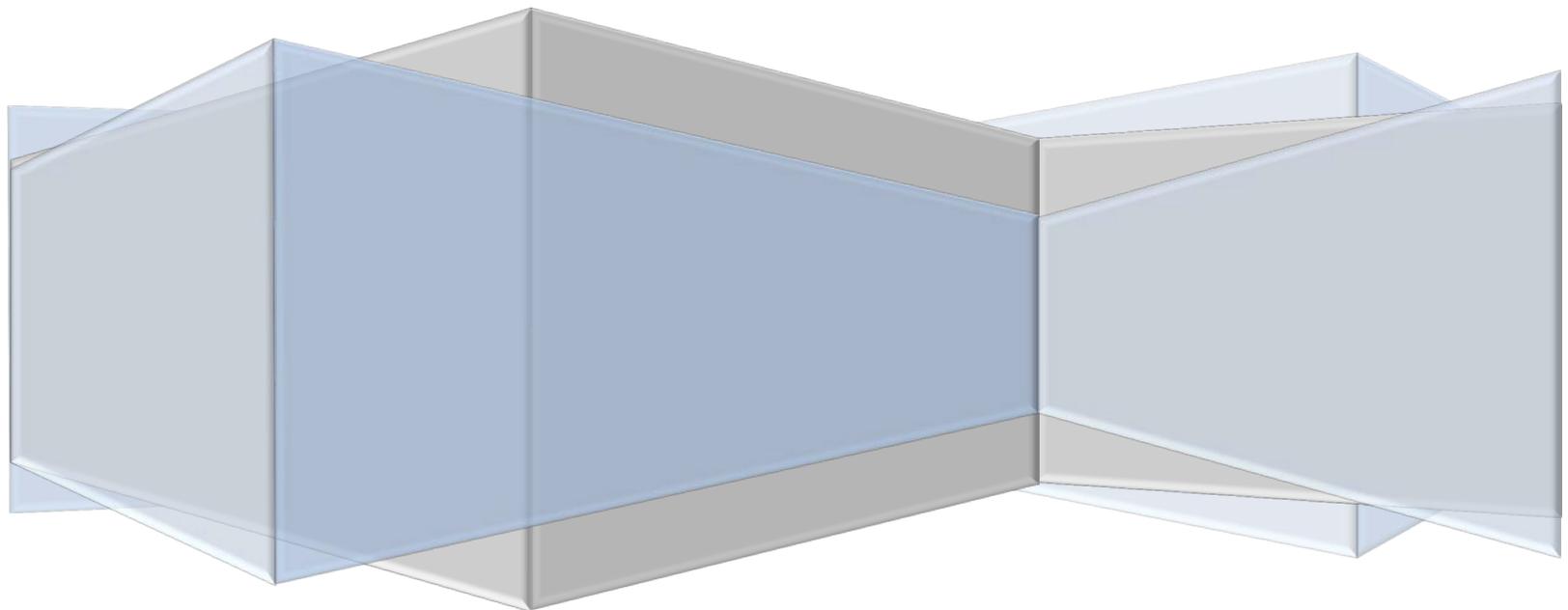


# MORGAN COUNTY



## Policies & Procedures Handbook

Revision Date: April 30, 2013



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## **Introduction to the Morgan County Policies and Procedures Handbook**

This handbook is intended to provide helpful and valuable information about the benefits, programs, procedures and opportunities available to all employees of Morgan County, Alabama. Any necessary actions or guidelines contained herein shall be administered by the Human Resource Department. Any questions regarding this handbook pertaining to the contents herein should be directed to a Department Head/Elected Official or the Human Resource Department.

Procedures and programs that are outlined in this handbook are not intended to create any kind of contractual relationship, do not propose to be an exhaustive compilation of personnel law, and are subject to change at the discretion of the Morgan County Commission. Because it is not possible for us to foresee all situations that could arise, the Morgan County Commission reserves the right to review, revise or deviate from these guidelines and practices set forth herein and any other policies of Morgan County. Such revisions or deviations may be, within the sole judgment of the County, warranted based on the facts of a particular situation, made without guaranteed prior notice to employees, not otherwise prohibited by law.

This handbook supersedes and replaces all prior policy Handbooks and resolutions, including the Morgan County, Alabama Personnel Policy Handbook that was effective July 10, 2005. Changes to this Handbook as approved by resolution of the County Commission will be published as page changes and will be made available to all Morgan County employees.

# Chapter 1

## General Provisions

# GENERAL PROVISIONS

## 1.01 PURPOSE

It is the purpose of these policies and procedures to establish guidelines for personnel actions which facilitate recruitment, selection and retention of qualified employees; enhance effective and efficient employee performance in providing services for the citizens of Morgan County; and enable county employees to derive satisfaction in their work.

## 1.02 SCOPE OF POLICIES AND PROCEDURES

The provisions of these policies and procedures shall apply to all individuals employed by Morgan County except as listed below.

1. Elected Officials
2. Appointed members of boards, committees, and commissions
3. Volunteer personnel who receive no compensation from Morgan County
4. The county attorney and similar individuals employed in their professional capacity
5. Contract employees and independent contractors

These policies and procedures also apply to employees employed and supervised by the Sheriff of Morgan County, except that provisions relating to the appointment, supervision, discipline, suspension and dismissal of such employees are subject to rules and regulations promulgated by the Sheriff.

## 1.03 UNCLASSIFIED POSITIONS

Listed below are the positions that are unclassified and serve at the pleasure of the elected officials, subject to employment contracts or the maximum pay step in the job grade assigned to that position:

<u>POSITION</u>	<u>APPOINTED BY</u>
Chief Administrative Officer	Chair of County Commission
Deputy Chief Administrative Officer	Chair of County Commission
Chief Deputy	Sheriff
Chief Clerk(s)	Elected Officials (Probate, Revenues, Sheriff)
Deputy Chief Clerk(s)	Elected Officials (Probate)
District Foreman	County Commissioners for each District
Deputy License Commissioner	License Commissioner

## 1.04 AMENDMENT AND REVISION OF RULES

Amendments and revisions of these rules shall be initiated by Elected Officials, Department Heads, Supervisors, and other appropriate personnel who may make recommendations to the County Commission. The County Commission is the approving authority for all personnel policies and procedures. Recommended policies, procedures,

rules, regulations and / or guidelines will be approved by majority vote of the County Commission.

#### **1.05 APPLICATION OF THE RULES**

All positions existing and hereinafter created within the service of Morgan County, except as noted in 1.02 and 1.03, shall be subject to the rules and procedures contained in this Handbook. This document is provided as a guide and does not constitute a contract. It is not to be construed as creating a contract, or a property right or interest in employment, or an expectation of employment for a definite term. Morgan County is an "At Will" employer and operates under the provision that employees have the right to resign their employment, with or without notice and with or without cause. Morgan County has identical rights to terminate the employment relationship at any time, with or without notice and with or without cause, except as otherwise provided in this Handbook for regular employees.

#### **1.06 IMPLEMENTATION**

The responsibility for implementing the provisions of this handbook is hereby vested in the County Commission except as otherwise provided herein. The Morgan County Commission is hereby designated and referred to in these policies as the Elected Official / Dept. Head.

#### **1.07 ADMINISTRATIVE GUIDELINES**

The provisions contained herein are not intended to be inclusive of all the guidelines that may be necessary at an operational level. Therefore, they may be supplemented by such administrative guidance as deemed, by a department head to be necessary for efficient and effective operations in his / her department. No such administrative guidelines, however, will be in conflict with these basic policies and procedures.

#### **1.08 CONTRACT DISCLAIMER**

Nothing contained here will be construed as creating any contract of employment between the county and any individual or restricting the right of the county to:

- Refuse or discontinue employment and / or prohibit the future service of any person when it is considered to be in the best interests of the county.
- Use independent contractors for performance of work or rendering of services.

Continuation of employment will be contingent upon an employee's job performance, the need for the position and / or the availability of funds for the position. Nothing contained herein shall be construed as preventing the removal of any employee, now or in the future, in the manner prescribed by these policies and procedures.

#### **1.09 SAVINGS CLAUSE**

If any section or part of a section of these rules is held by any Court or Legislations to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force and effect of any other section or part of a section of these rules unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon a section or part of a section so held invalid or unconstitutional.

# Chapter 2

## Definitions

## DEFINITIONS

**Anniversary Date** – The recurring date of original appointment or the date of promotion, demotion, or reclassification, whichever is the last to occur, except that such shall be adjusted for suspensions, unauthorized leaves of absence, and separation and re-employment. Seniority consideration unrelated to departmental issues will be the original hire date of continuous service.

**Appeal** – An application for review of an alleged grievance.

**Appointment** – The offer and acceptance by a person of a position either on a full-time, part-time, temporary or seasonal basis.

**Appointing Authority** – Morgan County Commission.

**Class** – A position or group of positions that involve similar duties and responsibilities and require similar qualifications and are designated by a single title indicative of the work to be performed.

**County** – Morgan County, Alabama

**Classified Employee** – An employee of the County who is assigned to a classified position and is considered to be a County Merit System employee subject to the terms and conditions of employment set forth in this Policy.

**Classification Specification** – A written statement describing the duties and responsibilities, exemption status, and minimum qualification requirements of a position.

**Demotion** – The assignment of an employee to a position in a lower class having a lower maximum salary than the class from which the assignment is made.

**Exempt Employee** – An employee whose job duties are of such a nature that they are covered by exemptions from the overtime provisions of the Fair Labor Standards Act.

**Full Time Employee** – An employee working a minimum of a 32 hour workweek in either a regular or probationary position budgeted on an annual basis.

**Lay-Off** – The involuntary, non-disciplinary separation of an employee from employment with the County.

**Non-Exempt Employee** – An Employee whose job duties do not exempt the employee from the overtime provisions of the Fair Labor Standards Act.

**Part-Time Employee** – An employee who regularly works no more than thirty (30) hours in a normal work week or sixty (60) hours in a pay period and who is paid on an hourly basis for those hours actually worked and who, except as otherwise provided herein or by state law, is not entitled to any county benefits provided to regular full-time employees, other than the state mandated requirement of The Retirement Systems of Alabama.

**Pay Period** – The scheduled number of hours an employee is assigned to work during a work cycle, for which the employee receives a paycheck.

**Probationary Status** – That employment status in which new or promoted classified employees serve until they have successfully completed the established probationary period and receive merit status. A probationary status employee may be terminated by his/her Elected Official / Dept. Head without a hearing and without recourse at any time.

**Promotion** – The assignment of an employee to a position in a higher class having a higher maximum salary than the position from which the assignment is made.

**Qualification Period** – A period of ninety (90) calendar days following hiring at the end of which employees are eligible for enrollment in certain County benefits, including County sponsored Employee Life Insurance, 457 K participation and optional life insurance. The eligibility period for participation in the Group Health Insurance is a period of sixty (60) days.

**Temporary / Seasonal Employee** – An employee holding a position other than regular or part-time, except as provided in the rules, which is of temporary, seasonal, casual, or emergency nature. A temporary employee is not entitled to county benefits provided to regular full-time employees, including merit promotion consideration to full time status under the merit system. The pay rate for temporary/seasonal employees is the same as that of part-time employees.

**Transfer** – The voluntary or involuntary change of an employee's assignment from one position to another position of a substantially similar level.

**Unclassified Employee** – An employee of the County who serves in a position designated as a position serving at the pleasure of an Elected Official.

**Work Week** – The regularly scheduled work period for full-time classified non-exempt employees to work in a workweek will be forty (40) hours. Forty hours shall be exclusive of lunch periods. The work week will consist of seven (7) consecutive twenty-four (24) hour periods. However, department heads may establish in writing a separate work schedule as needed to meet departmental requirements. If a separate work schedule is established, it will be in writing, with a copy provided to each employee affected.

**Work Schedule** – A department head will establish the actual work schedule for his / her employees in accordance with the needs of the department.

**Vacancy** – A position existing or newly created, which is not occupied, for which budgeted funding is available, a current Classification Specification is available, and approval has been obtained from the County Commission.

# **Chapter 3**

## **Personnel Administration**

# PERSONNEL ADMINISTRATION

## 3.01 RESPONSIBILITY FOR ADMINISTRATION

Unless otherwise provided herein, the County Commission, or its designee, is responsible for developing the following:

1. The classification of all County positions based on duties, authority, and responsibility for each position, with adequate provision for reclassification of any position whenever warranted by changing circumstances.
2. A pay plan for all County positions.
3. Methods for determining the merit and fitness of candidates for appointment or promotion.
4. The policies and procedures regulating reductions in force and removal of employees.
5. The hours of work, attendance regulations and provisions for sick, annual and other leave.
6. The policies and procedures governing persons holding provisional appointments
7. The policies and procedures governing relationships with employee organizations.
8. Policies regarding in-service training programs.
9. Other procedures and practices necessary to the administration of the County personnel system.

## 3.02 PERSONNEL RECORDS

The Human Resource Department is responsible for maintaining centralized personnel records which may contain but are not limited to the following:

- Employment Application and/or resume
- Morgan County employment history
  1. Employee acknowledgement of policies Handbook
  2. Attendance cards, as applicable
  3. Hospitalization and Life Insurance forms \*separate from personnel records
  4. Physical Examination \*separate from personnel records
  5. Report of Medical History \*separate from personnel records
  6. New employee data record
  7. Changes in personnel status
  8. Miscellaneous forms/records relating to employee
  9. Address and telephone number
  10. Beneficiaries, dependents, marital status
  11. Form I-9 \*separate from all other records
  12. Drug/Alcohol screening results \*separate from personnel records
  13. Records of Disciplinary Actions

Personnel records are the confidential records and property of the County, maintained solely for internal personnel administration purposes. They are not available for review by unauthorized employees or outside parties except as provided for in the Open Records Act. If an employee believes that any information in his/her Personnel File is incorrect, the employee should confer with the Human Resource Department. Upon written request to the Human Resource Department, an employee may review his/her Personnel Records. The Human Resource Department will arrange a time for the employee to review the files in the Commission Office. An employee may not remove documents from the Personnel Records; however copies may be made upon payment of the usual and customary charges.

### **3.03 PERSONNEL CHANGES**

Elected Official / Department Head shall forward employee job related information changes to the HR Department via a "Personnel Action Request" (PAR form).

Employees making changes to personal payroll deductions or banking must complete an "Employee Change Request" and forward such to the Human Resource Department before the week of payroll processing.

Before any change in an employee's status is implemented, the PAR form must be completed and the required approvals obtained.

### **3.04 CENTRAL RECORDS**

Human Resource Department will establish and maintain administrative records that are necessary for the proper implementation of the county's personnel system.

### **3.05 CONFIDENTIALITY**

The Human Resource Department will ensure that all personnel records for all employees are maintained in a strictly confidential manner. Access to the records will be in accordance with the following guidelines.

- ✓ An employee may have access to his/her own personnel file upon written request to the human resource department to schedule an appointment where the employee may review this file and request copies.
- ✓ A department head may have access to the personnel records of those employees assigned to his/her department.
- ✓ The county attorney will have access to the personnel records of any employee where needed in the representation of the county; and
- ✓ When there is a request made under the Open Records Act.

### 3.06 STANDARDS OF CONDUCT

No employee, officer or agent of the Morgan County Commission shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved (such a conflict would arise when: the employee, officer or agent; or any member of his immediate family, his partner or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

The officers, employees or agents of the Morgan County Commission will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub-agreements. (The Morgan County Commission may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.)

To the extent permitted by state (Title 36, Chapter 25, Alabama Code) or local law or regulations, such standards of conduct will provide for penalties, sanctions or other disciplinary actions for violations of such standards by the officers or employees of the Morgan County Commission, or agents, or by contractors or their agents.

### 3.07 IMMIGRATION LAW COMPLIANCE

**Purpose:** Morgan County is committed to meeting its obligations under U.S. and Alabama Immigration law. Accordingly, the County neither hires nor continues to employ an individual who is not legally authorized to work in the United States. Moreover, Morgan County does not discriminate on the basis of citizenship status or national origin in recruitment, hiring or discharge.

**Nondiscrimination:** Supervisors, Department Heads, Elected Officials, and other employees and agents of Morgan County are prohibited from discriminating against an applicant or employee based on national origin or status as a legal immigrant. Hiring personnel should never infer from an individual's appearance or accent that he or she is unauthorized to work. Any other employees involved in the hiring process are prohibited from asking employees for any document not specifically designated on Form I-9 as acceptable for purposes of verifying an employee's identity and employment eligibility. Any other hiring personnel cannot refuse to honor tendered documents that, on their face, reasonably appear to be genuine and relate to the employee in question. Any employee found to have engaged in illegal discrimination is subject to discipline, up to and including termination of employment.

**Recordkeeping:** A copy of each employee's I-9 form is retained by Morgan County until three years after the employee's hiring date or one year after the employee's separation, whichever is later. All original I-9 forms shall be kept in a secure area in the Human Resources Department by approved personnel. The employment eligibility of all applicants will be verified through the e-verify system.

# Chapter 4

## Classification and Pay Plan

# CLASSIFICATION AND PAY PLAN

## 4.01 ESTABLISHMENT

The Morgan County Commission has established a pay plan for all classified and unclassified positions in all offices and departments of the County. Per resolution dated July 1, 2008, the Morgan County Commission voted to add a Merit System Pay Plan for the Classified and Unclassified employees of Morgan County.

## 4.02 GENERAL POLICY

The purpose of the Classification and Pay Plan is to provide an equitable and systematic basis for compensating employees and managing the County's Human Resources and budgetary requirement.

Specific objectives of the Compensation Plan are to:

- Attract, retain, and motivate County employees by offering competitive and equitable compensation for services performed.
- Standardize compensation practices within the County to the extent that is possible by establishing and maintaining equitable rates of pay for positions based on an evaluation of their level of responsibility.
- Provide a means of developing and maintaining accurate descriptions of position responsibility.
- Provide a defensible system for justifying salary actions.
- Provide assurance that compensation dollars are directly related to position responsibility.

## 4.03 COMPOSITION OF THE PAY PLAN

The pay plan consists of:

- (a) A schedule of ranges of rates contained in a pay rate chart
- (b) A schedule showing the pay grade to which each class is assigned
- (c) Policies, as embodied in these rules, showing the interpretation and application of the schedules of range of pay

## 4.04 JOB CLASS SPECIFICATIONS

The Human Resource Department is responsible for the maintenance of all job descriptions, which are prepared by the appropriate Elected Official/Dept. Head. Each County position should have a job description that defines essential job functions duties, responsibilities, qualifications, etc. of that position. Each job description is comprised of the following:

- **Job Title:** As closely as possible, the job title describes the general nature of the position.
- **Essential Job Functions:** This is a brief, but concise, overview of the major duties and functions of the position.
- **Minimum Qualifications:** This section outlines the minimum skills, experience, education, and other requirements that are mandatory prior to incumbency in this position. All qualifications are intended to be job-related, i.e. skills that are required to adequately perform the duties of the position. The phrase "or any equivalent

combination of education and experience” is included in each description with the recognition that, to some degree, education and experience are interchangeable in providing the necessary qualifications to successfully perform the duties of the position.

- **Minimum Requirements to Perform Essential Job Functions:** This section lists specific knowledge, skills, and abilities the employee will need in order to meet the requirements of the position.

#### **4.05 DEVELOPMENT OF PAY RANGES**

The Morgan County Commission has approved a pay range for each class of employment in the classified and unclassified service. Such ranges shall consist of a minimum and maximum rate, and such intermediate steps in rates as the Commission considers necessary or equitable. In establishing or amending such rates the Commission shall give consideration to the experience in recruiting for positions in the county services, the prevailing rates of pay for comparable services in other public and private employment, living costs, the financial condition and policies of the county, and the relationship in kind and level of duties and responsibilities of the classes. When filling non-entry level positions, consideration of prior experience may affect the beginning pay rate.

#### **4.06 ADJUSTMENTS TO PAY RATE**

All cost of living or merit increase adjustments to classified and unclassified employees will be at a time determined by the Morgan County Commission. For example: if the County Commission so deems, a rate increase will be effective on the first day of any designated pay period such as; the first complete pay period in October or any other month so stated by the County Commission.

No retroactive pay adjustments will be made in relation to pay increases or decreases.

#### **4.07 BEGINNING RATE**

When a position which is deemed to be entry level is filled, the new employee will enter that position at the first step of the grade in which the position is classified.

#### **4.08 WITHIN RANGE ADJUSTMENTS**

The salary ranges are intended to furnish administrative flexibility in recognizing employee performance and service, in providing employee incentive, and in meeting special and emergency conditions in which increases and decreases of individual rates are required for the good of the county service. Department Heads are considered non-entry level positions. The Elected Official may consider prior experience, educational training, and prior work history as a guide in consideration of a flexible pay step within the grade for these positions. The Elected Official is given this flexibility to ensure the County is able to attract the most qualified individuals for non-entry level positions. Salary range adjustments shall not be automatic but shall be dependent upon specific recommendations of the Elected Official / Department Head. No change in pay shall become effective until submission of properly prepared documentation (PAR) is received and has been approved by proper supervisory official, or the Morgan County Commission. No retroactive actions will be considered.

#### 4.09 INTERPRETATION OF PAY RANGES

The schedule setting forth established ranges of pay and the assignment of each job class to one of these ranges shall be regarded as gross compensation for full-time service in the classes, but does not include reimbursement for expenses incurred by reason of authorized and approved travel on county business. Full-time services in a class shall be considered to be service for that number of hours per day and days per week which represent the established working schedule for employment of the class. The legal rates of pay for payroll purposes are hourly rates. Any references to annual rates of pay are for administrative purposes only.

#### 4.10 PAY FOR TEMPORARY, SEASONAL AND PART-TIME EMPLOYMENT

Whenever an employee works for a period less than the regularly established number of hours a day, days a week, weeks per pay period, or for a specified period that is less than two thousand-eighty (2080) hours per year, the amount shall be proportionate to the time actually worked.

#### 4.11 FREQUENCY OF PAY PERIODS

Bi-weekly pay periods shall be observed for all employees with the exception of the state mandated monthly pay period for elected officials and state officials who receive supplemental compensation from Morgan County. Payroll certification is required for all wage payments. Payroll/leave request sheets may be delivered to the Human Resource Department either by email, fax or hand delivery. Payroll will be considered to be certified when emailed by the responsible party, with the express consent of the supervising Elected Official / Department Head, in the department from which they originate.

#### 4.12 ADJUSTMENTS IN ASSIGNMENTS, TRANSFERS, PROMOTIONS & DEMOTIONS

When an employee is reassigned, transferred, promoted or demoted, the rate of pay for the next position shall be determined as follows:

- (a) Promotions:** If the rate in the previous position was less than the minimum rate of the new position, the rate of pay shall be Step one (1) of the new position, if this will result in at least a one (1) step increase. If not, the employee should advance to the next step in the Pay Grade for the new position, Step two (2). If the employee is above the first Step in the new Pay Grade, he/she should advance, in the new Pay Grade, at least one (1) step up from their current rate.
- (b) Demotions:** The rate of pay shall be reduced to the same step within the Pay Grade of the position being demoted to.
- (c) Transfers:** The rate of pay for a transfer that does not involve a change of Grade shall remain the same for employees moving from one position to another. If a non-lateral transfer occurs, the procedure for determining rate of pay shall be the same as that of demotion.
- (d) Temporary Assignment:** If the temporary assignment exceeds thirty (30) days and is to a higher classification, the employee shall be paid no less than the start rate for the new classification or at least one (1) full step above the employee's

current rate of pay, whichever is higher. Upon completion of the temporary assignment, the employee will revert to the pay grade/step from which he/she was moved, including any within grade increases due during the absence.

**(e) Reclassifications**

- When a position is reclassified to a class with a higher grade, the employee who has been occupying that position may be noncompetitively promoted to that class and is eligible for an increase to the first step in the new class or at least one full step increase, whichever is higher. The reclassification will be subject to the approval of the Elected Official / Department Head and approved by the County Commission in order to be completed.
- If the reclassification is made to a lower class, the employee occupying that position will not be demoted or reduced in pay, however future merit increases will be suspended until such time as the employee's rate of pay falls within the range of the reclassified position. The employee may be transferred to a position which supports a pay rate commensurate with the current pay rate of the affected employee. However, such employee may be transferred upon recommendation of the Elected Official / Department Head and approval of the County Commission to a vacant position within the same class as that which the employee held prior to the reclassification action, provided he or she is otherwise qualified for that position.
- When a position to which an incumbent employee is currently assigned is reclassified to the new class with the same maximum salary rate, the employee may be reclassified to the new class of the position. If no full-time employee occupies the position, the vacant position may be filled by merit promotion (first) transfer or original appointment.

**4.13 RE-EMPLOYMENT**

A re-employed employee will be placed in the class of the position being hired for at step one (1) with a County continuous service date of the new date of hire.

**4.14 RECLASSIFICATION**

Reclassification occurs in several ways. First is the reclassification of an entire class of workers. Second is reclassification when the work performed on a particular job changes over a period of time. Often these changes take place when new technology is introduced or the mission of a section is changed. A third type of reclassification is done for individuals whose jobs change through design or evolution.

A request for a reclassification shall be accompanied by written supporting documentation to the Human Resource Department. This documentation should be sufficient to support a reclassification by documenting actual job duties and tasks, providing sufficient information to allow the various factors in the job to be considered relative to the importance of the duties and responsibilities of other positions within the County's Classification System. Reclassification should not take place independent of consideration of other positions within the overall classification system.

Reclassification audits may indicate an increase in salary level or a decrease in salary level depending on the results of the reclassification study.

When a request for reclassification is received, a questionnaire may be requested of employees whose positions are under consideration. An audit, usually at the job site, may be conducted of the positions being considered for reclassification. The County Commission shall approve all reclassification actions.

# Chapter 5

## Recruitment

# RECRUITMENT

## 5.01 RECRUITMENT

The Human Resource Department is responsible for publicizing vacancies, developing sources of applicants, coordinating all recruiting activities and maintaining contacts and correspondence with applicants. The goal of Morgan County is to select the best qualified individual without regard for race, color, religion, national origin, sex, marital status, age, citizenship, physical or mental disability or any other basis prohibited by law.

## 5.02 SOURCES OF RECRUITMENT

Where there is to be no in-house appointment (Full Time) for the position:

- The Alabama State Employment Service shall be levied for referrals.
- Advertisements may be placed in local newspapers or professional journals, or both.
- Organizations reaching minorities, women and handicapped individuals may be notified.
- The County may cause applications to remain active for a period of 60 calendar days.

## 5.03 USE OF EMPLOYMENT SERVICES

The County shall not pay placement fees to employment services, or place orders with commercial employment services where the County may become responsible for placement fees, without prior approval of the County Commission.

## 5.04 RECRUITMENT AREA

Individuals shall be recruited from a geographic area as wide as is reasonably necessary to obtain qualified candidates for the various types of positions. Applicants accepting appointment to the regular status in the classified service shall be encouraged to establish residency, and remain in, Morgan County.

# Chapter 6

## Staffing

# STAFFING

## 6.01 CREATING AND FILLING POSITIONS

Before filling any positions, the position must be created by the Morgan County Commission. The Commission has sole authority and reserves the right to create or abolish employment positions as deemed appropriate or necessary. Department Heads/Elected Officials may fill open, funded vacancies in their designated department upon Commission approval.

## 6.02 REQUEST FOR PERSONNEL

When a department establishes the need to fill a position, the requesting Department Head/Elected Official must complete a "Position Request Form", and submit it to the Human Resource Department.

## 6.03 PROCEDURE TO FILL AN EXISTING, FUNDED POSITION (REPLACEMENT)

**Step 1.** Requesting department completes and signs a "Position Request Form" requesting that the position be filled and submits it to the Human Resource Department.

**Step 2.** Human Resource Department turns in request to Commission Office for placement on agenda for approval.

**Step 3.** Once approved by Commission, Human Resource Department will notify Department Head of approval and will initiate a transfer request for posting three working days requesting the position be filled.

**Step 4.** All Elected Officials / Department Heads are required to post all vacancy notices sent from the Human Resource Department.

**Step 5.** All job vacancies above entry level and below the level of Department Head shall ordinarily be posted in-house for a period of three (3) workdays intradepartmental for promotional or transfer consideration and if no candidate is hired, the vacancy will be posted in-house county-wide for a period of three days for promotional or transfer consideration.

**Step 6.** If there are no transfer requests submitted, the Human Resource Department will advertise the position vacancy in accordance with guidelines.

**Step 7.** Human Resource receives applications and screens applicants.

**Step 8.** Human Resource chooses applicants (five) for interviews, and forwards copies of applications to appropriate department.

**Step 9.** Department Head/Elected Official schedules and conducts interviews.

**Step 10.** Department Head/Elected Official selects preferred candidate.

**Step 11.** Department Head/Elected Official performs background checks of past employers and schedules for pre-employment drug screen, if applicable to position.

**Step 12.** Department Head/Elected Official notifies Human Resource of preferred candidate and Human Resource will perform any other background checks as may be required for the position.

**Step 13.** When Human Resource is notified of findings of drug screens and background checks, the Department Head/Elected Official will be notified that employment offer may be initiated.

**Step 14.** Employment offers to individuals who have been selected will be made in writing by the Department Head/Elected Official. Upon acceptance of candidate, the Human Resource Department will be notified. A hard copy of the notification will be submitted to Human Resource.

**Step 15.** The Elected Official / Department Head shall notify by written documentation, all candidates who have received interviews but are not selected for hire. A copy of the written documentation to the unsuccessful candidates should be sent to the Human Resource Department for inclusion in that position's hiring file.

**Step 16.** All copies of applications, scoring sheets, background checks and any pertinent information shall be forwarded to Human Resources for inclusion in the hiring file.

#### **6.04 PROCEDURE TO CREATE A NEW, UN-BUDGETED POSITION**

**Step 1.** Department Head/Elected Official submits a plan documenting the need for a new position and proposing a funding source to pay for new position. Department Heads should include recommended job description, classification and salary range. This request should be presented at budget hearings.

**Step 2.** If approved by Commission, follow the same procedure to fill an existing vacant position.

#### **6.05 ACCEPTANCE OF APPLICATIONS**

Applicants for employment or promotion shall apply by completing the required forms and furnishing documentation specified. Completed applications shall be accepted only during the time period stated on the announcement. Applications will be accepted at the Career Center, Morgan County Commission Office, or submitted through the Morgan County Website.

#### **6.06 DISQUALIFICATION**

The Human Resource Department may remove from further consideration at any time the application of an applicant who:

- Does not possess the minimum qualifications;

- Has made false statement of any material fact or practiced deception or fraud in the applications, examination, medical history, or any phase of the employment process;
- Based on the reference check has established an unsatisfactory employment or personnel record of such a nature as to demonstrate unsuitability for employment.
- Failure to properly complete the application.

## **6.07 HIRING PART-TIME EMPLOYEES**

Part-time service will include those positions which are considered to be on-going in nature but in which the incumbents are normally scheduled to work thirty (30) hours or less, or the equivalent thereof, in a workweek as approved by the County Commission at the time of approval of such positions.

Part-time employees shall not be entitled to other benefits offered to full-time employees except participation in the Alabama Employee Retirement System, if such part-time employee meets the required qualifications. Permanent part-time employees may apply for full-time merit positions that become available. Application for these positions must follow the procedure required by the staffing rules outlined in this handbook. Seasonal and temporary employees, for the purposes of recruitment, are not eligible to apply internally for any merit full-time position.

In-house posting procedures for vacancies will be waived for part-time service. Once a position has been approved by County Commission, Human Resource will initiate procedure to fill an existing funded position as stated in 6.03.

The Director of Park and Recreation will be responsible for hiring seasonal park employees.

## **6.08 HIRING FORMER EMPLOYEES**

- **Procedure**

A former employee may be rehired if the following conditions are met:

- Applicant is selected from a list of eligible, as best qualified.
- Applicant meets all pre-employment screening requirements.
- The individual was in good standing at the time of separation and recommended for re-hire.

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- **Terms**

For purposes of computing benefits due, a re-hired employee shall be considered as a new appointment and shall serve the required probationary period.

Former Morgan County Employees who are retirees in the Alabama Retirement System may be hired as Part-Time employees at the current start rate of pay for Part Time employees in the position being filled, subject to and consistent

with the established rules of earning limitations of the Employee Retirement System (ERS) of Alabama.

#### **6.09 HIRING TEMPORARY EMPLOYEES**

A temporary employee may be recruited from any available source as determined by the Human Resource Department to assist in the handling of peak workloads, seasonal demands, casual employment, or employment of an emergency nature, for a period of time not to exceed one hundred eighty (180) consecutive calendar days or 1040 hours worked, or for completion of a specific task or project. A temporary employee shall not be used to fill a continuing full-time position unless the position is temporarily vacant. All temporary employee hires must be within the budgeted authorizations of the Department or Office.

Temporary employees shall not be entitled to other benefits offered to full-time Employees, including conversion to Full Time employment under the merit placement system without competing with all other applicants, except as provided by law.

If a temporary employee changes status to a regular position due to selection from a list of eligible applicants, the employee shall be considered as a new hire at the time that the employee's status is changed.

The provisions of this section shall not apply to temporary reassignments of a regular employee nor to restructuring of an employee's job description.

#### **6.10 EMPLOYMENT OF MINORS**

All persons employed by the County in all positions other than temporary positions shall be a minimum of 18 years of age. All temporary hires who are not eighteen (18) years of age must be in compliance with the State of Alabama Child Labor Law.

Prior to employing a minor under 18 years of age, the County Commission or designee shall complete an Application for Employment Certificate which shall be obtained by the minor from the school district or such other office designated by the Superintendent to issue certificates.

All minors at time of hire shall be required to have an Age Certificate. This certificate shall be obtained through the same channels as the Application for Employment Certificate.

The Employment Certificate and the Age Certificate shall remain in the employee's personnel file.

Elected Officials / Department Heads will ensure that hours restrictions are not violated in any case during such employment.

## Summary of Restrictions

The following is a brief summary of the rules applying to the employment of minors under 18 years of age:

- Minors age 14 and 15 may work outside school hours, but only in “non-hazardous” jobs. When school is in session, work time is limited to a maximum 18 hours per week. During summer vacation and other school holiday periods, minors may work up to eight hours per day and 40 hours per week between the hours of 7:00 a.m. and 7:00 p.m. (9:00 p.m. from June 1 through Labor Day).
- Minors between 16 and 18 years of age are not subject to any limitations on the number of hours per day or week; however, they are prohibited from working on jobs deemed “hazardous”.

### 6.11 NEPOTISM

The purpose of this policy is to minimize problems in supervision, safety, security and morale and to enhance equal employment opportunity in the County workplace.

For purposes of this policy, a "close relative" is a spouse, child, parent, grandchild, grandparent, brother, sister, niece, nephew, uncle, aunt, half-brother or sister, and the spouse of any of the foregoing. All relationships shall include those arising from adoption.

It is the established policy of the County that:

1. No close relative of the Chair or any member of the Morgan County Commission may be employed by the County in any capacity.
2. No person may be employed in the same department/office in which a close relative of such person is employed.
3. No person may be employed or assigned to a position where he/she directly or indirectly supervises or is supervised by a close relative or such person.
4. An individual will not be placed in any position to work with or have access to sensitive or confidential information regarding a close relative.

Except where such would violate one or more of the foregoing policies, close relatives of other County employees may be employed by the County if such is approved by the majority vote of the Morgan County Commission recorded as part of its official proceedings.

In the event that a relationship of “close relative” is created between two existing employees, one or both employees may be transferred to another available position, provided that the Elected Official / Dept. Head determines that a conflict or the appearance of a conflict has occurred. If such transfer is not possible, one of the employees will be required to resign. If one of the employees does not resign, the Elected Official / Dept. Head may initiate action to dismiss one of them.

Employment of temporary, part-time, and seasonal employees shall also be governed by the principles stated in this policy.

## **6.12 EMPLOYEE EVALUATIONS**

### **6.12-A General Provisions**

The job performance of all employees, except temporary and seasonal employees, shall be evaluated one time each calendar year, at approximately twelve (12) month intervals, in accordance with guidelines approved by the County Commission. The appraisal system will be job related and will provide supervisors and employees documented information concerning an employee's performance level in the employee's job.

Purposes – Performance appraisal results will be used for the following purposes.

- To determine if an employee is meeting performance standards.
- To determine an employee's qualifications for promotion.
- To determine training and development assistance an employee needs.
- To recognize and reward sustained superior performance.
- To keep employees informed of what is expected of them.
- To provide recorded evidence of employee performance for use in making judgments concerning probationary service, merit salary increases, transfers, terminations, and other personnel actions.

### **6.12-B Procedures**

The performance of an employee is evaluated by the immediate Supervisor. For this purpose, an immediate Supervisor is defined as the person who delegates or assigns work to the employee, reviews work to maintain proper standards, and is directly responsible for work results. If the immediate Supervisor has left the County's employ or for any reason is unable to evaluate an employee's performance, the review is made by the Supervisor at the next highest level.

The most important step in the evaluation process is the discussion of work performance between the Supervisor and the employee. After completing a performance evaluation, the immediate Supervisor gives the employee a copy of the report and arranges an interview with the employee for discussion of the evaluation. If evidence is presented during the discussion which, in the Supervisor's judgment, justifies modification of the evaluation, the Supervisor may revise the report prior to filing in the personnel file. Departments may provide for review and approval of evaluations by higher level Supervisors following discussion of the evaluation with the employee. If changes in an evaluation result from this review, these changes are to be discussed with all individuals involved and all copies revised accordingly. Employee evaluations are not subject to grievance procedure.

After the employee has been given a copy of the evaluation and the evaluation has been discussed with the employee, a copy is retained in the department and a copy is sent to the Human Resource Department for inclusion in the employee's personnel record.

Because of busy work schedules, it often seems difficult for a supervisor and the employee to actually take time from work to discuss their everyday work relationship.

The time allotted to discuss the employee evaluation provides an excellent opportunity to do this. The supervisor and employee should keep in mind that there is always room for improvement in communication and performance.

The Elected Official / Department Head shall complete an Employee Evaluation Report when an employee becomes eligible for regular status, an annual rating, or at other times as deemed appropriate. An employee may submit a rebuttal statement as part of the evaluation and such statement shall remain in the employee's personnel file as long as the evaluation is retained on file.

# Chapter 7

## Medical Examinations

## **MEDICAL EXAMINATIONS**

### **7.01 PRE-EMPLOYMENT EXAMINATIONS**

Upon acceptance of an offer of employment, any classified merit, or part-time employee may be required to undergo a comprehensive medical examination, including tests for illegal substances, through a County designated physician to determine if the employee meets accepted standards of health for the position, and is able, with or without reasonable accommodation, to perform the essential functions of the position. This examination shall be in addition to the medical history statement, and shall be performed at the County's expense. An applicant determined to be physically or mentally unqualified for the position shall not be eligible for employment in that position unless a reasonable accommodation can be made in accordance with the Americans With Disabilities Act (ADA).

### **7.02 IN-SERVICE EXAMINATIONS**

An employee, at any time during employment, may be required to undergo examinations to determine physical and mental fitness to perform the job. Public Safety personnel may be required to undergo such examination annually on or about each anniversary date of their employment. Physical examinations required for Commercial Driver License (CDL) validation (bi-annually) will be conducted according to federal DOT standards. Such periodic examinations shall be at the expense of the County except as noted below.

An employee determined to be physically or mentally unfit to perform the essential functions of the job, with or without reasonable accommodations for any disability, may be demoted, transferred or separated from County service.

When an employee of the County is reported by the examining physician or psychologist to be physically or mentally unfit to perform work in the position, such employee may within five days from the date of his notification of such determination by the examining physician indicate in writing to the Elected Official/Department Head the employee's intention to submit the question of physical or mental unfitness to a physician or psychologist selected by the employee. In the event there is a difference of opinion between the original examining professional and the professional chosen by the employee, then the County Commission shall designate a third professional, whose decision shall be final and binding as to the physical and mental fitness of such employee to perform the work of the position. The County shall bear the expense of reasonable direct costs of the first and third examinations. The employee shall bear the expense of the second examination. The County shall provide the employee with reasonable time off to meet these appointments.

### **7.03 OFF-DUTY ACCIDENT OR ILLNESS**

If an employee is absent from work due to an accident, a statement of physical condition may be required and submitted to the County Commission prior to return to work. The same may be required if an employee is absent for an illness in excess of three continuous working days. In both of these cases, the

employee shall be responsible for payment of any medical fees or costs. At such times when absences are excessive (consistent and regular) without medical relief (FMLA request), a physician's statement can be requested by the Elected Official / Department Head following any such absence.

#### **7.04 MODIFIED DUTY**

This Modified Duty Policy is intended to serve as a management guide to assist our employees occupationally injured return to gainful, productive employment as soon as possible following the injury, provided there is not a probability of re-injury to themselves and /or does not directly or indirectly affect the safety of others; to minimize financial hardship and emotional stress on the employee; to assist in returning to work at a level close to their pre-injury earnings and productivity; while ensuring that they adhere to temporary, physician-imposed physical restrictions relating to that injury.

##### **Definitions**

##### **Modified Duty**

The term "modified duty" refers to a temporary job assignment that conforms to the treating physician's imposed limitations, when the injured employee's regular job duties may violate those temporary physical restrictions. The temporary job assignment may, or may not be in the same classification or location as the employee's regular job. Additionally, the temporary job assignment may or may not be equivalent to the employee's regular job in terms of compensation and other benefits.

##### **Occupational Injury or Illness**

Injury or illness arising out of and in the course of the employee's employment and compensable under worker's compensation.

##### **Scope**

All employees of Morgan County are eligible to return to work following an occupational injury or illness through the application of this modified duty policy, considering that the following criteria exist.

- The employee's injury has been determined to be work-related and compensable under current workers' compensation; and
- The physical restrictions imposed by the treating physician are specific (for example: no lifting over 50 pounds); and
- The physical restrictions imposed by the treating physician are for a specified, temporary period (for example: 10 days); and
- Work-related tasks which are within the physical limitations of the treating physician are available and are within the physical and skill capacities of the injured employee, with reasonable accommodations made by the employer, the injured employee or both.

### **Limited Nature of Modified Duty Assignment**

By definition, modified duty work assignments are temporary. In no way should a modified duty work assignment be perceived as permanent work activity. As such, any modified duty work assignment must be reviewed by the Commission Office and the Morgan County's workers' compensation carrier to determine if the modified duty work assignment is to be extended beyond the initial 90 day period. In the event that a modified duty work assignment is permitted to extend beyond the initial 90 day period, a similar review will be conducted every 60 days thereafter.

### **Refusal of Modified Duty Assignment**

As previously noted, Morgan County will make reasonable efforts to apply this modified duty policy. As long as the assigned modified duty does not violate the treating physician's imposed physical restrictions, the employee is expected to return to work and perform the assigned tasks to the best of his/her ability. Refusal of an appropriate modified duty work assignment may result in disciplinary actions that could result in the possible termination of employment.

### **Employees Responsibilities**

- Participates in the Modified Duty Program as assigned.
- Reports any problems with Modified Duty assignment to their Department Head or Supervisor.
- Provides all original copies of physician releases and reports to County Commission office.

### **Workers' Compensation Provider Responsibilities**

- Informs treating physician about the Modified Duty Program.
- Assists in obtaining medical statements from physician.
- Notifies County Commission office and the department of an employee's potential availability for Modified Duty.

# Chapter 8

## Probationary Period

## **PROBATIONARY PERIOD**

The probationary period is regarded as an integral part of the placement process. It is utilized for closely observing the employee's performance for securing the most effective adjustment of the new employee to the position, and for rejecting an employee whose performance does not meet the required work standards and to separate any new employee who is considered to be unacceptable for continued employment.

### **8.01 DURATION**

The county's probationary period is established as 180 calendar days.

### **8.02 EVALUATION**

The department head will evaluate the performance of all probationary status employees at least during the third and sixth month of service. A copy of all evaluations will be furnished to human resources for inclusion in the employee's personnel file.

### **8.03 TERMINATION OF EMPLOYMENT**

During the probationary period, the department head may terminate the employment of a probationary employee at the department head's discretion. The department head will notify the probationary employee in writing of his/her termination. A copy of the termination notice will be provided to the human resources department for inclusion in the individual's personnel file. Any termination prior to expiration of the probationary period shall be final with no right of appeal.

### **8.04 TRANSFERRED EMPLOYEES ON PROBATION**

Employees promoted or transferred shall be placed upon probationary status for a 180 calendar day period. If a promoted or transferred employee performs unsatisfactorily during the probationary period and is thereby ineligible to be granted regular appointment to the position, and if the employee's work was satisfactory prior to the change in status, the employee shall be returned to his previous position or to another suitable position in the same class previously held, if either is available. If no position is available, the employee may be terminated. Termination will be effective as of the date designated by the Elected Official/Department Head.

### **8.05 FINAL PROBATIONARY REVIEW**

A new employee or an employee promoted to a higher classification shall be reviewed from date of hire or promotion in order to be considered for regular status in his or her position.

The Elected Official/Department Head shall evaluate the employee's performance and complete the Performance Evaluation, indicating final recommendation on the employee's probationary status. Promoted employees shall not lose County

benefits while serving a probationary period for a position in a higher classification. Original review and change-of-status forms are retained in the employee's file.

#### **8.06 EXTENSION OF FINAL PROBATIONARY REVIEW**

The circumstances where extension of the probationary period beyond 180 calendar days may be permissible are specifically as follows:

The probationary period may be extended by the Department Head / Elected Official with concurrence by the County Commission if circumstances have prevented a complete evaluation of the employee's performance during the specified period.

Newly hired employees whose probationary periods are extended by this provision shall be entitled to County benefits during the extended period of probationary review.

**Chapter 9**  
**Transfers, Assignments,**  
**Promotions, Demotions**  
**and Lay-Offs**

## **TRANSFERS, ASSIGNMENTS, PROMOTIONS, DEMOTIONS AND LAY-OFFS**

### **9.01 PROMOTIONS**

A promotion is a permanent assignment to a position requiring additional responsibilities, skills, and judgment that results in a higher salary range. Each classified employee is responsible for preparing himself/herself for promotion or increased responsibilities. It is the responsibility of all employees to keep informed of any vacancies in the county system that may be available for transfer.

Morgan County will seek to appoint to each position the applicant most capable of serving the County's taxpayers efficiently and effectively. Whenever possible, the County will fill vacant positions through internal promotion of current employees who meet the required qualifications and who have demonstrated the potential to perform the responsibilities of the open position.

Selections must be approved by the affected Elected Officials / Department Heads and the County Commission. In an emergency, or in cases where the County Commission deems it in the interest of the County, an employee may be placed in a temporary "Acting" status (see section titled, Temporary Acting Positions).

Employees promoted to a position in a higher classification having a higher maximum salary than the position from which the assignment is made, shall be placed in probationary status for the period of 180 calendar days (see section titled "Probationary Period"). A promotion may take the form of a transfer from one department to another. No increase in pay will be considered for or at the completion of subsequent probationary periods following the initial new hire probationary period.

A County employee who is promoted to a position that "serves at the pleasure of the Elected Official" shall be entitled to return to a position for which he/she is qualified, provided that there is such a position available, vacant and funded upon being removed from the appointed position by the Elected Official.

- a) Employees accepting such appointments will continue in the merit system and, except as to matters related to termination, be subject to all terms and conditions of the County Personnel Policy Handbook.
- b) In the event such an employee is removed from the unclassified position (for reasons other than those which would warrant dismissal or other serious disciplinary actions), he/she will be entitled to request restoration to a vacant, classified position in the County merit system for which he/she is qualified, provided such a position exists or is occupied by a probationary period employee. A probationary period employee may be terminated in order to provide a vacancy to accommodate an employee who has been terminated without just cause from an unclassified position. This provision in no way guarantees re-employment and is solely based on the approval of the County Commission.
- c) This provision does not pertain to employees who are appointed from outside the Morgan County merit system.

- d) Pay will be adjusted to reflect the rate of pay of the position in which an employee is placed.

If a promoted classified employee performs unsatisfactorily (for reasons other than those which would warrant dismissal or other serious disciplinary actions), during the probationary period and is therefore ineligible to be granted regular appointment to the higher position, and if the affected employee's work was satisfactory prior to the promotion, the employee shall be returned to his or her previous position or to another suitable position in the same class previously held, if either is available. If no position is available, the employee may be terminated.

All Pay adjustment actions will become effective on the first day of the first full pay period after the effective date of the action. No retroactive pay actions will be considered.

To be eligible to apply for the in-house promotions / transfers, an employee must meet the following requirements:

- He or she must be a classified employee.
- He or she must have worked in his or her current position at least six months.

Every employee eligible for classified service shall serve a six (6) month probationary period for transfers and promotions to another job classification. This probationary period shall be utilized for closely observing the employee's work. During this probationary period, the Elected Official / Dept. Head may terminate the employment of probationary employees. This probationary period can be waived for reasonable cause at the discretion of the Elected Official / Department Head with approval of County Commission.

## **9.02 TRANSFERS**

### **9.02-A Lateral Transfer**

A lateral transfer is the changing of an employee to a job of the same classification level and status in the same or another department.

An employee (Full-Time) may submit a written request for consideration for a transfer to another department or to another section within the department, if a position is vacant. Employee requests for transfer to another department shall be made in writing to the Human Resource Department, via the "Transfer Request Form".

The County Commission may transfer an employee temporarily, or permanently, when said transfer is deemed to be in the best interests of the County. To the extent practicable, reasonable advance notice of transfer shall be given to the affected employee and Elected Officials/Department Heads. Because a transfer is not disciplinary, a transfer may be made against the will of the employee without right of appeal.

A transferred employee shall be placed in probationary status for one-hundred eighty (180) calendar days. All accrued benefits shall be transferred with the

employee. No pay adjustment will be considered for completion of Probationary Periods.

Subject to the desires of the losing Elected Official/Department Head, the effective date of the transfer should be between two (2) and four (4) calendar weeks, following notice, and at the beginning of a pay period.

Employees accepting transfer under the provisions of this Handbook are not eligible for consideration for transfer to other positions for a period of one (1) year following the effective date of the last transfer.

#### **9.02-B Non-Lateral Transfer**

There are two types of non-lateral transfers involving reduction in classification level: voluntary and involuntary.

– **Voluntary Transfer**

An employee who requests a voluntary transfer to another position which involves a reduction in classification level shall, with the approval of the receiving Elected Official/Department Head, be placed in the new classification at the same pay step as his or her present step in the former pay classification. Employees accepting a transfer under this provision shall not be eligible for subsequent transfers for a period of one (1) year following the effective date of the transfer.

– **Involuntary Transfer**

There are two types of involuntary transfer: one is for the good of the employee and the other serves the best interests of the department and County.

- a) Involuntary transfers for the best interest of the County are initiated by the County rather than by the employee. Transfers may be of a temporary nature to address a particular problem such as a personnel shortage. These assignments usually exceed 30 days in length. Employees assigned through this type of involuntary transfer to a lower classification level shall not be penalized by a reduction of the current salary. If the current salary is higher than the maximum of the new pay range, the salary will be maintained until the range for the new classification has been adjusted to allow for an increase or the employee is transferred back to his/her former classification/grade. An involuntary transfer to a higher classification level cannot exceed thirty (30) days without announcing the position first for Intradepartmental, then County-Wide opportunity, unless the position is occupied and the incumbent is scheduled to return upon completion of Leave of Absence, FMLA, Military Leave, etc.
- b) An example of a transfer for the good of the employee would be an individual who has a major life function impairment, is no longer

capable of performing the essential job duties and a reasonable accommodation cannot be made that will allow the individual to perform the essential functions of the position. Rather than terminating the employee, the County may, but shall not be obligated to, determine that an involuntary transfer to a vacant position would accommodate the major life function impairment.

### **9.03 DEMOTIONS**

A demotion is the assignment of an employee to a position in a lower classification, having a lower maximum salary, than the classification from which an assignment is made.

The Elected Official/Department Head shall have the authority to demote an employee. The action should be done in writing, citing the reasons. The causes for demotion shall normally be due to the removal of higher level duties and responsibilities or the inability of the employee to assume or perform duties of the position, although the County reserves the right to demote an employee for disciplinary reasons as provided in section titled "Progressive Discipline of Employees".

Employees demoted for reasons of reduction-in-force initiated to increase efficiency or to meet budget restrictions should be assigned at the same dollar level in the new classification range. Should the present salary of the employee exceed the maximum of the assigned range, the employee's salary should be reduced to and capped or frozen at the top of the range.

An employee not on a probationary status in the position from which he has been demoted has the right to appeal demotions through the grievance procedure as outlined in the policies Handbook.

An employee who has not completed the probationary period prior to the demotion will be required to serve a new probationary period for the position to which the employee has been demoted. Regular employees may be required to serve a new probationary period if required by the Elected Official/Department Head.

### **9.04 TEMPORARY ACTING POSITIONS**

Appointments in an acting capacity to positions in a higher class shall be approved by the County Commission.

Employees temporarily reassigned for a period exceeding 30 days to a higher classification level, other than to fill in for personal leave or short-term vacancies for the benefit of the County, shall be paid no less than the minimum level of the new pay grade or the next step in the pay plan above the employee's current rate (rate being promoted from), whichever is greater. Any across the board increases shall be paid to the temporarily assigned employee..

Should the employee be re-assigned to the original classification or to another assignment which carries a lower classification level, pay will be adjusted to original salary as modified by any intervening increases.

#### **9.05 LAY-OFF AND RECALL**

In the event that it becomes necessary because of departmental needs, reorganization or restructuring, financial difficulties, technological developments or is deemed to be in the best interest of the County to reduce staff, the following procedure shall be implemented:

- (a) The reason for the Lay-Off shall be detailed in writing by the Morgan County Commission and shall stipulate the number of positions, department, and classifications that will be affected.
- (b) The Elected Official / Department Head, in consultation with the Morgan County Commission shall determine the positions to be affected by the Lay-Off. All Lay-Offs shall be determined in each department according to the above named criteria (needs, reorganization, finances, etc.).
- (c) Within the individual departments, the order of Lay-Off should be made by: first laying off any seasonal, part-time or temporary employees in the affected department. Next the regular employees in the affected classification should be laid off according to seniority based on their initial hire date. If two candidates for Lay-Off have the same seniority, then the employee with the lower scoring on their last performance review will be laid off first.
- (d) If the reduction in force is general in nature, the Lay-Off will be based on seniority with the exemption of positions that are considered key to Morgan County. These key positions will be determined by the Morgan County Commission.
- (e) Appropriate steps will be taken to ensure that all Federal and State Laws are complied with in the Lay-Off process. All necessary steps will be taken to be sure that the rights of all members of protected classes are recognized and honored.

Any employee to be laid off is to be given fifteen (15) calendar days' notice in writing of the impending action.

- Accrued annual leave will be paid upon separation from the County service.
- Full-time employees that have been laid off will be eligible for rehire under the following provisions:
  - (a) If, within one hundred twenty (120) days from the date of Lay-Off, a position of the same classification becomes available within the same department from which the person was laid off and the person laid off is fully qualified for the position, that person shall be offered employment to fill that position.
  - (b) Following the expiration of the one hundred twenty (120) day period from the date of Lay-Off, the former employee shall be treated in the same manner as any new applicant applying for a position with the Morgan County Commission.
  - (c) If more than one person is laid off, the rehire shall be in reverse order of the Lay-Off.

- (d) An employee being rehired should be notified by certified mail sent to the employee's most current address of the impending rehire. If the employee does not respond within five (5) days of the notification, the offer of rehire is voided. Failure to accept a recall offer will result in removal from the recall list.
- (e) Part time, seasonal and temporary employees are not eligible for rehire and will be treated in the same manner as all other new applicants in the selection and hiring process.
- (f) Pay for employees recalled to a position which results in a reduction in classification level shall, with the approval of the Elected Official / Department Head, be placed in the new classification at the same pay step as his or her present step in the former pay classification. If a reduction in pay results, it will begin on the first day upon return to work.

# **Chapter 10**

## **Attendance and Leave Policies**

## **ATTENDANCE AND LEAVE POLICIES**

### **10.01 HOURS OF WORK**

The appropriate elected official/department head establishes the hours of work for employees, depending upon the functions and operations involved. Weekly work schedules will vary among departments as differing job responsibilities dictate.

The standard number of working hours for full-time employees during any standard work week will be at least 32 hours exclusive of overtime/Comp Time requirements.

The departments have various needs which require employees to work different numbers of hours to be established by Elected Officials/Department Heads, subject to approval by the County Commission.

Meal periods and breaks may not be used to report late for work or leave early from work or in any other way co-mingled with excused or unexcused absence to extend such absence.

Supervisors are required to keep a weekly record of hours worked, leave taken and absences. Failure to keep, or falsification of, the record of hours worked shall be grounds for disciplinary action up to and including termination.

Hours of work and scheduling of all employees employed in the Sheriff's department shall be governed by rules and regulations of the Morgan County Sheriff.

The very nature of public employment sometimes requires employees to work at hours other than their regularly scheduled work time in order to meet emergencies or other unanticipated circumstances. Employees are therefore expected to respond immediately to any request by the elected official/department head, any county commissioner or other supervisory official to work, whether or not the same is then convenient or inconvenient to the employee.

### **10.02 OVERTIME**

Departmental schedules should be prepared to provide for the completion of work tasks and delivery of public services within the standard work period of each and all employees assigned to the department. Overtime occurs when a non-exempt employee works more than forty (40) hours in a work week. Employees are not permitted to work before or past their regularly scheduled hours or during a lunch period unless specifically authorized in advance by the Department Head.

#### **10.02-A Authorization Required**

Overtime hours are permissible only by an actual emergency or such other unusual circumstance requiring the assignment of employees to overtime hours of work by the Department Head. The only exception to prior approval shall be in emergency situations where the work is essential to prevent loss of equipment or

an interruption of essential public services. For purposes of this section, the term "emergency" shall be construed to mean circumstances including, but not limited to, actual or anticipated, civil disturbances, natural disasters such as floods and tornadoes, or a significant shortage of personnel or unusual surplus of work to be performed. Request for overtime must be in writing and approved by Elected Official/Department Head prior to occurrence. A properly executed, approved Overtime Request/Approval must accompany the payroll for the pay period in which it was worked.

#### **10.02-B Overtime Calculation**

All employees, other than Elected Officials, shall be compensated for overtime at one and one-half times the regular rate of pay for that period. The regular rate of pay includes all remunerations earned in a pay period except certain payments excluded by the Fair Labor Standards Act (FLSA). The overtime pay due will be computed on the basis of the average hourly rate derived from such earnings. This is calculated by dividing the total pay for employment (except for noted statutory exclusions) in any work week by the total number of hours actually worked.

Morgan County specifically discourages the use of overtime, and encourages all departments to schedule activities and employees in such a manner that overtime will be minimized.

Each employee is subject for call on any emergency at any time as determined by the Elected Official/Department Head or the County Commission.

Hours worked includes all time that an employee is required to be on duty and all time that the employee is permitted to work. Holidays, Leave, and the like are not counted as hours worked and are not to be used in computing overtime. Meal breaks where the employee is completely relieved of duties are not counted as hours worked. The only exception to the overtime calculation rule is when employees are required to work on a holiday designated by the Morgan County Commission.

#### **10.02-C Exempt Employees**

The County Commission shall have the authority to provide reasonable and commensurate work schedule flexibility, where not in conflict with the essential work and delivery of public services of the County, to salaried personnel whose duties and responsibilities regularly require hours of work beyond a normal work week. Exempt employees are not authorized to earn overtime or compensatory time under any circumstances. Provisions of the FLSA will be followed for Exempt employees.

#### **10.02-D Sheriff's Employees**

Special overtime rules apply to sworn officers and jailers in the Sheriff's Office. To the extent of any conflict between the Sheriff's overtime rules and procedures and the rules and procedures stated in this Handbook, the Sheriff's rules shall

control for sworn officers and jailers. All employees of the Sheriff's Office are governed by personnel rules established by the Sheriff.

#### **10.02-E Call-Out 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 guidelines.

- a) Length of time the employee works is less than two (2) hours, the employee will be paid for two (2) hours;
- b) Length of time the employee works is more than two hours, the employee will be paid for all hours worked.
- c) Travel time spent on reporting to and from a call will be considered as work time.
- d) 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.
- e) Employee continues working through normally scheduled work time, whether the call-out is before or after the scheduled hours, he or she will be paid for all time worked and will not receive call-out pay.
- f) Call-out pay will be paid at the employee's regular rate of pay. Overtime entitlement will be awarded only for that time that qualifies as overtime work during a workweek.
- g) Call-out pay, for the purpose of compensation, will coincide with the current work week.

#### **10.02-F Election Pay**

In order to fairly compensate employees who participate in work involving elections supervised by Morgan County the Morgan County Commission by Resolution 12.279 dated July 10, 2012 put into place the following policy:

1. Each District will provide two (2) employees on the day before and the day after elections for purposes of delivering and returning voting machines and supplies.
2. All other employees performing election duties will be paid in accordance and compliance with all federal laws. Employees will be compensated through the payroll system at the correct rate as it applies to the individual's weekly payroll. All hours are required to be approved by appropriate Elected Official / Department Head verifying hours worked.

All compensation earned will be paid to the employees involved from the General Fund Election budget.

### **10.03 ATTENDANCE**

#### **10.03-A Absence from Work**

The absence of an employee from work during the required hours shall be considered unexcused unless such absence is approved by the Elected Officials/Department Head. An absence in excess of three consecutive days without an approved explanation shall be considered job desertion or job abandonment. Discharge may result if an employee

has been absent and has failed to report the absence to his or her Supervisor or Elected Official / Department Head.

All employees are expected to report for work on a regular basis and, exclusive of their defined benefits under the law and this Handbook, work an acceptable amount of every work week/pay period. The County has a reasonable expectation that all employees will perform their assigned jobs during all scheduled periods of work, including scheduled overtime and be ready, willing and able to perform assigned work during such periods. Failure to meet such expectations without justified, acceptable reasons under the provisions of this Handbook and applicable state and federal laws will be grounds for dismissal.

Elected Official / Department Heads are held responsible for accounting for the daily whereabouts and activities of all employees within their departments.

### **10.03-B Punctuality**

Tardiness, like absence, causes additional burden on the County. Therefore, an employee shall be at their assigned work station performing their assigned duties at scheduled work starting time. Employees are expected to be prompt and ready for work at the scheduled starting time each day and they are not to make preparations for leaving before the end of their shift without prior approval.

Problems occasionally occur causing an employee to be late. Whenever possible, the employee shall advise the Elected Officials/Department Head of this situation prior to starting time.

If departmental operations require another employee to remain on an overtime basis to cover the absence of a tardy employee, the tardy employee shall not begin his shift until the replacement has completed the requested overtime amount. The tardy employee will not receive pay for this time.

Repeated tardiness and unexcused absence have a significant effect upon operational effectiveness and are grounds for disciplinary action.

### **10.03-C Recording Attendance**

The Elected Officials/Department Head shall maintain time records to insure that accountability is maintained for all hours worked and leave (with or without pay) and holidays taken. Accuracy in reporting time worked is extremely important.

The Elected Official / Department Head shall maintain individual records regarding the attendance of each employee and each employee's leave, available leave time and holiday leave taken.

Any abuse of leave shall be brought to the immediate attention of the Human Resource Department by the Elected Official / Department Head.

Annual attendance records, including overtime and compensatory time records, shall be maintained in the Departmental Office available for audit/record purposes for a minimum of three (3) years.

Time sheets, for the purpose of payroll, including a copy of overtime and compensatory time requests, should be forwarded to the Morgan County payroll department by 10 AM on the Monday preceding the completion of payroll checks on Thursday, unless special circumstances deem it necessary to require payroll time sheets be turned in at another time.

Signed payroll and leave records are to be kept on file in each department and available for review by the Morgan County Commission, if requested.

#### **10.04 OFFICIAL LEAVE**

An Elected Official / Department Head may grant requests for leave of absence with pay for the purpose of permitting employees to attend professional meetings, technical conferences, short-term courses, seminars in matters relating to official duties, or for other similar purposes. Such leave shall not be deducted from any other leave earned by the employee. Approval must be obtained prior to taking the leave.

Travel expenses and reimbursements for authorized official leave shall be processed in accordance with the rules and regulations contained in section titled "Travel Policy".

Department Heads should present requests or approval for such leave in writing to the Chair of the County Commission or the Chief Administrative Officer.

#### **10.05 LEAVE WITHOUT PAY**

Leaves of absence not exceeding three (3) days in any 12 month period may be granted by the Elected Officials / Department Heads for sickness and disability, to engage in a course of study and for emergencies or circumstance beyond their control / or for other good and sufficient reasons in the best interest of the County. Such leaves of absence shall not be granted to permit an employee to accept employment elsewhere or to establish a business.

When recommended in writing by the Elected Official / Department Head, an employee with at least twelve (12) continuous months of service with the County may be granted additional leaves of absence without pay for such reasons if such leave is approved in advance by the County Commission. An employee granted leave of absence under this section for medical reasons may be required to take and pass a physical examination prior to being reinstated. No such leave granted by the County Commission, may exceed one (1) year in duration. In computing the maximum time for which leave may be granted under this section, any sick leave or family and medical leave or prior leave without pay taken or granted within the twelve (12) months next preceding the leave request shall be deducted. Reinstatement to ones' former position is not guaranteed, although the County will endeavor to reinstate the employee to the same job, grade or step if such a position is available upon the employee's return to service. If no position is available when leave expires, the employee will not be re-employed. All accrued annual leave must be exhausted prior to the consideration of a Leave of Absence without pay. Sick Leave must also be exhausted if leave requested is for medical reasons.

Where a department head applies for such unpaid leave, the application shall be submitted to and through the Chair and, as to leave not exceeding three (3) days in any 12 month period, may be granted by the Chair.

The Elected Official / Department Head or Chair, as the case may be, shall provide timely notification to the Human Resource Department of the granting of such unpaid leave.

#### **10.05-A Benefits**

All job-related benefits except health insurance benefits cease when an employee is granted leave of absence without pay in excess of fourteen (14) calendar days. As to health benefits, the County will continue coverage so long as the employee pays the full premium costs allocable to his or her participation prior to the last work day of the month following the month following the effective date of the leave. When an employee returns, the Human Resource Department shall be notified immediately so that reinstatement may be effected. Approved absences shall not constitute a break in the continuity of service if less than fourteen (14) calendar days. All County benefits that operate on an accrual basis including Annual Leave and Sick Leave will cease when the employee exhausts paid leave accrued at the time any period of unpaid leave begins. This provision includes pay for Holidays which fall in any period of unpaid leave.

If reinstatement cannot occur due to no position being available, all health benefits cease the last day of the month in which the leave ended.

#### **10.06 ANNUAL LEAVE**

Annual Leave is provided with pay for full-time employee's rest, relaxation, and other personal use.

All regular full-time employees shall be credited with earned annual leave in accordance with the following schedule.

Annual leave accrual is for uninterrupted service computed from the most recent date of employment. Annual leave shall be in addition to all other leave and holidays and shall be taken or scheduled subject to the advance approval of the Elected Official / Department Head or Supervisor who shall schedule such leave so as to meet the operational requirements of the department.

Employees resigning voluntarily who give at least 14 calendar days' notice of intention to resign will receive any annual leave earned as of the date of the resignation. Employees not giving the required 14 calendar days' notice shall forfeit all unused annual leave. Employees terminated by the County will be paid for all accrued annual leave on the effective date of their separation. Upon termination, employees lose all Continuous County Service credit for prior years.

Part-time, temporary or seasonal employees are not entitled to annual leave benefits.

**10.06-A Rate of Accrual**

Eligible employees shall earn annual leave according to the following schedule:

Years of consecutive Service Annual Leave Accumulated	Leave Earned per pay period Biweekly
0 thru 4 Years	4 Hours
5 thru 9 Years	5 Hours
10 thru 14 Years	6 Hours
15 thru 19 Years	7 Hours
20 and Above	8 Hours

**10.06-B Miscellaneous Rules**

The following rules also apply to “annual leave”:

1. To maintain staffing requirements, the taking of annual leave is subject to prior approval of the Elected Official / Dept. Head or Department Head of each classified employee. Except in extraordinary circumstances, beyond the control of an employee, annual leave shall be approved in advance of each absence. Failure to comply with this requirement may result in the absence being treated as an unauthorized absence.
2. When a paid holiday occurs during an employee’s annual leave, the day will be deemed a holiday and not as an annual leave day.
3. Employees resigning voluntarily who give at least 14 calendar day notice of intention to resign will receive any annual leave earned as of the date of the resignation. Employees not giving the required notice shall forfeit all unused annual leave.
4. Employees terminated by the County will be paid for all accrued annual leave as of the effective date of their separation. Upon termination, employees lose all continuous county service credit for prior years.
5. Part-time, seasonal and temporary employees are not entitled to annual leave benefits.
6. A day charged for annual leave purpose shall be the number of hours the employee is customarily required to work during a normal workday.
7. Employees are encouraged to use all accrued annual leave each calendar year.
8. The leave year will follow the calendar year.

Unused annual leave may carry over from leave year to leave year to a maximum aggregate of two hundred forty (240) hours, other annual leave must be used in the leave year in which it is earned. Annual leave accrual will begin January 1 of each year

and will end at the end on December 31 of each year. Annual leave above a balance of two hundred forty (240) hours not used prior to the end of the established leave year will be lost. No payment for unused annual leave will be made except upon termination of employment.

#### **10.06-C Compensation and Use of Annual Leave for Inclement Weather or Other Natural Disasters Closings**

Except for Department Heads, an employee who ordinarily works in the courthouse or other buildings that have been closed for inclement weather or for any other reason shall not report for or remain on duty while such building is closed unless expressly required to do so by his/her Elected Official or Department Head. Such employee will not receive his/her regular compensation for the time during which such building is closed but may take and receive annual leave during such time or, if the employee has no annual leave to his/her credit, such employee will be considered to be on leave without pay for such time, without prejudice to his/her qualification for a merit pay increase. An employee who is required to report for or remain on duty by his/her Elected Official or Department Head and an employee who ordinarily works in other buildings or locations not affected by the closing shall report for and remain on duty as usual without additional straight time compensation.

Department Heads are expected to report for and/or remain on duty even when the buildings in which they ordinarily work have been closed, unless excused from such requirement by the Chair of the County Commission. Department Heads who are excused will be subject to the same rules of compensation as other employees.

#### **10.07 MILITARY LEAVE**

Any employee who is a member of the National Guard or the Military Reserve Forces of the United States and who is ordered by the appropriate authorities to attend a prescribed training program or to perform other duties, shall be granted a Military Leave of Absence. To the extent of the first one hundred sixty eight (168) hours or twenty-one (21) days per calendar year, such leave shall be with pay for the number of scheduled working hours occurring during the authorized period of military duty if the authorized period of military duty occurs during scheduled work days, as provided by 31-2-13 of the Code of Alabama, 1975. The employees shall receive pay for the number of working days occurring in the authorized period, according to normal work schedule, for up to one hundred sixty eight (168) hours or twenty-one (21) days per calendar year.

Any regular employee who enters active duty in the Armed Forces, Reserve or National Guard, shall be granted a Military Leave of absence for the period of military commitment with pay for up to one hundred sixty eight (168) hours or twenty-one (21) days per calendar year and without pay thereafter for a maximum period of five (5) cumulative years. Employees who are called to active duty will be eligible for reinstatement to a position with the level of seniority, status, and pay that would have been available to the employee if military service had not intervened for a period of five (5) cumulative years. Except as provided by law, employment benefits do not accrue during the period of military service. Accrual resumes upon reinstatement. Eligibility for military leave, paid and un-paid, commences upon employment.

Probationary employees: The provisions concerning regular employees shall also apply to probationary employees, provided however, that employees called to active duty while serving a probationary period cannot complete the probationary period until they return to their position. The probationary period is considered “frozen” until they return, and shall resume at the “frozen” period and they shall complete the full probationary period prescribed in this Handbook.

Employees who request such Military Leaves of absence must present the supervisor a copy of the appropriate military service orders not later than two (2) weeks prior to the scheduled date of departure. Reservists who are called to active duty status must notify superiors when put on alert for call-up. A copy of notice of duty assignment or service orders will be required by the County prior to reinstatement.

## **10.08 CIVIL LEAVE**

In an attempt to help an employee perform certain civic responsibilities when called upon, the County shall provide Civil Leave for jury duty or appearance as a subpoenaed witness on behalf of the State, County, Municipal, or Federal Government. An employee who is bringing suit against another party or who is being sued, or who is a witness in a case not related to a government agency shall not be eligible for Civil Leave. Such employee shall request Annual Leave or Leave without Pay.

Employees shall inform their supervisor that they have been notified to report for jury duty within 24 hours of receiving such notice by providing a copy of such subpoena.

An employee who has been subpoenaed by a private party to a litigation proceeding involving the County or arising out of any work with the County and who testifies while being excused from duty with pay may accept and retain any witness fee. Jury Duty pay may be accepted and retained by the employee.

After an employee has testified or after the jurors have been excused for the day, the employee shall return to work if the employee can work two (2) hours before working hours end. If the report time for either Jury Duty or appropriate witness testimony is two (2) hours or more after the employee’s normal work time, the employee will report for work as scheduled. Travel time will be considered in addition to reporting time if out of area travel is involved.

Upon completion of the Jury Duty or appropriate witness testimony, a certificate of service must accompany the payroll in order for the employee to receive pay for the service.

Time off for Jury Duty or appropriate witness testimony shall not be included as hours worked in computation of hours necessary to qualify for Overtime/Compensatory Time compensation.

Time off (Excused Absence) for voting in any election held in an employee’s registered voting precinct may be granted if the polling place is not open for sufficient time either before or after an employee’s normal work hours to provide him/her an opportunity to vote. All polling places in Alabama are open from 7:00 AM to 7:00 PM on each Election Day; therefore, the need for additional time off is rarely necessary. Requests for time off must be requested in advance by the employee and approved by their designated Leave

Approving Official. Incidents of abuse of this time off will be considered as a disciplinary matter.

## **10.09 SICK LEAVE AND BEREAVEMENT LEAVE**

All full-time employees who have completed a qualification period of ninety (90) days shall be credited with two and seventy-seven hundredths (2.77) hours of sick leave per pay period worked. During the initial qualification period full-time employees may be loaned sick leave days up to the number of days which would have accrued as of the date of the loan had he or she not then been on qualification status. Any loans must be approved in advance and in writing by the appropriate Elected Official / Department Head and a copy of the approval forwarded with the payroll for the period in which the borrowed Sick Leave is taken. Sick leave with pay shall be credited to all regular full-time employees' accounts at the rate of two and seventy-seven hundred (2.77) hours per pay period (biweekly) worked.

Sick leave with pay, to the extent of credits in an employee's account, shall be granted for the following reasons:

- Actual time required away from the job for personal illness or physical incapacity resulting from causes beyond the employee's control.
- Enforced quarantine of the employee in accordance with community health regulations.
- Actual time required for medical/dental care with a recognized healthcare professional.
- Illness or incapacitation of a member of the employee's immediate family. FMLA leave is required for periods of more than three (3) days and will run concurrently with paid leave.
- Death in the employee's immediate family\*. Such leave shall not exceed three (3) scheduled working days starting with the day of death and ending with the day of interment for each bereavement and shall be charged against accumulated sick leave with approval of the appropriate Elected Official / Department Head. Documentation of death, funeral arrangements, relationship, etc. must be provided by the employee.

"Immediate family" is defined as an employee's spouse, spouse's parent, children (including adopted children and stepchildren) and their spouses, parents, brothers and sisters (and their spouses), grandchildren and grandparents. Requests for Bereavement purposes must be accompanied with appropriate certification of relationship to the deceased, i.e. obituary, certificate of death or certificate from funeral home.

Sick leave shall not be considered a right which an employee may use at his discretion. Sick Leave is authorized for the actual time required to obtain medical/dental care through scheduled appointments and to recuperate from verifiable illness/injury without loss of pay. Periods of absence in excess of the actual time required to meet such requirements are not authorized, i.e. a medical/dental appointment that takes two (2) hours, including travel time will be excused for the two hours, not an entire day. In order to be granted sick leave with pay, an employee must meet the following conditions:

- Employees shall notify the Elected Official / Department Head or Supervisor at least two (2) hours prior to their usual reporting time of their inability to report to work on the first day of absence, or as soon as possible thereafter, of the

reason(s) for absence. Failure to notify within a reasonable time may be cause for denial of sick leave with pay for the period of absence.

- Submit, a medical certificate signed by a licensed physician certifying that the employee has been incapacitated for work for the period of absence, the nature of the employee's sickness or injury, and when the employee is physically able to return to his/her duties without restrictions. This provision is applicable if the period of absence is in excess of three (3) consecutive days or upon request of the Elected Official / Department Head. A physician's excuse for any Sick Leave falling on the last scheduled workday prior to or the first scheduled workday following a Holiday must be provided in order to receive Holiday pay.

If warranted, the Elected Official / Department Head may request a medical certificate certifying the employee's incapacitation after an absence of one (1) day.

Fraudulent or inappropriate use of sick leave shall be grounds for dismissal.

Unused sick leave is forfeited upon separation from County employment. Sick leave is not a benefit payable on demand.

On March 13, 1989, Morgan County elected to enact the provision of Act No. 88-904 of Special Session of 1988 Legislation, allowing conversion of unused sick leave to retirement service credit. Sick Leave days may be converted, upon retirement, to months of service credit to be used in the computation of retirement annuity.

## **10.10 HOLIDAYS**

The County will observe certain paid holidays each year. These days will be designated annually by the County Commission. Each department shall, at the beginning of each calendar year, post a schedule of paid holidays for the year.

Because of the nature of their duties, it will be necessary for some County employees to work on holiday or holiday observation days. Personnel who are required to work on such holidays or holiday observation days will be compensated for such through payment at the overtime rate of pay. In addition to overtime pay at the appropriate rate, employees working on holiday or holiday observation days will be paid holiday pay for all holidays in the pay period in which they fall. No in lieu of holidays are allowed, therefore all holiday pay due will be paid in the pay period in which it falls, provided the provisions of the following paragraph are complied with.

In order to receive pay for an observed holiday, an employee must work a full scheduled day on the last workday prior to the holiday and a full workday on the first scheduled workday following the holiday or be on pre-approved paid leave on those days.

When an observed holiday falls within an employee's annual leave period, that day shall not be charged against the employee's annual leave.

All employees will be allowed one (1) Personal Leave Day at the beginning of each Leave Year. This Personal Leave Day may be scheduled and taken for personal reasons in accordance with procedures outlined in the section addressing "Annual Leave". This Leave may not be accrued or carried over from one Leave Year to the next. It must be taken in the Leave Year in which it is earned without exception or

removed from the records. Failure to comply with this policy will result in loss of the personal leave day.

Paid Holidays designated by the County Commission may not be accrued or another day used in lieu of the holiday or holiday observation day at a later date, but will be paid in the pay period in which they fall. Adjustments for Ten Hour workdays will be made at the end of the Leave Year.

Temporary and part time employees will not be paid for official County holidays.

## **10.11 COMPENSATORY TIME**

Departmental schedules should be prepared to provide for the completion of work tasks and delivery of public services within the standard work period of each and all employees assigned to the department. Overtime occurs when a non-exempt employee works more than forty (40) hours in a work week. Employees are not permitted to work before or past their regularly scheduled hours or during a lunch period unless specifically authorized in advance by the Elected Official / Department Head.

Compensatory Time hours are permissible only by an actual emergency or such other unusual circumstance requiring the assignment of employees to overtime hours of work by the Elected Official / Department Head. The only exception to prior approval shall be in emergency situations where the work is essential to prevent loss of equipment or an interruption of essential public services. For the purpose of this section, the term "emergency" shall be construed to mean circumstances including, but not limited to, civil disturbances, natural disasters such as floods and hurricanes, or a significant shortage of personnel or unusual surplus of work to be performed.

The County allows employees, subject to advance approval by the Department Head/Elected Official, to accrue compensatory time off in lieu of overtime pay for hours worked for which the employee would be entitled to overtime pay. Compensatory time must be scheduled and taken as soon as possible after the end of the pay period in which the overtime was worked; but must be taken no longer than one hundred twenty (120) days after accruing. Exceptions to this rule are subject to the approval of the Morgan County Commission or its Chair. Any Compensatory time balance will be paid at current overtime rate upon termination of employment for any reason. A properly executed, approved Compensatory Time/Overtime Request/Approval must accompany the payroll for the pay period in which it was worked.

### **Exempt Employees**

The County Commission shall have the authority to provide reasonable and commensurate work schedule flexibility, where not in conflict with the essential work and delivery of public services of the County, to salaried exempt personnel whose duties and responsibilities regularly require hours of work beyond a normal work week.

# **Chapter 11**

## **Separation and Disciplinary** **Actions**

## **SEPARATION AND DISCIPLINARY ACTIONS**

### **11.01 SEPARATION BY RESIGNATION, DISCHARGE, RETIREMENT**

All separations of employees from positions in the classified service shall be designated as one of the following types and shall be accomplished in the manner indicated: Voluntary Resignation, Lay-Off, Disability, Death, Optional Retirement, Disability Retirement, or Involuntary Termination.

At the time of the separation and prior to final payment, all records, assets, uniforms and other items of County property in the employee's custody shall be transferred to the Elected Official / Department Head or Supervisor, and certification to this effect shall be executed by the Elected Official / Department Head or Supervisor and the employee. Any amount due because of shortage in the above shall be withheld from the employee's final compensation.

#### **11.01-A Voluntary Resignation**

An employee who desires to resign in good standing shall submit a written resignation or verbal notice to the Elected Official / Department Head at least 14 calendar days before leaving and must state the date of resignation and the reason for separation. Such resignation entitles the employee to payment of any accrued annual leave. Failure to comply with this procedure may be considered cause for denying future employment by the County.

#### **11.01-B Unauthorized Absence**

An employee who is absent from work without authority or leave for three (3) consecutive working days shall be deemed to have voluntarily resigned his/her employment. Such resignation does not entitle the employee to payment of any benefits due. Such resignation is considered to be "not in good standing".

#### **11.01-C Involuntary Termination**

Involuntary Termination is defined as action taken by the County to terminate an employee's services because of violation of employment conditions or policies, lack of qualifications, failure to perform work satisfactorily, or whenever, in the judgment of an Elected Official / Department Head, it is necessary to promote the best interests of the County or a department, or to maintain efficiency or harmony in County operations. Regular Full-Time employees will be given the reasons for discharge in writing, and the specific procedures to follow in appealing the discharge. Probationary employees do not have to be given the reasons for discharge, and may be discharged for no reason. Temporary seasonal and Part-Time Employees may be discharged without notice or reason. Accrued Annual Leave will be paid upon termination, but the employee will not receive pay for accrued sick leave or severance pay.

#### **11.01-D Retirement**

Whenever an employee meets the conditions for retirement set forth in the Employee Retirement System of Alabama Regulations, the employee may elect to retire and receive all benefits earned under the Alabama Retirement Plan.

Applications for retirement under the Employee's Retirement System of Alabama must be submitted not more than ninety (90) days, but at least thirty (30) days prior to the first of the month in which the employee desires to retire.

#### **11.02 SEPARATION BY DISABILITY**

An employee may be separated from the employ of the County when he / she is no longer able to perform the essential functions of the assigned position because of a physical or mental disability and a reasonable accommodation cannot be made. The County may require a medical examination to be performed at its expense by a physician of its choice in order to document a disability.

Prior to separation, the County shall make reasonable effort to accommodate the employee's major life function impairment in the assigned job. These efforts may include, but are not limited to, job restructuring, revised work schedules, and improved physical access to facilities. The employee may also be reassigned to a vacant budgeted position, if available, for which he or she is qualified and able to perform the essential functions. Separation for a disability shall only occur if all reasonable efforts to accommodate the employee have been unsuccessful. Employees will be given the reasons for separation in writing, and the specific procedures to follow in any appeal.

All grievances involving employee disabilities shall be handled on a case-by-case basis. The employee, Supervisor, or Elected Official / Department Head shall notify the Human Resource Department when there is a question regarding an employee's ability to perform the essential functions of the job because of a disability. Any disputes arising from this procedure shall be handled in accordance with the grievance procedures outlined in the section titled "Employee Appeal Procedures".

#### **11.03 SEPARATION BY DEATH**

Separation from the County shall be effective as of the date of an employee's death. All compensation and other benefits due to the employee as of the effective date of separation shall be paid to the person designated in writing by the deceased employee or, in the absence of any designation, to the spouse of the employee or, in the absence of any written designation or spouse, to the employee's personal representative. The Elected Official / Department Head shall arrange for the return of all County property (badges, keys, tools, equipment, etc.) if any, in the possession of the deceased employee or family.

#### **11.04 PROVISIONS FOR DISCIPLINARY ACTIONS**

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 credit 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.

**11.04-A Reasons Taken**

Employees will be disciplined only for violations of established board rules and regulations and/or for the good of the county. Disciplinary action will be fairly, promptly, and consistently applied to the maximum extent possible.

**11.04-B By Whom Taken**

Normally, disciplinary actions will be administered by an employee's Elected Official / Dept. Head. However, if the Elected Official / Dept. Head fail to take disciplinary action for an obvious violation of county rules, the commission may take action, so long as such action is consistent with the intent of these policies and procedures.

**11.04-C Counseling Sessions**

When practical, counseling sessions will be used to correct an employee's conduct before disciplinary action is required. Written documentation should be made, and retained in the departmental file for such employee. The documentation should be copied and sent to the Human Resource Department for inclusion in the employees personnel file.

**11.04-D Types of Discipline**

All employees covered by Morgan County are subject to disciplinary action as described herein for unacceptable conduct that falls under the intent of this section. Normally, disciplinary action will be taken only against merit status classified employees, since probationary, part-time and seasonal employees serve at the pleasure of their Elected Official / Dept. Head. However, nothing should be interpreted herein to prevent the disciplining of any employee, if circumstances warrant.

- **Procedure for Written Disciplinary Actions**

When the Elected Official/Dept. Head issues a written document outlining the disciplinary complaint; it will be signed by both the issuing authority and the employee that it pertains to. This requirement for the employee's signature is to state that he/she has received a copy of the complaint. This does not in any way imply that the employee agrees with the content of the document or is admitting to any alleged incident(s) stated therein. The employee is encouraged if he/she so desires to write a rebuttal that will be filed with the written complaint in that employee's personnel file.

- **Verbal Reprimand**

The purpose of a verbal reprimand is to allow the supervisor to bring to the employee's attention the need for improving his/her performance, work habits, behavior or attitude and to serve as a warning against further repetition of the unsatisfactory conduct. The supervisor should utilize the occasion to identify and define the area needing improvement and inform the employee as to how such improvement can be achieved. Verbal reprimands are to be documented and include the potential consequences of any

further violation. These documents will be signed by employer and employee and will be entered into the employee's personnel file.

- **Written Warning**

A written warning report will normally 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.

- **Suspension Without Pay**

A suspension without pay will normally 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 herein to prevent the suspension of an employee at the first occurrence of unacceptable conduct, when circumstances warrant.

- **Dismissal From Service**

Dismissal from service normally will 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 dismissal of an employee at the first occurrence of unacceptable conduct, when circumstances warrant.

## 11.05 CLASSIFICATION OF OFFENSE

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

## 11.06 GROUP ONE OFFENSES

Group one offenses are instances of unacceptable conduct by an employee which, while serious, will not normally merit, upon the first occurrence, suspension without pay or dismissal, and which normally, upon the first occurrence, may be addressed by a lesser degree of discipline, as outlined below. Examples of group one offenses include, but are not limited to, the following types of situations:

**Notice of Absence** - failure to give proper notice of an absence;

**Absenteeism** - irregular attendance and/or absenteeism;

**Tardiness** - tardiness (not at assigned work station within seven (7) minutes at the beginning of the first hour of the employee's workday);

**Work Interference** - interfering with the work of others to include offensive personal habits which interfere with efficient operation

**Inefficiency** - excessive inefficiency to include waste, loafing, leaving the work area without permission, and defective workmanship;

**Safety Violations** - violation of normal safety practices to include failure to report a work-related accident or injury, accident proneness, or failure to attend safety classes when directed;

**Abuse of Property** - improper use and/or care of county property;

**Political Activities** - political activities during working time;

**Refusal of Required Overtime** - failure to respond to any requirement to work outside normal scheduled work day when directed by his/her supervisor;

**Court Judgments** - willful and/or repeated failure to honor court judgments;

**Promiscuity** - promiscuous behavior on county property;

**Solicitation** – non-authorized 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);

**Dress Code** – failure to wear designated uniform or inappropriate dress, security badges;

**Offensive Language** – use of abusive or offensive language;

**Dishonesty** – dishonesty as related to an individual's job duties and / or profession, or use of one's official position for personal advantages;

**Abusive Conduct** – abusive personal conduct or language toward the public or fellow employees, or abusive public criticism of a superior or other county official;

**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;

**Other Conduct** - failure to park in employee designated areas; failure to wear courthouse security badge during employee's regular working schedule; similar conduct that meets the intent of the definition of a group one offense.

## 11.07 DISCIPLINARY ACTION FOR GROUP ONE OFFENSES

Disciplinary action for group one offenses will be taken in accordance with the guidelines established in this chapter. Disciplinary action normally recommended for a group one offense is as follows:

- **First Offense** – verbal
- **Second Offense** – written warning.
- **Third Offense** – final written warning or suspension without pay.

- **Fourth Offense** – dismissal (any combination of two(2) written warnings and/or suspensions without pay within a twenty-four (24) month period will constitute justification for immediate dismissal).

#### 11.08 GROUP TWO OFFENSES.

Group two offenses are instances of unacceptable conduct by an employee that are very serious and will normally constitute grounds for dismissal upon the first occurrence of such conduct, unless mitigating circumstances, as determined by the Elected Official / Dept. Head, render lesser discipline more appropriate. Examples of group two offenses include, but are not limited to, the following types of situations:

**Drugs and Alcohol** - possession and/or use of alcohol, illegal drugs or controlled substances while on county property or on the job;

**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 induce an unsafe mental and/or physical state;

**Firearm Possession** - unauthorized possession and/or use of firearms, other weapons, explosives, or other dangerous materials on/in county property;

**Falsification** - deliberate falsification of records and/or personal misrepresentation or statements given to a supervisor, an official, the public, or any duly authorized committee;

**Fighting** - fighting, except when the employee is a victim of an unwarranted assault;

**Serious Leave Offenses** - excessive tardiness or absenteeism, unauthorized absence, or fraudulent or abusive use of sick leave;

**Conviction** - conviction of a felony or other crime or misdemeanor involving moral turpitude, or conviction during employment of misdemeanors which affect the employee's effectiveness on the job;

**Theft or Abuse of Property** - theft, destruction, careless or negligent use, or willful damage of county property or property of others;

**Horseplay** - dangerous horseplay on the job;

**Flagrant Safety Violations** - flagrant violation of safety practices that might endanger the life or health of the employee or others;

**Serious Rule Violations** - serious violation of county regulations, department rules, or lawful orders or directions made or given by a supervisor;

**Proponent of Violent Overthrow of Government** - membership in any organization that advocates the overthrow of the government of the United States by force or violence;

**Bribes or Rewards** - acceptance of any consideration of value or gratuity that was given to improperly influence the employee in the performance of his/her duties;

**Refusal of Medical Exam** - refusal to be examined by an authorized, fully licensed physician when so directed by the Elected Official / Dept. Head or the county commission;

**Harassment** - sexual, racial, ethnic, religious or other forms of harassment against any individual;

**Sleeping** - sleeping on the job;

**Willful Violation of Rules or Law** - willful violation of any duly adopted county policy or rule, or state/federal law in the performance of one's duties;

**Insubordination** - acts of insubordination, including refusal to obey legitimate orders, or delay or failure to carry out assigned work, disrespect, insolence, and like behavior;

**Unauthorized Use of Property** - unauthorized use, misappropriation, destruction, theft, or conversion of public property;

**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;

**Unauthorized Release of Information** - unauthorized release of privileged or confidential information;

**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;

**Fraud in Personnel Matters** - fraudulent misrepresentation or omission in securing an appointment or promotion in the county service;

**Repeated Violations of Group One Offenses** - repeated violation of group one type offenses;

**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

#### **Failure to Sign Any Form of Disciplinary Action Documentation**

Similar conduct not listed herein that meets the intent of the definition of a group two offense.

### **11.09 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 normally

recommended for a group two offense is dismissal. However, a lesser disciplinary action may be taken, when an Elected Official / Dept. Head determines extraordinary mitigating circumstances so warrant.

#### **11.10 GENERAL DISCIPLINARY GUIDELINES**

**Rights Protected.** An Elected Official / Dept. Head will ensure that an employee's rights, as specified in Morgan County Policies and Procedures Handbook, are protected during any disciplinary action.

**Facts and Circumstances Considered.** Normally, disciplinary actions will be administered uniformly and according to the order listed for each group of offenses. However, an Elected Official / Dept. Head is expected and may take action according to the facts and circumstances of each situation.

**Actions Recorded in Writing.** All disciplinary actions will be recorded in writing. The Elected Official / Dept. Head and the employee will sign the record and the employee will be provided a copy. The employee's signature acknowledges receipt of a copy, but does not necessarily mean that he/she agrees with the action taken, nor will it affect the right to appeal that action. Refusal of an employee to sign the record of a disciplinary action will be so noted on the record. A copy will also be provided the Human Resource Department for inclusion in the employee's personnel file.

#### **11.11 DISCIPLINARY GUIDELINES FOR WRITTEN WARNINGS**

The following guidelines will be used in administering written warnings.

**When Given.** An employee may be issued a written warning when he/she fails to meet standards and/or commits a group one offense, and it is determined that more severe action is not necessary.

**Content of Written Warnings.** The written warning will contain the following information:

- References to the discussion held, including the date, time and place;
- Specific reason(s) for the warning, the employee's explanation as given during the discussion, other relevant information discovered during the inquiry, and the Elected Official / Dept. Head's conclusions;
- Warning that future infractions could result in more severe disciplinary action; and
- Where appropriate, recommendations for corrective action.

**No Effect on Benefits.** A written warning will not affect the rights, privileges, or benefits to which an employee may have been entitled before the warning.

## 11.12 DISCIPLINARY GUIDELINES FOR SUSPENSION WITHOUT PAY

The following guidelines will be used in administering suspensions without pay.

**When Given.** An employee may be suspended from duty without pay for a period of time not to exceed ten(10) workdays when it is determined by his/her Elected Official / Dept. Head to be justified

**Notice of Proposed Action.** Before any action is taken against the employee, the disciplining authority will notify the employee in writing of the proposed disciplinary action that is being considered and that he/she will conduct a hearing concerning the allegation against the employee. A copy of the notice will be provided the Human Resource Department for inclusion in the employee's personnel file. The written notice to the employee will contain the following information:

- Date, time and place of the hearing;
- Grounds for the proposed disciplinary action, and a summary of the facts establishing the grounds for the disciplinary action;
- Proposed disciplinary action to be taken;
- Notice of the employee's right to appear in person and/or be represented by someone of his/her own choosing and expense.
- Notice of the employee's right to respond to the allegations orally or in writing; and
- Notice that the employee has the right to present evidence in his/her defense

**Response.** After receipt of proposed action the employee, if he/she chooses to do so, will have five (5) workdays in which to file a written response with the Elected Official / Dept. Head.

**Informal Hearing.** The hearing will be conducted informally by the Elected Official / Dept. Head at the time and place designated in the notice to the employee. Formal rules of evidence will not apply.

**Modification of Discipline Proposed.** If the Elected Official / Dept. Head determines after the hearing that the facts of the case 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 guidelines for that action will be followed.

**Discipline Made Effective.** If after holding the hearing, the Elected Official / Dept. Head determines that the facts of the case support the suspension, the employee will be notified in writing. The suspension without pay will become effective on the date specified in the notice. The employee's suspension without pay will be recorded on the department's time and attendance report.

**More Severe Discipline.** If the Elected Official / Dept. Head determines during the hearing that the facts of the case appear to support dismissal, he/she will proceed with the guidelines required for such action.

**Hearing Declined.** If the employee declines a hearing or fails to respond to the notice, the employee will be suspended without pay on the date specified in the notice.

**Notice of Suspension.** A notice of suspension under this procedure will be in writing, dated, signed by the Elected Official / Dept. Head, and delivered to the employee at least three (3) days prior to the effective date. The notice will contain:

- Nature of the action being taken;
- Effective date, and the length of the suspension;
- Specific grounds for the suspension; and
- Description of the appeal rights of the employee.

**Record of Action.** A record of the completed suspension without pay action, to include a written summary of the hearing results, will be provided the Human Resource Department for inclusion in the employee's personnel file. Such record need not be a transcribed record.

**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, for a period of twenty-four (24) months following suspension, etc.

### 11.13 DISCIPLINARY GUIDELINES FOR DISMISSALS

When an employee is to be dismissed due to disciplinary reason(s) and/or the good of the county, the following guidelines will be used.

**When Given.** An employee may be dismissed from employment when his/her Elected Official / Dept. Head 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, in the opinion of the employee's Elected Official / Dept. Head, it is justified.

**Notice of Proposed Action.** Before any action is taken against the employee, the Elected Official / Dept. Head will notify the employee in writing of his/her intention to dismiss the employee and that the Elected Official / Dept. Head will conduct a hearing concerning the allegation against the employee. A copy of the notice will be provided the Human Resource Department for inclusion in the employee's personnel file. The written notice to the employee will contain the following information:

- Date, time and place of the hearing.
- Grounds for the proposed disciplinary action, and a summary of the facts which support the grounds for the disciplinary action;
- Proposed disciplinary action to be taken;
- Notice of the employee's right to appear in person and/or be represented by someone at his/her own expense at the hearing;
- Notice of the employee's right to respond to the allegations orally or in writing; and

- Notice that the employee has the right to present evidence in his/her defense.

**Response.** After receipt of proposed action the employee, if he/she chooses to do so, will have **five (5)** working days in which to file a written response with the Elected Official/Department Head.

**Informal Hearing.** The hearing will be conducted informally by the Elected Official / Dept. Head at the time and place designated in the notice to the employee. Formal rules of evidence will not apply.

**Modification of Proposed Discipline.** If the Elected Official / Dept. Head determines after the hearing that the facts of the case do not support the dismissal, the Elected Official / Dept. Head may impose a lesser disciplinary action or advise the employee that the matter is closed. If a lesser action is taken, the guidelines for such action will be followed.

**Discipline Made Effective.** If after holding the hearing, the Elected Official / Dept. Head determines that the facts of the case support the dismissal, it will become effective on the date specified in the notice of dismissal.

**Hearing Declined** If the employee declines the hearing or fails to respond to the notice, the employee will be dismissed on the date specified in the notice.

**Notice of Dismissal.** A notice of dismissal under this procedure will be in writing, dated, signed by the Elected Official / Dept. Head and delivered to the employee no later than the effective date of the action. The notice will contain:

- Nature of the action being taken and the effective date;
- Specific grounds for the dismissal; and
- Description of the appeal rights of the employee.

**Record of Action.** A record of the completed dismissal action, to include a written summary of the hearing results will be provided the Human Resource Department for inclusion in the individual's personnel file. Such record need not be a transcribed record. A report will be provided to the Human Resource Department within five (5) calendar days of the effective date of the discipline.

#### 11.14 SUSPENSION WITH PAY

In the event of an offense on the part of the employee, (e.g. fighting, destruction of county property, gross insubordination, or other cause), in which it is anticipated that the individual will be dismissed or suspended without pay, the Elected Official / Dept. Head may suspend the employee with pay for up to ten (10) working days, pending completion of a hearing. A copy of the Elected Official / Dept. Head's notice to the employee will be provided the Human Resource Department for inclusion in the employee's file. The employee's suspension with pay will be recorded on the department's time and attendance report.

### **11.15 CRIMINAL CHARGES**

If an employee is charged with a felony, which also is considered a serious violation of these policies and procedures, the Elected Official / Dept. Head will notify the employee and conduct a hearing concerning the alleged violation. Such notification and hearing will be held according to the guidelines required above. If the Elected Official / Dept. Head determines there is sufficient information available to indicate that the county's rules or standards of employment were violated, the Elected Official / Dept. Head may take appropriate disciplinary action, to include suspension without pay or dismissal, as the case may warrant.

### **11.16 APPEAL**

A merit status classified service employee may appeal a suspension without pay exceeding three (3) working days or dismissal to the Personnel Review Board by filing a notice of appeal with the Chief Administrative Officer within five (5) days of suspension or dismissal.

# Chapter 12

## Appeals

# APPEAL PROCEDURES

## 12.01 General Policy

Due process is informing an employee of a violation or offense and providing the employee an opportunity to respond. Any regular employee who is suspended, terminated, or demoted or claims that any written laws, regulations, rules or policies have been improperly applied or misinterpreted to the detriment of the employee may file an appeal in accordance with the procedures herein. Such appeals and procedures are not available to probationary, part-time, and temporary employees.

## 12.02 Personnel Review Board

In the event the employee files a timely notice of appeal to the Personnel Review Board, the Personnel Review Board shall commence a hearing on the appeal within thirty (30) calendar days after posting and forwarding to news media notice of the hearing in the same manner as notices of special meetings of the County Commission are posted and forwarded no later than five (5) days prior to the date the hearing is to commence. At the hearing, the appellant shall be entitled to appear personally; to produce evidence; to have counsel of his/her choice at his/her expense; and to have a public hearing, except that in cases where there are issues relating to the general reputation and character, physical condition, professional competence, mental health or job performance of an individual (except job performance of an individual who is required to file a Statement of Economic Interest), the Personnel Review Board may decide to conduct its hearing in executive session with reference to such issues and to deliberate and discuss the evidence presented at the hearing in executive session. To the extent provided in the Sheriff's policies and procedures, the Personnel Review Board shall also hear and make recommendations to the Sheriff relating to appeals from disciplinary suspensions, dismissals, reductions in pay and demotions of Sheriff's Department employees. At the conclusion of the Personnel Review Board's deliberation and discussion, the Personnel Review Board shall reconvene its open meeting to vote on the case and to schedule an additional hearing where the Board will supplement its decision by adopting a written statement of facts, findings and recommendation to the appointing authority to be prepared by the Board's counsel or other designee. The Board shall have the authority to continue the hearing from time to time as may be necessary or appropriate.

When the Board finds that the action appealed has been the result of or motivated by race, color, national origin, sex, age, religion, disability or any other impermissible criteria prohibited by applicable state or federal law, the Board's findings and recommendations shall be final and the employee shall be reinstated to the employee's position and the employee shall receive payment of any lost salary or wages as a result of the voided action. In all other cases, the Board's recommendation shall be advisory only, and the action taken by the appointing authority shall be final and conclusive.

Provision will be made to compensate Personnel Review Board members for expenses incurred in carrying out their duties.

The Personnel Review Board is limited to those powers stated in these policies.

Any regular employee and to the extent provided in the Sheriff's policies and procedures any Sheriff's department employee demoted in rank, reduced in compensation, suspended without pay, or dismissed, may appeal to the Personnel Review Board within five (5) calendar days after service of the order of demotion, reduction in compensation, suspension, or dismissal.

Immediately upon service of any order of suspension or dismissal, the employee shall stand relieved of all duties of the employee's office, and shall not resume these duties until the expiration of any suspension or until reinstatement from suspension or dismissal. Immediately upon service of any order of demotion in rank or reduction in compensation, the employee shall assume the rank or rate of compensation to which the employee is demoted or reduced.

The Personnel Review Board shall within twenty (20) calendar days of the filing of an appeal commence a hearing. The Board shall submit a written statement of facts, findings, and recommendation to the appointing authority.

The Board shall have the authority to continue the hearing from time to time as may be necessary.

When the Board finds the action appealed has been the result of race, color, national origin, sex, age, religion, disability, or any other impermissible criteria prohibited by any applicable state or federal law, its findings shall be final, and the employee shall be reinstated to the employee's position and the employee shall receive payment of any lost salary or wages as a result of the voided action. In all other cases, the Board's recommendations shall be advisory only, and the action taken by the appointing authority shall be final and conclusive. The appellant shall be entitled to appear personally to produce evidence, to have counsel, and to have a public hearing.

The following guidelines of due process are provided for use in the administration of the County Progressive Disciplinary Program:

- Disciplinary, Suspension, Termination, Demotions
- Submit a written request for appeal within five (5) calendar days of action taken
- Personnel Review Board will commence a hearing within twenty (20) calendar days
- Personnel Review Board presents report to County Commission. The action by Commission shall be final and conclusive.

# **Chapter 13**

## **Drug Free Workplace Policy**

## DRUG AND ALCOHOL ABUSE POLICIES AND PROCEDURES

Effective date: October 1, 2012

### GENERAL STATEMENT OF POLICY

Morgan County is committed to providing a safe working environment for all employees while serving the citizens of Morgan County. Morgan County 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 Morgan County that all employees or any person performing any kind of work for Morgan County 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.***

Morgan County 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.

In order to avoid creating safety problems and violating this Policy, employees must inform their supervisor when they are legitimately taking any medication, including prescription drugs or over-the-counter medications, which may affect their 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 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. Morgan 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.

Morgan County has designated Belinda Ealey as the Drug Program Coordinator. If you have any questions or concerns regarding this Policy or its application, please contact Belinda Ealey at: 256-351-4735 or [bealey@co.morgan.al.us](mailto:bealey@co.morgan.al.us).

## DEFINITIONS

- **“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.
- **“Administrator”** means the person or entity that implements drug testing on employees and applicants.
- **“Alcohol”** means distilled or fermented beverage containing ethyl alcohol, including, but not limited to, beer and wine.
- **“Chain of Custody”** means procedures implemented by the County for the identification and integrity of each urine specimen. Morgan County requires [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.
- **“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.
- **“Collection Site”** means a place designated by Morgan County 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 the transportation or shipment of the samples to a laboratory.
- **“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, and purchase, transfer, use or possession of which are prohibited or restricted by law.
- **“County”** means Morgan County.
- **“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.
- **“Drug Program Coordinator”** is the person designated by the County to ensure compliance with this Policy, including, but not limiting, 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.
- **“Employer Premises”** includes all property owned, leased, used or under the control of Morgan 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.

“Employee” means any and all employees of Morgan County.

- **“Illegal/Unauthorized Drug”** means any drug (A) 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 (B) all illegal drugs, including, but not limited to, methamphetamine, marijuana, cocaine, etc.
- **“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 salvia.
- **“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.
- **“Possession”** means actual or constructive care, custody, control or immediate access.
- **“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, the public and/or having any laboratory evidence of the presence of drugs, alcohol, prohibited or controlled substance in the employee’s body.
- **“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/her medical history and any other relevant biomedical information.
- **“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.
- **“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.
- **“Safety-Sensitive Employees”** are those persons who are subject to random drug and alcohol testing. See Attachment “A” for a detailed listing of the positions which the Employer has designated as “Safety-sensitive”. 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 employer 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.

## PERSONS SUBJECT TO TESTING

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

- All employees who hold positions or regularly perform duties that have been designated to be “safety sensitive” by the County and who have been randomly selected for testing.
- 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.
- 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’s property during any activity sponsored, supervised, or in which Morgan County participates.

## TYPES OF TESTING

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

- 1) **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.
- 2) **RANDOM TESTING:** All employees holding safety-sensitive positions will be subject to testing on a random basis without advance notice to them.
- 3) **REASONABLE CAUSE TESTING:** Morgan County 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 (a) contact another supervisor to observe the employee’s behavior and to concur with the decision to test the employee, or (b) 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.
  - 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 County shall discharge the employee subject to due process.
- 3) **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 an incident reportable or a reportable accident.

- 4) RETURN-TO-DUTY TESTING:** If you have violated the prohibited drug and alcohol rules, you must take and pass a drug and alcohol test before being returned to work. Further, any person 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 Morgan 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 Morgan County's property, or any other property on County's property, under control of any employee or in the personal vehicle of any employee, and located on Morgan County's property and used by said employee in commuting to work or in that employee's duty as an employee.

#### **SAFETY-SENSITIVE EMPLOYEES**

Employees are considered to be "safety-sensitive" when their 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,

- Maintaining or repairing motor vehicles or heavy equipment, including, but not limited to, bulldozers, tractors, and riding mowers
- 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
- Regularly operate 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
- Regularly operate tools that have the capacity to seriously injure the user or another person
- Loading and unloading vehicles or heavy equipment.
- Any activity related to the safe operation of a mass transit system, including dispatching vehicles.
- Carrying any weapon or object that could reasonably be used as a weapon, including, but not limited to, firearms, knives, machetes, blades, tasers, or batons.
- Answering emergency calls and/or directing the provision of emergency services.
- Providing emergency medical services.

A list of positions that have been designated as safety sensitive by Morgan County is attached hereto as Attachment A. 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 different random testing pools, including one pool for persons specifically subject to regulation by DOT and one 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 DISMISSAL.*

### ***NECESSITY OF COMPLIANCE WITH TESTING REQUIREMENTS***

All employees are subject to reasonable suspicion and post-accident testing as a condition of their 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 their 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 their duties and may be subject to 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 as follows:

- Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by Morgan County;;
- Failure to remain at the testing site until the testing process is complete;
- Failure to provide a urine specimen for any required drug test;
- Failure to permit the observation or monitoring of the specimen collection when required to do so;
- Failure to provide a sufficient amount of urine when directed without an adequate medical explanation for this failure;
- Failure to take a second test when directed to do so by the County or collector;
- Failure to undergo a medical examination when directed to do so by the MRO or employer;
- Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector);

- Failure to follow the observer's instructions during an observed collection, including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process; and
- Admit to the collector or MRO that you adulterated or substituted the specimen
- Failure to sign step 2 of the alcohol test form
- Leaving the scene of an accident without a valid reason before post accident tests have been completed. Failure to remain "readily available."

***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.

***PRESCRIPTION DRUGS***

The proper use of medication prescribed by a physician is not prohibited; however, Employer 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 Morgan County's Medical Review Officer (MRO), or their Drug Program Coordinator where these drugs may affect their 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.

***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 County 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/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 days. If a current covered employee has not performed a safety sensitive duty for 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 their employment and that they will be subject to drug and alcohol testing throughout the period of their employment. Applicants will acknowledge in writing their understanding of these provisions for their application and employment. Morgan County 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 successfully having completed a referral, evaluation and treatment plan.

### ***REASONABLE CAUSE OR SUSPICION***

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 supervisor observation, co-worker complaints, performance decline, attendance or behavior changes, involvement in workplace or vehicular accident, or other actions which indicate a possible error in judgment or negligence. 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.

Any employee refusing to submit to reasonable suspicion testing or any employee having a positive drug and/or alcohol test will be terminated.

### ***RANDOM TESTING***

Morgan County will conduct random unannounced screening of all designated employees at unannounced times throughout the year. An accredited laboratory will maintain two 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. DOT employees employed in the transportation system will only be subject to random testing through their department requirements.

**Employees will be required to report to the designated collection site for testing as soon as possible but in no case later than two (2) hours following notification.**

Failure to report for drug/alcohol screening within two (2) hours of notification will be treated as a positive test result.

**POST ACCIDENT TESTING**

Employees are required to immediately notify the Drug Program Coordinator or his 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 incurs disabling damage that prevents any of the vehicles involved from leaving the scene of the occurrence in their usual manner in daylight after simple repairs; or (3) with respect to any occurrence in which a vehicle including a mass transit vehicle (rail car, trolley car, trolley bus or vessel) is removed from operation. 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 employer 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 the County. The supervisor or designee will schedule the employee and assure that he/she is tested the same day as the reportable accident, if possible. Any employee involved in an accident out of town or state, will make all reasonable steps to comply with this policy.

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 this document should be construed to require the delay of necessary medical attention for injured people following an accident, or prohibiting a driver from leaving the scene of an accident for the period 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 hours following an accident, or until he/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 2 (two) hours for an alcohol test, a reason must be given in writing, retained in a file for possible later referral, and the County must still attempt to administer an alcohol test for up to 8 (eight) 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 Commission will discipline or terminate any employee who fails to report an accident or submit to substance screening where required by law or this policy. The Drug Program Coordinator shall insure that an Accident Report is filed in compliance with Commission Policy and applicable laws and regulations.

### **GENERAL TESTING PROCEDURES**

**Morgan County** 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:

- All testing procedures, including collections, will be performed by certified technicians and/or laboratories.
- 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.
- The Employee shall complete a drug testing custody and control form.
- 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.
- 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 72 hours after notification of a positive sample that he/she desires a retest under this provision.
- If a split sample test produces a negative result or if the second portion is not available, the test is considered negative and no sanctions will be imposed.
- All persons who receive information for the County regarding drug tests shall maintain this information on a confidential basis.

Both **Morgan County** and the laboratory shall rely, when practical, on the guidance of the Federal Department of Transportation, Procedures for Transportation Workplace Drug Testing Programs.

### **SUBSTANCES TESTED FOR**

DOT employees will regularly be tested for:

- 1) Marijuana (THC Metabolite)
- 2) Cocaine
- 3) Amphetamines
- 4) Opiates (including heroin)
- 5) Phenyefidine (PCP)
- 6) Alcohol

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 Morgan County for safety purposes. Such tests will be coordinated with the Drug Program Coordinator.

### **COLLECTION SITES**

Morgan County will designate a collection site in a reasonably accessible location.

### **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:

- 1) Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen.
- 2) Both bottles are sent to a laboratory.
- 3) Only "primary" specimen is opened and used for analysis.
- 4) "Split" specimen remains sealed and stored at the laboratory.
- 5) If the "primary" specimen confirms the presence of illegal, controlled substances, the employee has 72 hours to request in writing the "split" specimen be sent to another DHHS certified laboratory for analysis.
- 6) If it is positive for one 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.
- 7) GC/MS confirmation insures that over-the-counter medications or prescriptions are not reported as positive results.

## ***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:

- 1) All return-to-duty tests
- 2) All follow-up tests
- 3) 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
- 4) Anytime the employee is directed to provide another specimen because the original specimen appears to have been tampered with;
- 5) Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- 6) 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'
- 7) 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.

Where necessary, a County representative or medical personnel may obtain a specimen outside of a designated collection site (such as the emergency room following an accident investigation, etc.).

## ***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 hours prior to going on duty.*** A 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 just 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.

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.

## **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.

### ***REQUEST FOR RETEST***

An employee may submit a written request for a retest of the original specimen within 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.

## **RELEASE OF TEST RESULTS**

Except where otherwise specifically required by law, employee drug testing results and records are maintained under strict confidentiality by the employer, 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.

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 Morgan County to review records of previous drug and alcohol testing information.

## **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:

- (1) Records related to the collection process, including:
  - (a) Collection logbooks, if used.
  - (b) Documents relating to the random selection process.
  - (c) Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol tests.
  - (d) Documents generated in connection with decisions on post-accident drug and alcohol testing.

- (e) MRO documents verifying existence of a medical explanation of the inability an employee to provide adequate urine or breathe sample.
- (2) Records related to test results:
- (a) The County's copy of the custody and control form.
  - (b) Documents related to the refusal of any employee to submit to a test
  - (c) Documents presented by an employee to dispute the result of a test
- (3) 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.
- (4) Records related to employee training:
- (a) Training materials on drug use awareness and alcohol misuse, including a copy of the employer's policy on prohibited drug use and alcohol misuse.
  - (b) Names of employees attending training on prohibited drug use and alcohol misuse and the dates and times of such training.
  - (c) 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.
  - (d) Certification that any training conducted under this part complies with the requirements for such training.
- (5) Copies of any annual MIS reports submitted to FTA.

The following records will be maintained for no less than five 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.

The following records will be maintained for no less than two years: records related to the collection process and employee training.

The following records will be maintained for no less than one 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.

**EMPLOYEE EDUCATION AND TRAINING**

Morgan County will provide written information in drug/alcohol use and treatment resources to safety-sensitive employees. The County will provide one hour of training for employees on the dangers of controlled substance use annually. All supervisors of safety-sensitive employees must also attend one hour of training on the signs and symptoms of drug abuse. The training is necessary to assist supervisors in making appropriate determinations for reasonable suspicion testing.

## **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) will 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 49CFR part 40. All employees and applicants will be given contact information for a USDOT qualified SAP if they test positive.

## **EMPLOYEE ASSISTANCE PROGRAMS (EAP)**

The County's EAP shall include:

1. Education and training for employees regarding drugs and alcohol.
2. Education and training for Supervisors regarding drugs and alcohol, including:
  - a) Effects and consequences of substance use on personal health, safety, and work.
  - b) Manifestations and behavioral causes that may indicate substance use.
  - c) Documentation of training provided.
3. 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.

## **INVESTIGATION/SEARCHES**

Where a supervisor has reasonable cause to suspect that an employee has violated the substance abuse policy, he/she may inspect vehicles which an employee brings on the Commission's 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/her. The Commission 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.

## **SYSTEM CONTACTS**

Any questions regarding this policy or any other aspect of the drug free and alcohol-free transit program should contact the following transit system representative:

### **Designated Employer Representative/Program Manager:**

Name: Belinda Ealey  
Title: Chief Administrative Officer  
Address: Morgan County Commission, 302 Lee Street, Decatur, AL 35601  
Phone: 256.351.4735

### **SAMHSA Certified Laboratory**

ATN, Memphis, TN  
Quest, Huntsville, AL

### **Medical Review Officer:**

Dr. Freddy McMurry  
Dr. James Gauthier  
Occupational Health Group Decatur  
1615 Kathy Lane SW  
Decatur, AL 35603  
Phone: 256-353-4325

### **Substance Abuse Professionals**

Primary SAP: Barry Hooie  
Agency: Decatur Morgan Hospital West  
Address: 1615 Kathy Lane SE, Decatur, AL 35603  
Telephone Number: 256-306-4000

## **Attachment A**

All positions were reviewed for safety-sensitive duties , as defined in 49 CFR part 655, by the appropriate elected officials/ department heads to determine the safety-sensitive positions. Additionally, any new positions created in the future will be reviewed for safety-sensitive duties. The following positions were determined to be safety-sensitive:

### **SAFETY SENSITIVE CLASSIFICATIONS**

#### **ANIMAL CONTROL**

- ✓ Director Animal Control
- ✓ Animal Control Officer

#### **COMMUNITY CORRECTIONS**

- ✓ Community Corrections Director
- ✓ Community Corrections Case Manager

## **Attachment A Continued**

### **DISTRICTS**

- ✓ Foreman \*
- ✓ Equipment Operator 1 \*
- ✓ Equipment Operator 2 \*
- ✓ Equipment Operator 3 \*
- ✓ Part-Time Equipment Operator \*
- ✓ Mechanic \*
- ✓ Laborer
- ✓ Administrative Assistant
- ✓ District Coordinator
- ✓ Groundskeeper

### **EMA**

- ✓ Director EMA
- ✓ TVA Planner
- ✓ Administrative Assistant – EMA
- ✓ Operations Officer – EMA

### **ENGINEERING**

- ✓ County Engineer
- ✓ Assistant Engineer
- ✓ Engineer Assistant I
- ✓ Engineer Assistant II

### **ENVIRONMENTAL**

- ✓ Solid Waste Manager \*
- ✓ Route Supervisor \*
- ✓ Mechanic \*
- ✓ Drivers \*
- ✓ Litter Control Assistant

### **JUVENILE PROBATION**

- ✓ Chief Probation Officer
- ✓ Probation Officer I
- ✓ Probation Officer II

### **MAINTENANCE**

- ✓ Building Superintendent
- ✓ Assistant Superintendent
- ✓ Maintenance Worker
- ✓ Groundskeeper

### **MCATS**

- ✓ Dispatcher I \*\*
- ✓ Dispatcher II \*\*
- ✓ Driver \*\*
- ✓ Mechanic \*\*

## **Attachment A Continued**

### **REVENUE**

- ✓ Real Property Appraiser

### **SALES TAX**

- ✓ License Inspector Supervisor
- ✓ License Inspector

### **SHERIFF'S OFFICE / JAIL**

- ✓ Chief Deputy
  - ✓ Captain
  - ✓ Lieutenant
  - ✓ Sergeant
  - ✓ Deputy
  - ✓ Process Server
  - ✓ Investigator
  - ✓ Telecommunication Supervisor
  - ✓ Telecommunication
  - ✓ Task Force
  - ✓ Mechanic
  - ✓ Corrections Officers
  - ✓ Maintenance
  - ✓ Warden
  - ✓ Detention Supervisor
  - ✓ Detention Supervisor- Sergeant
  - ✓ Detention Supervisor – Corporal
- \* DOT Employees      \*\* DOT Employees in the Transit Pool

**Attachment B**

**RESOLUTION ADOPTING DRUG AND ALCOHOL  
ABUSE POLICIES AND PROCEDURES**

**BE IT RESOLVED** by the Morgan County Commission that drug and alcohol policies and procedures contained in a twenty-four page document entitled "Drug And Alcohol Abuse Policy And Procedures-Effective Date: October 1, 2012" be and they are hereby adopted as policies and procedures of Morgan County, Alabama and the Morgan County Commission.

**BE IT FURTHER RESOLVED** that the Chair cause a copy of said Drug and Alcohol Abuse Policies and Procedures to be included in the minutes of this meeting;

**BE IT FURTHER RESOLVED** that the drug free workplace policy currently contained in Section 11 of the Morgan County, Alabama Personnel Policy Handbook is hereby superseded by the policies and procedures adopted by this resolution.

**EMPLOYEE RECEIPT OF DRUG AND ALCOHOL TESTING POLICY**

Return this completed form to your immediate supervisor.

Employee Name : \_\_\_\_\_  
(print)

I hereby certify that I have received and will read this Drug and Alcohol Abuse Testing Policy. I understand that I will be held responsible for the content of the policy and I agree to abide by drug and alcohol testing policy. If I need any clarification or if I have any questions regarding the substance of the policy, I will address them with the drug program administrator.

I understand that violation of this Policy may be grounds for termination of my employment.

This policy adheres to the Federal Transit Administration's mandated regulations for drug and alcohol testing.

Employee Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**MORGAN COUNTY**

**SUBSTANCE USE TESTING  
CONSENT FORM**

I hereby certify that I have reviewed a written copy of Morgan County's Drug-Free Workplace Policy which was (is) effective 10-01-12. I have been given the opportunity to ask questions regarding this policy. I understand that violation of this policy is cause for disciplinary action, up to and including termination, or disqualification of employment.

I hereby give my voluntary consent for specimen(s) to be collected from me and submitted for drug and/or alcohol testing as a condition of my initial or continued employment. I understand that I will not be forced to submit to any alcohol or drug test, but my refusal to do so shall result in termination of employment or consideration for employment. I further consent to the release of said test results to the Morgan County Commission and the said employer's Medical Review Officer. I understand that these results will be held in strict confidence.

I understand that Morgan County has the right to conduct searches and inspections of any employee's personal effects, clothing, work area, and vehicle for the purpose of determining if such employee or other person is in possession, uses, transports, or conceals any prohibited items and/or substances.

Searches, inspections, and substance use testing as may be required from time to time without prior announcement shall be conducted with concern for the personal privacy of each employee.

I understand that consent and cooperation in these procedures is a condition of employment, and that refusal to consent may result in termination or disqualification from employment.

I authorize the release of any test results to the company's workers' compensation insurer(s), the Alabama Unemployment Compensation Division, or any other government agency investigating my employment or termination.

I understand that copies of this original shall have the same force and effect as the original.

I understand that this agreement in no way limits my rights or Morgan County's to terminate employment at any time for any reason.

\_\_\_\_\_  
Print Name Date

\_\_\_\_\_  
Employee's (Applicant) Signature

RECEIVED in Commission Office on \_\_\_\_\_ by \_\_\_\_\_.

## PRE-EMPLOYMENT DRUG TESTING AGREEMENT

I hereby consent to submit to a urinalysis and/or other tests as shall be determined by Morgan County in the selection process of applicants for employment for the purpose of determining substance use.

I agree that Morgan County may collect these specimens for the tests and forward them to *(testing laboratory designated by the county)* for analysis.

I further agree to, and hereby authorize, the release of the results of said tests to Morgan County's designated Medical Review Officer (MRO), and from the MRO to the employer or its designee. Positive results may be reported to the employer by the MRO.

I understand that the current use of drugs and/or alcohol shall prohibit me from being employed by Morgan County.

I further agree to hold harmless Morgan County and its agents from any liability arising in whole or in part from the collection of specimens, testing, and use of the results from said tests in connection with Morgan County's consideration of my application for employment.

I further agree that a reproduced copy of this pre-employment consent and release form shall have the same force and effect as the original.

I have carefully read the foregoing and fully understand its contents. I acknowledge that my signing of this consent and release form is a voluntary act on my part and that I have not been coerced by anyone to sign this document.

**APPLICANT'S PRINTED NAME:** \_\_\_\_\_

**APPLICANT'S SOCIAL SECURITY NUMBER:** \_\_\_\_\_

**APPLICANT'S SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS' PRINTED NAME:** \_\_\_\_\_

**WITNESS' SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**REASONABLE SUSPICION REPORT FORM**

NAME OF EMPLOYEE: \_\_\_\_\_

NAME OF SUPERVISOR: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ OFFICE: \_\_\_\_\_

NAME OF WITNESS (ES) AND TITLE(S): \_\_\_\_\_

\*\*\*\*\*

Disorientation \_\_\_\_\_ Extremely Nervous \_\_\_\_\_

Thick, Slurred Speech \_\_\_\_\_ Unusually Talkative \_\_\_\_\_

Glassy-Eyed \_\_\_\_\_ Profuse Sweating \_\_\_\_\_

Poor Motor Coordination \_\_\_\_\_ Uncoordinated Gait \_\_\_\_\_

Sleepiness & Drowsiness \_\_\_\_\_ Belligerence \_\_\_\_\_

Jerky Movement of Eyes \_\_\_\_\_ Staggering Gait \_\_\_\_\_

Blank Stare Appearance \_\_\_\_\_ Mood Changes \_\_\_\_\_

Dilated Pupils \_\_\_\_\_ Odor of Glue, Paint Solvent \_\_\_\_\_

Flushed Face, Head, or Neck \_\_\_\_\_ Poor Perception of Time & Distance \_\_\_\_\_

Redness Around Nasal Area \_\_\_\_\_ Use of Sunglasses at Inappropriate Times \_\_\_\_\_

Tremor of Fingers & Hands \_\_\_\_\_ Unable to Perform Usual Routine Tasks \_\_\_\_\_

Unusual Body Position \_\_\_\_\_ Odor of Burnt Rope \_\_\_\_\_

Muscle Rigidity \_\_\_\_\_ Inability to Remember \_\_\_\_\_

Hearing and/or Seeing Things \_\_\_\_\_ Other, Explain Below \_\_\_\_\_

Describe in detail the events which led to this report and explain your observations checked above.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# **Chapter 14**

## **Employee Workplace Health and Safety Policies**

# EMPLOYEE WORKPLACE HEALTH AND SAFETY POLICIES

## 14.01 ORIENTATION

Orientation of the Morgan County Employee Handbook to all new employees is the responsibility of the Human Resource Department.

New employees are oriented on subjects necessary to enable them to understand general County organization, the Compensation Plan, Employee Benefits, Overtime and Leave Policies, Retirement Benefits, Continuation of Health Benefits Authority, and other areas of general interest.

Elected Officials / Department Heads are responsible for detailed job requirements orientation and for other particular or peculiar situations in their department.

New employees will be furnished with copies of the Morgan County Policies & Procedures Handbook and information documents required by law or required by County policy by the Human Resource Department. Human Resource will review the information with the employee and acknowledgement receipts shall be required.

Under normal circumstances, new employees will be given their information orientation during their first ten (10) days of employment.

## 14.02 PERSONAL SECURITY

All employees, including those classified as other than full-time, shall be covered by the Social Security Program. The cost of such taxes paid to the Federal Government on behalf of employees shall be shared equally by the employee and the County, or as otherwise provided by applicable law.

### 14.02-A Employee Retirement

All County employees are covered by the Employees Retirement System of Alabama and the United States Social Security System.

### 14.02-B Life and Accidental Death Insurance

Life and Accidental Death insurance is currently provided for regular full-time employees in the classified service. The level of coverage is established by the County Commission.

### 14.02-C Healthcare Benefits

The County currently provides health insurance benefits to full-time employees, but reserves the right to discontinue such insurance if the cost becomes prohibitive. The costs of such benefits will be shared by the employee and the County and any increases in premium costs will be shared as determined by the County Commission. Any changes in coverage will be approved by the County Commission.

Health benefits are provided to regular employees who regularly work at least thirty two (32) hours per week and elect coverage under the County's Health Insurance Plan. The

county currently pays the major portion of the individual premium on behalf of each eligible employee. The type of coverage is determined by election of coverage upon completion of the 60 day qualification period and during open enrollment thereafter.

Any current employee may join, change or cancel coverage under the plan during the annual Open Enrollment period subject to approval by the insurer. Changes can be made to employee contracts for qualifying life events detailed in employee's Blue Cross Blue Shield Handbook.

#### **14.02-D Worker's Compensation Insurance**

As required by Alabama law, employees of the County are covered by Worker's Compensation from the date of employment. The County will comply with all relevant statutes in the administration of Worker's Compensation.

Employees shall report any on-the-job injury immediately, if possible, or within 6 hours, to their supervisor who shall render the necessary aid and advise the Elected Official / Department Head. Any employee failing to report injury will be subject to disciplinary action.

Employees injured in job related accidents and unable to perform their normal duties shall be given other duty assignments or modified duty work which will accommodate any restrictions, when possible, at the rate of pay for the work performed. The employee will retain his or her current salary in the pay system but will be paid at the appropriate pay level for the work performed when permitted to do so by the treating physician, and if such other duty work or modified duty work is available. Modified duty assignments shall not be limited to departmental activities or classified jobs, but must accommodate the restrictions placed on the employee by the treating physician. In no instance will an employee be allowed to work where the physical restrictions cannot be fully accommodated or the employee is not otherwise qualified.

#### **14.02-E Modified Duty Policy**

Morgan County is committed to providing a safe work environment for all employees. Morgan County will implement Modified Duty procedures which will allow employees who suffer an occupational injury or illness while on the job to return to work as soon as reasonably possible. Refer to section 7.04 for the complete policy.

#### **14.02-F Uniforms**

Uniforms may be furnished employees as determined appropriate by the County Commission. Appropriate wear and appearance standards are covered in section titled "Appearance".

### **14.03 SAFETY PROGRAM & PROCEDURES**

#### **14.03-A Policy Statement and Responsibility of County Commission**

The County is vitally interested in the safety and well being of every employee and of the general public. It is the intent of the County to provide reasonably safe equipment,

procedures and surroundings for all employees so as to provide safe and healthful working conditions. Safety is a primary goal in providing effective County Government and operation.

Some of the reasons for establishing an effective safety policy are:

1. To provide a base from which to implement and enforce safe practices and procedures.
2. To reduce the number of on-the-job accidents, thus reducing costs by:
  - Reducing Worker's Compensation claims and public liability costs;
  - Reducing uninsured costs such as:
    - ✓ Lost time due to injured workers;
    - ✓ Cost due to equipment damage;
    - ✓ Cost to employer under employee benefits;
    - ✓ Cost to employer in wage contributions of the injured worker;
    - ✓ Overhead costs per injured worker.
    - ✓ Personal hardships

The purpose of the County's accident control program, therefore, is to locate and correct conditions responsible for these losses.

#### **14.03-B Supervisor's Responsibility**

The success of any safety program rests with the Elected Officials / Department Heads/Supervisors who immediately control personnel and oversee much of the County business. Enforcement of safety rules, identification and correction of workplace hazards, safety training, reporting and investigating accidents, evaluation of safety procedures for effectiveness, and compliance with applicable laws and regulations is a primary responsibility of all management officials.

Supervisors and employees are encouraged to recommend procedures to reduce the frequency of job accidents by identifying, correcting, and reporting unsafe conditions or unsafe acts as they occur in their areas of control. Supervisors are encouraged to eliminate hazardous conditions themselves or by reporting them to higher management if beyond their control.

Some of the actions required to implement an effective safety program include:

- Thorough knowledge of employees related to job assignment, job instruction, and the maintenance of discipline;
- Risk assessment through Pre-job planning;
- Frequent inspections of job sites;
- Close checks with employees to advise them of safety procedures; and
- Prompt action to correct unsafe conditions and work practices.

To summarize, supervisory job analysis as applied to safety may be defined as planning, analyzing hazards, arranging operations, providing equipment, providing instruction, and supervising in a manner and to a degree necessary to reasonably provide safety throughout the job.

### **14.03-C Safety Instructions for Employees**

Employment by the County will be limited to those who accept the full responsibility for their own safety and who cooperate fully in eliminating all accidents and injuries. Full acceptance of the following set of safety rules will be a condition of employment.

1. Employees must report all injuries and accidents to their supervisor immediately. Appropriate medical treatment must be obtained.
2. All safety devices and equipment provided to employees by the County must be properly used when expected.
3. Be safety conscious and report to the supervisor any unsafe conditions or practices. At all times the employee is free to offer suggestions that would improve safety conditions.
4. Horseplay is not permitted at any work site at any time by any employee.
5. Observe all safety precautions in the use of equipment which could cause injury to you or other employees.
6. If an employee does not understand the safety rules, work practices, procedures, or instructions, the supervisor should be consulted.
7. Proper housekeeping and maintenance of work areas and equipment is essential to job safety.
8. All employees are expected to familiarize themselves with these policies and procedures. Failure to observe proper safety procedures, failure to utilize safety equipment, or failure to report an accident, injury, or defective equipment or vehicles may result in disciplinary action.

### **14.03-D Safety Committee**

The County Commission will establish a Safety Committee, which shall be composed of such members as the Commission shall designate from time to time. These members will serve at the pleasure of the Chair of the County Commission. Official Leave with pay shall be granted to Committee members for attendance at Safety Meetings.

The Safety Committee shall meet on a regularly scheduled basis and also such other times as required by the Safety Director. It shall be the purpose of these meetings to discuss problems and areas of mutual concern regarding the safety and health of all County employees.

The Committee shall convene on a regular basis to review incident frequency and determine if remedial measures are available. The Committee shall review accidents, in accordance with established policies, and formulate a recommendation sent to the Elected Official / Department Head and to the County Commission.

## **14.04 APPEARANCE**

### **14.04-A Uniformed Personnel**

It is the responsibility of the employee to keep uniforms in a neat and orderly manner. Employees are expected to begin their work period with a clean uniform. The complete uniform must be worn at all times while on duty, and no uniform may be altered or changed in appearance. Any employee who loses the uniform will be responsible for the replacement of the uniform. The amount for replacement shall be deducted from the employee's regular paycheck.

Employees shall not wear their uniforms on off-duty hours in public places unless authorized to do so by the Elected Official / Department Head.

### **14.04-B Non-Uniformed Personnel**

All non-uniformed personnel are expected to dress appropriately for their assigned duties and responsibilities. Clothing should be neat and clean and appropriate for the particular office environment to which assigned. Shorts, t-shirts, and halter tops are not considered appropriate apparel. Employees are expected to maintain a neat and clean physical appearance particularly those in positions where considerable public contact is required.

### **14.04-C All Morgan County Employees**

Morgan County, Alabama strives to be known as an organization where employees enjoy their work environment while creating extraordinary results. Also, we would like our offices to be a place where open communication occurs comfortably across all levels. The County considers it very important you are well groomed, neat, and dress appropriately for your job function and, while we trust each employee's common sense and good judgment, a dress code must be followed that is appropriate to the work environment. To help meet these goals, we have adopted a Business Dress Policy as our dress standard Monday through Thursday for primarily office employees in the Courthouse, Archives, and MCATS.

The following guidelines will help day-to-day definition of acceptable Business attire.

#### GUIDELINES: (Monday through Thursdays)

1. Choose business clothing that communicates professionalism.
2. Business attire includes, but is not limited to: slacks, khakis, collared sport shirts, skirts and dresses, turtlenecks, sweaters, loafers, and sandals.

3. Clothing items that are not considered to be business attire: jeans, shorts, bib overalls, halter tops, beachwear, work-out attire, tank tops, tee-shirts, spandex or other form-fitting pants, athletic shoes, casual slippers, or distracting, offensive or revealing clothes.
4. Body piercing jewelry will only be worn on the ears. No other areas of the body should be visible with body piercing jewelry.
5. Tattoos must be appropriate in content and in keeping with a professional image.
6. Distracting, offensive or revealing clothes should not be worn on any day of the work week. All clothing should be neat in appearance and without tears or holes.

#### GUIDELINES: Fridays

Fridays and any other days designated by the County Commission will be considered as Casual dress days. Employees may choose to wear casual clothing such as jeans and un-collared shirts that are in compliance with above criteria. Elected Officials and Department Heads are responsible for interpreting and enforcing dress and grooming standards in their areas of responsibility. This includes counseling employees whose appearance is inappropriate. Reasonable accommodation will be made for employees' religious beliefs and disabilities whenever possible, consistent with the business necessity to present a professional appearance to the public. Questions or complaints that cannot be handled to an employee's satisfaction by his or her supervisor or manager should be referred to the Human Resource Department.

#### COMPLIANCE

1. Elected Officials and Department Heads are responsible for ensuring their departmental personnel are in compliance. Elected Officials / Department Heads and Supervisors should refer to Progressive Discipline of Employees for violation of these standards.
2. Please be considerate of co-workers, vendors, customers (public) and guests. Good hygiene is a must. Perfume and cologne is not permitted when, due to sensitivity (allergies, illness) of co-workers, customers, and guests a hardship is created.

### **14.05 OCCUPATIONAL INJURY / DEATH**

#### **14.05-A General Policy**

If an employee is injured, regardless of how minor the injury, a Supervisor's Report form shall be completed and submitted to the Elected Official / Department Head no later than 12:00 p.m. (Noon) of the next working day following the accident. Notice of serious injuries, requiring immediate medical attention, should be phoned in to the Human Resource Department immediately and confirmed in detail by the report no later than 12:00 p.m. on the next working day following the accident/incident. Failure to do so could result in disciplinary action

- It is the supervisor's responsibility to prepare and submit the Supervisor's Report. Under no conditions should the report be prepared by an injured employee.
- The Elected Official / Department Head shall refer the employee to and shall set up the initial appointment with the workers compensation provider designee for regular treatment. Emergency treatment may be authorized by the Elected Official / Department Head or immediate supervisor in cases of serious injury.
- The supervisor shall immediately notify the Elected Official / Department Head when an employee has been transported for emergency treatment. Employment verification by the treating entity will be made through that office.
- The Elected Official / Department Head shall be responsible for filing the Accident/Incident Report and for all future correspondence relating to the claim received being forwarded to the Human Resource Department. Any lost time due to the injury must be documented.
- All Morgan County employees, unless in an emergency situation, should report for treatment to the designated County Treatment facility as soon as possible.
- Upon returning to work after an injury, an employee must have a physician's statement releasing the employee to resume duties.

#### **14.05-B Occupational Death**

If an employee's death results from the actual performance of job duty and is not caused by a disqualifying act or omission on the part of the employee, the survivors or beneficiaries of the employee may be entitled to death benefits.

**Worker's Compensation:** See section on "Personal Security".

#### **14.06 SMOKING IN THE WORKPLACE**

Any smoking is prohibited in all Morgan County environmentally controlled buildings, and facilities.

Smoking is permitted on the outside of buildings in places designated by Elected Officials and/or Department Heads.

Elected Officials/Department Heads are encouraged to accommodate the needs of their employees who smoke by permitting such employees to take their normal scheduled breaks from their work to go outside for the purpose of smoking in the designated smoking areas near their work place. Additional breaks outside the normal scheduled breaks given to all employees are not authorized for such purposes.

The Sheriff of Morgan County shall make and enforce such rules in regard to smoking as he deems fit, proper and in compliance with appropriate laws concerning such actions for those areas in which prisoners are incarcerated.

Smoking in areas designated as no smoking areas is of particular concern to the liability insurance carrier because of the health and safety hazards. All Elected Officials/Department Heads and supervisors should assist in helping to make the Smoke Free environment in Morgan County a reality and reduce our exposure to workplace hazards.

Any violation of this policy shall be reported to Courthouse Security or the Human Resource Department immediately. This includes violations by the public, inmates, or any other persons smoking in a prohibited area.

#### **14.07 SOLICITATION AND DISTRIBUTION**

The purpose of this policy is to ensure a productive work environment where employees and County operations may function without disruption.

This policy applies to employees during work time and while on County premises.

The County strives to establish a work environment that is productive and without undue disruptions to the work day. Employees, as well as outsiders, are prohibited from soliciting employees during working hours.

Soliciting by one County employee of another, or collecting from one employee by another, is prohibited while either employee is on work time. Solicitation for whatever purpose is not permitted without express authority from the County Commission or the Department Head. If a non-county employee calls upon an employee during working hours, he should be informed in a courteous manner that solicitation is not permitted. This is not intended to exclude sales representatives on bona fide business with the County. Distributing literature, circulating petitions, trespassing, or soliciting during work time or in work areas by anyone is prohibited on county premises.

"Work time" is all time on the premises other than before and after work, at meal periods and break times. "Work areas" are all areas on the premises other than employee break rooms and lunchrooms.

#### **14.08 WIRELESS DEVICE POLICY**

### **Morgan County Wireless Device Policy**

#### **Purpose:**

The purpose of this directive is to set forth expectations for Morgan County employees regarding the use of personal or business wireless devices while operating a motor vehicle on County business.

## **Definitions for purposes of this policy include:**

**Driving Distractions:** References to driving distraction include anything that distracts the driver's attention away from driving and safely operating a motor vehicle. Distractions include reaching for objects, eating, drinking, reading, dialing a hand-held device, and using a hand-held wireless device to speak or text message or page.

**Wireless Device:** References to wireless devices includes, but are not limited to, cell phones with text or internet capabilities, devices commonly known as smartphones, electronic readers, tablets, laptops, netbooks, GPS devices and other similarly equipped wireless devices. Covered devices shall not include voice radios, mobile radios, land mobile radios, or two-way radios with the capability to transmit and receive voice transmission utilizing a "push to talk" or "press to submit" function. Further, it does not include any device used by law enforcement, emergency services, public safety officers or elected officials when used in the scope of furtherance of their official job duties.

## **Policy:**

All employees must adhere to all federal, state, and local rules and regulations regarding the use of wireless devices while driving. Additionally, employees are prohibited from using a wireless device to write, send or read text-based communications while driving. Public safety employees, law enforcement, and emergency service employees operating authorized emergency vehicles are exempt from these requirements for work-related calls and communications. Drivers under the age of 18 are prohibited from using a wireless telephone or other electronic or mobile services device to speak or text, even hands free, while operating a motor vehicle, except to call police, fire or medical authorities in an emergency situation. The best practice is not to use a wireless device while driving unless it is an emergency and it is not safe to pull off the road. Even with hands-free functionality, use of a wireless device while driving can cause unnecessary distractions and pose safety risks. Employees who must use a wireless device in the performance of their daily work are expected to follow the policy.

## **Policy Guidelines for Safe Driving**

- Driving is your priority. Obey all traffic signs and signals and stay within the speed limits. Your greatest responsibility is to the safety of other drivers, pedestrians and passengers.
- Do not engage in behavior which distracts your attention from driving. Never take notes or look up information while driving. Pull off the road if the call is distracting or reading/writing is required during the call.
- Be knowledgeable. Understand how to use your wireless device. Read the user's Handbook to learn of its capabilities.
- Use memory dialing. Pre-program frequently dialed numbers or use voice recognition dialing.
- Position the wireless device within easy reach and as close to eye level as possible to avoid taking eyes off the road.
- Let the person you are speaking with know you are driving.
- Suspend conversations during hazardous situations, including high pedestrian traffic, congested traffic or severe weather conditions.
- Do not engage in stressful or emotional conversations that may divert your attention from the road.
- Keep any necessary conversations brief.

- Refrain from placing or receiving unnecessary calls. Allow voice mail to handle your calls and return them when it is safe and convenient.
- Actively compensate for the potential distraction created by wireless device use, move to slower travel lanes, increase your following distance and frequently check your mirrors to assess the immediate driving situations.
- It is recognized that, due to the nature of their work, public safety personnel may be required to engage in activities outlined above in the course of performing their duties.

**Disciplinary action:**

Violations of this policy may be subject to disciplinary action in accordance with the Morgan County Personnel Policies and Procedures.

**14.09 MOTOR VEHICLE POLICY**

**Purpose:** The Morgan County Commission is committed to insuring that its fleet operations are conducted in a safe and efficient manner. This policy addresses specific responsibilities of those employees whose job duties require that they operate county vehicles and equipment. It is the responsibility of these employees to familiarize themselves with and follow this policy and its requirements.

**Definition of County Vehicle:** A County vehicle is any vehicle that is owned, leased, rented or loaned to the Morgan County Commission.

**Definition of Authorized Driver:** An authorized driver is any employee who has been approved by the Morgan County Commission or designated agent to operate a County vehicle.

**Definition of Safety Review Committee:** Committee consisting of Safety Director, and a representative from Engineering, Sheriff’s Office, Districts and MCATS. The districts will participate on a rotating basis, each serving a one year term.

Authorized drivers will not allow an unauthorized individual to operate their assigned County vehicle. There are no exceptions and driving privileges may be suspended or terminated if this occurs. Additionally, if unauthorized use results in an accident, the responsible employee may be required to make restitution for the damages to all vehicles involved in the accident.

**Driver’s License Requirements:**

If a Driver’s License is a requirement for a given position, the employee must have a valid Alabama Driver’s License of the proper type for that particular position. The Commission Office will conduct an annual check of Department of Motor Vehicles Records for all positions requiring a Driver’s License. Should the license be suspended or revoked for any reason:

1. The employee whose Driver’s License is suspended or revoked shall immediately notify his/her Supervisor, who in turn, shall notify the Elected Official/Dept. Head and the Commission Office.
2. The employee may be subject to disciplinary action up to termination, or may be reassigned if a vacancy exists.

3. If a vacancy is created because of reassignment, the position shall be filled pursuant to the County's hiring procedures.
4. When an employee's license is reinstated, the employee shall be allowed to apply for positions as they become available.
5. If an employee fails to notify his/her Supervisor of his/her loss of license and drives a County vehicle, the employee may be subject to disciplinary action up to and including termination.

Elected officials/department heads shall be responsible for insuring that their employees who operate a County vehicle maintain the driver's license requirements of this policy and have an acceptable Motor Vehicle Record prior to operating a County vehicle.

**Motor Vehicle Record (MVR) Requirements:**

Driving creates a significant safety exposure for our employees and a serious liability exposure for Morgan County. It is Morgan County policy and a requirement for employment that every employee position that includes driving duties requires a Motor Vehicle Record (MVR) meeting the requirements stated below. This MVR policy applies to all drivers of County owned vehicles. MVRs are checked for the most recent three year period.

MVRs will be examined prior to the start of employment and at least annually thereafter. Any job offer made to a candidate for a position with driving duties shall be contingent upon an MVR meeting the required standards; continued employment in a position with driving duties also requires an MVR meeting the standards outlined below.

**The standards for MVRs are as follows:**

1. All operators must be at least of the age of 18 years and must have a valid Alabama driver's license. New hires with a valid out of state driver's license will have 30 days to obtain an Alabama license.
2. No new driver will be hired with a "borderline" or "poor" MVR. MVRs will be graded based on the table below, as minimum requirements.
3. Driving records must remain "acceptable" or "clear," as graded on the table below, for continued employment in positions with driving duties.

Any exceptions to these guidelines must be referred to the Morgan County Commission for written approval. The auto insurance carrier will be consulted on any/all MVRs not meeting the minimum criteria.

Number of Minor Violations	Number of at-fault accidents			
	0	1	2	3
0	Clear	Acceptable	Borderline	Poor
1	Acceptable	Acceptable	Borderline	Poor
2	Acceptable	Borderline	Poor	Poor
3	Borderline	Poor	Poor	Poor
4	Poor	Poor	Poor	Poor
<b>Any Major violation</b>	Poor	Poor	Poor	Poor

Minor violations	Major Violations
<ul style="list-style-type: none"> <li>• Stop Sign/ traffic signal offenses</li> <li>• Speeding</li> <li>• Following too close</li> <li>• Improper turn, failure to signal</li> <li>• Seat Belt Violation</li> <li>• Illegal Passing</li> <li>• Any other moving violation that is not a Major violation</li> </ul>	<ul style="list-style-type: none"> <li>• Driving Under Influence of Alcohol/Drugs</li> <li>• Failure to stop/report an accident</li> <li>• Reckless Driving</li> <li>• Making a false accident report</li> <li>• Homicide, manslaughter or assault arising out of the use of a vehicle</li> <li>• Driving while license is suspended/revoked</li> <li>• Attempting to Elude Police Officer</li> </ul>

Any driver falling into the poor category will immediately be relieved of his/her County driving privileges. In addition to the MVR criteria outlined in the above Driver Performance Rating, the following will automatically place an individual in the “poor” category.

1. Suspension of driver’s license.
2. Failure to pass drug test if required by Morgan County Policy.
3. Refusal to take drug test if required by Morgan County Policy.

“Borderline” MVRs will be monitored closely and a warning will be given to the individual in that category. Employees are required to report all violations occurring while driving in a County provided vehicle to their supervisor. County drivers must immediately notify their supervisors of any convictions of DUI or any other major traffic violations as defined in this policy, whether or not the violation occurred on County business. Also, County drivers must immediately report to their supervisors any changes in their driving record that may affect their ability to meet the standards of this policy.

In addition, if Morgan County’s insurance carrier refuses to insure any employee due to his or her MVR, the employee will be immediately relieved of his or her driving privilege and may be subject to appropriate corrective or disciplinary action.

**Seat Belt Use:** Morgan County recognizes that seat belts are extremely effective in preventing injuries and fatalities in motor vehicle accidents. Wearing your seat belt can reduce your risk of dying in a motor vehicle accident by up to 60%. We care about our employees and want to make sure that no one is injured or killed in a tragedy that could have been prevented by the simple use of a seat belt. All employees shall use the safety belts installed by the vehicle manufacturer when operating or riding in any vehicle so equipped while on duty. Seat belt use in County vehicles is mandatory for all drivers and passengers. Employees who are negligent or noncompliant with the requirements of this policy may be subject to appropriate corrective or disciplinary action.

**Employees to Obey Rules of the Road:**

While operating a Morgan County vehicle or operating a vehicle in the line and scope of employment, employees shall at all times obey all traffic laws and rules of the road, including without limitation those laws relating to speed limits, turn signals, following distance, traffic lights, stop signs, yielding right-of-way, lane usage, and traffic control devices. Only emergency vehicles that are responding to an emergency call or that are in pursuit of a suspected violator of the law, and that are in pursuit of a suspected violator of the law, and that is operating emergency lights and sirens, are authorized to disregard certain rules of the road. However, this does not relieve the operator of an emergency vehicle of the duty to exercise reasonable care for the rights and safety of others. Such employees shall also adhere to all policies promulgated by their respective departments in regard to emergency runs and operation of vehicles.

**Vehicle Maintenance & Inspection:**

Maintaining Morgan County vehicles/equipment is an important part of preventing accidents and keeping maintenance costs down. Any deficiencies or problems with a vehicle or equipment shall be brought to the attention of the appropriate department head. Each department head/elected official shall consider the needs of the department and make a determination if they will require drivers to perform a pre-trip inspection of the vehicle/equipment before placing the vehicle/equipment in operation. No County vehicles/equipment shall be put into operation if any **major** safety items are noted.

**Vehicle Backing Procedures:** Vehicle backing is one of the most potentially dangerous operations involved in vehicle operations. Prior to backing any vehicle the operator must insure that no obstacles or personnel are behind the vehicle.

**Accident Reporting:**

A. Any driver involved in a vehicular accident will be expected to do the following unless injuries or other circumstances prevent them from doing so:

- Immediately stop the vehicle. Do not leave the accident scene.
- Take whatever steps may safely be taken to prevent another accident from occurring.
- Notify law enforcement and supervisor immediately.

**B.** As per the Morgan County Drug Free Workplace Policy, the employee is required to submit to drug and alcohol testing as soon as possible.

**C.** All accidents, regardless of extent of the injury, must be reported immediately to the employee's Supervisor or Elected Official/Dept. Head and within 24 hours of the injury/accident to the Commission Office. If the accident occurs on a weekend or holiday, the injury/accident should be reported the first business day upon return.

**D.** Employees who fail to report accidents involving County vehicles may have their driving privileges suspended or terminated and appropriate disciplinary action taken.

### **REPORTING OF CITATIONS**

All employees who receive citations for moving or parking violations while on duty will be responsible for payment of the fine and court costs. If a court appearance is necessary, the employee must handle the situation on his/her own time. The amount of time the employee is away from his/her work is to be taken from Personal or Annual Leave.

### **Review of Vehicle Accidents:**

The Safety Review Committee will review all accidents to determine if they were preventable or non-preventable. Results of the review will become part of each driver's personnel file. The Safety Committee will also review the MVR of a driver who drops from an "acceptable" rating to a "borderline" rating due to a single incident.

### **Corrective/Discipline Action**

**Clear:** No corrective/discipline action needed

**Acceptable:** No corrective/discipline action needed

**Borderline:** Verbal discussion covering fleet policy. "Notice letter" with deficiencies noted, driver is required to complete defensive driving class at their own expense, any further violations will jeopardize driving privileges.

**Poor:** Driver is uninsurable through standard commercial insurance markets and is not allowed to drive County owned vehicles for County business. If driving is a requirement for an employee's job, the loss of his or her driving privilege pursuant to this policy may result in further discipline up to and including termination.

## NOTICE

Date:

To: (Employee)

From: Safety Review Committee

This is a verbal notice as of (date) your MVR status is rated as **Borderline**. This information is obtained from your MVR in accordance with the Morgan County Motor Vehicle Operations Policy.

We have noted the deficiencies that need your immediate attention:

- 1.
- 2.
- 3.

You are required to complete defensive driving school within 60 days at your own expense and provide proof of completion to your department head/elected official. Any further violations will jeopardize your driving privileges, which could result in further disciplinary actions.

**Morgan County Commission**  
**Accident Reporting Procedures**

**County Driver**

1. Assess for physical injuries and property damage.
2. Do not admit fault at the time of the accident.
3. Contact the following:
  - a. Police (Proper authority within the accident's jurisdiction)
  - b. Medical Assistance if needed
  - c. Immediate supervisor or designated department contact
4. The following would be considered major accidents
  - a. Accident with serious injuries (Hospital Care)
  - b. Accident with fatalities
  - c. A serious multiple vehicle accident (Five or more)
5. Find as many witnesses as possible who can provide information and take pictures of scene and accident if a camera is available.
6. Request accident case number from on scene officer for the police report
7. County Driver is required to submit to drug and alcohol testing as soon as possible following the accident. CDL drivers must submit to drug/alcohol testing as soon as possible following the accident.
8. Complete the following items in detail and submit to immediate supervisor within 24 hours of the accident:
  - a. Accident scene photos (if available)
  - c. Morgan County Internal Accident Report
  - d. Copy of the Drug/Alcohol test confirmation

**Supervisor**

1. Notify the Commission Office by phone or fax 256-351-4738.
2. **Have the completed accident/incident report and pictures if available turned into Commission Office within 24-48 hours of accident.** *(This is very important. We must have this immediately, as we are required to notify insurance company)*
3. Have copy of drug/alcohol tests submitted to Commission Office.
4. It is your responsibility to obtain a copy of the official accident report from the appropriate police agency. Please obtain this as soon as possible.

# **Chapter 15**

## **Equal Employment Opportunity**

# EQUAL EMPLOYMENT OPPORTUNITY

## 15.01 EQUAL EMPLOYMENT OPPORTUNITY

Morgan County is committed to providing equal employment opportunity for all persons regardless of race, color, religion, gender, age, national origin, citizenship status, disability, or status as a disabled veteran or veteran of the Vietnam era. The County also firmly supports a work environment free from sexual harassment. This policy applies to all aspects of the employment relationship, including but not limited to;

- Initial consideration for employment
- Job placement and assignment of responsibilities
- Evaluations of performance
- Promotion and advancement
- Compensation and fringe benefits
- Training and professional development opportunities
- Formulation and application of policies and rules
- Facility and service accessibility
- Lay-Off and recall from Lay-Off
- Discipline and termination from employment

## 15.02 COMPLAINT PROCEDURES

If an employee or applicant feels he or she has been a victim of discrimination, he or she may file a complaint. Complaints by employees should be addressed to the employee's supervisor; if the supervisor is the subject of the complaint it should be addressed to the Department Head or Elected Official / Dept. Head; if the Department Head or Elected Official / Dept. Head is the subject of the complaint, or for any reason the employee is unable to follow this process as outlined, the complaint should be directed to the Human Resource Department. Complaints by applicants shall be filed directly with the Human Resource Department, who would also serve as the EEO Officer for that purpose.

The complaint should contain the following:

- Date(s), time(s), and location(s) of the incident / incidences that took place
- Description of each incident relating to any physical contact made and as to what was said and / or done
- Name(s) of witnesses, if any
- Anyone with whom incident / incidences have been discussed

All written complaints of discrimination will be investigated and the results of the investigation will be reported to the complaining party. Investigation of a discrimination complaint may include, but is not limited to, interviewing the complaining party as well as other employees and / or others necessary to obtain sufficient information upon which to make an assessment of the situation. While every effort will be made to be sensitive to privacy issues, in the course of an investigation, Morgan County will discuss relevant information with appropriate parties on a need-to-know basis; and therefore, the information provided during the investigation may not be kept confidential.

The Human Resource Department is principally responsible for investigating violations of the personnel policies of Morgan County. When appropriate, the Human Resource

Department may explore informal means to resolve discrimination complaints. Informal dispute resolution procedures may include, but are not limited to, counseling the alleged violator or serving as a mediator between the two parties.

When the matter cannot be resolved informally, the Human Resource Department or the appropriate party may prepare a written report of the investigation and a recommendation. Recommendations can include discipline for the violator as well as the restoration of any employment terms, conditions, or opportunities the complainant lost or was denied because of the discrimination or harassment. The County Commission will decide whether to approve the Human Resource Department recommendation, dismiss the complaint or order further investigation. Any formal notification of charges filed with the EEOC is required to immediately be forwarded to the Human Resource Department. Failure to forward such notification will result in disciplinary action. Retaliation against an employee who complains of discrimination or harassment is strictly prohibited. However, if any employee knowingly files false accusations or claims of discrimination or harassment, then he or she may be subject to disciplinary action, up to and including termination.

### **15.03 TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

This is the basic federal law expressing a national policy against discrimination on the basis of race, color, national origin, religion or sex in employment including hiring, promotion, discharge, pay, and fringe benefits. The Equal Opportunity Act of 1972 basically extended Title VII to cover federal, state, and local public employees. The Equal Employment Opportunity Commission (EEOC) oversees the application of Title VII.

### **15.04 ANTI-HARASSMENT**

Morgan County is committed to creating a workplace free from the unlawful harassment of employees by other employees and officials, or the unlawful harassment of its officials and employees by its vendors or visitors. Likewise, Morgan County will not accept the unlawful harassment of a vendor or visitors by any employee of Morgan County. This policy includes harassment because of race, sex, religious creed, color, national origin, ancestry, disability or medical condition, age, or any other basis protected under Title VII.

Morgan County encourages employees to address harassment directly when it occurs. Any incident of harassment should be reported immediately to the Human Resource Department or the respective Department Head, supervisor or Elected Official / Dept. Head in the manner as described previously under the section entitled "Complaint Procedures".

All complaints for harassment will be investigated and the results of the investigation will be reported to the complaining party. Investigation of a harassment complaint may include, but is not limited to, interviewing the complaining and accused parties as well as other employees and / or vendors necessary to obtain sufficient information upon which to make an assessment to the situation. While Morgan County will make every effort to be sensitive to privacy issues, there is not guarantee of confidentiality. Retaliation and / or discrimination against an employee who complains of harassment are strictly prohibited and also may be a violation of Title VII.

## **15.05 AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)**

This Federal Act prohibits discrimination on the basis of disability, and it protects qualified applicants and employees with disabilities from discrimination based upon disability, in hiring, promotion, discharge, pay, job training, fringe benefit, and other aspects of employment.

An individual with a disability as defined by the ADA is one who:

- Has physical or mental impairment that substantially limits one or more of the major life activities of the individual
- Has record of such impairment
- Is regarded as having such an impairment

The County engages in an interactive process to provide reasonable accommodations for persons who are eligible for reasonable accommodations under the Americans with Disabilities Act.

It is the policy of Morgan County to:

- Insure that qualified individuals with disabilities are treated in a nondiscriminatory manner
- Keep all medical related information confidential in accordance with a requirement of American with Disabilities Act. With regard to medical information in the ADA, Appointing Authorities, Department Heads, supervisors, and other employees are expected to respect the sensitivity of medical information and to maintain confidentiality when they become privy of such information. Employees who disclose confidential information about another employee without necessary authorization may be subject to corrective action;
- Provide applicants and qualified employees with disabilities with reasonable accommodations;
- Provide reasonable accommodations in support of the efforts of employees with life threatening illnesses to continue working.

Nothing contained herein shall prevent Morgan County from denying employment in the event that reasonable accommodation cannot be made.

## **15.06 MISCELLANEOUS SPECIAL ACCOMMODATIONS**

In keeping with the spirit of the Americans with Disabilities Act and Title VII of the Civil Rights Act, Morgan County will seek to make reasonable accommodations for employees with qualified disabilities or special religious needs whenever possible.

If an employee requires accommodations for a medical condition or disability, that employee is encouraged to contact the Human Resource Department, the Department Head or supervisor so that Morgan County can evaluate if and how it may accommodate the specific need requested. Morgan County will make every effort to handle a request for disability accommodation sensitively and to protect the confidentiality of the information whenever possible.

# **Chapter 16**

## **Anti-Harassment**

# **ANTI-HARASSMENT**

## **16.01 HARASSMENT**

The County does not and will not tolerate harassment of County employees. All Morgan County employees have the right to work in an environment free from discrimination and conduct which can be considered harassing, coercive or disruptive, including sexual harassment. The term "harassment" includes, but is not limited to, slurs, jokes, and other verbal, graphic, or physical conduct relating to an individual's race, color, sex, religion, national origin, citizenship, age, or disability.

This policy covers all Morgan County employees.

## **16.02 EMPLOYEE RESPONSIBILITY**

It is the employee's responsibility to report to their Supervisor any offensive conduct. Employees who feel that they have been harassed in any way by another employee or by a citizen or vendor should notify their Department Head / Supervisor immediately. The matter will be thoroughly investigated, and where appropriate, disciplinary action will be taken. A report documenting the case and subsequent findings will be forwarded to the County Commission Chair.

Morgan County strictly forbids any form of retaliation against any employee by any other employee, regardless of position or status, for filing a bona fide complaint under this policy or for assisting in the investigation of a complaint.

It is the responsibility of the employee to promptly bring any complaints and concerns to the attention of the supervising authority first, and if complaint is not handled promptly, to the Morgan County Commission Chair.

## **16.03 EMPLOYER RESPONSIBILITY**

It is the responsibility of the supervising authority to assist the management of Morgan County Commission to ensure that all departments are in full compliance with this policy. Each department should:

- Orient new employees on this policy.
- Observe workplace behavior
- If possible, resolve any potential problems through employee counseling
- Report all violations or suspected violations to the Chair, County Commission, when a complaint has been made.

## **16.04 SEXUAL HARASSMENT**

The law and the policy of Morgan County forbid discrimination against any employee or applicant for employment on the basis of sex. Among other forms of sex discrimination which the County will not tolerate is sexual harassment activity by any of its employees.

This policy similarly applies to non-employee volunteers who work subject to the control of County authorities.

## 16.05 GENERAL SEXUAL HARASSMENT PROHIBITIONS AND DEFINITIONS

- **Unwelcome Conduct of a Sexual Nature**

- a. Conduct of a sexual nature may include verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; and sexually-oriented "kidding", "teasing", double entendres, and jokes.
- b. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, by his or her conduct, that it is unwelcome.
- c. An employee who has initially welcomed such conduct by active participation or otherwise must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

- **Sexual Harassment**

For the purposes of this policy, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment if:

- a. submission to the conduct is made either an explicit or implicit condition of employment;
- b. submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
- c. the conduct substantially interferes with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

## 16.06 SPECIFIC SEXUALLY HARASSMENT PROHIBITIONS

- **Department Heads and Supervisors**

- a. It is sexual harassment for a department head or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result or results in adverse treatment, or when the subordinate's acquiescence will result or results in preferential treatment.
- b. Department heads and supervisors who either engage in sexual harassment or knowingly tolerate such conduct by other employees shall be subject to sanctions, as described below.

- Other Employees

It is sexual harassment for any employee to subject another employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.

## **16.07 SEXUAL HARASSMENT REPORTING, INVESTIGATION, AND SANCTIONS**

It is the express policy of Morgan County to encourage victims of sexual harassment to come forward with such claims.

- Employees who reasonably believe that department heads or supervisors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment, or recommendations relating to such, upon sexual favors, are encouraged to report these conditions to the Chair of the County Commission who is hereby designated the civil rights compliance administrator for this purpose. If the Chair is alleged to be the offending person, the report shall also be made to the Chair pro-tem of the County Commission.
- Employees are also urged to report any unwelcome conduct of a sexual nature by supervisors of fellow employees if such conduct interferes with the individual's work performance or created a hostile or offensive work environment.
- Confidentiality will be maintained and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment. Employees who retaliate against one who has filed such charges are subject to the procedures / sanctions stated below:
  - a. The Chair of the County Commission has the responsibility of investigating and resolving complaints of sexual harassment, but may delegate this responsibility to the County Attorney or other County employee. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct and the context in which the alleged conduct occurred will be investigated.
  - b. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to, warning, suspension, or termination, subject to applicable procedural requirements.

Any employee who is dissatisfied with the Chair's disposition of a complaint of sexual harassment may bring the matter directly to the attention of the Personnel Review Board for action and decision as though the matter were a grievance pursuant to the provisions stated in the section titled "Grievance Procedure".

# **Chapter 17**

## **Grievance Procedure**

# GRIEVANCE PROCEDURE

## 17.01 GENERAL PROVISIONS

Recognition is given to the fact that grievances can sometimes be very helpful to an organization by calling matters to the attention of county officials and supervisors where action is needed. When a grievance procedure is used properly, it can assist in establishing a harmonious, cooperative working relationship between the county's employees, supervisors, managers, and elected officials.

**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.

**Employees Eligible to File Grievance.** Classified employees are eligible to 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. Normally, except those grievances covered by Civil Rights Laws, may not be filed by probationary and temporary employees. However, classified employees who are serving in a probationary status as a result of their being reassigned will be eligible to file grievance actions.

**Right to Discuss Grievance.** An eligible employee who feels that he/she has been adversely affected by a written county policy, practice, or incident 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.

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

- (a) Resolve personal differences between/among employees;
- (b) Appeal pay reductions which are part of a general plan to reduce salaries and wages, when such reductions are pro-rated to all employees;
- (c) Appeal non-selection for a position when properly established staffing procedures have been followed;
- (d) Appeal the content of approved and published county resolutions or other legal actions; or
- (e) Appeal of disciplinary actions.

**Good Faith Timely Presentation.** An employee's grievance must be submitted in good faith and within a reasonable period of time after the occurrence of the incident upon which the grievance is based. Grievances that do not meet these requirements will not be considered. If an employee willfully files a false grievance action, he/she may be subject to disciplinary action to include dismissal.

## 17.02 GRIEVANCE PROCEDURE – STEP 1

An employee's grievance will be resolved informally, through a discussion with his/her Elected Official / Dept. Head or department head when possible.

- **Time Period.** Within five (5) calendar days after the effective date of incident, the employee will discuss such grievance with his or her department head.
- **Department Head's Response** - The department head shall evaluate the employee's grievance and provide the employee an answer within (5) calendar days after the initial meeting.
- **Record of Meeting.** A written record should be made of this discussion, by the department head, a copy of such record will be provided the employee and a copy forwarded to the Commission Office for inclusion in the employee's personnel file.

### 17.03 GRIEVANCE PROCEDURE – STEP 2

Commission's Chair's Review. An employee may bring his or her grievance before the Chair of the Commission, within five (5) calendar days of receiving the department head's decision or non-response.

### 17.04 GRIEVANCE PROCEDURE – STEP 3

- **Filing with Personnel Review Board.** The employee may request in writing a hearing before the Personnel Review Board within three (3) calendar days of the department head's decision or non-response. This notice will be filed in the Commission Office. Within three (3) calendar days of receipt of an employee's request to bring his or her grievance before the Personnel Review Board, the commission office shall file with the Chair of the Personnel Review Board by email, phone or mail, a statement or a copy of his grievance. The request must provide the current address of the employee.
- **Personnel; Board's Actions.** The Chair of the board shall call a meeting within twenty (20) days after such filing with the Personnel Review Board and notify the employee, department head and the commission, the time and place of such meeting. The employee and department head shall each have the right to be represented by counsel at the meeting.
- **Personnel Review Board's Findings and Recommendation.** Within ten (10) calendar days of the board's review, the board shall make a recommendation to the commission. The board's recommendation will be in writing and will contain the following information:
  - ✓ Summary of the board's findings; and
  - ✓ Board's recommendation.
  - ✓ The commission shall act upon such recommendation within twenty-one (21) calendar days. Such action of the commission shall exhaust the employee's private remedy and any further recourse shall be through the appropriate courts as provided by the laws of the State of Alabama.

### 17.05 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 Personnel Review Board. Any individual found to have violated an employee's protected rights will be subject to disciplinary action, to include dismissal.

## **17.06 EQUITABLE RESOLUTION FOR ADA**

The Morgan County Commission, Alabama has adopted on the 13<sup>th</sup> day of December, 2011, an integral grievance procedure providing for the prompt and equitable resolution of complaints alleging an action prohibited by Section 504 of the Rehabilitation Act of 1973 as required by the Department of Justice regulations implementing title II of the American With Disabilities Act of 1990 (ADA). Both acts state in part that “no otherwise qualified disabled individual shall solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or subjected to discrimination” in programs or activities sponsored by a public entity.

Complaints should be addressed to the ADA Specialist who has been designated to coordinate ADA/504 compliance efforts. The identity (i.e. name, address, phone number) of the ADA Specialist may be obtained at the Commission office.

Morgan County Commission, Alabama Policy is as follows:

1. Any employee, applicant for employment or other person who believes he/she has been discriminated against on the basis of disability in violation of Section 504/ADA may file a written complaint with the Morgan County Commission by presenting the same to the ADA Specialist. A complaint should be filed in writing containing the name and address of the person filing it, and briefly describe the alleged violation of Section 504/ADA on which the complaint is based.
2. A complaint should be filed within ten (10) working days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred prior to the time this grievance procedure was in place will be considered on a case-by-case basis.)
3. The ADA/504 Specialists will conduct an informal but thorough investigation into the alleged violation, affording all interested person(s) and his/her representative(s), if any, an opportunity to submit evidence relevant to the complaint.
4. A written response as to the validity of the complaint and description of the resolution, if any, shall be issued to the complainant by the ADA/504 Specialist within ten (10) working days after receipt of the complaint.
5. A Complainant not satisfied with ADA/504 Specialist’s response may appeal to the Morgan County Commission, Chair within ten (10) working days of the receipt of the response. The appeal must be in writing and must state particularity the portions of the response with which the complainant disagree.
6. The Morgan County Commission shall commence consideration of the appeal at the next regularly scheduled meeting of the Commission and shall notify the complainants in writing of its decision.
7. Following a resolution at this level, the complainant may appeal to:  
Coordination and Review Section  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 66118  
Washington, DC 20035-6118

8. The right of the person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA/504 complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
9. The rules shall be constructed to protect the substantive rights of the interested persons to meet appropriate due process standards, and to assure the Morgan County Commission complies with the ADA/504 and implementing regulations.
10. The adoption of this procedure shall supplement any and all previously adopted grievances procedures related to ADA/504 compliances.
11. The ADA/504 Specialist shall maintain all files and records of the Morgan County Commission relating to complaints filed pursuant to this policy.

# **Chapter 18**

## **Family and Medical Leave**

# FAMILY AND MEDICAL LEAVE

## 18.01 GENERAL POLICY

In general, employees are eligible for up to 12 weeks of unpaid family or medical leave of absence within any 12-month period and will be restored to the same or an equivalent position upon return from leave. To be eligible the employee must have been employed by the County for at least twelve (12) months and for at least one thousand two hundred fifty (1250) hours in the twelve (12) months before leave is requested. To determine the twelve (12) month period in which leave entitlement occurs, the County will use a rolling twelve (12) month period measured backward from the date an employee takes any leave under this policy.

## 18.02 REASONS FOR FAMILY OR MEDICAL LEAVE

Employees may take family or medical leave (referred to sometimes as “FMLA” ) for any of the following reasons:

- The birth of a son or daughter and in order to care for such child;
- The placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter, or parent with serious health condition.
- For a serious health condition that makes the employee unable to perform his or her job.
- Any qualifying exigency arising out of the fact that the spouse, or a son or daughter or parent of the employee is on active duty.

An employee’s entitlement to leave for the birth of a child or placement of a child expires 12 months after the date of birth or placement. Spouses employed by the County who request leave to care for a parent may only take a combined total of twelve (12) weeks leave during a twelve (12)month period. Once the reason for the leave ends, an employee is expected to return to work promptly.

## 18.03 NOTICE OF LEAVE

If the need for leave is foreseeable, the employee must give the Human Resource Department 30 calendar days’ notice, in writing. If 30 calendar days’ notice is not possible, the employee must give notice as soon as practicable. Failure to provide notice of the leave in accordance with this policy may result in denial of the leave until 30 calendar days after proper notice is received.

Requests for leave should be made on a form available from the section entitled “Employee Forms”, and turned in to the Human Resource Department or the designated person in each department. On the form, the reason for the leave, the anticipated duration of the leave and the starting date of the leave should be provided by the employee.

#### **18.04 MEDICAL CERTIFICATION**

Employees who request leave because of a serious health condition, their own or a covered relation's, must provide a medical certification form completed by a health care provider at the time the leave is requested or within 15 days after. Employees returning from medical leave on account of their own serious medical condition must submit medical certification from a health care provider that the employee is able to return to work and can perform the essential functions of the job with or without reasonable accommodation. Failure to provide medical certification or fitness-for-duty certification required by this policy may result in denial of leave or restoration to employment until proper certification is provided. Employees on leave must contact the Human Resource Department periodically (at least every 2 weeks) to inform the County of their status and intent to return to work.

#### **18.05 RETURNING TO WORK**

In general, employees who return to work from an authorized period of family or medical leave will be restored to their same or equivalent position with the same pay and benefits. Employees who fail or are unable to return to work when the reason for the leave ends or at the end of the leave period, whichever occurs first, including those employees who are unable to perform their job functions with reasonable accommodation, will be considered to have resigned and employment will be terminated as of the last day of the authorized leave period unless arrangements for an extended leave have been made with the Human Resource Department. The County may deny restoration to employment of key employees where restoration will cause substantial economic injury to the County.

#### **18.06 PAID AND UNPAID LEAVE**

Employees on FMLA leave will be required to exhaust all accrued paid leave such as sick, annual, and compensatory time before unpaid leave may be taken. All available leave, paid and unpaid, is to be deemed and charged as FMLA leave. Paid leave will not extend the 12 week per 12 month period of leave taken for an FMLA reason.

#### **18.07 BENEFITS**

Morgan County will maintain group health insurance coverage for an employee on family or medical leave on the same terms as if the employee had continued to work. For insurance to continue, employees must continue to pay their share, if any, of the health insurance premiums while on leave. This may be achieved by sending payments made payable to the Morgan County Commission so that they will be received no later than the 10<sup>th</sup> of the month in which employee will be currently covered. Failure by the employee to make these timely payments may result in the cancellation of the coverage.

#### **18.08 OTHER MATTERS**

Employees absent from work for any serious health condition, including a work-related injury, will be considered to be on family and medical leave under this policy and will be covered by and required to comply with all of the terms of this policy.

## 18.09 DEFINITIONS

A son or daughter is defined by the Family and Medical leave Act as “biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis” and the son or daughter must be under 18 year of age, or 18 years or older and incapable of self-care because of a mental or physical disability.

A parent is defined by the Family and Medical leave Act as “biological parent of an employee or an individual who stands or stood in loco parentis to the employee when the employee was under 18 or incapable of self-care.”

The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves:

- a period of incapacity or treatment connected with an overnight stay at a hospital, hospice, or residential medical care facility
- any period of incapacity requiring absence of more than three (3) calendar days that also involves continuing treatment by ( or under the supervision of ) a health care provider
- any period of incapacity due to pregnancy, or for prenatal care
- any period of treatment for such incapacity due to a chronic serious health condition
- a period of incapacity which is permanent or long term due to a condition for which treatment may be effective, under the continuing supervision of a health care provider
- any period of absence to receive multiple treatments ( or recover therefrom ) by or under order or referral from a health care provider for restorative surgery after an injury or for a condition so serious that, in the absence of medical intervention or treatment, would likely result in a period of incapacity of more than three calendar days
- any qualifying exigency such as: (a) short term deployment (b) military events and related activities, including both official ceremonies and family support and assistance programs provided by non-profit organization (c) childcare and school activities (d) financial and legal arrangements.

**“Health Care Provider”** includes: medical doctors, osteopaths, podiatrists, dentists, clinical psychologists, optometrists, and (in certain cases) chiropractors authorized to practice in the State, nurse practitioners and nurse-midwives authorized under State law, and certain Christian Science practitioners.

Notwithstanding any provision of this policy to the contrary, this policy will at all times be construed in a manner consistent with the Family and Medical Leave Act, the Americans with Disabilities Act, and any other applicable laws.

# Chapter 19

## Political Activity

## POLITICAL ACTIVITY

Any employee who wishes to accept or seek election or appointment to a political office within the County shall take unpaid leave of absence, compensatory time, or annual leave from the date he or she qualifies for the office until the date on which election results are certified, or until the employee is no longer a candidate, or until there are no other candidates on the ballot. (Ref.:Sect. 17-1-7, Code of Alabama, 1975).

Nothing in this policy, however, shall be construed as to prevent any employee from becoming or continuing to be a member of a political organization, or from attending any political meeting or from enjoying freedom from any interference in casting his/her vote.

Morgan County employees should not engage in any activity which might be viewed as political activity while they are engaged in the performance of their duties as employees of Morgan County. This includes the distribution of literature and support of particular candidates and the display of candidate or campaign material which would cause others to support a particular candidate or issue. Employees are discouraged from displaying candidate buttons or other political campaign material on their person or in their work areas. County vehicles, equipment or other property will not be used to display any political campaign material, including, but not limited to, signs, stickers or decals.

Any request by an elected official or political candidate for a Morgan County employee, while on duty, to wear campaign material or to otherwise engage in activity which has the effect of encouraging others to vote for that particular public official or candidate should be referred to the Human Resource Department immediately.

It is further the intent of these policies to encourage employees with concerns regarding their supervisory working relationship to bring the matter to the attention of the Elected Official / Department Head or, as appropriate, to the County Commission Chair.

# Chapter 20

## Information Systems Usage

# INFORMATION SYSTEMS USAGE

## Introduction

Morgan County recognizes that use of the Information Systems have many benefits for Morgan County and its employees. The use of personal computers, internet services, electronic mail, facsimile, and telephone systems make communication more efficient and effective. Therefore, employees are encouraged to use these systems appropriately. Unacceptable usage of these systems can place Morgan County and others at risk. This policy discusses acceptable usage of these systems.

## Guidelines

The following guidelines have been established for using the Information Systems of Morgan County in an appropriate, ethical and professional manner.

1. Morgan County Information Systems may not be used for transmitting, receiving, retrieving, storing, or reproducing of any communications of a defamatory, discriminatory or harassing nature or materials that are obscene or offensive. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. Harassment of any kind is prohibited.
2. Disparaging, abusive, profane, or offensive language; materials that would adversely or negatively reflect upon Morgan County or be contrary to Morgan County's best interests; and any illegal activities -- including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access to any computers on the Internet or e-mail -- are forbidden.
3. Copyrighted materials belonging to entities other than Morgan County may not be transmitted by employees on the county's network or reproduced. All employees obtaining access to other organization's or individual's materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only. If you find something on the Internet that may be interesting to others, do not copy it to a network drive. Instead, give the URL (uniform resource locator or "address") to the person who may be interested in the information and have that person look at it on his/her own. This includes the un-authorized download of software programs that are "brought in" and are not the exclusive property of Morgan County.
4. Do not use the system in a way that disrupts its use by others. This includes excessive dial-in usage, sending or receiving many large files, "spamming" (sending e-mail messages to thousands of users), excessive personal use of telephone systems, and any personal use of copiers and facsimile equipment.
5. The Internet is full of useful programs that can be downloaded, but some of them may contain computer viruses that can extensively damage our computers. Be sure to virus-check downloaded files immediately. Instructions on how to check for viruses are available through the CITS Department. Also, many browser add-on packages (called "plug-ins") are available to download. There is no guarantee that such will be compatible

with other programs on the network and such may cause problems; therefore, please refrain from downloading such plug-ins.

6. Each employee is responsible for the content of all text, audio or images that he/she places or sends over the County's Information Systems. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else. Also, be aware that Morgan County's name is attached to all messages so use discretion in formulating messages.
7. No electronic communication is guaranteed to be private or confidential. All electronic communications are Morgan County property. Therefore, Morgan County reserves the right to examine, monitor and regulate e-mail messages, directories and files, as well as Internet usage. Also, the Internet is not secure so don't assume that others cannot read -- or possibly alter -- your messages.
8. Internal and external Information Systems correspondence is considered business records (public) and may be subject to discovery in the event of litigation. Be aware of this possibility when sending Information Systems correspondence within and outside the County.
9. Telephone usage must be limited to business related calls with a very limited amount of personal usage during working time. Telephone billing statements for long distance voice and facsimile usage will be monitored for misuse monthly. This includes cellular telephone/radio usage. Use of personal cell phones during working hours is acceptable only if the usage is limited to short, infrequent use to take care of urgent or important family matters. Overuse of personal cell phones will be monitored by the Elected Official / Department Head and the appropriate action taken.

### **Morgan County's Right to Monitor and Consequences**

All county-supplied technology, including computer systems and county-related work records, belong to Morgan County and not the employee. Morgan County routinely monitors usage patterns for its e-mail and Internet communications. Although encouraged to explore the vast resources available on the Internet, employees should use discretion in the sites that are accessed and information that is personal in nature and not related to the mission of the County, will not be accessed.

Since all the computer systems and software, as well as the telephone system, copy machines, facsimile equipment, e-mail and Internet connections, are Morgan County-owned, all County policies are in effect at all times. Any employee who abuses the privilege of Morgan County's facilitated access to e-mail, equipment or the Internet, may be denied access to the Internet and, if appropriate, be subject to disciplinary action up to and including termination. Information System user privacy cannot be guaranteed. Use of the County owned systems constitutes consent to monitor and search. All information created or downloaded is public information and is governed by the same open record laws as paper records. Electronic mail (e-mail) downloads and material viewed is not private. System Administrator and assistants have access to all files. Computer system activity can be monitored by authorized personnel in the event there is reasonable suspicion that inappropriate use is occurring, such as, but not limited to vandalism (any attempt to harm or destroy data of another user, intentionally damaging program files, uploading, downloading or creation of

computer viruses), harassment of any kind toward another individual, presence of fraudulent or obscene material, use of the computer for, or in connection with, illegal activity, unauthorized personal use of County owned equipment/systems, and any attempt, successful or failed, through action or inaction, to compromise the security of the system.

**Questions Regarding the Use of the Information Systems**

If you have questions regarding the appropriate use of the Information Systems, contact the CITS Department.

# Chapter 21

## Social Media Usage

## SOCIAL MEDIA USAGE

To address the fast changing landscape of the Internet and the way residents communicate and obtain information online, Morgan County may consider participating in social media formats to reach a broader audience. Morgan County encourages the use of Social Media to further the goals of the County and the advancement of its departments where appropriate.

The Morgan County Commission has an overriding interest and expectation in deciding who may “speak and what is spoken” on behalf of Morgan County, Alabama on social media sites. This policy establishes such guidelines for the use of social media.

Morgan County Commission shall approve what Social Media outlets may be suitable for use by the County. The CITS Department will educate any authorized users on how to best use these outlets to achieve their goals.

### Policy

- A. All official Morgan County presences on social media sites or services are considered an extension of the County’s information networks and are governed by the Information Systems Usage Policy contained in the Morgan County Policies and Procedures Handbook.
- B. The County Commission will review department requests to use social media sites and may delegate this review to other appropriate personnel.
- C. The Morgan County Commission will advocate using Social Media to help departments reach their stated goals by assigning the development of such to the appropriate personnel.
- D. Departments that use social media are responsible for complying with applicable federal, state and county laws, regulations and policies. This includes adherence to established laws and policies regarding copyright, records and retention, First Amendment, privacy laws and information security policies established by Morgan County.
- E. Wherever possible, links to more information should direct users back to the County’s official website for more information, forms, documents or online services necessary to conduct business with Morgan County.

Employees representing Morgan County government via Social Media outlets must conduct themselves at all times as representatives of Morgan County. Employees that fail to conduct themselves in an appropriate manner shall be subject to the Disciplinary Procedures outlined in the Morgan County Policies and Procedures Handbook.

# **Chapter 22**

## **Code of Ethics**

## CODE OF ETHICS

All employees are expected to adhere to certain recognized principles and practices in the conduct of their public lives. These principles are embodied in the following Code of Ethics:

- Employees may not, either directly or indirectly, use their official position with the County or information obtained in connection with their employment for private gain.
- Employees shall not accept any gift, favor or service that may reasonably tend to improperly influence, or give the appearance of influencing, the discharge of their official duties.
- No employee shall make any false statement, certification or recommendation of any appointment under any provision of these policies, or in any manner, commit or attempt to commit any fraud preventing the impartial execution of the provisions of these policies, with regards to employment, promotion or transfer.
- No County employee shall transact any business in his/her official capacity with any business entity of which that employee is an officer, agent or member, or which will create a substantial conflict between the private interest and the public interest.
- No County employee shall have personal investments in any enterprise which will create a substantial conflict between the private interest and the public interest.
- Employees shall not conduct personal business while in County uniform, nor shall they consume alcoholic beverages or drugs except under the direction of a licensed physician while on duty, inclusive of meal time.
- The political activities of any employee shall be in accordance with and regulated by rules contained herein and applicable State or Federal law as may be amended from time to time, including Chapter 25 of Title 36 of the Code of Alabama 1975.

Any violations of the provisions of this policy shall be subject to review and appropriate disciplinary action. If the employee has any doubt as to the application of the policy as it relates to a specific action, the action in question should be discussed with the Elected Official / Department Head, who shall either approve or forbid the activity, or refer the question to the Human Resource Department.

# Chapter 23

## Miscellaneous Provisions

## MISCELLANEOUS PROVISIONS

### 23.01 EMPLOYEE SELF-IMPROVEMENT

#### **General Provisions**

The County believes in helping employees in their jobs by encouraging them, at the discretion of their Elected Officials / Department Heads, to attend job related courses during their off duty hours. Classroom schedules, however, must not conflict with the employee's work schedule. The employee's job shall always take precedence over schooling which is considered a fringe benefit.

#### **Educational Reimbursement**

The County Commission has the authority to approve any direct job related course, including tuition cost reimbursement, provided the applicant is not receiving benefits under any other aid program. Courses recognized for educational assistance are:

#### Job Improvement Courses

Courses directly related to the employee's assignment that will improve skills, knowledge, and ability to perform duties and increase, through more advanced technology, potential for advancement at Morgan County. Attainment of a higher level degree not required by the current Classification Specification is not included, i.e. reimbursement for a bachelor's degree when the current job Classification Specification specifies an associate's degree.

#### In-Service Training Courses

Pre-approved courses in management and supervisory development.  
All County employees are encouraged to participate in this type of training.

#### **Eligibility for Participation**

All regular full-time employees, except those with less than one (1) year of County service, are eligible for participation in the County's Self Improvement & Educational Program.

Employees receiving payment for their educational expense from other sources are not eligible for reimbursement.

#### **Application Procedure**

An employee interested in participating in the County's educational program shall submit an application to the Elected Official / Department Head requesting approval for program participation. If approved by the Elected Official/ Department Head, the application shall be forwarded for consideration by the County Commission.

## Agreement and Certification by Employee

The application for program participation shall provide an agreement to be signed by the employee stipulating that the employee will remain in the County's employ for a minimum of two (2) full years after completion of the approved course. Should the employee's services be terminated during this period, voluntarily, the County shall be reimbursed for funds paid the employee for educational expenses as provided in the following reimbursement formula:

Termination after Completion of Course(s)	Reimbursement to County
Less than 1 year	100%
Less than 2 years	50%
Over 2 years	0%

Reimbursement shall be deducted from final pay upon separation.

## Completion of Courses and Reimbursement of Expenses

Upon successful completion of the course, the employee's personnel record will be documented with the educational achievement and the employee's expenses for tuition will be 100% reimbursed upon certification by the awarding institution. If more than one (1) course is approved for reimbursement, each course must be successfully completed according to the criteria herein with a final grade of **B or above** and request for reimbursement with supporting documentation submitted to the County Commission within two (2) calendar weeks following completion of each course.

## Reimbursement to County for Educational Expenses

Should an employee leave County employment after completion of courses, and prior to compliance with the terms of the agreement to remain in Morgan County's employ for at least two (2) additional years, payment shall be deducted from the employee's pay entitlements, if any, accrued at the time of termination. Any amount due the County over and above the amount withheld at the time of separation shall be repaid in equal monthly installments subject to prior arrangement with the County Commission and in all cases, subject to total repayment within no more than one (1) year from start date of repayment schedule. Upon termination of an employee who is indebted to the County, the County Commission will issue an official County invoice to such employee to be made payable to the County, payments of which shall be deposited to the general fund.

## Retirement or Death

Should the employee, through death, disability, or regular retirement, fail to continue the required tenure of employment as provided herein, any remaining liability to the County for reimbursement of educational expenses shall be canceled immediately.

## 23.02 TRAVEL POLICY

Each County employee authorized to travel to a convention, conference, meeting, or to otherwise conduct bona fide County business shall be reimbursed for the following expenses incurred while engaged in such travel and at the destination:

- Transportation by common carrier is reimbursable when substantiated by a receipt therefore, or on an advanced basis provided it is approved by the County Commission. All such travel shall be the most economical class available. Transportation by privately-owned vehicles, including an automobile allowance in lieu of use of County vehicles, must be determined to be in the best economic interest of the County. A mileage allowance will be provided for privately-owned vehicles at the rate set by the County Commission for business travel. Mileage reimbursement for travel to and from a lodging facility not located in the immediate vicinity of the conference/meeting location is not authorized. In instances where two (2) or more County employees are traveling together, only the owner-operator of the vehicle is entitled to reimbursement for mileage allowance. **Morgan County will not consider as work time that time spent in travel away from home outside of regular working hours, unless it occurs on non-working days.**
- The following incidental traveling expenses may be reimbursed if actually and necessarily expended while on travel:
  - a) taxi fare;
  - b) ferry fares, bridge, turnpike, and other tolls;
  - c) storage and parking fees;
  - d) communication expenses incurred for County business.
- All expenses must be substantiated by receipts for reimbursement.
- Meals
  - a) Reasonable meal expenses shall be reimbursed at cost, substantiated by actual receipts. Only meals prepared by commercial vendors are acceptable. Only employee meals are reimbursable.
  - b) Meal costs within Morgan County are not reimbursable.
  - c) No more than three (3) meals in any twenty-four (24) hour period are authorized.
- Actual expenses for lodging at a single occupancy rate, to be substantiated by paid bills. Lodging will be obtained at the facility designated by the host Organization/conference sponsor. Lodging obtained at other facilities within the immediate area of the Conference will be reimbursed at the Conference room rate. For County business travel where lodging arrangements are not designated, the traveler may select reasonable lodging in the immediate area of business.
- A request shall be confirmed before travel takes place. Such request will be reviewed and, as appropriate, signed by the Elected Official / Department Head.

The County Commission may authorize advances to cover anticipated costs of travel. All Elected Official's employees will be required to turn in itemized expenditure receipts for

the County paid expenses incurred on the trip. If the amount of the advancement is more than the amount actually due, the County officer or employee shall return the difference to the County. The maximum advance allowable is eight-hundred dollars (\$800.00). The County recognizes that the above advanced amount may not be adequate funds, and therefore, the Commission will reimburse employee's actual expenses as authorized in the Morgan County Policies and Procedures Handbook upon presentation of an itemized statement and receipts for all incurred expenses. Requests for Advance Travel must be properly completed and submitted to the County Commission office for placement on the County Commission agenda. Commission approval is required before payment can be issued. The Request for Advance Travel Form, found in the employee forms section, will be used for all advance travel requests.

Settlement documents will be submitted to the County Commission within seven (7) calendar days of completion of travel.

### **23.03 OUTSIDE EMPLOYMENT**

- Employment with the county shall be considered by all full-time classified employees as their primary jobs.
- Such employees will not commit themselves to second jobs that may conflict with the county's demand on their availability for work or reflect unfavorably upon the county.
- Also, full-time classified employees may not hold a second job in another department within the County.
- An employee shall not accept outside employment, either incidental, occasional or otherwise, where County time, equipment or material is to be used or where such employment or any part thereof is to be performed on County time.
- An employee may be requested to resign from outside employment at any time when the Elected Official/Dept. Head feels such employment is interfering with the employee's efficiency or is in conflict with the interest or reputation of the County.

### **23.04 OTHER PROVISIONS**

- **Valid Driver's License**

All operators of County vehicles must have a valid current driver license and an appropriate current commercial driver license (CDL) for the type of equipment the employee is required to drive in accordance with Federal and State law. District Foremen, Mechanics and Equipment Operator IIIs are required to possess and maintain a Class A CDL State of Alabama driver's license. MCATS drivers are required to possess the appropriate CDL license and current (bi-annual) proof of DOT physical at all times. The employee is responsible for notifying their immediate supervisor, Elected Official / Department Head of any change of status in their license. Elected Officials / Department Heads are responsible for scheduling bi-annual physicals prior to expiration for the CDL drivers required to maintain the DOT regulations. Failure to maintain current license for personnel in positions requiring such is grounds for immediate dismissal. All licensing documentation is maintained in the employee's personnel file and also in the appropriate supervisor's file.

- **Courthouse Security Badges**

The County will provide a Security Badge for all Courthouse employees and other County employees whose regular duties entail regular visits to the Courthouse.

This badge will be worn by persons employed in the Courthouse when going to and from work, when on duty, and within the confines of the courthouse.

The Security Badge will be worn visibly displayed between the neck and waist of the wearer on the front of the body.

Any employee entering the Courthouse without the Courthouse Security Badge will be subject to full security measures afforded to the general public.

The initial cost of the issuance of the Courthouse Security Badge will be borne by the County. Cost for re-issue of a lost or damaged Badge will be borne by the employee concerned.

- **Morgan County Employees Attendance At Commission Meetings**

The following County employees SHALL BE represented at Work Sessions and/or Regular Meetings of the Morgan County Commission, normally scheduled on the second and fourth Tuesdays of each month:

- Chief Administrative Officer
- Deputy Chief Administrative Officer
- County Engineer
- County Attorney
- Elected Officials or Department Heads who have item(s) on the agenda
- Designees who have item(s) on the agenda

The Morgan County Commission requests that only personnel with an item on the agenda be present at the Work Session and/or Regular Meetings of the Morgan County Commission. In the event that an Elected Official has an item on the agenda but is unable to be present, that Elected Official may appoint someone to represent him/her.

Personnel are defined as follows: Any person appointed by a Morgan County Elected Official, or any other employee of Morgan County that is not in some form appointed by the State of Alabama.

Any personnel in violation of this policy must take Annual Leave or Leave without Pay status for the time spent at the Work Session and/or the Regular Commission meeting.

# **APPENDIX**

## **Employee Forms**