**LUMPKIN COUNTY RESOLUTION NO. 2014 – 29**

**A RESOLUTION TO ADOPT A COUNTY PERSONNEL POLICY TO PROVIDE THAT THE OFFICIAL EMPLOYEE HANDBOOK WILL BE PROVIDED TO EMPLOYEES AND TO THE PUBLIC ONLY IN ELECTRONIC FORM**

**Whereas**, the Director of the Community and Employee Services Department (the "department") has determined that the employee handbook is an evolving and changing document; and,

**Whereas,** said department has further determined that the official paper copy of the employee handbook will continue to be maintained by the Lumpkin County Clerk as provided by law, but that maintaining the employee handbook solely in electronic form for all other uses can result in both more accurate and current information being available both to employees and to the general public; and,

**Whereas,** the department is prepared to consolidate the various requirements and provisions contained with said handbook into a single document;

**Now, therefore, be it resolved** that the Board of Commissioners of Lumpkin County does hereby authorize and direct that the various requirements and provisions contained with the employee handbook be collected and consolidated into a single document to be maintained as provided above; and

**It is further resolved** that such consolidation be completed as quickly as feasible, but shall be implemented no later than September 1, 2014.

**Resolved, adopted and effective** this 15th day of July, 2014.

Chris Dockery, Chairman
Lumpkin County Board of Commissioners

Attest:

Kathleen C. Walker
Clerk, Lumpkin County

# Lumpkin County

# Civil Service Personnel Policies

## Section 1 – Introduction

County Personnel System – The Lumpkin County Civil Service Personnel Policies establish a system of employment that recognizes that employees covered by the system should be selected and promoted according to their knowledge, skills, and abilities. Additionally, employees who perform satisfactorily should be retained in their positions as long as the positions exist, regardless of factors extraneous to their performance and conduct.

Establishment – The Civil Service System has been established by the County governing authority to provide a fair, equitable, and productive work environment for those employees covered by the system. The system and these personnel policies have been enabled by a resolution adopted by the governing authority, and the participating independent appointing authorities have admitted their covered positions by signature.

Purpose – The purpose of the Civil Service Policies, together with the position classification and pay plan, is to provide the fundamental features for an effective system of personnel administration and to establish a system of employment that implements and perpetuates the six (6) recognized merit principles of public employment. Those principles are:

a) Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment
b) Providing equitable and adequate compensation
c) Training employees, as needed, to assure high-quality performance
d) Retaining employees on the basis of adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected
e) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, creed, age, or disability, and with proper regard for their privacy and constitutional rights at citizens
f) Assuring that employees are protected against coercion for partisan political purposes as well as being prohibited from using their official authority for the purpose of interfering with or affecting the results of an election or a nomination for office

Except in cases where circumstances are so severe that immediate termination is required, no employee of Lumpkin County shall be terminated on the spot. Employees may be suspended on the spot pending the outcome of an investigation. Should immediate termination be necessary, an employee will receive an automatic appeal hearing unless the employee elects

to waive the appeal hearing. Immediate termination shall be determined on a case-by-case basis.

Effect on Employment – *Official Georgia Code Annotated* 36-1-21 permits county governing authorities to adopt civil service systems that establish the tenure of the employees. It is the intent of these policies to give permanent employees the expectation of continued employment unless dismissed for cause as outlined in Section 3 of this Plan, as well as the right to a hearing if dismissed.

Employees Covered – These personnel policies and procedures apply to all employees of the Lumpkin County Board of Commissioners and County elected officers unless an employee is specifically excluded by these policies and procedures or by other County ordinance.

The employees of Lumpkin County are covered by the Civil Service Plan as listed in Appendix A. All future employees will be covered by the Civil Service Plan with the exception of the Clerk of Courts, unless departments or other elected officials are designated otherwise. Those employees exempt from the Civil Service shall not have any rights, protections, privileges, or rights of appeal as set forth by this Civil Service Plan, but they are expected to comply with the Lumpkin County Employee Handbook.

Federal equal employment law recognizes that neither elected officials nor members of their personal staff should be covered by legislation that creates permanent positions, and Georgia Code Annotated 36-1-21 exempts elected officials or persons appointed to positions for specified terms from civil service coverage. Therefore, the governing authority and participating independent appointing authorities will determine which positions are policy making, which positions are personal staff, or are subject to appointments for specific terms, and exclude those positions from coverage under these policies. All other full-time positions will be covered, and those positions will be included in the job classification plan.

"Subsequent to the creation of a civil service system, the county governing authority which created the system may provide by ordinance or resolution that positions of employment within departments subject to the jurisdiction of other commissions, boards, or bodies of the county shall be subject to and covered by the civil service system upon the written application of the elected county officer, commission, board, or body having the power of appointment, employment, or removal of employees of the officer, department, commission, board, or body" *Official Georgia Code Annotated* 36-1-21.

Administration – These policies are administered by the Board of Commissioners through the County Manager and with the cooperation of the participating boards and constitutional officers. All participating offices and departments will assist in generating and maintaining accurate personnel records as required by the County.

Policy Changes – The governing authority reserves the right to change these policies at any time, through resolution as long as the change does not take away the employees' expectation of continued employment (except when dismissed for cause) or change the legal relationship

between the County governing authority and the other elected officers. These policies shall reflect and be superseded by any changes mandated by state or federal legislation.

**Section 2 – Employment**

Appointment – When initially hired, persons employed by the County shall be given one of the following types of appointment:

Probationary – A probationary appointment is an appointment to a position in the classified service. An employee serving a probationary period may be discharged or returned to his or her previous position at the discretion of the department head and shall not have the right to utilize the grievance and appeal procedure set forth in this policy.

a) Objective – The probationary period shall be twelve (12) months in duration and no employee shall have property interest in his or her position during the probationary period. During an employee's probationary period, the employee may be released or returned to his or her previous position without notice.

b) Promotional Appointments – The probationary period shall be used in connection with promotional appointments in the same manner as it is used for initial appointments. If a person is removed during the probationary period following a promotion, such person shall be entitled to general re-employment rights in his or her former class.

c) Interruption of Probationary Period – If an employee is laid off during a probationary period and such person is subsequently reappointed in the same department, he or she may be given credit for the portion of the probationary period completed before the lay-off.

d) Demotion During Probationary Period – A Department Head may demote an employee during the probationary period. A written report of such demotion must be filed with the Human Resources Department within three days after the effective date of the demotion.

e) Probationary Period Reports – Prior to the expiration of the employee's probationary period, the Department Head shall notify the Human Resources Department in writing whether or not the employee has completed the probationary period. Failure to send such a notice within five working days of the expiration date of the probationary period shall be construed as completion of the probationary period.

Provisional – A provisional appointment may be made only after applications for the position have been taken and no qualified applicant has been found. No provisional appointment shall be continued for more than three (3) months from the date of

appointment, unless, due to the extenuating circumstances, an extension is approved by the County Manager or appropriate Elected Official. An employee may not attain "regular employee" status while serving on provisional appointment.

Temporary – Temporary appointments may be made to fill positions which are authorized and established for a specified period of time, when the work of a department requires the services of one or more employees on a seasonal or intermittent basis, or in the cases of emergency. Temporary appointments shall not exceed 120 calendar days; however, the County Manager or appropriate Elected Official may grant extensions to such appointments. Use of a temporary employee cannot cause a Department to exceed its budget allotments for salary. Temporary appointees are not eligible for any benefits provided by the County. The County Manager shall have the authority to furlough classified personnel and assign such classified personnel to a GEMA or FEMA task force during a declared emergency such as a natural disaster, i.e. tornado, flood, ice storm.

Regular – A classified employee given an initial probationary appointment shall be given a regular appointment upon satisfactory completion of the probationary period.

**Section 3 – Discipline**

While Lumpkin County's Civil Service Plan provides a vehicle for progressive discipline when necessary, and while in most instances employees should not be terminated on the spot, an offense may be so severe that immediate action up to and including termination may be necessary. An employee may be suspended pending an investigation; should termination be necessary, an employee will receive an automatic appeal hearing unless the employee elects to waive the appeal hearing. At the time of suspension, the suspended employee(s) should be given a notice with the reason for the suspension and a date and time to return.

An employee who violates any performance or behavior code, policy, standard, or reasonable expectation will be disciplined. This includes assigned departmental policies, procedures, directives and accepted code of ethical standards.

Progressive Discipline – Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity. The county government advocates progressive discipline when applicable. The action taken will depend on the degree and the circumstances of the violation. An employee who violates any performance or behavior code, policy, standard, or reasonable expectation will be disciplined. The County recognizes the following disciplinary action progression. Please see the flow chart in Appendix B for a visual representation.

a) Documented reprimand
b) Oral reprimand
c) Disciplinary Action #1
d) Disciplinary Action #2
e) Disciplinary Action #3

f) Suspension
g) Termination

Effective supervision and good employee relations should reduce instances necessitating disciplinary action to a minimum. Neither the establishment of rules and regulations nor the imposition of disciplinary action for a violation are intended to restrict the rights of any employee, but are inherently restrictive for the purpose of insuring the rights of all as well as for securing cooperation and orderliness throughout the classified service. The severity of the disciplinary action imposed should be related to the gravity of the offense.

Causes for Disciplinary Actions – The causes for disciplinary actions up to and including dismissal are:

a) Chronic tardiness or absenteeism

b) Negligence or inefficiency in performing assigned duties

c) Inability or unfitness to perform assigned duties

d) Insubordination or the violation of any lawful official regulation or order or failing to obey any proper directive made and given by a superior officer

e) Misconduct

f) Commission of a felony or a crime involving moral turpitude

g) Conduct reflecting discredit on the County or department

h) Failure to report to work without justifiable cause

i) Political activity that is prohibited by these policies

j) Violations of the policies of jurisdictional or departmental rules, policies, or procedures

k) Abuse, misuse, carelessness, negligence, or theft of County owned or leased equipment, property and/or funds

l) Loss of a job requirement, such as a necessary license, which prevents the adequate performance of the essential functions of the position

m) Making false statements to supervisors, the public, boards, commissions, or agencies, on an application or supporting documentation

n) Consumption, sale, or possession of alcoholic beverages and/or illegal substances while at work, or being affected by the use of an illegal substance

o) Acceptance of gratuities in conflict with state law or County ordinance

p) Engaging in offensive conduct or using offensive language

q) Harassment on the basis of race, color, sex, religion, national origin, citizenship, age or disability

r) Sexual Harassment – Sexual harassment is defined as any un-welcomed sexual advances, requests for sexual favors, and other verbal or physical sexual conduct; or, conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of employment;
2. employment decisions affecting an individual are based on his or her submission to or
3. such conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an offensive or intimidating work environment.

s) Acts during duty hours which are incompatible with public service

t) Falsification or destruction of official records/documents, or use of official position for personal benefit, profit or advantage

u) Failure to report an occupational injury or accident during the shift on which it occurred

v) Absence due to incarceration

w) Use of any form of physical and/or verbal abuse, including fighting, of the public, supervisors, or other employees or making threats to the public, supervisors, or other employees

x) Use or threat of use of personal or political influence to secure employer benefits

y) Violating the established security procedures during the examination process of obtaining information, through unauthorized or illegal means, which provides an unfair advantage on the examination

z) Illegal gambling while on duty

aa) Violation of Equal Employment Opportunity Policy

bb) Fighting

cc) Operation of a personal business while on County time or using County property or equipment

dd) Failure to comply with safety and security regulations

ee) Abuse of sick leave

ff) Falsification of work

gg) Divulging or misusing confidential information

hh) Working overtime without prior approval from supervisor

Categories of Disciplinary Actions – Disciplinary actions fall into one of two general categories: reprimands or adverse actions.

Reprimand is a means of communicating to the employee a warning that a problem exists and that it must be corrected. A reprimand may be formal or informal.

1) Informal Reprimand:
   a) Informal Reprimand – An informal reprimand is a disciplinary measure that may be issued for an incident, action, or behavior that does not warrant more severe disciplinary action. In an oral reprimand, the supervisor will verbally and privately explain to the employee that he or she is being reprimanded, describe the problem, and indicate what must be done to correct the problem. A supervisor may choose to perform a documented informal reprimand. In the case of a documented informal reprimand, the documentation should be sent to Human Resources to be maintained as part of the employee's personnel file.

2) Formal Reprimand:
   a) Written Reprimand – Where the incident, action, or behavior of the employee is such as not to initially warrant a more severe type of disciplinary action, a written reprimand may be issued. Up to three disciplinary actions may be issued before progressing to an adverse action; however, the severity of the incident(s), actions(s), or behavior(s) may also warrant fewer than three disciplinary actions before progressing to adverse action. The disciplinary actions are to be determined by the employee's Department Head or supervisor. Previously documented informal reprimands should be referenced in formal written reprimands.

Adverse action is an action taken against an employee, by the appointing authority or designee for cause.

a) Suspension Without Pay – A department head may suspend without pay any employee who is under his or her supervision and who is non-exempt from the

*Fair Labor Standards Act* for a period of not less than one (1) or more than ten (10) working days.

i. A department head may suspend without pay any employee who is under his or her supervision who is exempt from the *Fair Labor Standards Act* for a period of not less than one (1) week or more than two (2) whole work weeks, providing that the period of suspension coincides with the employee's official work week.

ii. An employee may be suspended for a period longer than ten (10) working days upon the express approval of the County Manager. The County Manager shall furnish a written statement to the affected employee within one (1) working day of his or her decision advising the employee of the length of the suspension.

b) Suspension With Pay – When an employee has been accused and/or arrested on a charge of serious misconduct or criminal behavior, the employee may be suspended with pay for a period of five (5) days, during which the appropriate official or agency will conduct an investigation to determine whether the pending charges will affect the employee's job performance or whether the conduct which resulted in the arrest is the basis for the disciplinary action.

c) Indefinite Suspension Without Pay – Where the County Manager, Constitutional Officer, or elected official determines that an employee's return to work would not be in the best interest of the County, the employee will be given notice of his or her proposed indefinite suspension without pay, including the reasons for the suspension, and the employee will be given an opportunity to respond to the County Manager, Constitutional Officer, or elected official concerning those reasons. After the employee has had an opportunity to respond, the County Manager, Constitutional Officer, or elected official will issue a decision on the indefinite suspension.

d) Demotion – An employee may be demoted for any one, or combination, of the causes for disciplinary actions listed in Section 3 of this document. A disciplinary demotion must include both a job title change and a decrease in salary. Except in the case of elected officials, a demotion must be reviewed by both the Director of Community and Employee Services and the County Manager before being put in place. The department head shall furnish a written statement specifying the reasons for such action to the affected employee, and a copy shall be forwarded to the County Manager and the Human Resources Department within one (1) working day of the effective date of action. A copy of the written statement shall be filed in the personnel folder of such employee.

e) Dismissal – An employee may be dismissed for any one, or combination, of the causes for disciplinary actions listed in Section 3 of this document and/or other Departmental Policies at the discretion of the Constitutional Officer, when immediate and/or permanent removal of the employee from the workplace is necessary. An employee will be immediately dismissed for insubordination, misconduct involving theft, fighting, or carrying an unauthorized weapon, or conduct reflecting discredit on the County or department.

1) When a regular employee is charged with misconduct that serves as just cause for dismissal, other than those listed as cause for immediate dismissal, the department head shall place the employee on a three (3) day, paid administrative suspension with a recommendation for dismissal.

2) A written statement specifically setting forth the reasons for suspension with a recommendation for dismissal shall be furnished by the person proposing the dismissal to the affected employee, and a copy of the same shall be furnished to the County Manager and the Human Resources Department within one (1) working day of the effective date of action.

3) The Director of Community and Employee Services shall ensure that a written notice of the charges has been furnished to the affected employee and shall conduct an investigation to assure that the charges are substantiated and that no errors relevant to the charges were made.

4) Within three (3) working days of the affected employee being notified of the charges, the Director of Community and Employee Services shall hold a conference at which the employee shall be authorized to present information that is pertinent to the charges on his/her behalf.

5) The Director of Community and Employee Services shall render a decision on the proposal for dismissal based on all of the relevant information.

6) The Director of Community and Employee Services shall advise the employee of his/her right to appeal the decision under the grievance procedure.

7) The Director of Community and Employee Services shall advise the employee that he or she has the right to a name clearing before the appointing and governing authority, even if he or she does not respond or appeal, if he or she feels that publication of the causes of dismissal will falsely stigmatize him or her.

Notification of Right to Appeal – Any written notification submitted to a regular employee who is being subjected to disciplinary action shall set forth the right of the employee to appeal such action to the Director of Community and Employee Services. Oral and written reprimands are not grievable actions.

Notice of Proposed Adverse Action – For proposed adverse actions other than immediate dismissal for the cause as outlined in Section 3 of this document, the appointing authority or designee will give the employee a written notification of the proposed adverse action ten (10) days prior to the effective date of the action. The notification will contain the following:

a) The effective date of the action
b) The specific charges or reasons for action
c) A statement informing the employee that he or she may respond to a named official within ten (10) days of the notice of the proposed adverse action
d) A warning that failure to respond to the named official will result in a waiver of all further appeal rights

Employee Response to Proposal – The employee may respond in person or in writing to the name official within ten (10) days of receiving the notice of proposed adverse action.

Notice of Final Action – The appointing authority, after considering the employee's response, will give the employee a written notification of the decision on the action to be taken within two (2) days prior to the effective date of the action. The notification will contain a statement informing the employee of his or her right to appeal the action.

Postponement of Deadlines – If the employee responds to the named official, the official may postpone the deadline for the final notice by a specific number of days to conduct further investigation, with written consent from the employee. If the deadline for the final notice is postponed, then the effective date of the final action will be postponed by as many days.

**Section 4 – Grievance**

Definition – A grievance is a claim by a permanent employee alleging:

a) His or her employment has been adversely affected by unfair treatment

b) Unsafe or unhealthy working conditions

c) Erroneous or capricious application of County policies and procedures

d) Unlawful discrimination

e) A claim by a probationary employee alleging unlawful discrimination

Grievance and Appeal Procedure – Please see the flow charts in Appendices C and D for visual representations of the Grievance and Appeal procedures.

a) Intent

1) County employee grievances should receive prompt consideration and equitable resolution. Whenever possible, grievances should be resolved or adjusted informally, and both supervisors and employees shall be expected to make every effort to do so. With respect to those grievances that cannot be so resolved, employees shall be entitled to process the grievances as hereinafter provided.

2) These procedures governing the processing of grievances and providing the right of appeal are established for the purpose of eliminating or correcting justifiable complaints or dissatisfaction of regular employees or certain complaints of probationary employees and applicants; insuring that all employees shall be afforded fair, equitable and expeditious review of their grievances without fear, coercion, or discrimination; and providing a systematic and orderly method for resolving complaints and differences between employees and supervisory personnel.

b) Procedure for Grievance Resolution – Any regular employee in the classified service who has been demoted, suspended, dismissed, or subjected to any other type of disciplinary action (except oral or written reprimand), or who is aggrieved as a result of the interpretation and application of these rules and regulations, and any applicant or employee (regular or probationary) who has been subjected to any alleged discriminatory action that is prohibited by federal law, shall have the right to utilize the grievance and appeal procedure hereinafter set forth.

1) A formal grievance shall not be initiated unless the employee has discussed the grievance with the department head and Director of Community and Employee Services, or in the case of an applicant, with the County Manager. Such discussion shall be held within ten (10) working days after the occurrence or within ten (10) working days after the employee or applicant becomes aware of the occurrence of a grievable matter. The department head, or County Manager in the case of an applicant, shall render a decision on the matter within ten (10) working days after the grievance has been discussed.

With respect to employees of Elected Officials/Constitutional Officers covered by the Lumpkin County Civil Service Personnel Policies, the elected official has final decision making authority at this level. Further appeal of a grievance shall be made directly to the Appeals Board, as outlined within this section of this document.

2) Should the employee or applicant not be satisfied with the decision of the department head or Director of Community and Employee Services, the employee or applicant, within five (5) working days, shall state the grievance in writing and file a standard grievance form with the Director of Community and Employee Services (or the County Manager in the case of an applicant). The Director of Community and Employee Services or County Manager shall make appropriate inquiries, consider all facts surrounding the action, and make every effort to resolve the grievance to the satisfaction of the department head and the employee or applicant.

3) Should no decision resulting in the settlement of the grievance be reached within ten (10) working days after the filing of the written grievance, the employee or applicant, within five (5) working days, may appeal to the County Manager. Such grievance appeal shall be submitted through the County Manager's office and shall be accompanied by all of the facts and information concerned with the grievance as well as any written responses of the department head.

4) The County Manager (or his designee) shall, within ten (10) working days after the receipt of an appeal to hear the grievance, hold a hearing and consider the complaint(s) of the grievance.

   Whenever possible, the hearing shall be scheduled during normal working hours and employees, supervisors, applicants and their representatives and witnesses shall have the right to appear before the County Manager for the purpose of presenting facts. All hearings conducted by the County Manager shall be in accordance with Title 50, Chapter 14 *Official Code of Georgia Annotated.*

   At the hearing before the County Manager, technical rules of evidence shall not apply. All testimony before the commission shall be under oath of affirmation. The County Manager shall have the power to administer oaths and call witnesses and may compel the production of relevant books, records, and documents.

   Within three (3) working days following the completion of the hearing, a copy of the decision of the County Manager shall be given to the affected employee and the department head of same, or to the applicant.

5) The failure of supervisory employees to follow the steps outlined above shall result in conferring upon the employee the right automatically to proceed to the next step in the grievance procedure.

The failure of the employee to follow the steps outlined above may result in the dismissal of the grievance at any step.

6) In those cases where dismissal of an employee is involved, the Director of Community and Employee Services shall immediately notify the affected employee that, if requested, a hearing before the County Manager will be set up and held within ten (10) working days of the action taken. At all such hearings, the department head shall be required to appear and explain the reasons for the dismissal.

No punitive, discriminatory, or adverse action shall be taken against any employee or applicant on account of the filing of a grievance or an appeal.

Non-grievable Areas – The following areas are not grievable:

a) Issues that are pending or have been concluded by other administrative or judicial procedures

b) Work assignments that do not result in a demotion or salary reduction

c) Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or units

d) The content or rating of a performance appraisal except when the employee can show that he or she has been adversely affected by the appraisal

e) The selection of an individual by the appointing authority to fill a position through the appointment, promotion or transfer except when the employee can show that he or she has been adversely affected because of unlawful discrimination

f) Any matter that is not within the jurisdiction or control of the appointing authority

g) Internal security practices established by the appointing authority or the governing authority

h) Decisions, policies, practices, resolutions, or ordinances made or passed by the governing authority or the appointing authority which are not job or work related and which do no contradict these policies

Posting Procedures – The grievance procedure, as agreed upon in this Civil Service Plan, will be posted in each department.

Appeal Process:

a) Filing. The employee who is dissatisfied with the decision of the County Manager must file an appeal with the Human Resources Department within five (5) days of learning the decision of the County Manager. The appeal shall contain a statement describing what is being appealed. The Director of Community and Employee Services will forward the appeal to the Appeals Hearing Board.

b) The Appeals Hearing Board shall be a standing board comprised of all Department Directors.

c) The Appeals Board will be divided into five members (plus one alternate member) Appeals Hearing Boards. No Department Director may sit on an Appeals Hearing Board hearing an appeal by an employee from his or her department.

d) The Appeals Hearing Board members will meet and elect a chairperson.

e) The Appeals Hearing Board will determine if the case may be appealed under the policy, with merit, and properly filed. If all conditions for appeal have been met, the Chairperson will notify the appellant of the date, time, and place of the appeal hearing.

f) Hearing. The Appeals Hearing Board will conduct the appeal hearing. The hearing process is intended to be less formal than a court hearing, but orderly.

g) The Appeals Hearing Board will compile evidence, prepare findings of facts, and will listen to statements from the appellant and the appointing authority. The hearing will be recorded.

h) Representation. Both the County and the appellant may either represent themselves at the appeal hearing or choose to be represented by an attorney.

i) The decision. The Appeals Hearing Board Chairperson shall submit a recommendation of the final action to be taken to the appellant and the County Manger within ten (10) days after the completion of the hearing. The decision of the Appeals Hearing Board will be the final decision of Lumpkin County.

Further Appeal – If the appellant feels that an error has occurred in the above appeal procedure, the appellant may seek redress by writ of certiorari to the superior court.

# Appendix A: Job Classifications

**Classified:**

Accountant
Accounting Clerk
Accounts Payable Clerk
Activities Coordinator
Administrative Coordinator – Park & Rec
Administrative Secretary (Includes Jail Inmate Services, Receptionist, and Warrants)
Administrative Support I
Administrative Support II
Animal Care Technician
Appraisal Assistant
Assistant Chief Appraiser
Battalion Chief/EMT
Battalion Chief/Paramedic
Budget and Grant Analyst
Building Inspector
Building Maintenance Super
Building Service Worker
Captain – Fire/EMS
Captain CID
Chief Deputy – Tax Commissioner's Office
Chief Magistrate Clerk
Civilian Technician
Commander/Captain – Special Services (SRO, Narcotics, Burglary, Animal Control, & Victim Services
Commander/Captain – Uniform
Commander/Captain – Detention
Commander/Captain – CID
Commander/Captain – Court Services
Communications Officer
Construction Inspector/Code Enforce Officer
Corporal CID
Corporal Civil Warrants
Corporal Detention
Corporal Jail
Corporal UPD
County Clerk
Deputy County Clerk
Deputy Director of Planning
Deputy Fire Chief
Deputy Magistrate Clerk
Deputy Planning Director
Deputy Sheriff

Deputy Tax Commissioner
Detention Officer
Dispatcher
Driver
E-911 Supervisor
Elections and Voter Registration Technician
EMA Coordinator
EMT
Environmental Compliance Officer
Equipment Operator
Facilities & Fields Planner Technician
Fire Chief
Firefighter/EMT I
Firefighter/EMT II
Firefighter/EMT III
Firefighter/Paramedic I
Firefighter/Paramedic II
Firefighter/Paramedic III
GCIC Coordinator
GIS Manager
Heavy Equipment Operator I
Human Resources Specialist
Human Resources Technician
Inspector I
Investigator
Kitchen Coordinator
Laborer I
Laborer II
Landfill Coordinator
Lieutenant Professional Standards
Magistrate Court Clerk
Maintenance/Facility Supervisor
Maintenance Shop Super
Maintenance Technician
Map Technician (GIS)
Mechanic I
Mechanic II
Officer Manager
Paramedic
Personal Property Appraiser
Planning Clerk
Planning Technician
Program Coordinator
Property Appraiser III
Property and Tag Specialist
Property Tax Supervisor

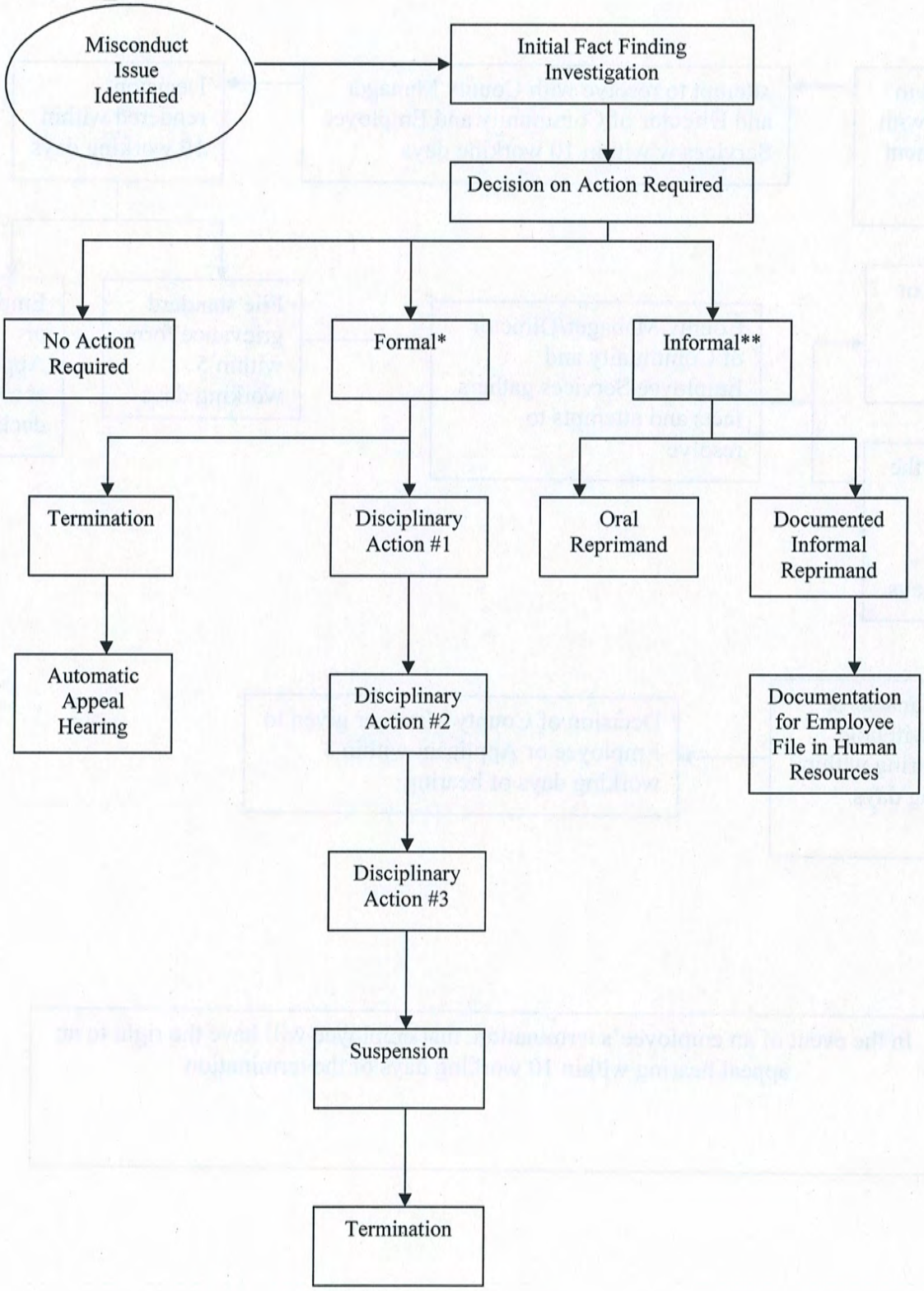
Purchasing Agent
Real Property Appraiser
Receptionist
Records Technician Senior
Records Technician
Recreation Technician
Recycling Coordinator
Road Maintenance Worker
Road Superintendent
Road Supervisor
Secretary
Senior Communications Officer
Senior Sergeant
Sergeant CID
Sergeant Civil Warrants
Sergeant Detention
Sergeant Jail
Sergeant UPD
Sheriff's Captain (Court Services)
Sheriff's Captain (Detention)
Sheriff's E911 Director
Sheriff's Captain (Patrol)
Sheriff's Lieutenant (Investigations)
Sheriff's Sergeant
Senior Civilian Technician
Staff Sergeant Detention
Tag Clerk
Tag Clerk Senior
Tax Clerk
Traffic Operations Manager
Transit Driver
Transit Supervisor
Transportation Coordinator
Truck Driver
Volunteer Coordinator

**Non-Classified:**

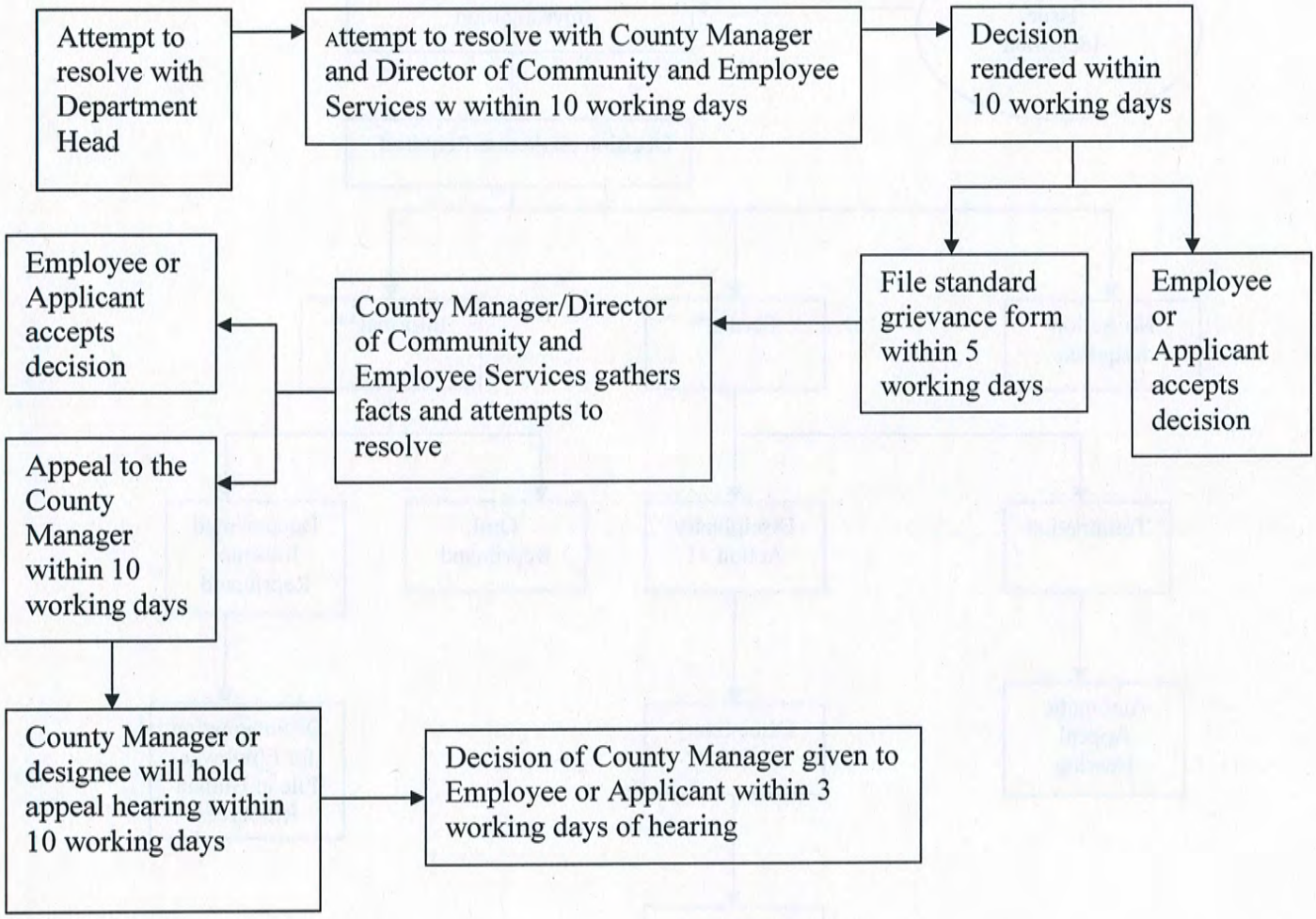
Administrative Assistant
Animal Shelter Director
Associate Magistrate
Chief Deputy (Undersheriff)
Chief Property Appraiser
Clerk of Courts
- Superior Court Civil Records Clerk
- Calendar & Disp. Records Clerk
- Post-Judgment Records Clerk
- Criminal Records Clerk
- Civil Records Clerk
- Liens, Bus/Prof/Adm Records Clerk
- Accountant
- BPA/Liens/RE Ass't.
- Non-Public Records Clerk

County Attorney
County Manager/Administrator
Director of Community and Employee Services
Director of Emergency Services
Director of Finance
Director of Planning
Director of Public Works
Director of Senior Center
EMA Director
Supervisor of Elections and Voter Registration

## Appendix B: Disciplinary Actions Flow Chart

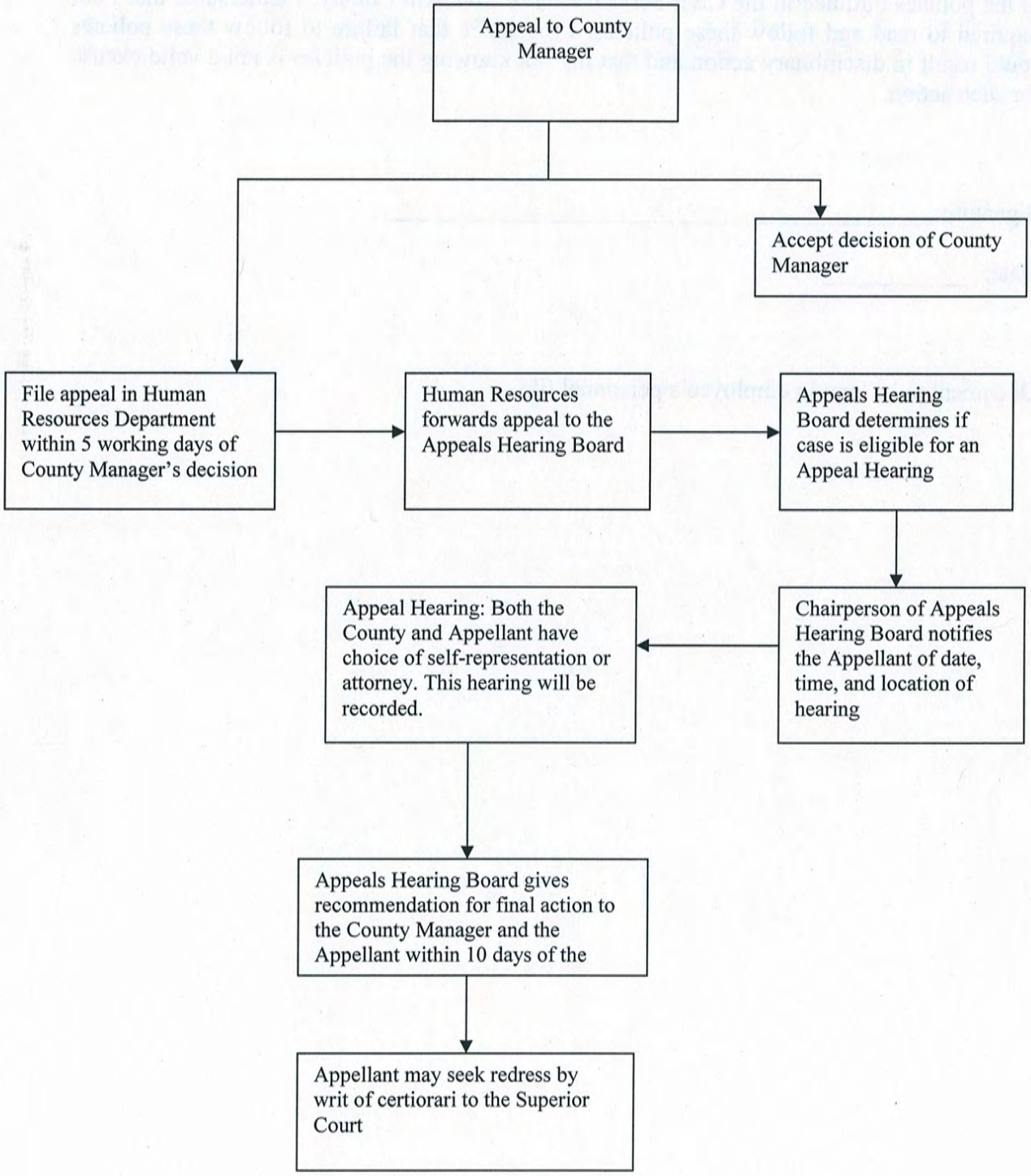


**Appendix C: Grievance Procedure Flow Chart**




In the event of an employee's termination, that employee will have the right to an appeal hearing within 10 working days of the termination.

## Appendix D: Appeal Procedure Flow Chart



Belonging to a department covered by the Civil Service Plan; I,

_____ (please print name), acknowledge that I have received a copy of the policies outlined in the Civil Service Plan of Lumpkin County. I understand that I am required to read and follow these policies. I recognize that failure to follow these policies could result in disciplinary action and that my not knowing the policies is not a valid excuse for such action.

Signature: _____

Date: _____

Document to be kept in employee's personnel file.

# LUMPKIN COUNTY
# EMPLOYEE HANDBOOK

## POLICY 1: GENERAL PROVISIONS

### Section 1: Introduction

Lumpkin County welcomes you as an employee. Lumpkin County is committed to ensuring that you have a positive work environment in which to pursue your career. To assist in creating such an environment, Lumpkin County expects its employees to meet the following minimum employment principles:

(a) **Honesty and Integrity**. All County employees will be honest and ethical. Always.

(b) **Have Regular and Prompt Attendance**. You can't be productive and fulfill our purpose and our commitment to the public if you are not here.

(c) **Positive Attitude**. Your attitude and demeanor are infectious. When it is positive, both you and the County can accomplish great things. That is our standard and our expectation. If you have a problem, let's get it addressed through the proper channels quickly. Negativism is nonproductive and harmful. It is inconsistent with our mission.

(d) **Be Courteous and Helpful to the Public**. Not one of us should ever forget that our customers and citizens provide us our jobs. They deserve excellent service and to be treated with respect.

(e) **Be Productive**. Use all of your abilities, every day, to accomplish our mission. Our work is too important, and our standards too high, to spend our time doing anything other than our best. Expect excellence from yourself.

(f) **Respect Yourself and Each Other**. The County will not allow racial, gender, religious, or cultural bias. Jokes or other behaviors that demean or insult others are not appropriate and will not be tolerated.

(g) **Be Safe**. Some of us work with equipment and vehicles and under conditions that expose us, and the public, to safety hazards. Accidents hurt everyone. Be careful and use safety equipment.

(h) **Work Smart**. Be responsible for your own performance and set high standards for yourself. Be creative. If some rule or process is in the way, bring it to the attention of those who can change it. Always try to do the right thing.

(i) **Be Accountable**. Make yourself responsible for your own performance. Don't make excuses or blame others when problems arise. Take it upon yourself to solve problems. Supervisors should always give credit where it is due.

(j) **Be Committed**. We all spend a significant part of our lives at work. Let's make it count for something. Let's make a difference!

**Section 2: Purpose of Employee Handbook**

Your Employee Handbook provides general information about Lumpkin County policies, procedures, expectations, and benefits. The information in this Handbook, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this Handbook will not apply in every situation. The Director of Community and Employee Services shall make interpretive decisions for those situations that are not specifically covered by the provisions of this Handbook.

Lumpkin County reserves the right to change or revise the policies contained herein when such action is deemed necessary. Proposed changes may be recommended at any time by the Department Heads, Elected Officials, the Director of Community and Employee Services, the County Administration, Commissioners, or any employee. Such recommendations for changes should be submitted to the Director of Community and Employee Services.

*This Handbook is not intended to and does not create an employment contract between Lumpkin County and its employees. Your employment is for no specific period of time, and this Handbook does not limit your right or Lumpkin County's right to terminate your employment at any time for any reason or no reason. The employment at will relationship exists for all employees, unless otherwise specified by state law or unless the employee is covered by the Lumpkin County Civil Service System. For more details on civil service coverage, please see the Civil Service Handbook.*

**Section 3: Applicability**

This Employee Handbook is intended to apply to all employees of Lumpkin County and its appointed and Elected Officials, regardless of whether the employee is otherwise covered by the Lumpkin County Civil Service System. The broad application of this Handbook will ensure that all employees of Lumpkin County are treated equally. Moreover, the provisions contained in this Handbook establish uniform procedures for handling employment situations that facilitate efficiency and productivity.

The majority of employees of Lumpkin County enjoy additional protections under the Lumpkin County Civil Service System as a result of a request for civil service coverage by the respective Elected Officials. These additional protections, policies, and procedures are

set forth in the separately published Lumpkin County Civil Service Handbook. To the extent that there are any perceived conflicts between this Employee Handbook and the Civil Service Handbook, the provisions contained in the Civil Service Handbook shall control as to employees covered by the Civil Service System.

**Section 4: Administration**

This Employee Handbook shall be administered by and under the direction of the Director of Community and Employee Services. However, powers and duties designated to the Director of Community and Employee Services in this Handbook may be delegated by the Director of Community and Employee Services to Elected Officials or Department Heads, who may further delegate such authority to subordinates.

If, at any time during the operation of this Employee Handbook, the position of Director of Community and Employee Services is vacant, the County Manager or any employee designated by the County Manager will be responsible for performing the duties of the Director of Community and Employee Services until the Director of Community and Employee Services position is filled.

Departmental operating rules and regulations related to employment matters, not in conflict with this Handbook, may be used and/or established by the Elected Official/Department Head. All such Departmental operating rules and regulations and subsequent amendments thereto adopted pursuant to this Section shall be submitted to the Director of Community and Employee Services within ten (10) days of their adoption by the Department to be maintained in the Human Resources Department.

**Section 5: Revisions to Employee Handbook**

This Employee Handbook may be amended in whole or in part from time to time at the sole discretion of Lumpkin County in order to maintain legal compliance, operative effectiveness, and desired workplace conditions. Amendments will be provided to all affected employees upon adoption.

**Section 6: Definitions**

Adverse Action – An action taken against a permanent employee by the appointing authority or designee, for cause, that results in a suspension without pay, salary reduction, demotion, or dismissal.

Adverse Affect – The result of any action or decision that deprives an employee of income or the opportunity to earn more income.

Appeal – The right of an applicant or employee to appear before the County Manager to be heard on matters of discrimination, unfair practices or other grievances of such person in the manner prescribed in these policies and procedures.

Appeal Board – Standing Board comprised of all Department Directors and one representative from each Constitutional office to hear employee grievance appeals.

Appeals Hearing Board – Five members of the Appeal Board plus one alternate member convened to hear employee grievance appeals.

Anniversary Date – For record keeping, the anniversary date will be the date of the original employment with the County.

Appointing Authority – The person who has, among other powers, the authority to appoint and discharge covered employees. The County Manager, constitutional officers, and other boards or commissions are the appointing authorities for their respective departments in the County.

Classified Service – The classified service consists of all positions included in the classification and pay plan with the exception of those positions specifically excluded by the Board of Commissioners.

Classification and Pay Plan – The system of assigning jobs to classes and to appropriate pay grades based on the similarities of positions.

Continuous Service – Continuous service is employment that is uninterrupted except for authorized leaves of absence, suspension, or separation due to a reduction in work force.

Covered Employees – Employees who work for the appointing authorities who are not members of their personal staff or policy makers and whose positions are included in the job classification plan.

Days – When the word "days" is used as a method of counting, it means calendar days unless otherwise stated.

Demotion – Demotion means a change in the rank of an employee from a position in one class to a position in another class having a lower minimum starting salary and less discretion and/or responsibility.

Department Head – The position, whether appointed or elected, with overall administrative responsibility for a department.

Designee – The person or persons to whom the appointing authorities delegate certain authority for the administration of the County departments.

Disability – With respect to an individual, a person with a physical or mental impairment that substantially limits one or more major life activities, who has a record of such impairment, or who is regarded as having such impairment.

Dismissal – The termination of a regular employee for just cause.

Elected Official – The person filling the office of Magistrate Judge, as well as all Constitutional Officers including the positions of Sheriff, Tax Commissioner, Probate Judge, and Clerk of Superior Court. Persons employed by these officials do not have a property interest in their positions. Elected officials have the sole discretion in matters of employment within established Federal and State labor laws.

Eligible – A person who has made a passing score on any examination required under these regulations and who has qualified to be employed by the County.

Employee – A person appointed to a position in the County government for which he or she is compensated on a full-time or part-time basis.

Exempt Employee – An employee who is exempt from coverage by the overtime provisions of the federal *Fair Labor Standards Act.*

Governing Authority – The Lumpkin County Board of Commissioners is the governing authority of Lumpkin County.

Grievance – Any dispute concerning the interpretation or application of these personnel policies and procedures or any decision relative to any disciplinary action, dismissal, demotion or charge of discrimination.

Immediate Family – Included are the employee's spouse, children, parents, brothers and sisters. The definition is extended to any other persons who reside in the employee's household and who are recognized by law as dependents of the employee.

Lay-off – The separation of an employee from the classified service due to lack of work, lack of funds, abolishment of the position, or for other material changes in duties or organization.

May – The word "may" is conditional and implies that there is discretion as to whether a condition exists or an act or action will take place.

Merit Increase – An increase in pay based on an employee's job performance.

Non-Exempt Employee – An employee who is not exempt from coverage of the overtime provisions of the federal *Fair Labor Standards Act.*

Overtime – Time worked in excess of the regular work schedule for the position in accordance with the *Fair Labor Standards Act* as amended. Generally, hours worked in excess of 40 hours in a one-week period. Sheriff's Office employees are subject to a 171

hour, four week work period, and Fire Department employees are subject to a 212 hour four week work period.

Part-time Employee – An employee who works on a continuous basis, but does not work a full or normal work period, normally less than 30 hours per week.

Performance Evaluation – A method of evaluating each employee on a periodic basis as to his or her performance on the job.

Probationary Employee – An employee serving the first year of his or her appointment, promotion, re-employment, or reinstatement to any position in the classified service. A probationary employee is not a regular employee until completion of the one (1) year probationary period. Employees of Elected Officials do not serve a probationary period.

Promotion – A change in rank of an employee from a position in one class to a position in another class with a higher minimum salary and carrying a greater scope of discretion and responsibility.

Promotion List – A list of persons who have been found qualified for appointment to a higher position. They may be qualified either by written examination or other evaluation techniques.

Provisional Employee – An employee appointed to a position without competition pending the establishment of an eligibility list. Such employee may serve for a limited time only and must compete with other applicants to qualify for a probationary appointment (if applicable).

Public Hearing – A meeting of the Board of Commissioners, open to the public, at which any interested party may appear and be heard.

Regular Employee – An employee who has completed the probationary period. Employees of elected officials do not serve a probationary period and cannot attain regular employee status as defined by these policies and procedures.

Reprimand – A reprimand is a formal means of communicating to an employee that a problem exists and that it must be corrected.

Resignation – The termination of an employee at the employee's request.

Salary Increase – An increase in salary within the salary range prescribed for the class in the classification and pay plan.

Shall/Will – These terms are unconditional and specify that a condition exists or an act or action will take place.

Suspension – An enforced leave of absence for either a disciplinary purpose or a pending investigation of the charges against an employee.

Unlawful Discrimination – Employment practices which are prohibited by state or federal law and which include discrimination because of race, color, sex, religion, national origin, age, mental or physical disability, or political affiliation.

## POLICY 2 – CODE OF ETHICS

### Section 1: Preamble

1. The Citizens and businesses of Lumpkin County are entitled to fair, ethical, and accountable local government. County officials and employees hold positions of public trust and their actions must remain above suspicion. In keeping with the commitment of the County Board of Commissioners to excellence of public service, the effective and objective performance of democratic government requires that:
    a. Public officials, both elected and appointed, comply with the letter and spirit of the laws and policies effecting the operations of government;
    b. Public officials be independent, impartial, and fair in both their judgment and actions;
    c. Public office be used for the public benefit alone and not for personal gain and;
    d. Public deliberations and processes be conducted openly in an atmosphere of respect, fraternity, and civility.
    e. In order to preserve respect for local government and promote public trust in the integrity and objectivity of government officials and employees, the Lumpkin County Board of Commissioners shall henceforth adopt this Code of Ethics for the Lumpkin County Government and the administrations therein. The establishment of this code shall guarantee the citizens of Lumpkin County the fair, ethical, and effective operation of their government and staff.

### Section 2: The Public Trust

In recognition of the primary concern of public interest, public officials shall strive for the common good of the people of Lumpkin County and not for any personal or private interest. Public officials shall administer fair and equal treatment of all persons, claims, transactions, regardless of race, age, sex, or association, petitioning before the Lumpkin County Government.

Section 2A – "Public official" shall mean any and all employees elected or appointed to the County government.

Section 2B – "Persons" shall mean any individual, government, organization, or business.

Section 2C – "Claims and transactions" shall mean any contract or negotiated legal exchange between persons and Lumpkin County government.

**Section 3: Compliance with the Law**

The public officials of Lumpkin County shall comply with all laws, statutes, and ordinances of the nation, state, and local government in the performance of their duties.

**Section 4: The Conduct of Public Officials**

The professional and personal conduct of Lumpkin County officials shall avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, personal charges, or verbal affronts upon the character, motives, or intents of other officials or public citizens.

**Section 5: Conflicts of Interest**

In order to assure independence and impartiality on behalf of Lumpkin County citizens, officials shall not use public positions to influence or otherwise effect government decisions or actions in which they possess a material financial interest or where there is deemed an organizational responsibility or personal relationship interest which may present an apparent or real conflict of interest. Officials shall disclose investments, interest in real property, and sources of income and gifts that present conflicts of interest in decision-making. Officials shall abstain from participation in deliberations or decision-making where any conflicts are deemed to exist.

Section 5A – "Conflicts of Interest" shall mean any decision, deliberation, advisement, or other association that presents an apparent or real conflict between an official's performance in government and that same official's performance in a private capacity.

Section 5B – "Organizational responsibility" shall mean any responsibility to an organization other than the administrators of Lumpkin County government.

Section 5C – "Personal relationship" shall mean any relationship, whether of immediate kinship and blood relation or that of sustained or material friendship.

Section 5D – "Gift" shall mean any material or otherwise arrangement in excess of $50.00 that, in design, is an attempt to afford special interest in any transaction pertaining to the actions of any official of Lumpkin County government.

**Section 6: Gifts and Public Favor**

Officials shall not accept any special advantage of services or opportunities for personal gain, by virtue of public office, that is not available to the public at large. Officials shall not accept any gift, favor, or promise for future benefit that may influence or compromise their independence of judgment or action, or that may appear to influence such judgment or action.

Section 6A – "Favor" shall mean any non-monetary action, article, or arrangement that attempts to influence or direct an official in public deliberations.

Section 6B – "Promise for future benefit" shall mean any arrangement, offer, or otherwise understanding that attempts to influence the present deliberation of public officials through the promise of future benefit for either the public official or said official's associations, outside interests, acquaintances, or relatives.

**Section 7: Use of Public Resources**

Officials shall refrain from the use of public resources, not available to the public at large, for private gain or personal purposes.

**Section 8: Advocacy**

Officials shall represent the policies and positions of the County government to the best of their abilities when designated as delegates for such purpose. When representing their own individual opinions or positions, officials shall state explicitly that such information is not representative of the position of any administrative body within the Lumpkin County government and shall not allow such influence to occur.

**Section 9: Policy Role of Officials**

Officials shall respect and adhere to the administration of County government. Officials shall not interfere with the administrative functions or the professional duties of government officials or impair the ability of staff to implement the decisions of administrative government.

Section 9A – "Interference" shall mean any action with the motive not conducive to the management of established administrational policy direction.

**Section 10: Independence of Boards and Commissions**

Recognizing the value of boards and commissions in the public policy decision-making process, officials shall refrain from using public positions to improperly influence the deliberations, administrations, or decisions of established board or commission proceedings.

**Section 11: Positive Work Environment**

Officials shall support and contribute to the maintenance of a positive and constructive workplace environment. Recognizing their special role in the public trust, officials shall refrain from creating the perception or reality of inappropriate direction or action toward other government officials.

## POLICY 3 – EMPLOYMENT PRACTICES

**Section 1: Lumpkin County Employment Policy**

General Employment Policy

Lumpkin County is an equal opportunity employer. The County has developed this policy to assure that: (1) all interested persons have access to the employment process; (2) that the County attracts the best qualified applicants; and (3) that present employees are rewarded for experience and meritorious performance.

The County recognizes two methods for competing for positions of employment. The first, and general practice, is competitive appointment. Under competitive appointment, open positions will be posted on the County's website. Competitive appointment is the practice for all entry level positions in the County.

The second method of competing for positions is by non-competitive appointment. When it can be shown that prior experience in a lower job in the County is a necessary requirement for advancement to a higher position, the County will limit the announcement of openings only to those persons who have satisfactory experience in the lower position. This method will be used to reward loyal and competent employees for their past performance for the County.

No individual who has not applied for an open position will be considered for employment, and only current applicants for an announced open position will be used for current employment. Applications will be accepted only for current announced job openings and will not be filed for future use. Lumpkin County, as well as the State of Georgia, has strong support for Veteran's preferences in employment. The governing authority determines that if all other qualifications are equal for applicants, Veteran's preference should be given for employment.

The County Manager, Constitutional Officers and Elected Officials are the legal appointing authority for their respective departments. The County Manager, Constitutional Officers and Elected Officials may delegate the authority to make employment decisions to others, but the authority to make the final decision on all employment matters resides with the legal appointing authorities.

Announcements

For all positions subject to open competition, job opening announcements will be placed on the County's website. When necessary, the County may elect to also place the position with the Georgia Department of Labor and/or advertise by other means such as postings at colleges and technical schools, other websites, or in publications.

The job announcements will contain a summary of the work performed in the job, the minimum qualifications for the job, and a summary of the skills and abilities required by the job. Jobs are normally posted until filled. The County does not accept applications when a position is not posted. Exceptions to this practice will be made for the Fire Department and the Sheriff's Department.

Announcements will also contain: (1) information on the office where application forms may be obtained and the address for forwarding completed applications; (2) information on whether additional information, such a resume, is required; (3) information on the type of specialized tests administered to applicants such as medical examinations, drug tests, and polygraph tests.

Lumpkin County employees interested in applying for internal openings should submit a letter of intent using a format similar to the example posted on the County website.

Testing

All applicants for open positions must complete an application form. An employment interview is the primary test for employment for most positions in the County.

All jobs in the County require a pre-employment drug screening. Some jobs in the County require other tests of employability. Where applicable, written and/or oral examinations may be required, and for some jobs medical examinations, and/or polygraph tests may be required.

When medical examinations are required, an applicant will be given a conditional offer of employment before the medical examination is administered.

Screening and Notifications

The initial screening of applicants begins with considering the information given on the application form. Applicants may be eliminated based on the information on the application form or based on any succeeding test such as the interview or written test.

Candidates who have progressed to serious consideration for an open position may be requested to provide access to any networking sites as part of any background investigation or screening.

**Section 2: Equal Opportunity Nondiscrimination Policy**

It is the policy of the Lumpkin County Board of Commissioners to provide a work environment that is free from unlawful discrimination and harassment based on race, color, religion, gender, national origin, age, disability or genetic information. The County is committed to complying with all applicable federal, state and local laws that pertain to employment.

**Section 3: Objectives**

The objectives of establishing the following employment practices are:

a) to comply with the accepted merit principles of civil service systems listed in Section 1.

b) to enhance the employment conditions in Lumpkin County with the belief that fair and equitable employment practices lead to greater job satisfaction and productivity. Lumpkin County's employment policy is made a part of this policy.

**Section 4: Types of Appointments**

The County recognizes two (2) types of appointments that apply to both original appointments and to promotions. They are non-competitive and competitive appointments.

Competitive Appointments – Competitive appointments are the normal practice of the County. When a vacancy occurs, a recruitment plan will be developed and implemented by the Human Resources Department. An applicant must be considered qualified for the job to be employed, and, generally, the best-qualified applicant will be employed. All employees of the County shall be appointed upon the recommendation of the appropriate Department Head and with the approval of the County Manager. Department Heads whose positions are elected have approval authority for their respective departments.

Non-Competitive Appointments – The County may promote from within. Non-competitive promotions shall be consistent with fair employment practices.

**Section 5: Security Clearance**

In employment areas such as public safety and finance where the public has a compelling interest in the security of property and life, applicants for employment, promotion and transfer may be asked to supply personal information that would not be needed in other employment areas.,

**Section 6: Appointment**

When initially hired, persons employed by the County shall be given one of the following types of appointments:

Probationary – A probationary appointment is an appointment to a position in the classified service. Please see the Civil Service Plan for more in-depth information.

Provisional – A provisional appointment may be made only after applications for the position have been taken and no qualified applicant has been found. No provisional appointment shall be continued for more than three (3) months from the date of appointment, unless, due to the extenuating circumstances, an extension is approved by the County Manager of an appropriate Elected Official. An employee may not attain "regular employee" status while serving on provisional appointment.

Temporary – Temporary appointments may be made to fill positions which are authorized and established for a specified period of time, when the work of a

department requires the services of one or more employees on a seasonal or intermittent basis, or in the cases of emergency. Temporary appointments shall not exceed 120 calendar days; however, the County Manager or appropriate Elected Official may grant extensions to such appointments. Use of a temporary employee cannot cause a Department to exceed its budget allotments for salary. Temporary appointments are not eligible for any benefits provided by the County. The County Manager shall have the authority to furlough classified personnel and assign such classified personnel to a GEMA or FEMA task force during a declared emergency such as a natural disaster, i.e. tornado, flood, ice storm.

Regular – A classified employee given an initial probationary appointment shall be given a regular appointment upon satisfactorily completion of the probationary period.

Job Mobility – It is possible for employees to voluntarily move upward, downward, or laterally in the organization. If an employee voluntarily moves downward, the rate of pay will be adjusted downward within the classification pay plan.

It is also possible for an employee to be involuntarily moved in any of the three directions. If a covered employee is involuntarily moved downward for disciplinary reasons, the employee will receive a decrease of pay at the time of the action and still be covered under the merit system.

Transfer – If a position is open at an equivalent pay grade, an employee may request transfer to that position. If the knowledge, skill, and abilities required for that job are not the same as for the present job, the employee will be tested and interviewed for the new position and will serve a probationary period for the new job if transferred. The appointing authority may transfer an employee to any position, at the same pay grade, if the employee is qualified to do the work and if his or her salary is not changed. A temporary transfer to a higher position may be made for up to ninety (90) days without giving a salary increase.

a) Intra-Department Transfers – The appropriate Department Head may, at any time, transfer an employee in the classified service under his or her jurisdiction from one position to another in the same class in the same department. An intra-department transfer of an employee to a position in another class shall be made only with the approval of the County Manager and only between classes within the same pay range. The County Manager shall be notified of such changes in assignment.
b) Inter-Department Transfers – A transfer of an employee from one department to another shall require the approval of both Department Heads concerned and the County Manager. Requests of such transfer shall show how the employee concerned meets the qualified requirements of the class to which the transfer is proposed.

An employee who is transferred shall continue at the same rate of pay unless otherwise provided.

**Section 7: Promotion**

It will be the policy of the County to promote from within when possible. The promotions will be consistent with fair employment practices. An employee shall be promoted when the employee is transferred to a position classified in a higher pay range, or the employee's position is reclassified to a classification having a higher pay range. Promotions may occur within a department or between departments. At the time an employee is promoted to a previously established position in a classification with a higher pay range, a salary increase may be granted up to 10 percent above the employee's current salary; or up to the minimum of the new classification, whichever is greater.

**Section 8: Performance Appraisal**

The Human Resources Department shall maintain the performance appraisal system for the County. A performance appraisal will be performed yearly, at the end of the calendar year. All departments within Lumpkin County will use a standardized appraisal form. If the Fire Department or Sheriff's Office chooses to use a different form, it will be approved by both the Director of Community and Employee Services and the County Manager. Interim performance appraisals may be performed at the supervisor's discretion. The report may be the same for all jobs, or a specialized appraisal report that applies to a particular class of employees may be used with the approval of the Human Resources Department.

The Lumpkin County Board of Commissioners will allocate funds for merit increases annually during the budget process based on the availability of funds. Merit increases will be based on performance appraisal scores. Performance appraisals shall be made a permanent part of the employee personnel file.

Each time a performance appraisal is conducted, the appraising supervisor will hold a private interview with the employee to explain the rating and the reasons for the rating. The employee will sign the appraisal report, indicating that the appraisal and the rating have been explained. The signature does not necessarily indicate that the employee agrees with the appraisal rating.

**Section 9: ADA Policy Statement**

It is the policy and practice of Lumpkin County to comply fully with all provisions of the *America With Disabilities Act* and ensure equal opportunity in employment for all qualified persons with disabilities. Lumpkin County is committed to ensuring non-discrimination in all terms, conditions, and privileges of employment. No medical or physical disabilities will be considered as factors in satisfactorily performing the essential duties of a position, except for those which are critical to the performance of a position.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as fairness in job assignments, classifications, position descriptions, and promotions.

This policy is neither exhaustive nor exclusive. Lumpkin County will take all other actions necessary to ensure equal opportunity for persons with disabilities in accordance with the *American With Disabilities Act* and applicable federal, state, and local laws.

The Director of Community and Employee Services, as ADA Compliance Officer, has been designated to coordinate with the non-discrimination requirements contained in Section 35.130 of the Department of Justice Regulations and to review complaints regarding Lumpkin County's ADA programs and accessibility.

**Section 10: Grievance Procedure Under The Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of service, activities, programs, or benefits by the Lumpkin County Board of Commissioners.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Director of Community and Employee Services
ADA Coordinator
99 Courthouse Hill, Ste A
Dahlonega, GA 30533-0541

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, or audio tape. The response will explain the position of the Lumpkin County Board of Commissioners and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the County Manager or his/her designee.

Within 15 calendar days after receipt of the appeal, the County Manager or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 days after the meeting, the County Manager or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the County Manager or his/her designee, and responses from the two offices will be retained by Lumpkin County for at least three years. The written complaint and responses will be retained in the Human Resources Office.

**Section 11: Records and Reports**

a) Personnel Transactions – All appointments, separations, and other personnel transactions shall be recorded on forms provided by the Human Resources Department. A separate file folder shall be prepared and maintained for each employee and shall contain the original or a copy of all pertinent documents.
b) Public Inspection – Information relative to employees and former employees shall be available for public inspection at reasonable times and in accordance with Title 50, Chapter 18 *Official Code of Georgia Annotated.*
c) Destruction of Records – Employee service records shall be kept in accordance with state and federal regulations after termination of employment. Such records may be kept in their original form or in any other duplicate form the Board of Commissioners deems appropriate. All other records, including correspondence, applications, and examinations may be destroyed after two years.

## POLICY 4 – ATTENDANCE AND LEAVE

**Section 1: Time and Attendance Policy**

Introduction – County employees are responsible for providing services to the citizens of Lumpkin County in accordance with the policies and procedures adopted by the Board of Commissioners. As such, it is important that employees are present in order to ensure the County's ability to fulfill its many obligations.

As an employee in Lumpkin County, you are responsible for accurately reporting your time and attendance each day. The following policies are designed to provide employees with basic attendance standards and expectations.

Time and Attendance – All employees paid through the payroll system of the Lumpkin County Board of Commissioners are required to log hours worked either at a time clock or through the web-based time and attendance system. Unless specifically exempted, all employees are required to record lunch periods taken. Specific instructions for the time and attendance system are available through the Department Heads and the Human Resources

Department. Newly hired employees will receive department specific instructions from his/her immediate supervisor and/or the Department Head.

Work Hours – Each Lumpkin County employee is responsible for his/her attendance in accordance with the formal work schedule assigned by his/her Department Head. However, the required workweek will vary from job to job and department to department due to the difference in job requirements for the various departments. It should be noted that the Board of Commissioners has directed County offices should be open from 8am-5pm Monday through Friday with the exception of holidays and weekends.

Clocking/Logging In and Out –

Start Time: Start time recorded between seven (7) minutes before or after an employee's start time as determined by his/her supervisor will be considered to have logged in at the scheduled start time for payroll purposes. Excused late arrivals may be permitted with the Department Head/supervisor's approval. However, chronic unexcused tardiness will be subject to the disciplinary action guidelines as outlined in Section 3 of the Lumpkin County Civil Service Plan. Start time clocked in more than seven (7) minutes before an employee's start time must be approved by his/her supervisor to be included in overtime/compensatory time calculations. Breaks are subject to departmental discretion.

Finish Time - Finish time recorded between seven (7) minutes before and after an employee's finish time as determined by his/her supervisor will be considered to have logged out at the scheduled finish time for payroll purposes. Finish time logged out more than seven (7) minutes after the employee's finish time must be approved by his/her supervisor to be included in overtime/compensatory time calculations.

Overtime - For all non-exempt employees as defined by the Fair Labor Standards Act (FLSA), overtime/compensatory time will accrue according to FLSA regulations. Exempt employees are not subject to FLSA standards. It is the responsibility of the employee to seek prior approval for overtime, as FLSA standards require that overtime hours worked must be paid whether the time was authorized or not. Unauthorized overtime may result in disciplinary actions. It is the responsibility of the Department Head/supervisor to monitor overtime; not only to ensure that employees are appropriately compensated for all time worked, but also to minimize the occurrence of overtime. This management competency will be reflected in the Department Head/supervisor's annual performance review. In order to avoid violating FLSA requirements, an employee's time should never be adjusted by a manager or supervisor to remove unapproved overtime.

Employees working "Off the Clock" will not be tolerated. The employees found working off the clock, and the supervisor/Department Head of the employee working off the clock, will be subject to disciplinary action up to and including termination as outlined in Section 3 of the Lumpkin County Civil Service Plan.

Accrued Leave - Departmental budgets, as well as Lumpkin County annual budget, are prepared based on the premise that employees work a certain number of hours annually based on the specific schedule followed by a specific department. Therefore, employees are

prohibited from submitting leave requests that result in the total number of hours for the work period exceeding the regularly scheduled work hours. Under no circumstances may the number of hours of requested leave exceed the number of hours the employee is regularly scheduled to work. Only the number of leave hours necessary to bring the total hours paid up to the regularly scheduled hours will be deducted from accrued leave, sick leave, or compensatory time.

**Section 2: Compensatory Time Policy**

All non-exempt employees will individually sign an agreement to accept compensatory time in lieu of over time payment.

Compensatory time will be accrued at 1 ½ hours per 1 hour worked over 40 hours in a one-week period. Only hours worked will be in the calculation. Non-worked hours including sick leave, annual leave, holiday pay, and leave without pay will not be used in the calculation. Exceptions to this policy are Sheriff's Office and Fire Department employees. The Sheriff's Office is subject to a 171 hour, four week work period and the Fire Department is subject to a 212 hour, four week work period. These employees will earn overtime for hours worked in excess of the previously outlined hours.

Compensatory time will be held to a maximum accrual of 80 hours. This accrual must be used within one-month time frame. Compensatory time must be used prior to annual leave even if this will result in accrued vacation being forfeited. Compensatory time accrued during a one week period may be taken during the week earned provided no additional burden is placed on the department.

It is the responsibility of the Department Head/supervisor to schedule the time off so as not to disrupt the operation of the department.

It is the responsibility of the Department Head/supervisor to ensure that work is scheduled to minimize the occurrence of accrued compensatory time.

**Section 3: Work Hours**

The minimum workweek for covered employees will be forty hours (40 hours). Because of the difference in job requirements in the different departments, the required workweek will vary from job to job and department to department. Exceptions to this policy are Sheriff's Office and Fire Department employees. The Sheriff's Office is subject to a 171 hour, four week work period and the Fire Department is subject to a 212 hour, four week work period.

**Section 4: Holidays**

The following are the official holidays that will be observed:

New Year's Day (January 1)

Martin Luther King Jr. Birthday (3rd Monday in January)

National Memorial Day (last Monday in May)

Independence Day (July 4)

Labor Day (first Monday in September)

Veterans Day (November 11)
Observed when holiday is Monday – Friday

Thanksgiving Day and the day after

Christmas Eve and Christmas Day (December 24 & 25)

**Section 5: Observation**

Employees may be required to work during the above holidays. Those employees who are required to work will receive the equivalent consecutive days off at another time as determined by the employee and the supervisor, or may be paid regular pay plus holiday pay for eight (8) hours. Part time seasonal workers will not be paid holiday pay.

Whenever a holiday, other than Veterans Day, falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. When the holiday falls on a Sunday, the following Monday shall be designated as the official holiday for that year.

Holidays that occur during personal leave shall not be charged against personal leave. Temporary employees will not be paid for holidays not worked.

**Section 6: Attendance**

An employee who is not approved for leave and fails to report on his or her scheduled work day before or after a holiday shall not be paid for the holiday.

**Section 7: Types of Leave**

Lumpkin County recognizes the following types of leave that are available to employees:

a) annual leave
b) sick leave
c) military leave
d) temporary disability
e) court leave
f) leave-without-pay
g) administrative leave

h) required leave
i) bereavement leave
j) Family and Medical Leave Act of 1993.

An absence without approval, including a single day or part of a day shall be considered leave without pay and shall be cause for disciplinary action.

**Section 8: Anniversary Date for Accrual**

In calculating the accrual of annual sick leave, accrual for permanent employees begins on the day of the original appointment (the anniversary date).

**Section 9: Annual Leave**

Annual leave is leave that is earned to be used for vacations, personal business activities, funeral leave and other personal activities. Employees must request the use of all annual leave and receive approval by the appointing authority or by his or her designee.

For the first year of employment, eligible employees shall accrue annual leave at the rate of 1.85 hours per pay period for a total of forty-eight (48) hours per year. After one (1) year, the accumulation rate shall be 3.7 hours per pay period for a total of 96 hours per year. After five (5) years of employment, the accumulation rate shall be 4.62 hours per pay period for a total of the one hundred twenty (120) hours per year. The maximum amount of leave to be accrued is one hundred eighty (180) hours.

**Section 10: Sick Leave**

Sick leave is leave accumulated to be taken for bona fide illness or injury and other medical-related necessities such as physician's appointments, medical examinations and dental appointments. Sick leave is available for the employee's personal health care as well as for the care of members of the immediate family. Sick leave requires the approval of the appointing authority; employees shall report any sick leave absence prior to scheduled work time. The absence shall be reported a minimum of one (1) hour prior to the scheduled work time.

Sick leave shall be accrued at the rate 2.77 hours per pay period during the first year of employment, sick leave will accrue at 3.25 hours per pay period for employees with 2-5 years of service, and employees with five plus years of service will accrue sick leave at a rate of 4 hours per pay period. Sick leave may not be accrued in excess of 1,040 hours. Employees will not be paid for accumulated sick leave upon separation.

A medical statement signed by a licensed physician is required to substantiate sick leave for an absence of three (3) or more consecutive work days, or to support a request for sick leave during annual leave. A medical statement may be required to provide a physician's statement verifying that normal duty can be resumed before returning to work.

The Lumpkin County Board of Commissioners acknowledges that sick leave is a fringe benefit provided to all full time benefited employees, to be used for sickness or other medical-related necessities. The Board of Commissioners will not tolerate sick leave abuse, including the use of sick leave as annual/vacation leave. Recognized sick leave abuse can be grounds for discipline. Employees who have voluntarily resigned and call in 'sick' for their last scheduled work day(s) will not be paid out of their sick leave accounts for the missed time; this is considered an abuse of sick leave.

**Section 11: Military Leave**

Georgia law requires that paid leave be granted to members of the Reserve and National Guard under certain conditions, and leave-of-absence is required under other conditions. The County's policy is to grant leave in compliance with state and federal laws and regulations as amended under the *United Services Employment and Reemployment Rights Act of* 1994.

In compliance with *Georgia Code* 38-2-279, any employee ordered to military duty shall be placed on military leave with pay for a period not exceeding a total of one hundred forty-four hours (18 days) in one calendar year and not exceeding one hundred forty-four hours (18 days) in any one continuous period of absence.

In compliance with *Georgia Code* 38-2-279, in the event the Governor declares an emergency and orders any employee to State active duty as a member of the National Guard, the employee shall receive pay for a period not exceeding thirty (30) days in any one calendar year and not exceeding thirty (30) days in any one continuous period of active duty service.

In compliance with *Georgia Code* 38-2-279, any voluntary member of the Reserve or National Guard shall be entitled to absent himself/herself and shall be deemed to have a leave-of-absence as an employee while in attendance at any service school conducted by the armed forces of the United States for a period up to six (6) months during any four (4) year period. Federal guidelines on benefits will be followed.

Any regular employee who leaves the classified service to join the military forces of the United States during time of war or other national emergency, or is inducted by Selective Service, may, upon written request, prior to induction into the military, be placed on military leave without pay, such leave to extend through a date 90 days after which service terminates. Such employee shall be entitled to be restored to the vacated position, or a comparable position, provided the employee makes application to the County Manager within 90 days of the date of discharge under honorable conditions, and is physically and mentally capable of performing essential functions of the position with or without reasonable accommodation.

The returning employee shall be entitled to any increases in salary (including cost-of-living increases) or any advancement in grade that would normally be accorded to the incumbent of the position, with the exception of any increases or advancement in grade that would normally be dependent on meritorious performance of the duties of the position.

In the event a position vacated by a person entering the military service as stated above no longer exists at the time he or she qualifies to return to work, such person shall be entitled to be re-employed in another position of the same status, class and pay in the classified service, provided such re-employment does not necessitate the laying off of another employee.

**Section 12: Temporary Leave**

Leave-of-absence may be granted in cases of temporary disability and other emergency situations. In the case of a non-military leave-of-absence, a leave-of-absence prevents a break in service. No benefits such as annual or sick leave or time toward retirement shall accrue. The *Family and Medical Leave Act* regulations will apply.

An employee who is temporarily disabled because of an injury or illness sustained directly in the performance of his or her work may be covered under the provisions of the *State Workers' Compensation Act*.

**Section 13: Court Leave**

An employee performing court duty as a subpoenaed witness or juror will be granted leave-with-pay.

**Section 14: Leave-Without-Pay**

Leave-without-pay is normally short-term leave similar to annual sick leave. Leave-without-pay may be requested for illness when the employee does not have sufficient accumulated sick leave; or annual leave when the employee does not have sufficient accumulated sick leave. Prior approval by the immediate supervisor and Department Head will be required. An employee may be placed on leave-without-pay when leave is taken without prior approval or is absent without authorization.

A Department Head, with a recommendation from the Director of Community and Employee Services and the approval of the County Manager, may grant a regular employee a leave of absence without pay for a period not to exceed six (6) months. The minimum period for a leave without pay shall be a time period of three (3) months. This is not the same as FMLA. Leave of absence without pay for a period exceeding six months and not more than one year may be granted with the approval of the County Manager.

All departments are required to adhere to the following regulations:

a) Leave without pay shall be granted only when it will not adversely affect the interests of County service.
b) All requests for leave without pay must be submitted in writing to the department head. The request will state the reason(s) for the request; state that the employee intends to return to work upon expiration of the leave and these policies.

c) Leave may be granted at the end of Family Medical Leave and all sick and annual leave have been exhausted if more time is needed for the employee to recuperate or to care for a family member in accordance with the guidelines for the Family Medical Leave Act as amended.
d) Upon approval of an employee's request for leave without pay, the employee will be required to turn in all County equipment, including, but not limited to, County identification badges, keys, telephones, and any other County documents or property.
e) Any employee who has been granted leave of absence and who wishes to return before the leave period has expired shall be required to give his or her department head at least a two week notice. Upon receipt of such written request, the employee shall be permitted to return to work.
f) Benefits such as annual leave, sick leave, credit towards merit increases, and years of service for pension credit will not accrue during the time that such employee is on leave without pay.
g) Health insurance, dental insurance and term life insurance provided by the County will cease. Employee may elect to continue medical coverage under COBRA.
h) During the employee's approved leave, the position may be filled. An employee returning from a leave of absence without pay shall be entitled to employment in the same or equivalent class wherein employed when said leave commenced, if available. If no position is available, the employee will be given first opportunity for a position that becomes available within the same or equivalent department and class.
i) An employee who, while on approved leave of absence without pay, obtains either part-time or full-time employment elsewhere is required to notify the department head in writing within three days of accepting such employment.
j) An employee who fails to return to work at the expiration of approved leave without pay shall be considered absence without leave and grounds for termination.

**Section 15: Administrative Leave**

Administrative leave is leave-with-pay that is ordered by the appointing authority or designee to meet a need of the organization. An employee may be ordered to be absent from the work place with pay, while internal investigations are being conducted, while awaiting further communications or hearings, or any other conditions where the appointing authority considers administrative leave appropriate.

**Section 16: Required Leave**

Any Lumpkin County employee who handles cash money in the performance of his or her job duties shall be required to take at least 40 hours of consecutive annual leave each year. While the employee is on leave, another employee from that department shall perform the absent employee's job duties. This policy is put in place as a measure to help prevent fraud. (See Lumpkin County Resolution No. 2006-19).

**Section 17: Bereavement Leave**

As a benefit to regular, full time employees, Lumpkin County provides paid bereavement leave. Employees shall be paid the equivalent of up to three working days in the event of the death of an immediate family member. Due to the fact that different departments must be run differently and require different working schedules, the criteria for bereavement leave will be as follows. For employees in administrative positions who work 40 hours per week, this will mean up to 24 hours of paid bereavement leave. For fire suppression personnel who work 212 hours per four week period, this will mean up to 24 hours of paid bereavement leave. For employees in the Sheriff's Office who work 171 hours per four week period, this will mean up to 36 hours of paid bereavement leave. For employees in the Road Department, who work 10 hour shifts, this will mean up to 30 hours of paid bereavement leave.

Employees will not be compensated for unscheduled shifts such as weekends or normally scheduled days off. However, Lumpkin County does recognize that employees may need more time off than Bereavement Leave allows and supervisors and employees are encouraged to work together to allow the employee to use vacation time, or in some cases sick time, to manage a time of bereavement.

Immediate family shall mean spouse, child, father, mother, brother, sister, grandparents, grandchildren, father-in-law, mother-in-law, or any relative who lives in the employee's household.

Flowers will be sent on behalf of Lumpkin County in the event of the death of a spouse, parent, or child of an employee. Flowers to be sent by the County should be ordered through the Human Resources Department.

**Section 18: Family Medical Leave Act Information**

a) FMLA provides for up to 12 weeks or 480 hours (within a 12 month period) of job protected leave for certain situations. Please contact a member of Human Resources to determine if a specific situation qualifies for protected Family Medical Leave.
b) FMLA leave is unpaid. If an employee wishes to be paid during this time, annual or sick leave must be used. Employees who do not have annual or sick time may still take FMLA protected leave, but it will be unpaid.
c) In most cases, a doctor must certify that the situation qualifies for FMLA (exclusions to this requirement relate to a "qualifying exigency" in support of military personnel.)
d) FMLA leave may be taken intermittently, in increments of less than one day.
e) Employees who have Lumpkin County's health insurance may keep insurance during Family Medical Leave; however, if the employee's Family Medical Leave is unpaid, premium payments that would normally come out of the employee's check must be made in another manner. Please speak with a HR staff member regarding your premium payments.

f) If the leave is for an employee's own serious illness, the employee's physician must provide a certification of ability to return to full duty before the employee returns to work.
g) Employees who are out of work for 30 days or more for their own or a family member's serious illness or injury must provide a doctor's note every 30 days to certify that the continued leave is still necessary.
h) Family Medical Leave and its administration can become complicated. Additionally, under HIPAA regulations, supervisors and department directors should avoid knowledge of certain protected health information relating to employees. Because of this, it is imperative that employees be directed to Human Resources when questions or concerns regarding Family Medical Leave arise.

**Section 19: Voluntary Vacation Leave Transfer Program**

Description - Under the Voluntary Vacation Leave Transfer Program (VVLTP), a covered employee may donate vacation leave *directly* to another employee who has a personal or family medical emergency and who has exhausted his or her available paid leave. A maximum of 180 hours may be donated to the employee. Employees wishing to donate vacation leave to the designated employee may not donate less than four (4) hours or more than (40). Donated time will be accepted on a first-come-first-served basis until the maximum donation amount is reached. Other submitted donation forms will be returned to the potential donor with notification that the maximum donation amount has been reached.

Definitions

a) Medical Emergency. A *medical emergency* is a medical condition of either the employee or the employee's *family member* (see below) that is likely to require the employee to be absent from duty for a prolonged period and to result in a substantial loss of income because of the employee's lack of available paid leave.
b) Note: The threshold for "a substantial loss of income" is absence (or expected absence) from duty without available paid leave for at least 24 work hours for a full-time employee.
c) Family Member: The definition of *family member* includes spouse; parents; parents-in-law; children; brothers; sisters; grandparents; grandchildren; step parents; step children; foster parents; foster children; and guardianship relationships.
d) Available Paid Leave includes an employee's accrued, accumulated vacation or sick leave. It does not include compensatory time.

Application to Become a Leave Recipient

An employee should apply through Human Resources to become a leave recipient. If the member is not capable of making written application, a personal representative may make the application on behalf of the employee.

Each application should include:

The name, position title, and grade or pay level of the potential leave recipient.
The reasons transferred leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency, and if it is a recurring one, the approximate frequency of the medical emergency affecting the potential leave recipient.
Any additional information required by the county.

Note: When an employee requests leave transfer for a family member, the County may require the employee to document his or her relationship with that family member.

Approval or Disapproval of Application to Become a Leave Recipient

Human Resources must determine that a full-time employee's absence from duty without available paid leave because of the medical emergency is (or is expected to be) at least 24 work hours, which may be consecutive or intermittent. This period of unpaid absence qualifies as a substantial loss of income for purposes of the medical emergency determination.

Human Resources must review the employee's application and notify the employee of the approval or disapproval of the application within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) after the date the application is received. If disapproved, a reason for disapproval must be given.

Use of Donated Annual Leave

A leave recipient may use donated annual leave only for purposes related to the medical emergency for which the leave recipient was approved. A leave recipient must use any accrued vacation leave (and sick leave, if applicable) before using transferred vacation leave.

Vacation leave transferred under the VVLTP to a leave recipient may be —

Substituted retroactively for any period of leave without pay used because of the medical emergency.

Vacation leave transferred under the VVLTP to a leave recipient may not be —

Transferred to another leave recipient except by election of the leave donor;
Included in a lump-sum payment for annual leave.

Limitations on Leave Donations

In any leave year, an employee may not donate less than four (4) hours or more than (40). Employees wishing to donate vacation leave to a specific employee may not deplete their own vacation leave account below 80 hours.

Termination of the Medical Emergency

The medical emergency terminates:

a) When the leave recipient's service is terminated;
b) At the end of the biweekly pay period in which the leave recipient provides written notice that the medical emergency is over;
c) At the end of the biweekly pay period in which the county determines, after written notice to the leave recipient and opportunity for response, that the medical emergency is over; or
d) At the end of the biweekly pay period in which the county receives notice that the leave recipient has been approved for disability retirement.

The county must monitor the status of the medical emergency to ensure that it continues to affect the leave recipient. When the medical emergency terminates, the County may not grant further requests for transfer of annual leave to the leave recipient.

Termination of Payment of Donated Vacation Leave

Termination of donated vacation leave payments will occur when either the maximum donated amount is paid out or the maximum donation amount of 180 hours is paid out.

**Section 20: Sick Leave Bank Policy**

The Sick Leave Bank is designed to assist Lumpkin County employees who have exhausted all leave time due to serious illness or injury, or to care for an immediate family member with a serious illness or injury. Sick leave donations from fellow employees may be used to help pay your wages when you are temporarily unable to work. Membership is strictly voluntary. If you choose not to join, or do not meet the requirements to join, you cannot accept sick leave donations from fellow employees should the need arise. If you do not meet the requirements at this time, you may join at the next open enrollment period if you qualify.

To become a member you must:

a) Be employed with Lumpkin County at least one year
b) Agree to donate a minimum of 24 hours of sick leave annually to the Sick Bank, with a maximum of 40 hour donated
c) Have a minimum remaining balance of at least 40 hours after donating (less than 40 hours may be allowed upon approval by the committee)
d) Complete an enrollment form and agree to guidelines
e) Agree that the Sick Bank may be used by any member who qualifies and you may not specify an individual

Donations will be transferred during the month of October each year to coincide with the open enrollment period. If you choose to stop donating, a written request will be necessary. You will then no longer be a member of the Sick Leave Bank, and all hours donated will

remain in the Sick Leave Bank and are not refunded to you, nor can you request donations from the Sick Leave Bank. You may re-join at the next open enrollment period (October) if desired.

Application Process:

1) You must have exhausted all of your own sick leave, vacation time and comp time available to be eligible
2) A request for use of the Sick Leave Bank must be submitted along with a Physician's Verification Form. These forms are available in the Human Resources Department
3) A five member committee will review your request and make a decision within 10 days. The committee's decision will be final. Judicious use of leave time in the past may be considered
4) The maximum number of hours that may be approved is 240 per twelve month period. An extension of 120 hours may be granted at the discretion of the committee and the County Manager

You may not use the Sick Leave Bank if you are receiving Workers' Compensation payments.

If you are enrolled in a Short Term Disability Plan, the Sick Leave Bank will be used in accordance with the regulations governing the Short Term Disability payments.

## POLICY 5 – PAYROLL AND SALARIES

### Section 1: Initial Appointments

Upon the appointment of an employee to the classified service, the Human Resources Department shall certify the employment status, title or position, and salary or wage of such employee.

### Section 2: Payroll Adjustments

1) Each Department Head shall be responsible for immediately notifying the Human Resources Department of any occurrences or actions taken which require an adjustment in the salary or wage of any employee or employees under the supervision of such Department Head.

2) Upon the receipt of such notice, or upon taking of any action by the County Manager which requires an adjustment in the salary of wage of any employee or employees, the Human Resources Department shall make such payroll adjustments for such employee or employees as required.

**Section 3: Recovery of Salaries Improperly Paid**

Officers and employees may be held liable for the return of salaries improperly, accidentally or illegally paid to employees.

**Section 4: Voluntary Deductions**

Upon the request in writing of an employee, the County shall be authorized to provide for automatic payroll deductions for such employee, in such amount as the employee shall specify, for the purpose of contributing to personal savings plans, pensions, or other personal insurance, short term disability or financial investment plans.

**Section 5: Court Ordered Deductions**

The County reserves the right to withhold pay in accordance with a court order or income deduction order (IDO) as provided by divorce order. Amounts deducted will be paid in accordance with the instructions contained in the court order or income deduction order (IDO).

**Section 6: Increase in Salaries**

Any employee shall be initially employed for a probationary period of one year. Employees of elected officials and constitutional officers do not serve a probationary period unless the elected official or constitutional officer in question has opted to have his or her employees covered by all provisions of these policies and procedures.

Increase in pay for County employees shall be governed by the following principles:

a) Annually, the Board of Commissioners will consider increasing the salaries within all pay grades on an equal percentage basis. During the budget hearings, the Board of Commissioners shall determine what percentage increases, if any, will be allotted for increases to employee salaries. The percentage for market-adjustment increases will change the entry rate, steps, and maximum rate for each pay grade of the salary schedule.
b) Merit increases may be granted upon the recommendation of the Department Head, and administrative and budgetary approval of the County Manager. Employees shall be eligible for merit increases annually until the maximum pay rate for the classification has been reached.

**POLICY 6 – DRUG AND ALCOHOL FREE WORKPLACE**

**Section 1: Drug-Free Workplace**

It is the policy of Lumpkin County that its workplace shall be drug-free in compliance with the *Drug Free Workplace Act of* 1988 (P.L. 100-690, Title V, Subtitle D).

Employees are to be notified, and are to sign statements acknowledging such notification, that the unlawful manufacture, distribution, dispensing, possession or use of controlled substances (*defined in schedules* I *through* V *of Section* 202 *of the Controlled Substances Act*, 21 U.S.C. 812, and further defined in Regulation 21 CFR 1308.11-1308.15) is prohibited in the workplace.

As a condition of employment, employees will: abide by terms of this statement, and notify the County Manager of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious. In the case of applicants, a violation of the drug-free workplace policy will result in the offer of employment being withdrawn. The applicant may not reapply. If an employee violates the policy, he or she will be terminated from employment.

**Section 2: Policy Statement**

Policy Statement – It is the position of the Lumpkin County Board of Commissioners that alcohol and controlled substance abuse is a significant health problem in the United States today. Further, in professions that serve the public, alcohol and substance abuse represent a real danger to the health and safety not only to the employees themselves, but also the constituents served by those employees.

It is the objective of the Lumpkin County Board of Commissioners to provide safe and effective public service.

Definitions – Within the Policy, and on any accompanying forms, the following terms shall have the meanings associated therewith:

1) **Controlled Substance** shall have the meaning and include the substances defined as "controlled substances" in the Georgia Controlled Substances Act, O.C.G.A. 16-13-20 and 16-12-21(4) as said Act shall appear from time to time.
2) **Safety Sensitive Position** shall be those positions where inattention to duty or errors in judgment by the employee or applicant while on duty will have the potential for significant risk of physical harm to the employee, other employees or the general public.
3) **Confirmed Positive Result** whenever an initial test for drugs or alcohol is found to be positive, the laboratory will carry out additional tests pursuant to laboratory testing guidelines to confirm that the initial positive indication was correct. If the second procedure also indicates the presence of drugs or alcohol, the test will be considered a confirmed positive result.

4) **Medical Review Offer** shall mean any properly licensed physician who reviews and interprets the results of drug tests and evaluates those results together with medical history and any other relevant biomedical information to confirm positive results.

Drug and Alcohol Use Prohibited – Alcohol and controlled substance use by employees during assigned working hours, in all County owned, operated, leased or maintained buildings or on County owned, operated, leased or maintained grounds, or otherwise while on official business shall be prohibited. This shall include the use or possession of controlled substances, the abuse of prescription medications, the possession of prescription medications by anyone other than the person for whom the medication was prescribed (except as required by official duty), and the use or abuse of alcohol. This prohibition (and the procedures set forth below) is in addition to any other drug and alcohol policy, including any policies or programs required by federal or state law.

Types of Testing to be Implemented –

1) **Pre-employment Testing:** Because substance abuse is not easily detectible in an applicant without the provision of a drug and alcohol screening, and because the safety and health of employees and the health and safety of citizens depend on a workforce free from drug and alcohol abuse, all job applicants being considered for employment in positions for which pre-employment drug and/or alcohol screening is allowed by law, shall be required to pass a drug and/or alcohol screening test prior to being hired. All job applicants shall be informed in advance that such testing is required, and postings for all jobs shall include a notice of this testing requirement. Pre-employment testing shall take place only after an offer of employment has been made but before employment actually commences.
2) **Random and Periodic Drug Testing:** Employees in all positions designated as safety sensitive, involved in drug interdiction, or having unsupervised access to prisoners or contraband shall be required to submit to a drug and alcohol screening test at a random or periodic basis from time to time as determined by the Department Head and the Director of Community and Employee Services.
3) **Drug and/or Alcohol Screening Test Based on Reasonable Suspicion:**
    a. Any employee shall be required to submit to drug and/or alcohol testing when there is reasonable suspicion to believe that such employee is under the influence or effects of drugs and/or alcohol immediately before, during or immediately after assigned working hours or while otherwise on duty or in control of government property.
    b. Reasonable suspicion means a reasonable belief based on specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Situations that may give rise to conclusion that an employee is under the influence of drugs and/or alcohol include, but are not limited to, the following:

i. An employee is involved in a physical or verbal altercation on the job.
ii. An employee has an excessive number of incidents or accidents on the job.
iii. An employee exhibits unusual behavior such as slurred speech or unsteady walking or movement on the job.
iv. An employee has an odor of alcohol or marijuana on their person on the job.
v. An employee is in possession of alcohol, drugs, or drug paraphernalia on the job.
vi. An employee is observed using illegal drugs or alcohol or has exhibited symptoms and manifestations of being impaired due to alcohol or drug use.
vii. An employee has caused or contributed to an accident while on the job.

c. In the event a supervisor determines that reasonable suspicion exists that an employee is under the influence of drugs and/or alcohol, the supervisor shall immediately report the incident to his/her immediate supervisor or Department Head and shall complete the form entitled *Observation Checklist*.
d. The determination of whether reasonable suspicion exists shall be made by the Department Head or, in his/her absence, by the highest-ranking supervisory staff on-duty at the time.
e. Following the determination that reasonable suspicion exists, the facts underlying the determination of reasonable suspicion shall be disclosed to the employee at the time the demand to submit to testing is made. The employee shall be transported to and from the testing site by the employee's supervisor or a designee. Following the testing procedure, the person transporting the employee shall make appropriate arrangements to transport the employee home.
f. Supervisors shall be required to document in writing, by the next working day, the specific facts, symptoms or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. All documents created in connection with the determination of reasonable suspicion shall be forwarded to the Director of Community and Employee Services and/or the County Manager.

4) **Testing After Accidents or Injury:** An employee in a safety sensitive position, an employee involved in the interdiction of illegal drugs, or an employee who, in his/her job duties, is given unsupervised custody of prisoners or contraband shall be subject to a drug and alcohol test conducted when, while on duty or just prior to going on duty:
   a. The employee is operating a vehicle and/or equipment causing damage or any bodily injury; or
   b. The employee is involved in a fatality; or

c. The employee is cited with a traffic violation; or
d. The employee sustains a work-related injury requiring medical treatment beyond first aid.

Prescription Drug Use

1) Any employee using prescription medication while on the job shall do so in strict accordance with medical directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure the physician approves the use of the prescription medication while the employee is performing his/her duties.
2) The abuse and/or inappropriate use of legally prescribed drugs, including the performance of duties when the employee knows or should know that he or she is potentially impaired due to prescription drug use, shall be prohibited and shall be deemed a violation of this policy. Job performance or attendance deficiencies resulting from use shall be cause for disciplinary action up to and including termination. If any employee's behavior or job performance gives rise to a reasonable suspicion that the employee is abusing or inappropriately using prescription medication, the employee may be required to submit to drug testing and to take leave until such time as the employee is cleared to return to work by the employee's physician, the Medical Review Officer, and the Director of Community and Employee Services.
3) Employees and job applicants shall at the time of testing provide a list of those prescriptions and over-the-counter medications the employee recently has used. The list of medications shall be kept confidential until there has been a test result. The list of medications shall be disclosed only to the Medical Review Officer who will determine whether the positive result was due to the lawful use of any of the listed medications.

Consent – Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a *Consent Form* authorizing the test and permitting release of test results to the employer and the Medical Review Officer. The consent form shall provide a space for employees and job applicants to acknowledge that they have been notified of the requirements of this policy. **Note: Employees that are governed by the Transit Substance Abuse Policy will not be asked to sign a consent form; instead they will be given a Confirmation of Receipt form.**

Refusal to Consent –

1) Job applicants: Any applicant for a position for which pre-employment drug and/or alcohol screening is permitted by law who refuses to consent to a drug and/or alcohol test shall be denied employment, and any conditional offer of employment shall immediately be rescinded.

2) Employees: Any employee who refuses to sign the required form or to submit to a drug and/or alcohol test as required shall be deemed to have violated this policy and will be terminated.
3) No show: Employees who fail to appear at the designated collection site to submit to a required drug and/or alcohol test when so directed shall be deemed to have refused to submit to the test and shall be deemed to have violated this policy. A "no show" shall include any attempt to adulterate a test sample or otherwise frustrate, impair, or otherwise impede the testing process.

Testing Laboratory Guidelines –

1) All testing procedures shall be administered and accounted for by an approved laboratory and/or medical facility operating in compliance with the National Institute of Drug Abuse (NIDA) or College of American Pathologists (CAP) guidelines.
2) If the drug and/or alcohol test is to be conducted using a specimen other than urine (e.g. hair, saliva, blood, etc.), the sample shall be collected in a manner consistent with the privacy of the employee and the need to minimize the possibility of adulteration and/or mislabeling of the sample.
3) Whenever the initial test for drugs and alcohol is found to be positive, the laboratory will then carry out additional tests pursuant to laboratory testing guidelines to confirm that the initial positive indication was correct. If the second procedure also indicated the presence of drugs or alcohol, the test result is considered a Confirmed Positive Result.

Confidentiality of Test Results – To the extent allowed by law, all information from an employee's or job applicant's drug and alcohol screening shall be confidential and only available to the Medical Review Officer, Director of Community and Employee Services and those with a need to know at the discretion of the Director of Community and Employee Services. Disclosure of test results to any other person, agency, or organization shall be prohibited unless written authorization is obtained from the employee or job applicant. In any case, the results of an initial positive drug or alcohol test shall not be released until the results are confirmed.

Violations of This Policy – Any violation of this policy shall result in termination of employment.

Employee Assistance Program – Lumpkin County recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.

For subscribing employees, treatment for alcoholism and/or other drug use disorders may be covered by the County's health insurance; however, the ultimate financial responsibility for recommended treatment belongs to the employee.

Drug and Alcohol Convictions – Consistent with the Federal Drug-Free Workplace Act of 1988, employees shall report to his or her department head within five (5) working days any arrest or conviction made under a criminal drug or alcohol law and any charge made under a drug or alcohol law for which conviction could cause the loss of driving privileges. The department head shall then investigate and make appropriate recommendations to the Director of Community and Employee Services.

Safety Sensitive Positions

Definition – Safety sensitive positions are positions where inattention to duty or errors in judgment by the employee while on duty will have the potential for significant risk of physical harm to the employee, other employees or the general public.

Employees who pose a risk of substantial bodily harm to themselves or others while performing their duties or using the equipment provided include, but are not limited to the following:

a) Employees who drive County owned vehicles
b) Employees who operate or drive County owned and issued equipment: i.e., heavy equipment such as bulldozers, motor graders, paving machinery, dump trucks, lawn mowers, mowing machines, etc.
c) Employees who maintain or repair County owned equipment and/or vehicles
d) Employees who direct employees and/or equipment in emergency situations: i.e., dispatchers, communications officers, etc.
e) Employees authorized to carry firearms, involved with drug interdiction, having access to contraband, or having access or custody and control of prisoners
f) Firefighters
g) Paramedics
h) Emergency Medical Technicians
i) Volunteer Firefighters responding to emergency situations
j) Employees who enter private property or private residences in the performance of assigned duties.

**Section 3: Use of Intoxicants**

Employees should neither possess nor consume any intoxicating drug such as alcohol during work hours, except when the possessions, transportation, or custody is a bona fide activity of the department or the County and established procedures are followed. Employees should not personally possess, consume, manufacture, nor distribute illegal controlled substances at any time, for those activities are unlawful. Drug and/or alcohol testing is required for

employment and on a regular basis. Employees are required to participate in the drug/alcohol testing policy.

## POLICY 7 – SMOKING POLICY

### Section 1: Lumpkin County Smoking Policy

All Lumpkin County buildings are considered to be smoke-free buildings. Lumpkin County employees who smoke must coordinate their breaks with their Department Manager. Smoking is allowed in designated smoking areas only.

## POLICY 8 – HARASSMENT IN THE WORKPLACE

### Section 1: No Harassment Policy Statement and Procedure for Lumpkin County Government

It is the policy of Lumpkin County Board of Commissioners to provide a work environment that is free from unlawful discrimination and harassment based on race, color, religion, gender, national origin, age, disability, or genetic information. The County is committed to complying with all applicable federal, state and local laws that pertain to employment.

Harassment Definitions:

a) Workplace Harassment Defined – Workplace harassment is verbal or physical conduct that is either (a) directed toward an individual or (b) reasonably offensive to an individual because of his or her race, color, religion, gender, national origin, age, disability, or genetic information.

   This policy is applicable to and prohibits workplace harassment between employees and members of the public and is not limited to harassment between employees. Moreover, this policy is applicable to and prohibits harassment that adversely affects the workplace, regardless of whether it actually takes place in the workplace or during work hours.

b) Sexual Harassment Defined – Sexual harassment is a category of workplace harassment. In addition to the foregoing definition, sexual harassment is further defined as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:
   - Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
   - Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
   - The conduct has the purpose or actual or potential effect of interfering with the individual's performance or of creating an intimidating, hostile, or offensive working environment.

Examples – Workplace harassment may include, but is not limited to, the following:

a) Epithets, slurs, negative stereotyping, jokes, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age, disability, or genetic information.
b) Written or graphic materials which are offensive to an individual because of his or her race, color, religion, gender, national origin, age, disability, or genetic information and which are displayed or distributed in the workplace; or
c) Threatening, intimidating, abusive, or hostile acts directed to an individual because of his or her report or complaint of workplace harassment or participation as a witness or otherwise in any investigation or other proceeding relating to such a report or complaint.

This policy prohibits harassing conduct as defined herein without regard to whether such conduct would also violate state or federal anti-harassment laws.

Examples – Sexual harassment may include, but is not limited to, the following:

a) Verbal conduct, such as derogatory comments, slurs, unwanted sexual advances, or sexually-oriented verbal references, jokes, kidding, or abuse;
b) Physical conduct, such as unwanted touching, patting, pinching, blocking normal movement, or assault;
c) Subtle or explicit pressure for sexual activity;
d) Demands to submit to sexual requests, accompanied by implied or direct promises to preferential treatment or threats concerning an individuals employment status; or
e) Visual harassment such as sexually-explicit or sexually-derogatory posters, obscene gestures, cartoons, photographs, or drawings.

This policy prohibits harassing conduct as herein defined without regard to whether such conduct would also violate state or federal anti-harassment laws.

Reporting and Remedy Process –

Employee Responsibility – Employees should not tolerate workplace harassment as defined by this policy. Any employee who believes that he or she has experienced such harassment or who is aware of the harassment of other employees or prospective employees has a duty to report the potential policy violation in order that an investigation can be conducted and any appropriate corrective action can be taken. Any such complaints or reports should be made to the employee's supervisor, Department Head, or the Director of Community and Employee Services. Should an employee not be comfortable reporting the suspected harassment to his or her Department Head, the employee should report directly to the Director of Community and Employee Services or to the County Manager. Supervisors or department heads who receive reports of harassment are required to contact the Director of Community and Employee Services to conduct an investigation.

All employees are responsible to ensure that they do not participate in, promote, or support any form of workplace harassment as defined by this policy.

This policy extends to all electronic and voice mail communications. (*See Computer Use Policy Resolution 2006-78 and Lumpkin County Cell Phone Policy Resolution 2009-46)*

Management Responsibility – Managers and supervisors are to comply with Lumpkin County's EEO Policy and to work to prevent, detect, and correct any harassment occurrences in their areas of responsibility. Managers and supervisors are responsible to ensure that the employees in their areas are aware of the policy and that any and all complaints, or reports of workplace harassment, are promptly and properly reported, investigated and that any appropriate corrective action is taken.

Retaliation Strictly Prohibited – As stated herein, employees have a duty to report any harassing conduct they either experience or observe. Retaliation against any individual for reporting conduct which he or she believes to constitute workplace harassment or for otherwise participating in any investigation or other proceeding relating to such a complaint or report is a serious violation of this policy and will be subject to appropriate corrective and/or disciplinary action.

## POLICY 9 – PROHIBITED ACTIVITIES

### Section 1: Prohibited Activities Overview

Because public employees are in positions created for the public and funded by the public, the public has the right to expect covered employees not to abuse the trust placed in them. The employees of Lumpkin County are expected to observe and honor the laws of the State of Georgia and the ordinances of Lumpkin County. The following are some of the activities that are specifically prohibited.

a) Political Activities - Because covered employees are protected from political patronage by these policies, the governing authority and other elected officials expect the employees to avoid public political activities. Neither their positions nor County time should be used for political purposes. The employees may express their political opinions privately, and the officers of the County encourage the employees to vote for the candidates of their choice.

b) Outside Employment - The individual departments will administer outside employment policies for their respective departments. Any covered employee must receive permission from the appropriate appointing authority before accepting outside employment.

Manager. Such notification shall set forth in detail the specific skills and abilities possessed by the employee and the reasons why such employee is essential to the effective operation of the department. With the approval of the County Manager, the individual may be retained.

e) Notice to Employees – Regular employees to be laid off shall be notified in writing by the Human Resources Department as soon as reasonably possible prior to the effective date of the lay-off.

f) Demotions – Any regular employee scheduled to be laid off shall have the right to be demoted to a lower classification, provided that a vacancy exists and such employee is qualified to fill the position in the lower classification.

**Section 5: Inability to Perform**

If an employee suffers from a physical or mental disability which prevents him or her from performing the essential functions of the position, even with reasonable accommodation, the employee is subject to termination for inability to perform the job. The employee will cooperate with the employer to determine the limitations imposed by the disability and to design accommodation for the essential functions of the job. Termination due to an inability to perform essential functions shall be subject to appeal.

**Section 6: Loss of Job Requirements**

Any employee who is unable to perform the essential functions of his or her job adequately because of loss of a necessary license or other necessary requirement shall be separated by lay-off from employment in that position until such license or requirement is re-obtained. The license or requirement should be reacquired within a reasonable length of time (as determined by the Department Head in consultation with the Director of Community and Employee Services) or the employee will be dismissed.

**Section 7: Dismissals**

Dismissals shall constitute discharges or separations for just cause, and shall be governed by these policies and procedures as hereinafter set forth.

**Section 8: Retirement**

The retirement of an employee shall consist of the voluntary separation of an employee who has met the requirements of age and length of service under laws of governing any applicable pension fund of which such employee may be a member.

**Section 9: Death**

Separation shall be effective as of the date of the death of the employee. All compensation, including annual leave, due to such employee, as of the effective date of separation, shall be paid to the beneficiary of the employee, the surviving spouse of such employee, or the state of the estate of such employee, as may be determined by law or by the applicable executed documents in the personnel folder of such employee.

## POLICY 11 – TECHNOLOGY AND CELL PHONE POLICIES

### Section 1: Technology Use Policy

Certain Lumpkin County employees may be provided with access to the Internet to assist them in performing their jobs. The computer system belongs to Lumpkin County, acting by and through its duly elected Board of Commissioners, and may only be used for the County business purposes. The Internet can be a valuable source of information and research. In addition, e-mail can provide an excellent means of communicating with other employees, our customers and citizens, outside vendors, and other businesses. Use of the Internet, however, must be tempered with common sense and good judgment. If you abuse your right to use the Internet, this privilege may be revoked. In addition, you may be subject to disciplinary action, including possible termination, and civil and criminal liability.

No Expectation of Privacy – The computers and the computer accounts given to County employees are to assist them in performance of their jobs. Employees do not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to the County and may only be used for business purposes.

No Privacy in Communications – Employees should never consider electronic communications to be either private or secure. E-mail may be stored indefinitely on any number of computers, including that of the recipient. Copies of your messages may be forwarded to others either electronically or on paper. In addition, e-mail sent to nonexistent or incorrect usernames may be delivered to persons that you never intended.

Internet Access Guidelines – These guidelines set the standards for appropriate behavior of the County employees when accessing the Internet using government resources. Remember that the County name goes with you as an electronic signature whenever you go to the Internet. County employees must exercise great care to protect the County reputation and ability to conduct business in all Internet activities. Activities of County Internet users are logged, including visits to inappropriate sites (erotica, hate groups, etc.), and reported to management as necessary.

Online Social Networking – The Internet, blogs, Twitter, the World Wide Web, social networking sites, and any other medium of electronic communication shall not be used in a manner that is detrimental to the mission and function of Lumpkin County. Any matter that brings individual employees or any department into disrepute has the corresponding effect of

reducing public confidence and trust in Lumpkin County Government, thus impeding our ability to work with and serve the public.

While employees have the right to use personal/social networking pages or sites, as employees of Lumpkin County they are public servants who are held to higher standards than the general public with regard to standards of conduct and ethics. The policy of Lumpkin County is to maintain a level of professionalism in both on-duty and off-duty conduct that fulfills the mission of Lumpkin County Government.

Employees who utilize social networking sites, blogs, Twitter or other mediums of electronic communication in their off-duty time shall maintain an appropriate level of professionalism and appropriate conduct so as not to broadcast in a manner which brings discredit to Lumpkin County Government.

Employees are prohibited from using their titles as well as any reference to Lumpkin County in any correspondence, to include emails, postings, blogs, Twitter, and social networking sites such as Facebook, unless the communication is of an official nature. This prohibition includes signature lines in personal email accounts.

Employees who are the subject of an administrative investigation may be ordered to provide access to his or her social networking sites when the investigation is directly, narrowly, and specifically related to the employee's performance or ability to perform the required duties of his or her job description.

Monitoring of Computer Usage – The County has the right, but not the duty, to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites visited by all employees on the Internet, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by users to the Internet, reviewing e-mail sent and received by users, and reviewing documents saved to the computer.

Blocking of Inappropriate Content – The County may use software/hardware to identify inappropriate or sexually explicit Internet sites. Such sites may be blocked from access by County networks. Nonetheless, in the event you encounter inappropriate or sexually explicit material while browsing the Internet, immediately disconnect from the site, regardless of whether the site was subject to County blocking software and immediately report the incident to your Department Head or Elected Official who shall maintain a log of such occurrences.

Activities Which May Result in Disciplinary Action –

a) Using the computer system, including but not limited to accessing the Internet, for other than County business purposes
b) Visiting inappropriate Web sites (erotica, hate groups, etc.)
c) Unauthorized attempts to break into any computer or network whether it belongs to Lumpkin County or another organization
d) Sending or posting threatening messages
e) Sending or posting racially and/or sexually harassing messages
f) Sending or posting sexually suggestive or explicit messages
g) Theft or copy of electronic files without permission

h) Sending or posting confidential information that is not part of your job requirement
i) Refusing to cooperate with a reasonable security investigation

Failure to comply with these guidelines may be brought to the attention of management for appropriate action, which may result in loss of Internet privileges or disciplinary action, including termination of employment. Violations of applicable laws or regulations (e.g., Computer Security Act, export control laws, copyright laws) could result in criminal or civil prosecution.

Prohibited Activities – Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate may not be sent by e-mail or other forms of electronic communication (bulletin board systems, newsgroups, e-groups, chat groups), downloaded from the Internet, or displayed on or stored on Lumpkin County computers. Employees encountering or receiving this kind of material should immediately report the incident to their supervisors.

Unauthorized Hardware or Software – Elected Officials, Department Heads, or employees may not install any hardware or software on any County computer without written permission from the network administrator.

Games and Entertainment Software – Employees may not use the County's Internet connection to download games or other entertainment software, including screen savers, or to play games on the Internet.

Illegal Copying – Employees may not copy material protected under copyright law or make that material available to others for copying. You are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material you wish to download or copy. You may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of your Department Head.

Accessing the Internet – To ensure security and avoid the spread of viruses, employees accessing the Internet through a computer attached to the Lumpkin County network must do so through an approved Internet firewall. Accessing the Internet directly, by modem, is strictly prohibited unless the computer you are using is not connected to the County's network.

Virus Detection – Files obtained from sources outside the County, including disks brought from home; files downloaded from the Internet, newsgroups, bulletin boards, or other online services; files attached to an e-mail; and files provided by customers or vendors, may contain dangerous computer viruses that may damage the County's computer network. Employees should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-County sources, without first scanning the material with County-approved virus checking software. If you suspect that a virus has been introduced into the County's network, notify the Information Technology Department immediately. Lumpkin

County maintains virus protection software for all County computers. Employees may not disable or alter the operation of virus protection software on any County computer.

Sending Unsolicited E-mail (spamming) – Without the express permission of supervisors, employees may not send unsolicited e-mail to persons with whom they do not have a prior relationship.

Alternating Attribution Information – Employees must not alter the "From:" line or other attribution of origin information in e-mail, messages, or postings. Anonymous or pseudonymous electronic communications are forbidden. Employees must identify themselves honestly and accurately when participating in chat groups, making postings to newsgroups, sending e-mail, or otherwise communicating online.

Standard Footers for E-mail – This footer should be appended to all e-mail sent outside the County e-mail system:

John/Jane Doe

_____ Officer
Lumpkin County, Georgia
www.lumpkincounty.gov
(706) 864-XXXX

"If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. Please contact (Department Number) if you receive this email in error."

Attorney-client Communications – E-mail sent from or to the County Attorney or any other attorney representing the County should include the following warning header on each page: ATTORNEY CLIENT PRIVILEGED; DO NOT FORWARD WITHOUT PERMISSION."

Use of Encryption Software – Employees may not install or use encryption software on any of Lumpkin County's computers without first obtaining written permission from the Chairman of the Board of Commissioners. You must not use passwords or encryption keys that are unknown to your Department Head or Elected Official and the Information Technology Officer.

Export Restrictions – The federal government has imposed restrictions on export of programs or files containing encryption technology (such as e-mail programs that permit encryption of messages and electronic commerce software that encodes transactions). Software containing encryption technology is not to be placed on the Internet or transmitted in any way outside the United States.

Other Policies Applicable – In their use of the Internet, users must observe and comply with all other County policies and guidelines.

Cleaning of County Computers – Employees who use County computers are responsible for keeping a clean and safe computer station. Computers should be kept cleaned and well maintained.

Amendments and Revisions – This policy may be amended or revised from time to time as the need arises. Users will be provided with copies of all amendments and revisions. Violations of this policy will be taken seriously and may result in disciplinary action under the County Civil Service Plan, civil and criminal liability.

Disclaimer of Liability for Use of the Internet – Lumpkin County is not responsible for material viewed or downloaded by users from the Internet. The Internet is as worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocent search requests may lead to sites with highly offensive content. In addition, you may receive e-mail containing offensive material. E-mail or pop-ups containing offensive material received on County computers shall be immediately reported to the Department Head or Elected Official who shall maintain a log of such occurrences. Users accessing the Internet do so at their own risk.

Employee's Duty of Care – Employees should endeavor to make each electronic communication truthful and accurate. You should use the same care in drafting e-mail and other electronic documents as you would for any other written communication. Please keep in mind that anything created or stored on the computer system may and likely will be reviewed by others. Any information stored on your computer constitutes a public record under the State Open Records Act.

Duty not to Waste Computer Resources – Employees must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic. Because audio, video, and picture files require significant storage space, files of this sort may not be downloaded unless they are business related.

**Section 2: Use of County Owned Cell Phones and Personal Cell Phones**

Cell Phone Use – Certain Lumpkin County employees may be provided with cell phones to assist them in performing their jobs. The cell phone belongs to Lumpkin County, acting by and through its duly elected Board of Commissioners, and may be used for County business purposes. The cell phone provides an excellent means of communicating with other employees, supervisors, citizens, outside vendors, and other businesses. Use of cell phones must be tempered with common sense and good judgment. If you abuse your right to use a

County cell phone, this privilege may be revoked. In addition, you may be subject to disciplinary action, including possible termination, and civil and criminal liability.

Cell phones, County issued and personal phones included, should be set to vibrate or be turned off during meetings, workshops, and at work stations so as not to create a distraction.

Activities Which May Result in Disciplinary Action –

a) Using the County cell phone for other than County business purposes.
b) Sending a text message for other than County business purposes.
c) Using a cell phone (County owned or personal) while driving a County vehicle or operating County owned equipment. (See Vehicle Use Policy, Par. 3.310)
d) Use of cell phone photo and video features is prohibited except for business related purposes.
e) Misuse of internet access via cell phones is prohibited except for business related purposes. (See Information Technology Policy, Par. 3.309)

Failure to comply with these guidelines may be brought to the attention of management for appropriate action, which may result in loss of the County owned cell phone, any disciplinary action up to and including termination of employment. Violations of applicable laws or regulations governing the use of cell phones and/or related features could result in criminal or civil prosecution in addition to disciplinary action taken by Lumpkin County.

No Expectation of Privacy – Employees do not have an expectation of privacy in the phone calls made and received. Cell phone bills are reviewed on a regular basis for any suspected misuse. Employees misusing a County owned cell phone will be required to reimburse the County for all non-authorized uses, and will be subject to disciplinary action up to and including termination of employment. The cell phone belongs to the County and may only be used for business purposes.

Other Policies Applicable – In their use of the cell phone provided by Lumpkin, users must observe and comply with all other County policies and guidelines.

Amendments and Revisions – This policy may be amended from time to time as the need arises. Users will be provided with copies of all amendments and revisions. Violations of this policy will be taken seriously and may result in disciplinary action under the Lumpkin County Civil Service Plan, and/or civil and criminal liability.

Use of Personal Cell Phones – Use includes placing and receiving calls, text messaging, instant messaging, playing games, etc. During working hours the use of personal cell phones will be limited to personal emergencies only. The term "personal emergency" has been interpreted in a broad way. Examples of a personal emergency would include: communicating with a physician or other healthcare worker regarding health advisement issues relating to the employee or immediate family member; communicating with a mechanic about repairs to the employee's vehicle or advising vehicle is ready to be picked

up; confirmation of a delivery schedule or visit, or other situations that cannot be reasonably done after work hours, on weekends, or on personal break time. To avoid misunderstandings regarding personal emergency call, it is advisable to notify supervisor of any special circumstances that may require use of the employee's personal cell phone during working hours.

Common sense and good judgment should guide employee use of personal cell phones. Excess use and/or abuse of this privilege may result in revocation of this privilege and disciplinary action up to and including termination of employment.

## POLICY 12 – EMPLOYEE PROCEDURES

### Section 1: Safety Policy Statement

Lumpkin County is extremely conscious of the safety of our employees and the citizens of our community. As an employer, we recognize our obligation to ensure the safest possible work place for our employees. As a governmental entity, we recognize our responsibility to provide a safe environment for the public we serve.

It is our belief that most accidents are preventable. Each employee should assume primary responsibility for his/her own safety, as well as the safety of co-workers and the public. In accordance with this belief, we have allocated resources to administer an aggressive loss control program in our municipality.

Each Department Head is responsible and will be held accountable for the loss control performance within his or her department. Our safety coordinator (the Director of Community and Employee Services) has been appointed to coordinate our overall loss control program. The safety coordinator, however, is not responsible for the line functions, which are that of Department Heads and supervisors. It is expected that Department Heads will complement the effort of the safety coordinator to reduce accidents and provide for the safety of the public. These loss control responsibilities are continuous and equal in importance with all other operational considerations.

All employees are responsible for cooperating with and supporting our loss control program activities and objectives. All employees are expected to adopt the concept that the safe way to perform a task is the most efficient and only acceptable way to complete the task.

Loss control is every employee's responsibility. Only with your help can we continue to maintain a safe environment for both our employees and the citizens we serve.

### Section 2: Policy for Engaging in Outside Legal Counsel

Having determined that there exists no formal policy for selecting and engaging outside legal counsel to represent Lumpkin County, its constitutional officers, agents and employees, (referred to herein the collective as "the County" or "Lumpkin County") the Board of Commissioners finds as follows:

a) In all legal matters it shall be a primary responsibility of all personnel to protect the attorney-client privilege. No legal matters shall be discussed by the Board except in a properly called Executive Session. Each Board member, agent and employee shall ensure that legal matters are protected from inadvertent disclosure by email or otherwise.
b) The Lumpkin County Attorney shall have the primary responsibility for representing Lumpkin County. Within the general representation of the County, the governing authority of Lumpkin County shall be the primary client of the County Attorney, and all conflict issues shall be so resolved.
c) It is recognized that the County Attorney will, from time to time, determine that outside counsel is required to properly represent the County due to the specific nature of the matter under consideration, the size of the task, conflicts, and time constraints and for other reasons.
d) When the legal matter in question is covered by an insurance policy such that the insurer appoints counsel, the appointed counsel will be the primary counsel for the County in that matter. The Board of Commissioners, however, reserves the right to engage additional counsel as they may direct.
e) When time allows, the County Attorney, County Manager, and Finance Director, with initial guidance from the Board of Commissioners, shall issue a Request for Qualification and/or a Request for Proposal to selected qualified counsel. Responders shall be interviewed or otherwise reduced to no more than three recommended applicants with the final choice made by the Board of Commissioners. This will be the anticipated selection process for bond attorneys.
f) The Board may, from time to time, direct that an RFQ be issued for various types of legal matters for the purpose of preparing a "recommended list" of attorneys for such matters as the Board deems appropriate.
g) When any legal matter involves litigation, a timely response may require coordination with potential outside counsel, and the rendering of opinions. The County Attorney shall coordinate all such matters with the County Manager, and will provide periodic notice to the Board. Such notice may be by email of information to be reviewed by the County Manager's office when necessary to protect the attorney-client privilege. When matters are of lower sensitivity (notice of filed documents, ante litem notice and other public documents) copies will normally be disseminated to all Board members.
**h)** All engagement in outside counsel will be reviewed at a called meeting or at the next regular meeting of the Board in Executive Session. The Board will approve at that time the engagement of counsel or will direct alternative counsel (subject to any cost of work done by engaged counsel).

**Section 3: County Building Key Procedures**

Individuals having custody of keys to the County Administrative Building, other County buildings or County owned vehicles are authorized to use these keys for access to their individual office, workstations, or County vehicle only. No one other than the key control

officer is authorized to order duplicate keys. Duplication of any key is prohibited and grounds for disciplinary action up to and including termination. Please contact the Purchasing Office for all keys that you require for your departments.

All keys to any County owned buildings or vehicles must be signed out to the individual on the key sign out form. It is the responsibility of the Department Head upon terminating an employee or transferring an employee to another department to either retrieve all county keys or to work with the employee and the county's key control officer to transfer responsibility for the keys to the receiving department and/or insure all records are cleared.

**Section 4: Media Relations**

Neither Department Heads nor any other employee of the County will make statements to the media without prior approval from the County Manager or an appropriate Elected Official. The exception to this policy would be in emergency situations, such as, natural disasters, lost or missing persons or fire scenes.

The intent is not to restrict authority, but rather to insure information released to the public is accurate and in accordance with operating procedures. Direct any questions to the County Manager.

**Section 5: Closing of County Facilities in the Event of Emergencies**

The closing of County facilities during inclement weather or other types of emergency weather situations will only occur when directed by the County Manager after consultation with the Board of Commissioners. It is understood that certain events sponsored by the County may be cancelled due to poor weather conditions, such as Park and Recreation activities and Senior Center activities, while the facility itself remains open and staffed by those who can travel to work. It will be the responsibility of the EMA Director to communicate County facility closings to the media and the placing of such notice on the County web site when directed by the County Manager.

If the decision is made to close County offices due to inclement weather or other disaster situation, non-essential personnel may either use accrued vacation time or take the time as unpaid. Departments with essential personnel will be expected to schedule and staff employees as needed. Employees of those departments must check with their supervisor for such purposes.

**Section 6: Employee Service Awards**

Purpose - The purpose of this policy is to provide information and guidance regarding employee service award dates and to recognize and show appreciation to those employees who have demonstrated their interest in serving Lumpkin County as well as the citizens of Lumpkin County through continued employment with the Lumpkin County Board of Commissioners.

Eligibility - Service award date is defined as the initial date of employment with the Lumpkin County Board of Commissioners unless there has been a break in service. If there has been a break in service, the service award date is the date of hire for the most recent period of continuous service.

Only full time employees are eligible to receive service awards.

Awards - The Service Awards Program recognizes employees' service in increments of five years through retirement.

Awards will be presented on an annual basis at a date, time, and location to be announced.

**Note:** Service award dates for the Lumpkin County BOC are not to be confused with any other date determining benefit eligibility.

**Section 7: Financial Award for Lumpkin County Employees of the Year**

Each year, Lumpkin County selects three Employees of the Year, one for General Operations, one for Emergency Services, and one for the Sheriff's Office. In addition to the recognition attached to this title, the County will award each of the three employees $250.00. This will be in the form of a separate check and will be subject to regular taxes.

Upon selection and announcement of each of the three Employees of the Year, the County Manager will direct, in writing that checks be prepared for each of the three employees. Additionally, a copy of the County Manager's instructions will be forwarded to the Finance Department. After the checks have been prepared, they will be delivered to the County Manager for distribution.

**Section 8: Weapons at the Workplace Policy**

**Purpose:** It is the policy of Lumpkin County to foster and maintain a work and business environment that minimizes workplace violence, security risks, and manages other such elements within the confines of prevailing law.

**Policy:** Except as specifically exempted below, Lumpkin County employees are prohibited from possessing firearms and weapons on County property. Furthermore, on duty county employees are prohibited from possessing weapons while performing their duties in any location or situation in which the individual is acting in his/her capacity as an employee of the County. This policy shall apply to all county employees, regardless of full-time, part-time, paid, non-paid, and/or volunteer status.

**Exceptions:**

a) Authorized law enforcement personnel, and hired security personnel, while performing their official duties.

b) Pursuant to O.C.G.A. 16-11-135 employees may keep a weapon(s) in a locked motor vehicle or one which is in a locked container or in a locked firearms rack which is on a motor vehicle and such vehicle is parked in a county parking facility.
c) Employees may possess licensed weapons for personal protection while traveling out of town on business purposes when allowed by law.

These restrictions and prohibitions shall apply to all employees regardless of any license or permit that an individual may have pertaining to said firearms and weapons including a concealed weapons permit. Prohibited weapons include, but are not limited to guns, long guns, firearms, knives or swords with blades over four inches in length, explosives, or other such devices specifically designed and intended to cause harm to another person.

An employee found to be harboring a firearm or other weapon, or indicating to others he/she has a concealed deadly weapon or firearm on the job, should immediately be reported to a supervisor. Employees may be required to open their desks, lockers, bags, etc. if a justifiable suspicion is brought forth that they may be harboring a firearm or deadly weapon.

Employees who violate this policy will be subject to disciplinary action up to and including employment termination.

**Section 9: Serving Customers with Weapons Policy**

**Purpose:** It is the policy of Lumpkin County to provide quality customer service to all of our citizens and customers while simultaneously providing a safe, secure, and comfortable work environment for county employees.

Passed in 2014, Georgia HB60 changed state law by allowing authorized individuals to carry firearms into certain county buildings and facilities thus allowing them to possess such firearms during meetings, conversations, and other direct interactions with staff and others.

Due to the nature of certain county-customer business activities, it is understood that at times conversations, meetings, and other interactions between staff and customers may become tense and uncomfortable. In some circumstances, an employee may feel personal discomfort when working directly with individuals carrying firearms. The following policy is intended to guide and authorize staff to seek additional assistance in such situations when deemed necessary.

**Policy:** While not required, employees are authorized to make alternative meeting arrangements when serving customers with firearms or weapons.

When an employee is serving an individual carrying a firearm or other weapon and he/she feels personally uncomfortable doing so, such staff is authorized to contact their supervisor or Department Head who, at their discretion, may make alternative arrangements to best serve the customer. Alternative arrangements may include setting up an appointment at a specific date, moving meeting locations, seeking assistance from others including obtaining

the presence of Lumpkin County Sheriff's Office personnel during such meetings, and/or other similar arrangements.

The purpose of alternative arrangements would be to minimize employee discomfort and potential for disruption while providing quality customer service.

## POLICY 13 – COUNTY VEHICLES

### Section 1: Lumpkin County Vehicle Use Policy

Intent – Lumpkin County purchases and maintains vehicles that are assigned to individual employees or departments for the express purpose of carrying out County business. Lumpkin County vehicles are highly visible and are intended to serve the public. Therefore, it is important that the County employees use these vehicles only for the intended purpose and observe the following guidelines.

While this policy is intended to address those employees who drive County or personal vehicles on County business over public roads and streets, this policy may also be used for drivers of off-road (construction) equipment. Specifically, off-road equipment operators are not exempt from the portions of this policy relating to license, qualifications, maintenance, and all safe operation and accident items. Exemptions may be made for an off-road equipment operator with the approval of the County Manager.

Responsibility –

Human Resources – will perform a Motor Vehicle Record check on all post offer of employee applicants. Human Resources will ensure that all potential employees meet the minimum driver qualifications listed below when the open position requires driving a County vehicle.

Supervisor – will ensure all drivers have a valid Georgia driver's license before placing the employee in a position requiring operation of a County vehicle. Supervisors will also familiarize employees with County vehicles before allowing them to leave the County property. Supervisors will check all assigned drivers' licenses on an annual basis to ensure the employee has a valid license.

Authorized Driver – is an employee given permission by the department to drive either a County or a personal vehicle on County business. He/she must obey all motor vehicle laws, maintain the vehicle properly at all times, and otherwise follow the procedures listed in these guidelines.

Risk Manager – will obtain and review, on an annual basis, an MVR check on each employee who drives regularly.

Program – The following items are set forth as procedural guidelines necessary to ensure the employees' safety and the proper use and care of the County vehicles.

Driver's License – Employees driving County vehicles must have a valid Georgia driver's license for the class of the vehicle being operated, and must be able to operate the vehicle or equipment. License acquisition and renewal is a personal expense. Commercial Drivers' Licenses (CDL) are handled according to the departmental procedure.

Driver Qualifications – All drivers of County vehicles must meet the following criteria with the exception of Public Safety employees who have completed a course in emergency vehicle operations:

a) Must be at least 18 years of age;
b) Must be an authorized driver for the County;
c) Must hold a valid State of Georgia driver's license.

An employee will not qualify to drive a County vehicle, or be hired or transferred into a position requiring driving a County vehicle, if, during the previous 36 months he/she has:

a) Been convicted of a felony;
b) Been convicted of the sale, handling, possession, or use of drugs;
c) Been convicted of an alcohol or drug related offense while driving;
d) Had driver's license suspended or revoked for a moving violation;
e) Been convicted of three or more speeding violations or one or more other serious violations;
f) Been involved in two or more chargeable accidents.

Exceptions to the above qualifications, excluding Public Safety employees/applicants, require advance approval, in writing, by the County Manager.

Maintenance – Authorized drivers are required to properly maintain their County vehicle at all times. Vehicles should not be operated with any defect that would inhibit safe operation during current and foreseeable weather and light conditions. Preventive maintenance, such as regular oil changes, lubrication, and tire pressure and fluid checks determine whether employees will have a reliable, safe vehicle to drive and to support County work activities. Employees should have preventative maintenance completed on their assigned County vehicle as recommended in the owner's manual or as scheduled by the County maintenance shop.

Prescription and Non-prescription Drug Use – Employee is responsible for informing his/her treating physician(s) regarding required job duties to ensure that the physician approves the use of prescription medicine while at work. The employee reporting to work must inform his/her supervisor of any therapeutic drug use with related driving restrictions. Over the counter drugs must not be used when label states "do not operate machinery," or similar language. Employees must also report non-prescription drug use to their supervisor when side effects may interfere with driving duties.

Safe Driving – All authorized drivers are expected to follow safe driving practices, and are required to attend a County sponsored Defensive Driving Course as soon as possible after hire and once every three years thereafter.

Seat Belts – All drivers and passengers in all County vehicles shall wear seat belts while the vehicle is in operation. Employees using their own vehicle for County business are required to wear seat belts. Employees operating County owned equipment (i.e. tractors, graders, etc.) equipped with seat belts must wear a seat belt.

Theft – The County is not responsible for loss or theft of personal items left in County vehicles.

Tobacco Products – Use of tobacco products in County vehicles is prohibited.

Vehicle Keys – Leaving keys in an unattended vehicle is not permitted.

Personal Use of Vehicles – County vehicles shall be used by authorized employees for official County business only. All take home vehicles must be approved by the County Manager. The County Manager may authorize department directors, supervisors, and other personnel, whom, because of their position, duties or the emergency nature of work, take County owned vehicles to their residence following normal duty hours. Vehicles so assigned should be for official business only and never used in such a manner as to bring discredit upon the County.

Authorized Use of County Vehicle – Any exceptions to the following guidelines must be approved by the County Manager or his/her designee.

a) Transport of officials, employees, clients, or guests of the County;
b) The performance of Public Safety duties;
c) When on official travel status, between places of official business, and temporary places of lodging; and places to obtain meals or medical assistance; Transportation of consultants, contractors, or commercial representatives when in direct interest of the County;
d) Transportation of representatives from Federal, State, or local government when in direct interest of the County;
e) Transportation of any person or item in an emergency situation;
f) While on active service call, or on active County business, use for lunch or while on break for County business;
g) Transport of family members specifically invited to an official County function or meeting of the County.

Unauthorized Use of County Vehicle – Unless specifically stated by the applicable Elected Official/County Manager, the following constitutes unauthorized uses of County vehicles;

a) Travel or performance of a task of a personal nature, not connected with the accomplishment of official business;

b) Transporting of family members other than as specified above;
c) Transporting of friends, associates, or other persons who are not employees of the County serving the interest of the County;
d) Transporting of hitchhikers, except in the case of law enforcement personnel;
e) Transport of item cargo having no relationship to the conduct of official business;
f) Transport of acids, explosives, weapons, ammunition or highly flammable material except in the performance of an authorized task in the normal performance of duties;
g) Transport of an item, equipment, or cargo projecting from the side, front, or rear of the vehicle in such a manner as to constitute an unsafe delivery.

Vehicle Assignment – Employees eligible to drive County owned vehicles home are as follows:

a) County Manager
b) Department Directors, Supervisors, and other County employees who are on emergency call after normal working hours
c) Other County employees who are assigned a vehicle to drive during normal working hours and frequently perform County work-related tasks going to or from their residence.

The County Manager will have final approval for any vehicle assignment.

Personal Cars Used for County Business – Use of a personal vehicle for County business shall be based on the following:

a) The employee's department cannot fulfill the employee's normal business vehicle needs;
b) The following shall be done prior to the employee using a personal car on official County business:
    a. Prior approval must be obtained from the employee's Director or his/her designee;
    b. The appropriate travel reimbursement form must be completed (if appropriate);
    c. Reimbursement will be set according to the Lumpkin County travel policy.

The County does not assume any liability for bodily injuries or property damage that the employee may be personally obligated to pay arising out of an accident during operation of his/her own vehicle on County business. The travel/mileage reimbursement to the employee for operation of his/her vehicle on County business includes the allowance for the expense of automobile insurance. According to the Travel Regulations and Procedures of Lumpkin County (Res. 2012-05), Employees will only be reimbursed if there is no County vehicle available for use. The County Manager must pre-approve any use of a personal vehicle for official County business. Employees will only be reimbursed if pre-approved. Employees

using personal vehicles on County business are required to have minimum liability limits of insurance per Georgia law. Employees who use their personal vehicle for County business must wear their seat belt.

Employees who regularly use their personal vehicle for County business should provide a copy of his/her insurance coverage to the Risk Manager (Director of Community and Employee Services) once per year. That information will be kept confidential. The County does not specify and assumes no responsibility for any other coverage that employees choose to carry for their own vehicle, since this is a matter of individual preference.

The County Risk Manager will investigate any accident where the employee's personal vehicle is damaged while the employee is on County business. If an uninsured motorist caused the accident, the employee's actions did not contribute to the incident and the employee did not receive a citation, the County may reimburse the employee's insurance deductible once per 12 month period with the County Manager's approval. However, the employee must have taken care to avoid the incident, followed the County accident reporting procedure and all County vehicle use guidelines in order to be considered for the reimbursement.

Loan of County Vehicles – Loan of County vehicles to outside agencies is discouraged. If a County vehicle is loaned for goodwill purposes, the County vehicle must be operated at all times by a County employee with driving privileges and experience.

Each driver is required to report all moving violations incurred on County time to their supervisor within one working day. This requirement applies to violations involving the use of any vehicle, (County, personal, or other) while on County business.

Vehicle Accidents or Injuries – If, while operating a County owned vehicle or a privately owned vehicle in the performance of official duties, an employee is involved in an accident resulting in personal injury, he or she shall:

a) Call 9-1-1 and report the accident, if injuries ask 9-1-1 to send medical assistance. Also ask 9-1-1 to call the Georgia State Patrol to work the accident because a County vehicle has been involved.
b) Request that all parties and properties concerned remain at the scene of the accident, if possible, until a law enforcement representative has released them.
c) All accidents will be reported immediately to the County Manager's office by the employee's supervisor. It is critical that the Director of Community and Employee Services is notified as soon as reasonably possible for insurance/worker's compensation purposes.
d) All accidents will be documented including, at a minimum, statements from the employee involved in the accident, his/her supervisor and any other witnesses.
e) The Department Head, or his/her designee, will follow the Substance Abuse Policy to determine whether or not a drug screen is required.

a. An employee in a safety sensitive position, an employee involved in the interdiction of illegal drugs, or an employee who, in his/her job duties, is given unsupervised custody of prisoners or contraband shall be subject to a drug and alcohol test conducted when, while on duty or just prior to going on duty:
   i. The employee is operating a vehicle and/or equipment causing significant damage or any bodily injury; or
   ii. The employee is involved in a fatality; or
   iii. The employee is cited with a traffic violation; or
   iv. The employee sustains a work-related injury requiring medical treatment beyond first aid.

f) Photographs of any damages to County vehicle and/or damages to other property will be taken and included in the written report.

g) Written reports and any photographs will be forwarded to the Director of Community and Employee Services as soon as reasonably possible.

h) The person and/or persons involved in the accident may be invited to the next scheduled Safety Committee meeting to make any statement he or she has concerning the accident. If needed, witnesses may also be invited.

i) All accidents will be reviewed by the County Safety Committee and a report will be forwarded to the County Manager with recommendations regarding discipline of any employee if it is determined negligence was a factor in the accident.

j) The County Manager will look at the recommendations from the safety committee, and take any disciplinary action he/she deems necessary. Disciplinary action may range from mandatory additional employee training to a recommendation of termination from employment.

Loss of Driver's License – Revocation of a driver's license for any reason and for any period of time must be reported to the employee's immediate supervisor within one working day of the loss and/or receipt of notification that the license is being suspended or revoked, whichever occurs first. The employee must not drive a County vehicle or personal vehicle on County business under any circumstances until the license is reinstated.

Vehicle Use Policy Violations – Violations of any portion of the Vehicle Use Policy will result in appropriate disciplinary action, from removal of driving privileges up to and including termination from employment, in accordance with the Civil Service Plan.

**Section 2: County Accident Reporting and Review Board**

All accidents will be reported immediately to the County Manager's Office by the employee's supervisor. It is critical that the Director of Community and Employee Services is also notified for insurance/worker's compensation purposes as well as safety coordination.

All accidents will be documented. Documentation should include as a minimum, statements from the employee involved in the accident, any witness statements, and any other statements from the employees that may have knowledge pertaining to the accident. Additionally,

photographs will be taken by the supervisor and when an accident involves a vehicle, an accident report will be taken by law enforcement. Written reports will be forwarded within three (3) working days following the accident to the Director of Community and Employee Services. This does not include the First Report of Injury, which is due within 24 hours.

The Safety Committee has been charged with reviewing all accidents. All accidents will be reviewed by the Safety Committee and a report will be forwarded to the County Manager. Included in the report will be the Committee's recommendation regarding discipline of an employee if it is determined negligence was a factor in the accident. Discipline may range from mandatory additional training of an employee to a recommendation of termination from employment.

Direct any questions to the County Manager.

**POLICY 14 – OTHER COUNTY POLICIES**

There are many other policies and procedures that may be helpful to Lumpkin County employees. These policies must also be followed by all employees, but have not been included due to the fact that they may not apply to every employee. Some examples of policies of this nature include the Travel and Purchasing policies. Employees must work with their individual department managers and supervisors in order to learn of and implement other appropriate policies in the workplace.

**I, _____ (please print name) have received my copy of the Lumpkin County Employee Handbook.**

The employee handbook describes important information about my employment with Lumpkin County, and I understand that I should consult my manager or the Human Resources Department regarding any questions not answered in the handbook. I have entered into my employment relationship with Lumpkin County voluntarily and acknowledge that there is no specified length of employment. **Accordingly, either I or Lumpkin County can terminate the relationship at will, with or without cause, at any time, so long as there is not violation of applicable federal or state law.**

This handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of my employment with Lumpkin County. By distributing this handbook, the County expressly revokes any and all previous policies and procedures that are inconsistent with those contained herein.

I understand that, except for employment-at-will status, any and all policies and practices may be changed at any time by Lumpkin County and the County reserves the right to change my hours, wages and working conditions at any time. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies.

**I understand and agree that nothing in the Employee Handbook creates, or is intended to create, a promise or representation of continued employment and that employment at Lumpkin County is employment at will, which may be terminated at the will of either Lumpkin County or myself. Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document.** I understand and agree that employment and compensation may be terminated with or without cause and with or without notice at any time by Lumpkin County or myself.

I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

_____
Employee's Signature

_____
Employee's Name (Please Print)

_____
Date

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**