

ELMORE COUNTY
POLICY AND PROCEDURES HANDBOOK



ADOPTED: JANUARY 14, 2019

AMENDED: MARCH 23, 2020

AMENDED: SEPTEMBER 28, 2026

INTRODUCTION

The Elmore County Policies and Procedures Handbook (“Handbook”) is established by the Elmore County Commission (“Commission”) pursuant to Article III, §43.02 of the *Constitution of Alabama*, 1901. The terms “policies and procedures” and “Handbook” are, at times, used interchangeably and are intended to convey the same meaning.

The County Commission adopted these policies and procedures at the regular County Commission meeting on January 14, 2019 to provide for the administration of the affairs of Elmore County and establish a personnel system. Except as otherwise provided for or specifically prohibited by the Constitution, or by Federal, State or local law, these policies and procedures became effective on January 14, 2019. Notice of the Commission’s intention to consider the adoption of these policies and procedures was announced at the regular County Commission meeting on December 10, 2018. Members of the public desiring to be heard on the matter were granted that opportunity at the January 14, 2019 regular meeting wherein the Elmore County Commission adopted these policies and procedures.

Elmore County employees are invited and encouraged to pose any questions about the contents of this handbook to their Supervisor and/or Department Head. At all times, this Handbook shall be interpreted for the good of the citizens of Elmore County.

Receipt of this Handbook does not constitute an offer of a contract for employment. All employment in Elmore County is “at will,” meaning that employment may be terminated at any time for any legal reason, with or without notice either by the employee or employer. Further, nothing contained herein shall be construed to restrict the County to refuse or discontinue employment and/or prohibit future services of any person when it is considered to be in the best interests of the County. Additionally, the County may decrease the compensation of employees when required as an economy measure; combine or eliminate an employment position or positions as a cost savings measure; create new employment positions to replace existing positions when such is in the best interests of the County; eliminate employment positions for good cause as determined by the County; and/or use independent contractors for performance of work and/or rendering services.

This handbook revokes and supersedes all prior policies, handbooks and associated directives and amendments, WITH THE EXCEPTION of those laws, policies, procedures, rules and directives which apply to the Elmore County Sheriff and other elected officials, some of which may differ from those herein. Any such existing policies shall remain in full force and effect until otherwise amended by the County Commission.

At the time of the implementation of these policies and procedures, the County utilizes a Chief Engineer and Operations Officer (CEO) for functions previously performed by a County Administrator. With the exception of any and all engineering functions, any references herein to the CEO shall apply to a County Administrator (CA) should the County revert to utilization of a CA subsequent to the implementation of these policies and procedures.

ELMORE COUNTY
POLICY AND PROCEDURES HANDBOOK

*****SUMMARY OF CONTENTS*****

	<u>Title</u>	<u>Page</u>
	Introduction	i
I.	General Provisions	1
II.	Records and Reports	15
III.	Categories of Service and Employment Status	17
IV.	Staffing	21
V.	Employee Reassignments	26
VI.	Performance Appraisals	30
VII.	Demotions	32
VIII.	Separations	34
IX.	Disciplinary Procedures	41
X.	Grievance Procedures	53
XI.	Appeals Board	57
XII.	Attendance and Leave	63
XIII.	Compensation and Benefits	76
XIV.	Safety and Health	83

CHAPTER I

GENERAL PROVISIONS

1.1 DEFINITIONS

- 1.1.1 Appointing Authority** – A county elected official, or other individual designated by the Elmore County Commission to carry out required personnel actions in his/her department as established by the County’s personnel system. Specifically, the Appointing Authorities in Elmore County are: Probate Judge; Sheriff; Revenue Commissioner; Chief Engineer and Operations Officer (CEO); Deputy Chief Engineer, Director of the County Emergency Management Agency; Chief Administrative Officer and; County Administrator, should such become applicable. “Appointing Authority” is used, at times, interchangeably with “Department Head” in these policies and procedures.
- 1.1.2 Classified Employee** – A full or part-time employee of the County employed in an on-going position which has not been designated as an “unclassified” employee. These full-time employees normally work twenty-nine (29) hours or more per week and a part-time classified employee is normally scheduled to work less than twenty-nine (29) hours per week. Appointment, discipline and separation policies and procedures of regular status classified employees are inapplicable to unclassified employees.
- 1.1.3 Classified Service** – That category of service in which classified employees are engaged.
- 1.1.4 County** – Elmore County, Alabama, also at times herein used to refer to the employer and/or used interchangeably at times with “management.”
- 1.1.5 County Commission or Commission** – The Elmore County Commission.
- 1.1.6 Department Head** – The Probate Judge; Sheriff; Revenue Commissioner; Chief Engineer and Operations Officer (CEO); County Engineer and; Director of the County Emergency Management Agency; Chief Administrative Officer and; County Administrator, should such become applicable. “Department Head” is used interchangeably with “Appointing Authority” in these policies and procedures.
- 1.1.7 Disciplining Individual** – An Appointing Authority or other individual designated by the Appointing Authority, charged with the responsibility and authority to administer discipline in his/her department pursuant to these policies and procedures.

- 1.1.8 Employee** – A person who occupies a position in the County service and is paid from County funds (other than a temporary employee obtained through a temporary services company) or a person who is on authorized leave of absence and whose position is being held for the individual pending his / her return.
- 1.1.9 Exempt Employee** – An employee whose job duties and/or compensation are of such a nature such that they are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). Exempt employees are not entitled to overtime pay. However, should exempt employees be required to work in declared emergency situations such as weather or natural disaster, exempt employees may be eligible for overtime pay.
- 1.1.10 Immediate Family** – An employee’s spouse, parent, child, brother, sister, grandparent, grandchild, stepparents, step-grandparents, stepchildren, stepbrother and stepsister, as well as those same said family members of an employee’s current spouse.
- 1.1.11 Non-Exempt Employee** - An employee whose job duties and compensation are such that they are not exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). Exempt employees may receive overtime pay when justified by law.
- 1.1.12 Part-Time Employee** – An individual whose employment schedule in an on-going position is normally less than twenty-nine (29) hours per week.
- 1.1.13 Personnel Officer** – The individual who is the Human Resources coordinator, specifically, the Chief Engineer and Operations Officer and/or his designee. However, the Commission may designate these duties as it may deem to be in the best interests of Elmore County.
- 1.1.14 Probationary Status**
- (A) A stage/period of employment in which new or promoted employees in the classified service are trained and observed as an evaluation process to determine his/her performance of his/her employment position. Such may include actual abilities in job performance, as well as an employee’s judgment exercised therewith. A probationary status employee pursuant to this subsection may be terminated by his/her Appointing Authority without a hearing and without recourse at any time. The probationary period for new employees is one hundred eighty (180) days in which the employee is actually working in his or her job and for good cause may be extended for a period of up to an additional one hundred eighty (180) days;
 - (B) A time period established for disciplinary action of an employee who has been disciplined for poor job performance and/or poor judgment exercised therewith;
 - (C) The probationary time period for former employees who have been

rehired and current employees who have been demoted shall be established by the applicable Appointing Authority. However, such shall not exceed the time frames set forth in 1.1.14 (A) above.

1.1.15 Promotion / Demotion / Reassignment

- (A) Promotion is the non-temporary appointment of a regular status classified employee to a position in the classified service in a higher pay level than the job to which the employee was assigned prior to the new assignment;
- (B) Demotion is the non-temporary appointment of a regular status classified employee to a position in the classified service in a lower pay level;
- (C) Reassignment is the temporary or non-temporary assignment of a regular status classified employee to a position in the classified service in the same pay level;

1.1.16 Regular Status – An employee who successfully completed a probationary period as defined in 1.1.14 above.

1.1.17 Supervisor – An employee who has been designated by a Department Head and/or Appointing Authority to assist in implementing the provisions of this Handbook and oversee another employee and/or employee's job performance and/or job-related functions.

1.1.18 Temporary Employee – An employee whose employment is expected to terminate when there is no longer a need for the employee's services in his/her position. Typically, temporary employees perform special projects, fill authorized and funded temporary positions or substitute for or replace classified employees on approved leave. Temporary employees are always on probationary status.

1.1.19 Temporary Service – The category of service in which Temporary Employees are engaged.

1.1.20 Unclassified Employee – An employee who occupies a position assigned by the County Commission to the unclassified service. An unclassified employee is considered the principal assistant to an elected official and serves at the pleasure of the Appointing Authority in whose department the employee is appointed. Each elected official and the County Commission as a whole shall each be authorized one (1) such employee.

1.1.21 Unclassified Service – The category of service in which unclassified employees are engaged.

1.1.22 Vacancy – A position that has been duly created and funded by the County Commission, which is not occupied or is occupied by a temporary employee.

1.2 **GENERAL PROVISIONS RELATED TO POLICIES AND PROCEDURES**

1.2.1 Purpose – This Elmore County Policies and Procedures Handbook has been designed to outline and summarize the procedures and rules applicable to persons employed by Elmore County and to provide information regarding the benefits enjoyed by County employees and other persons who may receive County benefits. Further, the policies and procedures contained in this Handbook are intended to provide information to employees and to assist Appointing Authorities and Supervisors in making day-to-day employment-related decisions.

1.2.2 Scope of Policies and Procedures – The provisions of these personnel policies and procedures shall apply to all individuals employed by the County except only the following:

- (A) elected officials;
- (B) appointed members of boards and commissions;
- (C) volunteer personnel who receive no compensation from the County;
- (D) attorneys and similar individuals employed in their professional capacity;
- (E) persons whose employment is subject to the approval of the United States Government or the State of Alabama;
- (F) other persons so designated by the County Commission who meet the intent of this section; and
- (G) those who are working on a contract basis.

1.2.3 Amendment *(as amended 9/28/26)* – Prior to the adoption of any amendments to these policies and procedures, the County Commission shall provide notice of its intention to consider proposed amendments by posting such on the official County website (<https://www.elmoreco.org/>), and by announcing at a regular County Commission meeting that the proposed amendments will be on the agenda at the next regular meeting of the County Commission. Any County employees and/or members of the public desiring to be reasonably heard on these matters will be granted that opportunity at the meeting wherein the proposed amendments will be considered. County employees are directed to regularly check the official County website for any proposed amendments, as amendments to these policies and procedures may be made without further notice to County employees. Any email notice to County employees regarding amendments to these policies and procedures that was made prior to the adoption of this amendment, may not occur regarding any future proposed amendments. Any questions regarding proposed amendments shall be directed to his/her department head.

1.2.4 Administrative Policies and Procedures – The policies and procedures contained in this Handbook are intended to provide information to employees and to assist Supervisors and officials in making day-to-day employment decisions. However, this Handbook is not intended to be all-inclusive. Employees should be aware that each department may adopt additional policies tailored to its specific needs that may be necessary for effective operations in his/her department. Such

policies may address items including, but not limited to, work schedules, leave rotations, dress codes, communications with the general public, and communications with departmental Supervisors. However, no such additional policies shall be in conflict with the policies and procedures contained in this Handbook.

- 1.2.5 Responsibility for Personnel Administration** – The Personnel Officer is responsible for ensuring compliance with the provisions of the established personnel system. The Personnel Officer may delegate to other employees the responsibility for administrative tasks required by these guidelines. Appointing Authorities and Supervisors are responsible for proper support and administration of the approved personnel system and for keeping employees under their direction cognizant of these policies and procedures
- 1.2.6 Equal Employment Opportunity** – Elmore County is an Equal Opportunity Employer. It is the policy of Elmore County to recruit, hire, train, promote, discipline, and discharge in all eligible job groups, without unlawful discrimination, based on age, sex, genetics, religion, race, color, national origin, creed, marital status, political affiliation or disability.
- 1.2.7 Training** – Appointing Authorities shall receive training in the implementation of the policies and procedures described in this Handbook.
- 1.2.8 For the Good of Elmore County** – Nothing contained herein should be construed as preventing the removal and discharge of any employee for the good of Elmore County and/or its citizens, now or in the future, in the manner prescribed in these policies and procedures.
- 1.2.9 Violations** – Violations of the policies and procedures shall be deemed as acts and/or omissions that are not for the good of Elmore County.
- 1.2.10 Modifications** – Any modifications to these policies and procedures shall be approved and accomplished via majority vote by the Elmore County Commission.

1.3 GENERAL PROVISIONS RELATED TO EMPLOYEES

- 1.3.1 Code of Ethics** – All employees of Elmore County as well as any independent contractors or other individuals who do work on behalf of the County are subject to the following provisions. The following actions by employees will be considered conflicts of interest and possible violations of the State's Ethics Laws:
- (A) Use of official position or office for personal gain as defined by Code of Alabama, 1975, Title 36, Chapter 25, Section 5, as amended;
 - (B) Offering, soliciting, or receiving things of value for the purpose of influencing official action etc., as defined by Code of Alabama, 1975, Title 36, Chapter 25, Section 7, as amended;
 - (C) Use or disclosure of confidential information for private financial gain as

defined by Code of Alabama, 1975, Title 36, Chapter 25, Section 8, as amended.

- (D) Employees entering into contracts which are to be paid out of government funds without competitive bidding as defined by Code of Alabama, 1975, Title 36, Chapter 25, Section II, as amended;
- (E) Offering, soliciting or giving a thing(s) of value to or by member(s) of a regulatory body as defined by Code of Alabama, 1975, Title 36, Chapter 25, Section 12 as amended. Violation of any part of this section will be grounds for disciplinary action up to and including dismissal;

Whenever employee conduct guidance is needed, employees should consult with their Department Head.

1.3.2 Safety Statement – Elmore County is committed to a culture and environment which promotes safe practices in order to reduce property damage, reduce injuries and save lives. The safety culture is promoted and administered through the Elmore County Safety Officer. Each person while working with and for Elmore County is responsible each and every day for their own safety, the safety of co-workers and the safety of the citizens that Elmore County serves. As such, no employee or individual subject these policies and procedures may possess a firearm on the premises of his or her employment, unless such is necessary and proper for his/her employment. The County safety policies and procedures are further discussed in Chapter 14 of this handbook.

1.3.3 Open Door Policy – All County employees should feel free at any time to discuss problems of any nature that affect their ability to perform their job or which may impact working relationships. If an employee needs help or has questions, certain protocols shall be followed to ensure efficient and effective communication regarding an employee's needs or concerns. Employees should ordinarily first discuss their concerns with their Supervisor. Except as provided herein, employees are required to address concerns with their Supervisor(s) and/or their Department Head prior to initiating contact with the Chief Engineer and Operations Officer or Commission officials. As discussed in this Handbook, exceptions to this policy include when an employee has a reasonable fear that they will be retaliated against or when the problem directly involves a Department Head. Employees, along with their Department Heads, shall coordinate with the Chief Engineer and Operations Officer to arrange for convenient times to meet should the employee wish to have his/her concerns or questions heard outside his/her department.

1.3.4 Nepotism – No individual will be employed by the County, if he/she would be subject to administrative or supervisory control by a member of his/her immediate family as defined above. Individuals who are currently employed in such situations at the time of the adoption of this provision will be exempt from this restriction. In the event that such relationship is created between two (2) existing employees, one or both employees may be transferred to another available position if the Appointing Authority determines that a conflict may

occur. If such transfer is not possible, one of the employees shall be required to resign.

- 1.3.5 Secondary Employment** – Employment with the county shall be considered by all unclassified and full-time classified employees as their primary jobs. Any and all employees shall inform their applicable Appointing Authority of any and all secondary employment. Such employees shall not commit themselves to other jobs that may conflict with the County’s demand on their availability for work and/or reflect unfavorably upon the County. If an employee engages in such work, his/her Appointing Authority may direct the employee to terminate the other jobs. If the employee refuses, the Appointing Authority may terminate the employee. Nothing herein shall be construed to prohibit an employee from any secondary military employment with the Army, Navy, Marine Corps, Air Force, Coast Guard, and the commissioned corps of the Public Health Service. This includes the Reserve components of these services and the Army National Guard, Air National Guard and those who serve as Intermittent Disaster Response Appointees (IDRAs). In fact, Elmore County shall fully comply with The Uniformed Services Employment and Reemployment Rights Act (USERRA).
- 1.3.6 Residence** – Residence within the county limits shall not be required unless, in the judgment of the Appointing Authority, the job specifically requires that the employee live within the county jurisdiction. However, all employees are expected to be able to carry on the duties and responsibilities of their jobs. Such may require that an employee live within a reasonable distance of his/her work station to meet these responsibilities.
- 1.3.7 Attire** – All employees are expected to dress appropriately for work. The Appointing Authority is responsible for setting an appropriate dress standard for his/her department. Such standards may include the wearing of uniforms when required. In setting this standard the Appointing Authority shall consider:
- (A) the nature of the work;
 - (B) safety considerations;
 - (C) the nature of the employee’s public contact;
 - (D) the prevailing practice of other workers in similar jobs;
 - (E) the performance of department employees, including consideration of the type of image the department wishes to project.
- 1.3.8 Smoking and Smokeless Tobacco Policy Statement** – Elmore County is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees and its citizens. **As such any and all tobacco products and “non-tobacco products” such as vapors and electronic cigarettes are expressly prohibited from inside county facilities, outside county facilities on county property and in county vehicles.**

1.4 DISCRIMINATION PROVISIONS

The Elmore County Commission will not tolerate discrimination on the basis of race, color, religion, sex, national origin, veteran status, pregnancy, age, genetic information or disability. Employment decisions such as hiring, firing, promotions, pay increases, or conditioning other terms and conditions of employment on these bases shall be prohibited.

1.5 POLITICAL ACTIVITY PROVISIONS

County employees may participate fully and actively in the political process, except as restricted by applicable state and federal law. However, employees may not engage in political activity, specifically including, but not limited to, solicitation of citizens, officials, or other employees, during work time or use County resources for political purposes. Upon inquiry, the Personnel Officer will advise all employees who have questions concerning their rights and applicable restrictions regarding permissible political activity. No employee shall be penalized in any way for permitted political activity, or the lack thereof. However, no individual subject to these policies and procedures shall use or attempt to apply to use his/her official authority to influence or affect employment, increase in pay or other advantages in employment for the purposes of influencing an individual's vote or political action.

1.6 RELIGIOUS ACTIVITY PROVISIONS

No individual shall be appointed, promoted, demoted or dismissed from his / her position because of religious affiliations or opinions. The County will provide reasonable accommodation for employees' religious beliefs, observances and practices when a need for such accommodation is identified and reasonable accommodation is possible. A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances or practices and the employee's job requirements, without causing undue hardship to the County. A requested accommodation causes the County an undue hardship if accommodating an employee's religious practices requires anything more than ordinary administrative costs, diminishes efficiency in other jobs, infringes on other employees' job rights or benefits, impairs workplace safety, causes coworkers to carry the accommodated employee's share of potentially hazardous or burdensome work, or if the proposed accommodation conflicts with a law or regulation. Employees seeking to observe their religious beliefs and practices must make legitimate attempts to help resolve conflicts between job duties and religious needs. To this end, an employee must inform his or her employer about the religious commitment at the time the job is accepted or immediately upon becoming observant or aware of the need for an accommodation. Such requests shall be made in writing and include a clear explanation of why they need an accommodation. Vague objections such as saying that he or she cannot work on a particular day because of cultural tradition will not suffice; the employee must clearly state that he or she is required not to work because of religious beliefs.

1.7 **HARASSMENT PROVISIONS**

- 1.7.1 Generally** – Harassment is verbal and/or physical conduct of any type, express or implied, that disrupts or interferes with an employee's work performance, or creates an intimidating, offensive, or hostile environment. The County does not and will not tolerate any such conduct of any type by any employee, Appointing Authority and/or Department Head, Supervisor, customer or visitor that harasses any employee, customer or visitor of the County or any individual associated with these policies and procedures.
- 1.7.2 Sexual Harassment Prohibited** – Sexual harassment, either stated or implied will not be tolerated. Sexual harassment occurs when unwelcome sexual conduct is either made a condition of employment or creates an offensive, intimidating, or hostile work environment. Further, sexual harassment occurs whenever the submission to unwanted sexual activity is used or threatened as a basis for an employment decision. Also, sexual harassment is any form of unwanted sexual conduct that unreasonably interferes with an employee's work performance including, but not limited to, teasing, joking, comments regarding sexual acts or the body, the use of crude language of an offensive sexual nature, requests for sexual favors, unwanted hugs, touches, kisses, or other physical conduct, or the display of sexually explicit pictures or images. Sexual harassment may also occur when a person is forced to observe other persons engaging in physical contact or inappropriate discussions, even if not directly included in the contact or discussion.
- 1.7.3 Other Forms of Harassment Prohibited** – The County prohibits any form of unlawful employment harassment based on, including, but not limited to, age, sex, religion, race, color, national origin, political affiliation, disability, status as a veteran or member of the armed services, genetic conditions, or any other characteristic protected by applicable federal, state, or local law. However, an employee does not necessarily have to violate applicable federal, state, or local law regarding harassment or discrimination to violate any County harassment policy.
- 1.7.4 Reporting Procedure** – Any employee who believes that they or another employee have been harassed or discriminated against in violation of this policy has a responsibility to report it, either orally or in writing, as soon as possible after the occurrence of the event that causes an employee to believe that he or she has been sexually harassed. The responsibility to report harassing or discriminatory behavior applies regardless of whether the incident occurred at or away from the workplace. Employees are encouraged to report any behavior that they witness or observe that they reasonably believe may constitute harassment or discrimination. All complaints/reports of harassment or discrimination should be made to the employee's Supervisor or Department Head. If the applicant or employee feels uncomfortable presenting the complaint to his/her Supervisor and/or Department Head, then the report shall be made to the Chief Engineer and Operations Officer. However, if the complaint involves the Chief Engineer and Operations Officer, then such shall be presented to the County Commission

Chairman. All complaints/reports of harassment and discrimination shall be investigated. Complaints should be made as soon as possible after the incident occurred, but not later than three (3) business days after the incident occurred so as to facilitate the investigatory process. If an employee is not satisfied with the actions taken by his/her Supervisor or Department Head in regard to the perceived harassment or discrimination, then the employee should bring the complaint to the attention of the Chief Engineer and Operations Officer. However, if the complaint involves the Chief Engineer and Operations Officer, then such shall be presented to the County Commission Chairman.

- 1.7.5 Retaliation Prohibited** – All allegations of harassment and discrimination will be investigated and in as confidential a manner as possible. Individuals acting in good faith in reporting possible harassment, including sexual harassment, or discrimination will not jeopardize their employment opportunities with Elmore County in any way. Retaliation against individuals who report possible harassment, including sexual harassment, or discrimination will not be tolerated. Any employee found to have retaliated against another employee for reporting any type of harassment or discrimination may face immediate disciplinary sanctions, up to and including termination. Any and all witnesses to any harassing events or situations shall be afforded the same protections as those who actually report such.

Any employee who violates this policy will face immediate disciplinary sanctions, up to and including termination.

1.8 DRUG AND ALCOHOL PROVISIONS

The Elmore County Commission is committed to providing a safe working environment for all employees while serving the citizens of Elmore County. The Commission recognizes that any employee who improperly uses intoxicating substances, including drugs and alcohol, poses a serious threat to his or her self, his or her coworkers, and to the public in general. Even small quantities of narcotics, abused prescription or over-the-counter drugs or alcohol can impair judgment and reflexes. This impairment can have dire results, particularly for employees operating vehicles and/or potentially dangerous equipment.

It is therefore the policy of the Commission that all employees or any person performing any kind of work for the Commission must report to work completely free from alcohol, illegal or unauthorized drugs, or any other substances that may have a mind-altering or intoxicating effect or otherwise impair the employee's judgment, reaction times, or functioning. The Commission also prohibits all employees from using, possessing, manufacturing, distributing or making arrangements to distribute alcohol, illegal or unauthorized drugs, or any other intoxicating substances while at work or on or about any county property.

No part of this Policy shall be construed to create a contract of continued employment or to confer upon any employee or applicant a property interest in his or her employment. The Commission maintains the right to change this policy at any time without notice. To the extent

that any portion or provision of this Policy and Procedure conflicts with any applicable federal or state laws or regulation, such federal or state laws or regulations will be controlling.

The County Drug Policy and Procedures used therewith is discussed further in Chapter 14 of this Handbook.

1.9 VEHICLE AND EQUIPMENT USAGE PROVISIONS

County vehicles and equipment shall not be used to do private work or for private purposes. After-hours driving of county vehicles shall be limited to those employees who are on call and Department Heads and/or Supervisory personnel who have been assigned vehicles as part of their job duties. Other employees who have been assigned vehicles may drive them only to and from work or when called out after hours. Passengers who are not on county business shall not be transported. All employees must wear seat belts when operating any vehicle or equipment on County business or when operating a County vehicle. "Texting" while driving is prohibited. The County Fleet Policy is described in detail in Chapter 14 of these policies and procedures.

1.10 ELECTRONIC COMMUNICATIONS PROVISIONS *(as amended 9/28/2026)*

1.10.1 Telephones and Voice Mail – Employees shall limit personal phone calls on work time and ensure that their friends and family are aware of this policy. Department Heads and Supervisors are authorized to curtail and even eliminate personal calls of employees during the workday, and employees are tasked with adhering to Department Head and Supervisor directives relative to personal calls. An employee's failure to adhere to his/her Supervisor's and/or Department Head's directives relative to personal calls may subject employee to discipline, including, but not limited to, termination.

1.10.2 Cell Phones and Personal Devices – This policy applies to employee use of county-provided personal cell phones and personal electronic devices while an employee is acting in the scope of employment with Elmore County. The "use" of cell phones and personal electronic devices includes, but is not limited to, receiving or placing calls, text messaging and the reading thereof, internet usage, receiving or responding to email, and checking phone messages. All employees are expected to follow applicable state, federal and local laws or regulations regarding the use of cell phones and personal electronic devices at all times. No texting or reading or reviewing of emails or reviewing internet content while driving is permitted by Elmore County. Any non-compliance with this provision is a gross safety violation and will result in disciplinary action, up to and including termination. If an employee is issued a county-provided electronic device, such employees are expected to protect the equipment from loss, damage, and theft. Upon separation from employment, or at any time upon request by a Supervisor or Department Head, an employee must immediately produce or relinquish the phone or device for return or inspection. Failure to timely produce and relinquish after a request for production by a Supervisor, Department Head, or Chief

Engineer and Operations Officer may result in disciplinary action, including termination.

1.10.3 Computers and Technological Equipment and Resources – All technology resources owned by Elmore County and the content thereof are Elmore County property. These items/systems are in place for county business activities and to facilitate an employee's ability to do his/her job efficiently and productively. This includes email, or other documents created, sent and/or received through the use of any County owned resource. **Employee users have no expectations of privacy in anything they create, send, store or receive on any County owned electronic technology resource.** Elmore County reserves and exercises the right for business purposes to audit and monitor the information on all systems, electronic mail and information stored on computer systems or media, with or without advance notice. Further, employees should be aware that any and all information may be subject to the Alabama Open Records Act and/or other disclosure laws. Elmore County's technology resources are for business purposes only. Limited personal use is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason. Abuse of the privilege may result in disciplinary action. Personal use shall not impede the conduct of County business, affect job responsibilities, or disrupt the system and shall be limited to personal time (breaks). Supervisors and Department Heads should monitor the extent of personal use of these resources during working hours. All persons using Elmore County's electronic technology resources must comply with all software licenses, copyright laws, and all other State and/or Federal laws governing intellectual properties. Authorization to use the County's email systems and access the Internet may be granted by the Department Head on an as-needed basis. The following are non-exhaustive list of examples of violations of this policy for users of the County's electronic technology resources. It shall be deemed a violation of this policy to:

- (A) Use Electronic Technology Resources for excessive or inappropriate personal use (including the sending of chain letters, mass e-mails and/or “tweets”);
- (B) Solicit or advertise for personal or commercial gain;
- (C) Solicit or advertise for outside organizations, religious, charitable or political causes;
- (D) Create, send, store and/or intentionally view messages or material that may reasonably be regarded as offensive, obscene, disruptive, illegal, fraudulent, profane, embarrassing or libelous. These include information that may be construed as harassment or disparagement of others based on age, sex, religion, race, color, national origin, creed, marital status, political affiliation or disability. Users encountering or receiving such material should immediately report the incident to his/her Supervisor, Department Head, and/or the Chief Engineer and Operations Officer;
- (E) To send or receive copyrighted materials, proprietary information or similar materials without express authorization from the

- proprietor;
- (F) Attempt to access another employee's e-mail without permission;
 - (G) Use another employee's access code to view, alter or distribute information without the express authorization of that employee. Employees are strictly prohibited from using another employee's credentials or authentication methods under any circumstances. This includes, but is not limited to, passwords, access codes and/or door-access credentials, multi-factor authentication tokens, or any other form of identification used to access County systems, facilities, networks or information;
 - (H) Use County electronic technology resources to access and use sensitive or confidential information in a manner not originally intended;
 - (I) Load employee owned or non-County purchased software on County electronic technology resources, whether intended for legitimate business matters, personal purposes or amusement; this includes, but is not limited to, shareware, freeware, personal software or Internet distributed programs. Additionally, personally owned devices, including, but not limited to, cell phones, laptops and tablets may not be connected to any County network or County electronic technology resources without prior authorization from the Information Technology Department. Use of public (guest) Wi-Fi is permitted;
 - (J) Use electronic resources in any illegal, malicious or inappropriate manner, including any manner that would compromise the integrity of Elmore County and its business in any way;
 - (K) Issued County equipment of any type or kind must be properly maintained and safeguarded at all times. Employees are responsible for the care and security of all County-issued devices and equipment. County equipment may not be left unattended in unsecured locations, including vehicles, public areas, or any place where unauthorized access or theft may occur. Multi-factor authentication tokens are critical security devices. They will be replaced a maximum of two (2) times within any twelve-month period, except in cases approved in writing by the information Technology Department.

Employees who violate the County's Electronic Communications policy, other related county policies, state or federal law, may be subject to disciplinary action up to and including termination. Depending on the nature of the violation, employees (and other users) may be denied access privileges and/or turned over to law enforcement officials for criminal prosecution.

1.11 SOCIAL MEDIA PROVISIONS

Employees are prohibited from using any County owned computers and/or equipment for social media purposes unless such is for County related matters and approved by your Appointing Authority. Examples of social media include, but are not limited to, *Facebook*, *Instagram*, *Twitter*, *You Tube*, *Linkedin* and other similar social media outlets. Further, employees are also prohibited from such on any personal device at such times as they are being compensated by the County.

1.12 PHYSICAL EXAMINATIONS/BACKGROUND CHECKS

Applicants and/or employees may be required to submit to a physical examination, pre-employment drug screening, or background check after receiving a conditional offer of employment or at any time during employment. The determination of whether a particular employee is required to submit to such examination or screening will be based on the requirements of the employee's position.

1.13 MAINTAINING NECESSARY LICENSES AND CERTIFICATIONS

If an employee is required to maintain any license or certification in order to perform his or her regular job duties, including, but not limited to, a driver's license or a CDL endorsement, he or she must inform his or her Supervisor immediately as to any change in the status of this licensure or certification, including, but not limited to, updates, suspensions, or revocations. Failure to do so will constitute grounds for disciplinary action up to and including termination. Loss of a required license or certification may result in the employee receiving disciplinary action including but not limited to reduction in pay, demotion, and/or dismissal. Moving Violation Reports (MVRs) may be obtained by the County at any time.

1.14 IMMIGRATION LAW COMPLIANCE

Elmore County is committed to meeting its obligations under U.S. immigration law. Accordingly, the County neither hires nor continues to employ any individual who is not legally authorized to work in the United States. Moreover, the County does not discriminate on the basis of citizenship status or national origin in recruitment, hiring or discharge.

1.15. "WHISTLEBLOWER" PROTECTIONS

The Elmore County Commission requires all individuals subject in any manner to these policies and procedures to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of Elmore County, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws.

The "Whistleblower" policy is intended to encourage and enable employees and other to raise serious concerns internally so that Elmore County can address and correct inappropriate

conduct and actions. Specifically, any Department Head or other employee who in good faith reports an ethics violation, a suspected violation of law, such as a complaint of discrimination, suspected fraud or other suspected violation of any regulation governing the operations of Elmore County shall be protected from retaliation. An employee who retaliates against someone who has reported such is subject to discipline up to and including termination. The procedure for making reports and the administration thereof is further described in Chapter 10 of this Handbook that addresses Grievance Procedures.

CHAPTER 2

RECORDS AND REPORTS

2.1 PERSONAL HISTORY RECORDS (PHR)

The purpose of the employee Personal History Record (PHR) is to establish and maintain a central source of information. The PHR will be established and maintained by the Personnel Officer and/or his or her designee and/or his or her designee and will be the official source of information about present and former employees.

- 2.1.1 Content** – The material to be included in the PHR may include, but is not limited to, items for which authenticity has been confirmed through established procedures, e.g., official personnel forms, statements from the employees and/or Supervisors, and statements provided by references named by the employee.

Subject to the above restrictions, the PHR will include, but not be limited to, the information described in the following section which, will become a permanent part of the employee's record when filed in the PHR.

- 2.1.2 Qualifications Information** – The PHR may contain information related to the employee's qualification including:

- (A) evidence of the employee's knowledge, skills, abilities, experience, training and character;
- (B) completed application form for county employment;
- (C) supplementary qualification information provided by the employee or his/her Supervisor;
- (D) test results, if applicable;
- (E) interview reports;
- (F) references report;
- (G) performance appraisals; and
- (H) employee's job description.

- 2.1.3 Personal History Information** – The PHR may contain other information including:

- (A) personal information such as age, next of kin, emergency contact information, address etc., needed for processing required personnel actions;
- (B) records of benefit enrollments; and
- (C) medical examination results (shall be maintain in a separate file).

- 2.1.4 Other Information** – The PHR may contain other information pertinent to the employee's employment including, but not limited to the following:

- (A) personal action forms and correspondence pertaining to appointment, state charge, leaves of absence, separation, and reappointment;
- (B) letters of commendations and/or;
- (C) records of disciplinary actions.

2.1.5 Confidentiality – The Personnel Officer and/or his or her designee will ensure that the PHR for all employees is maintained in a strictly confidential manner; records will be kept in a secure location. Access to the PHRs will be in according with the following guidelines:

- (A) an employee may have access to his/her own PHR upon written request to the Personnel Officer and/or his or her designee and/or his or her designee;
- (B) an Appointing Authority may have access to the PHRs of these employees assigned to his/her department;
- (C) attorney(s) representing the County will have access to the PHRs of any employee where needed in the representation of the county; and
- (D) other individuals may have access to the PHR of an employee when needed for officially approved reasons upon written request and permission of the employee;
- (E) when the applicable law or an Attorney General's opinion provides for disclosure.

2.1.6 Record of Access – The Personnel Officer and/or his or her designee will maintain a record of all individuals who have accessed and employee's PHR.

2.1.7 Inactive PHRs – An employee's PHR will be will be maintained in an inactive status for seven (7) years after he/she leaves the county's employment.

2.2 CENTRAL RECORDS

The Personnel Officer and/or his or her designee will also establish and maintain other administrative records that are necessary for this proper implementation of the county's personnel system, including, but not limited to applications for employment and insurance documentation.

2.3 FORMS AND SUPPLIES

The Personnel Officer and/or his or her designee will establish and provide such forms and other records-keeping materials necessary for the preparation and maintenance of required personnel records and reports.

CHAPTER 3

CATEGORIES OF SERVICE AND EMPLOYMENT STATUS

3.1 CATEGORIES OF SERVICE

Jobs within the county service are assigned to one (1) of the categories of service identified in this chapter, specifically unclassified services or classified services. Such assignments shall be approved by the County Commission.

3.2 UNCLASSIFIED SERVICES

Unclassified services include those jobs assigned to such service by these policies and procedures and any additional jobs authorized by the County Commission. Such are more particularly described as follows:

- 3.2.1 Applicability of Personnel System** - The established personnel system applies to both unclassified employees and classified employees except as may be noted in these policies and procedures.
- 3.2.2 Appointment** - The appointment of all unclassified employees is made by the Appointing Authorities to whom the positions have been assigned. These employees need not be hired from a list of applicants, but must meet qualifications established by the Appointing Authority.
- 3.2.3 Service at the Pleasure** - Unclassified service employees serve at the pleasure of the employee's Appointing Authority and/or the County Commission and may be terminated at any time in accordance with these policies and procedures.
- 3.2.4 Reappointment to Classified Services** - Unclassified employees who were regular status, classified employees at the time of his/her appointment to an unclassified service position, may be reappointed as a regular status classified employee to an available position unless he/she was separated from his/her unclassified service position because of inadequate job performance or violation of these personnel policies and procedures. If an unclassified employee was not a regular status classified employee at the time of his/her appointment as an unclassified employee, he/she will not be entitled to reappointment to classified service upon vacating the unclassified service. However, he/she may apply for any vacant classified services position.
- 3.2.5 Continuous Service Provision** - Unclassified service employment shall count as continuous years of service in the event an unclassified employee is later employed in the classified service, unless there is more than a thirty (30) calendar day break between service classifications.

- 3.2.6 Benefits** - Unclassified employees are eligible to participate in all county provided employee benefits, including, but not limited to (if any others exist) group insurance, retirement, annual and sick leave, and holiday pay.

3.3 CLASSIFIED SERVICES

Classified service employees include full and part-time positions that are authorized and funded by the County Commission based upon requests from the Appointing Authorities and/or as determined by the commission. Full-time employees are scheduled to work more than twenty-nine (29) or more hours each work. Part-time employees are scheduled to normally work less than (29) twenty-nine hours each work week, unless circumstances require otherwise as determined by the Appointing Authority and/or the County Commission.

- 3.3.1 Positions Included** - Classified service employment includes all positions in which employees are paid out of County Commission controlled funds (regardless of the source or the revenues making up such funds), which have not been excepted by these policies and procedures, and have not been assigned to another category of service.
- 3.3.2 Continuous Service Production** - Classified service employment shall count as continuous years of service in the event the classified employee is later employed in the unclassified service, unless there is more than a thirty (30) calendar day break between service classifications.
- 3.3.3 Benefits** – Classified service full-time employees are eligible to participate in all county provided benefits, including group hospitalization and life insurance, retirement, vacation and sick leave, and holiday pay. Part-time classified service employees are not eligible to participate in any county provided employee benefits, except as may be provided by law.
- 3.3.4 Exceptions** - Any part-time employee earning a county provided benefit before adoption of these policies and procedures shall continue such benefit as an exception to paragraph 3.3.3.

3.4 TEMPORARY SERVICE

Temporary service employees are those who have been employed to perform special or emergency functions, authorized and funded temporary work or authorized by the County Commission as replacements for classified employees on approved leave.

- 3.4.1 Length of Employment** - Temporary service employment shall not exceed one-hundred eighty (180) consecutive days in duration, unless circumstances require otherwise as determined by the Appointing Authority and/or the County Commission. Individuals hired for temporary service may work either a full or part-time work day as determined by the Appointing Authority. Temporary service employees shall remain in probationary status for the duration of their temporary employment.

- 3.4.2 Continuous Service Provision** - Temporary service employment shall not count as continuous years of service regardless of whether their position is for unclassified or classified service.
- 3.4.3 Transfer Provisions** - Temporary service employees may not transfer directly to a classified service position. However, they may apply for vacancies in accordance with the staffing guidelines of these policies and procedures. Temporary service employees shall not be given preferential consideration for vacancies in the classified services.
- 3.4.4 Benefits** - Temporary individuals are not eligible to participate in any county provided employee benefits, except as may otherwise be provided for by law.

3.5 EMPLOYMENT STATUS

The status of classified service employees shall be as follows:

- 3.5.1 Probationary Status** - Classified service employees shall be placed in a probationary status until the employee has successfully completed his / her probationary period as further described herein.
- 3.5.2 Regular Status** – Classified service employees who successfully complete their applicable probationary period and are approved for regular status by his/her Appointing Authority and/or the County Commission shall become regular status employees. Subject to the provisions of these policies and procedures, an employee who acquires regular status may remain in his/her position if there is a need for the position, the position is funded, the employee's performance is acceptable to his / her Appointing Authority, and the employee's conduct meets county standards.
- 3.5.3 Status of Present Employees** – Each current employee serving in a position that is assigned to the classified service at the time of adoption of these policies and procedures and who has completed the county requirements to be designated a regular status employee in accordance with these policies and procedures is designated as a regular status classified employee. All other employees presently serving in the classified service at the time of adoption of these policies and procedures are designated as probationary status classified employees, until they complete the probationary period and are approved by their Appointing Authority as regular status employees.

3.6 PROBATIONARY PERIOD

The probationary period shall be utilized by the employee's Appointing Authority to observe and evaluate the employee's work, effectuate adjustments of the employee, and, if necessary, terminate any new employee determined by the Appointing Authority to be unacceptable for continued employment.

- 3.6.1 Duration** - The County's probationary period is one hundred eighty (180) days in which the employee is actually working in his or her job and for good cause may be extended up to an additional one hundred eighty (180) days. The Appointing Authority may reduce the length of a probationary period with the consent of the CEOO, should such be deemed to be appropriate in their sole discretion.
- 3.6.2 Evaluation** - The performances of probationary status employees are continuously evaluated by their Appointing Authority. Written evaluations shall occur at the end of the probationary period, but may occur at any time deemed to be appropriate by the Appointing Authority. A copy of all written evaluations shall be furnished to the personnel officer for inclusion in the employee's personnel file.
- 3.6.3 Termination** - During the probationary period the Appointing Authority may terminate the employment of a probationary employee at the Appointing Authority's discretion for any reason or no reason, without a hearing or other recourse. The Appointing Authority shall notify the probationary employee in writing of his/her termination. A copy of the termination notice shall be provided to the personnel officer for inclusion in the individual's personnel file.
- 3.6.4 Procedures for Attainment of Regular Status** – At the conclusion of an employee's probationary period, the Appointing Authority shall complete a written evaluation of the employee's work performance and conduct. The evaluation shall include either a statement that the employee's service has been satisfactory and that the employee has achieved regular status as a classified employee, or that the employee's service has been unsatisfactory and that employment is being terminated. Employees who achieve designation as a regular status, classified employees shall be notified in writing of such by their Appointing Authority upon his/her completion of the probationary period. A copy of the Appointing Authority's letter, along with a copy of the employees' final probationary evaluation, shall be furnished to the Personnel Officer for inclusion in the employee's personnel file.
- 3.6.5 Appeals** - Probationary status employees are not be eligible to file appeals for any separation or disciplinary action taken against them or to file grievances as provided by the County's grievance procedure, unless such is based upon a claim of discrimination based on race, color, religion, age, sex, disability, genetics or national origin.

CHAPTER 4

STAFFING

4.1 GENERAL PROVISIONS

- 4.1.1 Filling Vacancies** – All vacant positions will be filled in accordance with these policies and procedures. Staffing actions will be initiated only for vacant positions that have been authorized and funded by the County Commission.

(In accordance with section 45-26-120.01 of the *Code of Alabama*, 1975, deputy, clerk, assistant and secretary positions for the offices of the Judge of Probate, Revenue Commissioner and Sheriff may be appointed by the applicable elected official.)

- 4.1.1.1 Vacancies in Unclassified Service** – Vacant positions in the unclassified service will be filled in accordance with these policies and procedures, at the pleasure of the Appointing Authority to whom the positions have been assigned. However, selected individuals must meet the job qualifications.

- 4.1.1.2 Vacancies in Classified Service** – Vacant positions in the classified service will be filled by the Appointing Authority through the appointment of qualified applicants in accordance with these policies and procedures.

- 4.1.1.3 Vacancies in Temporary Service** – Vacancies in the temporary service will be filled by the Appointing Authority with individuals who meet the job-related qualifications for such positions in accordance with these policies and procedures.

- 4.1.2 Character and Ability** – All applicants for employment with the county must be of good moral character and able to perform the essential functions of the position for which they have applied.

- 4.1.3 Fraud on Application** – Any person who has fraudulently secured employment will be removed in accordance with these policies and procedures and will not thereafter be eligible for consideration for any position covered by the County's personnel system.

- 4.1.4 Employee Consideration** – When a vacancy occurs in the classified service, all existing employees, regardless of their status and category of service, may apply for the vacancy.

4.2 **RECRUITING POLICIES AND PROCEDURES**

- 4.2.1 Unclassified Service** – When a vacancy occurs in the unclassified service, the Appointing Authority may initiate recruiting actions to advertise and fill the vacancy, if necessary, in coordination with the Personnel Officer and/or his or her designee.
- 4.2.2 Classified Service** – When a vacancy in the classified service occurs, the Appointing Authority will ensure that the approved job description on hand is current and that the job has been assigned to a pay level in the County's classification plan. If a current approved job description is not on hand and/or the job has not been assigned to a pay level in the classification plan, the Personnel Officer and/or his or her designee will, in coordination with the Appointing Authority, initiate action to have a job description written and the job assigned to a pay level in the classification plan in accordance with Chapter 13 of these policies and procedures. If an Appointing Authority desires to add a position to his/her department that was not approved by the County Commission during budget preparation, the Appointing Authority shall, in coordination with the Personnel Officer and/or his or her designee, submit his/her request for approval and funding by the Commission. Such requests shall include a current job description and recommended pay assignment. The recommended pay will be made in accordance with Chapter 13 of these policies and procedures.
- 4.2.3 Temporary Positions** – When there is a need to fill a temporary service vacancy that has been approved by the County Commission, the Appointing Authority may fill the position through a temporary service agency or through the employment of a temporary employee in accordance with these policies and procedures.
- 4.2.4 Advertisement** – Employment opportunities, other than those which have been determined to be filled through a contracted temporary services company or other provisions described in these policies and procedures and otherwise excepted by law, will be advertised on the County website and by posting at locations readily available to County employees.
- 4.2.5 Content of Advertisement** – All advertisements will provide a description of the job, necessary qualifications, pay level and/or pay range, drug testing requirements, deadline for applying, date and time of any qualifying examination and where applications may be picked up and returned.
- 4.2.6 Duration of Advertisement** – All advertisements will remain open for receipt of applications for at least seven (7) calendar days. The seventh (7th) day shall be considered the closing date for applications.

4.2.7 Application Forms – Applications for all job opportunities, except the unclassified service, will be made on forms provided by a department of the County and submitted to the Personnel Officer and/or his or her designee. Applications for job opportunities in the unclassified service will be submitted to the applicable Appointing Authority.

4.2.8 Acceptance of Applications – All applications will be submitted in accordance with the job opportunity announcement. No applications will be accepted by the County, unless the County is actively seeking applications in response to employment opportunity advertisements.

4.3 SELECTION OF UNCLASSIFIED EMPLOYEES

4.3.1 Evaluation of Applications – After the closing date for receipt of applications for unclassified service positions, the Appointing Authority will evaluate each application, interview applicants as appropriate, and select an employee based on such evaluation and interview.

4.3.2 Selection Tentative – All selections for the unclassified service may be tentative subject to positional requirements, including, but not limited to, a medical determination that the individual is able to perform the duties required in the position (if applicable) and, when required, a background investigation, drug testing, a driving record check, and a determination that the Appointing Authority can be bonded and/or meet other position requirements, when necessary.

4.4 SELECTION OF INDIVIDUALS FOR THE CLASSIFIED SERVICE

4.4.1 Generally – Selections to fill vacancies in the classified service will be made by an Appointing Authority from the applicants for the subject vacancy.

4.4.2 Interviews – Interviews will be held by the Appointing Authority, and/or the Appointing Authority's designated representative, from the submitted applications.

4.4.3 References Checked – Appropriate inquiries of former employers and other references, when required, will be made by the Appointing Authority and/or the Appointing Authority's designated representative. If agreeable to an applicant, inquiries may also be made to the applicant's present employer.

4.4.4 Applicant Selected – After all interviews have been completed, the Appointing Authority shall make the selection. Any applicant who is interviewed and not selected will be notified. All selections will be tentative, subject to a drug test and medical determination that the individual is able to perform the essential duties required in the position. The selection shall also be subject to a favorable

background investigation, a driving record check, and/or a determination that the individual can be bonded, when required.

4.5 SELECTION FOR TEMPORARY SERVICE

Selections to fill positions in the temporary service will be made by the Appointing Authority, or the appropriate authority's designated representative. Interviews may be held with applicants, if determined by the Appointing Authority to be necessary. Temporary employees shall be subject to county drug testing and medical examination requirements.

4.6 EMPLOYMENT OFFERS

Employment offers to individuals who have been selected for unclassified and classified service positions will be made in writing by the Appointing Authority. No individual (including temporary employees) may consider that an offer of any type has been made to the individual unless the individual has been so notified. A copy of the notification shall be provided the Personnel Officer and/or his or her designee.

4.6.1. Notification of Offer – The notification will inform the applicant that the offer is contingent upon:

- (A) a report of an acceptable medical examination;
- (B) the individual successfully undergoing a background investigation, when required;
- (C) the individual successfully demonstrating through a driving record check that he/she will be accepted by the County's insurance carrier under preferred rates, when driving is required because of job duties;
- (D) the individual successfully being issued a bond when required because of the job duties;
- (E) the individual successfully meeting any standards or certifications as required by law and/or the county; and
- (F) the individual successfully meeting any other job-related requirements established at the time of the offer; and
- (G) the date on which the individual must report for work.

4.6.2 Starting Work – Upon approval of the Appointing Authority, the individual may be allowed to start work prior to meeting the requirements listed in paragraph 4.6.1. However, employment will be contingent upon his/her meeting such requirements in a reasonable time period. The individual must satisfy such requirements within the time period established or he/she shall be separated.

4.6.3 Medical Exam – Notwithstanding the provisions of paragraph 4.6.2 above, the selected individual will complete the required medical exam prior to starting work

to ensure that the applicant can perform the essential functions of the activities which he/she would perform. The Personnel Officer and/or his or her designee will schedule, at the county's expense, a medical examination for the individual with a county designated physician.

- 4.6.4 Starting Pay** – The starting pay for a new or currently employed individual will be established in accordance with the approved classification and the policies and procedures established in Chapter 13.

CHAPTER 5

EMPLOYEE REASSIGNMENTS

5.1 GENERAL PROVISIONS

Vacant unclassified and classified service positions will be advertised in-house by the Personnel Officer and/or his or her designee to allow existing county employees an opportunity to apply for such positions. Such advertisement will be posted concurrently with the notice to the public.

- 5.1.1 Equal Opportunity** – All employees will be considered for reassignment without regard to race, color, religion, sex, age, national origin, or disability. All selections will be based solely upon an applicant's qualifications, prior performance, efficiency, longevity, ability to perform the essential functions of the position, and/or the needs of the County.
- 5.1.2 No Consideration to Type of Assignment** – There will be no consideration given to whether the reassignment would result in a transfer, promotion, or demotion of the employee when an employee's application is being evaluated for the vacancy.
- 5.1.3 Records Updated** – The Personnel Officer and/or his or her designee will ensure that all employee reassignments meet the intent of these policies and procedures and that the appropriate personnel records are updated as required.
- 5.1.4 Exceptions to these Policies and Procedures** – the Appointing Authority may reassign an employee to any available position of equal or lower pay level that exists in his/her department, as an exception to the policies and procedures described in this Chapter below, if:
 - (A) the employee's position is being abolished and he/she would otherwise be laid off and/or the position is subject to a reduction in force (RIF);
 - (B) the employee's performance indicates he/she is not qualified to render satisfactory service in the current position;
 - (C) Reassignments such as (A) and (B) above will be made in accordance with Chapter 7 of these policies and procedures.

5.2 GENERAL POLICIES AND PROCEDURES

- 5.2.1 Posting** – Upon determination that a vacancy exists in an authorized and funded position, the Personnel Officer and/or his or her designee will, in coordination with the Appointing Authority, prepare and post a vacancy notice in work areas

that are readily accessible to eligible employees, as well as on the County website for a period of seven (7) days. The seventh (7th) day shall be considered the closing date for applications.

- 5.2.2 Applications** – Interested eligible employees may apply for any posted vacancy for which they are qualified. Such application will be made in accordance with the instructions specified in the vacancy notice. All applications will be delivered to the Personnel Officer and/or his or her designee after the closing date.
- 5.2.3 Review of Applications** – After the closing date for receipt of applications, all applications will be considered appropriately.
- 5.2.4 Selection** – Employee consideration for all vacancies will be in accordance with paragraph 4.4 above.
- 5.2.5 Effective Date** – If an employee is selected for a vacant position, the Appointing Authority will coordinate the effective date of the reassignment with the employee's current Appointing Authority and the Personnel Officer and/or his or her designee, the Personnel Officer and/or his or her designee will ensure that all records are updated, as required.
- 5.2.6 Written Notification** – The selected employee will be notified in writing of his/her selection for the vacancy. Such notification will be in accordance with paragraph 4.6 above.
- 5.2.7 Determination of Pay Level** – When an employee is selected to fill a vacancy, the employee's pay level will be established in accordance with the following criteria:
- 5.2.7.1 Transfer** – If the employee is assigned to a position in the same pay level as the current position, the reassignment will be considered a transfer and the employee's pay will remain the same in the new position as it was before reassignment.
- 5.2.7.2 Promotion** – If the employee is assigned to a position in a higher pay level than the current position, the reassignment will be considered a promotion and the employee's pay will be set at the entry level pay of the new position. However, such pay level will be at least five (5) percent above the pay received prior to the promotion.
- 5.2.7.3 Demotion** – If the employee is assigned to a position in a lower pay level than the current position, the reassignment will be considered a demotion and the employee's pay will be set at the same relative position in the pay range of the pay level for the employee's new position as it was in the pay range of the pay level of the employee's old position. However, the employee's pay will be established at least five (5) percent below the pay

held prior to the demotion. No employee who is demoted will have pay established that is less than the entry or more than the maximum of pay for the employee's new position.

5.2.8 Probationary Period – Any employee who is transferred, promoted to or demoted to a classified service position will serve a probationary period of ninety (90) days in which the employee is actually working in the new position. The employee's Appointing Authority may, in his or her sole discretion, reduce or extend the probation period. However, no probationary period will be longer than one hundred eighty (180) days in which the employee is actually working in the new position. During the probationary period the employee's performance will be evaluated by the Appointing Authority and/or his or her designee, in accordance with Chapter 6 of these policies and procedures. If the employee's performance during the probationary period is inadequate, the employee may be separated or reassigned to another position in the same or lower pay in the classified service, if one is available, and the reassignment is approved by the Appointing Authority in whose department the position exists.

5.2.9.1 Pay Level Upon Reassignment During Probationary Period – If an employee is reassigned to a position of equal or lower pay level because the employee's performance has been unacceptable during the employee's probationary period, the employee's pay will be adjusted in accordance with paragraph 5.2.7 above. However, the employee will be entitled to any universally applied pay adjustments that would have been received, as if he/she had not been reassigned.

5.2.9.2 Notice of Separation – If the individual is to be separated due to unacceptable performance during the probationary period, the employee may be given up to seven (7) calendar days-notice prior to separation. However, if the Appointing Authority considers that it is in the best interest of the county, the Appointing Authority may give less notice or immediately terminate the employee.

5.3 TEMPORARY ASSIGNMENTS

At the sole discretion of his/her Appointing Authority, any employee may be placed on temporary assignment to another position for such purposes as training, accomplishing special projects, filling temporary vacancies, or other similar reasons.

5.3.1 Duration – Normally, an employee may be temporarily assigned to another job by for no more than ninety (90) continuously scheduled calendar days. However, the assignment may be extended by the Appointing Authority for up to an additional ninety (90) continuously scheduled calendar days beyond the initial period.

- 5.3.2 Pay** – If the employee is temporarily assigned to a position that is of equal or lower pay level to his/her regular position, the employee's pay will not change. If the employee is placed in a position in a higher pay level than that of the employee's regular position, the employee's pay will not change during the first ten (10) working days of the temporary assignment. If the assignment exceeds ten (10) continuously scheduled work days the employee's pay will be adjusted to at least the entry level pay for the employee's temporary job assignment for the remainder of such assignment. Upon completion of the temporary assignment, the employee's pay will revert back to his/her regular pay.

CHAPTER 6

EMPLOYEE PERFORMANCE APPRAISAL

6.1 GENERAL PROVISIONS

The job performance of all employees, except temporary and probationary employees, shall be evaluated in writing not less than annually in an Employee Performance Appraisal. The appraisal shall be placed in the employee's file and provide supervisors and employees documented information concerning an employee's performance level in the employee's job.

6.1.1 Purposes – Performance appraisal results shall be used to assist for the following purposes:

- (A) to determine if an employee is meeting performance standards;
- (B) to determine an employee's qualifications for promotion;
- (C) to determine the appropriateness of a demotion or termination of an employee;
- (D) to determine training and development assistance an employee may need;
- (E) to determine layoffs when Reductions in Force (RIFs) are required;
- (F) to determine eligibility of new and reassigned probationary employees for designation as regular status in the classified service;
- (G) to obtain feedback from employees;
- (H) Any other purpose deemed to be appropriate.

6.2 PROCEDURES

Performance appraisals shall be performed in accordance with the following procedures:

6.2.1 Regular Status Classified Employees – the Appointing Authority, or an individual designated by the Appointing Authority, will evaluate regular status classified employees. Such employees shall be evaluated not less than annually. However, the Appointing Authority and/or his or her designee may issue such an appraisal at any time deemed to be necessary or appropriate.

6.2.2 Probationary Status Classified Employees – The Appointing Authority, or an individual designated by the Appointing Authority, will evaluate probationary status classified service employees assigned to his/her department. Such evaluations shall be conducted at the conclusion of the employee's probationary period. However, the Appointing Authority and/or his or her designee may issue such an appraisal at any time deemed to be necessary or appropriate.

6.2.3 Unclassified Employees – The Appointing Authority and/or his or her designee will evaluate the unclassified employees in his/her department at least annually. However, the Appointing Authority and/or his or her designee may issue such an appraisal at any time deemed to be necessary or appropriate.

- 6.2.4. Appraisal Criteria** – The criteria for Employee Performance Appraisals shall be developed by the applicable Appointing Authority. All employees subject to evaluation shall be informed of the appraisal criteria after the adoption of these policies and procedures by the County Commission or upon commencement of employment, whichever occurs first.

6.3 REPORTS

All evaluations will be discussed with the employees involved. The Appointing Authority or his / her designee performing the evaluation will sign the appraisal form. The employee being evaluated shall also sign the form to acknowledge receipt of a copy of the completed form. Such shall not be construed as an indication that the employee agrees with the evaluation, but only to acknowledge receipt of a copy of the completed form. Accordingly, a refusal by the employee upon request shall be an act of insubordination by the employee and subject to disciplinary policies and procedures. A copy of the completed appraisal report will be provided to the personnel officer and filed in the employee's personnel file. Appraisal reports will be considered confidential employee information and will be safeguarded in accordance with these policies and procedures.

CHAPTER 7

DEMOTIONS

7.1 GENERAL PROVISIONS

As an exception to Chapter 5 of these policies and procedures, any regular status employee in the classified service may be demoted to a position of a lower pay level in the same category of service for which he/she is qualified for one of the following reasons:

- 7.1.1 Position Abolished** – An employee may be assigned to a position of lower pay, if the employee's position is being abolished.
- 7.1.2 Unsatisfactory Service** – An employee may be assigned to a position of lower pay, if the employee's performance has not demonstrated the ability to render satisfactory service in his/her position as determined by a performance appraisal.

7.2 ADMINISTRATIVE ACTION

A demotion made in accordance with the policies and procedures of this chapter will be considered an administrative action rather than a disciplinary action. Such demotions may only be made when there is a position available to which the employee may be demoted and the Appointing Authority in whose department the vacancy exists agrees to the assignment of the employee to the vacancy. Absent the availability of such vacancy, the employee will be separated as described in Chapter 8 of these policies and procedures. An employee who is serving in a probationary status as a result of a reassignment in accordance with the policies of Chapter 5 will be processed in accordance with the provisions of that chapter.

- 7.2.1 Unsatisfactory Performance Demotion** – If the demotion is due to the employee's unsatisfactory performance the same procedure outlined for dismissal of employees in paragraph 8.7. of these policies and procedures will be followed.

7.3 PROCEDURES

When an Appointing Authority determines that he/she wishes to demote an employee, the following procedure will be followed.

- 7.3.1 Notification** – Written notification will be provided a demoted employee of the demotion. Such notice will state the reason(s) and the effective date of the demotion and will be provided to the employee at least seven (7) calendar days prior to the effective date of the demotion. The notification will be signed by the Appointing Authority. A copy of the notification will be provided to the personnel officer for filing in the employee's personnel file.

- 7.3.2 Pay** – The pay of a demoted employee will be reduced to the same relative position in the pay range of the pay level for the employee’s new job that it was in the pay range for his/her old job. Normally, such reductions will be at least five (5) percent of the employee’s pay before the demotion. However, under no circumstances will the pay level of a demoted employee be less than the entry level or more than the maximum level authorized for the pay level of the employee’s new job.
- 7.3.3 Appeal** - An employee may appeal the demotion. Such appeal will be made under the same procedures and standards provided for a dismissal based on unsatisfactory performance, in accordance with paragraph 8.7 in these policies and procedures.

CHAPTER 8

SEPARATIONS

8.1 GENERALLY

8.1.1 Types of Separations – All separations of individuals from employment will be designated as one of the following types:

- (A) resignation;
- (B) reduction-in-force (RIF);
- (C) disability;
- (D) death;
- (E) retirement; or
- (F) dismissal / termination.

8.1.2 Processing Separations – At the time of separation, and/or prior to payment of any final compensation, all records, assets, and other items of County property in the employee's custody will be returned to County control. Certification to this effect will be made by the employee and the employee's Appointing Authority before any final payment is made to the employee. A copy of such certification will be provided to the Personnel Officer and/or his or her designee and filed in the employee's personnel records. Any indebtedness owed the County will be withheld from the employee's final compensation, unless waived by the Commission. At separation each individual will be informed of any County – related rights and/or benefits for which he/she may be eligible, after separation.

8.2 RESIGNATION

Any employee may voluntarily resign by submitting written notification to his/her Appointing Authority of the effective date for his/her resignation. A copy of the resignation will be provided the Personnel Officer and/or his or her designee for inclusion in the individual's file.

8.2.1 Notice – Classified employees should submit their notifications as far in advance as possible; notice should be given at least fourteen (14) calendar days prior to the effective date of the resignation. Unclassified employees should submit their notifications at least thirty (30) calendar days prior to the effective date of his/her resignation.

8.2.2 Failure to Give Notice – Failure to comply with the notification requirement of paragraph 8.2.1 may be cause for denying the individual future employment with the County.

- 8.2.3 Withdrawal** – An employee may withdraw his/her resignation up to the effective date of the resignation, if approved by the Appointing Authority. If the individual's request for withdrawal of the resignation is denied, the employee will be separated on the effective date of the resignation. If the employee's request to withdraw his/her resignation is approved, the employee will suffer no loss of service, benefits, entitlements, and/or pay.
- 8.2.4 Unauthorized Absence as Resignation** – Any unauthorized or unjustified absence from work for a period of two (2) consecutive working days may be considered as a voluntary resignation by the individual's Appointing Authority.

8.3 REDUCTION IN FORCE (RIF)

An employee may be separated through a RIF action if it is determined that a consolidation of positions is in the best interests of the County and/or or when a particular position and/or some or all of the services from that position are no longer needed. Further, such may be a product of the County's cost reduction efforts.

- 8.3.1 Priority of Service Category and Status** – Typically, employees assigned to a job that has been identified to be included in the RIF will be separated based upon their service category and employment status, as detailed below. However, the County Commission and/or Appointing Authorities will determine the actual order that will be followed and may choose to alter the priority criteria described in these guidelines:
- (A) temporary service employees;
 - (B) probationary status employees in the classified part-time service;
 - (C) probationary status employees in the classified full-time service;
 - (D) regular status employees in the classified part-time service; and
 - (E) regular status employees in the classified full-time service.
- 8.3.2 Priority Within Service Category and Status** – Employees within a particular service category and employment status will be separated based upon:
- (A) the needs and/or best interests of the County;
 - (B) their performance level, as indicated by performance appraisals; and
 - (C) their length of service in the particular service category.
- 8.3.3 Consideration for Reassignment** – When a regular status classified service employee is scheduled to be separated pursuant to a RIF, he/she may be considered for reassignment in the employee's department to any vacant position of equal or lower grade in the classified service for which

he/she is qualified. If a vacancy exists in another department, the employee's name may be referred by the Personnel Officer and/or his or her designee to the Appointing Authority of that department for consideration.

- 8.3.4 Notification of Effective Date** – Employees in the unclassified and classified services will be notified in writing at least seven (7) calendar days prior to the effective date of their separation. Temporary service employees will be given as much written notice as possible. All RIF notices will be prepared by the Appointing Authority. A copy of the RIF notice will be provided the Personnel Officer and/or his or her designee for inclusion in the employee's personnel file
- 8.3.5 Recall Rights** – Regular status classified service employees who are separated pursuant to a RIF may be eligible for rehire should circumstances allow.

8.4 DISABILITY

Any employee may be separated, when he/she cannot perform essential functions of his/her job as defined by an employee's job description because of physical and/or mental impairment and a reasonable accommodation is not possible. Reasonable accommodations may include job restructuring or reassignment. Normally, such separation will be taken after the expiration of any leave without pay granted the employee in accordance with chapter 11 of these policies and procedures, except as provided for in paragraph 8.4.1 below, if the employee is not able to perform assigned duties.

- 8.4.1 Workers' Compensation Disability** – If the impairment is the result of a job-related condition and the employee is receiving worker's compensation benefits, he/she may be placed on leave without pay for up to six months before being separated if the medical prognosis indicates that the employee may recover sufficiently to return to work. Any employee may be separated, when he/she cannot perform the essential functions of his/her job because of extended physical or mental impairment with or without reasonable accommodation or if reasonable accommodation is not possible. Separation may occur at any time within the first six months of the impairment, if a determination is made by a competent medical authority that the employee's prognosis indicates the disability is long term and the employee will not be able to perform the essential duties of his/her job and accommodation is not feasible. In any event, separation may occur after the first six months of the impairment, if the employee is not capable of returning to work and performing the duties of his/her job at that time. Separation action may be initiated by either the employee or the Appointing Authority. If the employee is to be separated

before the six (6) months probationary period, the separation will be approved by his/her Appointing Authority. Workers' Compensation is discussed further in Chapter 14.4 of these policies and procedures.

- 8.4.2 Medical Evidence** – All disability separations will be supported by medical evidence provided by a qualified physician. The Appointing Authority may require an opinion by a physician of its choice, if deemed necessary.
- 8.4.3 Exhaustion of Leave** – Except in the case of an employee with a work-related impairment who is receiving worker's compensation benefits, a disability separation will normally become effective only after an employee's accrued leaves with pay have been exhausted and the expiration of any leave without pay granted the employee in accordance with Chapter 11 below.
- 8.4.4 Retirement Option** – An employee who is eligible for retirement will be entitled to retire and receive retirement benefits in accordance with the County's retirement program.

8.5 DEATH

Separation is effective as of the date of death. All wages / salary due the employee as of that date will be paid to the employee's designated beneficiary. Such shall include payment for unused leave pay, but not unused sick pay. Further, if the employee has not designated a beneficiary of the subject pay to the County in writing on the form provided for such by the County, the subject funds shall be held in escrow and paid to the estate of the employee upon receipt of Letters Testamentary or Letters of Administration from the personal representative of the employee's estate, except for such sums that must be paid by law. Any indebtedness owed to the County will be withheld from the individual's final compensation, unless waived by the Commission.

8.6 RETIREMENT

Whenever an employee meets the eligibility requirements set forth in the County's retirement program, he/she may elect to retire and receive benefits earned under the provisions of the retirement program. An employee who wishes to retire must notify his/her Appointing Authority and the Personnel Officer and/or his or her designee in writing at least sixty (60) days prior to the requested effective date. Failure to do so may cause adverse effect to the employee and/or the benefits received by the employee.

8.7 DISMISSAL / TERMINATION

Any employee may be dismissed (i.e. terminated) for:

- (A) unacceptable job performance;
- (B) failure to qualify for licensure, insurance, or certification required for continued employment;
- (C) violation of County rules and/or insubordination;
- (D) the good of the County;
- (E) any other reason deemed to be appropriate.

8.7.1 Procedure for dismissal for Unacceptable Job Performance – When the dismissal of a regular status classified or part-time service employee is for unacceptable job performance, the following procedures will apply.

8.7.1.1 Counseling Session – The employee will be counseled by his/her Appointing Authority, or the Appointing Authority's designated representative, concerning unacceptable performance. The counseling session will include the action(s) that the employee must take to improve performance. The employee will also be warned that if performance does not improve, he/she will be dismissed. A written record of each counseling session will be prepared by the counseling individual and will be signed by both the counseling individual and the employee. Should an employee fail to sign the said written record, such failure shall be an act of insubordination of the employee and grounds for immediate dismissal. A copy of the written record will be provided to the employee and a copy will be provided to the Personnel Officer and/or his or her designee for inclusion in the employee's personnel file. The Appointing Authority, or the designated representative, will also conduct such performance appraisals as required by the County's performance appraisal system to document the employee's performance level.

8.7.1.2 Dismissal Actions – If the employee's performance continues to be unacceptable or if it is determined that the employee should be dismissed, the Appointing Authority will notify the employee in writing of his/her intention to separate the employee for unacceptable job performance.

8.7.1.3 Appeal – Upon dismissal for unacceptable job performance, the employee shall be informed by his/her Appointing Authority of his/her right to file a written request with the Personnel Officer and/or his or her designee for an appeal hearing and that such request must be filed with three (3) working days of the date of dismissal.

8.7.2 Procedure for Dismissal for Failure to Qualify for Licensure, Insurance or Certification Required for Continued Employment – Employees shall have an absolute duty to immediately self-report to his / her Appointing Authority any and all failures to qualify for and/or suspensions of any and all licensures, insurances or other certifications required for continued employment and/or that are necessary for any portion whatsoever of the employee’s job duties. Should a regular status classified employee fail to maintain for any time period qualifications for licensure, insurance, or certification required for continued employment, he/she may be dismissed in accordance with the following procedures.

8.7.2.1 Reasons for Dismissal – An Appointing Authority may dismiss any employee in his/her department in the following situations:

- (A) When information has been obtained and verified by the Appointing Authority that the driving privileges of an employee who is required to drive to do his/her job have been suspended or revoked, or restricted in such a manner that the employee is rendered incapable of performing his/her job without violating such restrictions
EMPLOYEES WHO ARE REQUIRED TO DRIVE TO DO HIS/HER JOB HAVE A DUTY TO IMMEDIATELY advise his/her Appointing Authority of any and all suspensions, revocations, expirations or other matters that affect an employee’s driver license and/or ability to maintain and/or obtain a valid driver license, including, but not limited to the date of any such occurrence and the reason(s) therefore;
- (B) When information has been obtained and verified by the Appointing Authority that the employee is considered by the County’s insurance carrier to be an unacceptable and/or high risk for insurance and if allowed to operate a vehicle on the County’s behalf, either would not be covered with liability coverage, would cause a cancellation of the County’s policy, would cause an increase in the County’s policy, would cause an increase in the County’s insurance premium, or would prevent the County from receiving a preferred rate for which it would otherwise qualify;
- (C) When information has been obtained and verified by the Appointing Authority, that the employee is unacceptable for employee honesty or fidelity bonds required for the position occupied by the employee;
- (D) When information has been obtained and verified by the Appointing Authority that the employee has lost, has been unable to acquire, or has failed to maintain certifications

- required by the County for the position occupied by the employee;
- (E) when an employee fails to inform his/her Appointing Authority that he/she has failed to maintain any licensure, insurance or certification;
 - (F) any other reason deemed to be appropriate.

8.7.2.2 Dismissal Actions – Upon determining that the employee should be separated due to one or more of the reasons listed in paragraph 8.7.2.1 above, an informal meeting with the Appointing Authority shall occur to allow the subject employee's response and any other submission of pertinent information. If the Appointing Authority then decides to continue with the dismissal, the Appointing Authority will notify the employee in writing of the dismissal. A copy of the initial notification and the dismissal action will be provided to the Personnel Officer and/or his or her designee.

8.7.2.3 Appeal – Upon dismissal pursuant to these guidelines, the Appointing Authority shall notify the individual of his/her right to file, within three (3) working days of the date of the dismissal, a written request with the Personnel Officer and/or his or her designee for a hearing.

8.7.3 Procedure for Dismissal for Disciplinary Reasons and/or the Good of the County – Dismissal for disciplinary reasons (violation(s) of County rules and/or the good of the County) is to be distinguished from administrative dismissal for unacceptable job performance and for failure to maintain qualification required for licensure, insurance, or certifications as discussed above in paragraphs 8.7.1 and 8.7.2. When a regular status classified service employee is to be dismissed for violation(s) of County standards and rules or for the good of the County, the guidelines established in Chapter 9 of these policies and procedures will be followed.

CHAPTER 9

DISCIPLINARY PROCEDURES

9.1 GENERAL PROVISIONS FOR DISCIPLINARY ACTION

Employees of the County are expected to maintain high standards of cooperation, efficiency, and economy in their work. Each employee is expected to display conduct both on and off the job in such a manner as to reflect positively on both the employee and the County. The maintenance of high standards of honesty, integrity and conduct is essential to assure the proper performance of County business, while maintaining the confidence of its citizens.

- 9.1.1 Reason Taken** – Employees will be disciplined for violations of established rules and/or for the good of the County. Disciplinary action will be fairly, promptly, and consistently applied to the maximum extent possible.
- 9.1.2 By Whom Taken** – Disciplinary actions will be administered by an employee's Appointing Authority and/or his/her appointed designee. However, if the Appointing Authority fails to take disciplinary action for a violation of County rules, the County Commission and/or the Chief Engineer and Operations Officer (CEO) may take actions in accordance with these policies and procedures.
- 9.1.3 Counseling Sessions** – When practical, counseling sessions will be used to correct an employee's conduct before disciplinary action is required. A written report will be prepared by the counseling individual and provided to the Personnel Officer and/or his or her designee for inclusion in the employee's personnel file. The report shall be signed by both the counseling individual and the employee. The employee's signature does not necessarily indicate that he/she agrees with the written report, but only serves as a confirmation that the employee received a copy of the report. Failure to sign the said written report shall be an act of insubordination by the employee and grounds for immediate dismissal.

9.2 TYPES OF DISCIPLINE

All employees covered by the Elmore County personnel system are subject to disciplinary herein for unacceptable conduct that falls under the intent of this section. Normally, disciplinary action will be taken only against regular status classified employees since unclassified and temporary employees serve at the pleasure of their Appointing Authority. However, nothing herein should be interpreted to prevent the

disciplining of any employee, if circumstances warrant.

9.2.1 Written Warning – A written warning report may be used for unacceptable conduct by an employee that is deemed to require more than a verbal reprimand or an informal counseling session, but does not warrant more serious disciplinary action. Such a report will be provided to the Personnel Officer and/or his or her designee for inclusion in the employee's personnel file and it shall be signed by both the counseling individual and the employee. The employee's signature does not necessarily indicate that he/she agrees with the written report, but only serves as a confirmation that the employee received a copy of the report. Should an employee fail to sign the said written report, such a failure shall be an act of insubordination by the employee and grounds for immediate dismissal.

9.2.2 Suspension Without Pay – A suspension without pay may be administered when an employee's conduct continues to be unacceptable after he/she has been given a written warning. However, nothing should be interpreted hereon to prevent the suspension without pay of an employee at the first occurrence of unacceptable conduct, when circumstances warrant.

9.2.3 Dismissal / Termination from Service – Dismissal / termination from service may be administered when an employee's conduct continues to be unacceptable after previous warnings and or disciplinary actions. However, nothing should be interpreted herein to prevent the immediate dismissal / termination of an employee at the first occurrence of unacceptable conduct, when circumstances warrant.

9.3 CLASSIFICATIONS OF OFFENSES

Examples of employee conduct that are considered to be unacceptable are described below with a summary of the disciplinary actions that may be recommended for each group. Such employee conduct are rule violations pursuant to these policies and procedures. However, the offenses and disciplinary actions as described in these policies and procedures are neither all-inclusive nor automatic. An Appointing Authority is permitted and expected to treat individual situations according to the circumstances and facts involved.

9.4 GROUP ONE OFFENSES

Group one offenses are instances of unacceptable conduct by an employee which are serious, but may not merit suspension without pay or dismissal upon the first occurrence and may be addressed by a lesser degree of discipline, as described below.

Examples of group one offenses include, but are not limited to, the following types of situations:

- 9.4.1 **Notice of Absence** – Failure to give proper notice of an absence;
- 9.4.2 **Absenteeism** – Irregular attendance and/or absenteeism;
- 9.4.3 **Tardiness** – Tardiness (not at assigned work station at the beginning of the first hour of the employee’s workday);
- 9.4.4 **Work Interference** – Interfering with the work of others to include, but it not limited to, offensive personal habits and/or conduct which interfere with efficient operations;
- 9.4.5 **Inefficiency** – Excessive inefficiency to include waste, loafing, leaving, the work area without permission, defective workmanship, use of social media and / or phone /cell phone for personal matters;
- 9.4.6 **Safety Violations** – Violations of normal safety practices to include failure to report a work-related accident of injury, accident proneness, or failure to attend safety classes when directed;
- 9.4.7 **Abuse of Property** – Improper use and/or care of County property;
- 9.4.8 **Political Activities** – Political activities during work time;
- 9.4.9 **Refusal of Required Overtime** – Failure to respond to any requirement to work outside normal scheduled work day when directed by his/her supervisor;
- 9.4.10 **Court Judgments** – Willful and/or repeated failure to honor court judgments;
- 9.4.11 **Solicitation** – Unauthorized solicitation and/or distribution of any literature to another employee during the other employee’s working time (to include posting of cards, literature, notices, or other materials of any kind on bulletin boards in work areas or distributed in working areas of any employee at any time);
- 9.4.12 **Violation of Smoking and Smokeless Tobacco Policy** - the use of any and all tobacco products and “non-tobacco products” such as vapors and electronic cigarettes inside County facilities and/or outside County facilities and/or on County property and/or in County vehicles;
- 9.4.13 **Other Conduct** – Similar conduct that meets the intent of the definition of a group one offense.

9.5 DISCIPLINARY ACTION FOR GROUP ONE OFFENSES

Disciplinary action for group one offenses will be addressed in accordance with the policies and procedures established in this chapter. Disciplinary action that may be recommended for a group one offense includes, but is not limited to: written warning; final written warning; suspension without pay; or dismissal. Any combination of three (3) written warning and/or suspensions without pay within a twenty-four (24) month period will constitute justification for immediate dismissal.

9.6 GROUP TWO OFFENSES

Group two offenses are instances of unacceptable conduct by an employee which are very serious and will normally constitute grounds for dismissal upon the first occurrence of such conduct, unless mitigating circumstances exist, as determined by the Appointing Authority, to render lesser disciplinary action. Examples of group two offenses include, but are not limited to, the following types of situations:

- 9.6.1 Drugs and Alcohol** – Possession and/or use and/or being under the influence of alcohol, non-prescription drugs, or similar intoxicants while on County property or on the job. Failure of an applicable test shall be considered usage and/or being under the influence;
- 9.6.2 Driving County Vehicle Under the Influence** – Operation of a County vehicle or motorized equipment while under the influence of intoxicants such as alcohol, non-prescribed drugs, and/or prescribed drugs which include an unsafe mental and/or physical state;
- 9.6.3 Firearm Possession** – Unauthorized possession and/or use of firearms, other weapons, explosives, or other dangerous materials on/in County property;
- 9.6.4 Falsification** – Deliberate falsification and/or misrepresentation of records and/or personal statements;
- 9.6.5 Dishonesty** – Dishonesty as related to an individual's job duties and/or profession, or use of one's official position for personal advantages;
- 9.6.6 Fighting** – Fighting, except when the employee is a victim of and/or defending an assault;
- 9.6.7 Serious Leave Offenses** – Excessive tardiness or absenteeism, unauthorized absence, or fraudulent or abusive use of a sick leave;
- 9.6.8 Conviction** – Conviction of a felony or misdemeanor crime.

Employees have an absolute duty to report any and all such convictions;

- 9.6.9 Theft or Abuse of Property** – Theft, destruction, careless or negligent use, or willful damage of County property or property of others;
- 9.6.10 Horseplay** – Dangerous horseplay on the job;
- 9.6.11 Flagrant Safety Violations** - Flagrant violations of safety practices that might endanger the life or health of the employee or others;
- 9.6.12 Serious Rule Violation** – Serious violation of County regulations, department rules;
- 9.6.13 Proponent of Violent Overthrow of Government** – Advocating the overthrow of the government of the United States and/or any political subdivision thereof by force or violence;
- 9.6.14 Bribes or Rewards** – Acceptance of any consideration of value or gratuity which was given to improperly influence the employee in the performance of his/her duties;
- 9.6.15 Refusal of Medical Exam and Drug Tests** – Refusal to be examined by an authorized, fully licensed physician and /or drug tested when so directed by the Appointing Authority, Personnel Officer and/or his or her designee and/or the County Commission;
- 9.6.16 Violations of Hatch Act** – Political activities that are violations of federal and/or state laws and these policies and procedures. The Hatch Act covers employees who work in connection with programs that are federally-funded. Such violations are based on partisan political coercion as a basis for advancement instead of merit;
- 9.6.17 Harassment** – Including, but not limited to, gender based; sexual, racial, ethnic, religious, age, transgender based; disability based, political affiliation based, or any other forms of harassment against any individual;
- 9.6.18 Sleeping** – Sleeping on the job;
- 9.6.19 Abusive Conduct** – Including, but not limited to, abusive personal conduct or language toward the public or fellow employees, or abusive public criticism concerning job duties and terms of employment;
- 9.6.20 Willful Violation of Rules or Law** - Willful violation of any duty adopted County policy or rule, or state/federal law in the performance of one's duties;
- 9.6.21 Conduct Unbecoming an Employee** – Conduct unbecoming an

employee, while on or off duty which tends to bring discredit upon the County and its employees, or which otherwise threatens order, safety, or health;

- 9.6.22 Insubordination** – Acts of insubordination including, but not limited to, refusal to obey legitimate orders, or delay or failure to carry out assigned work, disrespect, indolence and like behavior, as well as failure to sign documentation that acknowledges receipt of these policies and procedures, as well as any and all other documents for which an employee is required to acknowledge receipt thereof;
- 9.6.23 Unauthorized Use of Property** – Unauthorized use, misappropriation, destruction, theft, or conversion of public property;
- 9.6.24 Refusal to Cooperate** – Refusal to fully and truthfully answer questions of a supervisor or other designated individual during any inquiry, interrogation, hearing, or court proceeding;
- 9.6.25 Unauthorized Release of Information** – Unauthorized release of privileged or confidential information;
- 9.6.26 Conflicts of Interest** – Conduct or actions determined to be a conflict of interest or ethics violation as defined by state law and/or County resolutions, rules, regulations, or procedures;
- 9.6.27 Fraud in Personnel Matters** – Fraudulent misrepresentation or omission in securing an appointment or promotion in the County service;
- 9.6.28 Repeated Violations of Group One Offenses** – Repeated violation of group one type offenses;
- 9.6.29 Failure to Comply with Ethics Law** - Failure to comply with the Alabama Ethics Law to include filing of required annual statements of economic interests and any activity which is considered to be a violation of the ethics law; and
- 9.6.30 Other Conduct** – Similar conduct not listed herein that meets the intent of the definition of a group two offense.

9.7 DISCIPLINARY ACTION FOR GROUP TWO OFFENSES

Disciplinary action for group two offenses will be taken in accordance with the disciplinary guidelines established in this chapter. Disciplinary action recommended for a group two offense may be dismissal. However, a lesser disciplinary action may be taken when an Appointing Authority determines mitigating circumstances so warrant.

9.8 GENERAL DISCIPLINARY POLICIES AND PROCEDURES**9.8.1 Procedure** – The following are general disciplinary procedures:

- (A) Before any action is taken against the employee, the Appointing Authority and/or his/her designee may advise the employee orally of the reason(s) that he/she is considering disciplinary action and allow the employee an opportunity to respond;
 - (1) After hearing the employee's response, if the Appointing Authority and/or his/her designee determine that no disciplinary action is needed, the employee will be notified orally of such decision and advised that the matter is closed;
 - (2) After hearing the employee's response, if the Appointing Authority and/or his/her designee determine that there is reason to substantiate disciplinary action, but that a written warning is not necessary to correct the situation, he/she will counsel the employee and advise that in any future circumstances, stronger disciplinary action may be taken;
 - (3) After hearing the employee's response, if the Appointing Authority and/or his/her designee determine that there is reason to substantiate disciplinary action and a written warning is sufficient to correct the situation, the Appointing Authority and/or his/her designee will prepare and deliver a written warning to the employee;
 - (4) After hearing the employee's response, if the Appointing Authority and/or his/her designee determine that there is reason to substantiate disciplinary action but stronger disciplinary action stronger than a written warning is warranted, he/she shall follow these policies and procedures for disciplinary action.
- (B) Some deviation from the above may occur depending on the circumstances and should such be deemed to be in the best interests of the County.

9.8.2 Content of Written Warnings – The written warning may contain the following information:

- (A) references to the discussion held, including the date, time and place;
- (B) specific reason(s) for the warning, the employee's explanation as given during the discussion, other relevant information discovered during the inquiry, and the Appointing Authority's conclusions;
- (C) warning that future infractions could result in more severe

- disciplinary action, and;
 (D) recommendations for corrective action.

9.8.3 Acknowledgment – An Employee shall sign the written warning, but only to acknowledge receipt of the same. Signature by the employee shall not be considered an admission of any wrongdoing by the employee, only an acknowledgement that he/she received the written warning. Failure to sign the acknowledgement shall be considered an act of insubordination and grounds for immediate dismissal.

9.9 DISCIPLINARY POLICIES AND PROCEDURES FOR SUSPENSION WITHOUT PAY

The following will be used in administering suspensions without pay:

9.9.1 When Given – An employee may be suspended from duty without pay for a period of time not to exceed twenty (20) work days when it is determined by his/her Appointing Authority to be justified. Such a suspension may affect an employee's benefits, including, but not limited to payment of health insurance premiums. It shall be the sole responsibility of the employee to promptly contact the Personnel Officer and/or his or her designee to determine any such effects and, if possible, to take any measures to address the affected benefit.

9.9.2 Notice of Proposed Action – Before any action is taken against the employee, the Appointing Authority will notify the employee in writing of the proposed disciplinary action that is being considered. The written notice to the employee will contain the following information:

- (A) The date, time and place of the hearing, if applicable and required;
- (B) The grounds for the proposed disciplinary action;
- (C) The proposed disciplinary action to be taken and the effective date;
- (D) Notice of the employee's right to appear in person and/or be represented by an attorney at the employee's own expense;
- (E) Notice of the employee's right to respond to the allegations orally or in writing;
- (F) That the employee has the right to present evidence in his/her defense; and
- (G) That the employee has a right to appeal the decision.

9.9.3 Response – The employee will have three (3) workdays in which to file a response to this notice with Appointing Authority.

- 9.9.4 Modification of Discipline Proposed** – If the Appointing Authority determines after the hearing that the facts of the matter do not support the proposed discipline, he/she may impose a lesser disciplinary action or advise the employee that the matter is closed. If a lesser action is taken, the policies and procedures for that action will be followed.
- 9.9.5 Discipline Made Effective** – If the Appointing Authority determines after the hearing that the facts of the matter support the suspension, the suspension without pay will become effective in the data specified in the notice. The employee's suspension without pay will be recorded on the department's time and attendance report.
- 9.9.6 More Severe Discipline** - If the Appointing Authority determines during the hearing that the facts of the cases appear to support dismissal, he/she will proceed with guidelines required for such action.
- 9.9.7 Hearing not Requested** – If the employee does not request a hearing or fails to respond to the notice within the time allowed for the same, the employee will be suspended without pay on the date specified in the notice.
- 9.9.8 Notice of Suspension** – A notice of suspension under this procedure will be in writing, dated, signed by the Appointing Authority, and delivered to the employee at least on the day immediately prior to the effective date. The notice will contain:
- (A) The nature of the action being taken;
 - (B) The effective date, and the length of the suspension;
 - (C) The specific grounds for the suspension; and
 - (D) A description of the appeal rights of the employee.
- 9.9.9 Record of Action** – A record of the completed suspension without pay action, including a written summary, will be provided the Personnel Officer and/or his or her designee for inclusion in the employee's personnel file. Such record need not be a transcribed record.
- 9.9.10 Return to Work** – When the employee returns to work, he/she will be considered to be in good standing with the County and will be restored to all rights, privileges, and benefits he/she had prior to said suspension. However, a suspension may be considered by the County during any personnel actions, such as promotion, RIF, subsequent disciplinary actions, etc.

9.10 POLICIES AND PROCEDURES FOR DISCIPLINARY DISMISSALS

When an employee is due to be dismissed due to disciplinary reason(s) and/or the good of the County, the following guidelines will be used. (Administrative and/or job performance dismissals are not covered in this section. Such dismissals are covered by Chapter 8 of these policies and procedures.)

9.10.1 When Given – An employee may be dismissed from employment when his/her Appointing Authority determines such action to be justified. Normally, a dismissal will be warranted when an employee repeatedly commits a group one type offense or upon the first occurrence of a group two type offense. However, nothing should be interpreted herein as prohibiting the dismissal of an employee at any time when it is justified in the opinion of the employee's Appointing Authority.

9.10.2 Notice of Proposed Action - Before any dismissal action is taken against the employee, the Appointing Authority will notify the employee in writing of his/her intention to dismiss the employee and that the Appointing Authority will conduct a hearing concerning the allegation the employee, if the employee requests such a hearing. A copy of the notice will be provided the Personnel Officer and/or his or her designee for inclusion in the employee's personnel file. The written notice to the employee will contain the following information:

- (A) the date, time, and place of the hearing, if requested by the employee;
- (B) the grounds for the proposed disciplinary action;
- (C) the proposed disciplinary action to be taken and the effective date;
- (D) notice of the employee's right to appear in person and/or be represented by an attorney at his/her own expense at the hearing;
- (E) notice of the employee's right to respond to the allegations orally or in writing;
- (F) that the employee has the right to present evidence in his/her defense;
- (G) that formal rules of evidence will not apply;
- (H) that the employee has a right to appeal the decision.

9.10.3 Response - The employee will have three (3) working days in which to file a response to this notice to his/her Appointing Authority.

9.10.4 Modification of Proposed Discipline - If the Appointing Authority determines after the hearing that the facts of the matter do not support the dismissal, the Appointing Authority may impose a lesser disciplinary action or advise the employee that the matter is closed. If a lesser action is taken, the policies and procedures for such action will be followed.

9.10.5 Discipline Made Effective - If after holding the hearing, the Appointing Authority determines that the facts of the matter support the dismissal, it will become effective on the date specified in the notice.

9.10.6 Hearing Not Requested - If the employee does not request a hearing or fails to respond to the notice, the employee will be dismissed on the date specified in the notice.

9.10.7 Notice of Dismissal - A notice of dismissal under this procedure will be in writing, dated, signed by the Appointing Authority and delivered to the employee no later than the effective date of the action. The notice will contain:

- (A) The nature of the action being taken and the effective date;
- (B) The specific grounds for the dismissal; and
- (C) A description of the appeal rights of the employee.

9.10.8 Record of Action - A record of the completed dismissal action, including written summary will be provided to the Personnel Officer and/or his or her designee for inclusion in the individual's personnel file. Such record need not be a transcribed record.

9.11 SUSPENSION WITH PAY

In the event of circumstances deemed to be appropriate by the Appointing Authority, an employee may be placed on administrative leave and/or suspended with pay status when an employee is involved in an offense that potentially may lead to dismissal, but investigation is necessary to determine the action needed by the County to address the circumstances. Should such occur, the Appointing Authority shall notify the Chief Engineer and Operations Officer that he/she intends to suspend the employee with pay for up to ten (10) working days, pending completion of an investigation and potential dismissal. A copy of the Appointing Authority's notice and the Chief Engineer and Operations Officer's approval will be provided to the Personnel Officer and/or his or her designee for inclusion in the employee's file. The employee's suspension with pay will be recorded on the department's time and attendance report.

9.12 CRIMINAL CHARGES

If an employee is charged with a crime, the Appointing Authority will notify the employee and conduct a hearing concerning the alleged violation. Such notification and hearing will be held according to the guidelines required by paragraph 9.10 above. If the Appointing Authority determines there is sufficient information available to indicate that the County's rules or standards of employment were violated, the Appointing Authority may take appropriate disciplinary action, to include suspension without pay or

dismissal, as the matter may warrant. Nothing herein shall affect an employee's 5th amendment rights and the employee shall have a right to legal counsel at his or her own expense at any such hearing. However, failure to answer questions may allow the Appointing Authority to separate and/or dismiss the employee. Employees are expressly placed on notice that such hearings are NOT privileged in nature and conduct or communications of any kind that may occur in any such hearing or in conjunction with any such hearing and/or circumstances may be used against the employee in his / her criminal case.

9.13 APPEAL

A regular status classified service employee may appeal a suspension without pay exceeding three (3) working days or dismissal in accordance with Chapter 11 of these policies and procedures.

CHAPTER 10

GRIEVANCE PROCEDURE

10.1 GENERAL PROVISIONS

10.1.1 Intended Use – The intended use of the County’s grievance procedure is to provide a standard process for speedy investigation and resolution of an eligible employee’s complaints and/or appeals of disciplinary action taken against the employee.

10.1.2 Employees Eligible to File Grievance – Regular status classified employees may file a written request for personal relief in any matter of concern or dissatisfaction relating to their employment which is subject to the control of the County and not otherwise precluded herein. Probationary employees and unclassified employees may not file a grievance. Classified employees who are serving in a probationary status as a result of their being reassigned will also be eligible to file grievance actions.

10.1.3 Right to Discuss Grievance – An eligible employee who feels that he/she has been adversely affected by a County policy, practice, or incident that is not otherwise precluded herein will have the right to discuss such with his/her immediate supervisor, or anyone designated to hear such grievance. Every eligible employee will have the right to present his/her grievance in accordance with the established procedure free from fear, interference, restraint, discrimination, coercion, or reprisal.

10.1.4 Uses Excluded – The grievance procedure is not intended and will not be used for the following purposes:

- (A) to resolve personal differences between/among employees;
- (B) to appeal pay reductions which are part of an effort to reduce salaries and wages and/or Reductions in Force unless an employee believes that such was conducted in a discriminatory manner;
- (C) to appeal non-selection for a position when properly established staffing procedures have been followed; or
- (D) to appeal the content of approved and published County resolutions or other legal actions;
- (E) dismissal of an employee.

10.1.5 Good Faith Timely Presentation – An employee’s grievance must be submitted in writing and in good faith within three (3) working days after the occurrence of the incident upon which the grievance is based.

Grievances that do not meet these requirements will not be considered. Further, failure to submit a grievance in writing within the said time period will constitute an admission by the employee that no violation, misapplication or other matter that could or may give rise to a grievance has occurred. If an employee willfully files a false grievance action, he/she may be subject to disciplinary action to include dismissal.

10.2 GRIEVANCE PROCEDURE

An employee's grievance will be resolved informally, through a discussion with his/her Appointing Authority and/or his or her designee, when possible. However, in a situation where the grievance is not resolved informally, an eligible employee may reduce the grievance to writing and submit it formally for consideration.

10.2.1 Time Period – Within three (3) working days of the time the employee has knowledge of, or should have had knowledge of, the situation or circumstances he/she wishes to grieve, or within three (3) working days of the effective date of a disciplinary action he/she wishes to appeal, the employee shall submit such grievance to his/her Appointing Authority.

10.2.2 Content of Written Grievance – The employee's written grievance will contain, as a minimum, the following information:

- (A) a statement of the employee's grievance and/or any policies, rules, regulations and procedures that he/she believes have been misapplied or violated and the date and description of such misapplication or violation; or,
- (B) previous supervisory decisions, if any;
- (C) the specific remedy which the employee is seeking, and
- (D) the names of any witnesses that the employee wishes to be present.

10.2.3 Appointing Authority's Review – After receipt of the employee's written grievance, the Appointing Authority and/or his/her designee will investigate and/or review the facts as presented by the employee.

10.2.4 Appointing Authority's Findings and Decision – Within seven (7) working days of receipt of the employee's grievance, the Appointing Authority and/or his or her designee will notify the employee of all findings and his/her decision. The notification will be in writing and contain at least the following information:

- (A) a summary of the investigation and/or findings;
- (B) the decision; and
- (C) the employee's right to request, in writing, within three (3) working days that the grievance be submitted to the Elmore County Appeal Board for resolution in accordance with these

policies and procedures, if the employee is not satisfied with the Appointing Authority's findings and/or decisions.

10.2.5 Appeal Board's Review – The board will schedule a meeting with the employee within seven (7) working days of its receipt of the employee's grievance, or as soon as practicable. The board will review the Appointing Authority's findings and decision and may interview other individuals as requested by the employee, the Appointing Authority, and/or as it determines necessary. The employee and/or the employee's representative, and the Appointing Authority and/or the Appointing Authority's representative may address the board and present their positions on the grievance.

10.2.6 Appeal Board's Findings and Decision – Within ten (10) working days of the board's review, the board will render its decision. The board's decision will be in writing and will contain the following information:

- (A) a summary of the board's findings; and
- (B) the board's decision.

The board may sustain, amend, or overrule any previous decisions rendered.

10.3 RETALIATION FOR GRIEVANCE PROHIBITED

Employees should feel free to use the County's grievance procedure. Therefore, no employee, official, or supervisor will discriminate against, coerce, or interfere with any employee, witness, representative, or appellant in the presentation or adjudication of any grievance action brought in good faith, or take any reprisal action against such persons. An allegation of any violation of these protected rights may be submitted, in writing, directly to the County Commission. Any individual found to have violated an employee's protected rights will be subject to disciplinary action, to include, but is not limited to, dismissal.

10.4 DISCRIMINATION AND SEXUAL HARASSMENT COMPLAINT PROCEDURES

When any employee believes that he/she is being discriminated against on the basis of race, religion, color, disability, national origin, gender, age, pregnancy or political affiliation, he/she may register a complaint with the Personnel Officer and/or his or her designee or an alternate individual as specified by the commission. The Personnel Officer and/or his or her designee will evaluate the complaint and, as needed, ensure that it is thoroughly investigated.

- 10.4.1 Investigation** – Upon receipt of the employee’s complaint, the Personnel Officer and/or his or her designee will coordinate an investigation. If the complaint is in regards to the Personnel Officer and/or his or her designee an Appointing Authority designated by the County Attorney shall coordinate the investigation. If the complaint is against another employee or Supervisor, the Personnel Officer and/or his or her designee will provide the findings to the Appointing Authority who will determine what action to take to address the situation, including, but not limited to, disciplinary action, if necessary. If the complaint involves the employee’s Appointing Authority, the Personnel Officer and/or his or her designee will investigate the situation and proceed accordingly.
- 10.4.2 Report** – The Personnel Officer and/or his or her designee will complete the investigation as soon as possible, but no later than thirty (30) calendar days after receiving the employee’s complaint. The report will include the Personnel Officer and/or his or her designee’s findings and the Appointing Authority’s corrective action. If the complaint is against the Appointing Authority the report will contain only the Personnel Officer and/or his or her designee’s findings.
- 10.4.3 Appointing Authority’s Action** – If the complaint is against another employee or Supervisor, the Appointing Authority will determine what action to take to address the situation, including, but not limited to, disciplinary action, if necessary.
- 10.4.4 County Commission’s Action** – If the complaint is against an Appointing Authority, the Commission will determine what action to take to address the situation, including, but not limited to disciplinary action, if necessary.
- 10.4.5 Notification to Employee** – Upon coordination of the report with the Appointing Authority and/or the County Commission as applicable, the Personnel Officer and/or his or her designee will notify the employee, in writing, of the findings and corrective action, if any. Such notification will be provided to the employee within five (5) working days of the Commission’s review and approval of the Personnel Officer and/or his or her designee’s report to them.
- 10.4.6 Records** – The Personnel Officer and/or his or her designee will ensure that the report and supporting documents, to include a copy of the employee’s notification, are placed in the County personnel files.

10.5 RECORDS

The review, investigation, and findings associated with all formal grievance actions will be fully documented. A copy of the completed action will be placed in the employee’s personnel file.

Chapter 11

APPEALS BOARD

11.1 GENERAL POLICIES

The Elmore County Appeals Board is created to hear grievances and appeals from eligible county employees in accordance with these policies and procedures. Employees who have not completed their probationary period have no appeal rights and/or access to the appeals process but may participate in the internal grievance procedures contained in these policies and procedures with respect to any action that does not concern their termination, suspension without pay or involuntary demotion. The term “Parties” as used in this chapter are the employee who has filed the grievance and the Appointing Authority or other individual whose actions and/or inactions prompted the employee’s grievance.

11.2 BOARD MEMBERSHIP

The Board will consist of five (5) members who will be recognized for their good character, ability, and judgment. Each member shall be over the age of twenty-one (21) years.

11.2.1. Selection – The Board members will be selected in the following manner:

- (A) The Chief Engineer and Operations Officer (CEO) shall serve and shall chair the Appeals Board;
- (B) One non-elected Appointing Authority selected by the CEO;
- (C) One Supervisor selected by the CEO;
- (D) One (1) member shall be a County classified employee selected by the non-elected Appointing Authority serving on the Board;
- (E) One (1) member shall be a County classified employee selected by the Supervisor serving on the Board;
- (F) Should any of the members selected pursuant to this section be found to have a conflict of interest in the matter as determined by the County Attorney or otherwise be genuinely unavailable for service, that member may be replaced by CEO selection from employees that have employment classification as similar as possible to the conflicted and/or genuinely unavailable employee. If the conflict and/or unavailability involves the CEO, the non-elected Appointing Authority shall select another non-elected Appointing Authority to serve on the Appeals Board. The selecting Appointing Authority shall serve as Chair of the Appeals Board in these instances;

- (G) In no event shall a Board member be an employee who works in the same department of the employee that is the subject of the appeal and/or grievance.

11.2.2. Term – Members of the Board shall be selected and serve as needed. The term of each Board member shall conclude at such time as the subject matter concludes. Board members may serve consecutive terms on the Board. The CEOO shall remain as a Board member unless he/she is otherwise disqualified for service on the Board in or for a given matter.

11.2.3. Disqualification – No person will be eligible for appointment, or continue to be a member of the Board, if he/she holds elective office or is a candidate for elective office.

11.3 REMOVAL

Reason(s) for removal of any Board member may include, but not be limited to, the following situations:

- (A) Improper conduct in the performance of the Board's functions and/or general conduct that reflects unfavorably upon the Board's good character;
- (B) Excessive absence from Board meetings;
Failure to properly perform the duties of a Board member as established by the County personnel policies and procedures and/or the Board's own rules;
- (C) Written request of a majority of the Board members;
- (D) Physical or mental impairments affecting his or her ability to perform;
- (E) Conflict of interest as determined by County Attorney.

11.4 CLERK OF THE BOARD

A designee from the CEOO shall serve as the clerk of the Board. The clerk assists the Board and its chairman as necessary in carrying out its duties.

11.5 ADMINISTRATIVE PROCEDURES FOR THE BOARD

11.5.1 Quorum – Three (3) members will constitute a quorum for the transaction of any business which may properly come before the Board, other than the actual hearing as described in paragraph number 11.7.4 below.

11.5.2 Meetings – The Board shall meet only as needed.

11.5.3 Notice of Meetings – The chairperson will determine the time and place for all Board meetings; Board members will receive at least three (3) days prior notice of all Board meetings. The clerk of the Board will give to each member and to other interested parties such notice.

11.5.4 Records – The Board will maintain adequate records to ensure proper documentation of all its actions. Such records will include minutes of its proceedings showing the vote of each member upon any question.

11.5.5 Expenses – Reasonable and necessary expenses incurred by the Board and/or Board members shall be paid by the County.

11.5.6 Support – The County shall provide all necessary clerical and administrative support for the Board. However, such does not include a court reporter unless deemed necessary by the Board.

11.6 COUNTY PERSONNEL RECORDS

The Board shall have access to the personnel records of the county for the transaction of its business. Such access will be through a written request from the Board. The request will identify those records to be reviewed and the purpose of the review.

11.7 HEARINGS BEFORE THE BOARD

The Board shall follow administrative procedures to implement the appeals process as follows:

11.7.1 Scheduling – Hearings shall be scheduled by the County Attorney and notices thereof shall be issued by the County Attorney. Parties shall act in good-faith when scheduling. The County Attorney shall attempt to accommodate parties and their scheduling constraints and/or their respective attorney's scheduling constraints to an extent deemed to be reasonable by the County Attorney. However, the County Attorney may schedule the hearing on a date and at a time that does not comport with the schedule of a party and/or the parties' selected attorney. In such instances, it will be the subject parties' decision to either obtain an attorney that can attend the hearing at the scheduled time, or go forward without an attorney. The County Attorney may continue the hearing upon good cause shown by either party and/or the Board.

11.7.2 Subpoenas – The Board shall have the power / authority to subpoena witnesses and demand production of relevant documents. Subpoenas issued as herein provided shall be served and the fees and allowances for the services thereof shall be the same as provided

by law for the service of subpoenas issued by the Circuit Court of Elmore County. The fees and allowances in connection with the service of the subpoena issued at the request of the Commission upon request of the Board shall constitute reasonable and necessary expenses of the Board. Any subpoena issued at the request of the employee shall be served as aforesaid, but only after the employee shall have sufficient security with the Sheriff of Elmore County or other recognized officer to guarantee payment of the fees and allowances for the service. Any person failing to obey any summons by either of the officers of the Board without good cause, to be determined by the Circuit Court of Elmore County, may be punished by the Court in the same method and manner as is provided by law for contempt of the Court, and any person failing to obey any order or subpoena of the Court, may be proceeded against by the Court as is by law provided in the case of contempt of the Court. In addition, any employee of the County who fails to obey any of the orders or subpoenas may be disciplined, therefore.

11.7.3 Court Reporter – A Court Reporter shall not be necessary for any hearing. However, either party may provide their own Court reporter at their own expense should they choose to do so. The Board may provide a Court reporter should such be deemed necessary by the Board. In this instance, each party shall be solely responsible for obtaining and purchasing any and all transcripts from any and all hearings.

11.7.4 Number of Board Members Necessary for Hearing – The Board may conduct a hearing with three (3) members present and all decisions will be binding as if five (5) members attending the hearing. If four (4) members of the board are available, one of the four may be removed for the hearing to yield only three (3) acting board members in order to avoid potential deadlock. The removed individual shall be made by random selection conducted by the County Attorney. In any event, at least one of the classified employees described in 11.2.1 above shall remain on any 3-member board.

11.7.5 Proceedings Generally – Employees may present their own appeal and/or designate an attorney in good standing with the Alabama State Bar Association to represent them, at their own expense. Appointing Authorities and/or his or her designee may designate an attorney in good standing with the Alabama State Bar Association to represent them, at their own expense. The County Attorney shall serve in a quasi-judicial capacity and conduct and/or direct the actual proceedings of the hearing in accordance therewith, including, but not limited to directing and, if necessary, limiting the reception of testimony and evidence to the board by the parties involved, as well as giving the parties involved and the Board quasi-judicial instruction as deemed necessary by the County Attorney. In any event, neither the Board nor the parties shall be bound by

the technical Rules of evidence. No informality of procedure in the conduct of the hearing shall invalidate any recommendation / decision made by the Board. Additionally, the County Attorney shall administrate any pre-hearing matters and attempt to resolve the same with the parties, if any such matters exist. Should the parties be unable to mutually agree on any such matters, the subject matter shall be submitted to the Board for pre-hearing determination by the Board and the parties shall be bound by the Board's decision. Failure or refusal to abide by any decision on any matter described in this paragraph may result in an adverse decision against the offending party upon majority vote by the Board

11.7.6 Opening Comments – Opening comments are not mandatory and may be waived. However, the employee filing the grievance should limit opening comments to ten (10) minutes to present his or her written appeal and any oral explanation. The applicable Appointing Authority and/or his or designee issuing the disciplinary action should also limit opening comments to ten (10) minutes to present his or her written disciplinary action and any oral explanation.

11.7.7 Presentation of Evidence – If applicable, each party may present witnesses for direct examination and each and every testifying witness shall be subject to cross – examination by the opposing party. Further, each party may present tangible evidence. The Parties shall have the right to compel attendance of witnesses or production of documents through exercise of subpoena power possessed by the Chairman of the Board. The Board may ask questions of any parties present, request additional information or summon any relevant individuals who are not present. The Board may set the hearing aside for research or consultation with expert witnesses, but must reconvene within seventy-two (72) hours, unless the parties otherwise agree.

11.7.8 Testimony – All testimony before the Board shall be under oath administered by the County Attorney. Either and/or both of the parties may “invoke the rule” to preclude the presence of any witnesses from the hearing room in order to prevent those witnesses from hearing the testimony of any other witnesses.

11.7.9 Decisions – Within ten (10) working days from the conclusion of the hearing, the Board shall recommend to the Commission the following: (1) that the disciplinary action taken against the employee be affirmed; (2) that the disciplinary action be reversed and that the employee be reinstated with full back pay at the normal rate of pay that would have been in effect for the employee had he or she not been suspended without pay; or (3) that the disciplinary action be reduced and that the employee be reinstated either with or without pay for any time suspended without pay. The recommendation shall be in writing to the Chair of the Commission, and

the Commission shall act upon such recommendation at its next regular or special called meeting. The recommendation may be prepared and submitted by the County Attorney. The Board shall meet privately to deliberate on any and all recommendations prior to submission of the same to the Commission.

11.8 MISCELLANEOUS

11.8.1 Conflict of County Attorney – Should the County Attorney withdraw from participation in the appeal due to a conflict of interest, the CEOO and/or acting Board Chair may select an attorney to act in place of the conflicted County Attorney. The cost of such shall be a reasonable and necessary expense incurred by the Board. However, a scheduling conflict for the County Attorney shall not be deemed as a conflict of interest and the County Attorney may utilize the services of any attorney in his or her law firm to act in his or her place for any portion or all of the appeal process, if deemed to be necessary by the County Attorney.

CHAPTER 12

ATTENDANCE AND LEAVE

12.1 HOURS OF WORK

County offices and activities will be open for business as established by the County Commission in coordination with the appointing authorities.

12.1.1 Work Schedule – An Appointing Authority and/or his designee will establish the actual work schedule for his/her employees in accordance with the needs of the department.

12.1.2 Regular Work Week – The regularly scheduled time for full-time classified, non-exempt employees to work shall be twenty-nine or more (29) hours per week. Normally, the work week will begin at midnight on Saturday and run for seven (7) consecutive twenty-four (24) hour days.

12.1.3 Part-Time Employee Work Week – The hours that a part-time classified employee works in a regularly scheduled work week will be established by the applicable Appointing Authority based upon the hours funded for the position by the County Commission at the time of its approval. Normally, a part-time employee will be scheduled to work less than twenty-nine (29) hours in a week. However, if required to meet temporary needs of the County, a part-time employee may be scheduled to work more than such, potentially more than forty (40) hours in a week.

12.1.4 Temporary Employee Work Week – The hours that a temporary employee works in a week will be established by the applicable Appointing Authority based upon the hours funded by the County Commission at the time of their approval of the position. A temporary employee may work a full or part-time week, as required by his/her Appointing Authority and/or his or her designee.

12.1.5 Responsibility for Attendance at Work – All employees are responsible for ensuring that they are either present at work or on approved absence during their scheduled work time. If an employee is unable to report for work or to report on time, he/she must notify the Appointing Authority or the individual designated by the Appointing Authority, by the normally scheduled starting time or as soon as possible thereafter, should unusual circumstances prevent notification as required. If an employee needs to leave the assigned work area during normally scheduled work time, the employee will notify his/her Appointing Authority, or his or her designee, in order to obtain permission for such absence.

12.2 OVERTIME

All positions in the County service will be designated as either non-exempt or exempt from the overtime provisions of the FLSA. Such determinations will be made by an Appointing Authority, in coordination with the Personnel Officer and/or his or her designee, based upon the criteria contained in the Fair Labor Standards Act (FLSA).

12.2.1 Non-Exempt Employees – All employees who are designated as non-exempt from the overtime provisions of the FLSA will earn overtime compensation at the rate of one and one-half (1 ½) times their regular pay times the hours they work which qualify as overtime in accordance with the FLSA. All hours physically worked during the work week that exceed forty (40) will be treated as overtime work and the employee shall receive overtime pay in accordance with the FLSA and the guidelines below.

12.2.1.1 Time Records – A non-exempt employee will have a work week established in accordance with the FLSA and paragraph 12.1.2 above. Records required by the FLSA for hours worked, wages earned, and wages paid will be maintained by the County.

12.2.1.2 Approval for Extra Work – Any work that exceeds a non-exempt employee's normally scheduled workday shall be approved by the applicable Appointing Authority.

12.2.1.3 Overtime Worked – When a non-exempt employee works overtime (as determined by the FLSA), he/she will normally be paid overtime pay for all overtime work. Such pay will be computed at one and one-half (1 ½) times the regular rate of pay for all overtime work.

12.2.2 Exempt Employees – Exempt employees are excluded from the overtime provisions of the FLSA. Further, exempt employees perform work that is directly related to establishing policy, carrying out policy, and/or supervising employees. Such employees are typically salaried and are paid to accomplish a supervisory and/or managerial function. Exemption of employees from the overtime provisions of the FLSA must be determined in accordance with the provisions of the FLSA and these policies and procedures.

12.2.2.1 Work Schedule – Exempt employees are not scheduled to work a specific number of hours in a particular work week. However, they are expected to work the typical workday as established by their Appointing Authority. If they need to work outside the normal workday to attend meetings, such as Commission meetings, or perform other work, it is considered part of their job.

12.2.2.2 No Overtime Compensation – Subject to 12.2.3 below, exempt employees do not earn overtime compensation regardless of the number

of hours they work during a work week. Routine absences for sickness, annual leave, etc., will be charged as leave in accordance with the leave of absence policies and procedures, as long as such action is in accordance with the provisions of the FLSA.

12.2.3 Emergencies – All employees shall be paid overtime for responding to a situation in which the County Commission issues a local Proclamation of Emergency Conditions, a municipality that is supported by the department issues a Proclamation of Emergency Conditions or if the Governor issues a State of Emergency in which Elmore County is covered by the issuance. Overtime pay will begin on the Saturday of the week in which the emergency is declared or proclaimed and will end when the emergency proclamation or declaration ends. The designated, exempt employees will be considered non-exempt (hourly) employee only during this period of time for which the declaration or proclamation is made. Exempt employees will not receive overtime pay for work during any portion of the pay period that is not during time in which the County Commission or municipality has proclaimed that emergency conditions exist or during a declared emergency declared by the Governor of which Elmore County is included.

12.3 OFFICIAL HOLIDAYS

12.3.1 Eligibility – All unclassified and full-time classified employees are eligible for authorized paid holidays. Part-time classified and temporary employees do not receive holiday pay.

12.3.2 Scheduled Holidays – The County will observe the following holidays: Martin Luther King's Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving, Christmas Day, and New Year's Day. Further, each eligible employee shall have two (2) personal / vacation days in addition to their normally accrued personal / vacation days to be used at the employee's discretion, but subject to annual accrual carryover limits and the normal annual leave process. Additional days may be designated as holidays by the County Commission. If a holiday falls on a Saturday, the County will observe the preceding Friday as the subject holiday. If a holiday falls on a Sunday, the County will observe the following Monday as the subject holiday.

12.3.3 Holiday Pay – An eligible employee will receive holiday pay for all County approved holidays. If the employee is required to work on a holiday, the employee may accrue a day of vacation leave, as coordinated with the Appointing Authority in writing and reported to the Personnel Officer and/or his or her designee.

12.3.4 Entitlement to Overtime – If an employee does not work on the holiday, the hours that he/she is paid for such holiday will not count as hours worked in determining the entitlement to overtime pay or compensation time in

lieu of overtime pay. Only the time that an employee actually works on the holiday will be counted to determine if he/she is entitled to overtime during the workweek as specified by the FLSA.

12.3.5 Preceding and Succeeding Workdays – To be entitled to receive holiday pay for an authorized holiday, an eligible employee must be present at work, or on approved leave with pay, on the scheduled work days immediately preceding and following the paid holiday. If the employee is in a non-pay status for either of these days, holiday pay will not be paid.

12.3.6 Holiday Pay in Lieu of Sick or Vacation Leave – If an eligible employee is on approved sick or vacation leave when an approved paid holiday occurs, such time will be charged against the holiday and not as sick or vacation leave.

12.4 TYPES OF LEAVE *(as amended 9/28/2026)*

The County provides the following types of leave for its eligible employees: vacation leave, sick leave, administrative leave, military leave, leave without pay and Living Organ Donor leave.

12.5 VACATION LEAVE

All unclassified and full-time classified employees will earn vacation leave with pay in accordance with these policies and procedures.

12.5.1 Leave Year – The vacation leave year shall commence on January 1 and conclude on December 31 of each year.

12.5.2 Accrual of Vacation Leave – All eligible employees will earn vacation leave according to the schedule below:

Completed Years of Continuous Vacation Leave Earned Service

0 – 1 year	5 days per year
Over 1 – 10 years	10 days per year
Over 10 – 20 years	15 days per year
Over 20 years	20 days per year

A day of vacation leave shall be equivalent to the normal shift and/or hours worked by the subject employee earning vacation leave

12.5.3 Proration of Vacation Leave Credit – Vacation leave credits will be accrued each pay period by an eligible employee in which he/she is eligible to earn vacation leave. However, an employee shall not earn any leave credit for any pay

period in which he/she is in a non-pay status for more than five (5) scheduled working days.

12.5.4 Use of Vacation Leave – Employees are expected to utilize earned leave each year. However, an employee may carry over a total of no more than two hundred forty (240) hours of vacation leave. Any hours over this total shall be forfeited by the employee at the close of the leave year. The use of vacation leave will be approved at the discretion of the employee's Appointing Authority and/or his or her designee. Vacation leave shall be approved in advance of each absence, except in unusual circumstances. Failure to comply with this requirement may result in an absence being treated as unauthorized leave. Probationary employees shall accrue vacation leave. However, they shall not be authorized to use vacation leave until they have successfully completed the probationary period. Any policy and procedure described herein that may conflict with those of the Retirement Systems of Alabama (RSA) shall be resolved in favor of the RSA policy and/or procedure.

12.5.5 Requests for Vacation Leave – Requests for vacation leave shall be made by employees as far in advance as possible of the time desired and shall be submitted on the County's approved leave form and/or a form approved by the applicable Appointing Authority. Before the start of a new leave year the employees in each department should attempt to schedule their projected leave days for the year. The County reserves the right to refuse any request for vacation leave based on any circumstances deemed by the County to be appropriate. Further, the County reserves the right to revoke any previously granted vacation leave based on any circumstances deemed by the County to be appropriate.

12.5.6 Scheduled Holiday During Vacation Leave – When a scheduled paid holiday occurs during an employee's vacation leave, the day will be credited as a paid holiday and not as a vacation leave day.

12.5.7 No Advances – Vacation leave will not be advanced to any employee.

12.5.8 Pay Upon Separation – Upon separation from County service, an individual will be paid for any accrued vacation leave. Probationary employees that are terminated during the probationary period shall not be paid for any accrued vacation leave.

12.6 SICK LEAVE

Sick leave is a benefit provided to unclassified and full-time classified employees to ensure that eligible employees who are unable to work due to illness or injury do not feel compelled to do so for financial reasons.

12.6.1 Accrual of Sick Leave – Unclassified and full-time classified employees shall earn sick leave credit at the rate of one (1) day per full month worked for exempt employees and unexempt employees, totaling twelve (12) days of sick leave per year. A day of sick leave shall be equivalent to the normal shift and/or hours worked by the subject employee earning sick leave. Eligible employees may not accrue more than 2000 hours of sick leave credit. A probationary employee will accrue sick leave credits and may be authorized to use them while he/she is in the probationary period. Any policy and procedure described herein that may conflict with those of the Retirement Systems of Alabama (RSA) shall be resolved in favor of the RSA policy and/or procedure.

12.6.2 Non-Pay Status – Eligible employees will not earn any sick leave credit for any pay period in which they are in a non-pay status for more than five (5) working days.

12.6.3 Separation – No employee will be paid for unused sick leave when he/she separates from County service. However, employees that retire from County service may transfer accrued, unused sick leave toward retirement credit, unless such, at any time, is precluded by the policies, procedures, rules and/or guidelines of the Retirement Systems of Alabama. Any policy and procedure described herein that may conflict with those of the Retirement Systems of Alabama shall be resolved in favor of the RSA policy and/or procedure.

12.6.4 Use of Sick Leave – Sick leave with pay will be granted to an eligible employee for any of the following types of reasons:

- (A) when an employee is unable to work due to personal illness, injury incurred off-duty, or when the employee's presence may endanger the health of fellow workers;
- (B) keeping a doctor, dentist, chiropractor or optometrist appointment;
- (C) any impairment related to pregnancy and/or actual confinement. A female employee who requests time away from work for pregnancy, maternity and childbirth will be treated equally to other employees with other forms of disability or sickness who request leave; or
- (D) illness of a member of the immediate family (for purpose of this section, immediate family includes the employee's spouse, children, mother, father, brother, sister, mother-in-law, father-in-law, grandmother grandfather, stepparents, step-grandparents, stepchildren, stepbrother and stepsister).

12.6.5 General Requirements for Use – To be granted sick leave, an employee should notify his/her Supervisor of his/her inability to report to work before the normal work day begins, or as soon as possible thereafter. Failure to do so may be cause for denial of sick leave for the period of absence. Denial of sick leave

will result in the employee being charged with vacation leave, or placed in a non-pay status, at the discretion of his/her supervisor.

12.6.6 Requirements for Extended Use – For a period of absence of three (3) or more consecutive working days, or anytime at the request of the Appointing Authority, the employee may be required to submit a medical report signed by a licensed physician stating that he/she has been incapacitated for work for the period of absence and when it is anticipated that the employee will again be physically able to perform work duties. The applicable Appointing Authority may require an employee to undergo an examination and obtain a second opinion by a County designated physician. An employee, returning to work after a sickness or injury, may also be required to undergo a medical examination to determine whether or not the employee is able to return to work and obtain verification from a qualified physician that the employee is fit for duty and able to return to work. Such examination, when required, will be paid by the County and will be conducted by a physician or physicians as designated by the County Commission.

12.6.7 Fraudulent Use Prohibited – Any unjustified or fraudulent use of sick leave may result in loss of pay, charged as vacation leave, and/or punished by disciplinary action, to include dismissal when appropriate.

12.6.8 Use During Holiday – When an authorized paid holiday occurs during the period an employee is on sick leave, the employee will receive regular holiday pay and that day will not be charged against sick leave.

12.6.9 Donation of Sick Leave – Subject to approval of the County Commission, employees may donate accrued, unused sick leave time to other employees who have previously exhausted their own accrued sick leave and vacation time, but are unable to work due to a serious medical condition that renders an employee unable to work for an extended period of time.

12.7 ADMINISTRATIVE LEAVE

Unclassified and full-time classified employees will be granted administrative leave with pay in accordance with the following policies and procedures provided the absence is on a normally scheduled work day. The number of hours of leave granted for each day will not exceed the number of hours the employee would normally have been scheduled to work for that day. Administrative leave will not be charged against the vacation or sick leave of an employee who earns such leaves. The following types of administrative leave are provided by the County.

12.7.1 Civil/Legal – Leave will be granted to eligible employees for jury duty, and court attendance as a witness in a case not involving personal (i.e. a case wherein the employee is a plaintiff or defendant party) litigation. When an employee is granted leave for jury duty or court attendance, he/she will return to work immediately upon release by the court.

- 12.7.2 On Duty Court Appearances** – Attendance in court by employees who are acting in an official capacity shall not be considered as administrative leave but as regular work time. Any fees awarded by law and/or the applicable Court that are due and payable because the subject employee is appearing in an official capacity as an employee of the County, shall be payable to the County. In other situations, any fees paid employees will be retained by the employee in addition to administrative leave pay.
- 12.7.3 Bereavement** – Leave will be granted employees who have a death in their immediate family. For purpose of this leave, immediate family is defined to include the employee's spouse, parents, grandparents, children, grandchildren, brother, sister, half-siblings, step-siblings and equivalent relations of the employee's spouse. Included within the definition of immediate family are those persons who live with the family as a member of the family whether related or not. Bereavement leave will not exceed three (3) calendar days in length and an employee will only receive pay for regularly scheduled work days. If additional time is required, the employee may request vacation leave or leave without pay, subject to the approval of the Appointing Authority.
- 12.7.4 Hazardous Weather** – When considered necessary for the safety of its employees, the County Commission may authorize the closure of offices and/or a late arrival or early departure time for hazardous weather conditions. Such time will be reported on an attendance report as administrative leave (hazardous weather). When a hazardous weather situation occurs, employees who are needed to perform essential operations may be required to work. Emergency closing and/or late arrival times will normally be announced on the County website, as well as broadcast over local radio and/or television stations. However, it is the responsibility of the employee to contact his/her Appointing Authority or his or her designee, if the employee is uncertain as to the situation. If the County Commission does not declare a hazardous weather condition and authorize late arrival time, employees are expected to make a good faith effort to get to work during inclement weather conditions. An employee who is unable to get to work under such conditions is expected to notify his/her Appointing Authority or his or her designee. The employee may be placed on vacation leave or leave without pay, at the discretion of the employee. If the employee is placed on leave without pay, he/she may be allowed to make up the missed time so long as work is available and feasible and the time can be made up in the same work week. If the County authorizes closure of County offices due to hazardous weather conditions such that employees are extended administrative leave during a time that an employee is using pre-approved vacation leave, such shall not count against the employee's vacation leave time and that employee shall also be given administrative leave as was given to those employees who were not on vacation leave.

12.7.5 Inclement Weather – When inclement weather prevents an employee who works out of doors from performing work outside, they will be given other duties that can be performed indoors. If the employees do not wish to perform the alternate work, they may request vacation leave, however such is not guaranteed to be granted. If their presence is needed, even to perform other types of work, the employees will be required to work. If an employee requests time off and he/she does not have any accrued leaves with pay that can take, he/she may be given time off without pay.

12.7.6 Suspension with Pay – As described in 9.11 above in these policies and procedures.

12.8 MILITARY LEAVE

Military leave will be in accordance with Federal and State law, specifically, The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and/or with Section 31-2-13 of the Alabama Code, 1975, as summarized below. In no way is the County attempting to change the rights of any employee and any conflicts these policies and procedures may have with applicable state or federal law shall be resolved in favor of the applicable law.

12.8.1 Entitlement – Unclassified and classified employees who are active members of the Alabama National Guard, naval militia, or the Alabama State Guard organized in lieu of the national guard or of any other reserve component of the Armed Forces of the United States, will be entitled to military leave of absence from their respective duties on all days that they are engaged in field or coast defense or other training, or on other service ordered under the provisions of the National Defense Act, or of the federal laws governing the United States Reserves, without loss of pay, time, performance rating, annual or sick leave, or any other County provided benefit.

12.8.2 Limitation – No persons granted such leave of absence will be paid for more than one hundred sixty-eight (168) hours per calendar year.

12.8.3 Extended Limitation – Eligible employees will be entitled, in addition to the above to be paid for no more than one hundred sixty-eight (168) hours at any one time while called to duty by the Governor of the state of Alabama in the active service of the state or nation.

12.8.4 Procedure – An eligible employee who wishes to be granted military leave will submit a copy of the military orders or other documentation necessary to support the request and a leave request to the Personnel Officer and/or his or her designee. Such request will be submitted as soon as the employee becomes aware of the projected dates of service.

12.9 LEAVE WITHOUT PAY

The County provides leave without pay to eligible employees in certain situations as described below. An employee who is granted leave without pay will be placed in a non-pay status. Leave without pay may only be taken after an employee has completely exhausted any and all vacation and/or sick leave.

12.9.1 Family and Medical Leave Act - Those employees who meet the eligibility requirements as specified in the Family and Medical Leave Act (FMLA) of 1993 may be granted leave for a period not to exceed twelve (12) weeks per year for the following reasons:

- (A) a serious health condition of a spouse, child, or parent; or
- (B) a serious health conditions of the employee; or
- (C) the birth of a child or placement of an adopted or foster child; or
- (D) Any other reason allowed by applicable law.

Such leave is not automatic and will become effective only after the County determines that the employee qualifies and approves the employee's request. Elmore County has chosen the "measured forward" method that entitles the employee to twelve (12) weeks of leave during the year beginning on the first date the FMLA leave is taken after the previous twelve (12) month period ends. For Example: The 12-month period begins September 1, 2018, if that is the first day of FMLA leave. If the employee exhausts all of FMLA leave, the next date the employee could again take FMLA leave would be September 1, 2019.

Should any of these policies and procedures conflict with the FMLA, such conflicts shall be resolved in favor of the FMLA. The County has no intent to obviate FMLA laws in any way.

12.9.1.1 Leave Request – Each request will be in writing at least thirty (30) days in advance when the leave is foreseeable and the request will be supported by a written statement from the employee's or family member's physician or other recognized authority as needed to support the leave request. The County's approval of the leave request will be in writing. Under FMLA, the employee will be eligible to return to the same position or equivalent position with equivalent benefits and pay at the expiration of the leave. An employee who fails or is unable to return to work at the expiration of an authorized leave of absences will be deemed to have resigned as of the end of the leave.

12.9.1.2 Coordination with Other Provided Leaves – Normally, FMLA leave will be charged against an employee's accrued leaves in the following order:

- (A) sick leave;
- (B) vacation leave (after sick leave is exhausted).

After an employee's accrued leaves with pay are exhausted, or if the employee does not have leave with pay accrued, the employee will be placed in a leave without pay status for the remainder of the leave. While the employee is in a sick or vacation leave status, he/she will receive regular pay and benefits associated with such leave. If the employee is placed in a leave without pay status, he/she will not receive any pay, however, the provisions of paragraph 12.9.1.3, below will apply concerning benefits.

12.9.1.3 Benefits While Using FMLA – As an exception to paragraph 12.9.5, the County will continue to pay its portion of any benefit premiums (such as medical, etc.) for an employee using FMLA that it normally pays on behalf of an employee. Sick and vacation leave will not continue to accrue during any unpaid leave taken over five (5) working days per pay period.

12.9.2 General Leave Without Pay – Unclassified and classified employees may be granted leave of absence without pay for a period not to exceed one hundred twenty (120) calendar days. However, leave without pay may only be taken after an employee has completely exhausted any and all vacation and/or sick leave. Further:

- (A) the leave shall be for a justifiable reason as determined by the Appointing Authority and/or his or her designee and the CEOO;
- (B) the leave must not cause an undue hardship on the County;
- (C) the employee may be required to return to work before the approved leave expires;
- (D) failure to report for duty promptly when requested or at the end of the leave will be considered a resignation and the employee will be separated.

12.9.3 Political Leave Without Pay – A County employee desiring to campaign for political office shall be granted a leave of absence without pay beginning on the date they qualify until they complete their participation in the election process. However, leave without pay may only be taken after an employee has completely exhausted any and all vacation and/or sick leave.

12.9.3.1 Election – If the employee is elected, the employee will resign from his/her classified or unclassified position with the County and assume elected office, or if the employee is defeated for political office, the employee, may within five (5) working days, be reinstated to his/her former position, or one of comparable pay.

12.9.3.2 Accumulated Annual Leave – Subject to approval by the Appointing Authority and the Chief Engineer and Operations Officer along with

written notification of the same, an employee may elect to be paid for any accumulated annual leave upon beginning the leave of absence without pay to campaign for public office.

12.9.3.3 Political Activity – No County employee shall campaign or otherwise engage in political activity in support of or against any candidate or any cause during the employee’s working hours.

12.9.3.4 Reward / Penalty – No employee shall be rewarded or penalized for authorized political leave.

12.9.4 Expiration of Leave Without Pay – When the leave of absence expires, the employee will be reinstated to the position he/she held at the time the leave was granted or to a similar position, if the previous position is no longer available. However, the employee is not guaranteed a position if there has been a Reduction in Force (RIF) in the employee’s department and he/she would have been separated due to the RIF. Under such circumstances the guidelines pertaining to RIF actions will apply.

12.9.5 Benefits While in Leave Without Pay Status – No County paid benefits (vacation leave, sick leave, insurance premiums, etc.) will be provided an employee for any month in which the employee has been placed in a leave without pay status for a period that exceeds five (5) working days. However, those employees covered under the FMLA will continue to be covered by the County for medical insurance benefits. An employee who is on leave without pay for more than five (5) working days in a month will be required to reimburse the County for any benefit costs paid on behalf of the employee for that month and such may be via payroll deduction. Any unused sick leave days an employee was entitled to at the time he/she was placed in a general leave without pay status will be made available upon return to work. If the employee does not return to work, these days will be forfeited. An employee in a leave without pay status will accrue credit toward longevity and pay increases.

12.9.6 Approval – All leaves without pay must be approved by the Appointing Authorities.

12.10 LIVING ORGAN DONOR LEAVE *(as amended 9/28/2026)*

Permanent, full-time, unclassified and classified employees who have at least 365 days of full-time, permanent service that are attempting to be living organ and/or bone marrow donors are qualified employees that may be eligible for Living Organ Donor Leave with pay upon the fulfillment of the conditions described below.

12.10.1 Eligibility Conditions – To be eligible for Living Organ Donor Leave, qualified employees must fulfill the following conditions:

- (A) Submission of written request by the employee to his / her immediate supervisor for leave, accompanied by written verification from the physician who will be performing the medical procedure;
- (B) A recommendation for the leave, based on the submission required in subdivision (A) above, by the immediate supervisor;
- (C) Approval by the Chief Engineer and Operations Officer, Chief Administrative Officer or any designee thereof.

12.10.2 Duration and effect

(A) The duration of the leave shall be for the time determined by the Chief Engineer and Operations Officer or the Chief Administrative Officer or any designee thereof. However, no leave for living organ donor employees will be granted for more than thirty (30) days, and no more than seven (7) days in the case of bone marrow donation;

(B) Living Donor Leave shall be a separate classification of leave which shall not apply to or exhaust an employee's accrued or available leave under any other leave classification pursuant to any other County rule or policy.

12.11 ATTENDANCE RECORDS (as amended 9/28/2026)

A centralized attendance record will be maintained by the Personnel Officer and/or his or her designee for all employees covered by the County's personnel system.

12.11.1 Content – Each employee's attendance record will include:

- (A) approved work week;
- (B) scheduled hours of duty and hours worked for each duty day during the work week;
- (C) authorized and/or unauthorized absences, including sick leave, vacation leave, administrative leave, military leave, leave without pay, and non-pay status/worker's compensation;
- (D) earned overtime pay; and
- (E) overtime paid.

12.11.2 Availability – An employee's attendance record will be made available to the employee for inspection upon request.

12.11.3 Responsibility for Maintenance – Appointing Authorities and/or his or her designee are responsible for accurately completing a time and attendance report for each employee within their activity. Such time and attendance reports shall be submitted to the Personnel Officer and/or his or her designee for each pay period.

CHAPTER 13

COMPENSATION AND BENEFITS

13.1 GENERAL POLICY STATEMENT

The County intends to provide a fair and equitable compensation and benefits plan, to the extent that is financially practical and/or feasible, for work of equivalent responsibility, as well as pay according to work performance and/or outstanding service. Each position is rated according to factors, including, but not necessarily limited to, experience, knowledge, training, duty complexity, leadership, effect of errors, communication, problem solving, physical demands, potential work hazards, stewardship, responsibility, ability to work with others, education and any other factors deemed to be appropriate based on the circumstances.

13.2 JOB DESCRIPTIONS

The Personnel Officer and/or his or her designee will ensure that a job description exists for each unclassified and classified service job. Each job description will be approved by the County Commission and will identify the representative duties and tasks, along with the job-related knowledge, skill, and ability (KSAs), that are required for proper performance of the job. The job description will be used to evaluate each job and assign it to an appropriate pay rate in the County's classification plan. When an Appointing Authority determines that a new/revised job description is required because he/she wants to create a new job or to make a substantial change in an existing job, the Appointing Authority will provide the required duties and KSAs associated with the job. The Personnel Officer and/or his or her designee will review the new/revised job description and submit it to the County Commission and Appointing Authority for approval.

13.3 CLASSIFICATION PLAN

Job classifications are based on an analysis of the responsibility, scope, complexity, and required knowledge, skill and ability for a position. All unclassified and classified services jobs will be assigned a pay rate.

13.3.1 Development – The classifications will adequately and fairly distinguish between the compensable differences between jobs, as such may be reasonably ascertained. The assignment of a pay rate will be made through the job evaluation criteria and approved by the County Commission.

13.3.2 Additions/Changes – When a new/revised job description is prepared, the job will be evaluated or re-evaluated using job evaluation criteria and a recommended pay rate will be determined in collaboration with the Chief Engineer and Operations Officer, the Appointing Authority and the Personnel Officer and/or his

/ her / their designee(s). Upon approval by the County Commission, the Personnel Officer and/or his or her designee will ensure that the classification plan is revised and/or updated.

- 13.3.3 Periodic Reviews** – In addition to changes as described above, the County Commission may cause the approved classifications to be reviewed to ensure that each job’s pay rate assignment is still valid. Upon completion of such review, updated classifications will be submitted to the County Commission for approval.

13.4 EMPLOYEE ANNIVERSARY DATE

The employee anniversary date establishes the point from which an employee’s years of service for determination of eligibility for compensation and benefits begins. The anniversary date shall be the date upon which an employee began earning wages and/or salary pursuant to their employment with the County (i.e. “date of employment”). However, if an employee is separated and subsequently reemployed in any position whatsoever, the date of subsequent employment / reemployment will be established as the employee’s anniversary date. If an employee is placed on leave without pay status for more than thirty (30) days, his/her anniversary date will be adjusted to reflect the break in service.

13.5 PAY PLAN

- 13.5.1 Development** – The County pay plan establishes minimum pay for each pay classification according to the factors set forth in paragraph 13.1 above.
- 13.5.2 Periodic Review** – The pay rates may be reviewed periodically and appropriated “across the board” adjustments may be made by the County Commission, based on inflationary and/or labor market changes, and when funds are available and/or as deemed necessary by the County Commission. During the preparation of the annual budget, the County Commission may cause to be made such comparative pay studies of those factors that affect pay rates.
- 13.5.3 Salaried Employees** – All employees who are assigned to jobs that are determined to be exempt from the overtime provisions of the FLSA, and such other employees who are designated by the County Commission as salaried employees will be paid a salary each pay period. Normally, such salary will be based on upon the hours that the employee routinely works during the pay period and the approved hourly rate of pay for his/her job. However, the actual hours used in the calculation of a salaried employees pay will be approved by the County Commission in coordination with his/her Appointing Authority.
- 13.5.4 Hourly Employee** – All employee who are not designated as salaried employees are designated as hourly employees. Hourly employees will be paid only for those hours they work per pay period. Such pay will be based on the employee’s approved hourly rate of pay.

13.5.4.1 Hourly Employee Overtime Pay – All hourly employee overtime is non-exempt from the overtime of the FLSA and will receive overtime pay for all hours that they work that qualify as overtime in accordance with the FLSA. Such overtime pay will be computed at one and one-half (1 1/2) times the employee's hourly rate of pay in accordance with the FLSA.

13.5.5 Entry Level Pay for Unclassified and Full-Time Classified Employees – Normally, the hourly rate of pay used to establish the entry level of pay for a new unclassified or classified salaried or hourly employee will be the minimum rate of pay for his/her job, as authorized in the County job classifications. However, if an Appointing Authority determines that an individual's documented, job-related qualifications justify a higher level of pay, the Appointing Authority may request that the County Commission approve a higher rate of pay.

13.5.6 Entry level Pay for Part-time Classified Employees - The minimum hourly rate of pay used to determine the pay of a salaried or hourly part-time employee will be established at the minimum pay level authorized for his/her job description.

13.5.7 Entry Level Pay for Temporary Employees – The hourly pay rate for all temporary employees will be established by the County Commission at the time the position is authorized and founded. Such pay rates will be based upon the content of the employee's job; however, no pay rate will be established at less than the federal minimum hourly wage.

13.5.8 Entry Level Pay for Former Employees – Former employees who are rehired by the County will have their entry level pay established the same manner as any other newly hired employee.

13.5.9 Pay Level After Leave of Absence Without Pay – An employee who returns to work after a leave of absence without pay will have his/her pay established at the same rate of pay he/she was paid prior to the leave of absence. However, any general adjustment applied to other employees while he/she was on leave without pay status will also be applied to the employee.

13.6 PAY INCREASES

Pay increases may be awarded to unclassified and classified services employees only if the employee meets the qualifying criteria described herein AND the requisite funds are available.

13.6.1 Longevity Increases – Longevity pay increase may be provided to eligible employees for each twelve (12) months of satisfactory services they complete, as calculated from their anniversary date. Satisfactory service shall be defined as the employee's receipt of a satisfactory rating on his/her latest written performance appraisal.

13.6.2 Across the Board increase – When the Commission approves an "across the board" increase, the pay rates for each employee will be adjusted to reflect the

approved increase. Should such occur, unclassified and classified employees may have their pay increased by the amount of an “across the board” increase. However, the County Commission will establish the actual categories of employees who will receive an “across the board” increase at the time of the approval of the increase.

- 13.6.3 Merit Increases** – Employees scoring highly on their performance appraisals may receive an increase in pay.

13.7 ESTABLISHMENT OF EMPLOYEE PAY UPON REASSIGNMENT

When an employee is transferred, promoted, demoted to another job, his/her pay shall be established in accordance with the following policies and procedures.

- 13.7.1 Transfer** – When an employee is transferred to another job, his/her pay level will remain the same as before his/her reassignment, unless the reassignment is to a job that is classified at a lower pay level. Further, the employee’s hours to be worked during any pay period shall be changed in accordance with the needs of the job to which the he/she was reassigned as deemed necessary by the Appointing Authority.

- 13.7.2 Promotions** – When an employee is promoted to a new job, his/her pay rate will be established at least at the minimum pay rate of his/her new job. However, this employee’s increase in pay will be at least five (5) percent above his/her previous pay level.

- 13.7.3 Return to Previous or Comparable Job Before Completing Probationary Period** – When an employee is returned to his/her previous job, or a comparable job, prior to completing the required probationary period, his/her pay will be returned to the pay level it was prior to the employee’s promotion. However, the employee’s pay level will be increased or decreased to reflect any general adjustments applied to other employees during his/her probationary period that would have otherwise affected his/her pay.

- 13.7.4 Temporary Assignments** – When an employee is temporarily assigned to another job, his/her pay may be adjusted in accordance with the job description and corresponding pay for that job description. The pay adjustment shall only be an increase if pursuant to a County – determined temporary assignment. However, if the employee requests a temporary assignment to a different job description with lower corresponding pay, the employee’s pay shall be reduced in accordance with the applicable job description.

13.8 SPECIAL PAY PROVISIONS

- 13.8.1 On-Call Duty** – A non -exempt employee who is required to remain on call on County premises or on a County job site or so close thereto that he / she cannot use the time effectively for his / her personal purposes is working while “on call”.

An employee who is not required to remain on County premises or on a County job site, but is merely required to leave word at his home or with his / her supervisor as to where he / she may be reached if needed is not working while on call. Exempt employees are expected to be available for duty at any time and will not be entitled to on-call pay, except as otherwise specified in these policies and procedures.

13.8.2 On-Call Duty Authorization – The Appointing Authority and/or his or her designee will establish the number and types of employees required to perform on-call duty in his/her department.

13.8.3 On-Call Pay – An employee who is designated to perform on-call duty will receive additional pay for on-call duty. Hourly employees who respond to a call and are able to handle the matter by telephone or instant messaging or email are to be paid for the actual time worked.

13.8.4 Call-Out Duty – Every County employee is expected to fully comply with requests from his/her Appointing Authority and/or his or her designee to work in the event of an emergency, even without pre-arrangements and refusal by the employee to do so may be an act of insubordination. Any non-exempt employee, regardless of whether or not the employee is serving in an on-call status, who responds to a request from his/her Appointing Authority and/or his or her designee to work at a time other than scheduled work hours will be considered to be in a call-out status. An exempt employee who reports to work outside of the normal work schedule will not be considered to be in a call-out status, except as otherwise specified in these policies and procedures.

13.8.5 Call-Out Duty Pay – An employee who is considered to be in a call-out status will be paid during the call-out in accordance with the following policies and procedures:

- (A) If the length of time the employee works is less than two (2) hours, the employee will be paid for two (2) hours;
- (B) If the length of time the employee works is more than two (2) hours, the employee will be paid for all hours worked;
- (C) If the employee is called-out more than once and the total time worked for all call outs is more than two (2) hours, the employee will be paid for all hours worked;
- (D) If the employee is called-out prior to the starting time of a regularly scheduled work day and continues working through starting time, he/she will be paid for all time worked and will not receive call-out pay;
- (E) If the employee continues working through normally scheduled time for conclusion of the workday, he/she will be paid for all time worked and will not receive call-out pay; and
- (F) Travel time spent on reporting to a call will be considered as work time.

13.8.6 Rate of Pay for Call-Out Duty – Call-out pay will be paid at the employee's regular rate of pay. Overtime pay will be awarded only for that time the qualifies as overtime working during a work week.

13.8.7 Military Leave – Employees on military leave will be compensated in accordance with Federal and State law.

13.8.8 Coordination of Employee's Pay with Workers' Compensation – When an employee is absent due to a job-related injury or illness, the employee shall receive only Workers' Compensation benefits.

13.9 PAY PERIOD

The pay period for all employees, except elected officials, begins and runs for fourteen (14) consecutive days. All pay earned during the pay period shall be paid to the employee on the Friday following the end of the pay period.

13.10 PAYROLL DEDUCTIONS

Upon request of a classified or unclassified service employee, the County may withhold specified amounts of money from the employee's pay. Additionally, amounts may be withheld from employees' pay for any other reason specified in these policies and procedures, including, but not limited to, any and all amounts due to the County from an employee pursuant to the employee's separation.

13.11 EMPLOYEE BENEFITS

Benefits are provided eligible employees as part of their overall compensation. Such benefits are in addition to the paid leaves as authorized by these policies and procedures and will be provided in accordance with the existing group policy utilized by County employees. The information contained herein is considered general information concerning benefits provided by the County. Specific details about a particular benefit may be obtained from the Personnel Officer and/or his or her designee.

13.11.1 Workers' Compensation – All job-related injuries or illnesses shall be reported immediately by an employee through his/her Appointing Authority and/or his or her designee to the Personnel Officer and/or his or her designee. Failure to do so may result in loss or delay of any authorized benefits. If deemed necessary, the Personnel Officer and/or his or her designee may require the employee to see a County approved doctor at the County's expense.

13.11.2 Employee Group Insurance – The County may provide unclassified and eligible classified employees health and life insurance coverage under its group insurance programs. Coverage and benefits shall be subject to the provisions and requirements as stated in the policies providing the coverage and are subject to change as determined by the County.

- 13.11.2.1 Dependent Coverage** – Dependent eligibility shall be determined in accordance with the provisions for the existing group policy.
- 13.11.2.2 Costs** - The County may pay the monthly premium for each employee's health insurance coverage. The costs associated with an employee's dependent coverage shall be in accordance with the provisions of the existing group policy.
- 13.11.2.3 Effective Date** – Insurance coverage for an eligible employee and his/her dependents will become effective in accordance with the specific policies in effect for the coverage. If an individual takes a leave of absence or is separated from the County, the continuation of coverage will be in accordance with the terms of each policy and Federal and State law.
- 13.11.2.4 Non-pay Status** – An employee will be required to reimburse the County for any premiums normally paid by the County for any month in which he/she is in a non-pay status for more than three (3) working days, unless otherwise provided by Federal law. The reimbursement may be collected by withholding the amount owed from future wage payments due the employee.
- 13.11.3 Unemployment Insurance** – The County provides unemployment insurance benefits to its' employees. When employees are separated due to lack of work or lack of funds, they are ordinarily eligible for Unemployment Compensation benefits, provided they have completed the normal required work time. When an employee is fired, or suspended due to unsatisfactory performance of work he/she is not normally eligible for compensation benefits, nor are those employees who resign or quit the work-force.
- 13.11.4 Social Security** – Federal law requires that the County deduct each pay period from the employee's salary that amount specified for Social Security taxes. The County is required to match these deductions.
- 13.11.5 State Retirement System** – Eligible employees will have withheld from their salary each pay period, that amount received for participation in the State Retirement System of Alabama. The County may also contribute toward the employee's retirement.

CHAPTER 14

SAFETY AND HEALTH

14.1 INTRODUCTION

The County strives to promote a smooth flow of services, free from any kind of interruption. Further, the County operates in a system consisting of employees, equipment, materials, government structure, planning methods, etc. Losses due to unsafe practices or unsafe conditions are evidence of an existing situation that, if uncorrected, could lead to repeated injuries, illnesses and/or property damage. Any loss is an event which interrupts the smooth flow of services. It constitutes a failure somewhere in the system, either in planning or methods application. The reasons for loss investigation are:

- To discover causes of work stoppage (which part of our system was ineffective and why); and
- To eliminate these causes in order to ensure uninterrupted services in the future.

Many people think of a loss or injury as strictly a liability. However, when investigated properly, the knowledge obtained and utilized effectively can be turned into an asset. These investigations can:

- Aid in the elimination of service breakdowns;
- Assist in improving methods and conditions and controlling costs;
- Be used to identify training needs;
- Demonstrate management's concern for safety; and
- Add to the Supervisor's accumulated knowledge of his or her operation and management responsibilities.

14.2 RESPONSIBILITIES

14.2.1 Management Responsibilities

The County Commission and Appointing Authority and/or his or her designee are responsible for the following:

- (A) Setting the safety and health policies and procedures;
- (B) Ensuring that sufficient, trained personnel are assigned to direct the safety and health program;
- (C) Assigning and communicating safety and health responsibilities to managers and Supervisors;

- (D) Providing adequate authority and resources necessary for implementation of policies and procedures;
- (E) Assigning accountability to Supervisors and employees so that safety and health performance is evaluated as other aspects of job performance are evaluated;
- (F) Assuring that production processes and safety and health protection are completely integrated so that safety and health are part of the daily production activity within the County;
- (G) Periodic reviews of the safety and health program and related policies, procedures and practices, to ensure that they remain relevant and effective in participating and meeting the stated goal and objectives; and
- (H) Participating in safety and health program activities on a regular basis.

14.2.2 Safety Management Departmental Responsibilities include the following:

- (A) Coordination and directing all activities related to the implementation of the safety and health program;
- (B) Developing, documenting and maintaining all safety related programs, policies and procedures as needed;
- (C) Conducting comprehensive worksite inspections on a regular basis for purpose of identifying unsafe conditions and unsafe acts. Imminent danger items identified through inspections will be corrected immediately, with other items being submitted to the County Commission office as needed;
- (D) Assisting Supervisors in the performance of Job Safety and Health Analysis (JSHA) in the respective departments;
- (E) Developing and implementing safety and health awareness and communication programs;
- (F) Participating in and reviewing accident/incident investigations for correctness of informational and casual factors and for making recommendations relative to corrective actions necessary to prevent a recurrence;
- (G) Conducting on-going evaluations of the safety and health program and instituting changes as needed to ensure that the program remains relevant and effective;
- (H) Assist with the indoctrination of new employees as needed, relative to general safety and health rules, policies, programs and procedures and advising of the personal protective equipment necessary to do his or her jobs; and
- (I) Staying abreast on new developments and certifications in the field of safety and health rules and accident prevention so that he or she can be an effective resource for everyone connected to the program.

14.2.3 Supervisor Responsibilities include the following:

- (A) Conducting safety training/meetings in his or her departments;
- (B) In coordination with the Safety Officer, conducting informal inspections in his or her departments, as well as more formal comprehensive safety and health inspections, for the purpose of identifying unsafe conditions and unsafe acts;
- (C) Performing Job Safety and Health Analysis (JSHAs) for all positions within his or her departments with the assistance of the Safety Officer. JSHA is the study of job- related task and possible hazards and the implementation of methods to reduce the identified hazards;
- (D) Training new or transferred employees in safety and health issues relative to his or her department and to the specific job assignment;
- (E) Enforcement of all safety and health rules, policies, practices and procedures; and
- (F) Requiring all employees to use the personal protective equipment needed to be able to safely do his or her job.

14.2.4 Employee Responsibilities include the following:

- (A) Complying with all established safety and health rules, policies, practices and procedures and being active in his or her own safety and health protection;
- (B) Promptly reporting all work-related injuries and illnesses, regardless of severity and near-miss incidents to the Supervisor so that treatment can be rendered and investigations can be conducted;
- (C) Promptly reporting any unsafe conditions, unsafe equipment or unsafe acts to supervision immediately;
- (D) Proactively submit suggestions to management to improve safety and health;
- (E) Wearing and maintaining in good condition all personal protective equipment required for his or her job;
- (F) Attending safety meetings and educational programs as directed by management; and
- (G) Submitting to random drug and alcohol testing in accordance with County policies and procedures.

14.3 LOSS AND SAFETY INVESTIGATION

All investigations will start with the immediate Supervisor. The Supervisor may often be the person who management expects will initiate the corrective action needed to solve the existing problem. Others may be involved in the investigation and corrective action due to the nature of the loss. The investigator's attitude should be one of positive

fact-finding, not blame fixing. The positive attitude will assist in enlisting meaningful contributions from witnesses, positive corrective action and follow-up to make sure the problem was eliminated. The investigation should take place immediately after the loss and a copy of the report shall be given to the Safety Officer by the Supervisor within twenty-four (24) hours of the accident or incident (must turn in at a minimum, the completed First Report of Injury). Prompt investigation will help ensure that physical conditions remain unchanged and employees involved are still available. The facts will still be fresh in the participant's mind, and witnesses will still remember what, how and when it occurred. Whenever the cause is an unsafe condition, a copy of a completed work order will be attached. If the cause was an unsafe act, written corrective action will be attached as warranted.

The "First Report of Injury Report" must be filled out by the employee's Supervisor and not the injured employee who was involved in the accident.

14.4 WORKERS' COMPENSATION

All employees are protected under the State of Alabama's Workers' Compensation Law for injuries and occupational diseases that result "out of and in the course of employment." This includes injuries that take place when the employee is performing tasks he or she was hired to perform at times and in places where he or she was hired to work.

For all life-threatening injuries or illnesses, please immediately notify 911.

If an employee experiences an on-the-job, non-life-threatening injury or illness, he or she is required to:

1. Report the incident to his or her Supervisor immediately;
2. Provide written notification of how the injury occurred to the Supervisor within twenty-four (24) hours;
3. Provide information to the Supervisor so that the Supervisor can complete the Alabama First Report of Injury within twenty-four (24) hours from the time of the incident. The Supervisor will then send it to the Safety Officer;
4. All initial medical visits shall be made at County – designated facilities. Such will be made available to each department as currently applicable;
5. In the event a County – designated facility is closed, after-hours, non-life threatening, medical treatment may be sought at alternative locations as deemed necessary by management. All related follow up visits for treatment shall be rendered at County – designated facilities. **At no time will a referral to the employee's personal physician be made by the emergency room doctor in regards to Workers' Compensation cases;**

6. Every employee injured on the job is required to:
 - (A) Keep all scheduled appointments with physicians/therapist as scheduled;
 - (B) Be aware that Elmore County has a Temporary Transitional Duty program for all employees. For more information on this program, please refer to the Elmore County Temporary Transitional Duty Policy;
 - (C) Notify his or her Supervisor immediately if the physician advises the employee not to return to work and/or to work with restrictions, as well as when he or she releases you to full duty; and
 - (D) Give the Supervisor a copy of the Return to Work and/or Work Restriction Form(s) received from the physician. A copy must be given to the Safety Officer so that it may be retained in the employee's Workers' Compensation file.
7. If an employee requires emergency medical treatment for "life threatening" injuries, he or she should contact 911 immediately. Visits to the emergency room will be covered by Workers' Compensation per each work-related incident. Notification to the employee's Supervisor and Safety Officer should be made immediately.
8. If there is a follow-up appointment required after the initial visit to the emergency room, then the follow-up visit MUST be scheduled at a County – designated facility. The employee's Workers' Compensation case manager will assist the Safety Officer in scheduling this appointment for the employee.
9. If the employee's authorized treating physician releases the employee to return to work with specific temporary restrictions (i.e., transitional duty) and Elmore County can provide a job within the recommended restrictions, he or she must return to work and attempt transitional duty. Transitional duty is offered at the will of the County and is only offered on a temporary basis.
10. The employee's authorized physician determines what transitional duty work is appropriate. If clarification of transitional duty restrictions is needed, the Safety Officer should be contacted. Failure to report for the assigned transitional duty work as authorized may result in the employee having to use his or her sick or leave time to cover the employee's absence. An employee may qualify for benefits if Elmore County cannot provide a job within the restrictions given by the authorized physician.
12. Medical bills and temporary benefits will not be paid until the Safety Officer has received the appropriate forms from the employee and his or her Supervisor.
13. After the employee's claim has been received by the Safety Officer, it will be submitted to a Workers' Compensation case manager, to determine whether it is approved. The employee will

- be notified if a problem arises in the process of making that decision. If a Workers' Compensation claim is rejected as a Workers' Compensation injury, it may be applied to the employee's medical insurance. The goal is to process Workers' Compensation claims as quickly and as fairly as possible while providing the employee with the best medical care possible. The length of time required for approval will vary for each claim.
14. All employees involved in a Workers' Compensation Injury or a Liability Property Damage incident will be required to receive a Post-Accident Drug Screen immediately after the reported incident.
 15. Official medical records in regards to Workers' Compensation and Drug Screen Testing should only be maintained in the Personnel Department. At no time should any medical information (personal protected health information) be retained at any other location other than the Personnel Department, unless written consent has been otherwise given.

14.5 WORKERS' COMPENSATION PAYMENTS

The employee will be paid a full day's pay for the day of the injury. The following three (3) days shall be charged to annual leave, sick leave or leave without pay. These "following three (3)" days will be reimbursed under the Workers' Compensation benefits after the employee remains off work for a period of twenty-one (21) calendar days. If an employee remains off of work for a period of twenty-one (21) days, he or she must reimburse the County for the "following three (3)" days that was paid to the employee. The only check an employee who has filed for Workers' Compensation benefits will receive is a check received from the Workers' Compensation insurance carrier for Elmore County. While on Workers' Compensation leave, the employee shall be placed in a leave without pay status. The employee will not accumulate annual or sick leave while on Workers' Compensation leave. All individual health insurance premiums paid by Elmore County for an employee will remain in force and continue to be paid by the County. All employees are required to continue to pay his or her portion of health insurance premiums. Employees will be issued an invoice from the Finance Department. If, while on Workers' Compensation leave, the employee wishes to continue dependent coverage or other items that are customarily deducted from his or her paycheck, the employee must contact the Personnel Department for payment procedures. If payments are not submitted in a timely manner, coverages are subject to cancellation. An employee who is out on Workers' Compensation leave that has depleted his or her sick leave, annual leave and FMLA that reaches "Maximum Medical Improvement (MMI)," shall be terminated, if he or she does not return to work.

14.6 TRANSITIONAL DUTY

The Elmore County Temporary Transitional Duty Policy is intended to support injured and ill employees who have temporary restrictions due to work related injuries and are expected to return to his or her regular assignments following recovery. This policy and procedure does not cover employees with permanent restrictions, is offered at the will of the County and may be terminated at any time. Each case presented for possible Temporary Transitional Duty will be evaluated on case by case basis by the Personnel Officer and/or his or her designee, Safety Officer, Appointing Authority and/or his or her designee and/or respective Appointed Department Head, and/or his or her designee.

14.6.1 Eligible Personnel –

The guidelines for eligible personnel are as follows:

- (A) Any probationary or permanent employee of Elmore County;
- (B) A physician's note detailing the employee's temporary work restrictions is required to be eligible for a Temporary Transitional Duty Assignment;
- (C) Work restrictions are defined as physician-specified work activities that are limited due to an occupational illness or injury, regardless of whether or not the employee has lost time from work (e.g. limited hours, limited functions, need for equipment, etc.);
- (D) The employee must provide his or her Supervisor with a physician's note identifying temporary work restrictions or time off, within one (1) business day of the employee's receipt of the note;
- (E) The Supervisor is then responsible to notify his or her relevant Appointing Authority and/or his or her designee or Appointed Department Head of the request for Temporary Transitional Duty; and
- (F) The relevant Appointing Authority and/or his or her designee or Appointed Department Head is responsible for seeking approval from the Safety Officer and Personnel Officer and/or his or her designee in order to authorize Temporary Transitional Duty.

14.6.2 Non-Eligible Personnel –

The following are personnel who are ineligible:

- (A) Contractors, volunteers, inmates, interns or temporary employees;
- (B) Employees who have a common, contagious illness (e.g. cough, cold or flu) or an injury that has no impact on the ability to perform his or her regular job duties (e.g. an employee who works sitting at a desk and has a sprained ankle);

- (C) Employees on non-medical leave; or
- (D) Employees who have permanent restrictions that do not fall within the normal scope of his or her job activities.

14.6.3 Identify Potential Eligible Employees –

The guidelines used to identify potential eligible employees are as follows:

- (A) The department Supervisor shall identify an employee who has been, or will be, off work due to an occupational injury or illness;
- (B) The employee shall self-identify by providing temporary work restrictions to his or her department Supervisor;
- (C) Clarification of restrictions may be needed; and
- (D) The relevant Appointing Authority and/or his or her designee or Appointed Department Head, Personnel Officer and/or his or her designee and the Safety Officer shall review medical records to identify potentially eligible employees. This determination will be made on a case by case basis, while considering the best interest of the employee and Elmore County during the evaluation.

14.6.4 Assess Work Restrictions and Develop Assignment –

The department should make every effort within five (5) working days or as early as possible, to do the following:

- (A) Provide a Temporary Transitional Duty Assignment, if feasible, for all work-related injuries. The department director must email the proposed Temporary Transitional Duty Assignment and its duration to the Personnel Director and the Safety Officer;
- (B) Request assistance in the development of the Temporary Transitional Duty Assignment. Assistance from the Personnel Officer and/or his or her designee and the Risk Management may include clarification from the medical provider, a need for equipment beyond internal resource availability, assessment of possible alternate job duties or special projects or an assessment of the appropriateness of the modification; and
- (C) Notify the Personnel Officer and/or his or her designee and the Safety Officer if at any time the department is unable to provide a Temporary Transitional Duty assignment.

14.6.5 Communication of Assignment to Employee – The department will discuss the Temporary Transitional Duty assignment with the employee. Assignments are determined based upon the employee's temporary work restrictions, skills, the duration of time required for the assignment and the needs of the department. The employee will act in accordance with the duties assigned in a Temporary Transitional Duty assignment. The refusal

to do so may result in the loss of Workers' Compensation wage replacement benefits, in accordance with state law or long-term disability benefits.

14.6.6 Completion of Temporary Transitional Duty Letter –

The relevant Appointed Department Head is responsible for the following:

- (A) Completing the Letter of Temporary Transitional Duty Assignment along with the Personnel Officer and/or his or her designee and Safety Officer;
- (B) Sending a copy of the transitional duty letter to the immediate Supervisor, the Personnel Officer and/or his or her designee and to the Safety Officer;
- (C) Making certain that the employee begins his or her work in that assignment once the temporary transitional duty letter is completed;
- (D) Meeting with the Safety Officer for a discussion of the Temporary Transitional Duty Assignment; and
- (E) Meeting with the employee for a discussion of the Temporary Transitional Duty Assignment.

14.6.7 Work Restrictions and Assignment Modification –

The relevant Department Head is responsible for:

- (A) Monitoring the assignment and the employee for compliance;
- (B) Re-assessing the assignment upon any change of temporary work restrictions or as the needs of the department change. This will also require a new Temporary Transitional Duty letter.

The employee is responsible for providing within one (1) business day, any medical documentation detailing the revised temporary work restrictions to the department designee, if the temporary work restrictions change at any time during the current assignment.

14.6.8 Duration of Assignment –

- (A) The duration of the Temporary Transitional Duty Assignment for occupational illnesses or injuries will generally be up to ninety (90) days, as the needs of the department allow;
- (B) For any change in duration or temporary work restrictions, the department must complete a new Letter of Temporary Transitional Duty Assignment; and

- (C) The duration shall not exceed ninety (90) days from the original date of the Temporary Transitional Duty Assignment, without approval from the relevant Appointed Department Head, Personnel Officer and/or his or her designee and the Risk Manager.

14.6.9 Extension of Assignment – Consideration for extensions may be considered for occupational illness or injury. An extension beyond ninety (90) days may be granted with approval from the relevant Appointing Authority and/or his or her designee or Appointed Department Head, Personnel Officer and/or his or her designee and the Safety Officer. In no event shall Temporary Transitional Duty Assignments exceed three hundred and sixty-five (365) days for an occupational illness or injury.

14.6.10 Extension Requirements –

In order for an extension to be considered, the following requirements must be made:

- (A) The department requests an extension;
- (B) The employee's applicable physician must determine that the employee has made progress in transitioning back to the regular assignment during his or her ninety (90) day Temporary Transitional Duty Assignment; and
- (C) The extension is for a specific, short period of time due to the employee's medical physician indicating that the employee is progressing as expected toward returning to work in his or her regular assignment.

14.6.11 Transitional Duty Assignment Termination – The Temporary Transitional Duty Assignment will terminate at any time, if the needs of the department change or when a department determines that the employee is not acting in accordance with the stated restrictions or is unable to perform the duties as assigned within the stated restrictions. The Temporary Transitional Duty Assignment will terminate at any time, if the physician:

- (A) Releases the employee to full duty without restrictions;
- (B) Removes the employee from work; or
- (C) Indicates the employee has permanent restrictions.

Where restrictions are permanent, Appointing Authority and/or his or her designee and Appointed Department Heads should refer to the Personnel Officer and/or his or her designee and Safety Officer for additional guidance and directives.

The Temporary Transitional Duty Assignment automatically terminates at the end of the approved assignment, unless an extension has been requested and approved per the policy. If the department is terminating the Temporary Transitional Duty Assignment prior to the agreed upon end date, the Appointing Authority and/or his or her designee and Appointed Department Head shall give the employee as much notice as possible. Early agreement termination must be approved by the relevant Appointing Authority and/or his or her designee and Appointed Department Head, Personnel Officer and/or his or her designee and the Safety Officer.

14.6.12 Dispute Resolution – In the case of disputes regarding the denial of a temporary transitional duty assignment or the denial of an extension of a transitional duty assignment, the employee or department may follow the grievance procedure as shown in section ten (10) of these policies and procedures.

14.7 GENERAL SAFETY AND HEALTH RULES

The Elmore County Commission attempts to provide a work place free of recognized hazards. As such, the Elmore County Commission reserves the right to amend, modify or rescind any provisions contained herein. These general rules are for guidance. Employees must be familiarized with every rule set forth herein. Because of the variation in the work in the departments, it is impossible to include in this handbook all the rules governing safety of operations. Rules that apply to specific operations or departments will be brought to the employee's attention by his or her Supervisor. The following are examples of such rules but are not all-inclusive.

14.8 SAFETY RULES

1. Only approved safety equipment will be used in the performance of an employee's official duties. Safety glasses/goggles, steel-toed safety boots, ear plugs and hard hats are required to be worn in certain areas as a condition of employment. All steel-toed boots shall be sturdy work boots only. The adequacy or type of protection required must be commensurate with the potential hazard of each job assignment.
2. A face shield or safety glasses are required when employees are using a grinder, weed eater, lawnmower, trimmer, chainsaw, mulcher, chipper, etc., or when performing other operations where sparks or small pieces of debris can become airborne.
3. Any employee welding must use a welding shield. Any employee using a torch must wear the appropriate shaded lens or shield.
4. Never operate any piece of equipment, machine, crane, tractor, forklift, etc., unless trained and instructed to do so.

5. Never operate a machine unless all guards are in place. If a guard is missing or in need of repair, it is the employee's responsibility to notify his or her Supervisor immediately.
6. Report unsafe acts and unsafe conditions to the department Supervisor immediately.
7. Be sure the machine has stopped running before it is cleaned or adjusted.
8. Long pants/trousers are required to be worn at all times while operating hand tools and equipment.
9. At no time should any part of the body be placed in a potential area that may result in contact with moving machinery.
10. At no time is an employee permitted to climb on, walk on, stand on or jump over machinery or other equipment in contravention or violation of the safety and/or operations manual for the machinery or equipment.
11. At no time should an employee use defective tools or equipment. Always inspect any tool or piece of equipment about to be used. If a tool or piece of equipment is defective, it is the employee's responsibility to notify his or her Supervisor immediately. Always use the proper tool for the job. Do not use tools with mushroomed heads. All files must have handles.
12. Only authorized employees are permitted to service or maintain electrical equipment.
13. All aisles, walkways, gates, etc., must be kept clear of debris at all times.
14. Never turn compressed air on yourself or anyone else. Do not clean your person or clothing with compressed air. As little as four pounds of air pressure can rupture an eyeball or an eardrum. Employees must always properly wear a face shield when using compressed air.
15. Lift the right way to avoid strain. Bend at the knees, keep the body erect and then push upward with the legs. Never lift any item that is too heavy. Get help.
16. Employees are prohibited from riding on the forklifts, cables, slings or any other part of any machine or crane. Only authorized personnel are permitted to operate forklifts and other powered industrial trucks. The operator is the only person authorized to ride on a forklift or powered industrial truck.
17. Any employee who is in a man lift or basket of any kind must properly wear a safety harness and lanyard while in the basket or man lift.
18. Never walk or stand under a suspended load.
19. Do not use lifting slings, hooks or chains without inspecting them first. If faulty, do not use them. Employees must contact their Supervisor for proper inspection procedures or to report faulty equipment. Do not use "homemade" slings, hooks, or other lifting devices for any load bearing purpose. Slings and chains should have a manufacturer tag or label on them, which tells the date the item was made and its rated load capacity. Homemade lifting devices such as hooks and slings are not to be used.
20. Never use a makeshift or defective scaffold.
21. Gloves must be worn when working on jobs that present hand hazards.

22. All employees who are working from an elevated platform of any kind over six (6) feet high without the proper guard rails installed are required to properly wear fall protection equipment.
23. Only authorized employees are allowed to enter a confined space at any time.
24. Each employee working in or on a piece of equipment that is required to be locked out must attach his or her own individual lock out device to the machinery or equipment.

14.9 HEALTH RULES

1. In case of injury, no matter how slight, immediately report it to the department Supervisor.
2. Keep the work place clean. Put all rags, trash, cups and waste in containers provided for that purpose.
3. All personnel who are required to wear a respirator must successfully pass a PFT (Pulmonary Function Test).
4. All personnel who wear a respirator or dust mask are required to be clean-shaven at the time that the respirator or dust mask is used.
5. Use extreme care in handling all chemicals.
6. If you work in oil or toxic combustibles, be particular about washing and scrubbing your hands.

14.10 FIRE AND ENVIRONMENTAL RULES

1. Report any fire or emergency immediately to the department Supervisor.
2. All employees are to be familiar with emergency exits, emergency evacuation meeting areas and firefighting equipment such as fire extinguishers. Fire extinguishers are located throughout County buildings. These extinguishers have instructions on how to operate the extinguisher and for what type of fire they are designed to be used.
3. Never block an exit or firefighting equipment.
4. All flammable liquids must be maintained in approved containers. All bulk flammable material must be stored in a flammable storage locker or equivalent.
5. All containers must be labeled as to its contents.
6. Rags saturated with flammables must be kept in approved safety containers.
7. Never pour oil, flammable liquids or other unauthorized chemicals into any sewer or drain.
8. Smoking is prohibited.
9. Employees should strive to protect the environment, minimize waste, meet all established environmental goals and objectives and strive for continuous improvement.

10. In the event of a chemical or oil spill, please notify the department Supervisor immediately.

14.11 ALCOHOL AND DRUGS – DRUG FREE WORKPLACE POLICY

The Elmore County Commission is committed to providing a safe working environment for all employees while serving the citizens of Elmore County. The Elmore County Commission recognizes that any employee who improperly uses intoxicating substances, including drugs and alcohol, poses a serious threat to his or her self, his or her coworkers and to the public in general. Even small quantities of narcotics, abused prescription or over-the-counter drugs or alcohol can impair judgment and reflexes. This impairment can have dire results, particularly for employees operating vehicles or potentially dangerous equipment.

It is therefore the policy of the Elmore County Commission that all employees or any person performing any kind of work for Elmore County Commission must report to work completely free from alcohol, illegal or unauthorized drugs or any other substances that may have a mind-altering or intoxicating effect or otherwise impair the employee's judgment, reaction times or functioning.

The County also prohibits all employees from using, possessing, manufacturing, distributing or arranging to distribute alcohol, illegal or unauthorized drugs or any other intoxicating substances while at work or on or about any County property.

In order to avoid creating safety problems and violating this policy, employees must inform his or her Supervisor when he or she is legitimately taking any medication, including prescription drugs or over-the-counter medications, which affects his or her ability to work. Employees whose job performance may be affected by such medications may be required to provide a fitness-for-duty certification before being allowed to resume their job duties.

Any employee who violates this policy in any way shall be immediately removed from his or her job duties and shall be subject to discipline, up to and including immediate termination.

No part of this policy shall be construed to create a contract of continued employment or to confer upon any employee or applicant a property interest in his or her employment. The County maintains the right to change this policy at any time without notice. To the extent that any portion or provision of this policy and procedure conflicts with any applicable federal or state laws or regulation, such federal or state laws or regulations will be controlling.

The Elmore County Commission has designated the Safety Officer as the Drug Program Coordinator. If you have any questions or concerns regarding this policy or its application, please contact him / her.

14.11.1 Definitions –

- (A) **“Accident”** means any on the job accident. “Accident” includes vehicular accidents as well as any acts or omission causing an accident or injury to any person or damage to any equipment or property belonging to the County.
- (B) **“Administrator”** means the person or entity that implements drug testing on employees and applicants.
- (C) **“Alcohol”** means distilled or fermented beverage containing ethyl alcohol, including, but not limited to, beer and wine.
- (D) **“Chain of Custody”** means procedures implemented by the Elmore County Commission for the identification and integrity of each urine specimen. The Elmore County Commission requires the person responsible for policy implementation to track the handling and storage of each urine specimen from the point of specimen collection to final disposition of the specimen. These procedures include an appropriate drug testing chain of custody form to be used from time of collection to receipt by the testing laboratory. Chain of custody forms shall document the date and purpose of each time a specimen is handled or transferred and shall identify every individual in the chain of custody.
- (E) **“Collector”** means a person who instructs and assists tested employees and applicants for eligible positions at a collection site and who receives and makes an initial examination of the urine specimens. The collector shall have successfully completed training to carry out this function or shall be a licensed medical professional or technician who shall be provided instructions for collection under this procedure and certifies completion as required herein. In any case, where a collection is observed or monitored by non-medical personnel, the collector shall be a person of the same gender as the employee or applicant.
- (F) **“Collection Site”** means a place designated by the Elmore County Commission where employees present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of specified controlled substance and alcohol. The site will possess necessary personnel, materials, equipment facilities and supervision to provide for the collection, security, temporary

storage and transportation or shipment of the samples to a laboratory.

- (G) **“Controlled Substance”** means any substance defined or classified as a controlled substance according to federal or state law. Title II of the Comprehensive Drug Abuse Prevention Act of 1970 (Controlled Substance Act), as it is amended from time to time, provides the basic standard. Controlled substances include, but are not limited to, any and all forms of marijuana, stimulants or hallucinogens the sale purchase, transfer, use or possession of which are prohibited or restricted by law.
- (H) **“County”** means Elmore County and/or the Employer where applicable.
- (I) **“DOT Employee”** is an employee who is subject to the rules and regulations of the United States Department of Transportation regarding drug and alcohol testing because of the job duties that he or she performs.
- (J) **“Drug Program Coordinator”** is the person designated by the Elmore County to ensure compliance with this Policy, including, but not limited to, ensuring that proper testing procedures are followed, ensuring that the lab(s) used by the County are properly certified and ensuring that the Medical Review Officer is properly credentialed. The name and contact information of the Drug Program Coordinator will be distributed to all employees.
- (K) **“Employer Premises”** includes all property owned, leased, used or under the control of the County, including, but not limited to, the job site of any employee, structures, building offices, facilities, vehicles and equipment or transportation to and from those locations while in the course and scope of County employment.
- (L) **“Employee”** means any and all employees of the Elmore County.
- (M) **“Illegal/Unauthorized Drug”** means any drug (1) which is legally obtainable but has not been legally obtained or, even if legally obtained, is not being used in accordance with instructions given either by a physician or, if over-the counter, on the drug’s label; or (2) all illegal drugs, including, but not limited to, methamphetamine, marijuana, cocaine, etc.
- (N) **“Intoxicating Substance”** means any substance, whether legal or illegal, that may have an intoxicating or mind-altering effect when ingested, snorted, smoked or otherwise introduced into the body.

Intoxicating substances include, but are not limited to, “bath salts,” nitrous oxide, glues, solvents or herbs or other plants such as, but not limited to, salvia.

- (O) **“Legal Drug”** means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used appropriately for their intended purpose in accordance with directions given either on the label or by employee’s treating physician.
- (P) **“Possession”** means actual or constructive care, custody, control or immediate access.
- (Q) **“Under the Influence”** means being unable to perform work in a safe and productive manner; being in a physical or mental condition which creates a risk to the safety and well-being of the individual, other employees or the public; and/or having any laboratory evidence of the presence of drugs, alcohol, prohibited or controlled substance in the employee’s body.
- (R) **“Medical Review Officer”** (MRO) means a licensed physician (medical doctor) responsible for receiving laboratory results generated by the County’s drug testing program. The MRO shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual’s confirmed positive test result, together with his or her medical history and any other relevant biomedical information.
- (S) **“Random Selection Process”** is the process used to ensure that each employee holding a safety-sensitive position has an equal chance of being drug-tested every time that random drug tests are conducted. This process means that some employees may be tested multiple times in any given year.
- (T) **“Reasonable Cause”** means that the County believes the actions or appearance or conduct of an employee on duty are indicative of the use of a controlled substance or alcohol.
- (U) **“Safety-Sensitive Employees”** are those persons who are subject to random drug and alcohol testing and further described in paragraph 14.11.4 below. These employees include, but are not limited to, persons who inspect, service, repair or maintain a vehicle or other heavy equipment, operate or load a vehicle or heavy equipment, use tools, including both power and hand tools, that have the capacity to injure any person and those who are authorized to carry weapons of any kind. An employee is engaged in a safety-sensitive function at all times from the time that an

employee begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work.

14.11.2 Persons Subject to Testing –

The following employees have been designated by the Elmore County Commission to submit at any time to be tested for illegal drug abuse and alcohol abuse:

- (A) All employees who hold positions or regularly perform duties that have been designated to be “safety sensitive”;
- (B) Any employee who, during the course of said employee’s employment, is involved in an accident causing physical injury to any person or damage to any property; and
- (C) Any employee, regardless of whether he or she holds a safety sensitive position, whose conduct, behavior or physical symptoms establishes reasonable cause to believe that said employee is under the influence of any drug and/or alcohol while performing his or her job duties or while being physically present on the premises of the County property during any activity sponsored, supervised or in which the County participates.

14.11.3 Types of Testing –

Pursuant to Elmore County Commission’s policy and procedures, employees will undergo testing as follows:

- (A) **PRE-EMPLOYMENT TESTING:** All employees applying for a position that has been designated as safety-sensitive will be required to submit to a pre-employment drug and alcohol test before a final offer of employment is extended. All pre-testing offers of employment to such persons are explicitly conditioned on the employee successfully taking and passing the drug and alcohol test. Pre-employment testing will also be done when an employee transfers from a non-safety-sensitive position to a safety sensitive position;
- (B) **RANDOM TESTING:** All employees holding safety-sensitive positions will be subject to testing on a random basis without advance notice to them;
- (C) **REASONABLE CAUSE TESTING:** Elmore County Commission may schedule a drug/alcohol test when behavioral observations indicate to the employee’s Supervisor that any employee may be involved in illegal

use of a controlled substance, use of alcohol or abuse of legal drugs. Before testing, the employee's Supervisor shall either (1) contact another Supervisor to observe the employee's behavior and to concur with the decision to test the employee or (2) review the employee's behavior with another Supervisor to obtain concurrence with the decision to test the employee. The employee shall be promptly escorted to the collection site for testing by the employee's Supervisor or designee;

- (D) Employees arrested or convicted for the off-the-job use or possession of illegal or controlled substances shall undergo testing to assist the County in determining fitness for duty. If the employee tests positive, the employee may be terminated;
- (E) **POST ACCIDENT TESTING:** All employees are required to report all injury or damage related accidents and submit to a post-accident drug/alcohol test as set out in this policy. Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident shall be subject to testing. The employee's Supervisor or his designee shall schedule the drug screening test immediately following a reportable incident or a reportable accident; and
- (F) **RETURN-TO-DUTY TESTING:** If an employee has violated the prohibited drug and alcohol rules, he or she must take and pass a drug and alcohol test before returning to work, if so allowed. Further, any employee who has violated the prohibited drug and alcohol rules is required to take a drug and/or alcohol test before returning to safety-sensitive functions for any DOT regulated employer and is also subject to unannounced follow-up testing at least six (6) times in the first twelve (12) months following a return to active safety sensitive service.

Any and all drug testing conducted by the County will not be used to identify the existence of any disability.

In the event there is reasonable suspicion of a violation of this policy, the County also reserves the right to search all property, cabinets, tool boxes, vehicles, including personal vehicles brought onto County property or any other property on County property, under control of any employee or in the personal vehicle of any employee and located on County property and used by said employee in commuting to work or in that employee's duty as an employee.

14.11.4 Safety – Sensitive Employees.

Employees are considered to be “safety-sensitive” when his or her job duties regularly require them to engage in activities that have the potential to cause physical injury to themselves or others or to cause serious property damage. Such activities include, but are not limited to:

- (A) Maintaining or repairing motor vehicles or heavy equipment, including, but not limited to, bulldozers, tractors and riding mowers;
- (B) Maintaining or repairing tools that have the capacity to seriously injure the user or another person, including, but not limiting to, chainsaws or weed-eaters;
- (C) Regularly operating motor vehicles or heavy equipment as part of his or her job duties, including equipment such as tractors or riding mowers for which licensure is not required by the State of Alabama;
- (D) Regularly operating tools that have the capacity to seriously injure the user or another person;
- (E) Loading and unloading vehicles or heavy equipment;
- (F) Any activity related to the safe operation of a vehicle – related system, including dispatching vehicles;
- (G) Carrying any weapon or object for the purpose of performing job duties that could reasonably be used as a weapon, including, but not limited to, firearms, knives, machetes, blades, tasers or batons;
- (H) Answering emergency calls and/or directing the provision of emergency services; or
- (I) Providing emergency medical services;
- (J) Any activity defined as such by state or federal regulation or law;

A list of positions that have been designated as safety sensitive by Elmore County is available for view in the Personnel Department. Some safety- sensitive positions are specifically subject to regulation by the Department of Transportation (DOT). These positions are indicated by an asterisk. An accredited testing laboratory will maintain two (2) different random testing pools, including one pool for persons specifically subject to regulation by DOT and one (1) pool for all other safety-sensitive employees.

All employees are subject to drug and alcohol testing when there is reasonable cause to believe that they have violated this policy and after any accident involving physical injury or serious property damage. However, employees who have been designated as safety-sensitive are also subject to pre-employment testing and random testing. Random 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 performing a safety sensitive duty, just before or just after the performance of a safety sensitive duty. In addition, employees occupying positions deemed to be “safety-sensitive” must promptly report any arrests, charges or convictions for drug or alcohol related criminal offenses, including both misdemeanors and felonies, to his or her Supervisor. FAILURE TO REPORT SUCH ARRESTS, CHARGES or CONVICTIONS MAY BE GROUNDS FOR DISCIPLINE, UP TO AND INCLUDING IMMEDIATE DISMISSAL.

14.11.5 Necessity of Compliance with Testing Requirements –

All employees are subject to reasonable suspicion and post-accident testing as a condition of his or her employment. In addition, all safety-sensitive employees will be subject to pre-employment and random urine drug test and breath alcohol testing as a condition of employment.

Any employee who refuses to take a drug and/or alcohol test to which he or she is properly subject shall be considered to have a verified positive test result. An employee who has a verified positive test result, including by refusal, shall be immediately removed from his or her duties and may be subject to immediate termination. In addition, any employee subject to DOT regulations will receive educational and rehabilitative information and a referral to a Substance Abuse Professional.

Refusals can include a variety of behaviors, including the following:

- (A) Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the County;
- (B) Failure to remain at the testing site until the testing process is complete;
- (C) Failure to provide a urine specimen for any required drug test, including, but not limited the failure to provide a specimen of proper temperature according to testing protocol and/or any other act or omission which yields a proper sample, as well as a failure to provide an adequate quantity for testing;
- (D) Failure to permit the observation or monitoring of the specimen collection when required to do so;
- (E) Failure to provide a sufficient amount of urine when directed without an adequate medical explanation for this failure;

- (F) Failure to take a second test when directed to do so by the County or collector;
- (G) Failure to undergo a medical examination when directed to do so by the MRO or the County;
- (H) Failure to cooperate with any part of the testing process (e.g., including, but not limited to, refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process or fail to wash hands after being directed to do so by the collector);
- (I) Failure to follow the observer's instructions during an observed collection, including instructions to raise clothing above the waist, lower clothing and underpants and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process;
- (J) Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
- (K) Admit to the collector or MRO that the specimen has been adulterated or substituted;
- (L) Failure to sign step two (2) of the alcohol test form; or
- (M) Leaving the scene of an accident without a valid reason before post-accident tests has been completed. Failure to remain "readily available."

14.11.6 Off Duty Conduct – Off-the-job use of drugs, alcohol or any other prohibited substance which results in impaired work performance, including, but not limited to, absenteeism, tardiness, poor work product or harm to the County's image, tasks or government is prohibited. Employees should realize that these regulations prohibit all illicit drug use, on and off duty.

14.11.7 Prescription Drugs – The proper use of medication prescribed by a physician is not prohibited; however, the Elmore County Commission prohibits the misuse of prescribed and/or over-the-counter medications or other intoxicating substances and requires all employees using drugs at the direction of a physician to notify the Elmore County Commission's Medical Review Officer (MRO) or their Drug Program Coordinator, when these drugs may affect his or her job performance, such as by causing drowsiness. Employees may not perform safety-sensitive functions while using any controlled substances, unless the employee's physician certifies that the substances will not adversely affect the employee's ability to perform his or her job.

14.11.8 Pre-Employment – All safety-sensitive applicants shall undergo urine drug testing prior to performing safety sensitive duties. This requirement also affects employees not in safety-sensitive positions who seek

reclassification into a safety-sensitive position. Receipt by the Elmore County Commission of a negative test result is required prior to performing safety sensitive duties in a covered position.

A cancelled test result is not acceptable and must be retaken. If the applicant has a positive pre-employment drug test, he or she cannot be hired for a safety sensitive position.

A negative result on a pre-employment test by a job applicant is valid for thirty (30) days. If a current covered employee has not performed a safety sensitive duty for ninety (90) days or longer and has been removed from the random pool, the employee must submit to a new pre-employment test and receive a negative result before resuming safety-sensitive duties.

A MRO may report negative pre-employment test results for individuals who are unable to provide sufficient volume due to permanent disability, but has a medical evaluation that indicates no chemical evidence of illegal drug use.

All applicants for safety-sensitive positions will be notified in writing that they will be required to undergo pre-employment/reclassification drug testing prior to his or her employment and that they will be subject to drug and alcohol testing throughout the period of his or her employment. Applicants will acknowledge in writing his or her understanding of these provisions for his or her application and employment. The Elmore County Commission will retain on file the negative drug test results of all new hires.

In addition to undergoing pre-employment testing, applicants for a safety-sensitive position will be asked to sign forms for release of information from any previous employer for whom the applicant performed safety sensitive functions. Failure to sign this form will result in not being hired. When a covered applicant has previously failed a pre-employment drug test with a prior employer, the employee must present proof of having successfully completed a referral, evaluation and treatment plan in order to remain in consideration as a candidate for employment.

14.11.9 Reasonable Cause – All employees (whether or not safety-sensitive) will be required to submit to screening whenever a Supervisor observes circumstances which provide reasonable cause to believe an employee has used a controlled substance or has otherwise violated the substance abuse rules. Examples of circumstances that may establish reasonable cause to warrant testing include, but are not limited to, Supervisor observation, co-worker complaints and/or observation, performance decline, attendance or

behavior changes, involvement in workplace or vehicular accident or other actions which indicate a possible error in judgment or negligence or other violations of the drug or other County policy. Before testing the employee, another Supervisor shall be contacted to observe the employee's behavior and to concur with the decision to test the employee or the observing Supervisor will review the employee's behavior with another Supervisor either face to face or via telephone to obtain concurrence with the decision to test the employee. The documentation of the employee's conduct shall be prepared and signed by the witnesses within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier. Upon the reasonable suspicion determination being made, the County shall ensure that the employee is transported immediately to a collection site for the collection of a urine sample. The employee shall be counseled not to drive a vehicle and a Supervisor shall provide transportation for the employee to the collection site.

All persons designated to make a determination that reasonable suspicion exists to require an employee to undergo testing under this provision shall receive at least sixty (60) minutes of training on both alcohol and controlled substance use. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances. However, the absence of such training shall not in any way invalidate and/or mitigate any determinations of reasonable suspicion. Any employee refusing to submit to reasonable suspicion testing or any employee having a positive drug and/or alcohol test will be terminated.

14.11.10 Random Testing – The Elmore County Commission will conduct random unannounced screening of all designated employees at unannounced times throughout the year. An accredited laboratory will maintain two (2) computerized random testing pools including one DOT pool and one non-DOT pool. There will be no maximum number of samples that any one individual will be required to provide during the testing schedule in either pool. Employees will be required to report to the designated collection site for testing as soon as possible, but in no case later than thirty (30) minutes following notification. Failure to report for drug/alcohol screening within thirty (30) minutes of notification will be treated as a positive test result.

14.11.11 Post -Accident Testing – Employees are required to immediately notify the Drug Program Coordinator or designee of any accident resulting in injury or damage to any County property or personnel.

Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to an accident shall provide a urine specimen to be tested for the use of

controlled substances and/or alcohol as soon as possible after the accident, but in no case later than eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing.

Employees will be required to undergo urine drug and breath alcohol testing if they are involved in an accident that results in a fatality. A post-accident test will also be conducted in situations where there is no fatality but the following occurs: (1) an individual requires immediate transport to a medical treatment facility as a result of collision or non-collision; (2) any time one or more vehicles incur disabling damage that prevents any of the vehicles involved from leaving the scene of the occurrence in his or her usual manner in daylight after simple repairs. In a non-fatal accident as previously described, post-accident testing will be conducted, unless the operator's performance (and any other covered employees whose performance could have contributed to the accident) can be completely discounted as a contributing factor to the accident as determined by the Appointing Authority using the best information at the time of the decision. In addition, drug screening and alcohol screening will be required for any driver receiving a citation for any moving violation resulting from an accident.

After notification of any accident, the County will arrange for the employee to be taken as soon as practicable to collection site designated by County. The Supervisor or designee will schedule the employee and assure that he or she is tested the same day as the reportable accident, if possible.

If an employee is injured, unconscious or otherwise unable to evidence consent to the drug test, all reasonable steps must be taken to obtain a urine sample. A Supervisor may elect not to test under these circumstances, but such a decision must be made based upon information received as a result of an investigation of the accident. **Nothing in these policies and procedures should be construed to require the delay of necessary medical attention for injured people following an accident or prohibit a driver from leaving the scene of an accident for the period of time necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.**

Any employee subject to post-accident testing must refrain from consuming alcohol or taking any controlled substance for eight (8) hours following an accident or until he or she submits to an alcohol test, whichever comes first. As stated above, the employee will be tested not to exceed eight (8) hours following an accident for alcohol and not to exceed thirty-two (32) hours post-accident for drug testing. If there is a delay of greater than two (2) hours for an alcohol test, a reason must be given in writing, retained in a file for possible later referral and the employer must

still attempt to administer an alcohol test for up to eight (8) hours following the accident or until the employee undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing must remain available and follow these guidelines or the County may consider the employee to have refused to submit to testing.

The Appointing Authority and/or his or her designee will discipline and/or terminate any employee who fails to report an accident or submit to substance screening where required by law or this policy. The Safety Officer shall ensure that an accident report is filed in compliance with Commission policy and applicable laws and regulations.

14.11.12 General Testing Procedures – The Elmore County Commission will contract with a properly certified testing laboratory that will ensure that all proper testing procedures are followed in accordance with this Policy and all applicable laws. The following is a list of the general procedures that will be followed for all drug and alcohol testing, regardless of the reason why the test is being performed:

- (A) All testing procedures, including collections, will be performed by certified technicians and/or laboratories;
- (B) Upon arrival at the collection site, the employee must provide proof of identification. The employee will be required to read and sign the controlled substance testing consent form provided by the County. The signature shall be witnessed by the collector. Acceptable proof of identification shall be a current driver's license, with photo, other form of picture identification or identification by a County representative;
- (C) The employee shall complete a drug testing custody and control form;
- (D) The Drug Program Coordinator shall notify the employee directly of the results of any positive drug test in order to give the employee an opportunity to challenge the findings. The County may, but shall not be required to, reanalyze the employee's original sample to clarify the findings;
- (E) Controlled substance testing must follow split sample procedures. Under this provision, an employee whose urine sample has tested positive for a controlled substance has the option of having the other portion of the split sample tested at another laboratory. The employee must notify the County within seventy-two (72) hours after notification of a positive sample that he or she desires a retest under this provision;

- (F) If a split sample test produces a negative result or if they second portion is not available, the test is considered negative, and no sanctions will be imposed; and
- (G) All persons who receive information by County regarding drug tests shall maintain this information on a confidential basis. Both the Elmore County Commission and the laboratory shall rely, when practical, on the guidance of the Federal Department of Transportation's procedures for transportation workplace drug testing programs.

14.11.13 Substances Tested For –

DOT employees will regularly be tested for:

- Marijuana;
- Cocaine;
- Amphetamines / Methamphetamines;
- Opiates (including heroin, codeine, morphine);
- Phencyclidine (PCP);
- MDMA (Ecstasy);
- Oxycodone;
- Hydrocodone;
- Hydromorphone.

Non-DOT-employees may be tested for other substances without advance notice. DOT employees may also be separately tested for other substances without advance notice by the County for safety purposes. Such tests will be coordinated with the Safety Officer.

14.11.14 Collection Sites – The County will designate a collection site in a reasonably accessible location.

14.11.15 Collection Procedures – Drug testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy. The collector seals and labels the specimen, completes a chain of custody document and prepares the specimen and accompanying paper work for shipment to a drug-testing laboratory. The specimen collection procedures and chain of custody ensures the specimen's security, proper identification and integrity is not compromised.

Split specimen procedures:

- (A) Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen;
- (B) Both bottles are sent to a laboratory;

- (C) Only “primary” specimen is opened and used for analysis;
- (D) “Split” specimen remains sealed and stored at the laboratory;
- (E) If the “primary” specimen confirms the presence of illegal, controlled substances, the employee has seventy-two (72) hours to request in writing the “split” specimen be sent to another DHHS certified laboratory for analysis;
- (F) If it is positive for one (1) or more of the drugs, then a continuation test is performed for each drug using state-of-the-art gas chromatography/mass spectrometry (“GC/MS”) analysis; and
- (G) GC/MS confirmation insures that over-the-counter medications or prescriptions are not reported as positive results.

14.11.16 Direct Observation – Observed collections are required in a number of situations for DOT employees. Any employee subject to a drug test may also be required to undergo observed collection. The purpose of direct observation is to guard against employee attempts to mask the testing process. Observed collections are required in the following circumstances:

- (A) All return-to-duty tests;
- (B) All follow-up tests;
- (C) Anytime the employee is directed to provide another specimen, because the temperature on the original specimen was out of the accepted temperature range of 90 – 100 degrees Fahrenheit;
- (D) Anytime the employee is directed to provide another specimen because the original specimen appears to have been tampered with;
- (E) Anytime a collector observes materials brought to the collection site or the employee’s conduct clearly indicates an attempt to tamper with a specimen;
- (F) Anytime the employee is directed to provide another specimen, because the laboratory reported to the MRO that the original specimen was invalid and the MRO determines that there is not an adequate medical explanation for the result; or
- (G) Anytime the employee is directed to provide another specimen, because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.

The employee who is being observed will be required to raise his or her shirt, blouse or dress/skirt as appropriate, above the

waist, lower clothing and underpants and turn around completely at the direction of the observer in order to show that he or she is not wearing any prosthetic device.

County representatives and/or medical personnel may obtain a specimen outside of a designated collection site (such as the emergency room following an accident investigation, etc. when necessary.

14.11.17 Alcohol Testing Procedures – All employees are prohibited from possessing, drinking or being impaired or intoxicated by alcohol while at work or on duty. In addition, safety-sensitive employees are prohibited from consuming any alcohol four (4) hours prior to going on duty. A Blood Alcohol Content (BAC) of 0.04 will be accepted as presumptive evidence of intoxication.

Any employee may be subject to alcohol testing either for reasonable suspicion or post-accident. Safety sensitive employees are also subject to random alcohol testing. Random testing will be conducted just before, during or after the employee has performed a safety-sensitive function. Safety sensitive employees with a BAC of 0.02 will be immediately removed from the safety sensitive duties for a period of at least twenty-four (24) hours. Any such employee may be placed on administrative leave.

All alcohol tests will be conducted using evidentiary breath testing devices approved by the National Highway Traffic Safety Administration by a properly trained person. Any result showing greater than a 0.02 BAC will be repeated.

14.11.18 Evaluations and Return of Results – The MRO will be responsible for reviewing the quantified test results of employees and confirming that the individuals testing positive have used drugs in violation of policy. Prior to making a final decision, the MRO shall give the individuals testing positive an opportunity to discuss the result either face to face or over the telephone. If the test result is negative dilute, the MRO may decide that the employee must take another test. If this second test results in a negative dilute result, the test will ordinarily be considered to be a negative and no additional testing will be required unless the MRO so directs.

The MRO shall then promptly tell the Drug Program Coordinator which employees or applicants test positive.

14.11.19 Request for Re-Test – An employee may submit a written request for a retest of the original specimen within seventy-two (72) hours of

receipt of the final test results. Requests must be submitted in writing to the Drug Program Coordinator. The employee may be required to pay the associated costs of retest in advance but will be reimbursed if the result of the retest is negative.

14.11.20 Release of Test Results – Except where otherwise specifically required by law, employee drug testing results and records are maintained under strict confidentiality by the County, the drug testing laboratory and the Medical Review Officer. They cannot be released to others without the written consent of the employee. Exceptions to this confidentiality are limited to DOT agencies when license or certification actions are required or to the decision-maker in arbitration, litigation or administrative proceedings arising from a positive drug test, as well as may be required by applicable law.

However, all employees will be required to execute a consent/release form permitting the County to release test results and related information to the Department of Industrial Relations or other relevant government agency. Applicants for safety-sensitive positions will also be required to execute a consent/release form permitting the County to review records of previous drug and alcohol testing information.

14.11.21 Retention of Records – All records will be maintained so as to preserve confidentiality and prevent unauthorized persons from accessing, releasing or tampering with records. The following records will be maintained:

- (A) Records related to the collection process, including:
 - i. Collection logbooks, if used;
 - ii. Documents relating to the random selection process;
 - iii. Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol tests;
 - iv. Documents generated in connection with decisions on post-accident drug and alcohol testing; and
 - v. MRO documents verifying existence of a medical explanation of the inability of an employee to provide adequate urine or breath sample.
- (B) Records related to test results:
 - i. The employer's copy of the custody and control form;

- ii. Documents related to the refusal of any employee to submit to a test;
 - iii. Documents presented by an employee to dispute the result of a test.
- (C) Records related to referral and return to duty and follow-up testing, including records of any DOT employee's entry into and completion of the treatment program recommended by the substance abuse professional.
- (D) Records related to employee training:
 - i. Training materials on drug use awareness and alcohol misuse, including a copy of the employer's policy on prohibited drug use and alcohol misuse;
 - ii. Names of employees attending training on prohibited drug use and alcohol misuse and the dates and times of such training;
 - iii. Documentation of training provided to Supervisors for the purpose of qualifying the Supervisors to make a determination concerning the need for drug and alcohol testing based on reasonable suspicion; and
 - iv. Certification that any training conducted under this part complies with the requirements for such training.
- (E) Copies of any annual MIS reports submitted to FTA
The following records will be maintained for no less than five (5) years: records of verified positive drug or alcohol test results, documentation of refusals to take required drug or alcohol tests, referrals to the substance abuse professional and copies of annual MIS reports submitted to FTA, if any exist.
- (F) The following records will be maintained for no less than two (2) years: records related to the collection process and employee training. The following records will be maintained for no less than one (1) year: records of negative drug or alcohol test results, with the exception that all post-accident testing records will be maintained for at least three (3) years after an accident.

14.11.22 Employee Education and Training – The County will provide written information in drug/alcohol use and treatment resources to safety-sensitive employees. Further, the County will provide one (1) hour of training for employees on the dangers of controlled substance use annually. All Supervisors of safety-sensitive employees must also attend one (1) hour of training on the signs and symptoms of drug abuse. The training is helpful to assist Supervisors in making appropriate determinations for reasonable suspicion testing.

14.11.23 Employment Assessment – Any safety-sensitive employee or applicant who tests positive for the presence of illegal drugs and/or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended or has refused to submit to a drug or alcohol test (except in the case of an applicant) may be referred to a Substance Abuse Professional (SAP). A SAP can be a licensed physician (Medical Doctor or Doctor of Osteopathy) or a licensed or certified psychologist, social worker or employee assistance professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission. The SAP will follow the protocols and meet the requirements defined in 49 CFR part 40. All employees and applicants will be given contact information for a USDOT qualified SAP if they test positive.

14.11.24 Employee Assistance Programs (EAP)

The County's EAP shall include:

- (A) Education and training for employees regarding drugs and alcohol;
- (B) Education and training for Supervisors regarding drugs and alcohol, including:
 - i. Effects and consequences of substance use on personal health, safety and work;
 - ii. Manifestations and behavioral causes that may indicate substance use;
 - iii. Documentation of training provided; and
 - iv. A written statement on file and available at the Commission office outlining the EAP.

The Drug Program Coordinator or his designee should be contacted for further guidance.

14.11.25 Investigation/Searches – Where a Supervisor has reasonable cause to suspect that an employee has violated the substance abuse policy, he or she may inspect vehicles which an employee brings on the County property, lockers, work areas, desks, purses, briefcases, tool boxes or other

belongings and at locations where County related activities are being conducted without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the Drug Program Coordinator will do so for him or her. The County may release any illegal or controlled drugs or paraphernalia to appropriate law enforcement authorities. All searches should be coordinated with the Drug Program Coordinator or his designee.

14.11.26 System Contacts – Any questions regarding this policy or any other aspect of the drug free and alcohol-free transit program should contact the Chief Engineer and Operations Officer (CEO).

14.12 FLEET POLICY

The use of a County vehicle is a privilege that is granted by the Elmore County Commission and is not a right of County employees. The County reserves the right to revoke the use of a County vehicle at any time and from any County employee. This procedure is not all inclusive, but is put forth on a good faith effort by the County to ensure the safety and well-being of all County employees and provide the minimum standards for the County vehicle fleet policy. The goal of this policy is to ensure the safety of the public, person operating a County vehicle and all other County employees as well as provide consistent guidelines for the assignment and or use of all vehicles owned by Elmore County.

14.12.1 Permitted Uses of County Owned Vehicles –

- (A) Only Elmore County employees, contracted temporary placement service provider employees or other drivers as authorized by the County may drive or operate County vehicles and/or equipment; and
- (B) Elmore County vehicles shall only be used for official County business with reasonable consideration of use for meals or other items in accordance with Alabama Ethics Laws, while in the course of performing business on behalf of Elmore County.

14.12.2 Driver Requirements/Qualifications –

- (A) Each driver of any Elmore County owned vehicle must have and maintain a valid driver's license;
- (B) It is the Elmore County policy for employment that every employee shall submit and successfully pass a motor vehicle record (MVR) check and meet the grading requirements listed below. This MVR policy applies both to drivers of County owned

vehicles as well as employees using personal vehicles in the course of County business. All employees are subject to at least an annual review of his or her motor vehicle driving record (MVR) with the Alabama Department of Public Safety. Those employees found to be high risk or who have failed to report violations and or accidents to the County, will have his or her vehicle driving privileges revoked, resulting in possible dismissal for employees in positions where vehicular transportation is deemed an essential job function. The Elmore County Personnel Officer and/or his or her designee will be responsible for administering these MVR checks;

- (C) MVRs will be examined prior to the start of employment and are subject to be examined at a minimum of annually thereafter. Any job offer made to an employee or potential employee candidate for a position with driving duties shall be contingent upon an MVR meeting the required standards outlined below:
- i. All operators must have a valid driver's license for at least three (3) years;
 - ii. No new driver will be hired with a "poor" MVR;
 - iii. MVRs will be graded on the table below, as a minimum requirement for new employees;
 - iv. Driving records must remain "acceptable" or "clear" as graded on the table below for continued employment in the position that may require driving duties. A "borderline" record will be evaluated for appropriate action as deemed necessary by the County.
 - v. Any exceptions to these guidelines must meet the approval of the Personnel Officer and/or his or her designee and the County Administrator for written approval. The County's auto insurance provider will be consulted on any MVR not meeting the minimum requirement; and
 - vi. The motor vehicle grading system may be based on the last five (5) years of the employee's MVR as follows:

Number of Type "B" and/or Type "C" Violations / Number of At-fault Accidents:

(acc=acceptable brd=borderline)

	<u>0</u>	<u>1</u>	<u>2</u>	<u>3+</u>
0	clear	Acc	Brd	Poor
1	Acc	Acc	Brd	Poor
2	Acc	Brd	Poor	Poor
3	Brd	Poor	Poor	Poor
4 or more	Poor	Poor	Poor	Poor
Any Type "A" violation	Poor	Poor	Poor	Poor

- (D) If at any time the employee of the Elmore County Commission is required to drive as part of his or her job duties, then the employee must notify his or her Supervisor of any, citation, arrest, conviction, suspension or revocation (whether temporary or permanently) in regards to any DUI, Substance Abuse or Motor Vehicle (Traffic) Violations or Accidents whether on or off duty, before 9 a.m. on the next business day. Failure to notify the Supervisor may result in disciplinary action, up to, but not limited to, termination. It is the Supervisor's responsibility to immediately notify his or her relevant Appointed Department Head. The Appointed Department Head is responsible for immediately notifying the Personnel Officer and/or his or her designee of any such related event.
- (E) Driver qualifications are as follows:
- i. Must be an authorized employee of the County.
 - ii. Must be at least eighteen (18) years of age.
 - iii. Preferred one (1) year of experience in the class of vehicle that is to be operated;
 - iv. Must meet all applicable licensing requirements.
 - v. Will not qualify for a County vehicle if, during the last sixty (60) months, the driver had any of the following experiences:
 1. Been convicted of a felony;
 2. Been convicted for the sale, handling, distributing or illegal use of drugs or any controlled substance;
 3. Had automobile insurance canceled, declined or not renewed by his or her insurance company due to fault of the employee;
 4. Had driver license suspended or revoked; or
 5. Been involved in two (2) or more "chargeable" accidents which resulted in a citation being issued.
 - vi. If required, an employee must meet special operator licensing requirements as necessary:
 1. Class "A" Operators License: allows the employee to operate vehicles which tow trailers or other vehicles with a gross vehicle weight rating (GVWR) over 10,000 pounds. A Class "A" license also allows the employee to operate Class B and C vehicles;
 2. Class "B" Operators License: allows the employee to operate single vehicles with a GVWR of 26,001 lbs. or more or a gross combination weight rating (GCWR) of 26,001 lbs. or more, towing trailers/vehicles rated at 10,000 pounds GVWR or

- less. A Class "B" license also allows the operation of Class C vehicles; and
3. Class "C" Operators License: allows the employee to operate vehicles under 26,001 lbs. GVWR, that would normally not require a commercial driver's license (CDL); except when they are designed to transport sixteen (16) or more persons including the driver or carry hazardous materials in amounts requiring it to be placard. Applicable endorsements are required.
- (F) Variation of Fleet Policy Safety Rules (Type A, B, & C):
- i. Any driver (employee or applicant) receiving type "A" violations may result in disciplinary action(s) including, but not limited, to termination of employment with Elmore County. All type "A" violations will be considered on case by case basis, while also reviewing the employee's driving history for the last five (5) years, in making corrective action decisions. Type "A" Violations consist of the following:
 1. Driving while intoxicated;
 2. Driving while under the influence of drugs or receiving any other drug related charges;
 3. Negligent homicide, manslaughter or assault arising out of the use of a motor vehicle (gross negligence);
 4. Aggravated assault with a motor vehicle;
 5. Hit and run (bodily injury or property damage);
 6. Failure to report an accident to supervision as required;
 7. Failure to report an accident to law enforcement as required by law;
 8. Filing a false accident report;
 9. Driving while license is suspended or revoked;
 10. Attempting to elude law enforcement;
 11. Racing; or
 12. Speeding (More than 25 mph above speed limit).
 - ii. Any driver (employee or applicant) showing a type "B" violation may be restricted from driving County vehicles and/or subject to disciplinary action(s) as warranted. All class B violations will be considered on a case by case basis, while also reviewing the employee's driving history for the last five (5) years, in making corrective action decisions. A total of two type "B" violations in a three (3)

year period may result in disciplinary action, including, but not limited to, termination of employment. Type “B” Violations consist of:

1. Reckless endangerment; or
 2. At fault vehicular accidents.
- iii. Any driver (employee or applicant) showing a type “C” violation may be restricted from driving County vehicles and/or subject to disciplinary action(s) as warranted. All type “C” violations will be considered on case by case basis, while also reviewing the employee’s driving history for the last five (5) years, in making corrective action decisions. A total of four type “C” violations in a three (3) year period may result in disciplinary action, including, but not limited to, termination of employment. Type “C” Violations consist of all other items not listed as a Type “A” or Type “B”, but not limited to:
1. Speeding (Less than 25 mph above speed limit);
 2. Failure to yield;
 3. Violating a traffic signal;
 4. Failure to stop;
 5. Improper turn;
 6. Improper lane change;
 7. Careless driving;
 8. Following too closely;
 9. Improper or failure to display license plate; and
 10. Other such violations not covered under Type “A” or Type “B” violations; or
- iv. Any combination of type “B” and type “C” violations which equal four (4) or more in the last three (3) years may result in disciplinary action, including but not limited, to termination of employment.

14.12.3 General Operator Safety Rules –

- (A) The use of a County vehicle or personal vehicle while performing work duties while under the influence of intoxicants and other drugs (which could impair driving ability) is forbidden and is sufficient cause for discipline, up to and including termination of employment;
- (B) Employees driving County vehicles are required to obey all motor vehicle laws and regulations. Employees must operate the vehicle in a safe and courteous manner and follow all safety related policies and procedures while operating County owned vehicles;

- (C) Possession, transportation or consumption of alcohol or illegal drugs by anyone in a County vehicle is strictly prohibited;
- (D) Cell phone use in commercial vehicles will be restricted. Drivers are prohibited from using even one (1) hand to hold a mobile phone to conduct a voice communication. Drivers are not allowed to dial or answer a mobile phone by pressing more than a single button. Reaching for a mobile phone in a manner that requires the driver to maneuver so that he or she is no longer in a seated, belted or driving position is also prohibited. (Reference: Federal Motor Carrier Safety Administration ruling as of 01/03/2012.) Effective August 1, 2012, Alabama law prohibits ALL drivers of all types of vehicles from writing, sending or reading a text or email while operating a motor vehicle. The law allows a driver to contact emergency services. The law does not prohibit making or receiving cellular telephone calls or typing in a name or number to make such a call. Law enforcement officers enforcing this section may treat a violation of this section as the “primary or sole reason” for issuing a citation to a driver and may pull over a driver suspected of violating the law. Drivers may use a wireless communication device as a global positioning or navigation system to receive driving directions which has been preprogrammed with the desired coordinates. The programming of coordinates while operating a vehicle remains a violation of this section. Drivers may receive or send texts if parked on the shoulder of the highway, road or street;
- (E) No driver shall operate a County vehicle or personal vehicle while performing work duties when his or her ability to do so safely has been impaired by illness, fatigue, injury or medication;
- (F) All drivers and passengers operating or riding in a County vehicle are required to wear seat belts or other available personal restraints required by law, even if air bags are available;
- (G) No unauthorized personnel are allowed to ride in County vehicles;
- (H) Drivers are responsible for the security of County vehicles assigned to them.
- (I) Head lights shall be used two (2) hours before sunset and until two (2) hours after sunrise or during inclement weather or at any time when an estimated distance of five hundred (500) feet ahead of the vehicle cannot be clearly seen.

14.12.4 Vehicle Assignment –

- (A) County vehicles are normally assigned to an individual at the start of his or her work period and are the employee’s responsibility until the completion of the assigned work period when the vehicle is returned;

- (B) Employees should inspect the County owned vehicle on a daily basis (i.e. oil, tires, transmission fluid, etc.) It is the responsibility of the County employee to keep his or her assigned vehicle clean (inside and outside);
- (C) It is the responsibility of the driver to make sure that the County owned vehicle is equipped with proof of insurance, current registration and gas card. These items are issued to the vehicle, not the driver and must not be removed under any circumstances;
- (D) Consistent with applicable Elmore County Commission policy, a County vehicle may be assigned to an employee who regularly requires vehicular transportation in the performance of his or her work duties and requires the use of the vehicle during off duty time for frequent on-call or call-in for emergency purposes. The assignment may be regular and on-going or for a specific period of time such as weekly on-call duty;
- (E) If the employee is going on vacation or will be off work for any length of time, the employee's Supervisor may require the employee to park the County owned vehicle at the workplace;
- (F) County employees authorized to use his or her personal vehicles for periodic County business may be reimbursed for mileage at the rate established by the County in accordance with Internal Revenue Service, as approved by the County;
- (G) Elmore County will not pay for any traffic tickets or parking fines of an employee operating a County owned vehicle, nor will the County pay if the employee is authorized to use his or her personal vehicle on County business. An employee found guilty of moving violations while in County vehicles may be subject to disciplinary action by the County. All such related fines received by the employee are his or her personal responsibility; and
- (H) An employee receiving a travel allowance and using a personal car for County business assumes liability for bodily injuries or property damage arising out of an accident occurring in connection with operation of his or her personal vehicle. Such employees are required to have a minimum liability limit of \$25,000 for bodily injury/death liability for one person in an accident, \$50,000 for all injuries/deaths in an accident and \$25,000 for property damage in an accident in accordance with Section 32-7-6, Code of Alabama 1975. Should the minimum levels of coverage required by law increase, the said minimums shall increase accordingly in accordance with Alabama law. The policy must be issued by an insurance company qualified to issue motor vehicle liability insurance in Alabama. Proof of such coverage shall be submitted upon demand of the County.

14.12.5 Fuel Purchases – Fuel is to be used for County vehicles and equipment only. Any employee violating this policy may receive disciplinary action,

including but not limited to, termination of employment and/or be subject to prosecution under Alabama Ethics Law.

14.12.6 Smoking – The Elmore County Commission has declared all County vehicles smoke-free. Smoking in a County vehicle shall result in disciplinary action.

14.12.7 Vehicle Accident Procedures – Regardless of the situation, the following procedures must be followed in the event of an accident or incident with any County owned vehicle or property:

- (A) Immediate notification of proper law enforcement agency for accident investigation and report as applicable;
- (B) Immediate notification of the employee's Supervisor, relevant Appointing Authority;
- (C) Notification of the Chief Engineer and Operations Officer (CEOO) or designated employee within twenty-four (24) hours of the accident/incident;
- (D) Prepare an Elmore County Vehicle Accident Report. This, along with a copy of the law enforcement report as applicable, should be turned in to the Personnel Department within twenty-four (24) hours of the accident/incident;
- (E) If necessary, a first report of injury must be submitted to the Personnel Department within twenty-four (24) hours of the accident/incident;
- (F) Securing accident repair estimates and approval of actual repairs is the responsibility of the, relevant Appointed Authority in coordination with the Chief Engineer and Operations Officer; and
- (G) In the event of an accident in a County vehicle or while on official County business:
 - i. Do not admit negligence or liability;
 - ii. Do not discuss the accident with anyone except appropriate law enforcement personnel and/or official County representative;
 - iii. Do not attempt settlement regardless of how minor;
 - iv. Get name, address and phone number of any injured person and any witness if possible;
 - v. Exchange vehicle identification, County insurance name and policy numbers with other drivers or law enforcement personnel, if applicable;
 - vi. Take a photograph of the scene of the accident, if possible;
 - vii. If needed, notify 911 for requested ambulance, fire department and law enforcement personnel;
 - viii. Law enforcement should be notified if the accident involves another vehicle or a pedestrian;

- ix. Complete the Elmore County Accident Report in regards to this accident/incident; and
- x. Turn all information over to the Supervisor within twenty-four (24) hours of the accident/incident.

14.12.8 Post-Accident Substance Abuse Testing –

- (A) See Workers' Compensation Section 14.4 above for further guidance involving an accident, incident or injury.
- (B) If it is suspected that an employee is impaired by alcohol and/or drugs at any time while on duty or while operating a County owned vehicle or equipment, then efforts will be made to safely remove that employee from the workplace and/or County vehicle or any personal vehicle being used for County business; and
- (C) Any disciplinary action that is decided, will be based on the totality of the circumstances surrounding the event, the Elmore County Substance Abuse Policy and the past work history of the employee. For additional substance abuse guidelines, you must refer to the Elmore County Substance Abuse Policy or contact the Personnel Department.

14.12.9 Preventable Accidents – A preventable accident is defined as any accident involving a County vehicle/equipment or any vehicle used on County business, which results in property damage and/or personal injury and in which the driver failed to exercise reasonable precaution to prevent the accident. Preventable accidents shall result in corrective action of the employee as determined by the Appointing Authority. Examples of preventable accident contributors are, but not limited to, the following:

- (A) Following too closely;
- (B) Driving too fast for conditions;
- (C) Failure to observe clearances;
- (D) Failure to obey traffic signs;
- (E) Improper turns;
- (F) Failure to observe signals from other drivers;
- (G) Failure to reduce speed;
- (H) Improper parking;
- (I) Improper passing;
- (J) Failure to yield;
- (K) Improper backing;
- (L) Failure to obey traffic signals or directions;
- (M) Exceeding the posted speed limit; and
- (N) Driving under the influence of drugs or alcohol.

The Elmore County Vehicle Accident Report, Section 1, is to be completed by the employee. Only complete the sections that apply to the employee. The report should be

submitted to the Personnel Department by the Supervisor within twenty-four (24) hours of the accident/incident.

Section 2 of the Elmore County Vehicle Accident Report is to be completed by the employee's Supervisor. Only complete the sections that apply to the employee. The said report should be submitted to the Appointing Authority by the Supervisor within twenty-four (24) hours of the accident/incident.