

**PULASKI COUNTY**

**CLASSIFICATION AND COMPENSATION PLANS**

**PERSONNEL POLICIES AND PROCEDURES**

**POSITION CLASSIFICATIONS**

**Adopted July 1, 2014**

**Revised January 2016**

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**WELCOME**

On behalf of the Pulaski County Fiscal Court, welcome. You have been chosen to work with us because your background indicates that you have the qualifications which characterize successful county employees. The county recognizes the commitment required of our employees, and understands that quality employees are the county's most valuable resource.

These policies have been developed to serve only as an informational guide regarding the County's employment policies and do not create a contract of employment. It is important that you understand these policies. Therefore, I encourage you to read these policies. If you have any questions concerning these policies, please contact your supervisor, Executive Authority, or the Human Resources Officer

These policies will be effective as of July 1, 2014 and subsequent amendments based on date of passage. There will be no retroactive clauses on any of these policies except as expressly stated, and it is expected that all employees will be affected equally in relation to their purpose and implementation.

The efforts of our past and present employees have made our county's record one of pride and accomplishment. We are happy to have you on our staff and look forward to your contributions to our county.



**COUNTY JUDGE/EXECUTIVE**

4/22/15

**DATE**

## **STATEMENT OF PURPOSE**

The Pulaski County Fiscal Court recognizes that a personnel system which recruits competent, dependable employees is indispensable to effective and efficient county government. These policies and procedures, classifications, pay plans and job descriptions have been developed in order to achieve optimum efficiency and economy in the pursuit of the county's goals and the utilization of its human resources.

The policies and procedures set forth hereinafter are intended to implement the personnel ordinance by providing procedures for:

1. Classifying positions in the county service;
2. Recruiting persons for that service;
3. Setting forth rules and regulations governing employment with the county; and
4. Compensating employees for their service to the county,

While the county is committed to the equitable treatment of its employees, it is expressly noted that nothing in these policies is intended to create a contract of employment. Employment with the County is at-will meaning any individual may voluntarily leave employment or may be terminated by the county at any time, for any lawful reason, or for no reason at all. Any oral, written statements, custom or course of dealing to the contrary are hereby expressly disavowed.

## **SCOPE OF COVERAGE**

The following Personnel Policies and Procedures have been adopted by the Pulaski County Fiscal Court and are applicable to all persons employed or appointed to positions at all levels in the county government, with the exception of the following:

- A. All elected officials;
- B. Employees of the Jailer, Sheriff, County Clerk, County Attorney, and Coroner, unless expressly requested by the elected official in writing;
- C. All members of boards and commissions;

## **ADMINISTRATION OF THE PLAN**

Pursuant to KRS 67.710 the County Judge/Executive is the chief executive of the county. The County Judge/Executive, by law, shall have all the powers and perform all the duties of an executive and administrative nature vested in, or imposed upon the county or its fiscal court. The judge/executive is responsible for the proper administration of the affairs of the county placed in his charge. Pursuant to KRS 67.710(7), the County Judge/Executive, with the approval of the fiscal court, has the authority to appoint, supervise, suspend, and remove county personnel, unless otherwise provided for by state statute. Notwithstanding the provisions of KRS 67.710(7), KRS 67.711(1) gives the County Judge/Executive express authority to hire a deputy county judge/executive, and a reasonable number of other assistants, secretaries, and clerical workers to work within the judge/executive's office, who shall serve at his/her pleasure. The fiscal court, pursuant to KRS 64.530(4), is required to fix reasonable compensation for these positions.

The County Judge/Executive is hereby designated as the county personnel administrator. In this capacity, the judge/executive may delegate such duties and functions as he/she deems appropriate.

**Administration by Constitutional Officers**

In those situations where county constitutional officers have chosen to adhere to the policies adopted by the Pulaski County Fiscal Court by providing a written request to the County Judge/Executive, the constitutional officer shall serve as the executive authority for the office.

## **MERIT SYSTEM**

The Pulaski County Fiscal Court, by adoption of these policies and procedures and all the particulars contained herewith in, establishes a Merit System for all employees. All employees who complete 6 months of regular full time employment shall not be separated from County employment without just cause. No change in the composition of the Fiscal Court shall make any change in the job security of any employee addressed by this manual.

Those positions that are NOT covered by the merit system shall include: Administrative Assistant, Deputy Judge Executive, Personal Secretary, Road Supervisor, County Finance Officer, County Treasurer, and/or any position limited by KRS and KAR.

More precisely defined, this section protects the employee from political harassment or retribution: HOWEVER, it in no way affords any protection to any employee whose performance is inadequate; whose personnel record contains serious and/or repeated disciplinary action; or, who is guilty of insubordination.

## **EQUAL EMPLOYMENT OPPORTUNITY**

The County provides equal employment opportunity to all employees and applicants. The County does not discriminate in its employment practices on the basis of race, color, sex, religion, national origin, age, disability, veteran status, genetic information, ancestry, because the individual is a smoker or non-smoker, or other protected classification, in accordance with applicable law.

## **EMPLOYMENT OF RELATIVES**

An elected official may not hire or appoint a member of their family. If, however, the family member has been employed for at least one year prior to the official's election, this policy does not apply. This prohibition also does not apply to any relationship created by marriage if the relationship is reported to the Ethics Commission, which may take action to eliminate the adverse effects of the relationship.

For purposes of this section, "family" is defined as a spouse, child, parent, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild of an elected county official.

In the event of two "defined" family members being employed in the same department, under no circumstances will one member be permitted to supervise the other.

## **REASONABLE ACCOMMODATIONS**

The County will comply with the provisions of disability laws for employees who qualify. Employees should contact the County ADA Coordinator with questions or concerns about any needs or requests for reasonable accommodations.

Requests for reasonable accommodations must be submitted in writing to the County ADA Coordinator. Upon receipt of a request for reasonable accommodation for a disability, the County ADA Coordinator may require that the employee provide documentation from a medical professional regarding the disability and requested accommodation. Medical documentation provided for this purpose will be kept separate from the employee's personnel file and kept confidential, subject to applicable law.

Only information related to the provision of a reasonable accommodation or information necessary to address safety issues in the work setting will be released to supervisors and/or departmental directors, subject to applicable law.

Any employee or applicant who believes that he or she has been subjected to prohibited discrimination may personally, or by a representative, make a report with the office of the County Judge/Executive or the appropriate Constitutional Officer using the procedure outlined in Appendix A to these policies.

## **PROHIBITION OF WORKPLACE HARASSMENT AND DISCRIMINATION**

The Pulaski County Fiscal Court is committed to maintaining a work environment that is free of discrimination and harassment. In keeping with this commitment, the County will not tolerate harassing conduct that affects tangible job benefits, that interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment by anyone, including any superior, co-worker, vendor, client, or citizen.

### **1. Harassment**

- A. Harassment is illegitimate conduct based on an individual's race, color, religion, national origin, sex, age, disability or other protected status, which has the purpose or effect of creating an intimidating, hostile or offensive working environment; has the purpose of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.
- B. The County policy prohibits harassment of one employee by another employee or supervisor. Prohibited conduct by County policy includes, but is not limited to, epithets, slurs, negative stereotyping, innuendoes, jokes, disparaging remarks, verbal conduct consisting of crude or vulgar language, inquiries and disclosures, and offensive verbal comments and commentary, or threatening, intimidating, or hostile acts, written or graphic material that denigrates or shows hostility or aversion that is on the employer's premises or circulated in the workplace.

### **2. Sexual Harassment**

- A. The County prohibits sexual harassment of one employee by another employee or supervisor. Acts of sexual harassment include, but are not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when (1) submission to such is made, either explicitly or implicitly, a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- B. A special responsibility falls upon managerial and supervisory personnel who are responsible for their actions and the actions of their subordinates. In addition to the policy guidance above, all employees, especially managers and supervisors, should refrain from intimate touching (e.g., more than a handshake or pat on the back) or intruding in the personal space of another, sexual innuendoes or jokes, sexually disparaging remarks, verbal conduct consisting of crude or vulgar language of a sexual nature, and inquiries or disclosures of sexual habits or proclivities, sexist remarks, repeated offensive sexual flirtations, sexual advances, sexual propositions, repeated sexual commentaries and sexually suggestive conduct. All employees, especially managers and supervisory personnel, shall assume that all such behavior listed in this paragraph is UNWELCOME at all times unless express explicit verbal or written



permission is granted for such behavior on each separate occasion. The fact that such permission has been granted once does not mean that such behavior may ever be permitted again.

3. **Discrimination**: Is any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practices of differentiation or preference in the treatment of a person or persons, or the aiding, abetting, inciting, coercing, or compelling thereof made unlawful by the federal or state statutes, including but not necessarily limited to discrimination based on an individual's race, color, religion, national origin, sex, age, disability or other protected status.
4. **Retaliation**: Is conduct that would dissuade a reasonable worker from making or supporting a charge or complaint of harassment or discrimination is prohibited. The County strictly prohibits any form of retaliation against any employee who, in good faith, reports harassment or discrimination, assists in making a report of such conduct, or cooperates in an investigation of such conduct. Retaliation of this type is an independent basis for discipline up to and including, termination of employment.
5. **Reporting Procedures**: Any officer or employee of the County shall immediately make a report following the procedures set forth in these policies and procedures. The County will promptly investigate and respond to any grievance. While an investigation regarding a report of harassment or discrimination is pending, the County may take steps to protect the aggrieved employee or officer from further harassment or discrimination, including but not limited to suspending or reassigning the accused employee.
6. Upon a final finding of a violation of this policy, the offender will be subject to disciplinary action up to and including dismissal from employment.
7. The county recognizes that false accusations of harassment and sexual harassment can have a serious effect on innocent men and women. Individuals falsely accusing another of harassment or sexual harassment will be disciplined in accordance with the nature and extent of his or her false accusation.

### **REPORTING PROCEDURES**

The County cannot respond to harassment or discrimination of which it is unaware. Thus, it is imperative for an employee with a concern involving potential harassment or discrimination, including disability discrimination, to promptly make use of the reporting procedure in this policy. Employees should report harassment and discrimination *before* it becomes severe or pervasive.

1. An employee must report harassment or discrimination by reporting it to any supervisor, the County ADA Coordinator, the Human Resources Officer or the County Judge/Executive or Executive Authority, as appropriate. Although all reports will be accepted, PolicyForm#01.2002 is available at the Human Resources or County Treasurer's Office for this purpose.

2. Anyone who is aware of harassment or discrimination prohibited by this policy, whether or not they are the victim, must promptly report it. Supervisors have an obligation to report harassment or discrimination of which they become aware by immediately contacting Human Resources and the County ADA Coordinator.
3. Where appropriate, the person accused of harassment or discrimination shall be notified of the complaint and/or the outcome. If the accused person is a County employee, he/she shall have the right and obligations of appeal set out below.

**LEVEL ONE:**

1. The County Human Resources personnel, or their designee, will investigate the allegations and issue their response to a report or appeal of harassment within fifteen (15) working days of receiving the report.
  - a. However, the County Judge/Executive or Executive Authority (or in cases where the County Judge/Executive or Executive Authority is the accused, the Fiscal Court) may grant an extension of time where circumstances require it. In cases where an extension is granted, the person responsible for responding to the report shall promptly inform the reporting party of the extension and the new date for issuing a response.

**LEVEL TWO:**

1. If, at any point in this process, the employee is not satisfied with the disposition of the report, an immediate appeal may be taken by submitting a written appeal to the County Judge/Executive within fifteen (15) working days of when the employee received notice of the preceding disposition, using the form available from the Human Resources or County Treasurer's office.

**LEVEL THREE:**

1. In cases where the County Judge/Executive or Executive Authority is accused of harassment or discrimination, the appeal must be submitted to the Fiscal Court, through the County Attorney, within fifteen (15) working days as stated above.

## **DRUG FREE WORKPLACE**

The Pulaski County Fiscal Court is a drug-free workplace in compliance with the Drug-Free Workplace Act of 1988.

It is the policy of Pulaski County that no employee shall engage in unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace. Controlled substances means a controlled substance in schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 CFR 1308.11 through 1308.15, including any future additions or amendments.

The purpose of this policy is to avoid the dangers of drugs in the workplace, and to advise employees of available sources of counseling, rehabilitation, and employee assistance.

Each employee is notified hereby that they shall notify the County Judge/Executive within five (5) calendar days of any criminal drug statute conviction for a violation in the workplace. Within thirty (30) calendar days, the County shall take appropriate action.

In the event of a first time positive drug or alcohol test the employee shall immediately receive a (30) work day unpaid suspension from all job duties. Before returning to work the employee must have a negative drug or alcohol screen and will be subjected to random screening at least 6 times during the course of the year. All testing after the initial screen will be at the employee's expense. The employee must also undergo drug and alcohol counseling for the period of 1 year. Verification of counseling will remain in the employee's personnel record. The personnel officer is responsible to see the aforementioned is carried out and proper documentation of each is on file in the employee's file.

In the event of a second offense, the employee will receive an immediate dismissal.

## **DRUG AND/OR ALCOHOL TESTING – SUBSTANCE ABUSE POLICY**

### **1. Purpose**

Consistent with the county's policy to maintain a safe, healthy drug-free work environment and in the interest of assuring the safety of the general public by employing persons in safety sensitive positions that do not abuse alcohol or illegal drugs, the following policies are adopted and strictly adhered to by Pulaski County. The County also acknowledges its intent to comply with Department of Transportation regulations regarding employees in DOT regulated "safety-sensitive" positions, which the County will address through provisions established in addition to and separate from this policy where necessary.

### **2. Applicability**

This policy applies to all County employees, applicants for County employment, and wherever any County employee is representing or conducting business for the County.

### 3. Definitions

- a. Accident: Any accident in a county owned vehicle or equipment will be considered cause for post-accident drug/alcohol testing of employee.
- b. Alcohol concentration (or content): Means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
- c. Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl and isopropyl alcohol.
- d. Controlled substance: Has the meaning as assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I through V as they may be revised from time to time (21 CFR 1308) i.e., marijuana (THC metabolite), cocaine, amphetamines, methamphetamines; opiates (including heroin); phencyclidine (PCP).
- e. Detectable Amount: For the purposes of this policy, detectable amount is defined as anything over 0.00.
- f. Driver: Means any person who operates a county vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to any employer or who operate a motor vehicle at the direction of or with the consent of an employer.
- g. Drug and Alcohol Test: The compulsory production and submission of urine, breath, or blood sample by an employee in accordance with procedures contained herein for chemical analysis to detect drug and/or alcohol use.
- h. He or his also means she or hers in appropriate context.
- i. Medical Review Officer (MRO): Means a licensed M.D. or D.O. (Doctor of Osteopathy) with knowledge of drug abuse disorders who is employed or use to conduct drug tests in accordance with this policy.
- j. On Duty Time: Means all time from the time the employee begins work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work. On duty time shall include:
  - i. All time waiting to work or working unless relieved from duty by the employer
- k. Owner-Operator: Means a driver(s) who has contracted for services with the County. For the purposes of these procedures and the county's Alcohol and Drug Abuse Policy, owner-operators are not to be considered county employees, but will be required to participate in the county's Alcohol and Drug Abuse Policy like all county employee drivers.

l. Performing a safety sensitive function: Means an employee is considered to be performing a safety sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available. This includes any employee who performs a duty(s) that requires a CDL license or any employee who holds a CDL license, or other classifications identified within the random selection section of this policy.

m. Positive Drug Screen: Means positive identification of alcohol, a drug or a metabolite which has been confirmed by sophisticated scientific laboratory tests.

n. Program Administrator (PA): This is the County Judge/Executive or his designee.

o. Random Selection Process: Means that alcohol and drug tests are unannounced.

p. Reasonable Suspicion: Means a belief that an employee is using or has a used drug or alcohol in violation of this drawn from specific articulable facts and reasonable inferences drawn from those facts in light of experience, training, or education. Reasonable suspicions will be determined by two or more supervisory personnel who will attest to their observations. The Executive Authority will be made aware of reasonable suspicion testing as soon as possible.

q. Substance Abuse Professional (SAP): This is a doctor who specializes in counseling or helping a person deal with his substance abuse problems.

r. Under the Influence: An individual is considered to be under the influence of intoxicants when the individual's blood alcohol content exceeds 0.00%. An individual is considered to be under the influence of a controlled substance when any detectable amount of the substance is identified through employee testing.

#### **4. Prohibitions**

The following conduct is strictly prohibited and will subject an employee to immediate discipline:

##### **2. Alcohol Prohibitions**

- a. The buying, selling, transportation, possession, providing of alcohol while on duty.
- b. Use during the four (4) hours before reporting for duty.
- c. Reporting for normal duty or remaining on duty to perform work with an alcohol concentration of 0.00 or greater.
- d. Use of alcohol during eight (8) hours following an accident, or until he undergoes a post-accident test.

- e. Employees found to have an alcohol concentration of greater than 0.00 shall immediately be removed from their duties and subjected to other actions outlined in this policy, including personnel actions up to, and including dismissal from employment.

3. Drug Prohibitions

- a. The use of any drug is prohibited if the drug could affect job performance, including, but not limited to:
  - b. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the employee that the drug will not adversely affect the employee's ability to safely perform the duties of his job;
  - c. Testing positive for drugs; and
  - d. Providing a diluted sample; and
  - e. Refusing to take a required test.
4. Failure to notify the supervisor or the PA if alcohol or a controlled substance is ingested unintentionally or if the employee is made to ingest a controlled substance so that appropriate medical steps may be taken to ensure the employee's health and safety;
5. Failure to notify the supervisor or the PA of any alcohol or criminal drug statute charge or conviction no later than five (5) days after such charge or conviction relating to alcohol or drug abuse or misuse. However, notification of conviction does not insulate the employee from disciplinary action;
6. An employee will not be disciplined for reporting personal use of alcohol or prescribed medications when called to perform additional duties outside normal work hours.
7. An employee will inform his supervisor or the PA of any therapeutic drug and/or prescription use that could adversely affect his performance prior to performing any duties.
8. Employees found to be in violation of the County's substance abuse policies are subject to appropriate personnel action, up to and including dismissal from employment.

5. Preconditions to Drug and Alcohol Testing: The County shall contract with a reputable certified laboratory.

## 6. Types of Testing

A. Pre-employment testing: All offers of employment shall be made contingent upon passing a medical review, including an alcohol and drug test. If the test is confirmed positive for drugs or alcohol, the candidate will be disqualified with no further action to be taken. Job applicants, who are denied employment because of a positive test, may reapply for employment after twelve (12) months. The records will be maintained in the applicant's confidential medical file.

B. Reasonable Suspicion: If an employee's work performance or behavior is indicative of possible alcohol or drug abuse or misuse as demonstrated by the following behaviors/symptoms, or if the employer observes specific, contemporaneous, articulable conduct pertaining to the appearance, behavior, speech or body odors of the employee that indicate the he/she may be in violation of this policy, an appropriately trained supervisor, with the concurrence of the PA or Human Resource Officer, will require the employee to submit to a breath test or urinalysis. The following conditions, which should not be construed to be all inclusive, are signs of possible alcohol or drug abuse:

- Abnormally dilated or constricted pupils
- Glazed stare
- Redness of eyes
- Change of speech
- Constant sniffing
- Increased absences
- Redness under nose
- Sudden weight loss
- Needle marks
- Change in personality
- Increased appetite for sweets
- Forgetfulness
- Performance faltering
- Poor concentration
- Borrowing money from co-workers, seeking an advance in pay, or other unusual display of need for money.
- Constant fatigue or hyperactivity
- Smell of alcohol
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slowed reaction rate

- a. Supervisors must notify the PA and/or the appropriate Executive Authority if they have reason to believe one or more of the above listed conditions is indicated, and that the substance abuse is affecting an employee's performance or behavior in any manner. Job performance and policy violations must be specific.

- b. The PA or Human Resource Officer (HRO) will arrange to observe or talk to the employee. If the PA or HRO and supervisor concur on reasonable suspicion, the PA or HRO will immediately arrange for the specified test.
  - c. The employee will be required to disclose any evidence pertinent to the observation for further testing. Failure to comply may subject the employee to subsequent discipline or suspension. All confiscated evidence will be receipted for with signatures of both the receiving supervisor and the provider.
  - d. If upon questioning by the supervisor, the employee admits to use but requests assistance, the PA or HRO may arrange for assessment by the substance abuse professional (SAP). Reassignment to job duties will be conditioned on completing the SAP's guidelines and return to work testing.
  - e. The supervisor shall, within 24 hours, or before the results of the alcohol or controlled substance testing are released, document the particular facts related to the behavior or performance problems and present documentation to the PA.
  - f. The PA shall cause the removal of the employee from county property and ensure that the employee is transported to the collection site. Under no circumstances will the employee be allowed to drive any county vehicle until a confirmed negative test result is received.
- C. Post-Accident Testing: All employees who are involved in an accident, as defined above, while performing duties for the County, are required to provide a breath test and a urine specimen to be tested as soon as possible, but not later than eight (8) hours after an accident. The employee shall remain readily available for testing or he will be deemed to have refused testing. If the employee is seriously injured and cannot provide a specimen at the time of the accident, he shall provide the necessary authorization for obtaining the hospital reports and other documents that would indicate whether there were any controlled substances in his system. **Adherence by the employee to the post-accident testing requirements is a condition of continued employment with the County.**
- D. Random Selection: the County will conduct mandatory random testing for all employees, as defined above, as follows:
- o A selection process which removes discretion in selection will be adopted by the county.
  - o The random testing will be reasonably spaced over a twelve (12) month period.

Once notified, the supervisor or PA and employee will immediately proceed to the collection site. The employee will not be notified prior to duty that he is to be tested. If the employee is not scheduled to work within 72 hours he will not be randomly tested until drawn again.



- E. Return-to-Duty Testing: Before an employee returns to duty after engaging in conduct prohibited by this policy, the employee shall undergo a return to duty alcohol test with a result of less than a 0.00 breath alcohol concentration (BAC) or receive a confirmed negative result from a controlled substance urinalysis test.
- F. Follow-up testing: Following a determination that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the county shall see that the employee is subject to unannounced follow-up testing as directed by the SAP as required by 382 CFR 605(c)(2)(ii). Follow-up alcohol testing shall be conducted only when the employee is performing safety-sensitive functions, just before the employee is to perform or just after the employee has performed safety sensitive functions.

## **7. Collection of Breath and Urine Specimens and Laboratory Analysis**

- A. Breath alcohol testing: Breath alcohol testing will be conducted at a prearranged location by a qualified Breath Alcohol Technician according to 49 CFR Part 40 procedures. Refusal to provide breath will be considered a positive test and the employee will be removed from a safety-sensitive function and may be subject to discipline up to and including termination.
- B. Specimen collection: Specimen collection will be conducted in accordance with applicable state and federal law. The collection procedures will be designed to ensure the security and integrity of the specimen provided by each employee, and those procedures will strictly follow federal chain-of-custody guidelines. Every effort will be made to maintain the dignity of each employee submitting specimen for analysis in accordance with these procedures.
- C. Laboratory analysis: Only a certified laboratory is to perform urinalysis for the detection of the presence of controlled substances will be retained by the county. The laboratory will be required to maintain strict compliance with federally approved chain of custody procedures, quality control, maintenance and scientific analytical methodologies.

## **8. Appeal of Test Results**

- A. An employee testing positive for alcohol or drug use is subject to disciplinary action. Refusal to submit to testing will also be considered a positive test. Refusal includes not providing a breath or urine sample as directed, willfully neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident unless a test sample has been taken earlier, or engaging in conduct that clearly obstructs the testing process.
- B. Any employee testing positive for the presence of a controlled substance will be contacted by the county's MRO. The employee will be allowed to explain and present medical documentation to explain any permissible use of drugs. All such discussions between the employee and the MRO will be confidential. If medically supportable reasons exist to explain the positive result, the MRO will report the test result to the county as negative.

- C. Within 72 hours after the employee has been notified of a positive test result for drugs, he may request a retest of the split sample. The signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRO, and the PA will be notified. A new sample may be requested as appropriate. Any testing in addition to the initial test will be conducted at the expense of the employee.

## **9. Substance Abuse Counseling**

- A. The employee may seek assistance from a substance abuse professional who, in conjunction with the MRO, will take appropriate action, which may include diagnosing the problem and recommending treatment. This is to be done at the expense of the employee.
- B. If the employee acknowledges a substance abuse problem, requests assistance and completes the substance abuse treatment recommended by the SAP, these may be considered to be mitigating factors.
- C. The employee's successful completion of an approved treatment program may be a condition of continued employment.
- D. An employee with an acknowledged substance abuse problem will be required to submit to at least 6 unannounced drug tests during the first year and follow-up testing may be conducted for up to 60 months. Failure to adhere to this condition is grounds for immediate termination.
- E. Nothing in these policies shall be deemed as precluding the county from dismissing any employee who has been found to be in violation of these policies. There is no express responsibility to retain an employee, or to provide assistance beyond referral information regarding rehabilitative resources.

## **10. Confidentiality**

- A. Collection of breath and urine samples must always be documented and sealed with a tamper-proof system in the presence of the employee, to insure that all tests can be correctly traced to the employee. Drug and alcohol test analysis from the DHHS approved laboratory will be forwarded directly to the MRO for confidential record keeping.

## **11. Record Retention**

- A. The County shall maintain records of its alcohol misuse and controlled substance abuse prevention programs in a secured location as prescribed by 382 CFR 401.

12. **Training:** All supervisors, program administrators, and Human Resource Officer will receive a minimum of one (1) hour training on alcohol abuse and one (1) hour training on drug abuse to assist them in identifying abuse behavioral characteristics.

### **Additional Requirements for DOT-Regulated Employees**

In conjunction with and in addition to what is provided in the County's Drug Free Workplace Policy, employees whose job involves driving a County vehicle, driving a vehicle on behalf of the County, or whose job requires a valid driver's license, must promptly report to their Department Director any charge of DUI, reckless endangerment or any other offense that may result in the suspension or revocation of their driver's license. Any such charge will result in the immediate suspension of driving privileges pending resolution of the charge. A resulting conviction or disposition (including guilty pleas, Alford pleas and diversionary arrangements) may result in disciplinary action up to and including termination. In the event of an inconsistency between this section and the Drug Free Workplace Policy, the Drug Free Workplace Policy shall control.

Employees in positions regulated by the Federal Department of Transportation ("DOT") are subject to drug testing and disciplinary requirements separate in addition to those that apply to all County employees. Those requirements are as follows:

1. **Separate test:** For all instances when a drug or alcohol test required by the County's Drug Free Workplace Policy (pre-employment, reasonable suspicion, random and post-accident), employees in "safety sensitive" positions. DOT tests shall be conducted and documented pursuant to DOT regulations. DOT tests shall take priority over and be conducted and completed *before* any non-DOT testing begins. Forms for the administration of such DOT tests are found in the Appendices to 49 CFR Part 40. Guidance for DOT testing can be found in Section VI and related Appendices to the document entitled *What Employers Need to Know About DOT Drug and Alcohol Testing (Guidance and Best Practices)*, published by the federal government's Office of Drug and Alcohol Policy and Compliance. (Copies available online or from the Human Resources Department.) In any instance that DOT testing requirements differ from those set out in this policy, DOT testing requirements shall control for purposes of this first test.
2. **Protocol for DOT tests:** The collection of samples and administration of drug and alcohol tests shall follow all standards, procedures and protocols set forth by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Administration (SAMHSA). Test results will be obtained by a qualified laboratory as defined elsewhere in this policy and results shall undergo a medical review as follows:
  - a. All test results shall be submitted for medical review by the County's designated Medical Review Officer (MRO), who shall consider the medical history of the employee or applicant, as well as relevant biomedical information.
  - b. If there is a positive test result or it is determined there was a refusal to test because of adulteration or substitution, the employee or applicant will be given an opportunity to

discuss the test results with the MRO and report to the MRO the use of any prescription or over-the-counter medication. Provided, however, that the employee will not receive the opportunity to discuss test results with the MRO if he/she declines the opportunity, has been instructed to contact the MRO and failed to do so, or has not been successfully contacted within ten (10) calendar days of the test despite reasonable efforts.

- c. If there is a positive test result or it is determined there was a refusal to test because of adulteration or substitution, the employee also shall have the opportunity to request, verbally or in writing, a test of the “split specimen” (as defined by 49 CFR 40.3). The employee must make such a request within seventy-two (72) hours of when the employee is notified of the verified positive drug test or determination of refusal to test because of adulteration or substitution. If the employee does not make his/her request within 72 hours, the employee may still request a “split specimen,” but only if the employee presents the MRO with documentation showing that circumstances such as a serious injury, illness or lack of actual notice unavoidably prevented him/her from making a timely request.
- d. If the MRO determines there is a legitimate medical explanation for a positive test result, the MRO shall certify that the test results do not indicate the unauthorized use of alcohol or a drug.
- e. If the MRO determines, after appropriate review, that there is not a medical explanation for the positive test result other than the unauthorized use of alcohol or a prohibited drug, the MRO shall refer the individual tested to the Human Resources Department for further proceedings in accordance with this policy.

MRO determinations concerning the use of alcohol or a controlled or illicit substance shall comply with all procedures outlined in the U. S. Department of Health and Human Services Substance Abuse and Mental Health Services (SAMHSA) “Medical Review Officer Manual for Federal Agency Drug Testing Programs.”

4. Additional requirements for MROs involved with DOT testing: For purposes of compliance with DOT requirements for testing of DOT-regulated “safety sensitive” employees (addressed more below), the Medical Review Officer must meet the qualifications set out in 49 CFR 40.121.
5. Additional DOT requirements for reasonable suspicion testing: For DOT testing purposes, the term “reasonable suspicion” means a trained supervisor’s or trained County official’s belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific, contemporaneous, objective and articulable observations concerning the appearance, behavior, speech or body odors of the employee, which may include indications of the chronic and withdrawal effects of controlled substances. Reasonable suspicion tests for DOT purposes must be based on suspicion that satisfies both this criteria **and** the criteria in the County’s Drug Free Workplace Policy. Further, when reasonable suspicion testing is required, the County must document the circumstances of an event if testing for alcohol does not occur within two (2) hours following a reasonable suspicion

determination, and must cease attempts to administer an alcohol test if it is not administered within eight (8) hours following the determination.

6. Additional DOT requirements for drug awareness training: Concerning alcohol and substance abuse awareness training, supervisory personnel responsible for DOT-regulated “safety sensitive” positions also must receive at least two (2) hours of training each year in DOT-compliant substance abuse detection, documentation and intervention. Half of this training shall be devoted to drug abuse, and the other half shall be devoted to alcohol abuse.

## **EMPLOYMENT AND APPLICATION PROCESS**

### **Applications**

1. Current employees may be given consideration in filling new and/or vacant positions. However, if the Executive Authority deems that the best interests of the county are served by seeking applications or the equivalent from persons other than the existing workforce, he/she shall seek applications as deemed appropriate. Current employees who wish to fill a vacant position must complete a new application or the equivalent.
2. Official forms supplied by the County and completed by the applicant shall require the following:
  - I. Information about the applicant's training and experience;
  - II. References;
  - III. Signed release forms, including but not limited to a release for the Driving History Record;
  - IV. Whatever additional information is required for an evaluation of the applicant's fitness for the position for which he/she applies; and
  - V. Any additional testing or evaluations deemed necessary for employment including, but not limited to, post-employment offer physicals, drug tests, and medical history questionnaires.
3. The county will only accept applications or the equivalent when there are vacant positions.
4. Each application or equivalent shall be reviewed by the County Judge/Executive or appropriate Constitutional Officer, and/or such other persons as deemed appropriate.
5. All application forms filed with the County shall be kept by the Executive Authority, or his/her designee, for the time required by law.
6. All applicants shall be given a copy of the position description describing the job requirements and necessary qualifications if requested.

### **The Hiring Process**

In determining the qualifications of an applicant for a position the county shall consider the following:

- A. Information the applicant supplies on an application form or resume;

- B. Written, performance, or post job-offer physical evaluations;
- C. Interviews;
- D. Information and evaluations supplied by the references whom the applicant identifies;  
and
- E. Other applicable information.

All persons who qualify for an appointment to a position of a particular classification shall be considered by the Executive Authority for appointment. No person may be appointed to a position unless verified information on an official application form indicates that the person has the desired qualifications set forth in the position description.

All county employees shall be appointed and removed by the County Judge/Executive, with approval of the fiscal court, unless they are employees appointed pursuant to the authorities granted to the judge/executive by KRS 67.711(1). Employees of county constitutional offices shall be appointed and removed by the appropriate Constitutional Officer.

## **ORIENTATION OF NEWLY EMPLOYED PERSONNEL**

1. All new employees shall participate in an orientation conducted by the County's human resource officer and their supervisor on or before their first day of employment.
2. The orientation shall consist of the following elements:
  - A. Explanation of the purpose and goals of the County;
  - B. Overview of the County's structure and operations;
  - C. Overview of management policies and procedures; and
  - D. Other elements deemed appropriate.
3. All employees will receive a copy of these Personnel Policies and Procedures during their orientation. Employees are expected to be familiar with the contents of these policies, and are encouraged to discuss any questions with your supervisor or the human resource officer.

## **PERSONNEL RECORDS**

1. A personnel file shall be maintained for each county employee by the Executive Authority or his/her designee. All changes in the status of employees shall be recorded in these files, which shall be retained and maintained in accordance with applicable state and federal laws.
2. The file shall contain:
  - A. The employee's name, address and telephone number where the employee may be reached;
  - B. Position title;
  - C. Hiring date;
  - D. Departmental assignment;
  - E. Application;
  - F. Salary;
  - G. All changes in status as a county employee;
  - H. Documented compliance with labor standards, EEO-4, I-9 requirements;
  - I. Performance appraisals and evaluations;
  - J. Commendations and disciplinary memoranda; and
  - K. Whatever additional information this ordinance, other governing laws, or the County requires.
3. Employee medical records of a confidential nature shall be maintained separately from other employee files.
4. Personnel records of the County shall be public records as defined and controlled by the appropriate Kentucky Revised Statutes. They will be retained in accordance with the retention schedules adopted by the State Archives and Records Commission.



## CLASSIFICATION OF EMPLOYEES

1. All employees of Pulaski County shall be classified as full-time, part-time, temporary/seasonal, or floater/flex.
  - A. Regular Full-Time Employee: An employee who works at least 29 hours per week on a regularly scheduled basis;
  - B. Regular Part-Time Employee: An employee who works less than 29 hours a week on a regularly scheduled basis, or as needed basis;
  - C. Temporary Employee: An employee who works in a position which is of a temporary nature, either full-time or part-time. The maximum time limit for temporary or seasonal employees is twelve (12) months.
  - D. Seasonal: Employee who works in a position for a maximum of 9 months per calendar year. Seasonal employees may be added as needed.
  - E. Floater/Flex: An employee who works at least 29 hours per week on a regularly scheduled basis and in various departments as needed.
2. Only full-time and floater/flex employees are considered “regular” employees.
3. Full-time and Floater/Flex employees in regular positions who have satisfactorily completed their introductory period shall be entitled to specified benefits provided by the county.
4. Temporary and part time employees shall not be entitled to any benefits, unless specified otherwise in these Policies.
6. Nothing in the classification of employees is intended to create a contract of employment. Any individual may voluntarily leave employment or be terminated at any time, for any lawful reason or no reason at all. Any oral, written statements, custom or course of dealing to the contrary are hereby expressly disavowed.

## EMPLOYMENT COMPENSATION PLAN

### Pay Plan

1. An appointee to a new position shall receive the minimum salary for the class to which the position is allocated.
2. Employees shall be given consideration prior to their anniversary date for increase to the next step of the grade assigned to their position, pending satisfactory service and availability of county funds. Employees will receive this increase only after a completed evaluation has been received by the HRO. The increase in salary will then be calculated for the next payroll cycle.

## TERMS OF EMPLOYMENT

### Hours of Work

1. Paychecks shall only be disbursed after the submission of a properly prepared and signed time sheet. Paychecks will only be disbursed to the department head, supervisor or employee except with written instructions from the employee.
2. Overtime:
  - a. Time off with pay (such as vacation, sick leave, or compensatory time) shall not be considered as hours worked for overtime pay purposes.
  - b. Holidays for which employees are paid, but which are not worked, cannot be used for computing overtime. Employees shall not be compensated for vacation, sick, or compensatory time on a holiday for which they are being paid.
  - c. Hours worked past the regularly scheduled work day shall be approved in advance by the employee's immediate supervisor whenever possible, and shall be kept at the minimum consistent with maintenance of essential services and the county's financial resources. Documentation for these hours must be submitted along with the employee's time sheet.
3. Unpaid time off (LWOP): Employees taking time off without pay is not permissible except during FMLA or Workers' Compensation events and except in circumstances with written approval from the Executive Authority. LWOP is not to exceed 30 hours for every 6 months.
4. Compensatory Time
  - a. Pursuant to KRS 337.285 as amended, upon written request by a county employee and upon a written agreement reached between the fiscal court and the county employee before the performance of the work, a county employee **who is authorized** to work one (1) or more hours in excess of the regularly scheduled hours worked each week may be granted compensatory leave on an hour-for-hour basis.
  - b. For all hours of compensatory time worked in excess of forty (40) hours per a given work week, may be granted compensatory time in lieu of overtime pay at the rate not less than one and one half (1.5) hours for each hour the county employee is authorized to work in excess of forty (40) hours in a work week.

- c. "County Employee" is defined as a regular full-time employee of the Pulaski County Fiscal Court.
- d. The employer shall permit the use of compensatory leave within a reasonable period after the request, if the use does not unduly disrupt the operations of the employer.
- e. Full time employees may accrue not more than one hundred sixty (240) hours of compensatory time. Once an employee has accumulated the maximum allowable hours of compensatory time, that employee shall, for additional overtime hours of work, be paid overtime compensation.
- f. Compensatory time compensation for time off shall be paid at the regular rate earned by the employee at the time the county employee receives the payment.
- g. Upon an employee's termination of employment, all unused accrued compensatory time shall be paid at a rate of compensation not less than the average regular rate received by the employee during the last three (3) years of the employee's employment or the final regular rate received by the employee, whichever is higher.

5. Workweek:

- a. The official workweek begins on Monday at 12:01 a.m. and ends on Sunday at midnight.
- b. The county may change the official workweek at any time, but not to avoid overtime provisions.

## **Introductory Period**

- A. There are two (2) types of introductory periods:
- i. **Initial:** All persons initially appointed to full-time and part-time positions shall be on an initial introductory period of 180 days. At the end of the period, a written evaluation will be given to the employee by his/her supervisor, a copy of which will be placed in the employee's personnel file. Upon satisfactory completion of the initial introductory period, the supervisor shall make recommendation to the appointing authority that the employee be appointed to regular status. Full-time employees shall receive a two (2) step increase in pay as defined in the county's Grade/Step Schedule.
  - ii. **Promotional:** Any employee who has served an initial introductory period and is promoted from within the county service to a new position shall be on a promotional introductory period in the new position for a period of 90 days. Upon satisfactory completion of the promotional introductory period, the supervisor shall make recommendation to the appointing authority that the employee be appointed to regular status and shall receive the pay increase as defined by the County's Grade/Step Schedule.
- B. While serving an initial introductory period, an employee may be dismissed at any time without right of appeal. An employee serving a promotional introductory period may be reinstated, without right of appeal, to the position from which he/she was promoted or to a position comparable to the one from which he/she was promoted.
- C. At the completion of an introductory period, the employee's performance shall be evaluated by the supervisor or department head. The Executive Authority shall make a determination at that time to the continuation of the introductory period.
- D. Introductory periods may be extended by the Executive Authority for a position if it is deemed that a longer period is needed to learn the work and evaluate that effectiveness of the work performed. Such an extension may be granted once and may not be longer than 90 days.
- E. Benefits during Introductory Period:
- i. During a full-time employee's initial introductory period, he/she shall be allowed the following benefits as provided in these policies: holidays, military leave, and voting leave.

## **Transfers**

Any employee occupying a regular full or part-time position may request a transfer from one position to another comparable position, provided the position to which the employee is transferred is one for which he/she possess the appropriate minimum qualifications, and provided that the position applied for is vacant. The request must be in writing.

Employees occupying a regular position under one constitutional officer who are transferred to a position under another constitutional officer, with no lapse in service, cannot terminate employment and be re-hired. If any employee chooses to transfer to new position that is in a lower pay grade, the employee's pay will be changed to reflect lower pay grade.

From time to time it may be deemed necessary to transfer an employee from one department to another department for various reasons. If the transfer is deemed to be performance related, the employee will receive the pay grade of the new position. If the transfer is for any other reason, The Fiscal Court may keep the employee's pay the same or reduce or increase the employee's pay to the pay grade of the new position.

## **Light Duty**

Light duty assignments under this policy are specially created temporary job assignment for employees injured or otherwise incapacitated. Such light duty assignments are temporary assignments only, are not available to employees on a permanent basis under any circumstances. The existence of this light duty policy does not in any way guarantee that light duty will be available in your department, at any given time, or for any particular employee who requests it.

If at any point an employee is medically determined to have sustained permanent restrictions, the creation or continuation of a temporary light duty assignment will not be considered. In the event, Pulaski County will review the employee's situation separately, to determine the appropriate steps to be taken.

Assignments to temporary light duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits or other employee benefits. Light duty assignments are strictly temporary and will not exceed one (1) year, with the year defined as beginning on the first light duty day and ending twelve (12) calendar months after the first light duty day. As a condition of a temporary light duty assignment, an employee may be required to submit to monthly physical assessments of their condition by a doctor of the County's choosing.

## **Promotion**

When a vacancy occurs in a position above the entrance level, current qualified employees who submit written application for the position may be considered for the promotion. However, if the Executive Authority deems that the best interest of the County necessitate the appointment of an

applicant not currently employed by the County, the position may be filled by appointment of a person from outside the government.

An employee occupying a regular position may be promoted from one position to a higher position only if he/she possesses the minimum qualifications for the higher position and if the position is vacant.

### **Demotion**

In the event an employee becomes unable to perform the duties with reasonable accommodation as stated in the position description, for disciplinary reasons, or in lieu of a layoff, an employee may be demoted, at the County's discretion, provided the employee meets the qualifications for the demoted position, and the position is vacant. The employee's salary for the position to which he/she is demoted shall convert to the same step in the grade level to which the employee is demoted as established in the County's Pay Scale Grade/Step Compensation Plan.

### **Resignation**

- A. An employee wishing to resign shall provide written notice of the intended resignation to his/her supervisor or department head as soon as possible after the decision is made. The intended resignation date must not be less than fourteen (14) calendar days prior to the effective date of resignation, which date must be made part of the notice; and any employee who fails to comply with the terms of this section shall be deemed to have waived and forfeited his/her entitlement to payment for accrued vacation leave. An employee who does comply with this section shall be entitled to payment of a maximum of 120 hours of accrued unused vacation leave. Compensatory time will be paid upon resignation for non-exempt personnel.
- B. An employee's resignation and its attending reasons, if noted, shall be recorded in the employee's personnel file.
- C. The employment date of an employee who resigns and is reinstated will be the latest date of employment. No unused sick time will be compensated.
- D. Any employee who is absent from work for three (3) consecutive work days without notifying his/her department head of the reason(s) for the absence will be considered to have voluntarily resigned his/her employment with the County.

### **Layoff/Reduction in Force**

- A. The County Judge/Executive, with the approval of the Fiscal Court, may lay off an employee or employees because of lack of work or funds. The order of layoff shall be determined by the needs of the County. Other Constitutional Officers may lay off employees, without approval of the Fiscal Court, because of lack of work or funds. The order of layoff shall be determined by the needs of the particular office.

- B. Consideration **may** be given to the seniority and other qualifications of persons being considered for layoff.
- C. Temporary, seasonal and initial introductory employees shall be laid off before employees occupying regular positions affected by layoff.

### **Re-employment/Reinstatement**

- A. The County Judge/Executive, with the approval of the Fiscal Court, may re-employ any former employee who has resigned from the county with a satisfactory employment record, or who has been laid off because of lack work or funds. Other Constitutional Officers may also re-employ former employees under these conditions.

### **Retirement**

Pulaski County does not have a mandatory retirement age for its employees. The county does participate in the County Employees Retirement System (CERS), including participation in the Standard Unused Sick Leave Program. Information regarding this program is provided in the Benefits section of these policies, with detailed information available from the county's human resource officer.

## **OTHER TERMS AND CONDITIONS OF EMPLOYMENT**

### **1. Political Activity**

- A. No employee, as a condition of employment or continued employment, shall be required to contribute to or participate in a campaign for any candidate for political office.
- B. No employee of the county shall engage in political activity during his/her assigned duty hours or while in uniform.

### **2. Employee Bonding**

All applicants seeking county employment which involves the handling of county funds or writing county checks shall be bondable. All employees involved in handling county funds shall be bonded at the expense of the county.

### **3. Safety**

- A. The health and safety of employees is a primary concern Pulaski County. As a condition of employment, employees are required to comply with all safety procedures that are established for the position held by the employee, including the use of seatbelts when driving any county vehicle. Additionally, any employee who becomes aware of any unsafe or hazardous condition shall report the situation to their supervisor or department head immediately.
- B. All work related injuries must be reported to the employee's immediate supervisor or the department head as soon as possible after the injury occurs, but no later than the end of the work day/shift.
- C. Failure to comply with established workplace safety rules, report workplace injuries, or failure to report unsafe/hazardous conditions of which the employee is aware will result in personnel action, up to and including termination from employment.

### **4. Outside Employment**

Any outside employment that interferes with or creates a conflict of interest with the employee's county employment is prohibited.

### **5. Inclement Weather**

In the event of occurrence of weather conditions in which travel to and from work may jeopardize the safety of employees, county offices may be closed at the direction of the County Judge/Executive. Employees will be notified of this action in a timely and appropriate manner. This will be paid as a regularly scheduled workday.



Part-time employees occupying regular positions shall receive their regular work day hours paid at the regular rate of pay for the event falling on their regularly scheduled work day. Those permanent part-time employees, who work a regular schedule but their daily hours worked may vary, shall receive four (4) hours of pay if they were scheduled to work that day.

Where individual circumstances exist, such as longer than average distance of travel to and from the work place, the employee must notify his/her supervisor, and may exercise his/her own judgment in not reporting to work. If county offices are not subsequently closed, this time off will be charged to vacation leave or leave without pay.

## **6. Expense Reimbursement**

Employees will be reimbursed for pre-authorized travel expenses incurred in the performance of their work, but not for commuting to and from the workplace. Any costs incurred should be the most economical consistent with the county's best interest.

- A. Any employee of the county incurring expenses for prior approved county related business shall be reimbursed as follows:
  - i. Official travel in privately owned vehicles shall be reimbursed in accordance with Resolution number 96.04.09, which states that the rates shall be paid at the Federal Mileage Rate.
  - ii. Air travel shall not be first class unless other rates are unavailable. Under reasonable circumstances, or for necessary expediency, the Executive Authority may authorize other travel means.
  - iii. Lodging shall be reimbursable at the actual expense. Detailed receipts **must** be provided for all lodging.
  - iv. Conference and registration fees shall be approved in advance by the Executive Authority, and may be prepaid when necessary and appropriate. A copy of the registration must be submitted to the Finance Officer of the County for registration payment and potential reimbursement documentation.
  - v. Use of rental vehicles must be approved in advance, or justification provided that shows the use of such vehicle was more feasible than other types of available transportation.

Other necessary expenses which were unforeseeable prior to travel may be approved by the Executive Authority upon presentation of appropriate form including signature of supervisor and explanation of the need for such expense.

- B. Detailed receipts for all expenditures shall be obtained and attached to the request for reimbursement, which must be completed as soon as possible upon completion of

travel. **All requests for reimbursement shall be presented on appropriate form with supervisor signature.**

- C. Employees violating this section will be subject to appropriate disciplinary action.

## **8. County Property**

Any county employee found guilty of damages to or destruction of County property or equipment shall be required to pay all costs of repairs or replacement of the property and may be subject to discipline, up to and including dismissal. Each Executive Authority or supervisor shall be responsible for the equipment that is used in their department or office. A list of each office's equipment is to be kept current and a copy of the list shall be sent to the County Judge/Executive's office each year or as any changes are made.

## **PROGRESSIVE DISCIPLINE**

While the County may elect to follow the progressive discipline policy, the County is in no way obligated to do so. Using progressive discipline is at the sole discretion of the County as an at will workplace and any of the steps of the normal progressive discipline policy may be omitted depending on the severity of the act or problem. The County uses a progressive system for corrective disciplinary purposes. Action taken is intended to be corrective in nature and not punitive.

Progressive discipline includes verbal warnings, written warnings, a final written warning, disciplinary probation, suspensions, and termination. Severity of the offense is a determining factor in the action taken.

Grounds for disciplinary action, after due consideration to the nature and severity of the action or the problem, include, but are not limited to the following. This list is not intended to be all inclusive.

- a. Absenteeism
- b. Abuse of sick leave;
- c. Conviction of a felony or misdemeanor;
- d. Deliberate falsification of time records;
- e. Excessive personal use of electronic media;
- f. Extended meal times;
- g. Failure to comply with established safety practices or procedures;
- h. Fighting during work hours;
- i. Harassment, including sexual harassment;
- j. Improper discussion or disclosing of confidential information;
- k. Incompetence or inefficiency on the job;
- l. Insubordination;
- m. Intoxication or use of intoxicants while on duty;
- n. Leaving work without notification or authorization;
- o. Mistreatment (physical or verbal) of citizens or co-workers;
- p. Neglect of duty;
- q. Provoking or inciting a fight
- r. Reporting to work under the influence of drugs or alcohol;
- s. Supplying false information on employment application;
- t. Tardiness
- u. Theft of county property;
- v. Unauthorized use of county property or vehicles;
- w. Violation of established employer policies;
- x. Willful neglect or abuse of county property; or
- y. Conduct unbecoming of a county employee

### **1. Verbal Warning**

- A. In the case of a minor infraction, the immediate supervisor or department head shall administer a verbal reprimand as soon as possible after the offense.

- B. The date of the verbal reprimand, along with a description of the occurrence which prompted the reprimand and any comments the employee may have made, shall be reported to the Human Resources Officer by the person giving the reprimand. A copy of the reprimand will be placed in the employees personnel file.

## **2. Written Warning**

- A. In the case of either a second minor infraction or a more serious first infraction, the immediate supervisor or department head shall give the employee written warning specifying the reason(s) for such warning and noting any previous verbal and/or written warnings.
- B. After issuing a written warning, the Supervisor, or their designee, shall review the employee's performance on a regular basis. The Supervisor shall explain the consequences of continued infractions.
- C. The employee shall sign the written warning or, in cases in which the employees signature cannot be obtained, the warning shall be signed by a witness; a copy of the written warning shall be forwarded to the Human Resource Officer to be placed in the employee's personnel file.

## **3. Disciplinary Probation**

- A. After issuing a written warning or in the case of a more serious infraction, the immediate supervisor or department head, with the approval of the Executive Authority, may place the employee on disciplinary probation for any period of time not to exceed 90 days. The period of probation may also be accompanied by suspension, depending upon the seriousness of the infraction.
- B. During the period of probation, the employee will not accrue any sick leave or vacation time. The Supervisor/Department Head shall review the employee's performance during the period of probation. Also, the Supervisor/Department Head shall explain the consequences of continued infractions to the employee.
- C. The employee shall sign the written warning acknowledging they were made aware of the situation. If the employee refuses to sign, it should be signed by a witness. Thereafter, the written warning shall be forwarded to the Human Resources Officer and placed in the employee's personnel file.

## **4. Suspension**

- A. After a serious violation or repeated minor violations, the supervisor or department head, after consultation with the Human Resources Officer, shall request, in writing that the Executive Authority, suspend the employee. The request shall include the reason(s) for the suspension, if any, along with details of previous disciplinary action/s taken against

the employee, if any. A copy of the request shall be forwarded to the Human Resources Officer and placed in the employee's Personnel File.

- B. The Executive Authority may suspend an employee for any period up to and including four (4) calendar weeks, depending upon the severity of the offense.
- C. When a decision to suspend an employee is made, the Executive Authority shall provide written notification to the employee within three (3) working days. The notice shall include the reason(s) for the suspension, if any, and the duration of the suspension. A copy of this notice shall be forwarded to the Human Resources Officer and placed in the employee's personnel file.
- D. When an employee is suspended, the Judge/Executive shall present the suspension and reasons for suspension to the Fiscal Court for review and approval at the next meeting date of the Fiscal Court. Other Constitutional Officers may also exercise this authority. A copy of the approval of the Fiscal Court shall be forwarded to the Human Resources Officer and placed in the employee's personnel file.
- E. Employees suspended without pay for a period of four (4) calendar weeks shall not accrue sick and vacation time while suspended.

5. **Dismissal**

- A. When an offense is repeated, or misconduct is serious enough for discharge on the first offense, a supervisor or department head, after consultation with the Human Resources Officer, may recommend dismissal of an employee. The recommendation shall include the reason(s) for dismissal, if any, details of previous disciplinary action taken against the employee, if any, and the recommended effective date and time of discharge.
- B. Upon review of the supervisor or department head recommendation to dismiss, consultation with Human Resources, and after receiving the approval of the Fiscal Court, the County Judge/Executive shall provide the employee with a Notification of Dismissal containing: (a) the reason(s) for dismissal, if any; (b) the details of previous disciplinary action(s) taken against the employee, if any; and (c) the effective date and time of the intended discharge. Other Constitutional Officers operating under these policies shall also comply with this requirement, but do not have to have the approval of the Fiscal Court.
- C. Upon dismissal by the Appointing Authority, for cause under circumstances that would disqualify the employee from unemployment benefits, payment of any accrued unused vacation leave shall be deemed forfeited.
- D. An employee who has been on leave without pay status for thirty (30) calendar days, may be terminated without recourse.
- E. A copy of the Notification of Dismissal will be placed in the employee's personnel file by the Human Resources Officer.

## **EMPLOYEE BENEFITS**

Employee benefits constitute a basic ingredient in personnel administration, and represent a substantial financial commitment by Pulaski County. However, it is expressly noted that the provision of any benefit to county employees is not intended to create any employment situation that compromises its at-will employment status. As expressly stated in these policies' Statement of Purpose, nothing in these policies is intended to create a contract of employment. Benefits provided by Pulaski County include:

### **1. Retirement**

Pulaski County participates in the County Employees Retirement System, including its Standard Unused Sick Leave Program. Under this program, eligible employees (employees must work 100 hours per month to participate in retirement) who retire with the county will have up to six (6) months of unused sick time purchased by the county to add to their length of service. The employee may purchase additional sick leave towards their retirement. Details regarding this program may be obtained from the County's Human Resource Officer.

### **2. Holidays**

- A. Any full-time employees occupying regular positions shall receive their regular work day hours of holiday time at the regular rate of pay as defined in "Vacation Leave" Item 1.b. in the Employee Benefits Section.

Holidays Include:

- a. The first day of January (New Year's Day);
- b. The third Monday in January (Martin Luther King Day);
- c. The third Monday in February (President's Day)
- d. The Friday before Easter one (1) a day (Good Friday)
- e. The last Monday in May (Memorial Day);
- f. The Fourth of July (Independence Day);
- g. The first Monday in September (Labor Day);
- h. The eleventh day of November (Veteran's Day);
- i. The fourth Thursday in November (Thanksgiving Day) and the following Friday;
- j. The twenty-fourth day of December (Christmas Eve);
- k. The twenty-fifth day of December (Christmas Day);
- l. The last day of December (New Year's Eve), and
- m. Any other day deemed as a holiday in accordance with the Commonwealth of Kentucky.

- B. Holiday schedules shall be as follows:

- a. For positions that are scheduled Monday through Friday, when any holiday listed above falls on a Saturday, it will be observed on the preceding Friday. When any holiday listed above falls on a Sunday, it will be observed on the following Monday.
- b. For positions that are scheduled Monday through Saturday, when any holiday listed above falls on a Sunday, it will be observed on the preceding Saturday.
- c. For positions that are scheduled Monday through Sunday, those positions will observe the actual holiday day for any holiday listed above.
- C. In addition to the above, any day may be designated as a holiday by proclamation of the County Judge/Executive, with the approval of the Fiscal Court, or the appropriate Executive Authority.
- D. Holiday pay is pay at the regular rate.
- E. When it is essential for an to work on a holiday, the employee shall have the option of being paid holiday pay in addition to regular pay, or taking another day off. The employee shall notify his/her supervisor of their decision prior to working the holiday.
- F. If an employee is absent without leave on the day before or after a holiday, holiday pay shall be forfeited.
- G. If an employee is off on a workers compensation or family medical leave act event, holidays are not a paid benefit.

**3. Vacation Leave**

- A. Each full-time employee of the county shall be allowed vacation time with pay. Vacation leave shall be accrued as follows:

I. Beginning of employment thru 8 years	6.67hrs/month
II. Beginning of 9 years thru 13 years	10.00 hrs./month
III. Beginning of 14 years and up	13.33hrs/month

- b. Employees will accumulate vacation time from the beginning date of employment; however, vacation time will not be granted until the employee has successfully completed the introductory period. Should the employee NOT successfully complete the introductory period, all vacation time earned will be forfeited.
- c. No employee shall be given any hours that have not been accrued prior to the start of vacation.
- d. Absence on account of sickness, injury, or disability in excess of that authorized for such purposes may, at the request of the employee and at the discretion of the

department head, be charged against the employee's vacation time.

- e. Accumulated vacation time shall be granted in accordance with the operating requirement, insofar as practicable, with the requests of the employees. All vacation requests must have approval from the department head. The department head may deny any request that violates department policy or reduces workforce below an acceptable level for the period requested.
- f. Employees are charged with vacation time for absence only on day upon which they would otherwise work and receive pay.
- g. Employees shall be paid in lump sum for accumulated vacation time, not to exceed 240 hours, when separated by resignation, retirement, or involuntary termination, if introductory period has been successfully completed; otherwise, vacation pay is not required to be paid.
- h. County employees may take a minimum of (4) four vacation hours.
- i. Employees may exchange accrued vacation time for monetary compensation IF the following criteria is met.
  - I. Employee cannot drop below 80 hours after the exchange
  - II. Employee is limited to 40 hours semiannually or 80 hours annually.
  - III. Requests will be in 40hour increments only
  - IV. Exchange will be available 1<sup>st</sup> week of July or December
  - V. Employee who exchanges vacation time and within a period of 12 months from the exchange date uses all SICK and VACATION hours, employee is not eligible for donated time until hours exchanged are taken without pay.

### 3. **Sick Leave**

Sick leave applies only to the employee. Sick leave is not applicable to the sickness of family member. If the absence of the employee is necessitated due to the serious illness of a family member, the employee shall be subject to LWOP or vacation time, whichever may be worked out with the department head subject to the policies.

- A. Each employee of the county shall be allowed sick leave with pay at the rate of (8) eight hours for each completed month of service.
- B. Sick leave shall accrue only when an employee is working or on authorized leave with pay.
- C. Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in hours and one-half hours.
- D. When applying for sick leave employee shall file a written application on the first day back to work from sick leave except in cases of emergency illness, an employee shall request advance approval for sick leave for medical, dental or optical examinations and for sick leave



without pay. In all cases of illness, an employee is obligated to notify his/her immediate supervisor or other designated person. Failure to notify immediate supervisor within a reasonable period of time may result in a denial of your sick leave request.

- E. Employees must have a doctor's excuse to draw sick pay. In the event of leaving work for sick leave a one hour lunch break may be deducted from the time used. Department head may excuse any employee, due to illness, from work without a doctor's excuse.
- F. Employees will be granted one "personal day" per calendar quarter. This will be charged to sick leave and does not require a doctor's excuse. "Personal days" do not accumulate. NOTE: A PERSONAL DAY WILL NOT BE GRANTED UNDER ANY CIRCUMSTANCE, THE DAY BEFORE, AFTER, OR ON A SCHEDULED HOLIDAY. After a personal day has been taken, another will not be granted for ten (10) working days.
- G. Maternity Leave: Maternity leave shall be granted to any employee for a period not to exceed 12 weeks. Any time which exceeds the accrued and donated time of the employee will be taken as "leave without pay"; however, employees job status and seniority will not change during said period of time.
- H. Any employee who has exhausted their sick time and vacation time may receive sick time donated from other employees not to exceed 1040 hours per incident. To receive donated sick time the following criteria must be met:
  - i. Employee must have been off from work for 5 working days.
  - ii. Employee must have completed probationary period.
  - iii. All accrued time must be exhausted.
  - iv. Donated time is strictly for the use of the employee.
  - v. Donated time is limited to 6 months per incident.

Persons donating time to eligible employees may not let their accrued sick leave balance drop under 160 hours.

- I. Sick time may not be used for a family member with a serious illness until all vacation time has been exhausted.

## **5. Funeral Leave**

- A. Employees occupying regular full-time shall be granted up to three (3) paid working days off in case of death in the immediate family.
- B. Immediate family, for purposes of determining eligibility for funeral leave, shall include parents, grandparents, spouse, brothers, sisters, children, immediate in-laws, immediate step-family, and immediate foster family.

- C. In the event an employee desires to extend leave beyond three (3) working days due to a death in the immediate family, the employee shall use sick leave and/or vacation leave, then time without pay upon receiving approval from the Executive Authority.

## **7. Military Leave**

Leaves of absence without pay for military duty are granted to full-time regular and part-time regular employees. If you are called to active military duty or if you volunteer for the same, you must notify your supervisor in advance and submit copies of your military orders subject to the following leave policy for the period of military service, in accordance with applicable federal and state laws. Your eligibility for reinstatement after your military duty or training is completed is determined in accordance with applicable federal and state laws.

Pursuant to KRS 61.396, SB 133 and HB 380 any employee who is a member of the National Guard or any reserve component of the Armed Forces of the United States, of the Reserve Corps of the United States Public Health Service, shall be entitled to a leave of absence from their respective duties, while in the performance of duty or training in the service of this state or of the United States under competent orders. You must notify your supervisor in advance and submit copies of your orders to your supervisor as soon as practicable. In any one (1) federal fiscal year, employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days.

Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued. Military leave starts accruing on day one of employment and will be prorated during the initial employment year.

Employees will be allowed to use vacation time for any time over the twenty-one (21) calendar days needed for military leave. When all time is exhausted, the employee will be granted a military leave of absence without pay for the period of military service, in accordance with applicable federal and state laws. Eligibility for reinstatement after your military duty or training is completed is determined in accordance with applicable federal and state laws.

## **8. Voting Leave**

Any county employee entitled to vote at any election in this state shall, if he/she has made application for leave prior to the day of election, be entitled to absent him/herself from any services or employment of the county for a period of two (2) hours on the day of the election, between the time of opening and closing the polls. The county maintains the authority to specify the hours during which the employee may take voting leave.

## **9. Jury Duty/Court Leave**

- A. In the event a full-time or part-time employee is requested to serve on a jury, he/she shall be compensated at the normal rate of pay while serving on jury duty. The Executive Authority

has the right to adjust the schedule of a part-time employee to work around time away for jury duty. All employees serving on jury duty shall be absent from work only during the times required by the courts, and shall provide their supervisor with documentation from the court verifying the employee's participation.

- B. County employees required to appear in court in a case related to their employment shall be paid at the same rate of pay they normally receive. When court time and normal work hours exceed forty (40) hours in a specific work week, the overtime rate shall be paid.
- C. An employee involved in a personal case, either as a plaintiff or defendant, in a suit not resulting from duties performed on behalf of the county, may be granted leave, provided such leave is deducted from the employee's accrued vacation time or classified as leave without pay.

## **10. Employer Provided Vehicles**

Employer provided vehicles are vehicles owned by the County that are made available to its employees to perform the functions of their jobs. Only county employees are authorized to operate employer provided vehicles. No persons, other than county employees, are covered by the county's liability and/or automobile insurance policies. Only county employees and those individuals accompanying a county employee in an employer provided vehicle and incident to a function of the county employee's job are covered by the county's liability and/or automobile insurance policy. Failure to comply will result in personnel action up to and including termination of employment. Employer provided vehicles fall under two categories:

- 1. Qualified Non-personal-use Vehicle. All of an employee's use of a qualified non-personal-use vehicle is a working condition benefit. Qualified non-personal-use vehicles include the following county vehicles:
  - a. Clearly marked police, fire, and public safety officer vehicles;
  - b. Unmarked vehicles used by law enforcement officers if the use is officially authorized;
  - c. Any vehicle designed to carry cargo with a loading gross weight over 14,000 pounds;
  - d. Unmarked vehicles used by law enforcement officers and are incident to law enforcement functions;
  - e. Pickup trucks with a loaded gross weight of 14,000 pounds or less is a qualified non-personal-use vehicle if it has permanently affixed decals or special painting associated with county government and is equipped with at least one of the following items:
    - 1.) hydraulic lift gate;
    - 2.) permanent tanks or drums;

- 3.) permanent side boards or panels that materially raise the level of the sides of the truck bed;
- 4.) electric generator, welder, or boom/crane used to tow automobiles and/or other vehicles.

- f. “Law Enforcement Officer” means an individual employed on a full-time basis by a governmental unit that is responsible for the prevention or investigation of crime involving injury to persons or property, and who is empowered to make arrests and execute search warrants and who is also authorized to carry firearms and does so on a regular basis.
  - g. A law enforcement officer who uses an employer provided vehicle to travel to/from his/her home outside Pulaski County shall incur a taxable fringe benefit under IRS regulations.
2. Commuting-Only Personal Use Vehicle. For bona fide non-compensatory reasons, the Executive Authority may require an employee to commute to and/or from work in a county-owned vehicle. Personal use of a county-owned vehicle for purposes other than commuting is forbidden. The valuation of the commuting-only personal use vehicle is \$1.50 per commute unless the vehicle is used for an on-call purpose then that rate is waived for that commute. All documentation must be turned in with time sheets to the personnel officer bi-weekly.

## **11. Employer Provided Cellular Telephones**

Employer provided cellular telephones are telephones contracted by the County that are made available to its employees to perform the functions of their jobs. There is no expectation of privacy when using an employer provided cellular telephone and all equipment and records of use are subject to search by the County.

## **12. Employer Provided Uniforms**

Employer provided uniforms are uniforms purchased and/or maintained for certain county employees so that the employee can better perform the functions of his/her job. Once a uniform is provided by the employer, the employee is required to wear that uniform during his/her scheduled work day. Personal use (use outside of his/her regular work hours) of an employer provided uniform is forbidden except for those employees serving as peace officers unless the employee obtains written permission from the Executive Authority. Failure to comply with established employer provided uniform rules will result in personnel action, up to and including termination of employment.

The cost of providing and maintaining uniforms is taxable to the employee if the uniforms provided is suitable for everyday wear under IRS regulations.

### 13. Insurance

#### A. Health Insurance

- a. Major Medical – The County and the employee may pay appropriate shares of the cost an individual policy, as determined annually by the fiscal court. County employees may purchase family coverage at group rates.
- b. All participating employees are subject to the terms and conditions of the group insurance plans provided by the county.
- c. For newly hired employees, health insurance coverage becomes effective the first day of the second month after employment commences. By way of example, if an employee is hired on June 15<sup>th</sup> their health insurance will become effective on August 1<sup>st</sup>.

#### B. Dental & Vision Insurance

- a. Dental and Vision insurance are voluntary.
- b. The employee may pay appropriate shares of the cost an individual policy, as determined annually by the fiscal court. County employees may purchase family coverage at group rates.
- c. All participating employees are subject to the terms and conditions of the group insurance plans provided by the county.
- d. For newly hired employees, dental insurance coverage becomes effective the first day of the second month after employment commences.

#### C. Workers' Compensation Insurance

Workers' Compensation Insurance provides medical and hospitalization expense benefits as well as partial payment in lieu of salary for workers injured on the job. The county pays 100% of this insurance.

The employee shall not be paid thirty-three percent of their salary from unused sick, vacation, or compensatory time while off on a workers compensation event.

The employee is required to pay their own voluntary benefits during unpaid leave on or before the payroll check date. If the employee is unable to pay their portion, the employer has the right to terminate those benefits during the Workers Compensation event.

While an employee is absent for workers compensation leave, this event will automatically trigger the Family Medical Leave Act and leave counters shall run concurrent.

**D. Unemployment Insurance**

All employees are covered under this program. Pulaski County pays 100% of the cost for this coverage. An individual who terminates his/her employment with the county may or may not be eligible to receive payments under this program, depending upon the circumstances involved in the termination.

**E. Social Security**

The county and the employee both contribute to the Social Security program at rates specified by the U. S. Congress.

**F. Liability Insurance**

The county maintains comprehensive liability insurance for all employees.

**G. Life Insurance**

The county provides full-time employees with a \$20,000 group life insurance policy which includes an accidental death and dismemberment component.

**H. Continuing Or Converting Your Insurance Coverage**

You and your eligible dependents may have the right under federal law to continue to participate in the County's group health insurance plans for 18 to 36 months at your expense, depending upon the nature of the triggering event, including but not limited to termination of your employment with the County or a reduction in work hours. You may also have the right under Kentucky law to convert your group life insurance policy to an individual policy upon termination of your employment.

The Consolidated Omnibus Reconciliation Act of 1985 (COBRA) permits employees leaving their employer to have the option of continuing some of their benefits (health insurance and dental insurance) at their own expense (in whole or in part as the law may provide). A person employed by the County who is enrolled in the employee health plan can choose to continue the insurance coverage if his/her position is lost due to reduction in hours or termination of employment. The spouse of an employee can choose to continue the coverage at his/her expense in the case of the death of the employee, termination of the employee, divorce or legal separation from spouse, or if the spouse qualifies for coverage by Medicare. Similar circumstances would permit the child of a separated employee to continue the coverage. Coverage may be continued for eighteen (18) months, and in some circumstances, up to three (3) calendar years. The Human Resources Department can provide more information on the COBRA options for affected employees and dependents.

#### **14. Deferred Compensation, 401-K, Cafeteria, and Credit Union Plans**

County employees may elect to participate in a deferred compensation program, Cafeteria Plan, and a credit union program. All costs related to participation in these programs are the responsibility of the employee.

## **FAMILY AND MEDICAL LEAVE POLICY**

### 1. **Purpose**

The purpose of this policy is to comply with the County's obligations under the Family and Medical Leave Act of 1993 and the National Defense Authorization Act of 2008.

### 2. **Eligibility**

Employees are eligible for leave under this policy if they have worked for the County for at least twelve (12) months and at least 1,250 hours during the prior twelve (12) months.

### 3. **Basic Leave Entitlement**

Eligible employees may take up to twelve (12) weeks of unpaid leave in a twelve (12) month period for any of the following reasons:

- A. Birth of a child of the employee and in order to care for the newborn child;
- B. Placement of a child into the employee's family by adoption or by a foster care arrangement;
- C. Care of the employee's spouse, child or parent who has a serious health condition; or
- D. Inability of the employee to perform the functions of the employee's position due to a serious health condition.

The twelve (12) month period in which to use the twelve (12) weeks available under this section begins with the employee's first day of qualifying leave taken under this section. If both spouses are employed by the County, the combined leave shall not exceed twelve (12) weeks.

### 4. **Military Family Leave Entitlements**

- A. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (12) week leave entitlement to address certain qualifying exigencies.
- B. Qualifying exigencies include short-notice (seven calendar days or fewer) deployment, military events and related activities, childcare and school activities, financial and legal arrangements, non-medical counseling, rest and recuperation, post-deployment activities (e.g., arrival ceremonies) and additional activities agreed upon between the County and the employee.



- C. Eligible employees who are the spouse, son, daughter, parent or next of kin of a covered service member also may take up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (12) month period.
- D. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.
- E. The twenty-six (26) weeks of leave available under this section is per service member or per serious injury or illness.
- F. The twelve (12) month period available under this section begins on the first day the employee takes leave to care for a covered service member and ends twelve (12) months after that date. Any amount of the twenty-six (26) weeks available to an employee that is not used at the end of the twelve month period is forfeited.

5. **What is a Serious Health Condition?**

For the purpose of this policy, a serious health condition means an illness, injury, impairment or physical or mental condition that involves:

- A. Inpatient care in a hospital, hospice or residential medical care facility including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care; or
- B. Continuing treatment by a health care provider, which includes any one or more of the following:
  - a. A period of incapacity due to a serious health condition of more than three consecutive full calendar days, plus either two or more visits to a health care provider. The two visits to a health care provider must occur within thirty (30) calendar days of the period of incapacity and the first visit must take place within seven (7) calendar days of the first day of incapacity.
  - b. A period of incapacity due to a serious health condition of more than three consecutive full calendar days, plus one treatment by a health care provider followed by a regimen of continuing treatment. The first visit to a health care provider for treatment must take place within seven (7) calendar days of the first day of incapacity.
  - c. A period of incapacity due to pregnancy or for prenatal care.
  - d. A period of incapacity or treatment for such incapacity due to a chronic serious health condition such as asthma, diabetes or epilepsy. In order to qualify as a

chronic serious health condition, the condition must one that continues over an extended period of time and requires at least two visits to a health care provider per year.

- e. A period of incapacity due to a permanent or long-term condition for which treatment may not be effective, such as Alzheimer's disease or a severe stroke.
- f. A period of absence due to a serious health condition to receive multiple treatments or that would result in incapacitation without multiple treatments, such as cancer requiring chemotherapy or radiation treatments.

As used above, the term "incapacity" means that the employee must be unable to work at all or unable to perform any of the essential functions of his or her job, or prevents a qualified family member from participating in school or other daily activities.

#### **6. Intermittent Leave and Reduced Work Schedules**

- A. Leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary. In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted unless both the employee and the County agree.
- B. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the County's operations. The County has the option, in its sole discretion, to require the employee to transfer to a temporary alternative job for which the employee is qualified and which better accommodates the intermittent leave or reduced hours leave than the employee's regular job. The temporary position will have pay and benefits equivalent to those of the employee's regular job.
- C. Employees must provide written note from their provider (or their family member's provider) for each absence taken as intermittent leave under this policy. Such a note simply must confirm the employee's absence was actually for the purpose of a visit to or treatment with a provider. Absent extenuating circumstances, the note must be provided to Human Resources within one (1) working day after the absence. The purpose of requiring such a note is to prevent fraud or abuse of intermittent leave taken under this policy.

#### **7. Accrued Sick Leave, Comp Time, and Vacation Leave Must Be Used First**

- A. Employees must use accrued comp time, sick, and vacation leave before taking unpaid leave under this policy.
- B. Both the paid and unpaid leave will be counted in calculating the total period of leave used under this policy.

## 8. Notices

- A. Employees desiring to take leave under this policy must provide the County, through the Human Resources Officer, with at least oral notice sufficient to make the County aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave. Employees must also inform the County if the requested leave is for a reason for which leave under this policy was previously taken or certified. When the necessity of leave is foreseeable, employees must provide the County at least thirty (30) calendar days' notice. When thirty (30) day notice is not possible, employees must provide the County notice as soon as practicable.
- B. Failure to give notice as required above may result in the request for leave under this policy being denied and may result in disciplinary action, up to and including discharge, for violation of the County's attendance policy.
- C. Once the County has knowledge has notice of anticipated leave from an employee, it will notify the employee whether the requested leave will be designated as qualifying under this policy and, if so, the amount of leave that will be counted against the employee's leave entitlement. The County's notice will also include any additional information required by law, as well as any employee rights and responsibilities that apply. The County ordinarily will provide this notice, either orally or in writing, within five (5) business days of receiving sufficient information, absent extenuating circumstances. If notice is oral, it will be confirmed in writing no later than the following payday, unless the payday is less than one week after the oral notice, in which case the notice will be given no later than the subsequent payday.

## 9. Certification of Healthcare Provider

- A. Any leave request based on either a family member's or employee's own serious health condition or a serious illness or injury of a covered service member must be supported by certification from a healthcare provider that verifies the need for such leave. For any leave taken under this policy that will be unpaid, the certification must be provided on either Form WH-380-E (for an employee's own serious health condition) or Form WH-380-F (for a family member's serious health condition) or Form WH-385 (for a covered service member's serious illness or injury). Any leave requested based on a qualifying exigency must be supported by a certification that complies with regulations issued by the United States Secretary of Labor.
- B. In general, the employee must provide a copy of certification required by this policy to the County in a timely manner after the County's request for certification. A maximum of fifteen (15) calendar days will be allowed to provide medical certification as required by this policy, unless circumstances make it impracticable to obtain the certification within this period of time, and the employee has made diligent, good faith efforts to obtain the certification.

- C. If the County deems a medical certification to be incomplete or insufficient, it will specify in writing what information is lacking, at which point the employee shall have seven (7) calendar days to cure the deficiency. If the employee completely fails to provide the certification requested by this policy, then the leave is not approved under this policy. If applicable, the employee may also be subject to discipline, up to and including discharge, for violating the County's attendance policy.
- D. The County may also seek a second, non-binding opinion at the county's expense. If that opinion differs from the opinion obtained by the employee, a third, binding opinion can be obtained, at the county's expense, from a health care provider agreed upon by both the employee and the county
- E. The County may request recertification of an ongoing condition every six months in conjunction with an absence.
- F. In order to return to work following leave (other than intermittent leave), employees must provide "fitness-for-duty" certification from their health care provider that specifically addresses the employee's ability to perform the essential functions of their job as identified in information the County will provide. In the case of intermittent leave under this policy, the County may require fitness-for-duty certification where a reasonable job safety concern exists.

#### **10. Continuation of Benefits During Leave**

- A. During leave under this policy, the County will continue to pay the employee's group health insurance premium. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the County for health insurance premiums paid during the leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his/her job, the continuation of a serious health condition of the employee's family member or circumstances beyond the control of the employee.
- B. The employee is required to pay their own health/dental contribution and voluntary benefits during unpaid leave on or before the payroll check date. If the employee is unable to pay their portion, the employer has the right to terminate those benefits during the FMLA event.
- C. During the unpaid portion of leave under this policy, employees shall not accrue employment benefits such as vacation leave or sick leave. Conditions of retirement credit accrual are determined by the County Employees Retirement System. Employment benefits accrued by the employee up to the day on which the leave begins will not be lost. During intermittent family medical leave, the employee must work more than one half of their scheduled workdays of the month to accumulate sick and vacation leave. Holidays are not a paid benefit during a FMLA event.

## **11. Employees' Obligations While On Leave**

The County may require an employee on leave under this policy to report periodically to the Human Resources Officer on his/her status and the intention of the employee to return to work. The County may also require periodic re-certification of the employee's medical condition. Failure to report as requested or to obtain requested re-certification may result in disciplinary action, up to and including discharge. An employee taking leave due to the employee's serious health condition, except for intermittent leave, is required to obtain a fitness-for-duty certification at the employee's expense with regard to the condition that causes the need for leave under this policy. The County will not restore an employee to the employee's original position or an equivalent position if the certification is not provided.

## **12. Employees' Rights Upon Return to Work**

Employees who return to work from leave under this policy within or on the business day following the expiration of the total leave available to them under this policy are entitled to return to their original job, **or** an equivalent position, without loss of benefits. However, pay increases conditioned upon seniority, length of service or work performed will not be granted until the approximate length of service, seniority, etc. was attained after returning to work. Employees who fail to return to work after taking the total leave available to them under this policy within a one year period lose their entitlement to be restored to their original job or an equivalent position. Employees are responsible for keeping track of how much leave they have taken.

The county expressly reserves the right to deny the previous job to "key employees" in instances where such restoration would result in substantial and grievous economic injury to the county. "Key employee" is defined as a salaried FMLA-eligible employee who is among the highest 10 percent of all county employees.

### **SEVERABILITY**

If any provision/s of these policies and procedures, classification plan, or compensation plan, or any provision/s of their subsequent application/s are held invalid, such invalidation does not affect the remainder of this ordinance or its application/s.

### **DISCLAIMER**

Information included in these personnel policies and procedures, classification and compensation plans is not intended to represent a contract, and may be changed by the county without notice.

The term "regular position" indicates the position(s) in each class created by ordinance. The class(es) and/or number of positions in each may be changed by the county without notice, and the employee(s) occupying the position(s) may be affected by such changes.

**ACKNOWLEDGMENT AND UNDERSTANDING BY EMPLOYEE**

I acknowledge that I have received and had an opportunity to examine the Personnel Policies of the Pulaski County Fiscal Court. A copy of these policies have been given to me to retain for future reference.

I understand that the County may modify or amend or terminate any policies, procedures or employee benefit programs reflected in this handbook at any time, or require or increase contributions toward benefit programs, in accordance with applicable law.

I understand that these policies do not constitute a contract of employment between me and the County, and that nothing about these policies create any rights of employment, nor does adherence to these policies guarantee continued employment with the County. I agree that upon termination of my employment with the County, the County will owe me only my accrued but unpaid wages, including accrued but unused vacation, consistent with these policies and applicable law.

I further understand that no employee or representative of the County other than the County Judge/Executive has any authority to enter into any agreement guaranteeing any terms, conditions or benefits of employment, employment of any specific nature or employment for any definite period of time. I also understand that any employment agreement guaranteeing any of the foregoing, if made, will not be enforceable unless it is in writing, signed by the County Judge/Executive and, if appropriate, approved by the Fiscal Court.

\_\_\_\_\_  
EMPLOYEE

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

