

**MILLER COUNTY
PERSONNEL POLICIES**

**ARTICLE I
INTRODUCTION**

Section 1.01 Personnel System

The Miller County Personnel System is a system of employment which recognizes that the employees covered by the system should be selected and promoted according to their knowledge, skills and abilities, and that employees who perform satisfactorily should be retained in their position as long as the position exists and regardless of factors extraneous to their performance and conduct.

It is the policy of Miller County to maintain a systematic, consistent recruitment program, to promote equal employment opportunity, and to identify and attract the most qualified applicants for all present and future vacancies. Equal employment opportunities are allowed without regard to sex, race, religion, color, national origin, age, or non-disqualifying handicap.

Section 1.02 Establishment

The Miller County Personnel System is committed to fair, clearly stated and supportive relationships between the organization and its staff. The personnel policies of the organization have been established in order to provide a guide to the personnel practices to ensure consistency of personnel decisions. The system and these revised policies have been adopted by the governing body of Miller County.

Section 1.03 Purpose

It is the intention of the Miller County Personnel System to administer the personnel programs in a manner which complies with the letter and spirit of all applicable federal, state and local regulations. Notwithstanding the provisions of the personnel policies, **ALL EMPLOYEES ARE AT WILL EMPLOYEES**, which means that they may be terminated at any time with or without cause, without subjecting the organization to a claim for breach of an employment contract. In order to establish a system of employment that implements and perpetuates six Merit Principles of public employment, employees are guided by six principles:

- a. Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;
- b. Providing equitable compensation;
- c. Training employees, as needed, to assure high-quality performance;
- d. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance cannot be corrected;
- e. Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religion, age or handicap; and, with proper regard for their privacy and constitutional rights as citizens; and

- f. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

Section 1.04 Establishment, Applicability and Coverage

These personnel policies will apply to all departments in county government including employees of participating Constitutional Officers. **If Constitutional/Elected officials choose to provide their own policies for their department, a waiver must be signed by a supervisor along with a copy of the policies that will be used for the department within a timely manner.** If such communication is not made, employees in such office will participate in the personnel policies of the County.

Specifically, six types of employees may be covered, in whole or in part, in participating departments or offices. These types of employees are covered in Section 5.01A, 5.01B, 5.01C, 5.01D, 5.01E and 5.01F, which defines full-time, temporary, seasonal, acting, substitutes and part-time employees and also outlines the level of coverage, if any, of each.

Specifically excluded from all provisions of these procedures are: County Manager, members of the County Commission, members of any appointed Board of Commission, persons employed to make or conduct a temporary or special inquiry, elected officials and those persons paid on a retainer or contract basis – such as the County Attorney. Additionally, at the discretion of the governing authorities, certain employees considered to be personal staff can be excluded.

Section 1.05 Administration

In general, the County Commissioners and Constitutional Officers will administer these procedures in their respective departments. The County Commissioners Office will provide administrative support to the departments under Constitutional Offices and will totally administer the procedures for departments other than Constitutional Offices. The Board of Commissioners will become directly involved in administering the procedures in all departments when budget and funding are concerned.

**ARTICLE II
JOB CLASSIFICATION PLAN**

Section 2.01 Establishment and Amendment

The governing authorities may establish an employee pay and classification plan. The nature or content of the plan, if established, will be at the discretion of the governing authorities and is subject to be changed or be discontinued at any time without prior notice to employees.

Section 2.02 Interpretation of Job Descriptions

One element of the classification plan may be job descriptions. The job descriptions are descriptive and not restrictive. They are intended to indicate the general kinds of duties, responsibilities, and job requirements normally associated with the position, but are not intended to be exhaustive. Employees may be assigned other duties not included in the descriptions and also may be required to work across departmental lines.

**ARTICLE III
EMPLOYEE PERFORMANCE EVALUATION**

Section 3.01 Objectives

The governing authorities may utilize a performance appraisal system for evaluating employees. The type of system utilized will be at the discretion of the governing authorities and is subject to change without prior notice to the employee.

Employee performance evaluation is a management tool that may be used in an attempt to effectuate higher levels of employee productivity and also may be a factor in determining salary increments. Performance evaluations may also be used for other purposes the governing authorities deem appropriate.

Section 3.02 Qualifications

In no case should employees view the evaluation as an employee right or obligation of the County. Rather, they are a management tool to be used at the discretion of the governing authorities.

Section 3.03 Time of and Period of Evaluation

If the governing authorities elect to utilize an evaluation system in any given year, they will determine the time the evaluation will take place and the period of time to be covered by the evaluation.

Section 3.04 Procedure for Filing Evaluation Disagreements Other Than Through the Grievance Process

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

**ARTICLE IV
TRAVEL EXPENSE REIMBURSEMENT**

Section 4.01 Reimbursement Procedures

- a. Mileage Allowance. Employees will be reimbursed at a rate to be set by the County Commissioners when specifically authorized to use their personal vehicle in lieu of a County vehicle in the performance of official County duties. The present rate will be the same as the current state rate for employees. In the event it is necessary for an employee to put fuel in a County vehicle at the employee's personal expense, the employee will be reimbursed for the cost of the fuel provided a valid receipt is submitted along with the expense voucher.
- b. Common Carrier. If common carrier is used for official travel, reimbursement will be at the tourist rate. Receipts must be submitted.
- c. Meals. Reimbursement will be made for reasonable actual cost of meal plus tips while on official travel. Valid receipts are required.

- d. Lodging. Reimbursement will be made for actual, reasonable cost of lodging while on official travel. Copies of hotel or motel receipts shall be attached to the expense voucher for payment.
- e. Other Expenses. Employees may be reimbursed for other expenses incidental to official travel and normally will be limited to taxi fees, baggage handling fees, official phone calls, parking fees, registration fees for conferences, seminars or workshops. Any other expenses will be reimbursed at the discretion of the County Commissioners.
- f. All travel expense (items a-e above) must be approved in advance, by the appropriate governing authority.

ARTICLE V EMPLOYMENT

Section 5.01 Types of Employment

There may be several categories of employees as follows:

- a. Full-time. This includes employees who work **40 hours per week** or more in positions which have been created with the anticipation that it will be necessary to maintain the existence of such positions indefinitely on a continuous year-round basis. As full-time employees, these workers are subject to all rules and regulations contained in this handbook and receive all benefits and rights as provided by these personnel procedures, including vacation and sick leave.
- b. Acting. Normally, this occurs when an existing employee is placed in a higher level position (usually full-time), until an eligible replacement can be hired. Normally, a position of this type would not exceed six months but may be extended if the need occurs. (If acting employees are not existing employees, then, by definition, they are temporary employees.)

Employees in these positions are subject to all the rules and regulations contained in these procedures. Also, since it involves existing employees and full-time positions, employees are eligible for all benefits and rights as provided by these personnel procedures including vacation and sick leave provided they meet the full-time requirement.

- c. Substitutes. This includes employees who are hired to temporarily fill existing positions - usually on an intermittent and "as needed basis." These are essentially the same as temporary employees except that they involve substitutes for existing employees. These positions also may be full-time or part-time, but the substitute employee in the position is a temporary employee. Duration of the position may vary but normally will not be in excess of six months.

As a substitute employee, the worker is subject to all the rules and regulations contained in these procedures. However, a substitute employee is not eligible for fringe benefits such as sick leave and vacation leave. Also, a substitute employee does not have property rights in the position.

- d. Part-time. This includes employees who work **less than 40** hours per week in positions which have been created with the anticipation that it will be necessary to maintain the existence of such positions indefinitely on a continuous year-round basis. As part-time employees, these workers are subject to all rules and regulations contained in this handbook.
 - 1. Part-time employees who work at least 20 hours per week on a year-round basis. This category of part-time employees will receive one-half fringe benefits, excluding pension and retirement, as

provided by these procedures, including vacation and sick leave. (If not clearly spelled out elsewhere; it is understood that these benefits will be prorated.)

2. Part-time employees who work less than 20 hours per week on a year-round basis. This group of part-time employees is not eligible for fringe benefits such as sick leave and vacation leave.
- e. Temporary. This includes employees who are working in positions which have been created for a period of six months or less and which shall remain in existence only as long as the temporary work situation requires it.

A temporary position may also be either full-time or part-time. As temporary employees, these workers are subject to all rules and regulations contained in these policies; however, a temporary employee is not eligible for fringe benefits such as sick leave and vacation leave. Also, a temporary employee does not have property rights in the position.

- f. Seasonal. This includes employees who are working in positions that have been created for a seasonal period i.e., summer work programs, summer recreational program, etc. These positions also may be either full-time or part-time. Duration of the position may vary but normally will not be in excess of six (6) months.

As seasonal employees, these workers are subject to all rules and regulations contained in these procedures. However, a seasonal employee is not eligible for fringe benefits such as sick leave and vacation leave. Also, a seasonal employee does not have property rights in the position.

NOTE: Working test employees are subject to the restrictions outlined in Section 6.01. That is, working test employees do not have a property interest in the position until after the working test is successfully completed.

Section 5.02 Method of Filling Promotional Positions

The County has developed a recruitment plan that does not discriminate on the basis of race, color, sex, religion, national origin, age, mental or physical handicap and political affiliation.

In general, the County attempts to promote from within providing such promotions are consistent with nondiscrimination laws and fair employment practices.

Existing employees desiring to apply for position vacancies that are promotional in nature must complete an application for the position in the same manner as prescribed for all other applicants.

Section 5.03 Minimum Age for Employment

The minimum age for employment of full-time and acting employees shall be eighteen years of age unless otherwise established by State law.

Section 5.04 Nepotism (Hiring of Relatives)

Two members of an immediate family will not be employed under the same supervisor, neither will two members of an immediate family be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising directly or indirectly, a member of his/her immediate family. This policy applies to promotions, demotions, transfers, retirements, and new employees. The provisions of this section will not be retroactive; no action is to be taken concerning those

members of the same family employed at the time of the adoption of this section. This policy applies to individuals who are related by blood, or marriage within the same household that includes the relationships: spouse, child, step-children, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, parent-in-law, daughter-in-law, and son-in-law.

**ARTICLE VI
WORKING TEST
AND HEALTH/MEDICAL INSURANCE COVERAGE**

Section 6.01 Working Test Defined

As a final test of employability, **the first six (6) months** of employment in positions of original appointment, promotion or transfer to other positions which have different qualifications shall be a working test to determine if the employee can be considered capable of performing satisfactorily in that position. In cases where a position requires State certification, the employee will remain on working test until certification is obtained even though it may exceed six (6) months. While working test employees may earn leave and participate in other eligible fringe benefits, management is not required to notify the employee of the reasons or causes if the employee is dismissed. Working test employees do not have a property interest in the position nor do they have the right to appeal an adverse action or utilize the County's grievance procedure.

Section 6.02 Health Insurance Benefits

As an employee of the County, all employees will be provided with health insurance coverage. Only employees who work 40 hours or more per week will be covered by medical insurance. Coverage of insurance will be provided for an employee. In the case where a member of the immediate family wishes not to switch their insurance provider, the County employee will receive a payroll supplement for medical coverage which is comparable to county provided insurance coverage.

Monetary benefits will only be given through deposit into a savings account, retirement account, or 401k plan for payment of medical related expenses only and must follow strict IRS HRA requirements to be non taxable. Proof of insurance must be provided showing that a member of the immediate family is covered by an insurance provider. New employees will be made aware by the Personnel Department at an orientation session of the health insurance program, and will be provided the necessary enrollment forms.

**ARTICLE VII
DISCIPLINE**

Section 7.01 Progressive Discipline

Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity. County officials advocate progressive discipline when applicable. The action taken will depend on the degree and the circumstances of the violation. An employee who fails to satisfactorily perform assigned duties or who violates established procedures will be disciplined. The County recognizes six (6) degrees of progressive disciplinary actions that fall into two general categories.

- a. Reprimands

1. Oral
2. Written

b. Adverse Actions

1. Suspensions without pay
2. Disciplinary Salary Reduction
3. Disciplinary Demotion

Section 7.02 Examples of Causes of Disciplinary Actions

The following list of possible reasons for disciplinary actions is intended to communicate to the employee several general reasons that are universally accepted as causes in public sector employers. These reasons are neither mutually exclusive nor collectively exhaustive. The governing authorities or their designee may discipline for any combination of reasons or for reasons not listed below:

- a. chronic tardiness or absenteeism,
- b. negligence in performing assigned duties,
- c. inefficiency in performing assigned duties,
- d. inability or unfitness to perform assigned duties,
- e. insubordination,
- f. misconduct,
- g. criminal disposition of a case involving indictment for a felony or a crime involving moral turpitude depending on the circumstances,
- h. conduct reflecting discredit on the County or department,
- i. failure to report to work without justifiable cause,
- j. political activity that is prohibited by federal, state or local laws

Section 7.03 Disciplinary Actions

The six disciplinary actions are defined as follows:

- a. Reprimands. A reprimand is a formal means of communicating to the employee a warning that a problem exists and that it must be corrected. There are two (2) degrees of formality, the oral reprimand and the written reprimand.
 1. Oral Reprimand. In an oral reprimand, the supervisor will orally and privately explain to the employee that he or she is being reprimanded and describe the problem and what must be done to correct the problem.
 2. Written Reprimand. In the written reprimand, the employee will receive a written statement describing the problem and what must be done to correct the problem. The written statement will be given to the employee during a private interview.
- b. Adverse Action. An adverse action is an action taken for any reason by the governing authorities or designees that result in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, or disciplinary dismissal.
 1. Suspension Without Pay. An employee may be suspended without pay by the governing authorities or their designee. The suspension without pay should not exceed (30) days.

2. Disciplinary Salary Reduction. An employee's salary may be reduced from one pay step to a lower step for disciplinary purposes. The salary reduction does not constitute a demotion in pay grade.
3. Disciplinary Demotion. An employee may be demoted from one pay grade to a lower grade for disciplinary reasons if a lower position is open and if the employee is qualified to perform the work at the lower position. A disciplinary demotion should include a decrease in salary.
4. Dismissal. An employee may be dismissed for disciplinary reasons when all other alternatives have failed to solve the problem or, in the judgment of the governing authorities, dismissal is the only appropriate action.

Section 7.04 Notice of Proposed Adverse Action.

The Department Head or Supervisor will give the employee a notification of the proposed adverse action prior to the effective date of the action. (The specific timetable depends on the type adverse action and is outlined in Section 7.08A and 7.08B). The notice will contain:

- a. the effective date of the action;
- b. the charges or reasons for the action, (see Section 7.01 and 7.02);
- c. a statement informing the employee that he or she may respond to the County Commissioners in non-constitutional offices and the Constitutional Officer in Constitutional Offices (or other official named in the notice), both orally and in writing within a specified time of receiving the notice of proposed adverse action. (See Section 7.08A and 7.08B for time periods.);

(Note: In Constitutional Offices, the Constitutional Officer may be the same as the Department Head/Supervisor who proposed the original action. In these cases, the employee will have a further opportunity to discuss the issue with this officer in more detail and to present any additional pertinent information.)

- d. a warning that a failure to respond to the named official will result in the loss of an opportunity to appeal the adverse action any further and that the proposed action will automatically be implemented as proposed and on the date proposed.

*NOTE: This procedure is not required for working test employees.

Section 7.05 Employee Response to Proposal of Adverse Action

The employee must respond in writing to the County Commissioners / Constitutional Officer or other official named in the notice within the time period outlined in Sections 7.08A or 7.08B, depending upon the nature of the proposed action.

Section 7.06 Named Official Response to Employee

The County Commissioners/Constitutional Officer (or other official named in the notice), after considering the employee's response, will arrange for a hearing and notify the employee within the time frames outlined in Section 7.08A or 7.088, hold the hearing and notify the employee of the results.

Section 7.07 Postponement of Deadlines

If the employee responds to the County Commissioners/Constitutional Officer (or other official named in the notice), the County Commissioner/Constitutional Officer (or other official named in the notice) may postpone the deadline for his/her response by a specific number of days to conduct further investigation. If his/her deadline for response is postponed, the effective date of the proposed action will be postponed by as many days.

7.08 Procedures for Administering Adverse Actions

These procedures are divided into two categories - disciplinary action involving dismissal and disciplinary action involving adverse actions other than dismissal.

- A. Cases where the discipline involves disciplinary suspension without pay, disciplinary salary reduction or disciplinary demotion.

In these types of adverse actions, the employee should be notified fifteen days prior to the proposed effective date by the Department Head or Supervisor of the type disciplinary action that is being proposed, the reasons therefore and the effective date of the action. The notice will include a statement that indicates to the employee that he/she may request a hearing before the appropriate governing authority or his/her designee (County Commissioners in non constitutional offices and Constitutional Officers in Constitutional Offices) provided that the employee files a written request within five (5) days of receiving his/her notice of adverse action. The governing authority or designee should then schedule a hearing within ten (10) days of receiving the request and also notify the employee. No action will be implemented before the employee receives a hearing before the governing authority or designee if a hearing is requested.

The employee may bring witnesses and have legal counsel. If witnesses are brought in, the governing authority and/or his/her designee may cross examine or otherwise question the witnesses. Under no circumstances, however, should this hearing be allowed to deteriorate to an adversarial hearing. The hearing is designed to obtain facts.

The governing authority or designee may elect to dismiss, uphold or modify the proposed adverse action and should notify the employee in writing, within five (5) working days of his/her decision.

The notification should also include a statement to the employee that indicates that the employee may appeal the governing authority's decision providing he/she responds in writing to the governing authority (or designee) within five (5) working days of receipt of the governing authority's notification. If the employee does not respond in five (5) days, he/she waives the possibility of further appeal. If an appeal is requested, the governing authority will arrange for a hearing and notify the employee of the date.

An impartial attorney should serve as hearing officer. The hearing process may be less formal than a court hearing. The hearing officer should compile evidence, prepare findings of facts, conclusions of law and issue a recommendation to the governing authority which should make the final decision and also notify the employee.

- B. Cases Where the Disciplinary Action Involves Dismissal

In this type of adverse action, the employee will be notified by the Department Head/Supervisor that

he/she is being suspended with pay pending termination or, at the discretion of the governing authority, may continue to work pending a hearing. The notification will contain the reasons for the action and the effective date (which will be at least five days but no more than ten days from date of notification of proposed action) and will contain a statement that the employee may request a hearing before the appropriate governing authority or designee provided that the employee files a written request within three (3) days of receiving his/her notice of proposed dismissal.

The governing authority should then schedule a hearing within two days, if possible, but not more than five days of receiving the request and also notify the employee. The employee will not be terminated before the employee receives a hearing before the governing authority or designee if a hearing is requested.

The employee may bring witnesses and may have legal counsel. If witnesses are brought in, the governing authority or his/her designees may cross examine and otherwise question the witness. Under no circumstances, however, should this hearing be allowed to deteriorate to an adversarial hearing. The hearing is designed to obtain facts.

The notification should also include a statement to the employee that indicates that the employee may appeal the governing authority's decision provided he/she responds in writing to the governing authority within five (5) days of receipt of the governing authority's or designee's notification. If the employee does not respond in five (5) days, he/she waives the possibility of further appeal if an appeal for a hearing is requested. The governing authority should arrange for a hearing and notify the employee of the date.

An impartial attorney should serve as hearing officer. The hearing process may be less formal than a court hearing. The hearing officer should compile evidence, prepare findings of facts, conclusions of law and issue a recommendation to the governing authority that should make the final decision.

Note: All hearings arising out of procedures described in Section VII will be taped.

ARTICLE VIII GRIEVANCES AND APPEALS NOT INVOLVING ADVERSE ACTIONS

Section 8.01 Purpose

The purpose of the employee grievance procedure is to provide an orderly process for hearing the grievable claims of employees who have successfully completed their working test. The object of the process is to reach a fair and equitable decision in a timely manner. The employee and supervisor should make an effort to resolve any grievance informally before initiating a formal procedure.

Section 8.02 Definition

A grievance is a claim initiated by an employee alleging:

- a. that his or her employment or productivity has been adversely affected by unfair treatment,
- b. unsafe or unhealthy working conditions,
- c. erroneous or capricious application of County policies and procedures, or

d. unlawful discrimination.

Section 8.03 Steps

Normally a grievance procedure will provide for a minimum of two steps. When practical, an attempt will be made to provide at least two steps to grievants. However, the organizational structure of the County may, as a practical matter, prevent all grievants from receiving two steps. The following represents the order of the maximum grievance levels for employees.

Non Constitutional Offices

1. Supervisor
2. Department Head
3. County Commissioners

Constitutional Offices

1. Supervisor
2. Constitutional Officer

In cases where a grievable claim is not resolved to the employee's satisfaction at the highest applicable available grievance level (and if it is an appealable matter) (See section 8.05 and 8.06), the employee may request another hearing which will be conducted by an impartial attorney who may further determine the facts in the case and present his/her findings to the governing authority who may elect to modify his/her original decision or he/she may elect to let the original decision stand. The decision should be final.

*Note: This procedure is not available to working test employees. Working test employees do not have the right to pursue a grievance beyond the Department Head.

Section 8.04 Grievance Filing Process

1. An employee may file a written grievance with his or her department head or supervisor within fifteen (15) days after the occurrence of the event being grieved, or within fifteen days after becoming aware of the event. The grievance statement must be submitted to the department head/supervisor in writing, and it should state the specific claim and the specific relief desired.
2. Scheduling and Notification. If the claim is determined to be grievable, (See section 8.05 and 8.06) a hearing by the department head should be held within twenty (20) days after the grievance is filed. The hearing officer (Department head/supervisor) should notify the grievant of his or her decision in writing within fifteen (15) days after the initial decision and inform the employee that he/she may request a further hearing before the appropriate governing authority unless, of course, the first and last grievance is the governing authority.
3. The employee must, within five (5) days of the decision of the first hearing officer, (department head/supervisor) request a grievance consultation with governing authority if the first hearing was before someone other than the governing authority.
4. If a second hearing is requested and available and held, the second hearing officer should schedule and notify the employee of the date of the second hearing and render his/her decision within ten (10) days of the date of the hearing. If the decision is not in favor of the employee, (and if it is an appealable matter) the notification should include a statement that the employee may be allowed to request a hearing before an impartial attorney. (See Section 8.06).

Grievance Hearings

1. First (and Second Level – if organizationally possible and available)
Grievance hearings at these two levels are semi-formal in nature. The hearing officer should listen to the grievant's presentation and question the grievant to obtain pertinent facts about the claim and the situation relevant to the claim. The employee may represent himself/herself or may bring witnesses to the hearing to testify. Both the grievant and the hearing officers may question the witnesses. (These are information sessions and under no circumstances should they be allowed to become adversarial in nature).
2. Appeal Hearing by the Impartial Attorney on Behalf of Governing Authority.

If a hearing before an attorney is held on appealable grievances, both the grievant and the governing authority may represent themselves or may choose to have an attorney.

Section 8.05 Non-Grievable Areas

The following areas are not grievable:

- a. Issues which are pending or have been concluded by other administrative or judicial procedures.
- b. Work assignments which do not result in a demotion or salary reduction.
- c. Budget allocations and expenditures and organizational structure, including the persons or number of persons assigned to particular jobs or units.
- d. The content or rating of a performance appraisal except when the employee can show that he or she has been adversely affected by the appraisal.
- e. The selection of an individual by the governing authority to fill a position through appointment, promotion or transfer except when the employee can show that he or she has been adversely affected because of unlawful discrimination.
- f. Any matter which is not within the jurisdiction or control of the governing authorities.
- g. Internal security practices established by the governing authorities.
- h. Decisions, policies, practices, resolutions or ordinances made or passed by the governing authority or governing authority which are not job or work related and which do not contradict these policies.
- i. Disciplinary actions other than reprimands.

Section 8.06 Appeals

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

1. unlawful discrimination against an employee;
2. unlawful or unjust coercion or reprisal;
3. other unlawful or unjust practices that adversely affect an employee.

Note: All hearings arising out of procedures described in Section VIII will be taped.

**ARTICLE IX
HOLIDAYS AND ADVERSE WEATHER CONDITIONS**

Section 9.01 Holidays Allowed

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

New Year's Day	Martin Luther King Day	Memorial Day	Independence Day
Labor Day	Thanksgiving Day	Friday after Thanksgiving	Christmas Eve
Christmas	Day after Christmas		

Section 9.02 Observation of Holidays

For each holiday, all full time employees including E911 Operatives/County Jailors/Law Enforcement/Emergency Medical Services and Fire department personnel will be eligible for eight (8) hours holiday pay, and part time employees who work 20 hours or more per week will be eligible for four (4) hours holiday pay.

Forty (40) hour per week employees will work on holidays on an emergency basis only. **If this occurs, the 40 hour per week employee will receive their regular pay with an addition of ONLY 8 hours of holiday pay. Holiday pay will not exceed 8 hours regardless of his or her 12 hour shift.**

If a holiday falls on a Saturday, it will generally be observed on the preceding Friday. If a holiday falls on Sunday, it will generally be observed on the following Monday. Employees unexcused absent the working day before or after the holiday will not be eligible for holiday pay.

Section 9.03 Adverse Weather Conditions

Employees are expected to report to their regular work stations each regular workday and to make the necessary advance preparations so they can get to work in periods of inclement weather. If an employee does not report to work during inclement weather, he/she must account for the absence by using vacation leave equal to the time of the workday. The same applies when an employee leaves work before the workday ends. If an employee desires to leave work early, he/she must obtain approval from their supervisor prior to leaving the assigned work station.

The Miller County Board of Commissioners will make an informed decision on conditions and announcements concerning delays or closing will be made on the local radio stations as soon as practical. When a decision is made to close for a full day or to delay opening, even though the employee may be on previously authorized vacation or sick leave, the employee will be excused for the period of time of the closing. When a decision is made to dismiss employees earlier than the regular closing time, employees on duty at the time of closing, those expected to report to duty before the close of the normal business day, and employees on approved leave will be excused for the period of time of the closing without charge to leave.

Employees performing essential duties are not excused as provided in this section. This class of employees should contact their supervisor. Included in this list are: Law Enforcement, Jail, Emergency Medical Services, 911 and fire departments.

ARTICLE X WORK HOURS, OVERTIME AND COMPENSATORY TIME

Section 10.01 Work Hours

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

Section 10.02 Overtime

Non-exempt employees whose work period is one week will be paid at the rate of one and one-half the normal rate for all hours worked over forty (40) hours per week. Public safety departments will establish work periods and overtime policies separately to be used as a part of the departmental operating policies. Exempt employees will receive their normal salaries for any work period. Employees are not allowed to clock in prior to their normal work schedule except on an emergency basis only and with approval by the Department Head.

Section 10.03 Compensatory Time

Compensatory time for overtime hours may be given as time off in lieu of payment and will be one (1) hour off for one (1) hour worked. The governing authority will determine the jobs that will receive compensatory time and the method of administering compensatory time.

Section 10.04 Time Sheets

If required, employees are to keep accurate time sheets on forms provided by the governing authority in accordance with FLSA guidelines and the governing authority's requirements.

ARTICLE XI LEAVE

Section 11.01 Types of Leave

The County recognizes five types of leave that are available to employees. They are: annual leave, sick leave, military leave, court leave and leave-of-absence.

11.02 Annual/Vacation Leave

Annual/Vacation Leave is leave that is earned to be used for vacations, personal business activities and other personal activities.

A. Eligibility. All full-time employees will be eligible. Part-time (who work less than 20 hours per week) seasonal, substitute and temporary workers are not eligible.

Part-time employees who work 20 hours or more per week will be eligible for annual leave at the half-time rate.

B. Method of Earning Annual/Vacation Leave

1. Eligible employees with up to five years of service may earn annual leave at the rate of .42 days per month.
2. Eligible employees with five to eight years of service may earn annual leave at the rate of .83 days per month.
3. Eligible employees with over eight years of service may earn annual leave at the rate of 1.25 days per month.

C. Accumulating Annual/Vacation Leave

Eligible employees may accumulate leave as follows:

1. 0-5 years of service - 80 hours
2. 5-8 years of service - 160 hours
3. over 8 years of service 240 hours

Unused amounts in excess of the above will be forfeited. Computations will be made on a **bi-weekly** basis.

D. Method of Taking Annual/Vacation Leave

Vacation leave may be taken as earned incrementally or continuously subject to Department Head scheduling and approval. However, new employees must have been employed with the County for one year before annual leave can be taken unless approved by the governing authority.

E. Terminal Annual/Vacation Leave:

1. Eligible employees with the County will be paid for the amount of vacation leave accumulated up to the amounts reflected in 11.02C.
2. If an employee dies while in the County service, his/her beneficiary will be paid terminal leave based on the criteria outlined in Section 11.02-C.

F. Other annual/vacation Leave Factors:

1. Cash payment will not be paid in lieu of annual/vacation leave except at termination.
2. Employees will not be granted annual/vacation leave in excess of that accumulated.
3. Requests for annual/vacation leave will be on the form provided by the County Commission with Department Head approval prior to the effective day of annual leave.

Section 11.03 Sick Leave

Sick leave is leave accumulated to be taken for bona fide illness and injury and other medical related

necessities such as physician appointments, medical examinations, dental appointments and funerals in the immediate family. Sick leave is available for the employee's personal health care as well as for the care of members of the immediate family. **All sick leave belongs to the County. An employee may be granted sick leave of 8 hours per quarter without a doctor's excuse and any leave beyond 8 hours shall have a doctor's excuse.**

- A. Eligibility. All full-time employees are eligible. *Temporary, seasonal, part-time (who work less than 20 hours per week) and substitute employees are not eligible for sick leave.

Part-time employees who work 20 hours or more per week will be eligible for sick leave at 1/2 time rate.

- B. Method of Earning Sick Leave. Eligible employees, regardless of length of service may earn sick leave at the rate of 8 hours per month.
- C. Accumulating Sick Leave. Eligible employees, regardless of length of service may accumulate sick leave up to 480 hours.
- D. Reporting. The employee should report any sick leave absence prior to his or her scheduled work time, if possible, and if not, the employee should see that his/her absence is reported within one (1) hour after the scheduled time for the employee to begin work.
- E. Approval. Sick leave requires the approval of the governing authority or designee.
- F. Physician's Certificate. A medical statement signed by a licensed physician may be required to substantiate sick leave for:
1. Absences of three (3) or more consecutive work days.
 2. To support a request for sick leave during annual leave.
 3. At any time when absence recurs frequently or habitually provided the employee is forewarned.
- G. Advance of Sick Leave. The governing authority only may advance sick leave to eligible employees. All accumulated annual leave shall have been used before the employee is eligible for consideration for advance sick leave. If an employee is indebted for unearned paid sick leave at the time of termination of service, the amount due will be deducted from his/her termination pay.
- H. Sick Leave on Termination of Employment. Accrued sick leave is forfeited on termination of employment. There will be no payment of accumulated sick leave.

Section 11.04 Family Medical Leave Act (FMLA)

In accordance with the Family and Medical Leave Act of 1993, effective August 5, 1993, Miller County shall grant each eligible employee leave entitlements consistent with the provisions outlined in the Act. The terms used in this Section which are defined in the Act shall have the meanings assigned to them therein.

To be eligible to take leave under this section, the employee must: (1) Have been employed by Miller County for at least 12 months; (2) Have been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. The eligible employee is entitled to

a total of 12 workweeks of leave during any 12 month period (or until the exhaustion of accrued sick leave, whichever is greater). The term "12-month period" shall be defined as a rolling 12-month period measured backward from the date an employee uses any FMLA leave.

Miller County will grant leave pursuant to this section:

- 1) For the birth of a son or daughter, and to care for the newborn child;
- 2) For the placement with the employee of a son or daughter for adoption or foster care;
- 3) To care for the employee's spouse, son, daughter, or parent with a serious health condition(s); and
- 4) Because of a serious health condition that makes the employee unable to perform the essential functions of the employee's job.

An employee must give 30 days notice prior to taking leave when the need is foreseeable. If the need for leave is unforeseeable, notice must be given as soon as practical, which means within one or two working days of becoming aware of the need for leave. The notice must include information indicating the leave is covered under FMLA and specify the timing and duration of the leave.

If additional leave is needed, the employee must notify the employer that the continuing leave is for an FMLA qualifying reason. Another adult may give notice of the need for FMLA leave on the employee's behalf when he/she is unable to do so personally.

Section 11.05 Military Leave (Also see 11.07A)

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

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

Section 11.06 Court Leave

An employee performing jury duty will be granted leave with pay. The employee will be permitted to retain all fees and allowances, as well as, retaining their full County pay.

Section 11.07 Leave of Absence

- a. **For Military Purposes.** According to Georgia Code 38-2-279 any voluntary member of the Reserve or National Guard shall be entitled to absent himself/herself and shall be deemed to have a leave of absence as any employee while in attendance at an service school conducted by the Armed Forces of the United States as mandated by the affected branch of the military.
- b. **For Temporary Disability and Other Reasons.** A disabled employee may exhaust all accrued sick and annual leave. When paid leave is exhausted, the employee may be placed on leave of absence,

depending on the duration and the need to fill the position. A doctor's statement will be requested to determine the length of leave necessary. Maternity and other temporarily disabling conditions associated with pregnancy will be treated as any other disability.

- c. Benefits During Leave of Absence. A leave of absence prevents a break in service but no benefits such as leave or time toward retirement shall accrue during leave of absence.
- d. Effective August 5, 1993, the County will comply with the Family and Medical Leave Act of 1993 which will provide that an employee can take up to 12 weeks unpaid leave to care for newborns or other family medical crises.

ARTICLE XII WORKER'S COMPENSATION PROCEDURES

Section 12.01 Non-emergency Occupational; Accidents or Disease

- a. Must be reported to Department Head within 24 hours.
- b. Department Head investigates accident and fills out report of injury or disease in full detail and forwards immediately to County Commissioners Office.
- c. If medical attention of physician is needed, the County Clerk makes appointment for employee with physician of his/her choice, selected from the 3 physicians appointed by the County for Worker's Compensation Treatment.
- d. Employee is given a Treatment Authorization Form to submit to doctor's office at the time of first treatment.
- e. Employee returns Treatment Authorization Form to Department Head immediately after treatment is received.
- f. Department Head forwards copies of complete Treatment Authorization Form to County Commissioner's Office.
- g. Department Head should direct any problem or questions concerning claim to County Commissioners office for discussion.
- h. County Commissioners Office must be informed of date employee returns to work.

Section 12.02 Emergency Accidents

- a. If a work related accident occurs that requires immediate emergency treatment, the supervisor should be notified immediately and treatment received at the emergency room.
- b. After treatment is received, the Report of Occupational Injury or Disease should be filled out in detail and submitted to the County Commissioners office.

NOTE: If a Non-emergency Occupational Disease or Accident should occur at night or on weekends that requires medical attention before regular office hours, procedures for emergency accidents should be followed.

- c. Subsequent treatment must be directed to one of the County’s Workers Compensation Insurance physicians, unless the injury requires specialized treatment and emergency doctor refers the employee to a physician who specializes in the type injury incurred.

**ARTICLE XIII
NON DISCIPLINARY DEMOTIONS**

Section 13.01 Non Disciplinary Demotions

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

**ARTICLE XIV
TRANSFERS**

Section 14.01 Initiation and Authority for Transfers

The governing authorities may initiate a transfer or an employee may request a transfer.

- a. If a position is open, an employee may request transfer to that position. If the knowledge, skills and abilities required for that job are not the same as for the present job, the employee will be tested and interviewed for the new position and will be on working test for the new job if transferred. The discretion to grant a transfer, if requested, rests with the governing authorities.
- b. The governing authorities may transfer an employee to any position, at any pay grade, if the employee is qualified to do the work. A temporary transfer to a higher position may be made for up to ninety (90) days without giving a salary increase.

**ARTICLE XV
JOB ABANDONMENT**

Section 15.01 Job Abandonment

Employees who are absent from work for three (3) or more consecutive days without having received leave approval or without having called in to report the absence will be considered as having voluntarily abandoned their jobs. The separation will not be in good standing and may affect the opportunities for re-employment. There is no appeal process for job abandonment.

**ARTICLE XVI
REDUCTION IN FORCE**

Section 16.01 Reduction in Force

A reduction in force may be necessary when a position or group of positions must be closed because of lack of work or lack of funds. Employees who are separated in a reduction—in-force, may at the discretion of the governing authority, receive preference in rehiring should a position, for which they are qualified, open within that year. Two factors will normally determine the order of layoff — length of service and performance records.

ARTICLE XVII PROMOTIONS

Section 17.01 Promotional Goals

Promotional vacancies may be filled with applicants external to the County's work force at the discretion of the governing authority. Normally, however, an attempt will be made to fill the vacancy from within the County and such action would not be in conflict with the County's anti-discrimination or fair employment practices.

Section 17.02 Effect of a Promotion

If a formal job classification plan is in effect, a promoted employee will be placed in the step in his/her new job class that the governing authority deems appropriate under the circumstances. If no formal plan is in effect, the employee will be paid a salary deemed appropriate by the governing authority.

Section 17.03 Relationship of Promotions to Performance Pay Increases

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

Section 17.04 Effective Date

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

ARTICLE XVIII RESIGNATION

Section 18.01 Resignation Defined

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

Section 18.02 Resignation in Good Standing

Employees are expected to provide a minimum of two weeks notice in order to resign in good standing. This may be in written form or given verbally. Failure to provide such notice may adversely affect the employee's chances to re-employment with the County should a re-employment application be submitted at a later date.

Section 18.03 Refusal to Accept Resignation

Under certain circumstances, the governing authorities may choose not to accept an employee's resignation, and may instead choose to dismiss the employee.

Section 18.04 Exit Interview and Out Processing on Termination

Any employee on terminating or resigning for any reason will report to his/her department head for an exit interview and to turn in any County property. Failure to comply with this requirement may result in deductions from final pay check to cover any missing items. The employee's final check will be held until compliance with the exit interview.

ARTICLE XIX EMPLOYEE DEVELOPMENT

Section 19.01 In-Service Training

The County is interested in promoting in-service training of employees for the purpose of improving the quality of personal service rendered to the County and to assist employees to equip themselves for advancement in the County. The governing authorities may establish standards for training programs; see that training is carried out as approved; prepare certificates or other forms of recognition to persons who satisfactorily complete approved courses and programs; and develop supervisory and management training and other types of training programs common to all departments.

Section 19.02 Individual Training

To encourage self improvement of each employee, the governing authorities may pay the following to encourage such training. Factors considered in deciding whether the training will be offered may include the degree of job relatedness cost, and in general, the worth of the training to the County.

- A. Tuition
- B. Books, supplies, board and other necessary expenses such as food, transportation and incidentals.
- C. If an employee fails to complete a course, the County shall be paid an amount equal to what was spent by the County for such training. All such training must be job related and if the training is expensive, as determined by the governing authorities, the employee must sign a statement committing him/her to remain in the employment of the County for two (2) years after completion of training course. If employee leaves the County service prior to the completion of the agreed two (2) years of County service, repayment to the County will be on a prorated basis.

ARTICLE XX UNIFORMS AND EQUIPMENT

Uniforms for the Sheriff's Department employees and such other employees as the governing authorities may authorize, may be furnished by the County. Such other equipment as the governing authorities may deem essential to job performance may also be furnished. Upon termination of employment, an employee is expected to return all such equipment and uniforms to his/her supervisor.

ARTICLE XXI OUTSIDE EMPLOYMENT

All County employees must receive permission from the governing authorities before accepting outside employment.

**ARTICLE XXII
GARNISHMENTS**

An employee's indebtedness is a personal concern of the employee but multiple garnishments of an employee's salary creates administrative difficulties that may lead to disciplinary action.

**ARTICLE XXIII
ABUSE AND MISUSE OF EQUIPMENT AND SUPPLIES**

Employees are entrusted with the use of public equipment and supplies. The abuse or misuse of County equipment and supplies can lead to appropriate disciplinary action. Although there are other misuses or abuses, the use of County vehicles for personal use is considered to be significant misuse or abuse. **Every three years driving records for county employees will be updated to show proof of validation.**

**ARTICLE XXIV
ALCOHOL AND CONTROLLED SUBSTANCE POLICIES**

Section 24.01 Alcohol and Controlled Substance Policies

It is the purpose of Miller County Board of Commissioners to help provide a safe and drug-free work environment for our clients and our employees. With this goal in mind and because of the serious drug abuse problem in today's workplace, we are establishing the following policy for existing and future employees of Miller County.

The County is a zero-tolerance employer and explicitly prohibits:

- The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on company or customer premises or while performing an assignment.
- Being impaired or under the influence of legal or illegal drugs or alcohol away from the premises, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the company's reputation.
- Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from the premises, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the company's reputation.
- The presence of any detectable amount of prohibited substances in the employee's system while at work, while on the premises of the company. "Prohibited substances" include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to the employee.

The company will conduct drug testing under one or another of the following circumstances:

- **RANDOM TESTING:** Employees may be selected at random for drug testing at any interval determined by the County. The testing will be administered using a urine stick test. If found positive, the employee will be immediately sent to the hospital for further testing.
- **FOR CAUSE TESTING:** The County may ask an employee to submit to a drug test at any time it is determined that the employee may be under the influence of drugs or alcohol, including, but

- **POST-ACCIDENT TESTING:** Any employee involved in an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test. "Involved in an on-the-job accident or injury" means not only the one who was injured, but also any employee who potentially contributed to the accident or injury event in any way.

Safeguards

Miller County's policy is intended to comply with all state laws governing drug and alcohol testing and is designed to safeguard employee privacy rights to the fullest extent of the law. Again, there is a zero tolerance policy for alcohol and substances on the premises of County work facilities. If assistance is requested, the Employee Assistance Program is available to employees.

Notice of Results

If the employee is asked to submit to a drug or alcohol test, Miller County will notify the employee of the results within 24 hours after it receives them from the laboratory.

Positive Test Results

If the employee receives notice that the employee's test results were confirmed positive, the employee will be given the opportunity to explain the positive result following the employee's receipt of the test result.

Adverse Employment Action

If there is reason to suspect that the employee is working while under the influence of an illegal drug or alcohol, the employee will be suspended (with or without) pay until the results of a drug and alcohol test are made available to Miller County by the testing laboratory. Where drug or alcohol testing is part of a routine physical or random screening, there will be no adverse employment action taken until the test results are in.

It is the objective of the County to provide safe and effective public service. To meet this objective, the problem of alcohol and controlled substance abuse must be identified, confronted and defeated.

The following regulations will prevail.

I. REGULATIONS

- a. The **use, presence or possession** of alcohol or any controlled substance while on working time or work premises shall be prohibited.
- b. The sale, distribution or provision of alcohol or any controlled substance while on work time or work premises shall be prohibited.

- c. Reporting to work, or working while intoxicated or otherwise impaired by alcohol or controlled substance use shall be prohibited. A point of .02 BAC shall be considered for purpose of these policies, as impaired.
- d. Alcohol or controlled substance-related off-duty conduct that tends to undermine the reputation, authority, or efficiency of the County is prohibited.
 - 1. As used in this policy, the term “controlled substance” shall have the meaning and include the substances defined as “controlled substances” in the Georgia Controlled Substances Act O.C.G.A. Section 16 Chapter 13 as said Section and said Act shall appear from time to time.
- e. Individuals shall submit to alcohol and/or controlled substance testing:
 - 1. When in the opinion of supervisory personnel there is a reasonable suspicion that an employee of the County has violated any provision of the Alcohol and Controlled Substance Policy dealing with the use of alcohol or any controlled substance.
 - 2. When involved in an accident which results in property damage or personal injury. In addition to mandatory testing in the two cases listed above, the County has a voluntary random drug testing program in which the County Commissioners determine that time for the random testing, has the tests administered and counsels any employee with a positive result. This volunteer program is not punitive in that the purpose is to help the employee with his/her problem. This test is not mandatory and the County does not take punitive action if an employee refuses a test.

Also, while not an appropriate subject of these personnel policies, except in the case of promotions, all final applicants for positions within the County may be required to take a physical as well as pass a drug screening test before becoming County employees.

II. VIOLATIONS OF ALCOHOL AND CONTROLLED SUBSTANCE POLICY

If, in the opinion of the supervisor, a reasonable suspicion exists that the employee is reporting to work, or is working, while under the influence of alcohol or controlled substances, or while impaired from the use of same, the following procedures shall be followed:

Note: (A reasonable suspicion must be based on objective indications of alcohol and/or controlled substance abuse which include repeated unauthorized absences, repeated illnesses, bloodshot eyes, slurred speech, lethargic behavior, or behavior inappropriate or inconsistent with circumstances.)

- a. The supervisor shall arrange, if possible, for at least one other supervisor to observe the conduct of the employee. The observing supervisor shall make a written report of the incident, which shall include a description of the conduct of the employee upon which such reasonable suspicion is based.
- b. The employee, if still suspected, shall be asked to explain why it appears that he or she is under the influence of or impaired by the use of alcohol or controlled substance.
- c. If the employee fails to explain his or her condition to the satisfaction of the employee’s supervisor, an alcohol and/or controlled substance screening test shall be administered to the suspected employee. Refusal to submit to such tests shall constitute insubordination, and the employee may be terminated.
- d. If the confirmed results of such tests indicate the presence of alcohol (.02 BAC or more) or any controlled substance in the system of the employee, it will be assumed that the employee is impaired.

This assumption of impairment will result in the suspension of the employee, pending further investigation.

- e. During the period the employee is suspended, an investigation shall take place. This investigation will be completed within (3) working days. During this investigation the employee may, through his/her own effort, attempt to rebut the assumption of impairment. For example, the employee may submit to a blood test for the presence of alcohol and controlled substances. If such blood test produces a negative result, the assumption of impairment may be considered rebutted, depending upon such factors as the timing of the blood test and other circumstances surrounding the impairment. The opportunity for the employee to attempt to rebut the charges during this investigation period constitutes the final hearing before the governing authority or designee while the employee is suspended with pay.
- f. If after the investigation is completed, and if it has been determined that a violation of the Alcohol and Controlled Substance Police has occurred, it shall be within the discretion of the Governing Authority to:
 - 1. Terminate or otherwise discipline the employee under provision of Section 7.01 and 7.02 of this handbook. As with any termination or disciplinary action, the employee may be given the opportunity for an appeal as outlined in Section 7.08 A or 7.08 B and Section 8.06 of these policies.
 - 2. Refer the employee to a rehabilitation program to determine if there is a significant chance that the employee can be rehabilitated. This referral would be the employee's "last chance". After successful completion of an alcohol and/or controlled substance rehabilitation program, the employee may return to work subject to random alcohol and controlled substance screening tests for a period of 12 months. If at any time during this "last chance" testing period, a screening test indicates the presence of alcohol or any controlled substances in the employee's system, the employee shall be immediately terminated.
- g. Violation of Regulation I, B-(sale or distribution of alcohol or controlled substance) will ordinarily result in termination.
- h. At all times during an investigation of violations of the Alcohol and Controlled Substances Policy, the confidentiality of the case will be protected.

ARTICLE XXV CONFLICTS OF INTEREST

Section 25.01 Conflicts of Interest

No employee should accept gifts or gratuities of any significant value from anyone who might expect to receive return favors from the County. Small holiday gifts with values of \$25.00 or less, such as hams, turkeys or small gift-type packets may be accepted. However, if accepted, the employee will report the contribution, in writing, to the County Commissioners Office where it will become a matter of public record. Failure to report contributions can result in disciplinary action. Neither shall an employee have any financial interests in the profits of any contract service or other work performed by the County, nor shall he/she personally profit directly or indirectly from any contract purchase, sale of service between the County, any person or company, nor shall he/she personally or as an agent, provide any surety, bail or bond required by law or by the governing authority.

**ARTICLE XXVI
POLITICAL ACTIVITIES**

Section 26.01 Political Activities

The County expects the employees to abide by all federal, state and local laws governing employee's political activities.

**ARTICLE XXVII
HARASSMENT**

Section 27.01 Purpose and definition

The purpose of this section is (1) to establish a policy prohibiting all forms of harassment (2) to define procedure for reporting harassment and (3) to establish guidelines for administration of discipline.

For the purposes of these policies, harassment is defined as unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading, or hostile environment, or interferes with or adversely affects a person's work performance. Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote positive performance.

Section 27.02 Statement of Policy

It is the policy of the County that harassment will not be tolerated. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. The desired standard of County employee behavior is one of cooperation and respect for each other, despite any differences.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body,

The prohibitions on harassment apply not only to male/female, but also female/male, male/male, and female/female situations.

Any employee, who feels that he/she is a victim of harassment, or who observes any type of harassment, should report the matter immediately to a supervisor. In the event the offended person is, for any reason, uncomfortable in approaching a supervisor about harassment, he/she should follow Section 27.03 Procedure #2.

Section 27.03 Procedure

1. In any case in which the supervisor is witness to or confronted with a situation of harassment, the supervisor shall immediately notify the offending party that harassment is not appropriate and will not be tolerated. Ultimate disciplinary action will await completion of the reporting procedure.
2. An employee subjected to any form of harassment should report such activity to his/her non-involved supervisor, department head, or directly to the County Commissioners.
3. A supervisor is required to report harassment cases to his/her Department Head, who, in turn, is required to report the matter to the County Commissioners. Such reports to superiors and to the County Commissioners are to be made regardless of how knowledge of the case was acquired.
4. The County Commissioners shall investigate and submit a report setting forth the facts of the case and a recommendation for action.
5. The results of the investigation and the nature of the disciplinary action will be communicated by the County Commissioners Office to both the complainant and the offender as well as the affected Department Head. Either party may appeal the decision through the normal grievance procedure if it is felt the findings were incorrect or the disciplinary action inappropriate.

Section 27.04 Disciplinary Action

An employee who harasses another employee or member of the public may be subject to the full range of disciplinary action, including discharge.

ARTICLE XXVIII SECURITY CLEARANCES

Section 28.01 General

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

ARTICLE XXIX OFFICIAL COPY

Section 29.01 General

The official copy of this handbook of procedures will be, attested by, and placed upon file in the County Commissioner's Office.

**ARTICLE XXX
EMPLOYEE COPY**

Section 30.01 General

All employees, upon receiving a copy of these procedures, will sign a statement that they have received a copy of these procedures and understand their significance.

Employee Signature

Date Received

Print Employee Name _____

APPENDIX DEFINITIONS

APPENDIX

(Definitions)

Adverse Action - An action taken that result in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion or disciplinary dismissal.

Adverse Affect - The results of an action or decision that is not an adverse action but which deprives the employee of income or the opportunity to earn more income.

Governing Authority - The person who has, among other authorities, the authority to appoint and discharge all employees. The County Commissioners are designated as the governing authority.

County Commissioners - The governing authority and financial authority of the County.

The County Attorney - The attorney who may be retained by the County to conduct hearings.

Days - When the word “days” is used as a method of counting, it means calendar days unless stated otherwise.

Department - This term refers to the different departments under the County Commissioners.

Designee - The person or persons to whom the County Commissioners delegate certain authorities for the administration of their offices.

Employee Assistance Program-assistance given to employees by counselors with related problems to alcohol, drugs, family, health, finances, etc.

Handicapped - Any person who has a physical or mental impairment that substantially limits one or more major life activities, who has a record of such impairment, or who is regarded as having such impairment.

Health care provider/Licensed Physician - licensed by the state to deliver health care services in order to certify FML and sick leave. The licensed physician may be a doctor of medicine, osteopathy, dentist, clinical psychologist, optometrist, podiatrist, chiropractor, nurse practitioner, who certify within the scope of their practice.

Immediate family – consists of spouse, domestic partner, mother, father, sister, brother, daughter, son, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law in which the employee is legally responsible for within the household.

Leave - All leaves are subject to departmental approval. A summary of the leave policies referred to within this document include:

1. Paid leave

- a) Sick leave - paid leave that is used in the event of personal illness or injury; or illness, injury, or death of an immediate family member.
- b) Annual/Vacation leave - paid leave that is used at the employee's discretion.

Should/Shall - This word denotes a condition that is desirable but not mandatory.

Unlawful Discrimination - Employment practices which are prohibited by state and federal laws, and which include discrimination because of race, color, sex, religion, national origin, age, mental or physical handicap, and political affiliation.

Unpaid leave- a) Medical leave - leave without pay for personal illness, including any pregnancy related illness. b) Personal leave - leave without pay for any reason.

Working Test - A period of time, during which a new employee or an employee who has been transferred or promoted to a higher position is being tested on job capability and performance.

PRE-EMPLOYMENT CONSENT AND NOTICE

ALCOHOL AND CONTROLLED SUBSTANCE TESTING

As a condition of employment by Miller County, you must submit to a physical examination. This examination will include an alcohol and controlled substance screening test. In order to be employed by Miller County, you must successfully pass this screening test.

By signing this form, you are acknowledging that you consent to such a screening test, and that you understand that such a screening test is part of Miller County's alcohol and Controlled Substance Policy. You hereby agree to abide by this policy.

Employee Signature _____ Date _____

Print Employee Name _____

Social Security Number _____

Witnessed by Authorized Miller County Employee

EMPLOYEE CONSENT AND NOTICE

ALCOHOL AND CONTROLLED SUBSTANCE TESTING

AS PART OF ANNUAL PHYSICAL EXAMINATION

As a part of the annual physical examination required for continued employment in the Miller County Sheriff's Department and EMS Department, an alcohol and controlled substance screening test will be performed. In order to retain your position as a Miller County Sheriff's Deputy or EMT, you must successfully pass this screening test.

By signing this form, you are acknowledging that you consent to such a screening test, that you consent to the release of test results to your supervisors, and that you understand that such a screening test is part of Miller County's Alcohol and Controlled Substance Policy. You hereby agree to abide by this policy.

Employee Signature _____ Date _____

Print Employee Name _____

Social Security Number _____

Witnessed by Authorized Miller County Employee

EMPLOYEE CONSENT AND NOTICE

SUPERVISOR REFERRAL

EMPLOYEE ASSISTANCE PROGRAM

It has been determined that you have violated the Miller County Alcohol and Controlled Substance Policy. You have been referred to the Employee Assistance Program. By signing this form, you acknowledge that you understand this referral is your "last chance", that you will cooperate with the EAP coordinator and follow any directions the EAP coordinator may give you, and that you understand you will be subject, upon completion of the program, to random alcohol and controlled substances screening tests for a period of 12 months.

If you fail to abide by this agreement, you will be terminated consistent with Section 7.01 and 7.02 of the County's Personnel Handbook.

Employee Signature _____ Date _____

Print Employee Name _____

Social Security Number _____

Witnessed by Authorized Miller County Employee

EMPLOYEE CONSENT AND NOTICE:

ALCOHOL AND CONTROLLED SUBSTANCE TESTING

**UPON REASONABLE SUSPICION THAT VIOLATION OF
ALCOHOL AND CONTROLLED SUBSTANCE POLICY HAS OCCURRED**

It is the opinion of the Miller County Commissioners that there is reasonable suspicion to believe that you have been involved in a violation of the Alcohol and Controlled Substance Policy of the County. As provided in that policy, you are required to submit to an alcohol and controlled substance screening test. In order to retain your position as a Miller County employee, you must successfully pass this screening test or at the County's discretion, participate in the Employee Assistance Program.

By signing this form you are acknowledging that you consent to such a screening test, that you consent to the release of tests results to your supervisors, and that you understand that such a screening test is part of Miller County's Alcohol and Controlled Substance Policy.

You will not be admitting that you have violated the Alcohol and Controlled Substance Policy by signing this form.

Employee Signature _____ Date _____

Print Employee Name _____

Social Security Number _____

Witnessed by Authorized Miller County Employee

**EMPLOYEE CERTIFICATION OF RECEIPT OF COPY OF PERSONNEL
POLICIES AND PROCEDURES FOR MILLER COUNTY**

I hereby acknowledge that I have received this (late an official copy of the Employee Handbook of Personnel Policies and Procedures for Miller County which were adopted by the County Commissioners at their regular Council Meeting on _____ to become effective _____.

Employee Signature _____ Date _____

Print Employee Name _____

Social Security Number _____

Witnessed by Authorized Miller County Employee

**ELECTED OFFICIAL AUTHORIZATION/WAIVER OF RECEIPT OF PERSONNEL
POLICIES AND PROCEDURES FOR MILLER COUNTY**

I do hereby authorize all employees to waive/decline the Employee Handbook of Personnel Policies and Procedures for Miller County which were adopted by the County Commissioners at their regular Council Meeting on _____ to become effective _____.

Employee Signature _____ Date _____

Print Employee Name _____

Social Security Number _____

Witnessed by Authorized Miller County Employee