

ORDINANCE NO. 25

MURRAY COUNTY PERSONNEL SYSTEM

SECTION I – GENERAL PROVISIONS

A. PURPOSE

The purpose of this Ordinance is to establish a system of personnel policies that will meet the needs of all employees. These policies will:

1. Provide methods for recruiting, selecting, training and advancing employees based on their ability, knowledge, skills and experience;
2. Provide equitable compensation and uniform benefits;
3. Provide for impartial treatment of employees in situations involving disciplinary action and appeals procedures; and
4. Ensure equal employment opportunities and comply with all State and Federal regulations regarding fair employment practices.

B. POSITIONS COVERED BY THE PERSONNEL SYSTEM

All full-time and part-time employees shall be covered by the personnel system except the following:

1. Elected and appointed officials;
2. Employees of the elected and appointed officials unless previously requested by the elected or appointed officials to be included under the Personnel System;
3. Members of appointed boards and commissions;
4. The Murray County Attorney;
5. The Murray County Auditor;
6. Individuals employed by the Commissioner in a professional position to carry out temporary or special assignments on behalf of the Commissioner.
7. Employees of any department who have been exempted from the provisions of the Personnel Policy by the Commissioner to insure compliance with regulations of any federal or other governmental agencies;
8. Temporary, seasonal, contract employees and student interns;

9. Elected officials may opt to include their employees under the coverage of the above sections of these policies and procedures in a manner consistent with the Official Code of Georgia Annotated 36-1-21(b); and
10. Nothing in this Personnel Policy and Procedure should be construed as to allowing any employee of the county to obtain a property interest in said employees' position.
11. County Clerk
12. County Manager

C. **PERSONNEL ADMINISTRATION**

Personnel Board – The Personnel Board provides a valuable service to the county and is hereby created to consist of (5) members to be appointed by the Commissioner of Murray, County Georgia. In the event of vacancy, the vacancy shall be filled through an appointment by the Commissioner of Murray County. The personnel board shall serve as an appeal board for the appeals from employees on an as-needed basis. The decisions of the Personnel Board concerning an appeal to the Personnel Board shall be binding. However, in no event can the Personnel Board overrule or substitute its judgment for a policy decision of the Commissioner. The Personnel Board is charged with approving accurate minutes of the Personnel Board's actions. All Personnel Board meetings shall be open as provided by the Georgia Open Meetings Law.

To be eligible to serve on the Personnel Board, a person must meet the following qualifications:

- a. Must be a United States citizen;
- b. Must be 21 years of age or older;
- c. Must be a resident of Murray County for one year immediately preceding taking office and will continue to reside in Murray County during the term of office;
- d. Must be free of any convictions or pleas of nolo contendere for violation of any felony;
- e. Must not be an employee of Murray County; and
- f. Must not be an elected official of Murray County;

Quorum – Three (3) members of the Personnel Board shall be a quorum to transaction of business.

Officers – Officers of the Personnel Board shall elect one of its members to act as a chairperson for a term of one (1) year and one of its members to act as a vice-chairperson for the same year. Officers shall be elected at a scheduled meeting in July of each year.

Term – Personnel Board members shall serve three (3) years with no member of the Personnel Board serving more than two (2) consecutive terms. The three (3) year term shall be staggered.

Removal of Members – A member of the Personnel Board shall be removed by the Commissioner upon the discretion of the Commissioner.

The following are hereby designated as members of the Personnel Board and shall serve in their capacity as members of the Personnel Board until the expiration of the term in which they initially were appointed:

- | | | | |
|----|--------------|----|---------------|
| 1. | L.B. Ridley | 4. | Jerry Bernard |
| 2. | Dean Donehoo | 5. | Vacant |
| 3. | Vacant | | |

Department Directors – Murray County Government shall have such Department Directors as may be necessary to meet the program needs of the government. Department Directors are charged with responsibility of operating their departments in conformity with the rules and regulations of the Personnel System. A Department Director may establish standard operating procedures for individual departments not to conflict with the Personnel System. Department Rules and Regulations must be approved in writing by the County Manger or designee before they are implemented within the department. The County Manager or a designee will review the proposed departmental rules and regulations for compliance with the Personnel System. Department rules and regulations, which have been approved by the County Manager or designee, shall be posted in a public place in the department at least five (5) working days prior to their effective date. Department Directors shall include elected officials as defined below. In all cases where this policy gives final authority to the County Manager and the Department Director is an elected official, then such authority will reside with the elected official.

Elected Officials – For the purpose of this Ordinance, elected officials shall be the Sheriff, Tax Commissioner, Clerk of Superior Court, Probate Judge, Chief Magistrate Judge, Coroner and District Attorney.

SECTION II – CLASSIFICATION PLAN

The County Manager or a designee shall be responsible for developing a classification plan for the Murray County Government. The classification plan shall provide the class titles and description of duties and responsibilities for all positions in the government. The plan shall be amended as the duties, responsibilities, and employment conditions change. Periodic classification plan amendments shall not be construed to be a reclassification as provided for under Section II, E.

All positions that have similar responsibilities; the same relationship to other classes of positions; and require the same level of skills, knowledge, abilities, and experience shall be included in the same class.

A. Composition of Plan – The classification plan shall consist of:

1. A grouping of levels of positions that are approximately equal in difficulty and responsibility, calling for the same general qualifications and, which are compensated fairly within the same range of pay, under similar working conditions;
2. Titles that identify the job;
3. Written job descriptions for each title; and
4. The system of classification level showing the title of each position included in the Personnel System.

B. Use of Classification Specifications – The classification specifications are descriptive only and are not restrictive. Classifications are intended to show the kinds of positions that should be allocated to the respective levels as determined by duties, responsibilities, and qualification requirements. In assigning a position to a level, the ten factors per the Factor Evaluation System (FES) shall be used for evaluation, and the relationship the position has to other levels.

The use of a particular expression or illustration, as to the duties, qualifications, or other attributes, shall not be held to exclude others not mentioned, if such others are similar in kind and degree. The Department Director, with approval of the County Manager, may assign different tasks to a position, which such duties are not similar in rank to those specified in the class of the position.

C. Administration of Plan – The County Manager or a designee is responsible for the administration of the classification plan. The County Manager or a designee shall examine the responsibilities of new positions as they are created to assign said new positions to an existing level within the classification system. The designee may make recommendations to the County Manager any changes in the classification system that may be necessary by changes in the responsibilities of existing or new positions.

D. Allocation of Classification Titles to Positions – Position allocation shall be made in accordance with FES, which has been developed for classification and reclassification purposes. Department Directors will be notified of the job classification assigned to their individual positions.

The procedure for authorization of a new position shall be as follows:

1. The request for a new position and a comprehensive job description must be submitted to the County Manager or a designee.
2. The County Manager shall evaluate the request and job description according to FES. If approved the County Manager shall recommend a classification level to the Department Director.
3. The Department Director shall submit the classification level with a budget request to the Finance Director for allocation of appropriate funds for the new position. The new position will be submitted by the Finance Director as part of the budget process to the County Manager for action.

E. Reclassification – Reclassification is the assignment of an existing position from one pay level to a different pay level, due to a significant change in duties or responsibilities of that position.

Reclassification shall result in the following:

1. **Increase the Level – From one classification level to a higher classification level**
 - a. An employee who is reclassified to a higher classification level shall receive a five percent (5%) pay increase, or move to the job rate of the new classification level, which-ever is greater;
 - b. Six (6) month evaluation period for the new position; Does not affect pay other than noted in 1 (a); and
 - c. Does not affect pay other than noted in 1 (a); and
 - d. Does not affect longevity.
2. **Lower the Level – From one classification level to a lower classification level**
 - a. An employee who is reclassified to a position having a lower pay level shall not be reduced in salary unless salary exceeds the maximum rate of the lower level;
 - b. Six (6) month evaluation period for the new position;
 - c. Does not affect pay other than noted in 2(a); and
 - d. Does not affect longevity.
3. **Remain within the same classification level but with different job responsibilities**
 - a. Six (6) month evaluation period;

- b. Does not affect pay; and
 - c. Does not affect longevity.
- a. **Procedures for Reclassification** – A request for reclassification may be initiated by the employees through their Department Director or directly by the Department Director. Reclassification may also occur due to the change in the department. The procedure for reclassification should be as follows:
- 1. The request for reclassification and a draft of the job description must be submitted to the County Manager or a designee.
 - 2. The County Manager or a designee shall evaluate the job description according to FES, and shall notify the Department Director;
 - 3. All approved reclassifications will become effective at the beginning of the new budget year unless otherwise stated; and
 - 4. The reclassification of a position will occur without the posting of a job vacancy unless the position is vacant.

SECTION III – COMPENSATION PLAN

The purpose of the compensation plan is to develop and maintain a pay system for employees that is equitable and uniform. The following general provisions shall apply to establish appropriate pay levels.

- 1. **New Appointments** – The entrance pay, for all new Personnel System employees, shall be at the hiring rate of the level to which the applicant is appointed, unless in a training status. A Department Director may request an exception to starting a new hire at the hiring rate, and forward to the County Manager for evaluation, the County Manager shall have the authority to approve, deny or modify the request of the Department Director.
- 2. **Increases in Salary** – Increases in pay for County employees shall be governed by the following principles:
 - a. Any employee shall be initially employed for a probationary period of six (6) months; after which a 2 1/2 % increase may apply.
 - b. The pay plan consists of 25 pay grades. The County Manager may

add or delete pay grades as deemed necessary;

- c. After an employee reaches the maximum rate within a pay grade, such employee shall only be entitled to an across-the-board salary adjustment;
- d. Each Department Director shall file an annual performance evaluation report on each employee within that department. This report shall become a permanent part of the employee's personnel file;
- e. In order for an employee to receive a merit increase, the following are required:
 - 1. Performance evaluation for the current fiscal year;
 - 2. Recommendation of a merit increase by the Department Director; and
 - 3. Approval of the recommendation by the County Manager.
- f. In order to move to a higher pay-grade, an employee must apply for a new position within a higher pay-grade or be an incumbent in a position which has been reclassified to a higher pay grade;
- g. Annually, the Commissioner will consider increasing salaries within all pay-grades on a percentage basis. During budget hearings, the Commissioner shall determine what percentage increase, if any, will be allotted for increases to employees' salaries. The percentage of cost of living pay increase will change the entry rate, steps, and the maximum rate for each pay grade of the salary schedule;
- h. Merit increases may be granted upon the recommendation of the Department Director, County Manager and budgetary approval of the County Commissioner. Employees shall be eligible for merit increases annually until the maximum pay rate for the classification has been reached; and
- i. Employees below the top step of their grade, whose work is exceptional, may be granted a special merit increase to the next step after serving at least three (3) months in the current step, and approval by the County Manager. Only one special increase per twelve (12) month period may be granted. A special merit increase does not disqualify the employee from being considered for a yearly step increase.

3. Extra Remuneration

- a. **Fair Labor Standards Act (FLSA)** – All employees will be compensated for overtime according to the Fair Labor Standards Act, Wage-Hour Policy for non-exempt employees.
- b. **Uniform Policy** – Department rules and regulations will establish the requirements and financial responsibility for government uniforms required for the performance of such duties.
- c. **Court Compensation** – Employees required to attend court will be compensated in accordance with the Fair Labor Standards Act, Wage-Hour Policy for non-exempt employees.
- d. **Interim Appointment** – An employee may be assigned the duties of a higher level position, for a temporary period, to substitute for an employee on leave of absence; or to fill in while a vacancy is being advertised and filled. If an employee serves in such an acting capacity, for a continuous period of more than four (4) calendar weeks, he may be paid an acting differential of ten percent (10%) over his regular rate of pay for the time so served.

SECTION IV – EMPLOYMENT

A. NOTIFICATION OF AVAILABLE POSITIONS

The County Manager or a designee shall release recruitment notices and adequate publicity to obtain the necessary number of qualified applicants for employment to the positions offered. Notice of all vacant positions shall be posted for at least five (5) working days in the Commissioner's Office, all other departments and other locations as determined by the Commissioner designee.

B. EXAMINATION OF APPLICANTS

The Department Director may design and implement a test for any position that is available or vacant. The Department Director shall coordinate examinations and test(s) to measure the qualifications of the applicants, including the interview process. The test(s) may also be conducted in cooperation with other governmental agencies if deemed appropriate by the Department Director. The special test(s) accommodations will be made for a disabled applicant if the accommodations are consistent with the reasonable accommodations that may be made on the job.

C. DISQUALIFICATION OF APPLICANTS

The County Manager or Department Director may reject any application or exclude the name of any applicant from the eligibility list or deny certification of any eligible applicant who:

1. Does not possess the minimum entry requirements for the position for which the application is made;
2. Does not meet the physical and mental health requirements for the position to which they have applied for, notwithstanding the requirements for Americans with Disabilities Act;
3. Has made false statements during the hiring process;
4. By reference check findings of unsatisfactory employment or personal conduct, which finds the applicant to be undesirable for employment;
5. Does not reply to a mail inquiry within five (5) days;
6. Fails to report to duty within the time period prescribed in an employment offer;
7. Has been employed previously by Murray County, and has been removed for cause, or did not resign in good standing, and is not recommended for re-employment by the Department Director in which the applicant was previously employed; or
8. Fails to submit application within posted time frame.

D. MOVE TO A CLASSIFIED POSITION

An individual employed by Murray County outside the Personnel System and excluded from these provisions may, at his request and within the approval of the County Manager, be eligible to move to a vacant position covered by the provisions of the Personnel Ordinance if he meets any of the following criteria:

1. The individual has held a position outside the Personnel System at the time the Personnel System was adopted; and therefore, was excluded from the protection of the Personnel System afforded other employees at that time.
2. The individual previously held a position with Murray County, covered by the provisions of the respective merit system, and had been promoted from that position to a position outside the Personnel System.
3. The individual has been employed for a minimum of ten (10) years, and is approved, by the Commissioner, as qualified to hold the Personnel System position to which they seek appointment.

The request to move to a Personnel System position, if approved by the County Manager, shall give the employee precedent over any other applicant for that Personnel System position. An employee who is not eligible to move to a Personnel System position under the provisions of this section, or whose request to move is not approved by the Commissioner, but who desires to be considered for a Personnel System position, must

submit an application and be considered as any other applicant for a Personnel System appointment.

SECTION V – APPOINTMENTS

A. TYPES OF APPOINTMENTS

The following types of appointments may be made under the provisions of this plan in conformity with the rules established.

Full-Time Regular – A full-time regular employee shall be appointed to a position to work in excess of thirty two (32) hours per week on a continuing (indefinite) basis and receiving full benefits.

Full-Time Elected/Appointed Officers – Elected and/or appointed full-time officers and board members including judges.

Part-Time Regular – A part-time employee shall be appointed to a position to work no more than thirty-two (32) hours per week on a continuing (indefinite) basis.

Temporary – An employee appointed to a position with no guaranteed employment continuation and receiving no benefits. Temporary appointments are not to exceed six (6) months.

Supplemental – An employee who is a regular employee of a non-county agency whose salary is supplemented by a county stipend.

Seasonal Full-Time – An employee appointed to a position to work in excess of (32) hours a week, who will be laid off at the end of the season for which the employee has been appointed. This appointment shall receive no benefits. Appointment shall not exceed a nine (9) month period.

Seasonal Part-Time – An employee appointed to a position to work no more than thirty two (32) hours per week, who will be laid off at the end of the season for which the employee has been appointed. This appointment shall receive no benefits. Appointment shall not exceed a nine (9) month period.

Emergency – An employee appointed to prevent the stoppage of a public business, or loss, or serious inconvenience to the public; appointment on an emergency basis shall not be for more than three (3) months. This appointment may receive no benefits.

Grant – An employee whose salary or benefits are paid for and specified by either an approved grant or contract. Length of appointment and benefits shall be contingent upon the availability of funds provided in the

grant.

Part-time Elected/Appointed Officials – Elected and/or appointed part-time officers and board members including judges.

B. PROBATIONARY STATUS OF NEW EMPLOYEES

1. **Purpose** – The probationary or training period is an important part of the evaluation process. This period is used to observe the work of a new employee. Each new employee who is appointed to a regular position will serve the designated probationary period prior to obtaining regular status and has no rights or privileges under the Personnel System. An employee who is selected from a re-employment list will be required to serve the stated probationary period for that position as a new hire. If an employee does not successfully complete the probationary period, said employee's employment with the County will be terminated without any right of appeal.
2. **Length of Probationary Period** – The standard probationary period shall be for six (6) months following employment to a regular position. Any employee in a probationary status is prohibited from applying for any other position.
3. **Evaluation During Probation Period** – During the probationary period, a six (6) month probationary employee shall be evaluated in the third and fifth month. The Department director or other designated supervisory personnel shall prepare a written evaluation of the employee's performance. This evaluation shall include information concerning the employee's willingness and ability to perform the duties satisfactorily.

C. METHODS OF FILLING VACANIES

Vacancies in the Personnel system may be filled by any of the following but preferably in the following order: internal list, external list, re-employment, promotion, transfer, and/or demotion.

Whenever possible, vacancies shall be anticipated far enough in advance to allow the Department Director ample time to decide who may be eligible for appointment; or, if necessary, develop an eligibility list.

SECTION VI – CHANGE OF EMPLOYMENT STATUS

A. PROMOTION

1. **Application for Promotion** – Employees who are seeking promotion must submit a request for promotion form to their Department Director and to the Department Director whose department has the posted vacancy. The qualifications of each employee making application for promotion will be reviewed.
2. **Salary Increase and Probationary Period for Promotion** – An employee who is advanced to a classification, which calls for a higher pay level than their previous classification, shall be put on the step on the new grade that insures a minimum increase of two and one half percent (2 ½%) or advance to the entry level of the new classification, whichever is greater. An additional one step increase shall be granted upon the successful completion of the probationary period. However, the Department Director may recommend an adjustment for a promoted employee's percentage of increase if it exceeds an incumbent's. Any appeals of this can be directed to the Commissioner. The Commissioner's decision shall be final. An employee promoted to a higher classification shall serve a designated probationary period. The length of the probationary period will be included on the job description. An employee promoted from the internal list who does not successfully complete the probationary period shall be returned to the position in the classification level that was occupied prior to the promotion if such position is available.

A regular employee who has been promoted as a Personnel System employee to another classification shall retain formal appeal procedure privileges.

B. TRANSFER

A transfer is a lateral move from one position to another within the same classification. When an employee is transferred, the employee's pay shall remain at the same rate.

Application for Transfer – The transfer of an employee shall not change the benefit status of that employee. An evaluation period of six (6) months shall be required.

Voluntary Transfer – An employee may request a transfer by submitting a request for transfer to another position to the Department Director. All transfer applicants must meet the minimum qualifications for the desired position and compete for the job vacancy along with all others on the eligibility list for the position. An evaluation period of six (6) months shall be required.

Involuntary Transfer – An employee may be transferred without consent

upon the written recommendation of the Department Director(s) and the approval of the County Manager. An evaluation period of six (6) months will be required.

C. DEMOTION

A demotion is the movement of an employee to a lower classification level.

1. **Reasons for Demotion** – An employee may be demoted for any of the following reasons:
 - a. When an employee does not perform the duties and responsibilities of the position at an acceptable level of expectation as determined by the Department Director;
 - b. When an employee would otherwise be laid off because the position is being abolished due to lack of work or lack of funds;
 - c. When the employee's position has been reclassified to a higher level of responsibility for which the employee is not qualified.
2. **Demotion Recommendations**
 - a. **Demotion Recommendation by Department Director** – If the Department Director decides demotion of an employee is necessary, appropriate, and in the best interest of the organization, the Department Director may prepare a written recommendation to the County Manager that an employee should be demoted. The recommendation should state detailed reasons for the demotion and the proposed effective date. It is the responsibility of the Department Director to notify the employee of the demotion, in writing, stating the reasons for the demotion, the effective date, and the employee's right of appeal under the Personnel System. The demotion will become effective no sooner than five (5) working days after the date of its delivery to the employee. The employee may exercise appeal rights under the provisions of the Personnel System.
 - b. **Results of Demotion** – An employee who is demoted shall be reduced in pay to the level of the position. Demotions shall require a six (6) month probationary period. Demotions do not affect any employee's benefits.

SECTION VII – LEAVES OF ABSENCE

A. VACATION LEAVE

1. **Definition of Vacation Leave** – Vacation leave is paid leave granted to each eligible employee for vacation and other personal uses. Such leave is

to be taken on days that an employee would otherwise be scheduled to work and receive pay (exclusive of holidays and all non-work days). Vacation leave may not be included in any overtime calculations.

2. **Eligibility for Vacation Leave** – All employees eligible to receive benefits under Section V of the Personnel System are eligible to earn vacation leave.
3. **Accrual of Vacation Leave** – All regular full-time employees will accrue vacation leave at the following rate:

Years of Service Full-Time	Number of Hours accrued per pay period		Accrual Rate Year
	Weekly	Bi-Weekly	
0 – 0.99 years	0.77 hours	1.54 hours	5.01 days
1 – 2.99 years	1.25 hours	2.50 hours	8.13 days
3 – 4.99 years	1.85 hours	3.70 hours	11.99 days
5 – 14.99 years	2.31 hours	4.62 hours	14.98 days
15 – 24.99 years	2.77 hours	5.54 hours	17.99 days
25 + years	3.69 hours	7.38 hours	23.98 days

You will no longer lose your sick or annual leave. Your sick and annual leave, over 240 hours will be put in reserve under your name and social security number and will be used at the time you retire. In other words, you will not have to work as long to receive full retirement benefits.

EXAMPLE:

Bill Fold is 61 years old. He plans to retire at age 62. He has in the reserve bank 240 hours of sick leave and 240 hours of annual leave. He can retire 3 months early because of his accumulated leave time.

Cliff Hanger is 52 years old. He has completed his 25th year with the County. He has 960 hours of accumulated leave time in the reserve bank. He can retire 6 months early because of his accumulated leave time and still receive full retirement benefits.

In the event of personal or family illness or disability which may exhaust your available sick leave and annual leave, the County Manager may allow you to draw from your retirement bank.

4. **Requesting Vacation Leave** – Each department shall establish a department policy, designating the advance notice that must be given by an employee desiring to take vacation leave, and any conditions under which the advance notice requirement may be waived. Such department policies are essential, because of the different work schedules and operating procedures within different departments; and such policies shall be approved in accordance with procedures set forth in this plan. Forms

provided by the Personnel Department should be used by employees requesting vacation leave.

5. **Time for Using Vacation Leave** – Vacation leave assignments will be made according to the preference of the employee where practical. However, leave must be taken at the convenience of the department; and the Department Director’s decision when leave may or may not be taken shall be final. Employees shall accrue vacation leave from the date of employment. **However, employees are not eligible to receive paid vacation or pay in lieu of vacation until the completion of six (6) months employment.** Earned leave shall be accrued to a maximum accrual of 240 hours. Department policies shall establish the minimum leave that may be taken per leave request; but, under no circumstances may vacation leave be granted in less than two (2) hour increments. Vacation leave shall not be used in any overtime calculations.
6. **Payment in Lieu of Vacation Leave** – Pay in lieu of accrued vacation leave is authorized when an employee is separated from employment by resignation, dismissal, death, disability or retirement. The accrued vacation leave of employees, who die in the service of the government, shall be paid to the living spouse or estate of said employees, or to whom the employee may have designated as beneficiary.
7. **Payment for Unused Leave** – When an employee resigns from service, such employee shall be paid for all unused annual leave (up to 240 hours) unless he or she fails to give proper notice of resignation, at the rate of pay he or she is presently making.
8. **Advance of Vacation Leave** – An employee who has no accumulated vacation leave may not be advanced leave against future accumulations.

B. HOLIDAY LEAVE

1. **Designation of Official Holidays** – Employees shall be granted the following holidays each year:
 - a. New Year’s Day
 - b. Presidents Day
 - c. Good Friday
 - d. Memorial Day
 - e. Fourth of July
 - f. Labor Day
 - g. Veterans Day
 - h. Thanksgiving Day and the following Friday
 - i. Christmas Eve and Christmas Day
 - j. And any other day the Commissioner may designate.
2. **Official Holiday that Falls on Saturday or Sunday** – When an official

holiday falls on a Saturday, the preceding Friday shall be designated as the official holiday. When a holiday falls on a Sunday, the following Monday shall be designated as the holiday.

3. **Additional Holiday Pay** – Any full time regular employee whose regularly scheduled work day falls on an official County holiday and the employee actually works on said official holiday, the employee shall be paid additional holiday compensation of **eight (8) hours straight time only**.
4. **Holiday Compensation on Unpaid Leave Status** – Any employee who is in an unpaid leave status, on the work day immediately prior to or following an official holiday, shall not receive compensation for that holiday.
5. **Advance of Holiday Leave** – An employee who has not accrued holiday leave may not be advanced holiday leave against future accumulations.

C. SICK LEAVE

1. **Definition of Sick Leave** – Sick leave is paid leave that may be granted to each eligible employee, who, through sickness or injury, becomes incapacitated to a degree that it makes it impossible for the employee to perform the duties of the position; or who is quarantined because of exposure to a contagious disease; or who requires leave for medical, dental, or optical examination or treatment, or whose immediate family member(s) requires the employee's care for any of the above reasons. Sick leave shall not be used in any overtime calculations.
2. **Eligibility for Sick Leave** – All employees eligible to receive benefits under Section V of the Personnel System are eligible to accrue sick leave.
3. **Accrual of Sick Leave** – All regular full-time employees shall accrue sick leave at the rate of eight (8) hours per month. **Sick leave shall accrue from the date of employment; but no employee shall be entitled to receive sick leave time until the completion of six (6) months of service.** Employees shall not accrue any sick leave while on leave. Sick leave is not required to be used within the year in which earned, but may be accumulated from month to month and year-to-year, subject to paragraph 8 below.
4. **Use of Sick Leave -**
 - a. **Personal Illness of Employee** – Sick leave is not to be considered a right that employees may use at their discretion, but a privilege not to be abused. Employees are to use sick leave for their personal or immediate family illness (spouse, mother, father, step-

parent, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, brother, brother-in-law, sister, sister-in-law, half-brother, half-sister, grandchild, grandparent, grandparent and spouse). Sick leave is accumulated based on working days, and will be charged against an employee only for those days an employee is scheduled to work, and is unable to report to work because of illness. Absence for a fraction, or a part of a day, that is chargeable in accordance with these provisions, and in compliance with the FLSA concerning exempt and non-exempt employees, shall be charged proportionally in amounts not smaller than two (2) hours. On an individual basis, the Department Director with the concurrence of the Commissioner may authorize sick leave for non-relatives.

5. **Reporting of Sick Leave** – An employee, who is absent from work because of illness, is responsible for reporting to the appropriate supervisor or Department Director, by telephone or personal message in the manner, prescribed in each department’s regulations for sick leave reporting. The employee will be expected to keep the supervisor or Department Director informed of progress on a daily basis when the illness extends beyond one (1) working day.
6. **Requirement of Doctor’s Certificate** – Department Directors, at their discretion, may require an employee to furnish a doctor’s certificate if the Department Director feels that an employee is abusing the sick leave privilege. The government reserves the right to investigate any possible abuses of sick leave.
7. **Advance of Sick Leave** – An employee who has no accumulated sick leave may not be advanced sick leave against future accumulations. However, an employee may receive leave donated by fellow employees based on need. **The employee donating time can only donate up to 40 hours of their accrued vacation or sick leave once a year.** The donation form can be picked up and turned back in at the Personnel office.
8. **Sick Leave Upon Termination of Employment** – An employee, upon separation from service, shall not be eligible to receive payment for any accumulated sick leave up to a maximum of 240 hours. All hours accrued in excess of 240 hours shall be applied to the employees retirement.

D. MILITARY LEAVE

All matters regarding military leave for employees, covered by the Personnel System, shall be governed by the provisions of state law O.C.G.A. 38-2-279.

E. CIVIL LEAVE

An employee shall be given necessary time off, without loss of pay, when

performing **jury duty only**, provided such call to duty is reported in advance to the employee's Department Director.

F. MATERNITY LEAVE

Leave of absence requested due to pregnancy, childbirth, adoption, or related conditions, may be granted under the existing provisions of the Personnel System relating to leave of absence and in compliance with the FMLA. Such leaves of absence may include, but are not limited to: sick leave, vacation, or leave of absence without pay. Maternity related conditions shall be treated the same as any other illness.

G. WORKERS' COMPENSATION

An employee who sustains a job-related injury arising out of and in the course of employment, must at the time of the injury, or as soon as possible thereafter, notify their supervisor. The Department Director shall follow the prescribed policies for reporting job-related accidents or injuries. An employee who is temporarily disabled because of an injury or illness sustained directly in the performance of his or her work may be covered by the provisions of the State Workers' Compensation Act. An employee who is out on Workers' Compensation shall not accrue any leave times. FMLA time will be simultaneously used during Workers Compensation leave.

H. LEAVE WITHOUT PAY

A regular employee, who has completed the probationary period and is covered by the Personnel System, may be granted leave without pay for personal and other reasons; provided such leave is recommended by the Department Director and approved by the Commissioner. The employee's request for leave of absence without pay shall be considered, when the employee has shown by the records to be a valuable employee to the government. Such leaves may be granted up to one (1) year. A position will not be held for an employee on leave without pay except as required by the Family and Medical Leave Act.

Upon request, an employee on leave without pay may return to their former position if available (within one (1) year). If the position is not available, the employee may apply for other job vacancies in the government and compete with all other candidates; and is subject to the provisions of Section V, B of the Personnel System.

I. ABSENCE WITHOUT LEAVE

An absence of an employee from duty, including any absence from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these regulations shall be deemed to be an absence without leave. Any such absence shall be without pay and shall be cause for disciplinary action.

J. FAMILY AND MEDICAL LEAVE (FMLA)

1. Eligible employees, both male and female employees, may take up to 12 weeks of unpaid leave on a rolling 12 (twelve) month period measured backward from the date an employee uses any family leave, when any of the following events occur:
 - a. The birth or adoption of a child, or placement of a foster child with the employee;
 - b. The serious health condition of a child, spouse or parent of the employee;
or
 - c. A serious health condition of the employee that prevents the employee from performing the functions of his or her position.

Where spouses are employed in the same department, both are eligible for leave but leave periods greater than twelve (12) weeks must be coordinated with the approval of the Department Director.

2. Definitions:

- a. "Serious health condition" of a child, spouse or parent of the employee is an illness, injury, impairment, or physical or mental condition that involves inpatient care and/or continuing medical treatment.
- b. "Serious health condition" of an employee is an illness, injury, impairment or physical or mental condition that involves inpatient care and/or continuing medical treatment.
- c. "Eligible employee" means one who has been an employee at least one (1) year and has worked at least 1250 hours within the previous twelve (12) month period.
- d. "Child" shall mean a biological child, a legally adopted ward, foster child, or a stepchild. Additionally, "child" shall include any person under eighteen (18) years of age to whom the employee stands in "loco parentis" or a person eighteen (18) years of age or older who is incapable of self care because of a mental or physical disability to whom the employee stands in "loco parentis."
- e. "Spouse" means a husband or wife.
- f. "Parent" includes only a biological parent or an individual who stands in "loco parentis" to the employee.
- g. A 12 (twelve) month period prevents employees from stacking their family and medical leave entitlement under a rolling method each time an employee takes family and medical leave the remaining leave entitlement

will consist of any balance of the 12 (twelve) weeks which has not been used during the immediately preceding 12 (twelve) months.

Example: If an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning Feb. 1, 1994, four weeks beginning June 1, 1994, and four weeks beginning Dec. 1, 1994, the employee would not be entitled to any additional leave until Feb. 1, 1995. However, on Feb. 1, 1995, the employee would be entitled to four weeks of leave, on June 1, the employee would be entitled to an additional four weeks, etc.

3. **Certification**

Prior to granting leave involving birth or adoption of a child, or placement of a foster child with the employee, certification from the health care provider, agency, or court as to the date of birth, adoption, or placement shall be required.

Prior to granting leave involving a serious health condition, certification shall be required from the health care provider. A second opinion by a health care provider designated or approved and paid for by the County may be required.

4. **Continuation of Health, Life, and Disability Benefits** – The employee's health, life and disability benefits shall continue during the period of leave, not to exceed twelve (12) weeks, under the same conditions applicable to active employees (e.g., dependent or contributory coverage paid by the employee).

5. **Return to Work**

- a. Upon expiration of leave, the employee shall be returned to his/her former position if available, or equivalent position with the equivalent benefits, pay, and terms and conditions of employment as were in force at the time leave commenced.
- b. If the employee is unable to return to work he/she may apply for other types of leave under this section.
- c. If the employee does not qualify for additional leave under other provisions of this section and will not be returning to work, the employee may be terminated.

6. **Relationship to Other Leave** – An employee is required to apply other accrued paid leave (vacation, sick, holiday) toward the twelve (12) weeks of family leave (e.g., using paid vacation leave to care for a new child). Following the exhaustion of paid leave, the employee will be placed on an unpaid leave of absence for the remainder of the twelve (12) week period.

7. **Application for Family Medical Leave**

- a. An employee shall request Family and Medical Leave on a prescribed form.
- b. An employee shall request leave at least (30) days before a leave is to begin. If thirty (30) days notice is not possible, then as much prior notice as is practicable must be provided.

K. UNPAID LEAVE – There shall be no accruals of any vacation or sick times when an employee is on any leave status.

SECTION VII – SEPARATION AND DISCIPLINARY ACTION

SEPARATIONS

1. **Types of Separation**

- a. **Resignation** – An employee wishing to leave the County in good standing shall file with their Department Director a written resignation. The employee should give at least two (2) weeks notice of their intention to resign, unless the Department Director consents to their leaving sooner. The written resignation shall be forwarded to the County Manager.
- b. **Abandonment of Job** – An employee, who is absent from work for three (3) working days or more without notifying their Department Director of the reasons for the absence, and obtaining permission to remain absent from work, shall be considered as having resigned without notice and not in good standing.

When an employee fails to return to work within three (3) working days of the expiration of authorized leave, without notifying their Department Director of the reasons for the absence, and obtaining permission to remain absent from work, the employee shall be considered as having resigned without notice and not in good standing. However, under justified circumstances, exceptions will be reviewed in the sole discretion by the Department Director and the County Manager.

Employees who do not resign in good standing may be denied future employment with the government.

- c. **Reduction in Force (RIF)** – The County Manager may authorize a reduction in force including but not limited to the following reasons upon approval of the County Commissioner.
 - 1. Shortage of work;
 - 2. Shortage of funds;

3. Abolishment of a position;
4. Changes in duty;
5. Changes in the organization; or
6. Other related reasons that are outside the control of an employee that do not reflect discredit upon the service of an employee.

The duties performed by an employee laid off may be reassigned to other employees already working who hold positions in appropriate classifications.

No regular employee covered by the Personnel System shall be laid off while another person in a similar classification is employed as a seasonal, emergency, temporary, or provisional appointment.

The County Manager will decide when a reduction in force is required. A reduction in force is not reviewable in any manner by the Personnel Board.

- d. **Retirement** – When an employee meets the conditions, set forth in the retirement plan regulations for the County, the employee may elect to retire and receive all benefits under the retirement plan.
- e. **Death** – Separation shall be effective as of the date of death of any employee covered by the Personnel System. All monies due shall be paid to the designated beneficiary or beneficiaries. If none are designated, the payment shall go to the estate of the employee, except such compensation that by law must be paid to the surviving spouse.

Compensation payment may include:

1. Payment for time worked;
2. Payment for any accrued vacation; and
3. Payment for accrued sick leave.

PROGRESSIVE DISCIPLINARY ACTION

When circumstances allow, supervisors are encouraged to pursue a philosophy of “progressive discipline” by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Thus, whenever an employee’s performance, work habits, or personal conduct, at any time, falls below an acceptable level, supervisors are encouraged to use progressive disciplinary action. If improvements are not evident after a specified period, more progressive disciplinary action may be justified.

A specific incident may justify a more severe form of disciplinary action be taken up to and including immediate suspension and/or dismissal.

The following are acceptable steps in the progressive disciplinary action process:

1. Additional instruction and verbal reminder regarding the standards and expectations of the job.
2. Written reminder regarding a specific plan and steps toward improvement shall be signed by the supervisor and employee.
3. In situations where additional instructions and written plans have not resulted in agreed upon expectations and improvements, a written reprimand shall be initiated as disciplinary action.

Copies of any written reprimands or written reminders must be provided to the employee. Written reprimands shall be forwarded to the Personnel Department for placement in the employee's personnel file, and shall remain in the file for one (1) year from the date of issue. After this time the written reprimand will be removed from the file and will no longer be used in determining personnel actions. In the event that additional disciplinary actions have been taken during the one (1) year period, the retention period for the initial reprimand will be extended for one (1) year after the effective date of the next disciplinary action. **An employee who receives three (3) written reprimands for any combination of violations of policy / guidelines / procedures within a twelve month period may be suspended or terminated.**

4. An employee may be suspended without pay by the Department Director as a form of progressive disciplinary action. The Department Director may suspend an employee for up to five (5) working days, which shall be reviewed by the County Manager for compliance with procedural requirements. A written notice by the Department Director will advise the employee of the suspension and the reasons for the suspension.

When an employee has acted in a way that may require more severe disciplinary action, the Department Director may recommend to the County Manager for an extension of the five (5) working day suspension without pay (not to exceed fifteen (15) calendar days).

An employee who is suspended for five (5) working days or more shall not accrue any leave time, including vacation and/or sick leave; nor shall an employee use leave time while on suspension.

C. IMMEDIATE SUSPENSION

In situations where an employee's actions, or physical or mental condition, is such that his or her actions present a serious danger to life or property of citizens, or fellow employees, an employee shall be suspended immediately without prior notice by the Department Director.

A written notice of suspension and the reason for the suspension shall be given to the employee at the time the employee is suspended. A copy shall be forwarded to the County Manager or his designee.

When an employee has acted, or is alleged to have acted, in a way that would subject the employee to severe disciplinary action, including possible dismissal, a Department Director may suspend the employee on an indefinite basis while the charges are being investigated.

Employees may be suspended under these circumstances, without prior written notice, if, in the opinion of the Department Director, the employee should be removed from the position while the charges are being investigated. For an indefinite suspension of this nature to extend beyond five (5) working days, it must be approved by the County Manager. Under no circumstances shall a suspension, while investigative action is taking place, be extended beyond fifteen (15) calendar days unless court action is pending.

An employee who has been suspended during the investigation of charges by the County, who is cleared of the charges following the investigation, shall be reinstated without loss of pay, privileges, benefits, or status.

An employee who is suspended shall return all keys to the workplace, ID card, pertinent documents, department equipment, any assigned vehicle, assigned badge, and/or gun in their possession belonging to the County. Said employee shall not be allowed into their workplace area without prior notice and approval of their supervisor and the Department Director.

D. DISMISSAL

Disciplinary action need not precede dismissal. However, all dismissals will be preceded by an automatic three (3) working day suspension with pay, pending the completion of an investigation by the County Manager in conjunction with the Department Director.

If the County Manager believes that the dismissal is appropriate, such dismissal shall be effective at the end of the three (3) working day suspension.

If the dismissal is made at the end of the three (3) day suspension period, a written summary shall be prepared by the County Manager, giving the

circumstances and facts of the dismissal. A copy of the written summary and notice of the appeal procedure shall be delivered to the employee by certified mail to the employee's last known address.

The following causes, relating to failure in performance of duties, represent those actions considered adequate grounds for reprimand, suspension, demotion or dismissal.

The following cases are representative and not exhaustive reasons for discipline:

1. Inefficiency, negligence or incompetence in the performance of duties. This may be evidenced by an employee not responding favorably to progressive disciplinary action;
2. Willful abuse of, theft of, or negligent use of government property or equipment;
3. Physical or mental incapacity to perform duties;
4. Absence without approved leave;
5. Failure to report for duty at the assigned time and place;
6. Fraud or misrepresentation in securing employment;
7. Conviction of a crime of moral turpitude, conviction of a felony or a misdemeanor that would adversely affect the performance of duties or any entry of a plea of no contest to either;
8. Excessive and/or consecutive unauthorized absences;
9. Acceptance of money or other things of value in consideration for work related favors;
10. Fighting on the job;
11. Gambling on the job;
12. Violation of any lawful or official regulation or order, or failure to obey any lawful direction given him by superior personnel;
13. Illegal activities directed against the government;
14. Loss of certification required to perform duties;
15. Falsification of records;
16. Violation of the Drug Free Workplace Policy: See Policy for Drug and Alcohol, Exhibit I

17. Violation of the Sexual Harassment Policy as defined by government and federal regulations: See Policy on Sexual Harassment, Exhibit II.
18. Violation of the government Non-Smoking Policy: See Policy on Non-Smoking Policy, Exhibit III
19. Violation of the Information System Use Policy: See Policy on Information System Use, Exhibit IV
20. Unauthorized political activity as specified herein;
21. Disregard for safety measures;
22. Abuse of leave policy;
23. Excessive tardiness: Each Department Director shall define this in their own Departmental guidelines;
24. Borrowing or use of County equipment for personal use;
25. Violation of County Ordinance, administrative regulations, departmental rules and regulations;
26. Using offensive language toward the public, supervisory personnel or fellow employees; and
27. Willful making of false statements to supervisors, officials, the public, boards, commissions, or agencies.

E. RIGHTS OF EMPLOYEES

Any employee dismissed for any reason is entitled to receive notice in writing of the separation and notice appeal, if applicable. All dismissed employees shall receive payment for any accrued vacation leave in which they may be entitled. Dismissed employees forfeit any accrued sick leave.

Any employee whose separation was not in good standing may not be considered for re-employment in the government, unless this provision is waived by the Department Director of the department in which the employee was previously employed.

SECTION IX – APPEAL PROCEDURES

- A. An employee who has a complaint should first attempt to resolve the issue through discussion with their immediate supervisor.

- B. If the employee cannot satisfactorily resolve the complaint, through discussion with their supervisor, the employee may submit the complaint in writing to their Department Director within ten (10) working days from the date of the incident on which the grievance is based.
- C. The Department Director shall respond in writing to the employee's complaint within five (5) working days from the receipt of the complaint.
- D. If the employee disagrees with the decision of the Department Director, the employee may submit a written appeal to the County Manager within five (5) working days from receipt of the Department Director's response.
- E. The County Manager shall respond in writing to the employee's complaint within five (5) working days.
- F. If the employee disagrees with the decision of the County Manager the employee may submit a written appeal to the Personnel Board within five (5) days.
- G. The Personnel Board shall meet and hear the complaint of said employee within fifteen (15) business days from receipt of the complaint. The Personnel Board shall render a decision within five (5) working days thereafter. The decision of the Personnel Board shall be final and binding.
- H. All hearings conducted by the Personnel Board shall be open meetings as provided by law.
- I. If an employee is dismissed for disciplinary reasons, the employee may appeal directly to the Personnel Board within five (5) days.
- J. The following administrative procedures shall apply concerning the appeal procedures outlined herein:
 - 1. The time limit specified in all procedural steps may be extended to a definite date by mutual agreement of the employee and the reviewer or reviewing body concerned.
 - 2. The employee shall be entitled to be assisted by or represented by any person of their choosing in preparing and presenting an appeal at any level of the process.
 - 3. The employee shall be assured freedom from retaliation for using the appeal procedure. A Regular employee may use the appeals process for any act or action that affects their employment unless such an appeal is specifically prohibited.
 - 4. The appeal hearing shall not be conducted using any type of formal legal proceeding. The hearing will be conducted in an informal fact-finding manner, using ground rules and procedures set forth by

a Hearing Officer, and/or the Chairperson of the Personnel Board at the beginning of the hearing.

- K. An employee's job status shall not be threatened or changed because of the initiation of a grievance or the appeal process.

SECTION X – EMPLOYEE DEVELOPMENT

- A. **In-Service Training and Education** – The Department Director's or their designee may establish standards for training and education programs; see that programs are carried out as approved; prepare certificates or other forms of recognition to persons who satisfactorily complete approved courses and programs; provide assistance to Department Directors and any full-time or part-time training officer employed in a department in developing and conducting training to meet the specific needs of their departments; develop and coordinate supervision and management training and provide other types of programs common to all departments. In departments that have a training officer, that individual will be responsible for the training functions in that department.
- B. **Educational Opportunities** – The government encourages employees to take advantage of educational opportunities during off-duty hours. Such educational courses may be specifically approved by the Department Director to be taken during work hours if they are considered necessary, and required by the government for the position that the employee holds. For necessary training that involves travel, the Department Director may approve travel reimbursement for the employee in accordance with the provisions of the government regarding travel and expense reimbursements.

The County may reimburse employees for expenses of continuing education for an approved course of study providing money has been budgeted. The employee will be required to execute a contract with the County agreeing to remain employed with Murray County for a given period of time or reimburse the County for the expense of the school. Application and approval of continuing education courses shall be on the prescribed forms and by the rules established in the continuing education policy.

SECTION XI – WORK SCHEDULES, ATTENDANCE, WORK WEEK

- A. **Work Schedules** – Work schedules for all employees shall be determined by the Department Director. The schedule showing the beginning and ending time for the normal workday, or the beginning and ending time for specified shifts, in departments where shift scheduling is required, must be posted in a central location in each department.
- B. **Work Week** – Employees on a regular full-time appointment shall work forty (40) hours per week except in those departments where regulations or policies have established a different workweek for the department.

- C. **Attendance of Employees** – Regular and punctual attendance at work shall be required of all employees. All departments shall establish and post specific regulations concerning attendance; and employees shall notify the appropriate persons when they will be unable to attend at the designated time and place.

SECTION XII – REQUIREMENT OF EMPLOYEES

- A. **Internet Usage** -Employees of the County may not use county equipment to access the internet unless they are doing so for a county purpose. Under no circumstance shall pornography or sexual explicit material be accessed on the internet. Also see policy on Information System Use, Exhibit IV.
- B. **Dress Standards** – Employees who are required by department regulations to wear a uniform will always, when on duty, wear the uniform, or portions of the uniform, that are specified by department regulations; and exceptions to the department regulations shall be authorized by the Department Director.
- C. **Safety Dress Standards** – Safety measures for protection will be followed when an employee’s responsibilities require such protection that are specified by department regulations.
- D. **Outside Employment** – Employees shall not engage in any other employment, or in any private business or profession, during the hours for which they are employed and scheduled to work for the government, or outside of such hours in a manner, or to an extent that affects or is deemed likely to affect the employee’s performance.
- E. **Financial Interest** – Employees shall not knowingly have a financial interest in the profits of any contract, service, or other work performed by the County, nor shall employees profit directly or indirectly, from any contract, purchase sale and/or service between the County and any person or company.
- F. **Waiver of Work Product** – As a condition of employment, any work product developed by an employee during their employment shall be the sole property of the Murray County Government, and they shall not have individual proprietary interest therein.
- G. **Political Activity** – No person holding a position with Murray County Government, except elected officials, shall be active in political affairs or campaigns, in any election for office in the Murray County Government, other than to vote and privately express opinions.
- H. **County Vehicles** -To be in compliance with the seat belt law, all employees who drive a county vehicle will wear a seat belt at all times while driving or a passenger. It is recommended that seat belts be used for off road vehicles.

SECTION XIII – NEPOTISM

- A. **Employment of Relatives** – The employment of relatives is not prohibited by the County, as long as none of the related persons are employed in a supervisory role, in which they might have an affect on a relative’s progress, performance or welfare as an employee.

Individual departments may establish department regulations that prohibit the employment of relatives within a specific department where this is in the best interest of the department.

- B. **Supervision of Relatives** – An employee may not be promoted into a position, in which they would have supervisory responsibility over a relative, unless the relative can be transferred to another position that would not be under the supervision of the relative that is being promoted.
- C. **Definition of Relatives** – For this nepotism policy, “relatives” are defined as spouse, mother, father, step-parents, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, brother, brother-in-law, sister, sister-in-law, half brother, half sister, grandchild, grandparent, grandparent of spouse.

SECTION XIV – RECORDS AND REPORTING

- A. **Types of Records Maintained** – The personnel officer shall be charged with The responsibility of maintaining a complete personnel record file on each County employee.

Any employee or their designee shall be entitled to review the employee’s complete personnel file during the normal operating hours. Personnel files may not be removed from the Personnel Department and must be reviewed in the presence of an employee of the Personnel Officer. This provision will not prohibit the employee’s supervisor, Department Director, the Personnel Board, or any member of the Personnel Department staff from having access to records concerning the normal discharge of duties; nor shall it prohibit a promotion board, or the Personnel Board from having access to the personnel file of any employee under review by said group.

- B. **Location and Retention of Records** – Official employee records will be kept in the Personnel Department; and only those actions and records in the Personnel department file shall be used as official records. Each Department Director shall be responsible for insuring that all required documents pertaining to an employee are forwarded to the Personnel Department for inclusion in the employee’s personnel file.
- C. **Employee Performance Evaluation** – The Department Director shall be charged with the maintenance of the performance evaluation program for all employees covered herein. The performance evaluation program shall establish goals, objectives, and a performance improvement plan for each employee. The

supervisor shall inform the employee of progress, and strengths and weaknesses in carrying out the assigned duties and responsibilities.

- D. **Release of Employee Information** – The Personnel Officer or his designee is the only department officially authorized to release, in the name of the government, any personnel information that relates to a specific employee.

Information released by the Personnel Department shall be limited to verification of employment, salary, length of service and the name of the immediate supervisor. The release or other confidential information must be specifically authorized by the employee. The Personnel Department will not volunteer or supply any of the above information, only verify it. Individual departments shall not release employee personnel information.

SECTION XV – CLEARANCE PROCEDURE FOR SEPARATED EMPLOYEES

- A. **Exit Interview** – An exit interview will be conducted by the Department Director. The exit interview should include the following:
1. Disbursement of employee's last paycheck, showing all deductions that may be required.
 2. Discussion of the employee's insurance program, their choice to drop or convert the insurance plan and the related cost.
 3. Discussion of the reasons for the employee's separation. The Personnel Department shall provide the Department Director with information about the employee's reason(s) for resigning.
- B. **Turn-in Property and Equipment** – At the time of separation, and prior to final payment of monies, all records, assets, and other items of property in the employee's custody shall be transferred to the Department Director or a designee. Certification of these transfers shall be forwarded to the Personnel Department for inclusion in the employee's personnel file.

SECTION XVI – COMPLAINTS BY PRIVATE CITIZENS

Complaints made by private citizens against any employee shall be dealt with in the following manner:

1. Any private citizen who wishes to make a complaint against an employee must do so by submitting the complaint in writing to the Department Director that employs the particular employee.
2. The complaint must be submitted within ten (10) days of the date of the incident.
3. The Department Director shall notify the said employee upon receipt of the complaint.

4. The Department Director will be responsible for investigating the complaint and taking appropriate action.
5. The Department Director will be responsible for notifying the citizen in writing of the results of the investigation and action taken.
6. If the citizen who submitted the complaint is not satisfied with the action taken by the Department Director, the citizen may request in writing that the County Manager review the complaint.
7. The County Manager may review the complaint and recommend that the Department Director take other action as may be deemed appropriate.
8. Citizens shall be notified within thirty (30) days of the receipt of the Complaint concerning the settlement of the complaint.

SECTION XVII – EMPLOYEE BENEFITS

The government makes available to employees the following benefits subject to the availability of an insurer and policies, which are adopted by the Commissioner.

1. Health Insurance
2. Life Insurance
3. Dental Insurance
4. Retirement Benefits
5. Workers' Compensation Insurance
6. Unemployment Compensation
7. Employee Appreciation Program
8. Express Scripts

SECTION XVIII – EQUAL OPPORTUNITY AND NON-DISCRIMINATION

- A. **Policy** – All applicants for positions and employees of the County shall be assured of fair and equitable treatment in all aspects of personnel administration, including training, promotion, and disciplinary action, without regard to political affiliation, race, color, national origin, sex, age, disability, or religious creed and with proper regard for their privacy and constitutional rights as citizens.

SECTION XIX – PERSONNEL POLICY CHANGES

- A. **Policy** – These policies shall reflect, and be superseded by, any changes mandated by state or federal legislation. These policies shall be changed by official action of the County Commissioner.

SECTION XX -- EMPLOYEE ACKNOWLEDGEMENT

This will acknowledge that I received my copy of the Personnel Policies. I will read and abide by all rules and regulations in these policies, and any additional rules and regulations of my job. I understand that these policies represents only current policies, regulations and benefits, that it does not create a contract of employment, and that Murray County may make changes in it from time to time. Furthermore, I understand that I have the right to terminate my employment at any time, with or without cause, and that Murray County has similar rights.

Signature of Employee

Date

Murray County Government
Chatsworth, Georgia
Acknowledgement Murray County

Agreements made with any employee prior to the time of employment or at any time thereafter concerning matters relating to compensation, scheduled hours, time off, tenure of employment and other matters not specifically outlined in this policy, will not be in effect unless in writing, approved by the Commissioner and made a permanent part of the employee's personnel record. Furthermore, employee job descriptions, matters addressed in this policy, and other County policies and procedures are subject to change without notice and do not constitute employment agreements or contracts between any employee of Murray County.

Passed and ADOPTED by the Commissioner this _____ day of _____, 2002.

Tyson Haynes
Commissioner of Murray County

David Butler
County Clerk/Finance Director
(SEAL)

CERTIFICATION OF ADOPTION

I hereby certify that the following foregoing is a true copy of the ordinance as to the amendment to the Murray County Personnel System passed at the regular meeting of the Commissioner of Murray County on the _____ day of _____ 2002.

Clerk/Finance Director

SECTION XXI – EFFECTIVENESS

The effective date of this ordinance shall be _____, 2002.

SECTION XXII – REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION XXIII – PARTS INVOLVED

If any part of this Ordinance is determined to be void or invalid under the Federal, State or Local law, the remainder of the Ordinance, to the extent possible, shall remain in full force and effect.

ORDINANCE

TO ENACT AN ORDINANCE FOR DRUG AND ALCOHOL TESTING OF MURRAY COUNTY EMPLOYEES/VOLUNTEERS

WHEREAS, the Board of Commissioners of Murray County, Georgia, perceives the need for a drug and alcohol policy for its employees;

THEREFORE, the Board of Commissioners of Murray County, Georgia, hereby ordains as follows

SECTION I. PURPOSE:

As an Employer, it is our objective to provide a safe and productive work environment for County employees. In furtherance of this, the County is committed to maintaining an alcohol and drug free work place. As such, participation in the drug and alcohol program outlined in the Ordinance is a precondition for employment for positions set forth in Section III.

SECTION II. DRUG AND ALCOHOL USE PROHIBITED:

Manufacture, distribution, dispersing, possession or use of illegal drugs and alcohol by Murray County employees during assigned working hours, in government buildings or on government grounds, in government vehicles or otherwise while on government business is prohibited. This shall include the use of illegal substances, the abuse of prescription or over-the-counter medications and the use of alcohol. The violation of the policies herein shall subject the employee to disciplinary measures, including immediate termination.

SECTION III. EMPLOYEES/VOLUNTEERS SUBJECT TO DRUG AND ALCOHOL TESTING

For purposes of this Ordinance, the following county employees (“employees”) and job applicants shall be subject to any of the types of drug and alcohol testing set forth in this Ordinance:

- (a) All employees, prospective employees and job applicants as to any job classification;
- (b) Those employees permitted or required to use motor vehicles or heavy equipment;
- (c) Those employees who service or maintain the motor vehicles or heavy equipment;
- (d) Those employees required to have a Commercial Driver’s License;
- (e) Mechanics, wrecker drivers, wrecker lift repairers, and fuelers;
- (f) All public safety dispatchers and communications officers;
- (g) All certified County Fire Department employees;
- (h) All county Fire and Safety volunteers;
- (i) All sworn Sheriff’s Department employees and school crossing guards;
- (j) All employees responsible for the control of pollution, sewage and/or water quality;
- (k) All employees performing functions set forth in the Federal Motor Carrier Safety Regulations, Section 395.2, Paragraphs (1) through (7); and

- (l) All employees performing safety-sensitive functions set forth in the Federal Transit Administration Regulations, 49 CFR, Part 653 and 654, which relate to the safe operation of a mass transit service, including the operation of a revenue service vehicle (whether or not vehicle is in revenue service), dispatch, maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, and any other employee who holds a Commercial Driver's License. The duties, tasks, and job responsibilities of (b) through (l) shall be deemed for purposes hereof and herein as "safety-sensitive functions".

SECTION IV. TYPES OF TESTING

The following types of testing shall be performed:

- (a) Pre-employment testing;
- (b) Random testing;
- (c) Reasonable suspicion testing;
- (d) Post-accident testing;
- (e) Return to duty; and
- (f) Follow-up

SECTION V. DRUG TESTING:

- (a) The testing mandated by the U.S. Department of Transportation shall be conducted to determine the presence of the following illegal drugs: marijuana; cocaine; opiates (e.g. heroine, morphine, codeine); phencyclidine (PCP); and amphetamines (e.g. racemic, amphetamine, dextroamphetamine, and methamphetamine).
- (b) Employees who test positive for drug use shall be immediately suspended without pay pending a final determination as to appropriate disciplinary measures.

SECTION VI. ALCOHOL TESTING:

- (a) Employees are prohibited from:
 - 1. Consuming alcohol while "on call";
 - 2. Reporting to duty or performing safety-sensitive functions with an alcohol concentration level of .04 or greater;
 - 3. Consuming alcohol up to eight (8) hours following and accident or until an employee undergoes a post-accident test, whichever comes first;
 - 4. Consuming alcohol four (4) hours prior to performing a safety-sensitive function;
 - 5. Using or possessing alcohol while performing safety-sensitive functions.
- (b) Employees who violate this Ordinance shall be immediately suspended without pay pending a final determination as to appropriate disciplinary measures.
- (c) A blood alcohol content of 0.04 or greater is a positive test. An employee who tests 0.02 – 0.039 BAC must be removed from duty for eight (8) hours or until test results are lower than 0.02.

SECTION VII. PRE-EMPLOYMENT DRUG TESTING:

The employment of all job applicants shall be strictly conditioned upon said applicant passing a drug screening test prior to being employed with the County. All job applicants shall be informed in advance that said testing shall be required.

SECTION VIII. POST-ACCIDENT TESTING:

- (a) Alcohol and drug testing for all employees shall be conducted within two (2) hours of an accident while on the job when (1) there is a fatality; (2) the employee receives a citation under state or local law or a moving traffic violation arising from the accident; (3) there is vehicle or equipment damage and/or bodily injury occurring on public roadways, or (4) there is reasonable suspicion to believe that the employee's behavior or appearance may indicate alcohol or drug use, or (5) when an employee sustains a work related injury requiring medical treatment.
- (b) If the employee has not submitted to an alcohol within eight (8) hours or a drug test within thirty-two (32) hours, of an accident or incident described in Subsection (a) above, all attempts to administer any tests shall cease and a record shall be made and maintained as to the reasons why testing was not properly administered.
- (c) Nothing contained in this Ordinance shall be construed as to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving a scene of an accident for the period necessary to obtain assistance in responding or the accident, or to obtain necessary emergency medical care.

SECTION IX. RANDOM DRUG AND ALCOHOL TESTING:

- (a) Only employees defined in Section III (b) through (l) shall be subject to random testing for drugs and alcohol.
- (b) Random drug testing shall be administered at a minimum annual rate of fifty percent (50%) of the average number of employees.
- (c) Random alcohol testing shall be administered at a minimum annual rate of twenty-five percent (25%) of the average number of employees.
- (d) Testing shall be unannounced and spread reasonably throughout the calendar year. A computer based method will be used to select employees for testing. However, as to employees defined in Section III (l), random alcohol testing will only be conducted just before, during or just after the performance of safety sensitive job functions. Random drug testing will be conducted any time a safety sensitive employee as defined in Section III (l) is on duty.

SECTION X. REASONABLE SUSPICION ALCOHOL AND DRUG TESTING

- (a) Situations that may give rise to a conclusion that an employee is under the influence of drugs and/or alcohol include, but are not limited to the following:

- (1) An employee is involved in a physical or verbal altercation on the job;
 - (2) An employee has an excessive number of incidents or accidents on the job;
 - (3) An employee exhibits unusual behavior such as slurred speech or unsteady walking or movement on the job;
 - (4) An employee is in possession of alcohol or drugs on the job; or
 - (5) The receipt of any driving citation while on the job.
- (b) Any employee shall be required to submit to drug and/or alcohol testing within two hours (2) hours when there is suspicion the employee is under the influence of alcohol and/or drugs during assigned working hours or while otherwise on government duty or in control of government property. However, alcohol reasonable suspicion testing can only be done on employees defined in Section III (1) when observations and referral are made during, just preceding, or just after the performance of safety-sensitive duties. If testing cannot be done by this time, the supervisor must document the reasons. If testing cannot be done within eight (8) hours of observation, the testing should not be done. Documentation of this decision is required and shall be submitted to the County Manager.
- (c) Supervisors who suspect an employee is under the influence of drugs and/or alcohol shall immediately report the incident to their Division Manager and/or Department Director.
- (d) The determination of whether or not reasonable suspicion exists shall be made by the Department Director or by the highest ranking supervisory staff on duty at the time. The facts underlying the determination of reasonable suspicion shall be disclosed to the employee at the time the demand to submit testing is made.
- (e) Following the determination that reasonable suspicion exists, the employee shall be transported to and from the testing site by the employee's supervisor or a designee. If an employee is found to be in violation of these regulations, then following the testing procedure, the person transporting the employee shall make appropriate arrangements to transport the employee home.
- (f) Supervisors shall be required to document in writing, within the next working day the specific facts, symptoms or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. All documents created in connection with the determination of reasonable suspicion shall be forwarded to the County Manager.
- (g) Murray County shall conduct a training program to assist supervisory personnel in identifying drug and alcohol use by employees. Such training shall be directed toward helping supervisors to recognize the conduct and behavior giving rise to a reasonable suspicion of drug and alcohol use.

SECTION XI. PRESCRIPTION DRUG USE:

- (a) An employee using prescription medication while on the job shall do so in strict accordance with medical directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure that the physician approves the use of prescription medication while the employee is performing their duties. The employee shall be responsible for notifying his or her supervisor of any restrictions that may affect/prevent the safe performance of the required duties.
- (b) The abuse and/or inappropriate use of legally prescribed drugs shall be prohibited. Employees whose job performance or attendance deficiencies result from abuse and/or inappropriate use shall be suspended without pay pending a final determination as to appropriate disciplinary matters. If an employee's behavior or job performance gives rise to a reasonable suspicion that the employee is abusing or inappropriately using prescription medication. The employee may be required to submit to drug testing and shall be treated, in accordance with Section X hereof.
- (c) It is violation of this Ordinance for any employee in a safety-sensitive function to be in possession of prescription or over the counter medication containing alcohol unless the packaging seal is unbroken.

SECTION XII. LIST OF MEDICATIONS:

Employees and job applicants shall at the time of testing provide to the person conducting the test a list of those prescriptions and over-the-counter medications that he or she has recently used. The list of medications shall be kept confidential until there has been a test result. The list of medications shall be disclosed only to the medical review officials who will determine whether positive result was due to the lawful use of any of the listed medications.

SECTION XIII. ACKNOWLEDGEMENT; NOTIFICATION:

Every employee subject to alcohol and drug testing shall be required to sign a form issued by their supervisor acknowledging the date, time and location of their test. All employees shall receive written notice of this Ordinance and shall sign a Certificate of Receipt thereof.

SECTION XIV. CONSENT:

Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the employer and the Medical Officer. The consent form shall provide a space for employees and job applicants to acknowledge that they have been notified of the requirements of this Ordinance.

SECTION XV. REFUSAL TO CONSENT:

- (a) Job Applicants: Any applicant for a job with Murray County who refuses to consent to a drug and alcohol test shall be denied employment.
- (b) Employees: Any employee who refuses to sign a consent form to submit to a drug and alcohol test as required herein shall be suspended without pay pending determination as to appropriate disciplinary measures. A refusal to submit to a test can be a verbal statement of physical absence resulting in the inability to conduct the test. Test refusals also include the inability to provide a sufficient breath or urine specimen unless there is a justifiable medical reason. Test refusals also include leaving the scene of an accident prior to being tested unless there is a justifiable reason for doing so. Tampering or adulterating a specimen is also considered a refusal to submit to a drug or alcohol test.
- (c) No show: Employees who fail to appear at the designated collection site to take the test when so directed without justification shall be considered a refusal and shall be immediately suspended without pay pending determination as to appropriate disciplinary measures.

SECTION XVI. TESTING PROCEDURES:

- (a) All testing procedures shall be administered and accounted for by an approved laboratory and/or medical facility that is operated in compliance with the National
- (b) Institute of Drug Abuse (NIDA) Guidelines, the Federal Motor Carrier Safety Regulation and 49 CFR Part 40. These procedures and guidelines shall be available for inspection by contacting the County Manager.
- (c) All NIDA urine drug testing specimens must be collected as “split” specimens. The term “split” specimen means that one urine specimen will be divided into two separately sealed specimen bottles for submission to the laboratory.
- (d) Whenever an initial test is found to be positive, an automatic confirmation test will be performed. This confirmation test shall be a Gas Chromatography/Mass Spectrometry test. If the result is positive then that employee has 72 hours to request from the Medical Review Officer that the split sample be sent to a second lab for testing at the County’s expense. If the second portion of the sample also tests positive, then the employee shall be suspended without pay pending determination as to appropriate disciplinary measures. If the second portion produces a negative result, or for any reason the second portion is not available, the test is considered negative and sanctions shall be imposed.
- (e) Evidential Breath Test (EBT) – If results of EBT is .02 or greater, a confirmation test must be conducted at least 15 minutes, but not more than 20 minutes, after the completion of the initial test. If the second portion produces

a negative result, or for any reason the second portion is not available, the test is considered negative and no sanctions shall be imposed.

- (f) Prior verifying a “positive” result, the County’s Medical Review Officer shall make every effort to contact the employee and afford him/her the opportunity to discuss the test result. If after making all reasonable efforts and documenting them, the Medical Review Officer is unable to reach the employee directly, the Medical Review Officer shall contact a designated management official who shall direct the employee to contact the Medical Review Officer as soon as possible (within 24 hours).
- (g) Once a positive result is confirmed, the employee shall be immediately removed from any safety-sensitive duty, in addition to any other action taken.

SECTION XVII. CONFIDENTIALITY OF TEST RESULTS:

All information from an employee’s or job applicant’s drug and alcohol test shall be confidential and only available to the Department Director, Personnel Director, County Manager and those with a need to know. It is the policy of the County to respect the rights of privacy of all employees and job applicants. Therefore, disclosure of test results to any other person, agency, or organization shall be prohibited unless written authorization is obtained from the employee, job applicant, court order, or a subpoena. The results of a positive drug or alcohol test shall not be released until the results are confirmed.

SECTION XVIII. DISCIPLINARY AND TERMINATION POLICY:

The following reasons shall be grounds for immediate termination of an employee:

- (a) Distributing illegal drugs or alcohol while on the job.
- (b) Operating a government vehicle or motorized equipment while under the influence of drugs and or alcohol.
- (c) Conviction for violation of drug laws on the job.
- (d) Testing positive for drugs or alcohol while on the job.
- (e) Refusing to take test as defined by Section XV.
- (f) Otherwise violating the provisions of this Ordinance.

All employees are required to notify Murray County of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days after such conviction.

SECTION XIX. EMPLOYEE ASSISTANCE:

Employees who have been disciplined under the provisions of this Ordinance shall be provided with the names, addresses and telephone numbers of substance abuse professional, counseling and treatment programs that can determine what assistance, if any, the employee may need to help him or her resolve any problems associated with substance abuse. Murray County shall not be responsible to pay such evaluation, rehabilitation, or counseling for said employee.

SECTION XX. VOLUNTARY EMPLOYEE ASSISTANCE PROGRAM:

Voluntary participation in an employee assistance program prior to an employee being requested to submit to a test is encouraged and such participation shall be kept confidential. No disciplinary action, including termination, shall be implemented because an employee volunteers to participate in such a program. Employee who, prior to being requested to take a drug and/or alcohol test, voluntarily identify themselves as a drug user or alcohol abuser and obtain counseling and rehabilitation through the County's employee assistance program shall not be disciplined or terminated for their drug use and/or alcohol abuse if they thereafter refrain from violating the prohibitions of this Ordinance. Except as described herein, all employees can be disciplined for violation of this Ordinance.

SECTION XXI. EDUCATION AND TRAINING:

Employees shall receive at least sixty (60) minutes of training on the consequences of prohibited drug use and shall be provided with information and materials concerning same. Employees shall also be provided with a "hotline" number where they can direct questions concerning same.

SECTION XXII. INFORMATION REGARDING TESTING PROGRAM:

- (a) Employees who have questions regarding the policies and procedures under this Ordinance may address them to their Department Director.
- (b) Information concerning the effects of alcohol and drug use on an individual's health, work, and personal life shall be made available to employees upon request.
- (c) Information concerning signs and symptoms of alcohol and drug problems, and available methods for intervening when an alcohol or drug problem is suspected shall be made available to employees upon request.
- (d) The names and addresses of the Program Manager, the Substance Abuse Professional and the Medical Review Officer shall be posted in the Board of Commissioner's Office at all times.

SECTION XXIII. RETURN TO DUTY TESTING:

Before returning to work, each employee who has tested positive for drugs or alcohol or has refused to be evaluated therefore shall be required to take a return-to-duty test for drugs and alcohol and shall be evaluated by the Substance Abuse Professional and participate in a rehabilitation program, at the employee's expense. The return-to-duty test shall include an alcohol test with a result indicating a breath alcohol level of less than 0.02 if conduct involved alcohol, or a controlled substance test with a verified negative result if conduct involved controlled substance use. Upon recommendation from the Substance Abuse Professional and satisfactory completion of the above, the employee may be allowed to return to work. However, nothing herein contained shall necessarily require the County to rehire such an employee. If the employee is rehired, he/she is subject to unannounced follow-up alcohol or controlled substance testing, the specific test depending on

his/her violation. The number and frequency of such follow-up testing shall be as directed by the Substance Abuse Professional and consist of at least six (6) tests in the first twelve months.

SECTION XXIV. INFORMATION DISCLOSURE:

- (a) Murray County shall release information regarding an employee's record as directed by specific, written consent from the employee authorizing release of the information to an identified person;
- (b) An employee is entitled, upon written request, to obtain copies of any records pertaining to his/her use of prohibited substances, including any records pertaining to test results;
- (c) Murray County may disclose information that is required to be maintained to the decision maker in a law suit, grievance, or other proceeding initiated by or on behalf of the employee tested.
- (d) When requested by the National Transportation Board as part of an accident investigation. Murray County shall disclose information related to its administration of drug and alcohol tests, following the accident investigation;
- (e) Records shall be made available to subsequent employers upon receipt of written request from the employee;
- (f) Murray County shall disclose data for its drug and alcohol testing program and any information pertaining to its anti-drug program, when requested by the U.S. Secretary of Transportation or any Department of Transportation Agency with regulatory authority over the Murray County Transit System.

SECTION XXV. EFFECTIVENESS:

The effective date of this ordinance shall be _____, 1996.

SECTION XXVI. REPEAL:

All ordinance or parts of ordinances in conflict herewith are hereby repealed, including the specific repeal of the ordinance adopted on February 13, 1996.

SECTION XXVII. PARTS INVOLVED:

If any part of this ordinance is determined to be void or invalid under the Federal, State or local law, the remainder of the Ordinance, to the extent possible, shall remain in full force and effect.

FOOTNOTES

1. The Federal Transit Administration (FTA) regulations only apply to the following drugs: marijuana, cocaine, amphetamines, opiates and phencyclidine (PCP).
2. Only employees defined in (l) of this section are required to be addressed under FTA regulations.
3. Only use of alcohol is prohibited under FTA regulations.
4. Immediate suspension is not mandatory by FTA regulations.
5. Only employees defined in Section III (l) are mandated to have pre-employment drug testing under FTA regulations.
6. Only employees defined in Section III (l) are mandated to have post-accident drug testing under FTA regulations.
7. Only employees defined in Section III (l) are mandated to have random drug testing under FTA regulations.
8. Only employees defined in Section III (l) are mandated to have reasonable suspicion drug testing under FTA regulations.
9. This provision is not included as a part of FTA regulations.
10. This provision is not included as a part of FTA regulations.
11. The only consequence mandated by FTA regulations for refusal to take a test is prohibition from performing a safety-sensitive job function following a test refusal.
12. The only consequence mandated by FTA regulations is removal from safety-sensitive positions.
13. This provision is in addition to rights provided by FTA regulations.

ORDINANCE

TO PROHIBIT SEXUAL HARRASSMENET OF MURRAY COUNTY EMPLOYEES/VOLUNTEERS

WHEREAS, the Board of Commissioners of Murray County, Georgia perceive the need for a sexual harassment policy for its employees and volunteers;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Commissioners of Murray County, Georgia, as follows:

Section 1 **Background.** The federal government has established that unlawful sexual harassment is a form of sexual discrimination in violation of the civil rights act. Discrimination for or against an applicant or employee based on race, color, religion, sex, age, handicap or national origin is prohibited in this country, and this includes sexual harassment.

The equal employment opportunity commission defines three forms of sexual harassment:

- (1) Where submission to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct is expressed or implied, making it a condition of employment.
- (2) Where submission or rejection of such conduct is used as a basis for employment decisions.
- (3) Where such conduct has the purpose or effect of interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

Due to the majority of sexual harassment complaints falling within the third definition, some elaboration is needed. Actions or statements not offensive to some individuals may be offensive to others. A sexually hostile work environment may be created by any of the following practices: the relation of off-colored jokes; suggestive or vulgar remarks about gender or physical anatomy or characteristics; touching others in a sexually suggestive way; having nude or sexually oriented pictures, posters, or materials in the workplace. (This list is not exhaustive). As a general matter, relatively trivial incidents will not create a hostile work environment. Still, the above practices should be avoided nonetheless.

Section 2 **Purpose.** As an employer, it is the county's objective to provide a safe and productive work environment for county employees. Also, to prohibit all forms of sexual harassment in the workplace and to provide employees with a process for resolving sexual harassment complaints. Therefore, a sexual harassment policy is adopted for all employees and volunteers for Murray County.

Section 3 **Sexual Harassment Prohibited.** Unlawful sexual harassment will not be permitted in any departments of Murray County. If any one feels that unwelcome sexual advances or language is interfering with their productivity or comfort in the workplace, or if they feel that any terms or conditions of employment depend on sexual favors, the employee should report such activity to the supervisor or department head. If the claimant feels that reporting to one of these individuals may adversely affect their employment, the claim may be expressed, in writing, directly to the County Manager to investigate. It should be

understood that a claim of sexual harassment bypasses the normal grievance procedure.

Section 4 **Procedure.**

- (A) A copy of the county's policy and reporting procedures on workplace sexual harassment will be posted in a conspicuous place in all departments where it can be read by all employees.
- (B) A copy of the policy will be provided to all employees who shall sign and acknowledgement which will be placed in the employee's personnel file.
- (C) If, for any reason, an employee believes he/she is the subject of sexual harassment or believes sexual harassment is occurring in the workplace, the employee should report it immediately to his/her supervisor or department director. Any person so notified shall notify the county manager no later than the next working day of the complaint. The county manager is then responsible for the proper investigation and actions regarding such complaint.
- (D) Any allegation of sexual harassment should be recorded and documented by the individual taking the complaint detailing the specific incident(s), the individuals involved, possible witnesses, and the relief sought as well as any additional information pertinent to the complaint. The reporting employee must sign the allegation acknowledging what was recorded as accurate.
- (E) Although not a prerequisite to making a complaint, any employee who feels that he/she has been subjected to sexual harassment should try to tell the offender that the behavior is unwelcome, harmful, or offensive. Some offenders may be genuinely oblivious to the effect of their words or conduct on other people and would be willing to change if only knew they were hurting or offending someone. Any employee communicating directly with an offender is encouraged to report the incident to his/her supervisor or department director so as to further minimize the risk of repeated incidents or retaliation by the offender.
- (F) Upon receiving a complaint the county manager will in turn, report it directly to the county attorney. The personnel department shall also be informed of the complaint as appropriate.
- (G) The county manager or designee should take immediate action by doing whatever is appropriate to end the alleged harassment from continuing while the complaint is being investigated.
- (H) The county manager or the county attorney shall conduct an investigation immediately into the alleged sexual harassment by conducting interviews with the individuals involved in the complaint, and any necessary witnesses.
- (I) During the investigation, the workplace may be monitored for any possible acts or retaliation directed toward the reporting employee. If specific behavior indicates the possibility of retaliation, corrective action may be taken.
- (J) Upon completion of the investigation, a written report shall be given to the reporting employee, and the accused if appropriate,

- setting out the findings of the investigation and the recommended steps of action.
- (K) If the reporting employee is not satisfied with the findings of the report and the action taken, the employee may file and appeal as outlined in the personnel policy, section IX, Appeal Procedures.
- Section 4 That all ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 5 That if any part of this ordinance shall be held to be invalid or unconstitutional, such invalidity of unconstitutionality shall not affect or impair other parts of the ordinance unless

ORDINANCE
TO ENACT AN ORDINANCE TO BAN
SMOKING IN COUNTY FACILITIES

WHEREAS, to the knowledge of Board of Commissioners, the United States Surgeon General has designated smoking as a major factor influencing premature death and disability in our nation; and

WHEREAS, to ignore this event in light of the tremendous volume of evidence supporting this conclusion, would unjustly prejudice the rights of our non-smoking citizens;

NOW, THEREFORE, be it ordained by the Board of Commissioners of Murray County that an Ordinance be enacted as follows:

Section 1 Definitions

As used in this Ordinance, the following terms shall have the respective meanings ascribed to them:

County Facilities, Facilities of the County: All facilities owned and/or occupied by the County and its agents and employees.

Smoke or Smoking: Any act of burning any tobacco product of any kind in a cigarette, cigar or pipe.

Section 2 Restricted Areas

No person shall smoke at any of the following facilities of the County:

- (a) Restrooms;
- (b) Reception areas and lounges;
- (c) Waiting rooms and hallways;
- (d) Employee work areas;
- (e) Auditoriums, conference and meeting rooms, public assembly and chambers;

(f) Incarceration facilities.

Section 3 Enforcement

This Ordinance shall be enforced by any authorized law enforcement officer of the County or the County Administrator.

Section 4 Penalty

Any Person violating any provision of this Ordinance shall be punished by a fine of not less than ten dollars (\$10) nor more than fifty dollars (\$50). Jurisdiction shall be in the Magistrate Court of the county.

Section 5 Severability

If any portion or part of this Ordinance is held to be invalid by any Court, the remaining provisions shall still continue in full force and effect.

Section 6 Repeal

The existing Ordinances covering the same matters as embraced in this Ordinance, if any, are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

INFORMATION SYSTEM USE

PURPOSE To establish rules of conduct for use of all Department Information Systems, including telephone, voice mail, Internet and e-mail privileges provided by the Department. At no time shall County computers be used outside of these boundaries. These policies are implemented to protect the County from damage and liability.

GLOSSARY:

- | | |
|-----------------|--|
| Pornographic: | any content that ranges outside accepted norms of behavior. If you couldn't show it to your mother or father, you must not be looking at it here. This includes subject matter dealing with any type of sexual act, human or animal. |
| Discriminatory: | any statement used to denigrate or demean another human being by reason of race, sexual orientation, gender, or religion. |
| Violence: | subject matter regarding death, injury, or mutilation to any human or animal or subjects regarding destructive acts to property. |

INTERNET

Employees wishing to step outside these bounds for their personal use must obtain a personal account (not one provided by the Department) and access it off-site from their home computer. County computers are the property of the County and must not be used for any prohibited purposes.

1. The County Internet System will not be used for visiting pornographic sites.
2. The County Internet System will not be used for visiting discriminatory sites, except where such material connects with Item 3 of this section.
3. Sites containing violent material may only be visited for the purpose of research. Such research must be overseen or conducted by an elected official or department head previously approved in writing by such qualified personnel. This approval will be limited to a given project for a limited time to be done by a specific person or persons and not using more than two specific county workstations. Any further research will require additional approval. Immediately upon completion of the project, the Systems Administrator must be notified so that all links to the sites may be removed from the computer.

E-MAIL

1. Murray County does not allow use of the e-mail system for the spread of racist, sexist, or pornographic jokes.
2. Despite the existence of any passwords, employees should not assume that any electronic communication is private. It is not and can be monitored at any time.

ELECTONIC FILES

All users should be aware that any electronic file created on the County system could be restored and viewed as necessary. For this reason, no County computer may be used for the creation of files prohibited by this policy.

TELEPHONE AND VOICE-MAIL

All prohibitions on Internet and e-mail service apply to the use of the telephone system and voice mail system.

MONITORING

The County will monitor e-mail messages, Internet use and other electronic files created by employees on a random basis to ensure compliance with this policy. Telephone use will also be monitored on a user-by-user basis for appropriate cost controls. Voice mail may be monitored on a random basis as needed as determined by upper management.

PERSONAL USE OF THE SYSTEM

The e-mail/Internet system may not be used for personal purposes.

SEXUAL HARRASSMENT

The County e-mail and Internet system may not be used for transmitting, retrieving, or storing any communications of a harassing nature or materials that are obscene or X-rated. Harassment of any kind is prohibited. The County's harassment policy applies in full to e-mail, voice mail, and Internet use.

DISCRIMINATION

The County e-mail and Internet access may not be used for transmitting, retrieving or storing any communications of a discriminatory or harassing nature. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes, or sexual orientation may be transmitted or forwarded using the company system. The County's discrimination policy applies in full to e-mail and Internet access.

DEFAMATION

Any messages or information sent by an employee to another individual outside the county via the county e-mail or Internet systems (including bulletin boards, online services or Internet sites) are statements that reflect on the county. Therefore, any communication defaming another person, group or organization is strictly prohibited.

COPYRIGHT AND TRADEMARK

Employees may not transmit, copy retrieve or forward copyrighted or trademarked material that does not belong to the county using the county's e-mail or Internet system.

Every employee who obtains access to other companies' or individuals' materials must respect all copyrights and trademarks and may not copy, retrieve, modify or forward copyrighted or trademarked materials, except with written permission of the copyright or trademark holder.

CONFIDENTIAL BUSINESS INFORMATION

All communications sent by employees via the county's e-mail or Internet system may not disclose any confidential or proprietary information. With proper permission from management, employees may send selected information in an encrypted form. The County must approve any encryption programs.

UNWANTED CORRESPONDENCE

If an employee receives unsolicited e-mail from outside the county that appears to violate the county's policy, the employee should notify his or her supervisor immediately.

ELECTRONIC DOCUMENT RETENTION AND DESTRUCTION

(Reserved.)

NETWORK SECURITY

The data on our network represents a substantial investment in labor and dollars and is to be protected at all times. In order to preserve the integrity of our data, the following security policies are in effect:

Password sharing between members of the county, whether career or volunteer, is strictly prohibited. In no event are any personnel to give their password to anyone else in order to counter the security and integrity measures in place on the network. Such actions undermine the overall security and integrity of the network and its data. Files may be shared by copying them to an area that is shared on the network for access by multiple users. In the event that any person needs a change in access to network resources, programs, or data, such will be obtained through proper application for that access through the chain of command. Within one business day after written approval is received from the appropriate authority, the System Administrator will grant the approved user the appropriate access rights for their job function.

Regular Backups are performed in order to protect the data. The Systems Administrator will set a schedule for such backups in order to preserve and protect the data as is reasonable while minimizing interference with users' regular work schedule as much as possible.

Authority of Systems Administrator

The Systems Administrator is responsible for protecting and facilitating the Information Systems of the county and thus for developing and adjusting Information Policies and Procedures as needed. The primary goal is to provide optimum security balanced with ease of use as much as possible, implementing new technologies and techniques when reasonable. The SA has the authority to make the necessary decisions on security, configuration, implementation and policies and procedures based on his/her technical expertise.

DOWNLOADING SOFTWARE

To prevent contamination of the Information System, no employee may download or install software from any source without prior authorization from Department Head or System Administrator.

VIOLATIONS

Any employee who violates these rules or otherwise abuses the privileges of the County's Information System will be subject to disciplinary action as defined in Section VII of the County Personnel Policy.

PURCHASING

The System Administrator and the Department Head in accordance with the County's purchasing policy shall approve all purchase of hardware and software.