

**OGLETHORPE COUNTY
PERSONNEL HANDBOOK**

**ADOPTED
DECEMBER 11, 2006**

**REVISED
APRIL 26, 2010**

WELCOME

This handbook brings together in one source what you should know about the procedures, policies, compensation, and benefits affecting you as an employee. It is the County's hope that you find this handbook interesting, useful, and informative. However, if you have any questions about any of these procedures and policies, do not hesitate to ask your supervisors or the Board staff. Whether you are just joining the County or are a current employee, the County looks forward to working with you.

None of the procedures, policies, or benefits in this Handbook are intended by reason of their publication to confer any rights or privileges upon you, or to entitle you to be or remain employed by the county. This Handbook's contents are presented as a matter of information only, and the procedures and policies described herein are not binding employment conditions.

Any employee may voluntarily leave employment and may be terminated by the County at any time for any reason with or without notice. Any oral or written statements to the contrary are expressly disavowed and should not be relied upon by a prospective or current employee. This Handbook's contents are subject to change at any time with or without notice at the County's sole discretion.

TABLE OF CONTENTS

SECTION 1 INTRODUCTION	5
1.1 ADOPTION	5
1.2 ESTABLISHMENT AND PURPOSE	5
1.3 COVERAGE	5
1.4 ADMINISTRATION	6
1.5 QUALIFICATION	6
1.6 DISTRIBUTION	6
1.7 REVISIONS	6
SECTION 2 STANDARD OF CONDUCT	7
2.1 GENERAL STANDARDS	7
2.2 EQUAL EMPLOYMENT OPPORTUNITY	7
2.3 USE OF PRIVILEGED INFORMATION	9
2.4 CONTACTS WITH THE PUBLIC	9
2.5 OUTSIDE EMPLOYMENT	9
2.6 PURCHASE	9
2.7 GIFTS AND GRATUITIES	10
2.8 INTOXICANTS	10
(a) PURPOSE	10
(b) APPLICABILITY	11
CATEGORY I EMPLOYEES.....	11
CATEGORY II EMPLOYEES	12
(C) PROHIBITED SUBSTANCES.....	12
(1) ILLEGALLY USED CONTROLLED SUBSTANCE OR DRUGS	12
(2) LEGAL DRUGS	12
(3) ALCOHOL.....	13
(d) PROHIBITED CONDUCT.....	13
(1) MANUFACTURE, TRAFFICKING, POSSESSION, AND USE	13
(2) INTOXICATION/UNDER THE INFLUENCE	13
(3) ALCOHOL AND DRUG USE	14

(4) COMPLIANCE WITH TESTING REQUIREMENTS	14
(5) TREATMENT REQUIREMENTS	16
(6) CRIMINAL DRUG CONVICTION	16
(7) PROPER APPLICATION OF POLICY	17
(e) TESTING PROCEDURES	17
(1) GENERAL	17
RANDOM TESTING	18
OBSERVED COLLECTIONS	20
(2) EMPLOYEE REQUESTED TESTING	21
(3) PRE-EMPLOYMENT TESTING	22
(4) REASONABLE SUSPICION TESTING	22
(5) POST-ACCIDENT TESTING	23
(6) RANDOM TESTING	24
(7) BIENNIAL TESTING	25
(8) FOLLOW-UP TESTING	25
(9) INFORMATION DISCLOSURE	25
(10)EMPLOYEE AND SUPERVISOR TRAINING	25
ATTACHMENT 1	27
ALCOHOL FACT SHEET	27
SIGNS AND SYMPTOMS OF USE	27
HEALTH EFFECTS	27
SOCIAL ISSUES	28
THE ANNUAL TOLL	28
WORKPLACE ISSUES	29
ATTACHMENT 2	30
MINIMUM THRESHOLDS	30
2.9 SMOKING	30
2.10 COUNTY OWNED PROPERTY	31
2.11 SURRENDER OF PROPERTY	31
2.12 COMMUNICATION	32
2.13 POLITICAL ACTIVITY	32
2.14 VOTING RIGHTS	33
2.15 SOLICITATION	33

2.16 DISTRIBUTION OF LITERATURE33

2.17 SEXUAL HARASSMENT33

DEFINITIONS.....33

SCOPE.....34

MANAGEMENT RESPONSIBILITY.....34

PROCEDURE.....35

EMPLOYEES35

INVESTIGATION.....35

RETALIATION.....36

2.18 APPROPRIATE DRESS36

2.19 PRESENCE OF CHILDREN36

2.20 COUNTY VEHICLES36

2.21 TRAVEL38

2.22 OFFICE HOURS38

2.23 TIMEKEEPING38

2.24 SAFETY STATEMENT AND RULES39

SAFETY STATEMENT39

SECTION 3 ATTENDANCE, LEAVE, AND HOLIDAY 42

3.1 WORK PERIOD AND OVERTIME42

3.2 LEAVE43

(a) VACATION LEAVE.....44

(b) SICK LEAVE.....44

(c) FAMILY AND MEDICAL LEAVE.....45

(d) MILITARY LEAVE48

(e) CIVIL LEAVE50

(f) BEREAVEMENT LEAVE.....50

(g) LEAVE OF ABSENCE50

(h) SHORT TERM LEAVE WITHOUT PAY.....51

(i) HOLIDAYS51

3.3 ATTENDANCE AND PUNCTUALITY51

SECTION 4 EMPLOYMENT PRACTICES 53

4.1 EQUAL EMPLOYMENT OPPORTUNITY53

4.2 REFUSAL TO ACCEPT APPLICATION53

4.3 APPOINTMENTS54

4.4 EMPLOYMENT OF RELATIVES54

4.5 NEW EMPLOYEES55

SECTION 5 PROBATIONARY WORK PERIOD 56

5.1 GENERAL56

5.2 LENGTH OF PERIOD56

5.3 EVALUATION56

5.4 COMPLETION57

5.5 ELIGIBILITY FOR COUNTY BENEFITS57

SECTION 6 TRANSFER/SEPARATION..... 58

6.1 TRANSFERS58

6.2 SEPARATION.....58

SECTION 7 PERSONNEL RECORDS..... 60

7.1 RECORDS60

7.2 CONFIDENTIALITY RECORDS60

7.3 PERFORMANCE EVALUATION60

SECTION 8 DISCIPLINE AND TERMINATION 62

8.1 AT-WILL EMPLOYMENT62

8.2 GENERAL POLICY62

8.3 CAUSES FOR DISCIPLINARY ACTION62

8.4 EMPLOYEE APPEAL62

SECTION 1
Introduction

1.1 Adoption

The Oglethorpe County Personnel Policies and Procedures (hereinafter “Personnel Policies”) was adopted by the Oglethorpe County Board of Commissioners superseding any previous rules, policies, or other personnel administration practices.

1.2 Establishment and Purpose

These personnel policies and procedures have been voluntarily established by the Board of Commissioners and constitutional officers of the county. The policies are intended to standardize personnel practices and establish uniform benefits in the various county departments. When adopted by the constitutional officers in Oglethorpe County, those officers do not relinquish their constitutional authority, nor do they create a property or liability interest which would entitle an employee to continued employment in any matter. Neither of these policies are intended to be an employment contract, but simply general guidelines, which may not be adhered to in every case.

1.3 Coverage

These policies apply to the covered employees in the departments of all officials in Oglethorpe County. These policies and procedures may be adopted by constitutional officers of the county, but their adoption does not define the employment relationship between themselves and their employees. Personnel staff and policymakers are not covered employees, and any constitutional officer adopting these policies shall determine which employees should be excluded.

1.4 Administration

In general, department heads are responsible for administering these policies in their respective departments. The County Chairman will directly administer these policies for departments governed by the Board of Commissioners and provide administrative support to those departments supervised by constitutional officers. The County Chairman shall be the sole administrator of these policies in all departments. All actions of the County Chairman in administering these policies are subject to review by the Board of Commissioners.

1.5 Qualification

Oglethorpe County is an “at-will” employer and does not intend to create a civil service system as authorized by O.C.G.A. 36-1-21. Both the employee and the county retain the right to terminate the employment relationship at any time with or without cause.

1.6 Distribution

The department head shall be responsible for ensuring that the Personnel Policies are read and acknowledged by each covered employee. Every covered employee must acknowledge by signature that he/she has reviewed and understood the Personnel Policies.

1.7 Revisions

This Handbook’s contents are subject to change at any time with or without notice at the County’s sole discretion.

**SECTION 2
Standard of
Conduct**

2.1 General Standards

Employees of Oglethorpe County are in a special category as public employees whose wages and salaries are paid by the taxpayers. Thus, we owe our allegiance to the county as well as each and every taxpayer; we must assure that the Oglethorpe County taxpayers “get their money’s worth.” County employees must adhere to high moral and ethical standards in our work for the county and personal conduct. When off-duty conduct affects or brings discredit on the county government, it becomes a legitimate concern of the county, and could result in disciplinary action, including dismissal.

County employees are expected to comply with all statutes, ordinances and regulations of the federal, state, and local governments.

2.2 Equal Employment Opportunity

The county employs, retains, promotes, terminates, and otherwise treats all employees and job applicants without regard to sex, race, religion, national origin, pregnancy, age, marital status, or handicap/disability.

The county recognizes the need to maintain affirmative human resource measures to ensure equal employment opportunities in all aspects of employment conditions and decisions. It is the responsibility of every employee to abide by and carry out the letter, spirit, and intent of the county’s equal employment opportunity commitment in that:

- (a) It is prohibited for an employee to refuse to hire, train, promote or provide equitable employment conditions to any employee or applicant, or to discipline or terminate an employee solely on the basis of race, national

origin, age, sex, marital status, religious beliefs or physical handicap except when business necessity or a bona fide occupational qualification can reasonably be established.

(b) It is prohibited for any employee or other agent to engage in the following discriminatory conduct:

(1) Race, National Origin, and Religion. Making statements, jokes or committing acts regarding a particular race, ancestry or religion that are regarded as derogatory, offensive, prejudicial or harassing.

(2) Sex/Sexual Harassment/Marital Status. Intimidating or interfering with an employee's work or work environment, through unwelcome, offensive or harassing sexual comments, questions or acts (implicit or explicit), including prejudicial statements or acts regarding pregnancy or marital status.

Employees who believe they have been harassed by an employee, supervisor or agent should promptly report the facts of the incident(s), including the names of the individuals involved, to their supervisor or, in the alternative, to the County Chairman when the harasser is the person to whom the complaint should be initially brought. Supervisors should immediately report any incidents of sexual harassment to the County Chairman. Any questions regarding this policy should be directed to the County Chairman. (see Section 2.17)

2.3 Use of Privileged Information

Many county employees deal with plans or programs of significant public interest. If your work involves such plans or programs, you must not distribute this information to your friends or acquaintances or use this privileged information to your own advantage. If you have an outside financial interest which could be affected by county plans or activities, you should immediately report such conflict to your supervisor. Each employee has the responsibility to prevent the release of information relating to the county unless approved by his/her department head.

2.4 Contacts with the Public

When county employees have contact with the public, they must do so in a courteous manner. No employee shall use profane or offensive language or show anger or disrespect to a member of the public. All employees shall conduct themselves in a manner that reflects credit upon their department and the county government.

2.5 Outside Employment

No employee shall engage in any other employment, in any private business, or conduct a profession: (1) during hours when he/she is on duty at their county job; or (2) when off-duty if such enterprise adversely affects the county.

2.6 Purchase

No employee may buy or charge any purchase to the county without first submitting a requisition to the County Chairman for approval; if the request is approved, a purchase order shall be issued.

2.7 Gifts and Gratuities

No employee shall solicit, accept or agree to receive any gift, gratuity, or favor, which induces the reasonable belief that it will influence your performance or failure to perform any official action.

2.8 Intoxicants

Employees are our most valuable resource. As such, The Oglethorpe County Board of Commissioners is dedicated to providing a safe and dependable workplace for its employees and the general public. To ensure this, all new employees will be Drug Tested prior to employment. All employees have the responsibility to report to work in a fit condition and to perform their jobs without unnecessary risk to themselves or other individuals regarding health and safety. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

(a) PURPOSE

The purpose of this policy is to assure worker fitness for duty, to protect our employees, and the public from the risks posed by the misuse of alcohol and the use of prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. The Federal Transit

Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655 as amended, this mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (DOT) has also published 49 CFR Part 40, as amended that sets standards for the collection and testing of urine and breath specimens. In addition, the Federal government published 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. This policy incorporates those requirements for all county employees and others when so noted.

(b) APPLICABILITY

This policy applies to all employees, whether salaried or hourly, and contractors in general and to specific employees determined by their "Category" classification. This policy applies when employees are on county property, in county vehicles or when performing county business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work.

CATEGORY I EMPLOYEES

Commercial Drivers License Holders, Heavy Equipment Operators, Light Equipment Operators, Law Enforcement and Jail Personnel, Mechanics (including Maintenance Foreman and Maintenance Superintendent), Emergency Medical Technicians, Dispatchers, and any county employee performing safety-sensitive functions. A list of safety-sensitive positions that perform one or more of the above-mentioned duties follows:

Senior Center Director	Maintenance Supervisor
Master Mechanic	Mechanic
Mechanic/Welder	Transit Van Driver
Maintenance Superintendent	

CATEGORY II EMPLOYEES: All other county employees.

(c) PROHIBITED SUBSTANCES

“Prohibited Substances” addressed by this policy include the following:

(1) Illegally Used Controlled Substance or Drugs

These include but are not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Safety sensitive employees will be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine.

(2) Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice and written authorization from the attending physician must be sought by the employee, as appropriate, before performing work-related duties.

A legally prescribed drug means that individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing county business is prohibited. Also the use of medical marijuana and hemp products, which presents levels of drugs or drug metabolites above the DOT minimum thresholds, is considered a violation of this policy.

(3) Alcohol

The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy, or any other substance that alcohol is present in the body while performing county business is prohibited. The concentration of alcohol is expressed in terms of alcohol per 210 liters of breath as measured by an evidential breath testing device.

(d) PROHIBITED CONDUCT

(1) Manufacture, Trafficking, Possession, and Use

All employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on county premises, in county vehicles, in uniform or while on county business. Employees who violate this provision will be terminated. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

(2) Intoxication/Under the Influence

Any county employee who is reasonably suspected of being intoxicated, impaired, under the influence

of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees found to be under the influence of a prohibited substance or who fail to pass a drug or alcohol test shall be removed from duty without pay until the appropriate action is determined. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

(3) Alcohol and Drug Use

No employee should report for duty or remain on duty when his/her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No employee shall use alcohol while on duty, in uniform, while performing safety-sensitive functions, or just before or just after performing a safety-sensitive function. No employee shall use alcohol within eight (8) hours of reporting to duty, or during the hours that they are on call.

All safety-sensitive employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended. Violation of these provisions is prohibited and punishable by termination.

(4) Compliance with Testing Requirements

All employees will be subject to urine drug testing and breath alcohol testing as a condition of employment. Any employee who refuses to

comply with a request for testing shall be terminated.

Any employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of falsifying test results will result in termination. The following are considered a refusal to test if the employee:

- Fails to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer;
- Fails to remain at the testing site until the testing process is complete;
- Fails to provide a urine specimen for any drug test required by this part or DOT agency regulations;
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen;
- Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Fails or decline to take a second test the employer or collector has directed you to take;
- Fails to undergo a medical examination or evaluation, as directed by the Medical Review Officer as part of the verification process, or as

directed by the DER as part of the “shy bladder” procedures;

- Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process);
- If the Medical Review Officer reports that there is verified adulterated or substituted test results.

Drug tests can be performed any time a safety-sensitive employee is on duty. An alcohol test can be performed when the safety-sensitive employee is actually performing a safety-sensitive duty, just before, or just after the performance of a safety-sensitive duty.

(5) Treatment Requirements

All Employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problem. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with the county’s requirements for treatment, after care, or return to duty shall be terminated. The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

(6) Criminal Drug Conviction

All employees are required to notify the County Chairman of any criminal drug statute conviction for a violation occurring in the workplace within

five days after such conviction. Failure to comply with this provision shall result in disciplinary action including termination.

(7) Proper Application of the Policy

The Oglethorpe County Board of Commissioners is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action.

(e) TESTING PROCEDURES

(1) General

Analytical urine drug testing and breathe testing for alcohol may be conducted when circumstances warrant or as required by Federal regulations. Before an alcohol and drug test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of the test results to the employer. Any job applicant who refuses to consent to an alcohol and drug test shall be denied employment. Any employee who refuses to sign the consent form or submit to an alcohol and drug tests, required herein, shall be terminated.

Employees and job applicants shall provide a list of prescriptions and over the counter medications they have recently taken at the time of any drug testing. The list shall be kept confidential until there has been a test result.

All employees shall be subject to drug testing prior to employment, for reasonable suspicion, and following an accident as defined in Section 6.2, 6.3, and 6.4 of this policy. In addition, all employees will be tested prior to returning to duty after failing a drug or alcohol test and after completion of the Substance Abuse Professional's recommended treatment program and subsequent release to duty. Follow-up testing will also be conducted following return to duty for a period of one to five years, with at least six tests performed during the first year.

Random Testing

Category I employees shall also be subject to testing on a random, unannounced basis. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities, which have been approved, by the U.S. Department of Health and Human Service (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. Urine specimens will be collected using the split specimen collection method described in 49 CFR Part 40. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. An initial drug screen will be conducted on the primary urine specimen. For those specimens that are not negative, appear

to be substitute, or adulterated, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. Attachment 3 lists the minimum thresholds established for each drug and/or its metabolites. The test results from the laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive test result, substitution and adulteration.

The MRO will contact the employee, notify the employee of the positive, substitute, or adulterated laboratory result, and provide the employee with an opportunity to explain the confirmed test result. The MRO will subsequently review the employee's medical history/medical records to determine whether there is a legitimate medical explanation for a positive, substitute or adulterated laboratory result. If no legitimate medical explanation is found, the test will be verified positive, substitute, or adulterated and reported to the County Chairman. If a legitimate explanation is found, the MRO will report the test result as negative.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the Medical Review Officer.

Observed Collections

Consistent with 49 CFR Part 40 collection under direct observation (by a person of the same gender) with no advance notice will occur if:

1. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to the County Chairman that there was not an adequate medical explanation for the result; or
2. The MRO reports to the County Chairman that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed; or
3. The County Chairman may direct a collection under direct observation of an employee if the drug test is a return-to-duty or a follow-up test; or
4. The collector, must immediately conduct a collection under direct observation if they are directed by the County Chairman to do so; or
5. The collector observes materials brought to the collection site of the employee's conduct clearly indicates an attempt to tamper with a specimen; or
6. The temperature on the original specimen was out of range; or
7. The original specimen appeared to have been tampered with.

Tests for breath alcohol concentration will be conducted utilizing a national Highway Traffic Safety Administration (NHTSA)-approved testing device operated by a trained technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test.

An employee who has confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his/her position for eight (8) hours unless a retest results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49 CFR Part 654 for safety-sensitive employees.

Any employee that has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP) for assessment. A positive drug and/or alcohol test will also result in termination.

(2) Employee Requested Testing

Any employee who questions the results of a required drug test under paragraphs 6.2 through 6.7 of this policy may request that the split sample be tested. This test must be conducted at a different DHHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employees request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Request after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

(3) Pre-Employment Testing

All position applicants shall undergo urine drug testing prior to hire or transfer into a safety-sensitive position. Receipt by the county of a negative drug test result is required prior to employment. Failure of a pre-employment drug test will disqualify an applicant.

(4) Reasonable Suspicion Testing

All employees may be subject to a fitness for duty evaluation, and urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances, which are consistent with the short-term effects of substance abuse or alcohol misuse. The employee shall proceed to the designated test site immediately for the required test(s). If the test is not administered within two (2) hours, the employer shall maintain a written file stating the reasons why the test was not administered promptly.

Examples of reasonable suspicion include, but are not limited to, the following:

- Physical signs and symptoms consistent with prohibited substance use or alcohol misuse.
- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- Evidence that an individual has tampered with any substance abuse test during his/her employment.

- Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse.
- Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.
- Evidence that an employee has used, sold, solicited or transferred drugs while working or while on county premises or while operating a county vehicle, piece of machinery or equipment.

The supervisor shall complete a written report detailing the reasons leading up to the required test.

Reasonable suspicion referrals must be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse.

(5) Post-Accident Testing

All employees will be required to undergo urine and breath testing if they are involved in an accident with a county vehicle. This includes all surviving employees that operated the vehicle and any other whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility or one or more vehicles incurs disabling damage, unless the operator can be completely discounted as a contributing factor to the accident. The accident definition may include some incidents

where an individual is injured even though there is no vehicle collision.

Following an accident, the employees will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any safety-sensitive employee who leaves the scene of the accident without justifiable explanation prior to submission to a drug and alcohol testing will be considered to have refused the test and subject to disciplinary action up to and including termination. Employees tested under this provision will include not only the operations personnel, but any other covered employee whose performance could have contributed to the accident.

If the county is unable to perform a FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), the county may use drug and alcohol post-accident test results administered by State and local law enforcement officials. The State and local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with state and local laws.

(6) Random Testing

Category I employees will be subjected to random, unannounced drug testing. The selection of these employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee that they will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year.

Tests can be conducted at any time during an employee's shift (i.e., beginning, middle, end). Employees are required to proceed immediately to the collection site upon notification of their random selection.

(7) Biennial Testing

County employees holding commercial drivers license and whose job duties include the driving of a commercial class vehicle must submit to alcohol and controlled substance testing at least once every two years commencing with the driver's first medical examination. However, random testing satisfies the biennial requirement.

(8) Follow-Up Testing

All employees will be required to undergo frequent unannounced urine and/or breath testing following their return to duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. A qualified Substance Abuse Professional will determine the frequency and duration of the follow-up tests beyond the minimum.

(9) Information Disclosure

To be considered for employment, all applicants will be asked to give consent to Oglethorpe County Board of Commissioners for a background check of the applicants previous DOT covered employer of the past two years.

(10) Employee and Supervisor Training

All employees will undergo a minimum of 60 minutes of training on signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work

environment. The training must also include manifestations and behavioral clues that may indicate prohibited drug use.

Supervisors will also receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probably drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol use.

Any questions regarding this policy or any other aspect of the drug free and alcohol free program please contact our County Clerk.

Alcohol Fact Sheet

Attachment 1

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use:

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

1. Decreased sexual functioning
2. Dependency (up to 10% of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed “alcoholic”)
3. Fatal liver diseases
4. Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
5. kidney disease

6. Pancreatitis
7. Spontaneous abortion and neonatal mortality
8. Ulcers
9. Birth defects (up to 54% of all birth defects are alcohol related).

Social Issues

1. Two-thirds of all homicides are committed by people who drink prior to the crime.
2. Two or three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on the weekends.
3. Two-thirds of all Americans will be involved in an alcohol related vehicle accident during their lifetimes.
4. The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
5. Forty percent of family court cases are alcohol problem related.
6. Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
7. More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol related.

The Annual Toll

-24,000 people will die on the highway due to the legally impaired driver.

-12,000 more will die on the highway due to the alcohol-affected driver.

-15,800 will die in a non-highway accident.

-30,000 will die due to alcohol-caused liver disease.

-10,000 will die due to alcohol-induced brain disease or suicide.

-Up to another 125,000 will die due to alcohol related conditions or accidents.

Workplace Issues

-It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.

-Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.

-A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Attachment 2

MINIMUM THRESHOLDS

Initial Test	Initial test cutoff level
Marijuana metabolites	50 ng/ml
Cocaine metabolites	300 ng/m
Opiate metabolites	2,000 ng/m
Phencyclidine (PCP)	25 ng/m
Amphetamines	1,000 ng/ml

Confirmatory Test Cutoff Level	Confirmatory Test
Marijuana metabolites (1)	15 ng/ml
Cocaine metabolites (2)	150 ng/ml

Opiates:	
Morphine	2,000 ng/ml
Codeine	2,000 ng/ml
Phencyclidine (PCP)	25 ng/ml

Amphetamines:	
Amphetamine	500 ng/ml
Methamphetamine	500 ng/ml

1. Delta-9-tetrahydrocannabinol-9-carboxylic acid
2. Benzoyllecgonine
3. Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml.

These cutoff levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.

2.9 SMOKING

Smoking is not allowed in any building or structure

owned or leased by the county or its departments, and is not allowed in vehicles owned or leased by the county or its departments, except when a county employee is alone in said vehicle.

2.10 COUNTY-OWNED PROPERTY

(a) No employee shall take or use, for personal purposes, any county property, equipment, or supplies. All employees shall use county property in the manner authorized by his/her department head. County property may be used for personal purposes if needed in an emergency in cases of sickness or injury. The abuse or misuse of county property shall be subject to appropriate disciplinary action.

(b) Employees who are “on call” are authorized to take county vehicles to their residence with the permission of their department head. However, personal use of any county vehicle is strictly prohibited.

(c) While on duty, employees shall not use the telephone for personal calls when those calls interfere with the employee’s duties or business use of the telephone. Personal telephone calls should be infrequent and kept as short as possible. Employees are strictly prohibited from making personal long distance phone calls on county telephones unless such calls are charged to the employee’s personal telephone number.

2.11 Surrender of Property

When employment ends for any reason, the employee shall deliver all equipment, uniforms, records, and other items of county property to his/her department head before final payment is made to the employee. The employee shall certify that all such county records and property has been returned, and

any shortage shall be withheld from the employee's final compensation.

2.12 Communication

If any employee wishes to bring a matter to the attention of the Board of Commissioners, he/she shall accomplish such communication "through the channels," i.e., to the department head, then to the County Clerk, who shall present the matter to the Board of Commissioners for its information and consideration. The employee's communication shall proceed through the channels without reasonable delay, and shall not be stopped at any point before consideration by the Board of Commissioners. However, the matter may be resolved at any point along the communication process. If any employee feels that this method of communication is not sufficient, he/she may send a copy of such communication directly to the Chairman of the Board of Commissioners.

2.13 Political Activity

In order to avoid the appearance of a conflict of interest, and to preserve the impartiality of all county employees, no employee shall hold a compensated elective public office in any governmental unit (local, state, or federal). In addition, employees shall not solicit contributions or services for any candidate for elective public office, and shall not endorse or actively support any candidate for local public office during working hours. However, this policy shall not prevent a county employee who presently holds or is appointed to a county office from seeking election to that office, and it shall not prevent a county employee from holding the office of Coroner or County Surveyor.

2.14 Voting Rights

No employee shall be given or refused employment, suspended or discharged because of his/her vote or failure to vote in any primary or election.

2.15 Solicitation

Employees shall not solicit funds or support for any purpose from the public or other employees while on duty, except such charitable organizations as are approved by the Board of Commissioners in advance. Employees in uniform shall not solicit funds from the public at any time.

2.16 Distribution of Literature

Employees shall not distribute political or religious literature of any kind in working areas or on county property.

2.17 Sexual Harassment

Sexual harassment is a form of sex discrimination that undermines the integrity of the employment relationship, violates policy, and is illegal under the law. Oglethorpe County Board of Commissioners will not tolerate sexual harassment in the workplace.

Definitions

No employee-either male or female-should be subject to unwelcome verbal or physical conduct that is sexual in nature or that shows hostility to the employee because of the employee's gender. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that debilitates morale, and that, therefore interferes with work effectiveness.

Unwelcome sexual advances (either verbal or physical), requests for favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either an explicit or implicit term or condition of employment (e.g., promotion, training, timekeeping, overtime assignments, leaves of absence, etc.); or
2. Submission to or rejection of the conduct is used as a basis for making employment decisions; or
3. The conduct has the purpose or effects of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.

SCOPE

The Oglethorpe County Board of Commissioners strictly prohibits sexual harassment during work, during business involving the Oglethorpe County Board of Commissioners, or while on Oglethorpe County property by an employee (including customers, visitors, and independent contractors).

MANAGEMENT RESPONSIBILITY

Management at all levels of the Oglethorpe County Government is responsible for preventing sexual harassment in the workplace. This responsibility includes immediately reporting conduct by anyone, whether a co-worker, supervisor, or non-employee, that may constitute sexual harassment, even if the conduct was sanctioned regardless of how awareness of conduct was gained.

In furtherance of this policy, management employees will not have social relationships of sexual nature

with employees under their direct line of supervision.

Management employees will not allow personal friendships or social relationships, on or off the job to influence their treatment of subordinate employees of their employment decisions.

PROCEDURE

Employees

An employee who believes that he/she has been subjected to sexual harassment by anyone is encouraged-but not required-to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. A person who receives such a request must immediately comply with it and must not retaliate against the employee for rejecting the conduct.

1. Complaints of sexual harassment should be brought to the attention of the County Clerk. Complaints against the County Clerk, elected or appointed officials should be brought to the attention of the Board of Commissioners Chairman.
2. The employee may choose to raise the complaint through his/her immediate supervisor, who will in turn contact the County Clerk, regardless of how he/she became aware of the conduct. Even if the sexual harassment was sanctioned or involves persons who work in different departments; the management representative will report it.

Investigation

After notification of the employee's complaint, a confidential investigation will immediately be initiated to gather all facts about the complaint. The

investigation will be conducted by the County Chairman and/or the personnel designated by the County Chairman to assist in the investigation. After the investigation has been completed, appropriate management regarding resolution of the case will make a determination. If warranted, disciplinary action will be take up to and including involuntary termination, to stop the harassment and prevent its recurrence. The County Chairman will, in any event, notify the employee who made the complaint of the outcome of his/her investigation.

Retaliation

This policy also prohibits retaliation against employees who bring sexual harassment complaints or assist in investigation complaints. Retaliation in violation of this policy may result in discipline up to and including termination. Any employee who brings a sexual harassment complaint or assists in the investigation of such complaint will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of the complaint.

2.18 Appropriate Dress

The clothing of county employees should be appropriate to their job responsibilities.

2.19 Presence of Children

The children of county employees cannot be kept by their parents at work; if child care is not available, the employee should take personal leave in order to look after their children.

2.20 County Vehicles

(a) Obedience of Traffic Regulations. Drivers of county vehicles must use caution and obey all

federal, state, and local traffic regulations.

- (b) **Seat Belt Policy.** This county recognizes that safety belts are an important and effective item of protective equipment, and many people needlessly die and are injured due to their failure to use available seat belts. Therefore, when a county employee drives or rides in a motor vehicle while on the job, he/she **MUST** use seat belts.
- (c) **Reporting Violations and Accidents.** A county employee whose job entails driving a county vehicle must report immediately any traffic violation with which he/she is charged or accident in which he/she is involved to his/her department head; any such employee shall also sign an authorization allowing periodic license checks during his/her employment with the county.
- (d) **Commercial Drivers License.** If a county employee's position requires a commercial drivers license, he/she will be subject to drug testing as required by federal law, and shall be immediately terminated upon suspension or revocation of the commercial drivers license.
- (e) **Serious Offenses.**
 - (1) **Driving Under the Influence.** Any county employee charged with Driving Under the Influence (DUI) while operating a county vehicle shall be immediately suspended without pay pending disposition of the charge; upon conviction, the employee will be dismissed. In the event that an employee whose job entails driving a county vehicle is charged with DUI during off-duty hours in a private vehicle, he/she shall, at a minimum,

be suspended for a period of one week without pay. Any second offenses shall result in immediate dismissal.

(2) Other Offenses. Any employee whose job entails driving a county vehicle shall be immediately suspended without pay upon being charged with any offense which results in a mandatory suspension of his/her license, including but not limited to those offenses listed in O.C.G.A. 40-5-54, to wit: (1) homicide by vehicle; (2) manslaughter resulting from the operation of a vehicle; (3) any felony in the commission of which a motor vehicle is used; (4) hit and run; (5) racing; (6) using a motor vehicle in fleeing or attempting to elude an officer; or (7) fraudulent or fictitious use of a license. Upon conviction, the employee will be dismissed.

2.21 Travel

If prior approval is obtained from an employee's Department Head, an employee may be reimbursed for meals while engaged in such business related travel and also receive a travel mileage reimbursement if the employee uses his/her own vehicle for such travel. The rates for such reimbursement may be set from time to time by the County Chairman.

2.22 Office Hours

The office hours of all county departments shall be set by the Department head.

2.23 Timekeeping

A time card with the employee's name shall be provided for each county employee; time cards are

official records of hours worked. If a time clock is used, all employees must punch in and out upon reporting for and leaving work. Missing or incorrectly punched time cards should be reported immediately to the department head, who shall immediately report same to the board office. Deliberately punching someone else's time card or having someone else punch the employee's time card is cause for discipline, up to and including termination. If another employee's time card is punched in error, it should be reported immediately to the board office.

It is each employee's specific responsibility to see that their job information and time are recorded accurately and legibly as well as turned in on time. Time sheets must be turned in to the board office no later than the end of the business day on Wednesday preceding pay day.

2.24 Safety Statement and Rules

SAFETY STATEMENT

The Oglethorpe County Government acknowledges that a valid safety program is an important function of our operational and administrative systems. We also acknowledge that the function of a safety program pertains to all employees of our various departments.

The health and safety of all Oglethorpe County employees is of primary importance and each department and employee shall endeavor to maintain a safety conscious attitude throughout its operations.

In adherence to this policy, all employees are expected to accept the concept that the safe way to accomplish a task is the most efficient and the only way to perform it.

Safety performance is an important measure of supervisory and employee performance and will be included in the evaluation of all employees.

SAFETY RULES

1. The first way to accomplish a task is the most efficient and the only way to perform it.
2. Safety hazards are to be reported immediately to your supervisor.
3. All work areas and walkways are to be kept free of clutter.
4. All spills of water, oil or other liquids are to be so indicated by warning signage and are to be cleaned immediately. Do not assume someone else will do it.
5. Seat belts are to be worn at all times whether operating a piece of equipment, driving or as a passenger in an Oglethorpe County owned vehicle.
6. Personal Protective Equipment such as gloves, helmets, eye, and ear wear, shoes/boots, turnout gear and respiratory equipment is to be used accordingly.
7. All employees are to utilize proper lifting techniques. Help should be sought for moving/lifting heavy or cumbersome objects.
8. All vehicles and equipment should be inspected prior to operating. Faulty lights, warning devices and safety guards should be in place and operational as well as completing the needed repairs prior to operation.
9. Do not overload electrical outlets or extension

- ords. Electrical equipment is never to be used in wet environments.
10. Do not use a piece of equipment if you are not familiar with its use and operational limits.
 11. All employees should be familiar with the location of fire extinguishers and first aid kits and their use.
 12. Tobacco use is to be limited to the appropriate areas and is to never be used near flammable products.
 13. While performing maintenance on any piece of equipment or vehicle the equipment should be disabled as with the use of a “lock out-tag out” system, disconnected from electrical power where applicable and vehicles should be secured in a manner that prevents rolling, shifting, or inadvertent startups.
 14. All flammable liquids, gases, and sharp tools are to be stored in a safe manner and as recommended by Federal, State, and local regulations.
 15. When in doubt ask. Remember that the safe way is the best way.
 16. Repeated violation of safety rules may result in termination.
 17. Violation of safety rules due to negligence, carelessness, or horse play will result in termination.

SECTION 3
Attendance,
Leave and
Holidays

3.1 Work Period and Overtime

- (a) Full Time Employment. Full time employees must average no less than 40 hours per week, in any given 6 months of employment, in order to maintain full time status. Excused leave (sick, vacation, etc) or any excused unpaid leave will be included as time worked.

- (b) Working Hours. Subject to the approval of the County Chairman, each county department head shall establish the working hours for employees under his/her direction, and may establish other attendance rules as he/she deems necessary.

- (c) Work Period. Except as provided herein, for all regular county employees covered by the FLSA, the work period is seven consecutive days from Thursday through Wednesday, and overtime at the rate of 1.5 time the employee's hourly rate shall be paid for all hours over forty (40) worked in each such work period. Employees shall be prohibited from working in two county departments consecutively for more than forty (40) total hours per week or in any situation where overtime would be earned. An hourly employee is covered by FLSA unless he/she falls under the exempt categories. Exempt employees will receive their normal salary for all work periods. Each employee's status under the FLSA shall be determined by their department head and the County Chairman.

- (d) Work Period for Law Enforcement Personnel. Pursuant to 29 C. F. R. Part 553 and Section 207(k) of the Fair Labor Standards Act, the work period for qualified law enforcement personnel is hereby established as 28 consecutive days. Within that work period, such employees can work up to 171 hours without overtime pay.

- (e) Pay Period and Payday. County employees will be paid by check every two weeks. The biweekly pay period is from Thursday through Wednesday; the employee's time card or time sheet must be turned in on the Wednesday preceding payday, and a check is issued every other Thursday after 4:00 pm.
- (f) If a holiday falls on the payday, paychecks will be distributed on the preceding regular work day.
- (g) Holiday Pay. Regular full time employees will receive eight hours of holiday pay at their usual hourly rate for all official county holidays. If an employee works on an official holiday, he or she shall receive the eight hours of holiday plus the pay for the hours worked. Salaried, part time and probationary employees will not receive holiday pay.

3.2 Leave

For purposes of this section, a day is defined as eight (8) hours and a week is defined as forty (40) hours with the exception of nonexempt law enforcement personnel and nonexempt emergency medical service (EMS) personnel, excluding secretarial positions. A day for nonexempt law enforcement personnel is defined as a maximum of twelve (12) hours depending upon the schedule worked. A day for nonexempt EMS personnel is defined as twenty-four (24) hours.

The use of any type of leave must be approved by employee's supervisor before the employee takes such leave, (and the County Clerk's office shall receive notification of the leave.) In the case of emergency, the employee shall notify the department as soon as possible.

Upon termination by death, employees estate will be compensated for unused vacation and sick time.

(a) *Vacation Leave*

(1) Vacation leave is accrued by all regular county employees at the following rates:

- a. At the end of the first year of service, 40 hours of vacation.
- b. After one year but less than five years of service, vacation will be earned at five (5) hours per month for a total of 60 hours per year.
- c. Five years or more but less than ten years of service, vacation will be earned at 6.67 hours per month for a total of 80 hours per year.
- d. Ten years or more of service, vacation will be earned at 8.34 hours per month for a total of 100 hours per year.
- e. Employees hired before January 1, 1998 will accrue annual leave at the rate of 8 hours per month.

Vacation does not accrue for first year employees, and may not be taken until it is earned.

Vacation time can be accrued to a maximum amount equivalent to two years earned leave.

(b) *Sick Leave*

- (1) All county employees shall accrue a total of six (6) days of sick leave per year, after the six (6) month probationary period, regardless of length of service to be granted at a prorated rate per month.
- (2) Sick leave must be taken in atleast two (2) hour increments.
- (3) Sick leave in excess of 16 consecutive hours will require a doctor's statement of support.

- (4) Accumulated sick leave in excess of 16 hours in a 6 month period will require a doctor's excuse.
- (5) Employees may carry forward up to thirty (30) days unused sick leave.
- (6) Employees are not entitled to be paid for earned but unused sick leave, either before or when their employment is terminated for any reason.

(c) *Family & Medical Leave*

A family and / or medical leave of absence is an approved absence available to eligible employees for up to 12 weeks of unpaid leave during each calendar year under particular circumstances that are critical to the family's life. Leave may be taken:

- a. Upon the birth of the employee's child.
- b. Upon the placement of a child with the employee for adoption or foster care.
- c. When the employee is needed to care or provide psychological support for a child, spouse, or parent who has a serious health condition.
- d. When the employee is unable to perform the functions of his or her position because of a serious health condition.

(1) Scope. This policy shall apply to all family and medical leave absence except to the extent that this type of leave is covered under other paid county employment benefit plans or policies for any part of the 12 weeks of leave to which the employee may be entitled under this policy. If an employee is entitled to paid leave under another county benefit plan or policy, the employee must take that paid leave first.

(2) Eligibility. An employee must have been employed for at least 12 months and must have worked at least 1,250 hours within the 12-month period preceding the commencement of the leave.

If the employee on leave is a salaried employee and if keeping the job open for the employee would result in substantial economic injury to the county, reinstatement to the employee on leave to an equivalent position with equivalent employment benefits as well as other terms and conditions of employment can be denied. In this situation the employee may be given an opportunity to return to other work, if available.

(3) Basic Regulations and Conditions of Leave.

a. The county will require medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of his or her position. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee will be needed to provide care. In its discretion, the county may require a second medical opinion and periodic re-certifications at its own expense. If the first and second opinions differ, the county, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the county and the employee.

If medically necessary for a serious health condition of the employee or his or her spouse, child, or parent, leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, however, the county may require the employee to transfer temporarily to an alternative position that better accommodates recurring periods of absence or a part-time schedule, provided that the position have equivalent pay and benefits.

b. Spouses who are both employed by the county are entitled to a total of 12 weeks of leave instead of 12 weeks each for birth or adoption of a child or for the care of a sick parent.

(4) Notification and Reporting Requirements.

When the need for leave is foreseeable, including the birth or adoption of a child, or planned medical treatment, the employee must provide reasonable prior notice and make efforts to schedule leave so as not to disrupt county operations. In cases of illness, the employee will be required to report periodically on his or her leave status and intention to return to work.

Status of Employee Benefits During Leave of Absence.

- a. During any FMLA leave, the employee's coverage under any county group health plan will be maintained on the same condition as coverage would have been provided if the employee had been continuously employed during the entire leave period.
- b. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the county may recover from the employee the cost of any payments made to maintain the employee's benefit coverage unless the failure to return to work was for reasons beyond the employee's control. Benefit entitlements based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence.
- c. An employee who fails to return to work upon completion of an approved unpaid leave of absence is entitled to COBRA insurance coverage, which would

begin on the day he/she failed to return to work or the day he/she announces they will not return.

d. An employee who declined to maintain health insurance coverage during their leave is still eligible for COBRA coverage. Failure to reimburse the county for payments made to maintain the employee's benefit coverage will not bar the employee's eligibility for COBRA coverage.

e. Any employee who receives an on the job injury eligible for worker's compensation benefits may also be granted an approved leave of absence under this section.

(5) Procedures.

a. A Request for Family and Medical Leave of Absence form should be submitted 30 calendar days in advance of the leave's effective date, if possible.

b. All requests for family and medical leaves of absence due to illness will include a Certification of Health Care Provider containing sufficient medical certification attached to a completed Request for Family and Medical Leave of Absence.

c. Upon notice by an employee that his/her absence is due to a reason covered by the Family and Medical Leave Act, the county will notify the employee within two (2) days that such an absence will be designated as family and medical leave.

(d) *Military Leave*

All County Employees, except those employed on a temporary basis, are entitled to military leave when engaged in ordered military duty and while going to and returning from such duty.

a. While attending service school(s) conducted by the United States armed forces, a county employee shall be entitled to military leave up to six months; however, an employee cannot absent himself for military leave for any period(s) which total greater than six months during any four-year period.

b. Military leave shall not constitute an interruption of employment, and the employee shall not suffer a loss of diminution of time, service, increment, vacation or holiday privileges, or any other right or privilege, or be prejudiced with reference to continuation in office or employment, reappointment, reemployment, reinstatement, transfer or promotion by reason of such absence.

c. A county employee shall receive his/her regular salary or other compensation during military leave up to 18 days each calendar year. In the event that the Governor declares an emergency and a county employee is ordered into active duty as a member of the National Guard, the employee shall receive his/her regular salary or other compensation during such duty up to 30 days each calendar year.

d. "Ordered military duty" means (1) any military duty performed in the service of the state or the United States, including but not limited to attendance at any service school(s) conducted by the United States armed forces by a county employee who is a volunteer member of the United States armed forces or armed forces reserve force; (2) such duty performed for a period or periods not exceeding a total of 30 days in any one calendar year shall be deemed "ordered military duty."

e. This policy on military leave shall not apply to any county employee who is involuntarily transferred, assigned, drafted or inducted into the armed forces or reserve armed forces of the United States.

(e) *Civil Leave*

All county employees are entitled to civil leave without loss of pay or time when the employee is subpoenaed by any court to serve as a juror or witness. The employee should report to work when not actually required to be present in court.

(f) *Bereavement Leave*

Bereavement leave will be granted to full-time employees in the event of absence necessitated by the death of a family member. In the event of the death of an employee's spouse, child, parent, or sibling, the employee will be granted two (2) days off work with pay. In the event of the death of an employee's grandparent, father- or mother-in-law, or son- or daughter-in-law, the employee will be granted one (1) day off work with pay. Personal days or vacation days may be used if additional time off is needed. Requests for bereavement leave should be made to the employee's immediate supervisor.

(g) *Leave of Absence*

An employee may apply to his/her department head to be placed on leave of absence; if approved by the department head, the department head will bring the request before the Board of Commissioners and make a written recommendation. The Board of Commissioners will review the request and recommendation.

a. An employee will not receive pay, benefits or other compensation during such leave of absence unless specifically authorized by the Board of Commissioners.

b. Leave of absence must not exceed 12 months, Unless extended by the Board of Commissioners.

c. A leave of absence cannot be obtained in order to accept and/or pursue other employment.

d. After a leave of absence, the employee may return to his/her former position at the same pay rate and benefit status, if such position is still available. If the position has been filled or abolished, the employee will be offered any available comparable positions for which he/she is qualified. If no such position is available, the employee's name will be placed on the county's eligibility list and he/she will be given preference in the event of an appropriate opening.

(h) *Short Term Leave Without Pay*

At the discretion of the County Chairman, short-term leave without pay may be granted to a full-time permanent employee. Short-term leave without pay is intended for emergency situations of a short-term nature when all other leave has been exhausted.

(i) *Holidays*

Oglethorpe County will observe 10 paid holidays per year. The list will be promulgated annually.

3.3 Attendance and Punctuality

To maintain a safe and productive work environment, Oglethorpe County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the county. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their departmental supervisor as soon as possible in advance of the anticipated tardiness or absence. Department heads should report to the County Clerk if they are not to be at their respective work location in the county. Poor attendance and excessive

tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

**SECTION 4
Employment
Practices**

EQUAL EMPLOYMENT OPPORTUNITY

4.1 Oglethorpe County will not discriminate in its employment practices against any applicant or employee on account of his/her race, color, religion, sex, national origin, age, disability, or veteran status. The county will also attempt to reasonably accommodate the known disabilities of job applicants and incumbent employees except where such accommodation causes undue hardship.

County department heads are responsible for administering and complying with the county's equal employment policy as it concerns employees under their supervision.

4.2 Refusal to Accept Application

The County may refuse to accept an application from or may subsequently disqualify any applicant if the applicant:

- (1) does not possess the qualifications established for job position;
- (2) is addicted to the use of narcotics or alcohol;
- (3) made a false statement in his/her application
- (4) used or attempted to use political pressure or bribery to secure an advantage in the screening process;
- (5) failed to submit a complete application or failed to submit the application within the prescribed time limit;
- (6) has previously been dismissed for cause or terminated as unsatisfactory from county employment;
- (7) has been convicted of a crime of moral turpitude.

4.3 Appointments

Oglethorpe County shall use two types of hiring procedures for original appointments and promotions.

(a) Competitive Appointments

Competitive appointments are the usual practice when a county employment position becomes vacant or is created; all qualified applicants will be considered for the position.

(b) Noncompetitive Appointments

When feasible, Oglethorpe County will promote county employees to job openings.

(1) If no qualified applicants are available when a vacancy occurs or when a new position is created, the department head may promote a county employee to that position on a temporary basis, with the approval of the County Chairman. The appointment may become permanent if the employee later becomes qualified for the position.

(2) Noncompetitive appointments may be made to fill temporary or part-time positions not covered by these policies.

4.4 Employment of Relatives

(a) Oglethorpe County shall not employ any member of a current employee's family whose relationship is closer than second cousin by blood in the same department, or in any capacity where an employee will supervise a relative. This policy applies to promotion, demotions, transfers, reinstatements and new employment, but shall only be applied prospectively and shall not affect

any employees who may be in violation as of the effective date of this policy.

(b) If the county institutes a reorganization which changes departmental boundaries and produces a violation of this policy, the employee or their relative should transfer to another department if possible. However, no employee shall be fired or penalized as a result of a departmental reorganization which places him/her in violation of this policy.

4.5 New Employees

Newly hired employees shall be directed to the County Clerk on his/her first day of work, where they shall be provided with information concerning their employment benefits, and have Oglethorpe County's personnel policies provided to them. At that time, they shall also fill out appropriate personnel forms and documentation.

SECTION 5
Probationary
Work Period

5.1 General

A period of employment probation shall be implemented when an employee is hired, promoted or transferred. At no time during the probationary work period should an employee have an expectation of continued employment. An employee may be discharged at any time during this period with or without cause, and without the right of appeal or hearing. (Employees who complete the probationary period remain subject to dismissal with or without cause.) Road Department or Maintenance Shop employees shall not receive uniforms until their probationary period has been successfully completed.

5.2 Length of Period

- (a) Generally, the probationary work period shall be six (6) months.
- (b) The Board of Commissioners may fix a different length of time for the probationary work period for one or more classes of employees. Any such change shall apply to all positions in that class, but shall not affect the length of the probationary work period of those employees who are serving under a probationary work period at the time of the change.

5.3 Evaluation

During the probationary period, the department head shall evaluate the employee's performance at least once per month. At the conclusion of the probationary period, the department head will provide a brief written statement indicating whether his/her performance was satisfactory or unsatisfactory; this statement will be sent to the County Clerk and shall be retained in the

employee's personnel file. On the last day of the probationary period, the employee will be notified as to whether his/her employment shall continue.

5.4 Completion

An employee who performs satisfactorily during the probationary period and is offered continued employment shall be classified as a "regular" employee, but does not acquire a property right or claim of entitlement to his/her job, and is still subject to discharge with or without cause.

5.5 Eligibility for County Benefits

With the exception of the County retirement plan, full time employees will become eligible for all county benefits beginning on the first day of the month following the employee's successful completion of the probationary period. Employees will become eligible for participation in the retirement program after completion of three years of uninterrupted full-time service with the County.

(a) Part time employees are not eligible for benefits, including sick, vacation, or leave of any type. Part time employees averaging at least 24 hours per week may be eligible for ½ holiday pay at the discretion of the department head, with approval of the commission chairman.

SECTION 6
**Transfer/
Separation**

6.1 Transfers

A transferred employee shall maintain the same status, regular or probationary, as he/she had in their prior position.

6.2 Separation

(a) Resignation. An employee may resign from his/her position upon written notice to the department head. The department head shall notify the County Clerk of the resignation.

(b) Probationary Period. During an employee's probationary period, he/she may be separated from his/her position for any reason with or without cause, and without the right of an appeal.

(c) Dismissal. A regular employee may be dismissed from his/her position upon written notice from the department head, after notice to the County Clerk.

(d) Death. The department head shall report the death of an employee in his/her department to the County Chairman.

(e) Abandonment. An employee who is absent for three (3) or more consecutive days without receiving approval of leave will be considered to have voluntarily abandoned their employment. The separation will be recorded as "not in good standing" and may affect the receipt of accrued benefits.

(f) Reduction in Force (Lay-off). Subject to review and approval by the County Chairman, a department head may lay-off any employee(s) when he/she deems it advisable because of shortage of funds, abolition of a

position or department, or other material changes in duties and organization. The order in which employees will be laid-off shall be determined by the department head subject to approval by the County Chairman. This action is not considered a dismissal, and is therefore not subject to reconsideration.

SECTION 7
Personnel
Records

7.1 Records

Each department head shall maintain a personnel file for each employee in his/her department. A personnel file will also be maintained at the Board of Commissioner's office, which constitutes the official and permanent county personnel file.

7.2 Confidentiality of Records

All personnel files and records of county employees are confidential, unless subject to the Open Records Act. Access to these records shall be restricted to county employees and other county personnel designated by the Board of Commissioners. Any disclosure of information contained in personnel records to persons other than county employees shall require the written authorization of the employee whose file information is requested. However, the Board of Commissioners reserves the right to disclose any information contained within a personnel file in the course of a request for reconsideration of disciplinary action initiated by an employee, or in compliance with the Open Records Act. The county has three business days to determine whether the information requested is subject to the Open Records Act.

7.3 Performance Evaluation

(a) Each department head shall direct a system of employee performance rating which is designed to give fair evaluation of the quantity and quality of work performed by their employees.

(b) These evaluations shall be prepared on forms provided by the County Clerk and shall be conducted

at least once per year. In addition, a performance evaluation shall be made at least once per month and at the end of the probationary period for a probationary employee.

(c) Each performance evaluation should be explained to the employee by the evaluating supervisor in a private interview.

(d) The evaluation shall be signed by the supervisor, the department head, and the employee and filed in the department personnel file and the permanent personnel file maintained at the Board of Commissioner's office.

(e) The employee may receive a copy of his/her performance evaluation upon request.

**SECTION 8
Discipline and
Termination**

8.1 At-will Employment

The county reserves the right in its sole discretion to modify or change its policies and procedures from time to time as circumstances warrant. All employment with the county is terminable at-will so that the county and the employee remain free to choose to end the work relationship at any time, for any or no reason, with or without notice. Nothing in this manual is deemed to create an expressed or implied contract of employment between the employee and the county.

8.2 General Policy

Responsible employees recognize the importance of courteous, respectful, and decent behavior in creating a good workplace environment. When appropriate, the county will impose discipline on a progressive basis through reprimands, suspension, and termination.

8.3 Causes for Disciplinary Action

As an at-will employer, Oglethorpe County is not required to give causes of disciplinary action, nor are they required to only dismiss “for cause.” However, the following is a list of possible causes for disciplinary action. This list is not exhaustive, and an employee may be disciplined for any combination of these reasons, or for reasons not listed below.

- (1) Negligence or inefficiency in performing work duties;
- (2) Unfitness to perform assigned duties;
- (3) Insubordination;
- (4) Misconduct;
- (5) Conduct reflecting discredit on the county of the employee’s department;

- (6) Failure to report to work without justifiable cause;
- (7) Excessive tardiness or absenteeism;
- (8) Violation or refusal to comply with federal, state, or local laws, including traffic laws and ordinances;
- (9) Theft, destruction, damage, or other unauthorized use of county property;
- (10) Abuse of alcohol or drugs;
- (11) Discourtesy to the public;
- (12) Falsification of records, including an employee's employment application;
- (13) Conduct which jeopardizes harmony among co-workers or the maintenance of discipline by a supervisor;
- (14) Conduct which jeopardizes a close working relationship where personnel loyalty and confidence is required;
- (15) Solicitation, acceptance or agreement to receive any gift, gratuity, or favor, which induces the reasonable belief that it will influence your performance or failure to perform any official action;
- (16) Improper use of official position for personal profit or advantage;
- (17) Release of false or misleading information concerning the county, or unauthorized release of county records or files;
- (18) Violation of any provision of the Policy and Procedures Manual.

8.4 Employee Appeal


An employee may request a reconsideration of a suspension or termination by sending a written request for reconsideration to the County Clerk within ten (10) days of the disciplinary action. A hearing will be scheduled within thirty days and will take place before the Board of

Commissioners, at which time the employee may testify and present evidence supporting his request. The Board may affirm, revise or rescind the suspension or termination.


Approved this 11 day of December, 2006

Effective this 12 day of December, 2006

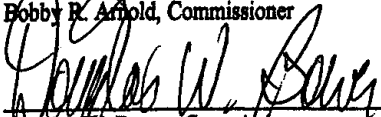
**OGLETHORPE COUNTY
BOARD OF COMMISSIONERS**



Robert C. Johnson, Chairman



Bobby R. Arnold, Commissioner



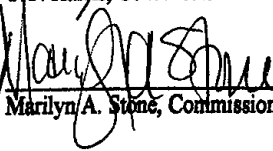
Douglas W. Bower, Commissioner



David R. Clark, Commissioner



T.Y. Harris, Commissioner



Marilyn A. Stone, Commissioner

ATTEST:


Sheila C. Arnold, Clerk