Judge/Executive.

The Road Supervisor/Engineer shall keep such records and make such reports concerning the activities of his/her department as may be required by statute or by the County Judge/Executive and shall perform the following duties:

- (A) At each regular scheduled meeting of the Fiscal Court, and at such other times as the Court requires, the Road Supervisor/County Engineer shall present any required reports, including a full itemized statement of the expenditures made by him since his last report, giving number and names of employees and such other matter as he deems necessary or the Court requires. Statement of account shall be prepared according to the public accounting laws of the state and be certified to by the agent of the County Engineer having charge of the work. The Supervisor/Engineer shall keep all records and deliver to successor.

- (B) The Road Supervisor/Engineer is in charge of County roads and bridges in the County. All County roads and bridges are to be maintained or improved as required by law.
- (C) He/She shall supervise construction and maintenance of roads and bridges, which includes advising and directing employees on road work; establishing grades; planning construction and maintenance of roads and bridges; notifying persons responsible for removing obstacles, assessing for cost of performing work if performed by the County;
- (D) The Road Supervisor/Engineer shall erect guide boards with Fiscal Court approval;
- (E) The Road Supervisor/Engineer shall prevent flooding of road;
- (F) The Road Supervisor/Engineer shall measure public roads within the County;
- (G) The Road Supervisor/Engineer shall be responsible for the performance of the Road Department and its functions, and all persons who are employees of the Road Department shall be subject to the supervision and direction of the Road Supervisor/Engineer.

The Road Supervisor/Engineer is not to employ as a laborer on the public roads, his father, son, son-in-law, grandson, brother, brother-in-law, nephew or first cousin by blood.

1.7.7 ROAD DEPARTMENT PROPERTY

Equipment and materials for the Road Department shall be acquired in accordance with the provisions of this Code.

Employees of the Department shall be responsible for the good care of departmental equipment and property, whether fixed or movable, assigned to their use and keeping and shall promptly report to their Supervisor the loss or damage to or unserviceable condition of such property.

Any employee found guilty of damages to or destruction of departmental property or equipment, either through willfulness or negligence, shall be required to pay all costs of repairs or replacements thereto.

All employees of the Road Department shall immediately report to their supervisor the loss of any departmental property or equipment that has been furnished to the individual.

No departmental property or equipment shall be used for private purposes or on private property without the prior written authorization of the County Judge/Executive.

1.8 Legal Contracts and Instruments

The county attorney shall review all contracts and legal instruments required by the County or on behalf of the County, and prepare such other instruments as needed, as to form and legality.

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2 PROCUREMENT CODE (REVISED- 10/20/15 KOC 15-200-49)

2.1 GENERAL PROVISIONS

PURPOSE

This Code shall be construed and applied to promote its underlying purposes and policies, and may be cited as the Oldham County Procurement Code (OCPC), adopted as a sub-part of the Fiscal Court Administrative Code, all pursuant to KRS68.005.

PRINCIPLES OF LAW APPLICABLE

Unless displaced by the particular provisions of this Code, the principles of law and equity, including the Uniform Commercial Code of this state, the law merchant, and law relative to capacity to contract, agency, fraud, misrepresentation, duress, coercion, mistake, or bankruptcy shall supplement the provisions of the Code.

APPLICATION OF THIS CODE

This Code shall apply to every expenditure of public funds under the control or direction of Fiscal Court, irrespective of their source, including federal assistance monies except as otherwise specified, by the Fiscal Court, acting through a governmental body as defined herein, under any contract. It shall also apply to the disposal of County supplies. Nothing in this Code or in operational procedures issued hereunder shall prevent any governmental body from complying with the terms and conditions of any grant, gift, bequest or cooperative agreement.

PUBLIC ACCESS

Procurement information shall be a public record to the extent provided in KRS 61.870 through KRS61.884 and shall be available to the public as provided in said statutes.

DETERMINATIONS

Written determinations required by this Code shall be retained in the Appropriate official contract file of the purchasing director or the head of a governmental body conducting a particular procurement.

2.2 APPROVAL

PROCUREMENT ORGANIZATION AND APPROVALS

The Judge Executive is responsible for the negotiation and execution of all contracts for supplies and services and for administration and supervising of the County purchasing system.

Every contract of the County shall be authorized or approved by the Fiscal Court before it is executed by the Judge Executive.

Every procurement contract of the County that is greater than \$1000.00 shall be approved as to form and legality by the County Attorney.

The Judge Executive may delegate performance of part or all of the purchasing duties by appointing a designee, who may in turn delegate duties as needed to appropriate personnel under his/her supervision.

Except as otherwise specifically provided in this Code, The County Judge/Executive, shall in accordance with applicable regulations and with the approval of Fiscal Court sell, trade, or otherwise dispose of surplus supplies and property belonging to the County.

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2.3 COMPETITIVE SEALED BIDS

AWARDS

Unless otherwise authorized by law, all County contracts shall be awarded by competitive sealed bidding or by reverse auction.

Contracts shall be awarded by competitive sealed bidding except as otherwise provided in KRS 424.260, which provides exclusions for emergencies, professional services, purchases under \$50,000, or perishables.

SUBMISSION OF REQUEST

The agency, department or person requiring supplies, services or construction shall submit to the County Judge/Executive a written request containing specifications and quantities desired.

The County Judge/Executive shall determine the need for the items requested, the approximate cost and whether or not the expenditure is provided for in the budget.

INVITATION FOR BIDS

An invitation for bids shall be issued and shall include a purchase description, and all contractual terms and conditions applicable to the procurement.

The County Judge/Executive shall place an advertisement in the newspaper of largest circulation in the County at least once, not less than seven nor more than twenty-one days before bid opening. The advertisement shall include the time and place the bids will be opened, and the time and place where the specifications may be obtained. The County shall be able to use such other means as are available to ensure obtaining competitive bids. The facts to be considered in bid selection shall be stated in the advertisement.

BID SELECTION

Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as may be specified for a particular procurement, together

with the name of each bidder shall be recorded; and the record and each bid shall be open to public inspection.

Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Code. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluations that are not set forth in the invitation for bids.

BID MISTAKES

Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the County or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a mistake of fact may be permitted to withdraw its bid if:

The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or

The bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the purchasing director or head of a governmental body conducting a particular procurement.

2.4 PREQUALIFICATION OF BIDDERS

BACKGROUND INFORMATION

Each bidder or offeror, if requested, shall furnish on prescribed forms information pertaining to all contracts completed in the past two years and financial institutions used.

The County Judge/Executive shall contact at least one purchaser listed by the bidder or offeror to verify the record of performance unless sufficient knowledge is already available to the Fiscal Court.

A credit check may be made through an established organization and the information compared with the information furnished by the bidder/offeror.

In the event the information is conflicting or incomplete, the County Judge/Executive shall make further inquiry of the bidder/offeror, including inspection of the place of business or examination of the books or records.

SELECTION

The contractors who have demonstrated by past performance the ability to perform satisfactorily in accordance with contracts on a timely basis and have shown a sound financial structure shall be qualified as responsible.

The County Judge/Executive may make a written determination as to the extent of responsibility of each bidder/offeror and shall maintain a list of those who qualify as responsible contractors for particular types of supplies, services and construction items.

The County Judge/Executive shall inform prospective contractors of the pre-qualification procedures and encourage them to supply the information required for pre-qualification.

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2.5 BID SELECTION

APPROVAL

The County Judge/Executive shall submit the bid selected to Fiscal Court for approval. The contract shall be awarded with reasonable promptness by written notice to the lowest and best evaluated responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

RECORDS

The County Judge/Executive shall sign the contract, if one is used, and shall issue a purchase order to vendors and retain two copies.

When items are delivered, the invoice shall be placed in a file by vendor's name; when payment is made, one copy of the purchase order shall be placed in the vendor's file and one filed in numerical order with the other paid purchase orders.

The County Judge/Executive shall enter the amount of the expenditure in the purchases ledger.

BIDS EXCEED BUDGET

In the event all bids for a particular solicitation exceed available funds as certified by the appropriate fiscal officer, the County Judge/Executive is authorized to negotiate an adjustment of the bid price.

When the prerequisites have been met for use of the negotiated process, the County Judge/Executive shall proceed to negotiate with one or more suppliers in order to obtain the most advantageous terms for the County.

The County Judge/Executive shall prepare a record of all negotiated contracts, showing the items and quantities acquired, name of suppliers, cost and date of contract.

Professional services shall be negotiated with such persons as are properly licensed to perform such services and shall be limited to those services to which the license applies.

Where more than one bid was received and all were in excess of the amount available, the lowest three bidders shall be notified that the County desires to negotiate a contract for a lesser amount based on revised quantities or specifications and fix a time limit for submission of proposals.

The County Judge/Executive shall examine the proposals received and shall negotiate with the suppliers for the terms most advantageous to the County.

2.6 ALTERNATIVE PROCEDURES

MULTI-STEP SEALED BIDDING

When it is considered impractical to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers, to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

NEGOTIATED PROCESS

The negotiated process may be used instead of advertisement for sealed bids in one of the following circumstances:

- the contract is for professional services;
- the contract amount does not exceed \$20,000;
- sole source procurement; or
- an emergency exists.

Subject to the limitations of this section, any type of contract which will promote the best interests of the County may be used; provided, however, that the use of a cost-plus-a-percentage-of-cost contract is prohibited.

CONTRACT FOR PROFESSIONAL SERVICES

When the purchasing director determines, in writing, that the use of competitive sealed bidding is either not practicable or not advantageous to the County, a contract may be entered into by competitive sealed proposals.

A professional service is one performed by a licensed professional and an activity for which the license is required.

Proposals shall be solicited through a request for proposals following the same publication and selection criteria set forth for competitive sealed bids.

Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be prepared in

accordance with operational procedures adopted hereunder, which shall be open for public inspection after contract award.

As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of; and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the County, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

The best negotiated proposal shall be submitted to the Fiscal Court for approval and award.

GENERAL PURCHASE PROCEDURES

All purchases must be verified and approved by the issuance of a purchases order. When the vendor submits an invoice the purchase order number must be indicated; invoices without a purchases order number will not be paid. Sufficient funds must also exist in the department's particular line item from which the purchases will be paid. Department Heads shall complete the purchase order form and signify their approval of the purchases by their signature or other appropriate method.

If insufficient funds exist, a written request to transfer funds must be submitted by the Department Head to the Judge Executive requesting funds be transferred. The Line Item Transfer Request should state the line items the funds are to be taken from and to which line item they are to be transferred along with the purpose of the transfer. The Judge Executive shall forward all Line Item Transfer Request Forms to

the Finance Director who will prepare a Court Order for submission to the Fiscal Court. Only after Fiscal Court approves the transfer of funds can the purchases be authorized by the issuance of a purchase order number.

It is the responsibility of each Department Head to insure that the correct goods are received, that the vendor's invoice is received and is correct, and that the purchase order amount has not been exceeded. Any deviation from the purchase order as issued should be brought to the attention of the Judge Executive. When all invoices, bills of lading, shipping documents, etc. are correct and the goods have been received, each Department Head shall forward to the Judge Executive all paperwork. After review by the Judge Executive the paperwork shall be forwarded to the Finance Department for payment.

Approval of the Annual Budget does not constitute permission for departments to make purchases. Factors such as cash flow, other needs, or a disappearing need for an approved item must always be considered before purchases are approved. Approval of the Budget does reflect the intent of Fiscal Court to provide the necessary and appropriate resources to accomplish the purposes of Fiscal Court and the departments responsible to Fiscal Court; under most circumstances these necessary resources should not be withheld.

SMALL PURCHASES

Any procurement not exceeding \$20,000 for advertisement of bids, as amended, may be made in accordance with small purchase procedures established by the County Judge/Executive, provided, however, that procurement requirements shall not be artificially divided so as to constitute a small purchase under this section.

The County Judge/Executive shall obtain three price quotes from vendors and select the one most advantageous to the County. If the expenditure is under \$1000.00, the Department Executive selects the vendor.

Four copies of purchase orders are to be prepared; one for the vendor, one for the agency requesting the items and two for the County Judge/Executive for purchases over \$1000.00. All purchases require an invoice or sales ticket or voucher.

After payment is made, the County Judge/Executive shall file one copy of the purchase order in numerical sequence and the other copy alphabetically by the vendor's name, along with the vendor's invoice.

SOLE SOURCE PROCUREMENT

A contract may be awarded for a supply, service, or construction item without competition, when under applicable operational procedures, the County Judge/Executive determines in writing that there is only one source for the required supply, service, or construction item. The person conducting any such procurement shall conduct negotiations, as appropriate, as to price, delivery and terms. A record of sole source procurements shall be maintained by the County Judge/Executive as a public record and shall list each contractor's name, the amount and type of each contract, the items purchased under each contract, and the identification number of the contract file.

PROCUREMENT WHEN ADMINISTERING FEDERAL-AID TRANSPORTATION PROJECTS

I. Procedures to Administer, Track and Monitor Projects

Project Award/Contract:

Once a project/grant is awarded, a project number will be assigned to the project by the Chief Financial Officer. All future documents on the project, such as invoices, monthly and annual reports, letters and memos shall include the project number.

The project will then be assigned to a project manager. The project manager will create a new folder for the project in the central file located in the Chief Financial Officer's office. At the same time, a digital file folder will be created in a computer

network drive. All contracts and documents related to the project will be filed in the project folder located in the Chief Financial Officer's office. These documents shall also be scanned and saved in a digital form in the project file in the computer network drive.

Consultant Selection and Construction Bidding: Consultant selection and construction bidding process is led by the designated project manager, and shall comply with KRS 45A and follow the guidelines of the *Interim Federal-Aid Highway Program Project Development Guide for Local Public Agencies*.

Consultant Selection: For professional services, such as planning, environmental, engineering and architectural services, qualification-based consultant selection process that complies with federal and state requirements shall be followed.

Construction Bidding: For construction projects, competitive bidding process that meets federal and state requirements shall be followed.

Project Management: Unless otherwise specified, the project manager is responsible for the daily management of the project, including managing the selected consultant and contractors in accordance with *Interim Federal-Aid Highway Program Project Development Guide for Local Public Agencies*.

Project Reporting and Record Keeping: A monthly report and annual report shall be prepared for each project and placed in the file. Additional reports may be needed as requested by the KYTC Administering Office. Oldham County Finance department shall maintain records for all federal-aid transportation projects.

Project Closure: The project manager and the Chief Financial Officer shall prepare and submit documents required to close the grant when the project is complete. All project records shall be maintained for a minimum of 3 years after final payment is received.

II. Project Accounting Procedures

General Purchase Procedures

All purchases must be verified and approved by the issuance of a purchase order. When the vendor submits an invoice the purchase order number must be indicated; invoices without a purchases order number will not be paid. Sufficient funds must also exist in the department's particular line item from which the purchases will be paid. Department Heads shall complete the purchase order form and signify their approval of the purchases by their signature or other appropriate method.

If insufficient funds exist, a written request to transfer funds must be submitted by the Department Head to the Judge Executive requesting funds be transferred. The Line Item Transfer Request should state the line items the funds are to be taken from and to which the line item they are to be transferred along with the purpose of the transfer. Only after Fiscal Court approves the transfer of funds can the purchases be authorized by the issuance of a purchase order number.

It is the responsibility of each Department Head to insure that the correct goods/services are received, that the vendor's invoice is received and is correct, and that the purchase order amount has not been exceeded. Any deviation from the purchase order as issued should be brought to the attention of the Judge Executive. When all invoices, bills of landing, shipping documents, etc; are correct and the goods/services have been received, each Department Head shall forward to the Judge Executive all paperwork. After review by the Judge Executive the paperwork shall be forwarded to the Finance Department for payment.

Approval of the Annual Budget does not constitute permission for departments to make purchases. Factors such as cash flow, other needs, or a disappearing need for an approved item must always be considered before purchases are approved. Approval of the Budget does reflect the intent of Fiscal Court to provide the necessary and appropriate resources to accomplish the purposes of Fiscal Court and the departments responsible to Fiscal Court; under most circumstances these necessary resources should not be withheld.

Project Accounting Procedures for Federal-Aid Transportation Project

Oldham County Capital Improvement Program (CIP): All capital improvement projects shall be identified by each individual department of Oldham County. A detailed project description, estimated cost, anticipated timeframe of project, or other requested information shall be submitted to the CIP Committee for review. The CIP Committee may make changes to the submitted projects, and may include some or all of the submitted/revised projects in the 5 year Capital Improvement Program. The CIP Committee will also rank the projects scheduled for the first year in the CIP and include the top ranked projects in the proposed budget.

Oldham County Annual Budget: Oldham County Fiscal Court reviews and approves the annual budget which includes the capital improvement projects that the CIP Committee recommends. Most capital improvement projects included in the budget are encouraged to seek funding from federal, state and other sources.

Project Award and Contract: Once a project/grant is awarded, a project number will be assigned to the project by the Chief Financial Officer. All future documents on the project, such as invoices, monthly and annual reports, letters and memos shall include the project number.

Payment of Invoices and Requests for Reimbursement: All procedures for the payment of invoices received and requests for reimbursement shall comply with the *Interim Federal-Aid Highway Program Project Development Guide for Local Public Agencies*. All accounting requirements and procedures as part of the project agreement shall be followed.

Invoices from Vendors: All invoices to be paid by Oldham County shall include the project name and number, invoice date and billing period, vendor invoice number and contact information, percent of project completed, a summary of work completed during the invoice period, prevailing wage (if required) and other supporting documents that may be required by Oldham County. All invoices need to be approved by the project manager before it can be processed by the payable specialist.

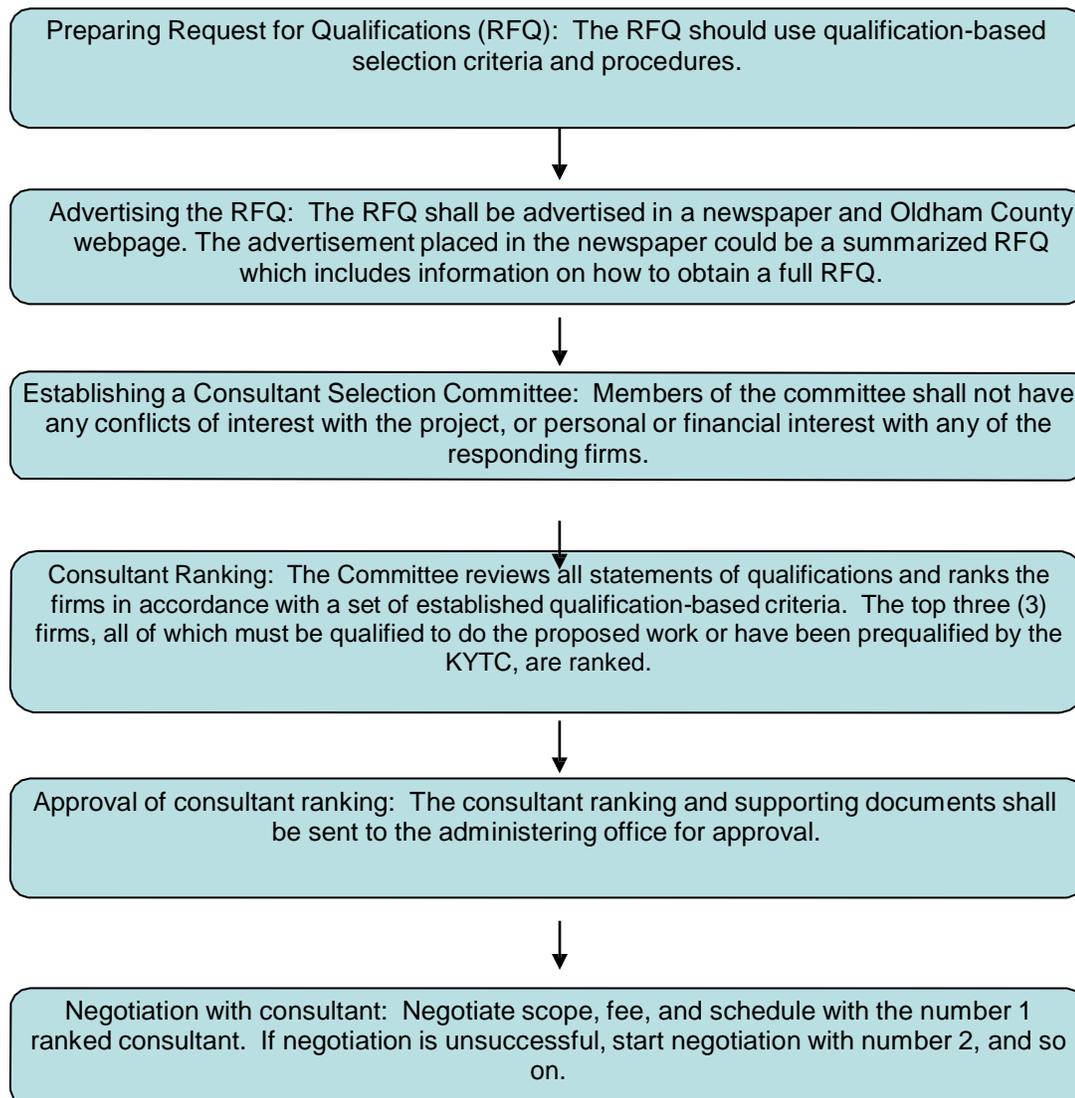
Requests for Reimbursement: Oldham County Finance department shall submit requests for reimbursement for all eligible costs on a monthly basis using the invoice form provided with the Project Agreement along with a formal letter. The request for reimbursement should include the project, name, brief description, Oldham County contact information, vendor invoice number, date of request, billing period, contract number, authorization number, appropriate federal numbers, printed name and title of signee, and approval signature. Appropriate vendor invoices and other supporting documents (such as receipts that include a detailed description and location of the work performed, printed name and approval signature, date, and cancelled checks) as needed to explain expenditures submitted for reimbursement. If Oldham County uses in-kind contributions as local match or requests reimbursement for staff time or equipment, Oldham County employees shall record the time actually worked and equipment hours used on each federal project on a daily basis. Employee must sign the daily time and equipment record and the supervisor must approve.

Record Keeping: Oldham County Finance department shall maintain records for all federal-aid transportation projects. All project records shall be maintained for a minimum of 3 years after final payment is received.

III. Procurement and Bidding Procedures

Consultant selection and construction bidding procedures shall comply with KRS 45A and follow the guidelines of the *Interim Federal-Aid Highway Program Project Development Guide for Local Public Agencies*.

Consultant Selection: For professional services, such as planning, environmental, engineering and architectural services, qualification based consultant selection process that complies with federal and state requirements shall be followed. The following chart shows the detailed consultant selection procedures:



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Approval of work scope, fee and schedule: Submit the scope, fee, and schedule to the administering office, and receive a letter from them confirming receipt of the documentation and a statement that the negotiated scope, fee, and schedule are reasonable.

Construction Bidding: For construction projects, competitive bidding process that meets federal and state requirements shall be followed. The following chart shows the detailed construction bidding procedures:

Project Clearances: 1). submit the Project Delivery Checklist and Certification Form for approval; 2). request a written notice from KYTC that the funding has been authorized and that Oldham County can proceed with the advertisement; 3) ensure all environmental documents are current.

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Advertising for Construction Bids: Request for bids shall be advertised in a newspaper and Oldham County webpage. Bid documents shall be made available for review.

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Bid Opening: All bids submitted by the deadline shall be opened and read aloud by Fiscal Court at its regular open meeting.

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Reviewing Bids: An independent engineer's estimate shall be prepared to which the contractors' bids are compared for reasonableness. All bids should be thoroughly reviewed and a recommendation shall be made to award or reject. When all bids are rejected, the project must be re-advertised and re-bid.

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Approval of construction bid: Recommendation to award the bid shall be submitted to the KYTC for approval.

EMERGENCY

Notwithstanding any other provisions of this Code, the County Judge/Executive, when an emergency has been declared pursuant to KRS 424.260, may make or authorize others to make emergency procurements when there exists a threat to public health, welfare or safety under emergency conditions; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of emergency procurement shall be made by the County Judge/Executive setting forth the contractor's name, the amount and type of contract, the items purchased under each contract, and the identification number of the contract file.

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2.7 POST-BID PROCEDURES

CANCELLATION OF REQUESTS

An invitation for bids, a request for proposals or other solicitation may be cancelled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interest of the County. The reasons therefore shall be made part of the contract file, and each solicitation issued by the County shall state that it may be cancelled and that any bid or proposal may be rejected in whole or in part for good cause when in the County's best interest. Reasons for rejections shall be provided upon request by unsuccessful bidders or offerors.

COST OR PRICING DATA

A contractor shall, except as provided in this section, submit cost or pricing data and shall certify that, to the best of its knowledge and belief, the cost or pricing data submitted was accurate, complete and current as of a mutually determined specified date prior to the date of;

The pricing of any contract awarded by competitive sealed bids or pursuant to the sole source procurement authority, where the total contract price is expected to exceed an amount established by operational procedures or the solicitation documents; or

The pricing of any change order or contract modification which is expected to exceed an amount established by operational procedures or a particular contract.

Any contract, change order, or contract modification under which a certificate is required, shall contain a provision that the price to the County, including profit or fee, may be adjusted to exclude any significant sums by which the County finds that such price was increased because the final cost or pricing data was inaccurate, incomplete, or not current as of the date agreed upon between the parties.

The requirements of this section need not be applied to contracts:

- Where the contract price is based on adequate price competition;
- Where the contract price is based on established catalogue prices or market prices;
- Where the contract prices are set by law or regulations; or
- Where it is determined in writing that the requirements of this section may be waived, and the reasons for such waiver are set forth in said determination.

CANCELLATION OF CONTRACT

When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be cancelled and the contractor shall be reimbursed for the reasonable value of any non-recurring costs incurred, but not amortized, in the price of the supplies or services delivered under the contract. The cost of cancellation may be paid from any appropriations available for such purposes.

INSPECTION

The County may, at reasonable times, inspect the part of the plant or place of business of a contractor or any subcontractor which is related to the performance of any contract awarded or to be awarded by the County.

AUDIT OF RECORDS

The County may, at reasonable times and places, audit the books and records of any person who has submitted cost or pricing data to the extent that such books and records relate to such cost or pricing data. Any person who receives a contract for which cost or pricing data is required, shall maintain such books and records that relate to such cost or pricing data for three years from the date of final payment under the prime contract, and by the subcontractor for a period of three years from the date of final payment under the prime contract, and by the subcontractor for a period of

three years from the date of final payment under the subcontract, unless a shorter period is otherwise authorized in writing.

RECORD OF PROCUREMENT ACTIONS

The County Judge/Executive shall maintain a record listing all contracts made on behalf of the County for a minimum of three years. The record shall contain:

- Each contractor's name;
- The amount and type of each contract; and
- The supplies, services or construction procured under each such contract.

A copy of such record shall be submitted to Fiscal Court on an annual basis, and the record shall be available for public inspection.

PROCEDURES FOR RECEIVING, STORING AND DISBURSING REPETITIVE USE ITEMS

The County Judge/Executive is responsible for the receipt and inspection of all property and supplies to be stored.

Each item shall be inspected upon receipt and all items which do not conform to specifications shall be rejected, and the vendor notified immediately.

PROCEDURES FOR DISPOSITION OF SURPLUS PROPERTY

The County Judge/Executive shall prepare a written statement which describes the property, including the date of acquisition and its intended use at the time.

The statement shall include the proposed disposition of the property and the reasons such disposition is in the public interest.

The statement shall include the present use of the property and evidence of consultation with the person having custody or control.

The statement shall state the method of disposition, whether it is to be transferred to another governmental agency or to a private concern; compensation, if any, to be received; and whether it is to be sold at public auction, by sealed bids or through negotiations.

If the property is to be sold through negotiations, the property shall be appraised by at least two competent and independent appraisers and the appraisals attached. No property shall be sold on a negotiated basis for less than the appraised value.

The procedure for disposition of surplus property may be waived if the Fiscal Court declares property surplus and approves the disposition.

PROCUREMENT PROCEDURES DURING A DECLARED EMERGENCY

Through the county judge/executive of a county other than an urban-county government, mayor of an urban-county government, chief executive of other local governments, or mayor of a city, or their designees as provided by ordinance, declare in writing a state of emergency when required, and thereafter execute any emergency powers granted under this chapter to provide for adequate and appropriate response to any occurrence or situation or any impending event or situation resulting from any of the situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030;

Appropriate and expend funds, make contracts, enact cost-recovery ordinances, obtain and distribute equipment, materials, and supplies for disaster and emergency response purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any disaster or emergency; review or approve local emergency operations plans; and enact orders or ordinances pertaining to local emergency management programs in accordance with the policies and plans prescribed by the federal and state emergency management agencies and the provisions of KRS Chapters 39A to 39F;

In the event of a national emergency or state of declared emergency or declared disaster or catastrophe, as provided in KRS 39A.100, waive procedures and formalities otherwise required by the law pertaining to: the performance of public work; entering into contracts; the incurring of obligations; the employment of permanent and temporary workers; the utilization of volunteer workers; the rental of equipment; the purchase and distribution, with or without compensation, of supplies, materials, and facilities; the appropriation and expenditure of public funds; and the demolition and removal of damaged public and private structures.

3.0 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”). The policies shall guide the administration in the recruiting, selecting, assigning, supervising, and disciplining employees.

The personnel policies contained in this manual comply with the provisions of KRS 67.710 concerning the powers and duties of the County Judge/Executive and incorporate all aspects of personnel administration required by KRS 68.005.

These policies supersede and replace all previously approved ordinances, resolutions and other Fiscal Court actions related to the matters contained herein.

These policies are intended to provide guidance on personnel issues that may arise. 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. Only the County may modify these policies by executing a written contract between an employee and the County.

AUTHORITY AND RESPONSIBILITY

Under the provisions of state law, Fiscal Court shall approve and adopt policies concerning personnel administration.

Under the provisions of state law, the County Judge/Executive is authorized to recommend personnel policies and amendments thereto, to the Fiscal Court for its approval. The County 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 the Administrative Code. The policies, procedures, and programs outlined in this manual shall be the final authority.

SECTION 3.1 GENERAL PROVISIONS

A. 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.

B. HUMAN RESOURCES ADMINISTRATION

The County Judge/Executive as set forth in KRS 67.710, or his/her designee, shall administer the human resources system set forth herein.

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

- (1) Immediately upon official amendment, the change(s) shall be written in a manner and format consistent with these policies and procedures,
- (2) The amending ordinance shall be recorded in this administrative code;
and
- (3) 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/Executive, or his/her designee, shall conduct an annual review of the Human Resources policy and procedures manual, preferably during the budget preparation process.

C. SCOPE OF COVERAGE

The Oldham County Fiscal Court Administrative Code, Human Resources Administration, as adopted, is applicable to all persons employed in positions at all levels in the 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,
- (d) Consultants, advisors and counsel rendering temporary professional services,
- (e) Independent contractors, and
- (f) Temporary or seasonal employees.

D. PERSONNEL RECORDS

Beginning the first day of employment, all new employees shall report to the Human Resources office to supply any information needed to complete personnel records, execute payroll withholding authorization and enroll in the applicable employee benefit programs.

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 kept in the file which shall be accessible to each respective employee. A separate file shall be maintained for 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:

- (a) An employee requesting to inspect the personnel file which holds his/her employment history;
- (b) A Department director requesting the personnel file which holds the employment history of one of their employees;
- (c) Members of Fiscal Court; and
- (d) 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 with advanced written notice.

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 request and other portions are not.

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

- Name
- Position
- Work Station
- Salary
- Portions of public employees' resumes reflecting relevant prior work experience, educational qualifications, and information regarding ability to discharge responsibilities of public employment.
- Reprimands to employee regarding job-related misconduct.
- Lawsuit settlement documents.
- Open records request letter and agency response.
- Letters of resignation submitted by public employees.

- Public employee time sheets.
- 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:

- Home address.
- Social Security Number.
- Medical records.
- Marital status of public employees.
- Results of polygraph tests.
- Employee evaluations.
- Psychological and psychiatric records. Race and gender of public employees.

E. ATTENDANCE RECORDS

Under the laws of Kentucky, all employee compensation must be accompanied by detailed records of every employee's time at work:

1. 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.

a. The Human Resources department and the Finance Officer shall determine the format all employees shall use for recording time spent working.

i. Salaried employees shall maintain and submit a bi-weekly record of their time.

ii. Hourly employees shall always clock in to work. 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.

iii. 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.

iv. 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.

v. Non-exempt employees must receive advance authorization from a supervisor before working overtime. Any change in an employee's prescribed departmental schedules must be approved in advance.

vi. 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.

b. 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.")

c. Violation of any policy for employee time-keeping may result in severe disciplinary action:

i. Failure to clock in or out two times within a work week, 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.

2. 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 heads or their approved surrogates shall submit approved work records for a completed pay-period to the payroll administrator by 10:00 a.m. on the second Tuesday of the following pay period. If that day should fall on a holiday, time records should be submitted by 3:00 p.m. of the last day of work prior to the holiday.

b. Records to be reviewed and approved by the appropriate supervisor before being forwarded to the payroll administrator shall include:

- i. Exempt Time sheets
- ii. Work logs
- iii. Time clock records
- iv. Work-related travel and activity reports

F. 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. Employees may pick up their paycheck or pay stub from their department director.

- Besides showing the amount the employees are paid and leave balances, the pay stub shows amounts for the calendar year in different categories, such as:
- State and federal taxes
- Retirement contributions
- Social security
- Health and life insurance
- Garnishments
- Certain charitable deductions as authorized by Fiscal Court and the participating employee
- Other deductions, as authorized by the employee

Employees are urged to keep their pay stubs to show the amounts which have been paid each year into these categories. This will help when the employee file taxes.

G. AUTOMATIC DEPOSIT

The employee will have paychecks automatically deposited into the employee's credit union or bank account. If the employee would like, paychecks can be split between different banks and/or bank accounts. To begin automatic deposit, the employee must bring a voided check to Human Resources and fill out a direct deposit form.

H. HOURS OF WORK

Employees shall be at their places of work in accordance with prescribed departmental schedules. All departments shall maintain daily attendance records of all employees. All department heads shall submit time sheets to the Payroll Officer prior to payday.

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 four (4) consecutive hours are not entitled to a break. Flexible hours may be scheduled for employees, if approved by the department head and County Judge/Executive.

I. WORKWEEK

The Court's official workweek shall begin on Monday at 8:00 AM and end on Friday at 4:30 PM. The workweek shall consist of 37.5 hours except for certain employees who perform duties that are necessarily available 24 hours a day, seven days a week. The workweek for these employees shall consist of 40 hours per week.

Fiscal Court may change the official workweek at any time, but not to avoid overtime requirements.

J. FALSE CREDENTIALS

If it should come to the attention of the department director, Human Resources or County 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 immediate disciplinary action.

K. SUGGESTION SYSTEM

Fiscal Court employees are encouraged to submit suggestions that could allow the government to operate more efficiently and effectively. Suggestions should be submitted to the department head, who shall forward them to the County Judge/Executive along with recommendations for approval or disapproval. Employees who submit suggestions that are approved will receive recognition at the time the suggestion is implemented.

L. EMPLOYMENT OF RELATIVES (NEPOTISM)

No Fiscal Court officer or employee shall act in his/her official capacity to hire or cause to be hired any member of his/her immediate family, including domestic partners or of persons with a dating relationship within the same department, unless the employees would be working in clearly separate divisions within the same large department. Neither will they hire nor cause to be hired same at a pay rate or with benefits in excess of any other employee with similar job duties, responsibilities and qualification requirements.

For reasons of employee morale and effective management, related individuals may only be employed in the same department or administrative unit if one 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 directly immediately upon the commencement of any relationship prohibited by this Section. Concealment of the existence of a relationship prohibited by this Section is grounds for immediate termination of an employee.

No officer or employee shall exercise contract management authority where any member of the immediate family of the official or employee is employed by or has contracts with persons doing Fiscal Court work over which the official or employee has or exercises contract management authority.

For purposes of this Code, related individuals 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, step-sister, and grandchild or any relationship similar to that of persons who are related by blood or marriage. A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or termination from employment. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

M. 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.

N. EQUAL EMPLOYMENT OPPORTUNITY

The Fiscal Court is strongly committed to providing equal employment opportunities to all of its employees and applicants for employment and to prohibit discrimination based on race, color, gender, religion, national origin, disability, age, marital status, or ancestry. Fiscal Court promotes equal opportunity in matters of hiring, promotion, transfer, compensation, benefits, training, termination and company-sponsored programs, and other conditions of employment.

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 the Human Resources Director.

O. REASONABLE ACCOMMODATION FOR RELIGIOUS OBSERVANCES

Fiscal Court will make reasonable accommodations as provided by law for employees desiring to observe religious holiday or whose work schedule may conflict with religious observances. If the employee wants to take a religious holiday (as vacation or leave without pay), the employee should ask his supervisor, at least, a week in advance, and, if possible, his work schedule will be adjusted to permit the holiday. The supervisor will also discuss possible alternative work schedules that would allow participation in religious observances.

P. 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 in hiring, promotion, discharge, pay, job training, fringe benefits and other aspects of employment.

Fiscal Court will provide reasonable accommodation to qualified individuals with a disability that, with or without, an accommodation, can perform the essential functions of the job classification, unless the accommodation will impose an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any person (employee or citizen) who believes that he or she has been subjected to prohibited discrimination may personally, or by a representative, file a complaint with Human Resources or the Constitutional Officer who serves as the agency's executive authority.

Any person (employee or citizen) who believes that he or she has been adversely affected by an act or decision by the Court, and that such act or decision was based on disabled status, may file a complaint with Human Resources.

Q. SMOKING

In keeping with Fiscal Court's intent to provide a safe and healthful workplace and environment, which is in the best interest of all employees, smoking is prohibited in all Fiscal Court buildings. Smoking will be allowed only in designated smoking areas.

R. BENEFITS DUE TO A GRANDFATHER CLAUSE

Some benefits and practices have been permitted to continue on a grandfather basis. The Court reserves the right to terminate or modify a benefit or practice in its discretion, or as otherwise mandated by law.

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SECTION 3.2 CLASSIFICATION PLAN

A. GENERAL PROVISIONS

The classification plan, as required by law and incorporated as a part of this administrative code:

- (1) Shall have a written job description for each position that includes:
 - a. A concise, descriptive title,
 - b. A description of the duties and responsibilities,
 - c. A statement of the physical requirements and qualifications, including skills, abilities, experience and education preference for each position.
- (2) Shall evaluate jobs and assign them to appropriate grade levels.
- (3) All positions similar in duties and responsibilities shall be sufficiently alike to permit:
 - a. The use of a single descriptive title,
 - b. The same description of the duties for each position,
 - c. The same qualifications for each position,
 - d. The use of the same tests of competence for each position,
 - e. Application of the same pay range to each position.

At least once each year, Human Resources shall:

- (1) Review the duties and responsibilities of each position,
- (2) Recommend and consider on the basis of the review:
 - a. A reclassification of positions, if deemed necessary,
 - b. The creation of one or more new positions, if deemed necessary,
 - c. The abolition of one or more existing positions, if deemed necessary.

Whenever the duties of a position so change that no appropriate job title exists for it, Human Resources shall:

- (1) Prepare an appropriate job description for it;
- (2) Evaluate the position and assign it to an appropriate grade level; and
- (3) Submit it to the Fiscal Court for approval.

It is the responsibility of the department director to request a reclassification study. Reclassification of a position may not be used to avoid a restriction concerning demotion, promotion or compensation.

A Department director or Human Resources may create a new position with the approval of the Fiscal Court by amending this ordinance. In creating a new position, Human Resources shall:

Prepare a job description for the new position.

B. 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.

C. POSITION EVALUATION

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. While positions can be evaluated in many ways, Fiscal Court uses a point factor method to provide an objective means of measuring position content. The job is evaluated, not the person who holds it. Human Resources considers what the position actually is, not what it should be or might become in the future. The evaluation of the job is accomplished using weighted criteria like the following:

- Education/Certification
- Experience
- Knowledge
- Level of Authority
- Level of Confidentiality
- Ability to Problem Solve • Accountability
- Level of Interpersonal Skills Needed

All regular positions are subject to review and assignment to an appropriate pay grade by the Human Resources Department and subject to approval by Fiscal Court.

D. JOB DESCRIPTIONS

A job description exists for each individual job in Fiscal Court. The descriptions are developed using information gathered from the people performing the job, supervisors and department directors. The descriptions are reviewed and approved by department directors. Job descriptions serve a number of useful purposes, including the following:

- **Organizational Analysis.** Job descriptions contain valuable information for study and analysis of operating needs and organization structure and design.
- **Communication.** The job description serves as the basis for employees and their immediate supervisor to reach a common understanding. This information is useful in day-to-day activities and for the long range planning of your performance objectives.
- **Performance Management.** The content of the job description, and specifically the accountabilities (examples of work), are vital in planning and measuring job performance for both pay- for-performance and performance management. It should be reviewed each year with your performance appraisal.

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 those knowledge, skills and abilities necessary to perform the duties assigned.

Every employee will sign an acknowledgement form stating that they have/will receive(d) a copy of their current job description from their supervisor.

E. JOB TITLE

The job title of a position shall be used as the official title of the position wherever such position is designated in any payroll, budget estimate, or other official records or reports. The official job title is assigned by Human Resources.

Department directors may assign “working titles” to such positions as they deem appropriate and necessary (e.g., Assistant Director, Parks and Recreation or Recreation Superintendent).

F. STATUS OF EMPLOYMENT

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

- (1) Full-time employee - An employee who works 36-40 hours per week on a regularly scheduled basis.
- (2) Regular Part-time employee - An employee who works 20-36 hours per week, on a regularly scheduled basis.
- (3) Limited Part-time employee – An employee who works fewer than 20 hours per week, on a regularly scheduled basis.
- (4) 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.
- (5) 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.
- (6) Provisional employee - An employee who assumes a position contingent on later meeting a requirement of the job description within some predetermined period.

All full-time employees, regular part-time employees and provisional employees in established positions shall be entitled to all benefits provided by Fiscal Court on a pro-rated basis as appropriate. Limited part-time, temporary and seasonal employees shall not be entitled to any benefits (except those benefits required by federal or state law).

G. JOB CATEGORY

All positions shall be designated as non-exempt hourly or exempt salaried. All employees shall be classified as exempt as defined in the FLSA, KRS 337.010, and 803 KAR 1:070 & 10 as amended. Example:

- (1) Non-exempt Hourly -a status directly related to the time spent on the job. Employees in this category shall not be exempt from FLSA. This category must be paid overtime for hours worked in excess of forty (40) hours within the work week.
- (2) Exempt Salaried -professional, higher-level administrative, supervisory and managerial occupations. Employees in this category shall be exempt from FLSA and are not restricted to the exact hours of work as described in 803 KAR 1:070 & 10.

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SECTION 3.3 COMPENSATION PLAN

A. FISCAL COURT PAY PLAN

Fiscal Court's compensation plan will:

- a) Establish wage and salary ranges that reflect the value, to the Court, of the various jobs, as determined by a system of job evaluation and review, taking into account the duties and level of responsibility of each job;
- b) Attract and retain qualified employees;
- c) Establish and maintain justifiable differentials between job levels;
- d) Adjust salary and wage ranges when warranted by changing economic and competitive factors, as determined by periodic surveys and in accordance with available funding; and
- e) Encourage outstanding performance by adjusting the pay rate

The objective of a pay plan is to provide equal pay for equal worth and to provide a pay range for each position in the Court. This will allow Fiscal Court to retain employees and to compete in the job market with other private and public employers in the area.

All positions in the classification plan shall be compensated as set forth in Fiscal Court's pay plan. {Appendix A}.

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 prevailing rates of pay for the work involved, is comparable to competitive public and private labor markets; and other pertinent wage and economic data. The Fiscal Court shall approve the schedule of wage rates and ranges in the pay plan adopted or subsequently modified by amending ordinance.

B. PAY PLAN ADMINISTRATION

A pay plan (Appendix A) prepared, as required by the Kentucky Revised Statutes and incorporated as part of this administrative Code, shall prescribe for each position a minimum and a 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.

At least once each fiscal year, preferably during the budget process, Human Resources shall:

- (1) Analyze fluctuations in the cost of living,
- (2) Examine the wage range for each position to ascertain whether minimum and maximum wages should be raised or lowered for a particular job during the succeeding twelve months,
- (3) Upon the basis of the comparison, analysis, and examination, shall submit to the Fiscal Court recommendations or amendments to the pay plan.

All annual rates in the pay scale 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).

In no case will an employee be paid in advance for work time.

C. APPOINTMENT RATES

An appointee (new hire) to a new or vacant position shall normally receive a wage between the minimum and midpoint of the grade level to which the position is allocated. Through written documentation, the County Judge/Executive, with the approval of Fiscal Court, may cause the appointment to be made at a wage above the midpoint, but not more than the maximum, for the grade if:

- (1) In cases of unusual difficulty in filling a position, or
- (2) in hiring exceptionally qualified personnel.

D. 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/her wage at the time the reclassification is effected.

- (1) If that wage exceeds the minimum, he/she shall continue to receive at least his/her present wage,
- (2) If that wage exceeds the maximum, receive only the maximum.

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 he/she has been demoted, but not less than the minimum of the wage range for the class.

For an employee transferred from a position in one grade to a position in the same grade, the transfer shall effect no change in the rate of pay.

Department directors shall annually review the performance of each employee as set forth

In Section 3.7 (G). The overall results of each employee performance evaluation shall be used for the basis of granting promotions and/or pay increases. Any promotions or an adjustment that will increase expenses beyond budgeted amounts will require a budgetary review.

E. PAY ADJUSTMENTS

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 normally become effective on July 1 of the current year, and annually thereafter, subject to availability of revenues, or at other times as determined by the Fiscal Court and this compensation plan.

1. COST-OF-LIVING ADJUSTMENTS

Each year the Court will make a determination regarding the movement of the salary ranges. This determination will be based upon the annual cost-of-living as determined by the Consumer Price Index (CPI); the percentage of change within the classification structures of benchmark or appropriate labor markets; the current competitive status of the Fiscal Court's salary ranges to include minimums, and maximums; and the financial means of the Fiscal Court.

2. SALARY/MERIT INCREASE POOL

Each year the Court will decide the amount or average 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, performance increases, and service credit pay.

3. 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 which, 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 County Judge/Executive will have final approval for all Discretionary Fund increases.

4. PERFORMANCE INCREASE

Performance increases apply to all full time and part time employees. Such increases may be awarded to employees who have completed at least six (6) months of service in the current position as of the effective date of the increase and are based on each employee's performance as documented by his/her 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.

New employees hired (or re-hired) after April 30 will not be eligible for a merit increase in the next fiscal year. New employees hired (or re-hired) on or before April 30 may be eligible for a pro-rated merit increases in the next fiscal year.

The supervisor or department director can disapprove or delay 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.

It is possible for an employee to receive a merit increase based on satisfactory performance during his/her introductory period and still not meet an overall satisfactory level to qualify as a regular employee. In such cases, the employee's introductory period may be extended or he/she may be terminated.

5. SERVICE CREDIT PAY

Service Credit Pay is based upon an employee's length of service with the Fiscal Court.

Service Credit Pay increases will be given to employees with five (5) or more years of service. Employees who qualify shall receive a 1% annual pay increase in the pay period following their employment anniversary date. This increase will be given above any performance increase that may be received during the anniversary year. Service Credit Pay will not exceed, nor will it be less than 1%. In unusual circumstances, Fiscal Court reserves the right not to award Service Credit Pay in any given year.

6. PAY INCREASE UPON PROMOTION

When an employee is promoted, the department director may request a promotional increase not to exceed fifty percent (50%) of the difference between the midpoints of the current grade and the pay grade to which the employee is being

promoted, 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 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 with the first day in the new position. 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.

7. 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 County Judge/Executive. The effective date of subsequent performance reviews and merit increases will remain the same as before the demotion. Length of service in the higher level position may be considered when determining the proper salary in the pay scale.

For involuntary demotions due to an employee no longer meeting the minimum qualifications of their job, or a disciplinary action, the rate of pay shall be reduced to the same percentage level in the lower position.

8. 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 normally will 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. The effective date of subsequent performance reviews and merit increases will remain the same as before the transfer.

9. APPEAL PROCESS

An employee not satisfied with a salary/merit increase may appeal to Human Resources.

F. PART TIME EMPLOYMENT

When employment is on a part time basis, the appropriate hourly rate of pay shall be for the hours worked. Regular part time employees who work one thousand forty (1,040) hours or more during a fiscal year and work from month to month and year to year on a part time basis, shall be eligible for introductory and merit increases and receive holiday pay and may be eligible for other fringe benefits as described in section 3.6.

G. OVERTIME NON-EXEMPT EMPLOYEES

Overtime is defined as extra hours actually worked beyond forty (40) hours in a workweek.

In order to determine whether an employee will receive overtime pay for hours worked in excess of 40 hours per week, each class shall be declared "exempt" or "non-exempt" under provisions of federal and state wage and hour laws. Exempt employees shall not receive overtime pay. Nonexempt 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 work-week. All overtime shall be computed to the nearest quarter • hour. In no case shall premium pay for overtime and holiday leave be pyramided or duplicated. 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.

Non-exempt employees, who are required to be present at Fiscal Court meetings or committees of the Court beyond regular work hours, shall be compensated at the regular rate of pay. Time shall be based on actual time at the meeting. Overtime provisions will apply if the appearance at the meeting causes the employee to accumulate (work) in excess of forty (40) hours during the work week.

Department directors 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. As a rule, the need for frequent considerable overtime in a department shall be considered evidence of under staffing or improper organization and shall be subject to review by the County Judge/Executive. Department directors are responsible for assuring that required overtime is distributed among their employees on as equitable a basis as the skills of their employees, department needs, and the welfare of the employees will allow. Department directors are responsible for recommending to the County Judge change in hours, shifts, to include split shifts, or other measures which will reduce or eliminate overtime.

H. COMPENSATORY TIME- EXEMPT EMPLOYEES

This section repealed September 6, 2011 (KOC-11-200-084)

I. DOCKING OF PAY - EXEMPT EMPLOYEES (Revised September 6, 2011 – KOC-11-200-084)

Section 1. An exempt employee will be considered to be paid “on a salary basis” within the meaning of this administrative regulation if the employee regularly receives each pay period on a weekly, or less frequent basis, a predetermined amount constituting all or part of the employee’s compensation, which amount is not subject to reduction because of variations in the quality or quantity of the work performed. Subject to the exceptions in section 2 of this section, the employee shall receive his or her full salary for any week in which the employee performs any work without regard to the number of days or hours worked. Exempt employees need not be paid for any work week in which they perform no work. (803 KAR 1:70 & 10 Subsection 1, (a), 2005)

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. If leave banks are exhausted, then deductions from the Employee’s compensation shall follow the regulations stated in the following sections.

Notwithstanding the standards set forth above and following, it is expected of an exempt employee to be present at their assigned job a minimum of 2080 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 accrued leave time used such as vacation, holiday, and sick leave.

An employee shall not be considered to be "on a salary basis" if deductions from the employee's predetermined compensation are made for absences occasioned by the County or by the operating requirements of the business. Accordingly, if the employee is ready, willing and able to work, deductions shall not be made for time when work is not available. (803 KAR 1:70 &10 Subsection 1, (b), 2005)

Section 2. The prohibition against deductions from pay in the salary basis requirement is subject to the following exceptions:

(a) Deductions from pay may be made, if an exempt employee is absent from work for one (1) or more full days for personal reasons, other than sickness or disability. Thus, if an employee is absent for two (2) full days to handle personal affairs, the employee's salaried status is not be affected if deductions are made from his salary for two (2) full days. Except, if an exempt employee is absent for one and one-half (1 1/2) days for personal reasons, the County may deduct only for the one (1) full-day absence.

(b) Deductions may also be made for absences of one (1) or more full days occasioned by sickness or disability, if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for loss of salary occasioned by both sickness and disability.

(c) Deductions may not be made for absences of an employee caused by jury duty, attendance as a witness, or temporary military leave. Except the County may offset any amounts received by an employee as jury or witness fees for a particular week against the salary due for that particular week without loss of the exemption.

(d) Deductions from pay of exempt employees may be made for penalties imposed in good faith for infractions of safety rules of major significance. Safety rules of major significance include those relating to the prevention of serious danger in the workplace or to other employees.

(e) Deductions from pay of exempt employees may be made for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for infractions of workplace conduct rules. These suspensions shall be imposed pursuant to a written policy applicable to all employees.

(f) The County is not required to pay the full salary in the initial or terminal week of employment. Rather, the County may pay a proportionate part of an employee's full salary for the time actually worked in the first and last week of employment. In those weeks, the payment of an hourly or daily equivalent of the employee's full salary for the time actually worked will meet the requirement.

(g) The County is not required to pay the full salary for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. Rather, if an exempt employee takes unpaid leave under the Family and Medical Leave Act, the County may pay a proportionate part of the full salary for time actually worked. (803 KAR 1:70 & 10 subsection 2, 2005)

All disciplinary suspensions for exempt employees shall be a minimum of a full work week.

Section 3. If calculating the amount of a deduction from pay allowed under section 2 of this section, 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. A deduction from pay as a penalty for violations of major safety rules allowed under section 2 (d) of this section may be made in any amount. {803 KAR 1:70 § 10 subsection 3, 2005}

J. ADDITIONAL AND SUPPLEMENTAL COMPENSATION REQUESTS (X-PAYS)

An employee performing temporarily the duties of and/or acting in the capacity of a different or higher level position shall receive a temporary salary increase to, at least, the minimum of the salary grade of the new position or 8% of the employee's current salary, whichever is greater.

All x-pays must be submitted and approved, in writing, and in accordance with this policy, in advance of the work being started. All x-pays must be approved by the County Judge/Executive.

The request for approval must include a description of the work to be performed, statements confirming the duties are outside the scope of normal work, the start and end date of the appointment, the number of hours or days to be worked, the rate of reimbursement per hour or day, and the estimated total cost. Work must be performed during dates of appointment.

An acting department director shall be appointed by the County Judge/Executive, subject to approval by the Fiscal Court. The County Judge/Executive must approve any exceptions to this policy. No department x-pay policy can be in conflict with this policy.

K. EMERGENCY PAY

In a declared State of Emergency (e.g., a call for voluntary or mandatory evacuation in any part of Fiscal Court), employees will be paid as follows:

Any employee who chooses to leave work or evacuate, may use his/her annual leave or take an authorized leave without pay to substitute for the regularly scheduled time not worked upon approval of the employee's supervisor.

Employees required to be on the job during a mandatory evacuation, under a declared State of Emergency, shall be paid emergency pay. Emergency pay is paid at the premium rate of one and one-half times the established rate of pay. Exempt employees will not receive premium pay.

A non-exempt employee who is not scheduled to work, but works after being requested to do so by his/her supervisor during a voluntary evacuation in any part of the Fiscal Court, shall be paid emergency pay.

An exempt employee will be paid at his/her regular rate of pay for hours worked during a declared emergency. Exempt employees, except Fiscal Court appointees and department directors, required to work will be paid at their straight hourly rate for all hours in excess of fifty (50) hours worked in a pay period during the duration of the mandatory evacuation.

L. PAYMENTS DUE A DECEASED EMPLOYEE

The death of an active employee shall be reported to Human Resources as soon as a department/agency head becomes aware of it. All payments due the deceased employee shall be made payable "to the estate of" said employee. This includes compensation for hours worked, annual leave, accumulated compensatory time, and any refund or reimbursement due the employee.

This policy is for the protection of the employee's estate and helps to insure that payments made by Fiscal Court do not mistakenly fall into the wrong person's possession.

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SECTION 3.4 EMPLOYMENT PROCESS

A. 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 3.4 (F). This policy applies to new applicants, rehires, transfers and promotions.

Subject to approval by the Fiscal Court, the County 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.

B. METHODS OF FILLING VACANCIES

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

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 form. However, in the event the department director determines the needs of the Court are best accommodated by the employment of a person who is not a current employee, he/she may submit the appointment deemed to be in the Court's best interest.

Transfer. It shall be the policy of the Court to fill vacancies by transferring any current employee who has requested a transfer. However, the County Judge/Executive, through his/her designee must ascertain that any transfer is in the best interest of the Court. Any employee being considered for transfer must be qualified for the position and complete the Court's Internal Application form.

Open Application Policy. It shall be the policy of the Court to accept applications for employment at any time 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 Court, 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 filing 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.

Recruitment: Should it be determined by the 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 Court to recruit externally; he/she shall publicly recruit applicants to be considered in filling the vacancy(s). Any such public recruitment shall be in accordance with Section 3.4 (D), Announcements of Vacancies.

C. 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/she has been temporarily appointed can be filled by a qualified person.

D. ANNOUNCEMENT OF VACANCIES

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

- (1) List the vacant position(s).
- (2) Specify for each position.
 - a. Its job title,
 - b. Its starting pay (minimum - midpoint), depending upon qualifications,
 - c. The nature of the work to be performed,
 - d. The qualifications for employment.

- (3) Tell when and where to file applications for employment.
- (4) Give whatever other pertinent information may be deemed advisable.
- (5) Be posted in the offices at the Fiscal Court Courthouse and other such places determined by the Human Resources where eligible persons might reasonably expect to be located. Announcements may also be listed with the local state unemployment office.

E. APPLICATION FORM

Applicants must apply on forms provided by the Court.

Applications will be considered active for twelve months.

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)

The application form (Appendix C) shall be reviewed at least annually. The Human Resources department is responsible for updating the form to meet the latest requirements.

F. CERTIFICATION OF ELIGIBILITY FOR POSITION

No person may be appointed to a position unless verified information on an official Employment Application Form or Internal Application form indicates that he/she 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:

- (1) Information the applicant supplies on the official employment application form.
- (2) Written, performance or physical tests or examinations, or any combination, which may be required by state statute or regulation;
- (3) Personal interview,
- (4) Information and evaluations supplied by references given by the applicant; and/or
- (5) Other appropriate information as determined.

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

G. 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 Human Resources. 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.

H. 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:

- (1) He/she possesses the appropriate qualifications for the position,
- (2) He/she is not serving an original Introductory period; and
- (3) The position is vacant.

All transfers will serve a new introductory period. A newly-hired employee who is transferred, shall not begin a new introductory period, but shall complete his/her initial introductory period in the new position.

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/she is being transferred.

The "Methods of Filling Vacancies", Section 3.4 (B), also includes procedures for employee transfers.

All transfers shall be consistent with Fiscal Court needs.

I. PROMOTION

A promotion cannot be made unless there is a vacancy or a new position is established.

A person may be promoted from one position to another only if he/she has the qualifications for the higher position and completes an Internal Application. The same procedure as those authorized for ascertaining qualifications for initial appointment to a position as set forth in Section 3.4 (F) "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 3.4 (B), also includes the Court's policy relative to promotions.

All employees have the right to apply for vacant positions as set forth in Section 3.4 (B), "Methods of Filling Vacancies" with the exception of introductory personnel.

J. DEMOTION

A Department director may recommend that an employee be demoted as a disciplinary action.

A Department director may recommend that an employee be demoted in lieu of layoff.

An employee may request a demotion.

An employee must meet minimum requirements of the position to which the employee is demoted.

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SECTION 3.5 CONDITIONS OF EMPLOYMENT

A. Initial Employment Period (Introductory)

All non-emergency services personnel initially appointed, rehired, transferred or promoted to an established position shall be on introductory status for six months. Emergency Services personnel will serve a twelve month introductory period. An employee serving an initial introductory period may not apply for transfer or promotion for six months.

The introductory period may be extended if the employee is having problems, to show that he/she can perform the job satisfactorily, but not more than ninety (90) days. 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/she was promoted or to a comparable position.

At all times, including after successful completion of 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.

B. Absences and Reporting

Everyone is needed on his or her assigned job. Absences, especially unexpected absences, can be an inconvenience. If you are going to be late or absent from work for any reason, call your immediate supervisor. For most jobs, you need to call before your work time or in the first half-hour after your normal reporting 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 leave for three (3) consecutive working days/shifts, will be dismissed. However, a Department director, subject to the Approval of Human Resources, may grant a retroactive leave of absence with or without pay when extenuating circumstances are found to have existed.

C. Telephone Use

Prompt, courteous answers to telephone calls are very important. When answering a call, identify yourself and your department. If the caller needs to speak with another department, give the phone number or transfer the caller to that department, if possible. 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 telephone company.

D. E-mail and Internet Use

Many employees use computers as a part of their job, and have access to e-mail and to the Internet. As with the telephone, usage of Fiscal Court equipment for personal communications and Internet connections for personal reasons should be brief. Access to pornographic sites through Court equipment is strictly prohibited.

Under Kentucky law, e-mail sent or received by the Court is Fiscal Court property and a matter of public record and is subject to inspection upon request. Also, you should be aware that e-mail messages remain on the Fiscal Court server even though you may have deleted it from your own e-mail program.

COMPUTER SECURITY

1. Purpose

The purpose of this policy is to ensure the security of the Oldham County Fiscal Court computer network and data that resides on that network.

2. Policy

It is the policy of the fiscal court to protect the rights of the citizens and ensure employee safety by following security protocols for the storage and dissemination of electronic information.

3. Definitions

- A. Physical Security – Preventing unauthorized persons from accessing a computer network.
- B. Logical Security – The specific use of passwords and user names intended to block access to a computer network for which a user's need has not been proven, and authorization has not been approved.
- C. Network Resources – Shared folders, printers, active directory structure or other device or object created within the fiscal court computer network.
- D. Remote Connection – Accessing the fiscal court computer network from a computer system not directly connected to the fiscal court computer network via a phone line, cable modem or wireless device.
- E. Removable Media – Electronic storage media such as tapes, platters, zip drives, CD's, or floppy disks.
- F. Network Permissions – Specific rights given to individual users or groups of users, which allow the users to access network resources.

4. Procedures

- A. Security Measures

Physical security measures for computers and network workstations are the responsibility of the office or unit where those systems are installed and located. The individual Director or office supervisor is responsible for providing physical safeguards for the hardware, software and data to the same extent as is provided for other fiscal court property in the unit. All computers and workstations shall use both logical and physical security as preventative measures.
- B. Physical Access

Computer equipment will be kept in areas not easily accessible to the public or unauthorized personnel. Fiscal court personnel will control access to computers, servers, attached hardware, and terminals. This does not include outside agencies that have requested and been granted access to fiscal court data. It is the responsibility of the fiscal court to ensure compliance with appropriate security measures. Access can also be considered the unintentional viewing of information on a computer screen. All computers must be placed in such a manner as to prevent viewing by unauthorized personnel.
- C. User Accounts and Access

Positive control shall be maintained at all times to prevent access to information by unauthorized personnel. The supervisor of each unit will

be responsible for requesting network access for personnel under their direct control. At no time will any individual be allowed to access information without specific authorization of the supervisor.

1. For access to the fiscal court network a request must be submitted to the Information Technology (IT) Director listing the name and ID number of the individual or individuals for whom access is being requested. Each individual that is allowed network access will have a user name consisting of their first initial followed by their last name and an identifying numeric character in the event of duplicate naming (i.e. jsmith01). The new user will be advised of his/her initial password. Only one logon will be allowed with this password. Subsequent problems with passwords must be submitted to Information Technology Help Desk.
2. Employees of Fiscal Court shall be provided access to the resources of the Fiscal Court computer pursuant to all requirements and security measures set out in this policy; unless or except any information that state or federal laws prohibit public dissemination because of privacy, security or other legitimate purposes including, but not limited to, those categories of records that are identified by the Kentucky open records law as exceptions to public records under KRS 61; and any information designated by the County Judge Executive as confidential records. Employees shall not attempt to gain access to unauthorized resources of the network. Employees shall not make unauthorized changes to the network permissions that would allow them or other user's access to unauthorized resources of the network. If an employee finds his or her user account has been given access to unauthorized resources of the network, the employee shall notify the fiscal court IT Security Administrator at once. It will be the responsibility of the unit director/supervisor to notify the Help Desk via the Help Icon when an employee status change results in that employee's network permission's changing.
3. To access the fiscal court network via a remote connection the employee shall make the request, via chain of command, to the IT Security Administrator detailing the reasons the remote access is required. Upon approval by the County Judge Executive after consulting with the Security Administrator, remote access will be allowed. No remote access from personally owned devices shall be allowed. The employee will be required to sign the remote user agreement prior to a remote access account being established.

4. Information Management Section shall redirect the user's My Document folder to a network share and implement file synchronization to provide a secure redundant storage location for user files. The user will be restricted to 650 megabytes of storage space on the My Documents folder.
5. To access the fiscal court system the user must request access from the Security Administrator. The user's supervisor must approve access to the system.
6. Employees shall log off any computer that contains or has access to the fiscal court computer network, mail system, files or software whenever they are no longer in physical control of the computer for an extended period of time.

D. Software Security

Copyrighted software purchased by the fiscal court is considered confidential in nature and will not be reproduced or released to persons or groups not employed by the fiscal court for any reason. Software and programs developed by the fiscal court will be subject to the rules and regulations contained in Public Access Laws.

Federal law allows copyrighted software to be copied for backup purposes. The making of unauthorized copies of software products is prohibited.

Information Management Section will retain and file ALL software media and licensing for such software. All software retained by the fiscal court will be stored in a secure area and only those individuals authorized will have access to such software.

4. The fiscal court reserves the right to access any information contained in fiscal court owned software or devices and may require personnel to provide passwords to files that have been encrypted or password protected.
5. Only legally obtained and licensed software, with proof of licensing for each instance of use, shall be installed on fiscal court owned computer hardware. Information Management Section personnel shall not install, supports, or maintain any other software. The IT Management Director shall notify the involved person's Director of all instances of:
 - a. Installation of unlicensed or unauthorized software on fiscal court owned equipment.
 - b. Computer viruses on fiscal court owned equipment.

- c. Any alterations to fiscal court owned hardware and software without the consent of Information Technology.

E. Data Security

1. Backups

- a. All data files are stored on the appropriate server for that unit or office to ensure files are backed up on a regular basis. Files stored on local hard drives will not be backed up and are the responsibility of the individual unit as to the safety and integrity of such data.
- b. Backup schedules will be determined and implemented by Information Technology Director.
- c. It will be the responsibility of Information Technology to ensure the backup media is changed in accordance with the backup schedule.
- d. Backup media will be stored in a secure area. If required back up data may be sent off site to a secure location.

2. Sensitive or Confidential Data

Sensitive or confidential data will be protected by storage on removable media and locked in a secure place. It will be the responsibility of each Director to determine what constitutes sensitive or confidential data as well as provide storage for such data.

3. Unauthorized Access by Individuals

- a. Unauthorized individuals shall be denied access to any computer system, system password, individual's password, or system procedures that will allow the changing of access or system passwords. Information Technology Director will conduct regular audits of the access log files to identify access violations.
- b. A text-based computer use policy may be displayed on each computer within the fiscal court at boot up. By accepting the terms of the policy all personnel are responsible for adhering to the stated terms.

4. Passwords

- a. Passwords shall be known only to the assigned person and shall not be shared.
- b. Passwords will not be stored in data files, printed on reports, taped to work stations, or under keyboards, or programmed on function keys.
- c. A password shall be created or changed with a minimum of six (6) characters. The password shall consist of upper and lower case alpha characters and numeric characters,

- d. no part of the user's name shall be used in the password. Passwords should be sufficiently difficult to prevent unauthorized users from guessing the correct password. The names of children, pets, spouses, favorite teams, favorite bands, telephone number(s), anniversary dates, birth dates, etc. should not be used.
- e. Passwords and Usernames shall not be the same.
- f. Passwords will be changed periodically or immediately if a security breach should arise. They will also be changed when a supervisor requests, in writing, the removal of a subordinate's password.
- g. Compromised passwords will be changed immediately by contacting the appropriate authority.
- i. The Information Technology Director shall implement password complexity to insure password requirements are met.

F. Termination/Disabling of User Accounts

1. When an employee terminates from the fiscal court, Human Resources shall ensure that the Information Technology Director is informed. Once the Information Technology Director has been notified, the user account of the individual in question will be immediately disabled from ALL SECURITY SYSTEMS.
2. The employee's immediate supervisor will be provided "read" access to the contents of the employee's network user folder.
3. The immediate supervisor shall review the files in the user's folders and will be responsible for the proper disposal or retention of those files.

Thirty days after the employee's termination, the Information Technology Director may delete the users account and the user folder.

In the event an employee is relieved of duty or suspended, the Employee's immediate supervisor shall notify the Information Technology Director. The Information Technology Director and Employee's Director shall determine the appropriate access levels to network resources.

G. Computer Viruses

1. Virus detection software is required for ALL computers within the Oldham County Fiscal Court, networked or stand-alone.
2. All computers attached to the Fiscal Court networks must have

virus detection software installed by Information Management Section (I.M.S.).

3. I.M.S. shall update virus software as required to assure protection against new threats.
4. If a virus is detected, the individual must immediately do the following:
 - a. Stop all work on the affected workstation.
 - b. Do not power off or reboot the affected workstation.
 - c. Carefully write down the complete error message, if any.
 - d. Notify his/her supervisor immediately.
 - e. Notify the IMS Help Desk at 502-222-1300.
 - f. I.M.S. will assist in the removal of the virus, if possible, or reloading of software if necessary.
5. To insure that the latest up-to-date virus signature is available, all Laptops must be connected to the fiscal court network and logged on once every 30 days. Information Management Section shall disable the user accounts of any laptop user who does not keep the anti-virus signature file up to date.

H. Tampering and Repair of Computers

1. Tampering

- a. Only Information Management Section employees or fiscal court personnel authorized by Information Management Section are allowed to:
 1. Install or remove any hardware or software.
 2. Make any connections to the network.
 3. Install any printers and associated hardware or software.
 4. Make any changes to computers either internally or externally.
 5. Make any type of cable attachments.
 6. Perform any type of maintenance or repair (this does not include changing toner cartridges, ink cartridges, or ribbon for printers).
- b. Outside agencies may not perform any type of action to any computer unless specifically authorized by the fiscal court.

I. Internet and email: Use, Training and Authorization

1. Employees have an obligation to use their access to the Internet and e-mail in a responsible manner, conforming to network etiquette, customs, and courtesies. As with other forms of publications, copyright restrictions and regulations should be observed.

2. Requests for employee access to the e-mail system shall be, through channels, to the Information Management Section. All fiscal court email users shall receive training from their Director or Supervisor prior to being granted access.
3. Internet and e-mail privileges may be revoked for prohibited or inappropriate conduct, to include, but no limited to, the following activities:
4. Personal gain or any personal business activities that include a profit motive, or unlawful activities;
5. Engaging in illegal activities or using the Internet for any illegal purposes, including initiating or receiving communications that violate any laws or regulations, including KRS 434.840 – 434.860 (Unlawful Access to a Computer) and KRS 512.020 (Criminal Damage to Property Law). This includes malicious use, spreading of viruses and hacking. Hacking means gaining or attempting to gain the unauthorized access to any computers, computer network, databases, data or electronically stored information;
6. Knowingly and repeatedly visiting pornographic sites; or illegal sites, disseminating or soliciting sexually oriented messages or images; disseminating or soliciting messages or images that are reasonably likely to be perceived as offensive or disparaging of others based on race, national origin, sex, sexual orientation, age, disability, religious or political beliefs; or transmitting messages containing abusive or objectionable language;
7. Using official dissemination tools to distribute unsolicited commercial e-mail or personal information such as junk mail (including chain letters, jokes, and non-business like attachments) or congestion and disruption of the computer systems, not limited to Internet games, online gaming, or chat rooms;
8. Misrepresenting oneself or the Oldham County Fiscal Court;
9. Messages containing derogatory comments of a personal nature regarding supervisors or co-workers;
10. Soliciting money or advocating opinions concerning religious or political causes;
11. Copying, disseminating or printing copyrighted material (including articles, images, games or software) in violation of copyright laws;

12. Developing or maintaining a personal web page on or from a County device; and/or
13. Using official dissemination tools to distribute personal information to include any information that constitutes an unwarranted invasion of personal privacy as defined in the Kentucky Open Records Act, KRS 61.870.

E. Outside Employment

Your job with the Court 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.

F. Bad Weather/Fiscal Court Emergency Policy

Fiscal Court provides services in all kinds of weather. In fact, Court services are still needed in bad weather such as snow, sleet, floods, or sub-zero temperatures. Because Court services are essential, some departments have special rules and reporting policies during bad weather situations. Check with your supervisor for specific departmental policies.

If you cannot do your regular job duties because of bad weather, or any other emergency, your supervisor may assign other work. Although some departments may be closed to the public, employees will still be expected to report to work.

If hazardous conditions develop before your normal reporting time, try to come to work. If you cannot, call your supervisor immediately. All departments need to know who is going to be there as soon in the workday as possible.

If you are not able to come to work or have to leave early because of the weather, or any other emergency, you may ask to have the absence charged to compensatory time, vacation leave or to approved leave without pay, or with the specific permission of your supervisor, make up the time later in the week or later in the year in a workweek when no overtime has occurred.

Whenever the County Judge-Executive orders the closure of Fiscal Court due to the weather, or any other emergency, non-critical employees who work in the affected departments shall not report to work unless requested to do so by the Employee's supervisor.

A non-critical employee who does not report to work because their department has been closed shall be paid for their normal work hours. Critical employees are expected to report to work at their regular scheduled times during any closure unless they have been otherwise instructed by their supervisor.

Critical employees and non-critical employees who have been requested by their supervisor to work during the closure shall receive emergency pay as defined in Subsection 3.3(K) of this Administrative Code during such closures. Critical employees are police officers, road crew, animal control officers, and 911 dispatchers, as well as any other personnel so identified by the Judge Executive at the time of closure.

G. Resignations

An employee of Fiscal Court may resign at any time.

An employee will be regarded as having resigned his/her position if he/she gives notice, written or oral (with witness), to his/her immediate supervisor or Human Resources. Unless approved in advance by the department director, failure to give at least two weeks notice may be cause for denying future employment with Fiscal Court.

An employee's resignation and its attending reasons, if noted, shall be recorded in the employee's personnel file.

Any employee who is absent from work for three (3) consecutive scheduled work days/shifts for reasons other than those set forth under fringe benefits provisions herein will be considered to have abandoned the job and will be deemed to have resigned, and his employment with Fiscal Court shall terminate immediately.

An employee may, with the permission of the Department director, withdraw his/her resignation at any time prior to Fiscal Court's acceptance of the resignation.

H. Reinstatement and Rehires – Revised March 15, 2011(KOC-11-230-004)

An employee, who fails during the introductory period to serve satisfactorily in a position to which he/she has been promoted, shall be reinstated into the former position or to a comparable position. The reinstated employee shall receive at least the rate of pay which was received at the time of promotion.

Any employee leaving in good standing who is rehired after three months or more of separation from court service shall be considered „a new employee.

Individuals rehired into their former position within three months of leaving in good standing, shall have their original hire date, previous seniority and benefits, including any salary increases for which they would have been eligible, reinstated. 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.

Employees rehired into a different position, would be regarded as a new employee and are required to serve a new introductory period.

I. Retirement

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

J. Examination (Medical)

Approval of introductory status employment that is made by Fiscal Court is done so contingent upon the prospective employee's submission to a test for illegal drugs that shall be provided by Fiscal Court. Before or after this examination, Fiscal Court may also make any employee hiring approval contingent on the employee's submission to an examination by a medical doctor or psychiatrist designated by Fiscal Court whenever such examination might reasonably be calculated to determine that person's competency to complete duties expected under the job description.

Nothing in this subsection shall be construed to affect the ongoing duty of employees to disclose any medical condition or medication that may affect their ability to perform their job. Nothing in this subsection shall be construed to affect the supervisory authority, as set out in a different section of this Administrative Code, of any supervisor of any Critical Employee, as defined in Section 3.6 of this Administrative Code, who has reason to believe that an employee under their supervision is taking medications that affect or impair that employee's ability to perform their job duties in such a manner as may pose a danger to the public safety. In such circumstances, the supervisor may require the employee disclose what prescriptions or medications are being taken and to provide written documentation from a medical doctor as to the affect such medication might have on the employee's ability to conduct their job, and whether such affect, if any could be contradictory to the public's safety during the performance of their obligations of employment.

The results of any test taken pursuant to this subsection are confidential and are not to be disclosed to any person subject to the following conditions and exceptions:

A. Said records shall be maintained by the Human Resources director under seal of confidentiality.

B. Said 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.

The Court shall pay 100% of the costs (including necessary travel costs) for all required medical examinations related to initial employment or promotions.

K. Political Activity

Fiscal Court employees are able to engage in many political activities, as are other citizens. However, Court employees, by law, are protected from unethical political pressures:

1. A Court employee may not use his/her authority or influence for purposes of affecting nomination or election to office. An employee may belong to a political party and attend political meetings.
2. A Court employee on duty may not solicit any type of contribution for political purposes from officials or employees. Employees may make personal financial contributions or solicit contributions on their own time.
3. A Court employee may not display election materials on any Fiscal Court property. Court employees should not wear campaign buttons while on duty. The only exceptions are materials that are part of Election Day staling of polling places or material attached to private vehicles, which are not used for Fiscal Court duties. You may display materials on your personal property (home or vehicle) and wear campaign buttons off duty.
4. 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. You may express opinions about issues, being clear that these are your personal opinions and you do not represent the Court.

In summary, you may not use Fiscal Court time, property, or your influence as an employee to affect or engage in political activities. If you have questions or concerns about whether a particular activity is allowed, check with the Human Resources Department.

L. Lunch Break

Emergency Services personnel are entitled to a thirty (30) minute break during their work schedule. These employees are paid during this time. It should be noted that while on a lunch break they are subject to calls. Every effort will be made to allow them a lunch break without interruption.

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

M. 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 the Fiscal Court as determined by the Fiscal Court.

In layoffs:

- (1) Consideration shall be given to both the seniority and merit of the persons considered for layoff.
- (2) 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:

- (1) Notify the employee of the layoff,
- (2) explain the reasons for the layoff,
- (3) certify whether his/her service has been satisfactory,
- (4) inform the Fiscal Court of the layoffs.

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

N. Gratuities

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

O. 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 service. This will promote more effective inter- personal relationships with co-workers and the general public. Law Enforcement, Animal Control and Road department personnel are required to wear uniforms as provided by the Court.

P. 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. The Fiscal Court is anxious to make everyone's job safe in all respects; therefore, 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).

You are paid for your time on the first visit to the doctor for a work related illness or injury. Supervisory personnel do not pay you for your time on any other visit, except when supervisory personnel direct you to go for medical treatment or upon approval. These visits should be scheduled before or after your shift, or if you are

working an extended shift, as a “time out” with the approval of your supervisor or director.

When a visitor is injured on Fiscal Court premises, the injury must be immediately reported, in writing, to a supervisor. No matter how insignificant an accident and/or injury to a customer may appear, the supervisor receiving such a report shall send a written report to Human Resources containing the following information:

1. the name, address, telephone number and age of the person injured;
2. the extent of the injury;
3. the injured person’s occupation;
4. the name and telephone number of any witness(es) to the accident;
5. a specific description of the accident;
6. the date and time of the accident; and
7. the name and address of the injured person’s physician.

Fiscal Court reserves the right to post and enforce safety rules.

Q. Immigration and Naturalization Reform Control

The Immigration Reform Control Act of 1986 makes it illegal do knowingly hire any alien not authorized to work in the United States. In compliance with this law, all employees hired after November 6, 1986 must complete an I-9 form and produce evidence of identity and authority to work in the United States.

R. 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 with the exception of Metro United Way’s annual Contribution.

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SECTION 3.6 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 32 hours per week. In the event Fiscal Court finds it necessary to reduce the hours of a full-time employee below 32, the employee will retain all benefits afforded a full-time employee during the period of reduced hours. Benefits outlined in this section will begin upon the day of hire except where otherwise stated in this Administrative Code, or by a provision of an employee's contract of employment as approved by Fiscal Court.

A. HOLIDAYS

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

The first day of January (New Year's Day),

The third Monday of January (Martin Luther King Day)

The third Monday of February (President's Day)

One half day for Good Friday (Friday before Easter)

The last Monday in May (Memorial Day)

The 4th day of July (Independence Day)

The 1st Monday in September (Labor Day),

A full day for Veteran's Day,

The 4th Thursday in November (Thanksgiving Day),

The day after Thanksgiving Day

The 24th of December (Christmas Eve Day).

The 25th of December (Christmas Day).

The 31st 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. EXCEPTION: For employees who work a normal five-day workweek, when Christmas and New Years fall on Monday, the preceding days (Christmas Eve and New Year's Eve) are not considered paid holidays.

When it is essential for an employee to work on a declared holiday or alternate declared holiday, the employee shall be compensated holiday pay at straight time and actual time worked at the appropriate rate.

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 hour, seven day a week agencies, except employees of Oldham County Dispatch, shall have the option of scheduling any of the approved holidays during the calendar year with the approval of the Department director. Employees who choose to schedule holidays must use all holidays within the calendar year in which they are accrued. Failure to do so may be grounds to forfeit the holiday.

Employees of Oldham County Dispatch shall earn holiday leave in accordance with the following regulations:

1. Holidays are determined each calendar year by the Oldham County Fiscal Court and shall not be carried over to the next calendar year.
2. Employees of OCD 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.
3. Employees working holidays **shall not** receive special compensation for working on an approved holiday.

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/she 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.

B. VACATION (Revised September 6, 2011 – KOC-11-200-084)

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)
2nd-9 years	2 weeks
10-15 years	3 weeks
16-19 years	3 weeks + 1 day additional each 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 month remaining in that calendar year following the completion of six (6) months of service. The total annual accumulation is 75/80 hours or 10 days or two times the average regularly scheduled hours per week during the past year.

Note 2: Employees working less than 36 hours but at least 20 or more hours weekly, are considered part time, but 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 week (pro-rated based on hire date)
2nd-9 years	3 weeks
10-15 years	4 weeks
16-19 years	4 weeks + 1 day additional each 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.

After five (5) years of continuous service, 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 one (1) full year and whose employment is terminated during the succeeding year is entitled, not only to full vacation for the year worked, but also to vacation time for the partial year worked. The amount is to be based on a monthly accrual rate.

An employee who is terminated or 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. This policy excludes introductory employees.

Absences on account of sickness, 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.

C. 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/her 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/she may require an employee to return early from leaves; he/she may require an employee to provide proof necessary to support a request for leave of absences; and he/she 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.

1. SICK LEAVE/PERSONAL LEAVE (Revised September 6, 2011 – KOC-11-200-084)

All regular, full-time employees shall be entitled to one full day sick leave credit with pay (based upon workweek schedule) 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, brothers and sisters, and the immediate in-laws.

Part time employees earn sick leave equal to 12 average work days per year.

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/she shall begin accruing sick leave at the beginning of the following month.

Sick leave is to be accumulated and carried over from year to year. There is no limit on the amount of sick leave you can accumulate. 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.

An employee on sick leave shall inform his department director of the fact and the reason 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. Employees who work for a 24/7 agency must follow the call-in policy established by their respective departments.

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 the supervisor.

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, may be suspended or dismissed.

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.

Employees are not entitled to receive pay for accumulated sick leave upon resignation/termination. However, sick leave is applied toward service when you retire in accordance with retirement rules and regulations in effect. Upon retirement, 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.

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

Eligibility

- Both recipients and donors must be current employees of the county and entitled to sick time accruals.
- A donor may not donate an amount of sick leave which would cause their leave balance to go below 75 hours.
- An employee becomes eligible to receive donated sick leave at the point in time when the following criteria are met:
 1. 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;
 2. The employee’s need for absence is certified by a licensed practicing physician;
 3. The employee has exhausted all of their available paid leave; and
 4. 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 10 days in order to apply, but must have a situation where it is likely to cause an absence for at least 10 consecutive days. 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. RECEIVE AND FILE FORMS. 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. PREPARE AND PROCESS PAYROLL. 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. RECIPIENT OF DONATED LEAVE CAN RETAIN LEAVE AFTER RETURN TO WORK. 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. Unused donated leave shall not be returned to the donor.

2. 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 for 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.

Eligibility for FMLA Leave

To be eligible for FMLA benefits, an employee must:

- 1) Have worked for the Oldham County Fiscal Court for a total of at least 12 months, and
- 2) Have worked at least 1,250 hours over the previous 12 months.

Circumstances in Which FMLA Leave may be used

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

- 1) Because of the birth of a son or daughter of the employee and in order to care

for such son or daughter.

- 2) Because of the placement of a son or daughter with the employee for adoption or foster care.
- 3) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.
- 4) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
- 5) Because of a qualifying exigency arising from active military duty in support of a contingency operation, of the spouse, son, daughter, or parent of the employee, or notification of call to such active duty.
- 6) 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.

Amount of FMLA Leave that May Be Used

- 1) **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.
- 2) **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 weeks balance.
- 3) **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 26 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.

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 either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Requirements to Take Leave—an Employee Desiring to Use FMLA Leave Must:

- 1) 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.
- 2) Provide sufficient information for Human Resources to determine if the leave qualifies for FMLA protection, and the anticipated timing and duration of the leave.
 - i) For leave due to a serious health condition, the necessary medical information will be provided on a medical certification form (sample form attached), to be completed by the employee's health-care provider.
 - ii) 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.
- 3) Periodic reports during the leave regarding the employee's status and intent to return to work.
- 4) Medical certification of ability to return to work, if the leave was caused by the employee's own health condition.
- 5) Employees also may be required to satisfy periodic recertification supporting the need for leave.

Special Considerations for Birth/Adoption/Foster Placement of Child

- 1) 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.

- 2) An expectant mother may take family medical leave before the birth of the child for prenatal care or if her condition makes her unable to work.
- 3) 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.

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. 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.

Use of Paid Leave in Conjunction with FMLA Leave

- 1) 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.
- 2) Availability of paid leave for use on FMLA leave is determined by applicable policy concerning paid leaves, and the employee's accrued leave balance.

Employment Benefit, and Return to Work

- 1) **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.
- 2) **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.
- 3) **Return from leave—regular employees.** Upon return from FMLA-covered family medical leave, the employee will be returned to his or her original job or an equivalent job with equivalent pay.
- 4) **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 it might not return to his or her position.

3. 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 employees' 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/her 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.

4. 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 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.

5. PARENTAL LEAVE

Parental leave beyond the 12 weeks required under the Family and Medical Leave Act 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 time to department head 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.

6. 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, step-sister, 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

7. SPECIAL LEAVE

In addition to authorized leaves, fulltime employees may request a leave of absence, with or 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 with or without pay must be approved by the Judge/Executive. Special leaves of greater than one month, with or 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.

8. 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.

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- You ensure that your employer receives advance written or verbal notice of your service;
- You have five years or less of cumulative service in the uniformed services while with that particular employer;
- You return to work or apply for reemployment in a timely manner after conclusion of service; and
- You have not been separated from service with a disqualifying discharge or under other than honorable conditions.

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 also 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 record 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.

9. JURY DUTY/WITNESS DUTY

When an employee is summoned for jury duty or subpoenaed, he/she shall be compensated at the normal rate of pay while serving on jury duty. In order to be paid for this duty, the employee must give a copy of your court appearance record 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 compensatory time for the balance. Employees dismissed from jury duty must report to their respective workstation.

Employees summoned as a plaintiff or a defendant in a 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 compensatory 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.

10. 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, two hours of which shall be with pay, 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).

Only an employee who works days (first shift) is eligible for voting leave.

An employee may utilize voting leave in conjunction with some other leave in order to take the entire day off from work. An employee wishing to be absent from work for the day would have to use appropriate leave for the entire day.

D. HEALTH INSURANCE

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

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" usually refers to when you are first hired. The next available time to sign you and/or your family for 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.

E. DENTAL INSURANCE

Fiscal Court makes available dental insurance for all employees eligible under Subsection 3.6 (D) of this Administrative Code. Fiscal Court pays a flat dollar amount toward the coverage each employee selects (employee only, employee + spouse, employee + child (ren), and family).

Plans selected by Fiscal Court may cover basic dental visits and more complex dental work like dentures, bridges, crowns, and orthodontic services for children.

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 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. Fiscal Court reserves the right to change carriers, plans, brokers, and participation rates.

F. CONSOLIDATED OMNIBUS BUDGET AND RECONCILIATION ACT (COBRA)

Under the Federal Consolidate 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.

If a family member becomes ineligible for coverage under your policy (e.g., through divorce or a child who is 19 and not in school), 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.

G. RETIREMENT BENEFITS

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>.

Retirement – Revised September 6, 2011 (KOC-11-200-084)

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 of 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.

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

The retirement plan is known as “defined benefit plan”. This means you can count on a guaranteed percentage of your income at retirement. The percentage will depend on your highest average salary, your years of service, and, if you take early retirement, your age at the time you 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 statements, either through the Human Resources Office or in person or in writing to the Retirement Office.

H. 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.

I. 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.

J. 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.

K. 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/her supervisor as soon as possible. The supervisor shall, within 48 hours, report to the 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.

L. CREDIT UNION

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

The employee can have payroll deduction for savings accounts and loan payments to the Credit Union.

M. EXPENSE REIMBURSEMENT

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

(1) Transportation For all reasonable necessary commercial transportation by reasonably 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.

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

(3) Meals Reimbursement shall be made on an actual expense basis by receipt not to exceed thirty dollars (\$30.00) per day. Employees away from the work station on authorized travel shall be entitled to expenses for three 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 Department directors only when necessary to

perform business for the Court. 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.

(4) 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).

N. VEHICLES, MATERIALS, UNIFORMS, EQUIPMENT AND/OR SUPPLIES **(Revised September 6, 2011 – KOC-11-200-084)**

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 will be dealt with as the Fiscal Court policy and the law provides. Any and all of these items shall be returned prior to the employee's date of separation.

An employee operating a Fiscal Court vehicle must do so in a safe manner. An employee is required to wear seat belts while operating licensed vehicles owned by Fiscal Court.

Any employee operating a court-owned vehicle under the influence of drugs or alcohol or in an unsafe or negligent manner will be immediately terminated. 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.

County vehicles shall not leave the county unless on official business.

Personal calls on county-owned cell phones are prohibited.

SECTION 3.7 EMPLOYEE RELATIONS

A. 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 interests 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 termination.

- 1) 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.
- 2) An employee shall strive to perform his/her work at a consistently high level of quality.
- 3) An employee shall follow all the rules and regulations established for the department to which he/she has been assigned.
- 4) Punctuality and attendance are important. A record of habitually unexcused tardiness and/or absenteeism may result in disciplinary action up to, and including, termination.
- 5) An employee shall report any illegal activity of co-workers or supervisors to his/her Department Executive or to Human Resources.
- 6) Employees shall take care to treat all persons and departments fairly. Care should be exercised so as not to favor one group or person over another for non-work related reasons.

- 7) Most of Fiscal Court business is a matter of public record. 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.
- 8) Employees shall not participate in any official/regulatory act which, directly or indirectly, affects a business, property or activity in which you or members of your family have a financial interest.
- 9) 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/her designee.
- 10) An employee shall follow and promote general standards of safety and health on the job. In keeping with these standards, an employee is required to wear seat belts while operating licensed vehicles owned by Fiscal Court and when operating personal vehicles for work-related assignments.
- 11) An employee whose job requires a valid driver's license shall immediately report any suspension or revocation of his/her license to his/her immediate supervisor.

If you need guidance in a particular situation, ask your supervisor, department head or Human Resources for assistance. The County Judge and County Attorney may also be consulted.

B. 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, the administrative policies, and the operational policies adopted by the Fiscal Court. Each department head shall maintain a copy of the personnel policies.

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, abilities and skills of Court employees.

Training shall include the following as a minimum:

- (1) Orientation of new employees
- (2) Position specific (the job position/title as appointed)
- (3) Safety training shall be departmental specific, as well as overall safety
- (4) 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 County, 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 Court's personnel chapter of the administrative code and received orientation on his/her 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 higher level, provided the employee meets the specified requirements or demonstrates specific skills. A salary increase normally accompanies advancement.

C. HARASSMENT

The Fiscal Court is committed to maintaining a work environment free of discrimination and harassment. In keeping with this commitment, we will not tolerate conduct that affects tangible job benefits, that interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

Harassment on the basis of race, color, religion, gender, national origin, age, or disability 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 his/her race, color, religion, gender, national origin, age, or disability, or that of his/her relatives, friends, or associates, and that:

- (1) Has the purpose or effect of creating an intimidating, hostile, or offensive work environment,
- (2) Has the purpose or effect of unreasonably interfering with an individual's work performance,
- (3) Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to:

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

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/her 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/she may file a complaint with Human Resources.

Sexual Harassment

Sexual harassment deserves special mention. Inappropriate sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when:

- (1) Submission to such conduct is either explicitly or implicitly made a term or condition of employment,
- (2) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or

- (3) 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.

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.

Sexual Harassment- Complaint Procedure:

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

The Fiscal Court policy 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.

Harassment and Sexual Harassment - False Accusations Procedure:

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

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.

Harassment and Sexual Harassment - Employee Inquiry Procedure

The Fiscal Court encourages any employee to raise questions he or she may have regarding the harassment policy or sexual harassment with his or her immediate supervisor or Human Resources.

D. WORKPLACE VIOLENCE

Fiscal Court is committed to promoting a safe environment for its employees. Fiscal Court is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. While this kind of conduct is not pervasive, no department/agency is immune. Disruptive behavior at one time or another will affect every department/agency.

Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated; that is; all reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statement, 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 he or she is a Fiscal Court employee or not, report it immediately to a supervisor, director, or agency head. Supervisors, directors, or agency heads that receive such reports should seek advice from the Human Resources Office 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.]

E. 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 Court's commitment to a drug-free work place:

Employees shall not unlawfully manufacture, distribute, dispense, have possession of or use illegal drugs or alcohol 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 work-related 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 his/her supervisor of any work related drug convictions within five (5) working days after the conviction or be subject to having charges filed for dismissal.

If a supervisor has reasonable suspicion, as defined in section 3.7 (F), 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 test under this circumstance may result in termination.

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

F. 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 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, 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, counseling, drug and alcohol testing based on "reasonable suspicion" of substance abuse or impairment on the job.

Federal Highway Administration (FHWA) regulations and Fiscal Court policy prohibit employees from:

- (1) Abusing prescription drugs or using illegal drugs such as marijuana, cocaine, opiates (such as heroin, morphine, codeine), PCP, or amphetamines, or
- (2) Coming to work under the influence of alcohol, using alcohol on the job, especially prior to or during the performance of safety sensitivity functions. (.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.)

Use, consumption, possession, sale or transfer of alcohol or illegal drugs on 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:

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).

Reasonable suspicion; an employee will be tested if he/she 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.

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 once during the year. Refusal to submit to a test when required shall be grounds for suspension and possible termination.

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.

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 a test at any time of the department's choosing for the next five (5) years.

Voluntary tests: an employee may volunteer to take a drug or alcohol tests 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's department will be subject to further disciplinary action.

Drug tests are conducted by collecting a urine sample and having the sample analyzed. All drug tests will be conducted following federal government 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 to 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 consequences 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 Court 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 - minimum of six (6) tests in the first year and tests at any time for up to five (5) years - will be a condition of return to work after a positive test; continued attendance in a Court-approved treatment of aftercare program also may be required. A second positive test will result in termination.

G. PERFORMANCE MANAGEMENT

Your work performance will be evaluated regularly by your supervisor. You and your supervisor will discuss areas where you are performing well and areas where you need improvement.

The County Judge/Executive and department heads are responsible for appraising the performance and merit of personnel under their respective jurisdiction. The County Judge/Executive will appraise all department heads.

During your introductory period, your supervisor will explain the work standards, which apply to your 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.

Your performance evaluation ratings are directly tied to your performance on the job.

Performance evaluations will be completed by May 30th of each year and shall be preceded by an agreement on the performance plan or objectives.

The following elements shall be considered in each evaluation:

- (1) Job Proficiency - The ability to perform job tasks at or above the job standard is to be appraised. 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.

- (2) Harmonious Work Relationships -The way an employee gets along with his supervisors and his fellow workers shall be appraised. Willingness to accept and to carry out orders, as well as the ability to get along with others is important. The supervisor's appraisal of this factor is also presumed to be accurate unless any arbitrary or discriminatory action or gross errors in judgment are noted.
- (3) Absenteeism or Tardiness - The punctuality and consistency of attendance of an employee in the job is an important consideration. Excessive absences and/or tardiness are grounds for an unfavorable evaluation and disciplinary action.
- (4) Errors or Accidents - Errors in work and/or accidents attributable to improper performance of job tasks shall be noted and evaluated.
- (5) Failure to Follow Rules and Regulations -Any employee may receive an unfavorable evaluation if he/she disregards written or oral rules and regulations of which he/she could reasonably be deemed to be aware.
- (6) Relationships with the Public - Public relations are an important part of the duties of every employee. Each supervisor shall appraise the manner in which his/her subordinates deal 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.
- (7) Other -Each supervisor shall appraise his/her subordinates in the best way possible for this organization. Other job related elements rather than those enumerated may be used in the appraisal. 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 that supervisor.

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 is not satisfied with his/her evaluation he/she 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 consideration and 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, his evaluator, and Human Resources.

H. 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 or employees may be disciplined for, but not limited to, the following when substantiated with or by bona fide proof:

- (1) Incompetence,
- (2) Inefficiency,
- (3) Dishonesty.
 - a. Deliberately making or using falsified records, materials requisitions, etc.
 - b. Lying,
 - c. Personal use of Court property,
 - d. Theft of property,
 - e. Deliberate waste; and/or
 - f. Supplying false information on an Employment Application Form.
- (4) Improper conduct,
- (5) Neglect of duty:

- a. Repeated failure to be at workstation at starting time,
 - b. Leaving assigned work area without permission,
 - c. Failure to attend scheduled meeting(s),
 - d. Refusal to accept reasonable work assignment,
 - e. Stopping work before specified time,
 - f. Deliberate interruption of work,
 - g. Loitering, loafing or sleeping on job; and/or
 - h. Unsatisfactory work and/or attitude.
-
- (6) Failure to keep attendance sheets accurately or completing another Employee's attendance sheet,
 - (7) Fighting or horseplay on Court's premises at any time,
 - (8) Attempting bodily injury to another person,
 - (9) Failure to observe safety rules,
 - (10) Abusive or obscene language,
 - (11) Discourtesy to the public or fellow employees,
 - (12) Conviction of a felony,
 - (13) Untidy attire, torn uniforms and other failures to maintain a clean, neat appearance,
 - (14) Off-duty activities that discredit the individual or organization or cause inefficiency in performing assigned duties,
 - (15) Reporting to work under the influence of intoxicants or illegal drugs,
 - (16) Use of any intoxicants or illegal drugs while on duty,
 - (17) Gambling while on duty,
 - (18) Improperly discussing or disclosing confidential information,
 - (19) An accumulation of any of the listed infractions in this section,
 - (20) Failure to follow any other rule, regulation, operating procedure or job requirement not specifically mentioned above,
 - (21) Frequent or excessive absenteeism,

- (22) 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),
- (23) Refusal to report to work when called, unless a bona fide personal emergency exists.

Generally, Fiscal Court believes in the application of progressive discipline. However, the county 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 specifically not the County'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 lawful reason, the contrary are hereby expressly disavowed.

- (1) Oral warning (counseling):
 - a. The immediate supervisor or department head 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 offense.
 - b. 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 departmental 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.

(2) Written warning/probation:

- a. The immediate supervisor or department head and/or Human Resources shall give the employee a written warning specifying the reason(s) for such warning and noting any previous oral 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.
- b. 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.
- c. 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.

(3) Suspension:

In situations where the Court has become aware of alleged misconduct by an employee which, if true, could result in disciplinary action, the appointing authority may suspend the employee with pay 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 him/her 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/her position.
- d. During the time an employee is on suspension with pay he/she is considered to be performing services for the Court. Therefore, the employee must remain available to return to work within 24 hours of receiving written or verbal confirmation of his/her reinstatement from Human Resources. In the event the employee is notified of this reinstatement verbally, the Court shall provide written verification within one (1) working day.
- e. Nothing in this policy or procedure should be construed as limiting the authority of the Fiscal Court to suspend an employee without pay in those instances where such action is deemed appropriate.

(4) Demotion or transfer:

- a. In the event that an employee becomes unable to perform the duties as stated in the job description, he/she 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.
- b. Such actions shall be recorded in the employee's personnel file.

(5) Dismissal:

- a. Where an offense is continually repeated, or misconduct is serious enough for discharge on the first offense, the department head may recommend dismissal of an employee and effect immediate removal.
- b. 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.
- c. 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.
- d. A copy of the notification shall be placed in the employee's personnel file.

I. DISMISSAL

An employee may be dismissed at any time for any reason, which may include disciplinary action or for unsatisfactory performance.

Upon the department executive's recommendation of dismissal, an employee shall terminate service and be immediately removed from the premises. A dismissal becomes final upon recommendation of the County 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.

J. RESOLVING CONFLICTS IN THE WORKPLACE - MEDIATION

Problems arise in any job. Sometimes the conflict is between two employees or an employee and his/her supervisor. It is the belief of the Court that most problems can be handled by open discussion between the two employees. The conflict resolution procedure is designed to give employees and supervisors a way to sit down and work through their situation. Through discussions, we hope you will be able to reach a solution. If you cannot, third party mediation may be a way of working out the differences and exploring agreements.

To arrange mediation, either the supervisor or employee may contact Human Resources. 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. 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.

K. LEAVING EMPLOYMENT

If you plan to leave employment with the Court, it is important that you contact Human Resources. An appointment will be set up for you to discuss important information about your insurance, retirement membership and contributions, and your final paycheck.

When you leave the Court, you have the right to purchase continued health coverage for eighteen months at the Court's group rates. See section 3.6 (F) for details.

You are responsible for returning keys, equipment, uniforms and this manual to your department.

L. EXIT INTERVIEW

Once you have decided to resign, it is often helpful to talk with someone. 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.

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4.0 ETHICS

4.1 GENERAL PROVISIONS

4.1.1 PREAMBLE

The Code of Ethics originally adopted by the Fiscal Court on December 6, 1994, is incorporated into the Administrative Code of Oldham County. The Code or any revisions thereto shall include the following:

Standards of conduct for elected and appointed officials and employees;

Requirements for creation of financial disclosure statements, which shall be filed annually by all elected officials, including candidates for all County elective offices, and other officials or employees of the County government;

A policy on the employment of family members of officials or employees of this County government;

The designation of a person or group to be responsible for enforcement for the Code of Ethics;

The Code of Ethics may be amended, but may not be repealed.

4.1.2 DEFINITIONS

The following definitions shall apply:

BUSINESS ASSOCIATE includes the following:

1. A private employer;
2. A general or limited partnership, or a general or limited partner within the partnership;
3. A corporation that is family-owned or in which all shares of stock are closely-held and the shareholders, owners, and officers of such a corporation.
4. A corporation, business association, or other business entity in which the County government officer or employee serves as a compensated agent or representative.

BUSINESS ORGANIZATION means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit;

CANDIDATE means any individual who seeks nomination or election to a County government office. An individual is a candidate when the individual:

1. files a notification and declaration for nomination for office with a County clerk or the Secretary of State; or
2. is nominated for office by a political party under KRS 118.105, 118.115, 118.325, or 118.760.

COUNTY GOVERNMENT AGENCY means any board, commission, authority, non-stock corporation, or other entity formed by the County government or a combination of local governments.

COUNTY GOVERNMENT EMPLOYEE means any person, whether compensated or not, whether full-time or part-time, seasonal or temporary, employed by or serving the County government or County government agency who is not a County government officer, but shall not mean any employees of a school district or school board.

COUNTY GOVERNMENT OFFICER means any person, whether compensated or not, whether full-time or part-time, who is elected to any County government office; or any person who serves as a member of the governing body of any County government agency or special taxing or non-taxing district, but shall not mean any officer of a school district or school board.

MEMBER OF IMMEDIATE FAMILY means a spouse, domestic partner, child, step-child, parent, parent-in-law, step-parent, grandparent, grandparent-in-law, brother, step-brother, sister, step-sister, and grandchild or any other relationship similar to that of persons who are related by blood or marriage.

4.1.3 SEVERABILITY CLAUSE

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance. This ordinance shall become effective upon its adoption and publication according to law.

4.2 STANDARDS OF CONDUCT

GENERAL PROVISIONS

The following standards of conduct shall apply to all County government officers or employees:

(A) No County government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.

(B) No County government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

(C) No County government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.

(D) No County government officer or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties.

(E) No County government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This

provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office as governed by the Kentucky Revised Statutes.

(F) No County government officer or employee shall be prohibited from giving or receiving an award publicly presented in recognition of public service, commercially reasonable loans made in the ordinary course of the lender's business, or reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearance, ceremonies or fact-finding trips related to official County government business.

(G) No County government officer shall be prohibited from accepting a gratuity for solemnizing a marriage.

(H) No County government officer or employee shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated except under the "rule of necessity";

(I) No County government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves.

(J) No County government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could

reasonably be expected to accrue to any other member of such business, profession, occupation or group.

(K) No elected County government officer shall be prohibited from making an inquiry for information or providing assistance on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefore; and,

(L) Nothing shall prohibit any County government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests.

4.3 NEPOTISM

PROHIBITED CONDUCT

Members of any County government officer's or employee's immediate family are ineligible for employment by the Fiscal Court.

No officer or employee shall exercise contract management authority where any member of the immediate family of the official or employee is employed by or has contracts with persons doing County government work over which the official or employee has or exercises contract management authority.

4.4 FINANCIAL DISCLOSURE

GENERAL PROVISIONS

Any officer or employee, or any member of his immediate family, of the County government who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department or agency of the County government shall disclose such private interest to the Fiscal Court or the Ethics Commission.

Any County Judge/Executive, magistrate or commissioner, sheriff, jailer, coroner, constable, surveyor, County attorney, County clerk, or a member of his immediate family, who has a private interest in any matter pending before the Fiscal Court shall disclose such private interest on the records of the Court and shall disqualify himself from participating in any decision or vote relating thereto.

Any officer or employee, or a member of his immediate family, of an independent agency or special district to which this Code of Ethics applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such independent agency or special district shall disclose such private interest to the governing body of such agency or district.

A Statement of Financial Interests shall be filed by all elected County officers and candidates for election to County government offices. This statement by the officers shall be filed with the County Clerk's Office and the Board of Ethics by January 31st for the preceding calendar year. The first statement shall be filed by January 31, 1995. Statements by candidates shall be filed on the last day that nominations or filings can be made.

STATEMENT OF FINANCIAL INTERESTS

A Statement of Financial Interests shall include the following:

1. Name of filer;
2. Current business address, business telephone number and home address of filer;
3. Title of the filer's public office or office sought;
4. Occupations of filer and spouse;
5. Positions held by the filer and any member of the filer's immediate family in any business organization or nonprofit entity from which the filer or any member of the filer's immediate family received compensation in excess of \$10,000 during the preceding calendar year, and the name, address, and telephone number of the business organization or nonprofit entity;
6. Name, address, and telephone number of each source of income of the filer and spouse from within the Commonwealth of Kentucky which exceeded \$10,000 during the preceding calendar year;
7. Name, address, and telephone number of each business organization located within the Commonwealth in which the filer or any member of the filer's immediate family had an interest of ten thousand dollars (\$10,000) at fair market value or five percent (5%) ownership interest or more during the preceding year;
8. The location and type (commercial, residential, agricultural) of all real property within the County, other than the filer's primary residence, in which the filer or any member of the filer's immediate family had an interest of ten thousand dollars (\$10,000) or more during the past year.

PENALTY

Each statement shall be signed and dated by the individual filing the statement of financial interest. Signing a fraudulent statement shall be a Class A misdemeanor.

RECORDS

All pay and benefits shall be withheld until a non-complying officer is in compliance with the filing requirements. All financial disclosure statements shall be open records. Each individual or organization requesting to view financial disclosure statements shall complete a form giving full name, address, telephone number and organization/individual represented if other than the individual making the request. One copy of this form shall be attached to the statement so requested and shall become a part of the record.

4.5 COUNTY ETHICS COMMISSION

GENERAL PROVISIONS

The County Ethics Commission shall consist of three (3) citizen members. The Commission shall annually select a chairman. The members shall be appointed by the County Judge/Executive with the approval of the Fiscal Court.

Members shall receive no compensation but may be reimbursed all necessary expenses. The terms of members shall be staggered and no longer than four (4) years.

POWERS AND DUTIES

The Commission shall have jurisdiction over the administration of this Code and enforcement of the civil penalties prescribed by this Code.

The Commission may receive and initiate complaints; initiate investigations on its own motion; and conduct investigations, inquiries, and hearings concerning any matter covered by this Code.

The Commission may administer oaths; request the attendance of witnesses and the production of papers, books, accounts, documents, and testimony; and have the deposition of witnesses taken in the manner prescribed by the Kentucky Rules of Civil Procedure for taking depositions in civil actions. A failure of any individual subject to this ethics ordinance to comply with a request for appearance or documents shall be considered in violation of this ordinance.

The Commission may render advisory opinions whether or not a given set of facts and circumstances constitute a violation of any provision of this Code.

The Commission shall prescribe and provide forms for reports, statements, notices, and other documents required by this Code. The Commission shall determine whether the required statements and reports have been filed and, if filed, whether they conform with the requirements of this Code. The Commission shall promptly give notice to the filer to correct or explain any omission or deficiency.

The Commission may retain private counsel at the expense of the County if the County Attorney has an actual or potential conflict.

COMPLAINT PROCEDURE

Upon a complaint signed under penalty of perjury by any person, or upon its own motion, the Commission shall investigate any alleged violation of this Code.

Not later than ten (10) days after the Commission receives the complaint, the Commission shall initiate a preliminary inquiry into any alleged violation of this Code.

Within thirty (30) days of the commencement of the inquiry, the Commission shall forward a copy of the complaint and a general statement of the applicable law to the person alleged to have committed a violation.

PRELIMINARY INVESTIGATIONS

The Commission shall afford a person who is the subject of a preliminary investigation an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations in the complaint.

If the Commission determines in the preliminary investigation that the complaint does not allege facts sufficient to constitute a violation of this Code, the Commission shall immediately terminate the inquiry and notify in writing the complainant and the person alleged to have committed a violation. The Commission may inform the alleged violator of potential violations and provide information to ensure future compliance with the law.

FINDINGS

If the Commission, during the course of the preliminary investigation, finds probable cause to believe that a violation of this Code has occurred, the Commission shall notify the alleged violator of the finding, and the Commission, upon majority vote, may:

(1) Due to mitigating circumstances such as lack of significant economic advantage or gain by the alleged violator, lack of significant economic loss to the County, or lack of significant impact on public confidence in government, reprimand, in writing, the alleged violator for potential violations of the law and provide a copy of the reprimand to the County Judge/Executive.

(2) Initiate an adjudicatory proceeding to determine whether there has been a violation.

PENALTY

Any person who knowingly files with the Commission a false complaint of misconduct on the part of any elected or appointed official or other person shall be guilty of a Class A misdemeanor.

ADJUDICATORY PROCEEDINGS

The Kentucky Rules of Civil Procedure and Kentucky Rules of Evidence shall apply to all Commission adjudicatory hearings. All testimony in a Commission adjudicatory proceeding shall be under oath. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, and to be represented by counsel and any other due process rights, privileges, and responsibilities of a witness appearing before the courts of the Commonwealth of Kentucky. All witnesses shall be entitled to be represented by counsel.

Any person whose name is mentioned during adjudicatory proceedings of the Commission and who may be adversely affected thereby may appear personally before the Commission on his own behalf, with or without attorney, to give a statement in opposition to such adverse mention or file a written statement of that opposition for incorporation into the record of proceeding.

All adjudicatory proceedings of the Commission carried out pursuant to the provisions of this section shall be public, unless the members vote to go into executive session in accordance with KRS 61.810.

Within thirty (30) days after the end of an adjudicatory proceeding pursuant to the provisions of this section, the Commission shall meet in executive session for the purpose of reviewing the evidence before it. Within thirty (30) days after completion of deliberations, the Commission shall publish a written report of its findings and conclusions.

ACTION BY COMMISSION

The Commission, upon a finding pursuant to an adjudicatory proceeding that there has been clear and convincing proof of a violation of this Code, may:

- (1) Issue an order requiring the violator to cease and desist the violation;
- (2) Issue an order requiring the violator to file any report, statement, or other information as required by this Code;
- (3) In writing, publicly reprimand the violator for potential violations of the law and provide a copy of the reprimand to the County Judge/Executive.
- (4) Issue an order requiring the violator to pay a civil penalty of not more than five hundred dollars (\$500.00).

The Commission may refer to the County attorney, or Commonwealth's attorney for prosecution, evidence of criminal violations of this Code.

Findings of fact or final determinations by the Commission that a violation of this Code has been committed, or any testimony related to the Commission's findings of fact or final determinations, shall not be admissible in criminal proceedings in the courts of the commonwealth of Kentucky. Evidence collected by the Commission may be used in a criminal proceeding if otherwise relevant.

APPEAL

Any person found by the Commission to have committed a violation of this Code may appeal the action to the Oldham Circuit Court. The appeal shall be initiated within thirty (30) days after the date of the final action of the Commission by filing a petition with the court against the Commission. The Commission shall transmit to the clerk of the court all evidence considered by the Commission at the public hearing. The court shall hear the appeal upon the record as certified by the Commission.

RECORDS

Records maintained under this ordinance shall be maintained in compliance with standards established by the Archives and Records Commission.

The Oldham County Administrative Code

Revised June, 2010

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