

ARTICLE I. IN GENERAL

Sec. 13-1. Human Resources Director-Office Created; Appointment; Term

There is hereby created the Office of Human Resources Director, who shall be appointed by the Board of Commissioners for an indefinite period, until such person is removed or until a successor is appointed.

Sec. 13-2. Same-Duties

Unless otherwise instructed, the Human Resources Director shall perform in the following duties:

- (1) Make recommendations to the Board of Commissioners and other elected officials as to classification, compensation, examinations and recruitment of personnel.
- (2) Confer with department heads and employees as to personnel matters.
- (3) Interpret rules and regulations to employees and the general public.
- (4) Review requisitions for personnel and classify positions.
- (5) Review personnel forms related to employment, pay increases, classification changes, leaves, promotions, separations and related matters.
- (6) Prepare necessary reports, forms and other material related to the personnel program.
- (7) Prepare statistical reports as may be required as to personnel matters. (Ord.of 1/10/78(2), B)
- (8) Human Resources Director is to notify all Department Heads and Elected Officials of any proposed reductions of employee benefits, at least, 30 days prior to the proposed implementation date of said proposed change of benefit.

Sec. 13-3. Same-Disciplinary Action

The Human Resources Director shall be notified by the department head of any disciplinary action by the

department within two (2) working days of the time the action is completed. (Ord.of 1-10-78(2), D)

Sec. 13-4. Same-Hiring of Employees

All employees of the county shall be hired by the Human Resources Director after the Director has been notified by the department head or elected official. No employee shall be put on the county payroll until the employee has been notified of this employment by the department head, or their designee.

Sec. 13-5. Risk and Safety Director

There is hereby created the Office of Risk and Safety Director, who shall be appointed by the Board of Commissioners for an indefinite period until removed or until a successor is appointed. (Ord.of 1-10-78(2), A)

Sec. 13-6. Same – Duties

The Risk and Safety Director shall perform the duties delegated to such Director by the Board of Commissioners. The Risk and Safety Director shall perform the following duties unless otherwise instructed by the Board of Commissioners:

- (1) Recommend rules and regulations for adopting by the Board of Commissioners as to safety procedures for county employees.
- (2) Give citations to county employees for violation of the safety rules and regulations and report the violation to the employee's supervisor.
- (3) Review reports of violations of safety rules and regulations as reported by supervisors and file a report of such director's findings in the employee's file.
- (4) Review periodically employee work areas and advise both employees and supervisors of both the actual and potential unsafe conditions.
- (5) Present safety lectures and seminars to employees.
- (6) Send to every elected official, department head and supervisor a copy of the safety rules and regulations as adopted. (Ord of 1-10-78(2), § B)

Sec. 13-7. Safety Board-Created; Composition

(a) There is hereby created a board to be known as the Safety Board. This board shall be composed of three (3) individuals selected in the following manner; One (1) member shall be elected by the elected officials who shall have one (1) vote each, except the Board of Commissioners, which shall have only one (1) vote among them and it shall be cast by a majority of the Board. The person selected shall be an elected official eligible to vote and the person so selected shall be appointed to the Safety Board by the county governing authority. The second and third members of the Safety Board shall be full-time employees of the county and shall be elected by the full-time employees of the county (other than the aforesaid elected officials) by a majority vote with each department having one vote. The full-time employee members must be employed by separate departments. The election shall be held under the direction and control of the Chairman of the Board of Commissioners and the person so selected shall be appointed to the Board by the county governing authority.

(b) Each member of the Safety Board shall be selected and appointed for a term of four (4) years each and shall serve until their successors are named. No member of said Board may be removed from office prior to the expiration of such member's term, except for cause after having been granted ten (10) days written notice by certified mail and afforded a hearing before the governing authority of the county. (Ord.of 3-27-79(1), A)

Sec. 13-8. Same-Compensation

~~Members of the Safety Board shall be paid the sum of ten dollars (\$10.00) per diem for time actually devoted to business of the Board, not exceeding twenty-five (25) days in any calendar year. (Ord.of 3-27-79(1), B)~~
Omitted/Removed (BOC Approved 10/01/2019)

Sec. 13-9. Same-Meetings Ord.of 3-27-79(1), C)

All meetings of the Safety Board shall be held in offices provided by the governing authority.

Sec. 13-10. Same Duties

(a) If payments for salary in lieu of worker's compensation are to be paid by the county, within five

(5) days of the time the claim for payment is filed with the Human Resources Department, and prior to payments, the Board shall:

- (1) Review the claim.
- (2) Make a written finding that the injury sustained was incurred in the performance of duty and not due to the negligence of the employee; and
- (3) In writing shall recommend or not recommend payment by the governing authority.

(b) The Board shall review each safety violation report filed by the Risk and Safety Director during the first year of the creation of this Board. Thereafter, the Board shall review safety violations requested by the Risk and Safety Director or elected official or any safety violation the Board members desire to review.

(c) Upon written request by the Risk and Safety Director or at any other time upon motion made and passed, the Board shall review the procedures and operations of any department of the work habit of any employee for possible safety violations. The Board shall then, upon a finding that there are potential safety violations, recommend changes in the procedures and operations of the department or the work habit of any employee to the elected official.

(d) The Board shall keep and maintain an accurate typed record of minutes which shall be done with the aid of furnished clerical assistance provided by the Board of Commissioners. (Ord.of 3-27-79(1), D)

Sec. 13-11. Safety Policy Statement

(a) The county has a concern for the welfare and safety of its employees and the public it serves. It acknowledges its obligation, as an employer, to provide the safest possible working conditions for employees and as a government service organization, to provide a safe environment for the public that uses its services. When unnecessary accidents occur, they are an indication of wasteful and inefficient operation. The county believes that most accidents can be prevented. In accordance with that conviction, it has created the office of a full-time Risk and Safety Director to develop and administer an aggressive occupational safety program for the county work force.

(b) The Risk and Safety Director will analyze accident causes, costs and other pertinent factors for use in accident prevention. Such Director will also consult with and advise administrative officials and department heads on accident prevention; identify hazardous work locations and practices and recommend corrective action as it relates to the operation and maintenance of motorized equipment; develop and conduct safety training courses; review and evaluate safety suggestions; plan and administer the job training courses required to meet these needs; organize special classes to train supervisors and other personnel in technical aspects of vehicle operation and maintenance aid for conducting on-the-job training courses, and maintain current information programs available in local educational institutions; maintain records of training courses completed, and prepare suitable certificates or other forms of recognition for employees who satisfactorily complete courses; develop training manuals; coordinate all safety and training programs; assist in developing and redesigning certification standards for licensing motorized equipment operators; issue safety citations when sufficient cause is noted. Such Director will also prepare and maintain all records pertaining to accidents, cause, costs and corrective actions taken, and issue a report monthly and yearly.

(c) However, the Risk and Safety Director is not expected to exceed staff administrative responsibility to perform line functions that are properly a responsibility of management and supervision. The appointment of a full-time Risk and Safety Director does not relieve department heads and supervisors of a basic responsibility; that of expanding their management and supervisory practices to incorporate safety engineering principles in all supervisory efforts.

(d) Department heads and supervisors at all levels of the county work force are directed to make safety a matter of continuing concern, equal in importance to all other operational considerations. They are expected to cooperate with and assist the appointed Risk and Safety Director to implement the policies of this office; and to develop and administer an effective department safety program. Their responsibility encompasses the adoption of work standards designed to attain the only goal acceptable to management and work force alike - a work environment free of potential hazards, or work procedures that may produce injuries and property damage. To reach that goal, management and supervisory personnel must:

(1) Provide informed leadership and adequate supervision of the county work force.

(2) Provide adequate job training and continuing safety instruction to all employees.

(3) Develop reasonable, practical safe job procedures for county operations and enforce them.

(4) Secure prompt and adequate medical care to minimize the severity of injuries and safe guard the physical and mental welfare of employees.

(5) Continuously review work practices and conditions of the work environment to seek improvement.

(e) All employees are charged with responsibility for cooperation with, and support of, safety program objectives. All employees are expected, as a condition of employment, to adopt the concept that the safe way to perform a task is the most efficient and the only acceptable way to perform it.

(f) Safety records shall be measured along with all other phases of supervisor and employee performance. Therefore, it is absolutely essential that such records are complete and accurate and that all accidents be fully reported. (Ord.of 7-10-79)

Sec. 13-12 -- 13-13 Reserved

ARTICLE II. CIVIL SERVICE SYSTEM.

DIVISION I. GENERAL

Sec. 13-14. Definitions

As used in this article, the following terms shall have the respective meanings ascribed to them:

Applicant: Any person who has filed an application in accordance with the provisions of Division 4.

Civil Service System: The merit system.

Class: A group of positions (or one (1) position) that has similar duties and responsibilities, requires like qualification and can be equitably compensated by the same range of pay.

Department Head: An individual designated by the County Administrator and approved by the Board of Commissioners to be in charge of and responsible for a county department. In some departments, for the purpose of the merit system only, the department head may be an elected official (a constitutional officer elected by the citizens of Douglas County). This does not include the Board of Commissioners.

Director: An individual designated by the County Administrator and approved by the Board of Commissioners to be in charge of and responsible for a county department or multiple departments.

Elected Officials: The officers of the county elected by the public. For the purpose of this civil service system, this definition is limited to the Board of Commissioners, Clerk of the Superior Court, Probate Judge, Sheriff, Tax Commissioner, Magistrate Judge, District Attorney, Superior Court Judges, and Coroner.

Employee: An occupant of a "position".

Full-time employee: A permanent, non-temporary employee who works forty (40) hours per week and has completed the probationary period.

Part-time employee: An employee who, on a continuing basis, works fewer than thirty (30) hours per week. A part-time employee shall not be entitled to employee benefits, such as insurance, retirement, vacation or sick leave, nor shall that person be

covered by these rules and regulations. (BOC Approved 2016)

Permanent employee: A full-time, non-temporary employee who has completed the probationary period.

Position: A group of current duties and responsibilities assigned or delegated by the elected official in charge of a department requiring the full-time employment of one (1) person.

Probationary period: An employee who has worked for the county less than six (6) consecutive months from the date of hire, or greater time as set forth in Section 13-66. A probationary employee shall not be entitled to employee benefits, such as retirement, vacation or sick leave, nor shall that person be regulated by these rules and regulations, except as provided in Section 13-66. Probationary employees may not apply for another job position until they have successfully completed this probationary period. An employee on an extended probationary period is not eligible to apply for another job position. (BOC Approved 2016)

Supervisor: The person immediately in charge of an employee or group of employees.

Temporary employee: An employee hired for a specific job that has duration of six (6) months or less. A temporary employee shall not be entitled to employee benefits, such as insurance, retirement, vacation or sick leave, nor shall such person be under these rules and regulations.

Sec. 13-15. Purpose; Merit Principles

(a) It is the purpose of these rules to establish procedures which will serve as a guide to administrative action concerning the various personnel activities and operations. These rules are intended to indicate the usual and most reasonable methods for carrying out the work of the personnel system.

(b) As further developed throughout this article, the system shall be consistent with the following merit principles:

(1) Recruiting, selecting and advancing employees on the basis of their relative ability; fidelity to the county, knowledge and skills.

(2) Establishing pay rates so that there is equal pay for equal work;

(3) Keeping and retaining employees on the basis of how well they do their work, correcting their work when it is not adequate, and dismissing employees whose inadequate work cannot be corrected.

(4) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, creed, national origin, ancestry, physical handicap, age, gender, sexual preference or religion.

Sec. 13-16. Equal Employment Opportunity

It is the policy of the county to provide equal employment to all persons and to prohibit discrimination in employment, because of race, color, religion, gender, national origin, creed, ancestry, political affiliation, physical handicap or age, or sexual preference. This policy applies to and is a basic part of every aspect of the county's personnel policy and practices in the employment, development, advancement and treatment of employees.

Sec. 13-17. Positions Covered

(a) All full-time permanent employees of the county are under the merit system, with the exception of the County Administrator, elected officials, Clerk of the Board of Commissioners, members of appointed boards, commissions and authorities, the County Attorney, the County Public Defender, **the District Attorney**, contract employees and other independent contractors are likewise excluded from the merit system. **(BOC Approved 10/01/2019)**

(b) These rules and regulations shall apply to those employees covered by the merit system.

Sec. 13-18. Administration

The Board of Commissioners shall have the responsibility and authority for the enforcement and administration of these rules and regulations.

Sec. 13-19. Personnel Review Board

(a) There is hereby created a civil service board to

be known as the Personnel Review Board. This board shall be composed of three (3) citizens of the county who are landowners, who are not employees of the county, (except for tax purposes only as required by I.R.S. regulations), who have paid their taxes to date or have appealed the same, and who have been residents of the county for at least two (2) years immediately prior to their selection.

(b) Members of the Personnel Review Board shall be elected and appointed for a term of four (4) years each, and shall serve until their successors are named and qualified. Said members of the Personnel Review Board shall be selected and appointed in the following manner: one (1) member shall be selected by decision of the Clerk of Superior Court, the Tax Commissioner, the Sheriff and the Probate Judge, each of whom shall have one (1) vote, and the Board of Commissioners, which shall have only one (1) vote which may be cast by a majority of said board, and the person so selected by said county officials shall be appointed to the Personnel Review Board by the county governing authority. The second member shall be selected by majority vote of the permanent employees of the county (other than the aforesaid elected officials) who are covered by the merit system, with such election being under the direction and control of the Chairman of the Board of Commissioners, and the person so selected shall be appointed by the county governing authority after being advised of the selection. The third member of the Personnel Review Board shall be selected by the two (2) members selected by the elected officials and the permanent county employees, and the person so selected shall be appointed to the board by the county governing authority. No member of the Personnel Review Board shall have held political office or have been a salaried employee of the county during the three (3) months preceding such member's appointment. No member of the Personnel Review Board may be removed from the office prior to the expiration of such members' term except for cause after having been granted a notice and afforded a hearing before the Board of Commissioners. Prior to said hearing said member shall be served by registered or certified mail addressed to such member's residence as shown in the files of said governing authority at least ten (10) days before the date set for said hearing, with written specifications of the charges against such member. The three (3) members shall designate one (1) of

their number as chairman and one (1) as vice-chairman. Vacancies on the Personnel Review Board shall be filled in the same manner in which the positions were originally filled.

(c) Members of the Personnel Review Board shall be paid the sum of seventy-five dollars (\$75.00) per diem for time actually devoted to the business of the board, not exceeding twenty-five (25) days in any calendar year.

(d) It shall be the duty, function and responsibility of the Personnel Review Board to represent the interest of the public in the improvement of personnel administration and the selection of qualified personnel. All meetings of the Personnel Review Board shall be held in offices provided therefor by the governing authority of the county or in a courtroom of the superior court of the county.

(e) The duties of the board shall be as follows:

(1) To hold public hearings regarding rules and regulations of the merit system and thereafter to recommend to the Board of Commissioners the adoption of these rules and regulations. These rules and regulations shall include provisions for the establishment and maintenance of job classifications and compensation plans, the conduct of examinations for appointment under the merit system, the certification of eligible persons, appointments, promotions, transfers, demotions, separations, tenure, service ratings, reinstatements, appeals, and such additional regulations as may be deemed to be in the best interest of impartial selection of efficient personnel and improvement of public administration. It shall be the duty of the Board of Commissioners to adopt such rules and regulations submitted by the Personnel Review Board as deemed necessary by the Board of Commissioners. The Board of Commissioners may accept or reject any part or all of a proposed amendment, as submitted. The Board of Commissioners may initiate an amendment by forwarding the same to the Personnel Review Board. If the Personnel Review Board does not approve or reject the proposed amendment within forty-five (45) days of submission, the Personnel Review Board will be deemed to have approved the same and it shall be forwarded to the Board of Commissioners for its review.

It shall be the policy of the Douglas County Board of Commissioners to respond in writing within 60 days of receiving any proposed changes to the Personnel Review Board.

(2) To hear appeals as set forth in Section 13-113(4).

(3) To hold such meetings as may be required for the proper discharge of its duties.

(4) To identify and designate a Clerical person to assist the Personnel Review Board (PRB) (during Work sessions, Research sessions, Meetings with Human Resource Director (H R Director, or other County Officials, PRB Appeal Hearings, the Annual Douglas County Merit System (Merit System) Meetings (including preparation & minutes. Record retention and other events that may arise from time to time) provided by the Board of Commissioners (BOC).

This person should be proposed by the Human Resources Director to the Personnel Review Board during the Annual Merit System work session each calendar year and be the liaison (information flows through this person to and from the Human Resources Director & Personnel Review Board). Should this person not be able to fulfill the one year obligation, a temporary replacement will be named (by consensual agreement of Human Resources Director & Personnel Review Board) until the next annual Merit System work session.

(f) Changes in the county merit system will be on an annual basis with the annual public meeting being held in the month of February. The Board of Commissioners shall consider all changes approved by the Personnel Review Board and within sixty (60) days after receipt of such changes

(g) The Personnel Review Board shall have no authority to review or make recommendations regarding employee salaries or the pay plan outlined in Division 3.

Sec. 13-20--13-25. Reserved

DIVISION 2. CLASSIFICATION PLAN

Sec. 13-26. Definitions

The classification plan is the systematic grouping of positions into appropriate classes.

- (1) A position is a group of currently assigned duties and responsibilities requiring the full or part-time employment of one (1) person. A position may be occupied or vacant.
- (2) A class is a group of positions (or one (1) position) that:
 - a. Has similar duties and responsibilities.
 - b. Requires like qualifications.
 - c. Can be equitably compensated by the same range of pay.
- (3) The class title is the official designation or name of the class, and it shall be used on all personnel records and transactions.

Sec. 13-27. Use of Class Specifications

Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of a class. Specifications are descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

Sec. 13-28. Maintenance of the Classification Plan

The Board of Commissioners shall adopt a classification plan, and, periodically, the Board of Commissioners shall provide for a review of the classification plan so that it will reflect the duties performed by each employee in the classified service.

Sec. 13-29. Position Control

New positions may be created in the following manner:

- (1) When in the opinion of a department head a new position within the department is required, a request, on forms supplied by the Human Resources Department shall be submitted to the Human Resources Director. The request shall include a description of the duties and responsibilities of the proposed position.
- (2) The Human Resources Director shall receive the request, make determination of need, classify the position as to salary range and job class, and forward the request, with such information to the head of the accounting department.
- (3) The head of the accounting department shall determine the availability of funds from the budget of the department requesting the position and forward the request back to the Human Resources Director for delivery to the Board of Commissioners.
- (4) The Board of Commissioners shall review the request, the determination of the Human Resources Director as to need and all additional relevant data, and make a determination whether the new position shall be created.

Sec. 13-30. Classification Appeal

An employee who considers such employee's position improperly classified shall submit a written request for reclassification to such employee's supervisor, who shall review the request as to its justification. The department head shall, with the information provided by the supervisor, make a recommendation to the Board of Commissioners within five (5) workdays of receipt of the reclassification request, and the Board of Commissioners shall then proceed as outlined in Section 13-29. Upon completion of the procedures in Section 13-29, a final decision shall be made by the Board of Commissioners.

Sec. 13-31. Classification Plan in Effect

The classification plan, when adopted, shall be considered a part of this article and shall have the

same force and effect as these personnel rules and regulations.

Sec. 13-32. Promotions

1. Promotions to another classification.

(a) Each department head, based on the requirements of each department, shall establish a promotion plan for the promotion of employees to higher and different job classifications. All such plans shall be approved by the County Administrator, shall provide equal opportunities for promotion to all employees without regard to race, color, religion, gender, national origin, creed, ancestry, physical handicap, age or political affiliation, or sexual preference and give due consideration to each employee's qualifications, demonstration of skill, experience and fitness for promotion under consideration.

(b) The promotion of employees to higher positions out of their current classification shall be done in compliance with the recruitment and selection provisions of Division 4 hereof.

2. Re-classification of existing position.

(a) Each department head shall establish a plan for the re-classification of their employees to a higher graded position within the same classification. Qualifications such as experience, education, and/or certifications should be established and published by the department head as requirements for consideration for a re-classification. Within department re-classification must be covered by the department's approved salary budget and therefore, will attach a statement from the Finance Department that the re-classification will not require additional salary finances. Examples of re-classifications are as follows, but not limited to: appraiser trainee to appraiser; maintenance worker to maintenance technician I; operator trainee to operator I; accounting trainee to accountant; firefighter II to firefighter II/EMT; jailer I to jailer II; equipment operator I to equipment operator II; secretary to senior secretary; mechanic I to mechanic II, etc.

Employees will not be recommended for a re-classification during their initial probationary period and re-classifications will normally be restricted to one within a two (2) year period. Department heads

will submit the requested re-classification with complete justification, documentation, and a statement from Finance, to the Human Resources Director. The HR Director will verify all information within the packet and will submit the request to the County Administrator for approval. These re-classification promotions will not create a vacancy within the department but will move the employee and the position they occupy to a higher rated position within the department.

(b) All re-classifications will be considered using the equal opportunity requirements.

Sec. 13-33. Demotion

Employees are subject to demotion in their classification as provided in Division 8 hereof, subject to their rights of grievance and appeal as provided in Division 9 hereof.

Sec. 13-34 -- 13-36 Reserved

DIVISION 3. PAY PLAN

Sec. 13-37. Composition

The Pay plan includes pay grades for each position in the classification plan and the pay steps within each such grade.

Sec. 13-38. Maintenance

(a) The pay plan shall be adopted by the Board of Commissioners and is intended to provide fair compensation for all classes in the classification plan, considering range of pay of other classes, rates of pay for comparable services in private and public employment in the area, cost of living data, other benefits received by employees, the county's financial condition and policy, and other factors. The Board of Commissioners shall periodically make or cause to be made comparative studies of all ranges and on the basis of conclusions reached through such studies, it shall make such changes in salary ranges as are appropriate.

(b) A notice of this study shall be posted in all county departments and the written results of the study made available to any county employee through the Personnel Department upon request.

Sec. 13-39. Entrance Salary

The minimum rate established for the class is the normal hiring rate. Appointments, under special conditions and subject to the prior approval of the Board of Commissioners, may be made above the minimum rate when such action is determined to be necessary in the best interest of the county.

Sec. 13-40. Promotion

When an employee is promoted to a new class, such employee shall have their salary raised to at least the entry level step of the class to which the employee has been promoted and the raise in salary shall be at least as great as a one-step increase in that employee's previous salary class.

Sec. 13-41. Demotion

When an employee is demoted, such employee shall be paid at a rate which is within the pay scale of the

position to which such employee is demoted and which salary shall be no greater than that paid to the employee prior to such employee's most recent promotion. Subject to the guidelines of this section, the rate of pay shall be set by the department head with the approval of the Human Resources Director, taking into consideration the circumstances and reasons for demotion.

Sec. 13-42. Salary Reviews

On the anniversary date of employment with the county each permanent employee may receive a salary increase not to exceed one (1) step. The salary increase can be denied if the employee's **overall** performance rating is **marginal-or** below satisfactory. Any across-the-board or cost-of-living increase given to full-time permanent employees shall not affect the annual increases for each employee. **(BOC Approved 10/01/2019)**

Sec. 13-43. Pay Plan in Force

The pay plan, when adopted, shall be considered a part of this article and shall have the same force and effect as these personnel rules and regulations.

Sec. 13-44 -- 13-49. Reserved

DIVISION 4. RECRUITMENT AND SELECTION

Sec. 13-50. Employment Opportunities

The recruitment, selection, appointment and promotion of employees shall be in such a manner as to promote equal employment for all persons without regard to race, age, color, creed, religion, ancestry, gender, national origin, physical handicap or political affiliation or sexual preference.

Sec. 13-51. Vacancy Positions

(a) Department heads shall be responsible for notifying the Human Resources Director of positions that are or soon shall be vacant. The notification shall include the class title and salary range.

(b) As far as practicable, but giving consideration to the qualifications of an applicant for any position, vacancies shall be filled by promotion of employees in the county.

(c) Whenever a vacancy occurs within a department, the department head will first attempt to fill the vacancy by promotion from within the department (see Sec. 13-32(1a); Sec. 13-40), or re-organization, or a combination of both. After this action has occurred, any position left vacant will be filled according to Sec. 13-52 – Recruitment for Vacant Positions.

Sec. 13-52. Recruitment for Vacant Positions

(a) All vacancies for full-time positions, with the exception of entry level positions for each department, and departmental promotions (see Sec. 13-51(c) above), shall be advertised in-house for a period not to exceed three (3) days. After the three-day period, if the positions remain unfilled, the Human Resources Director may cause the vacancy to be publicized by a notice of such vacancy in the legal organ of the county **or** on the county web site, such announcement to remain active until such time as the position is filled or officially announced as closed. If the web site announcement fails to produce qualified and/or acceptable candidates, the Director may advertise the employment opening using any other medium which is appropriate. The announcements shall specify the title, the minimum salary of the vacant position, any minimum qualification

requirements, the manner of taking applications, and other information deemed pertinent by the Human Resources Director.

(b) Every reasonable effort shall be made to publicize vacancies so that all interested persons are informed of the position and so that all qualified persons are attracted to compete.

(c) Applications will be accepted until the position is filled, or the deadline for applications is reached.

Sec. 13-53. Application Forms

Applications shall be made on county application forms provided by the Human Resources Department. Such applications shall be signed by the person applying.

Sec. 13-54. Procedures

The following procedures shall be used in filling vacant positions:

- (1) Applications must be submitted to the Human Resources Director at the Personnel Department within the time limitations noted in the advertisements for the position.
- (2) The Human Resources Director shall make a preliminary determination as to the qualification of the applicant for the position, and the Human Resources Director may, in this connection, administer preliminary tests to determine if the applicant is qualified to apply. All such testing shall be administered by the Human Resources Director or his delegated representative and shall be uniform as to all applicants for the same position.
- (3) The name of each applicant found to be qualified by the Human Resources Director shall be submitted to the appropriate department head for an interview and further testing as deemed appropriate by the department head. The elected official over

each department head, in conjunction with each such department head (if the elected official is not also serving as the department head) shall determine the method of examination of applicants for each position. All such tests and examinations shall be uniform as to all applicants for the same position. The tests conducted by department heads may be written, oral, demonstration of skill and evaluation of experience and education, or a combination of these, which shall fairly appraise and determine the merit, qualifications, fitness and ability of applicants. Such tests shall relate to the duties and responsibilities of the position for which the applicant is being examined.

- (4) After completing the application and testing procedure, the appropriate department head shall select and notify the applicant to be hired; a department director/manager applicant shall be notified by the Board of Commissioners, or their designee.
- (5) As a condition of obtaining employment, each applicant selected for employment shall be required first to take, at county expense, and successfully complete, a medical examination, which shall include a drug screening for substance abuse, by a physician selected by the county. Failure to successfully take and pass the medical examination shall result in the disqualification of the applicant for employment.
- (6) A psychological or psychiatric examination may likewise be required prior to employment or during a probationary period if the department head is of the opinion that such examination is required. The expense of such examination shall be paid by the county.

Sec. 13-55. Emergency Appointments

When in the opinion of the Human Resources Director an emergency involving the serious impairment of the public business makes it impossible to fill a position in the county by the procedure established in Section 13-52, the department head, subject to the approval of the elected official, may appoint any qualified person to such position in order to prevent stoppage of public business, financial loss or serious inconvenience to the

public. Any such person shall be employed only during such emergency and for a period not to exceed thirty-one (31) days.

Sec. 13-56. Employment of Relatives

It is the policy of the county not to employ in the same department of the county government any member of an employee's immediate family. For purposes of definition, "immediate family" includes husband, wife, father, mother, daughter, son, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, stepfather, stepmother and stepchildren, spouses' grandparents, grandchildren, formal legal guardian (with proof).

The term "department" includes the Permit and Inspection Department, Road Department, Fire and EMS Department, Planning and Zoning Department, Sheriff's Department, Jail Department, Library Department, Appraisal Department, Accounting and Purchasing Department, Engineering Department, Extension Service Department, Landfill Department, Development Department, Printing Department, Vehicle Maintenance Department, Board of Commissioners Department, Safety Department, Human Resources Department, Custodial Department, Tax Commissioner's Department, Parks and Recreation Department, Voters Registration Department, Data Processing Department and all other departments recognized in the organizational structure of the county.

If two (2) employees marry while working in the same department, the party with the least seniority in the department must transfer to another department if both are to continue in the employment of the county.

This section shall not apply to any county employee who is employed as of the date of the enactment of this provision.

Notwithstanding all of the forgoing terms and conditions, a department head may authorize related persons to work provided they work under the following specified conditions:

- (a) No employee shall work directly for another relative.

(b) No employee shall be under the supervision of a relative.

(c) Persons who are related as heretofore described shall not work together in the same shift, unless requirements of the department are such that the department head feels that it is absolutely necessary for the protection of the county and citizens of the county, in which case those relatives who are certified to be required to work on the same shift shall not be working together in the same vehicle, office, or on the same project or work.

Sec. 13-57. Number of Positions with the County

No employee shall have more than one (1) position with the county.

Sec. 13-58. Employee Rehire Policy

(a) If an employee voluntarily resigns their position with the county (see Section 13-88 Resignations) or is laid-off from the county (see Sec. 13-90 Lay Offs), and has correctly completed all necessary exit interview information with his/her supervisor or department head, the county may consider this previous employee eligible for rehire with all benefits re-instated if the subject employee reapplies for employment with the county within no more than sixty (60) days from the date last worked with the county. No benefits will be accrued during the period of unemployment with the county. The only authorized benefit not immediately restored is insurance which takes effect on the first day of the next month after rehire.

(b) If a former employee of the county reapplies for the same position they left, prior to the position being committed for fill, the former employee's application will be considered along with all applications received for the vacancy. Equal weight will be considered for all applicants and the former employee will not be automatically selected for the vacancy.

(c) Any former county employee that meets all employment requirements may be offered any open position and will be judged for pay based on their knowledge and experience for the vacant position.

(d) This rehire provision is available to each employee covered under the merit system for one time only. Employees who resign or are laid-off from their county employment and remain unemployed with the county for sixty-one (61) or more days will not be eligible for

re-instatement of previous benefits if the employee is again employed by the county.

Sec. 13-59 -- 13-64. Reserved

DIVISION 5. PROBATION

Sec. 13-65. Objective

All full-time, non-temporary employees shall serve a probationary period at the outset of their employment with the county, or the county may impose a period of probation for disciplinary reasons, as is hereinafter provided. The probationary period shall be regarded as part of the employee selection process and shall be used for closely observing the employee's work, for securing the most effective adjustment of a new employee in the position, and for rejecting any employee whose performance is not satisfactory. Employees serving their probationary period have no appeal rights provided herein unless there is alleged discrimination because of race, age, color, creed, ancestry, political affiliation, physical handicap, religion, gender, or national origin, or sexual preference and are not considered classified employees under the provision of the merit system.

Sec. 13-66. Duration

The probationary period shall be for a period of six (6) months; however, any employee required by state law to receive mandatory training prior to full-time employment shall have such employee's probationary period begin on the date all mandatory training is completed. If a department head requests in writing from the Human Resources Director an extension of an established probationary period at any time more than fifteen (15) days prior to its expiration, the Human Resources Director may extend the probationary period of a particular employee up to three (3) months beyond the end of the established period and so notify the employee in writing.

Sec. 13-67. Evaluation of Performance

On such occasions during the probationary period as the employee's supervisor shall determine to be appropriate, the supervisor shall provide the employee with an assessment of such employee's job performance. At least fifteen (15) days prior to the expiration of an employee's probationary period, the department head shall notify the Human Resources Director in writing, whether or not an employee has satisfactorily completed his or her probationary period to date and if it is likely that the department

head will recommend permanent employment.

Sec. 13-68. Dismissal

During the probationary period, the department head may remove an employee who is unable or unwilling to perform the duties of the position satisfactorily, whose habits and dependability do not merit such employee's continued employment, or who fails to meet the requirements of a probationary period imposed for disciplinary reasons. The department head shall immediately report such removal to the employee stating the reasons for such removal, in writing, with a copy to the Human Resources Director. Employees serving their probationary period do not have appeal rights provided herein unless there is alleged discrimination because of race, color, gender, political affiliation, physical handicap, religion, age, ancestry or national origin, or sexual preference.

Sec. 13-69. Promotional Appointments

The probationary period for a permanent employee being promoted or transferred to a different classified position will be for a period of three (3) months from the promotion/transfer date. (Example: An equipment operator applying for and being selected for a deputy Sheriff position.) This employee will not be eligible for a merit increase during this probationary period. If the employee's annual merit increase consideration date is within this probationary period, the merit increase will be delayed until the probationary period is completed and the department head makes the decision that the employee is qualified and eligible for a merit increase in the new position. The next merit increase consideration will be one year from this merit increase. If an employee is removed from such employee's promoted position, such employee shall be entitled to general re-employment rights in such employee's former classification, if there is a vacancy. Permanent employees being promoted within their assigned classified positions will not be required to serve a probationary period.

Sec. 13-70--13-74. Reserved

DIVISION 6. EMPLOYEE PERFORMANCE RATING

Sec. 13.75. Objective

The Board of Commissioners shall cause to be prepared a system for evaluating the work performance of all employees in the classified service. The purpose of the employee performance rating shall be primarily to inform employees how well they are performing their work and how they can improve their work performance.

Sec. 13-76. Period of Evaluation

All employees shall be evaluated during and at the completion of the entrance probationary period and at least annually from the date of completing their probation period. Performance ratings may be delayed if the employee is performing in a marginal or unsatisfactory manner and the supervisor wishes to establish an additional period of time for the employee to improve their performance. Requests for extension of the performance rating period must be placed in writing and forwarded to the Human Resources Director giving the reasons for the requested extension, time period of the requested delay, and what the employee needs to improve or correct in order to receive a satisfactory performance evaluation.

Sec. 13-77. Performance Rating

Performance ratings shall be prepared by the immediate supervisor of each employee reviewed by intermediate supervisors and the appropriate department head and delivered to the Human Resources Director for placement in that employee's personnel file. An employee in a supervisory position who is leaving the position may be required to submit performance ratings on all the employees under such employee's supervision who have not been evaluated within the previous six-month period. The department head shall furnish the employee an official copy of the employee performance rating form.

Sec. 13-78. Review with Employee

The evaluator shall discuss each performance rating, including comments from the department head, with the employee being evaluated. If an employee

disagrees with any statement in an evaluation, such employee may submit to the department head within ten (10) days following the conference with the supervisor a written statement setting forth such employee's objections. Such objections shall be forwarded by the department head to the Human Resources Director for placement in that employee's personnel file.

Sec. 13-79. Ratings Confidential

Performance ratings shall be confidential and shall be made available only in accordance with the Georgia Open Records Act and to the employee's supervisor.

Sec. 13-80--13-84. Reserved

DIVISION 7. SEPARATIONS

Sec. 13-85. Types of Separations

Separations of employees from positions in the classified service shall be designated as one (1) of the following and shall be accomplished in the manner indicated in this division: resignation, termination, layoff, disability, death and retirement.

Sec. 13-86. County Equipment

At the time of separation and prior to final salary payment, all records, assets and other items of county property in the employee's custody shall be transferred to such employee's department head, and a statement indicating that all equipment has been returned shall be signed by the employee. The Human Resources Director is authorized to withhold from the employee's final salary payment an amount equal to the full value of all equipment not accounted for by the employee.

Sec. 13-87. Rights of Employees

Employees who separate shall receive payment for all earned salary and vacation leave accumulated as provided in this chapter, subject to deductions as outlined in Section 13-86. No payment for accumulated sick leave shall be made upon separation, except as provided in Section 13-125(f).

Sec. 13-88. Resignation

To resign in good standing, an employee shall give notice, in writing, to such employee's department head at least two (2) calendar weeks prior to the effective date of such resignation. Failure to comply with this rule shall be entered on the service records of the employee. Less than ten (10) days notice shall be allowed on a case-by-case basis as approved by the department head and the Director of Human Resources if the employee presents special conditions to them which warrant a shorter notice period, and, if a shorter notice period is approved, the employee's service record shall not reflect a negative connotation.

Sec. 13-89. Termination

(a) An employee who, without valid reason, fails to report to work for three (3) consecutive working days without authorized leave shall be separated from the payroll and reported as terminated.

(b) A department head may also terminate an employee for cause as outlined in Section 13-101.

The employee shall be furnished a notice of termination in writing which states the reasons for the termination and the employee's right to appeal the decision.

(c) If the employee wishes to appeal the decision of the department head, such employee may do so by following the procedures outlined in Section 13-113.

Sec. 13-90. Layoff

Employees may be laid off by the Board of Commissioners for fiscal reasons found to exist by the board which requires budgetary cutbacks. Job performance and length of service are the primary factors considered in determining which employees will be laid off. The following method will be used in determining layoffs:

- (1) The immediate past evaluation will be the first consideration.
- (2) Years of continuous employment with the county to be determined by the date of employment are the second consideration.

Sec. 13-91. Disability

Action for separation for disability may be initiated by the employee or the county, but in all cases the action shall be initiated within six (6) months from the date the employee can no longer perform the required duties or when continuance on the job becomes a danger to such employee or others. The action taken must be supported by medical evidence acceptable to the Human Resources Director.

Sec. 13-92. Death

When a full-time employee on current active payroll dies while in the service of the county; the estate of the employee shall be paid the salary for the balance of the month in which the employee expires; or a minimum of two (2) weeks salary, whichever is greater, together with all sums due under Sections 13-124(e) and 13-125(f) and all earned but unpaid salary. 13-121(b), 13-121 (c) (2).

Sec. 13-93. Pregnancy

Pregnancy shall not be a cause for termination. However, when in the opinion of and written instructions from the employee's physician, the employee is not able to perform her duties at an acceptable level of performance; the Human Resources Director may reclassify the employee to a class which pays a similar or higher salary. If the Human Resources Director is unable to so reclassify the employee as set forth above, then the provisions of Sections 13-131 shall apply.

Sec. 13-94--13-99. Reserved

DIVISION 8. DISCIPLINARY ACTION

Sec. 13-100. Types of Disciplinary Action

The following provisions shall govern disciplinary actions affecting employees in the classified service. A department head, subject to the appeal rights of the employee, shall have the following alternatives for disciplinary actions, either of which may be exercised singularly or together with others. All such action taken shall be noted in writing in the employee's permanent personnel file and a copy thereof shall be delivered to the employee:

- (1) **Reprimand.** A department head may submit a written reprimand to an employee when an oral warning has not resulted in the expected improvements or when a more severe initial action is warranted.
- (2) **Probation.** A department head may place an employee on probation for a period not to exceed six (6) months. The department head shall give written notice of such probation and shall state such conditions, if any, that are imposed.
- (3) **Suspension.** (a) A department head may, for cause, suspend without pay any employee in such department head's department for up to thirty (30) days. A written statement specifically setting forth the reasons for suspension shall be furnished to the employee and to the Human Resources Director. If, in the opinion of the department head, the conditions which gave rise to the suspension continue to exist at the end of the thirty-day period of suspension, such suspension may be continued by the department head for an additional period of thirty (30) days, and for additional periods of thirty (30) days thereafter as such conditions continue to exist.

(b) Douglas County has the right to request that a suspended employee take a drug test prior to returning to work. Refusal to take the drug test shall result in the employee being denied reinstatement.
- (4) **Demotion or reduction in salary.** With the prior notice to the Human Resources Director and County Administrator, a department head

may reduce the salary of an employee within the range provided in the pay plan or demote the employee for cause to a lower class. A written statement of the reasons for such action shall be given to the employee with copies to the Human Resources Director and County Administrator.

- (5) **Termination.** An employee may be terminated by the department head for those reasons noted in Section 13-89, and as outlined in 13-101 below, with prior notice to the Human Resources Director and the County Administrator. A written statement of the reasons for such action shall be given to the employee with copies to the Human Resources Director, the County Administrator, and the Board of Commissioners.

Sec. 13-101. Reasons for Disciplinary Action

Actions of an employee which may result in the disciplinary action referred to in Section 13-100 include, but are not limited to, the following offenses:

- (1) Being convicted of a felony or of a misdemeanor involving moral turpitude;
- (2) Excessive time not working when on the job. Idleness, dereliction, or failure to work on assigned duties;
- (3) Being absent without leave;
- (4) Excessive tardiness;
- (5) Abuse of sick leave;
- (6) Carelessness, inefficiency, negligence or incompetence in the performance of assigned duties;
- (7) Willfully giving false statements to supervisors, officials or the public;
- (8) Violation of written county ordinances; administrative regulations or departmental rules;

- (9) (a) Being under the influence of alcohol or illegal drugs when reporting for or during work, or drinking of alcoholic beverages or use of illegal drugs during working hours;
(b) Possession of an illegal drug or controlled substance during working hours;
(c) Any employee involved in an accident while on county duty operating a county vehicle shall be required to submit to a drug screening test;
- (10) Instigation of, participation in or leadership of a strike, work stoppage, slow down, or artificial restriction of productive work;
- (11) The promotion of dissension, ill-will and/or insubordination within the employee's department;
(a) Creating a disturbance resulting in an adverse effect on morale, production, or safety;
(b) Threatening or attempting to inflict bodily harm;
(c) Hitting or other acts against another causing injury;
- (12) Lack of personal hygiene or personal cleanliness;
- (13) Violation of the provisions of Division 11, Ethics and Conduct;
- (14) Failure to follow county policies or safety rules;
(a) Violations where safety to persons or property is not involved and/or one (1) safety violation by a county employee within a one-year period shall be sufficient cause for disciplinary action as outlined in Section 13-100 (1)-(3);
(b) Violation where safety to persons or property is involved and/or three (3) safety violations by a county employee within a one-year period shall be sufficient cause for disciplinary actions as outlined in Section 13-100 (1)-(5);
- (15) Discourtesy; use of insulting, abusive, or obscene language or gestures to fellow employees, customers, the public, or supervisors;
- (16) Insubordination or refusal of a lawful or proper direct order by a supervisor or department head;
- (17) Sexual harassment involving an employee, customer, or public;
- (18) Immoral, indecent, or disgraceful conduct during work hours;
- (19) The loss of job requirements, such as the loss of a necessary license or certificate, which prevents the adequate performance of assigned duties;
- (20) Intentionally giving a false statement or information furnished in an employment application;
- (21) Use of any county property, services, personnel, labor or other thing of value for personal gain or for any purpose other than the official business of the county.

Sec. 13-102. Emergency Relief From Duty

If it is determined to be in the best interest of the county, a supervisor who is not the department head who supervises an employee may temporarily relieve that employee from duty for disciplinary purposes. Relief from duty shall be only from the time the action is initiated by the supervisor until the beginning of the employee's next scheduled work period. The supervisor shall report the action and circumstances to the department head that shall review the action and initiate any further disciplinary actions which may be warranted.

Sec. 13-103. Notice of Pending Disciplinary Action

All employees, prior to imposition of any disciplinary action, shall be notified of the proposed action.

Sec. 13-104. Employee Liability for Loss

Any employee who causes damage to or loss of county property may be required to repay the county government for any cost of repairs to or replacement of such property.

Sec. 13-105--13-109. Reserved

DIVISION 9, GRIEVANCES AND APPEALS

Sec. 13-110. Policy

The policy of the county is to give prompt consideration and equitable adjustment to employee grievances. The county desires to adjust grievances informally, and both supervisors and employees are expected to make every effort to solve problems as they arise. However, it is recognized that there may be grievances which will be resolved only after a formal appeal and review, and no employee shall be disciplined or discriminated against in any way because of his or her use of the grievance procedure.

Sec. 13-111. Definition

A grievance is a complaint made by an employee concerning (1) the interpretation of these and other personnel-related rules and regulations, (2) departmental work rules, or (3) disciplinary action affecting such employee's employment with the county.

Sec. 13-112. Direct Appeal of Certain Disciplinary Action

Any permanent employee who is suspended, demoted or terminated shall have the right to appeal such action to the Personnel Review Board.

Sec. 13-113. Procedures

Any permanent classified employee shall have a grievance heard in the following manner:

- (1) An employee shall first present such employee's grievance to such employee's supervisor, who shall make careful inquiry into the facts and circumstances of the complaint. The supervisor shall attempt to resolve the problem promptly and fairly.
- (2) An employee who is dissatisfied with the decision of the supervisor may submit the grievance in writing to such person's department head within five (5) working days following the receipt of the decision of such employee's supervisor. The department head shall make a separate investigation into this matter and inform the employee in writing of

such department head's decision and the reason for it within ten (10) working days after receipt of the employee's grievance.

- (3) If the employee is dissatisfied with the decision of the department head and seeks review by the Personnel Review Board, or if the employee has been the subject of disciplinary action and had elected to appeal directly to the Personnel Review Board pursuant to Section 13-112, then the following procedure shall be followed:
 - a. The employee must submit a request in writing to the Human Resources Director within five (5) working days following the receipt of the decision of the department head or within (10) days of disciplinary action if such employee has been disciplined and has appealed directly to the board.
 - b. The Human Resources Director shall notify the Personnel Review Board of the employee's request for appeal, and it shall make such investigation and conduct such hearing as it deems necessary. Within (45) working days of the receipt of the employee's request for review, the board shall inform the employee in writing of its findings and decision.
 - c. If the Personnel Review Board finds that the grievance of the employee is without merit, the action of the county shall be sustained. If the board finds that the grievance of the employee is meritorious, then the board has full authority to take such action, including restoration of lost salary, as it considers appropriate, which action is binding upon the county. If the board directs that changes be made in disciplinary action taken by the county, the board may reverse the action taken altogether or it may impose such adjustments in the disciplinary action as it considers appropriate.

In determining whether or not the disciplinary action taken by the county shall be sustained, the board shall thoroughly review oral and written statements of the employee, of the employee's supervisor and of

the department head, as well as the employee's personnel file, the employee's performance ratings, the reasons for the disciplinary action taken in light of the circumstances under which the discipline was made, and all other factors deemed relevant by the board.

- (4) The employee shall have the right, at all levels, to a hearing and may be represented by counsel of such employee's choice.
- (5) The provisions of this division are not available to persons dismissed from any department due to curtailment in funds, reduction in staff or abolishment of the position held by such employee.

Sec. 13-114. Records

All records of the proceedings contemplated in this division shall be placed in the employee's permanent personnel file.

Sec. 13-115--13-119. Reserved

DIVISION 10. ATTENDANCE AND LEAVE.

Sec. 13-120. Scheduling; Computation

(a) The work schedule for each department shall be established by the department head with the approval of the elected official.

(b) Completed years of service are measured from the anniversary date of each employee in Section 13-124 and 13-125.

Sec. 13-121. Overtime

(a) Any overtime worked by a non-exempt employee must have the prior approval of the department head, and if approved, shall be compensated as set forth in the Fair Labor Standard Act (FLSA). Overtime on an extended basis must also have the approval of the Board of Commissioners.

(b) No overtime shall be paid to employees and other parties exempt from, or not covered by, the Fair Labor Standard Act. Employees not eligible for paid overtime shall receive one and one half hours of compensatory time for each hour worked overtime. These employees may accrue up to 240 hours compensatory time per the Fair Labor Standard Act and hours may be carried forward to future years. Compensatory time accrued will not be paid to any exempt employee except upon termination or retirement of an employee.

(c) All non-exempt employees may receive, in accordance with this paragraph and in lieu of overtime explained in paragraph (a) above, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which overtime has been approved. Policy and standards for compensatory time are as follows:

(1) Non-exempt employees who work in the public safety activities, emergency response activities, or seasonal employees, may accrue no more the 480 hours of compensatory time for hours worked or to be carried over to future years. All other non-exempt employees may accrue no more than 240 hours of compensatory time for hours worked or to be carried over to future years. Managers and directors are responsible for monitoring this policy

for all of their non-exempt employees.

(2) Compensatory time accrued will not be paid to any non-exempt employee except upon termination or retirement of an employee. A non-exempt employee who has accrued compensatory time off shall upon termination or retirement, be paid for the unused compensatory time at a rate of compensation not less than:

(a) The average regular rate received by such employee during the last 3 years of the employee's employment, or:

(b) The final regular rate received by such employee, whichever is higher.

(3) Non-exempt employees who have accrued compensatory time off and who have requested the use of such compensatory time off in lieu of time worked, shall be permitted by the department manager or director to use such time within a reasonable period after making a request to use the compensatory time if the use of such time does not unduly disrupt the operations of the department or the county work force.

Sec. 13-122. Holidays

(a) The following are designated as county holidays; New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the day following Thanksgiving Day, Christmas Eve, Christmas Day and Martin Luther King, Jr., Day.

(b) All full-time eligible county employees shall be allowed three (3) personal leave days within the calendar year. The personal leave days will be credited to the employee during the first pay period of the calendar year annually in January. New hires will be allowed one (1) personal leave day upon completion of their six (6) month probationary period and upon completing one year of

service, will be allowed all three (3) personal leave days in January. Personal leave days must be used on or before the last day of the calendar year or the employee will lose all remaining. Personal leave days will not accrue from year to year. Personal leave may be taken at the employee's discretion, subject to the approval of the department head. (BOC Approved 10/01/2019)

(c) Other days may be declared holidays by the Board of Commissioners at its discretion. When a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. When a holiday falls on a Sunday, the following Monday shall be observed as a holiday.

Sec. 13-123. Holidays for Part-Time Employees.

Part-time employees shall not be paid for observed holidays not worked.

Sec. 13-124. Vacation Leave

(a) **Rate of leave accrual.** Permanent, full-time employees begin to accrue vacation leave immediately upon employment, although vacation leave may not be used until the employee has successfully completed one (1) year of service. Employees are entitled to the paid vacation according to the schedule below:

*Completed:

1 year	=	10 days
5 years	=	12 days
10 years	=	18 days
15 years	=	20 days
21 years	=	24 days
24 years	=	25 days

(b) **Emergency pay.** In the event of emergency, an employee may receive up to two (2) weeks pay, in lieu of vacation, per calendar year provided such payment is recommended by the department head, Human Resources Director and approved by the County Administrator.

(c) **Request for vacation leave.** A request for

vacation leave shall be submitted to the employee's immediate supervisor and leave may be taken only after approval of the employee's department head. The vacation schedule shall be arranged in each department so that, insofar as practicable, the department can function without the hiring of additional temporary help.

(d) **Maximum accumulation.** Unused vacation leave may be accumulated by the employee from year to year, but such accumulation may never exceed a total of thirty-five (35) days (280 hrs. /40-hr. employees; 420 hrs. /56-hr. employees). **Any hours above this amount at year's end will be added to your sick leave hours. Any hours above this amount on the last day of the last pay period of the year will be deducted from your vacation time and added to your sick leave hours. (BOC Approved 10/01/2019)**

(e) **Payment for unused leave.** When an employee is separated from the county service such employee shall be paid for all unused vacation leave such employee has accrued, not to exceed thirty-five (35) days.

Sec. 13-125. Sick Leave

(a) **Sick leave provisions.** Sick leave with pay shall be granted to permanent full-time employees only in the case of actual sickness or disability of the employee, the employee's children, the employee's spouse, and the employee's parents resulting from causes beyond the employee's control or medical or dental examination or treatments for which arrangements cannot be made outside of working hours.

(b) **Reporting sick leave.** The employee shall report to such employee's supervisor the reason for such employee's use of sick leave prior to such employee's scheduled work time, if possible. If not possible, such employee shall see that such absence is reported within thirty (30) minutes after the time the employee is scheduled to report for work. Failure to do so may be cause for denial of sick leave with pay.

(c) **Doctor's certificate.** For the following reasons a medical certificate signed by a licensed physician may be required by the department head to substantiate leave requests for sick leave:

- (1) Any period of absence consisting of three (3) or more consecutive days;
- (2) A request for sick leave while on holiday or vacation leave;
- (3) Sick leave for any duration, if absence from duty recurs frequently or habitually, provided that an employee has been notified that a certificate will be required.

(d) **Rate of leave accrual.** Permanent, full-time employees begin to accrue sick leave immediately upon employment at the rate of ten and one-half (10 ½) days per year. Credit to the employee at the end of each month at the rate of seven (7) hours per month for employees who work forty (40) hours per week, and ten and one-half (10 ½) hours per month for employees who work fifty-six (56) hours per week. No employee may take sick leave until such employee has completed such employee's probationary period.

(e) **Accumulation.** Sick leave accumulation is unlimited, although there shall be no payment for such accumulation, except as is provided in Section 13-125 (f),

(f) **Sick Leave Retirement/Resignation.** Any employee leaving employment after **fifteen (15) years of service**, having completed five (5) years of service by December 31, 2005, will receive one week's pay for every year of service, provided the employee has accumulated a minimum of 800 sick hours or 1200 hours if on a 56-hour pay week. All other employees hired on or after 01/01/2001 will **only** be able to have their accumulated sick leave credited towards time of service for their Defined Benefit Pension calculation.

Sec. 13-126. Worker's Compensation

Employees are covered under the provisions of the Worker's Compensation Act. If any employee is injured while on the job, the employee must immediately report the injury to the department head, specifying the date and time of injury, details of the accident or injury, the name and address of attending physician and the name of hospital in the event of hospitalization.

Sec.13-127 Temporary Disabilities Not Covered by Worker's Compensation

Any employee who becomes temporarily disabled who is not covered by Worker's Compensation shall be allowed to exhaust sick leave and vacation leave which has accumulated to the date of disability.

Sec. 13-128. Funeral Leave

Funeral leave with pay up to a maximum of three (3) working days for each loss shall be granted for absence from duty of the employees in the event of death in the immediate family. "Immediate family" for purpose of this section means husband, wife, father, mother, daughter, son, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, stepfather, stepmother and stepchildren, spouses' grandparents, grand-children, formal legal guardian (with proof).

Sec. 13-129. Military Leave

(a) Any permanent employee who is inducted or enlists in the military forces of the United States shall be placed on military leave without pay; such leave to extend through a date ninety (90) days after such person is relieved from service. If within such period such person applies for reinstatement and reports for duty accordingly, such person shall be reinstated with like seniority, status and pay to such person's former position or to a comparable position for which such person is qualified, unless the employer's circumstances have so changed, in the opinion of the Human Resources Director, as to make it impossible or unreasonable to do so.

(b) The rights of public officers and employees away from work on military duty are regulated by the terms and provisions of O.C.G.A. §38-2-279, the terms of which are expressly incorporated herein by reference thereto.

Sec. 13-130. Family and Medical Leave Act (FMLA)

(a) **Definition.** A family and/or medical leave of absence shall be defined as an approved absence available to eligible employees for up to twelve (12)

weeks of unpaid leave per year under particular circumstances that are critical to the life of a family. Leave may be taken: upon the birth of the employee's child; upon the placement of a child with the employee for adoption or foster care; when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee is unable to perform the essential functions of his or her position because of a serious health condition.

(b) **Scope.** An employee may take a total of twelve (12) workweeks of unpaid leave for the reasons specified above during the twelve-month period measured forward from the date any employee's first FMLA leave begins.

If an employee is entitled to paid leave under another benefit plan or policy, which includes but is not limited to short-term disability, unused paid vacation, sick, family or personal leave, the county may require or the employee may elect to take the paid leave first. Such available paid leave will be counted against the FMLA twelve-week unpaid leave entitlement. Unless otherwise required, no employee will be entitled to more than a total of twelve (12) weeks, paid and/or unpaid, for leave which qualifies under the FMLA.

(c) **Eligibility.** To be eligible for leave under this policy an employee must have been employed for at least twelve (12) months in total, and must have worked at least one thousand two hundred fifty (1,250) hours during the twelve-month period preceding the commencement of the leave. To be eligible the employee must also work at a facility with fifty (50) or more employees within a seventy-five-mile radius.

(d) **Regulation and Condition of Leave**

(1) An employee is entitled to take FMLA leave for the birth of a child, the adoption of a child, or placement of a child in foster care. For the birth, adoption, or placement of a child in foster care, the FMLA leave expires twelve (12) months after the birth or placement.

(2) An employee is entitled to take FMLA leave to care for a parent, spouse or child with a serious health condition or if the employee is unable to perform the essential functions of the job because of a serious health condition. A serious health

condition is an injury, illness or impairment that involves incapacity due to inpatient care or continuing treatment.

(3) For an employee to be entitled to take FMLA for his own serious health condition, he must have a serious health condition as described above and be unable to perform the essential functions of the job because of the condition. The essential functions of a job are the fundamental job duties of the employment position. The county may submit a statement of the essential functions of the job to a medical provider for review.

(4) **Notice**

a. When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide thirty (30) days' prior notice, and make efforts to schedule leave so as not to disrupt county operations. In cases of illness, the employee will be required to report periodically on his or her leave status and intention to return to work.

b. In cases of a medical emergency or other unforeseeable event, the employee must give the employer notice of the need for FMLA leave within two (2) days of when the need for FMLA leave becomes known to the employee.

(5) **Certification**

a. The county will require that an employee provide certification of a serious health condition of a family member or his or her own serious health condition.

b. The county will require medical certification from the health care provider to support a claim for leave to care for a seriously ill child, spouse or parent or for an employee's own serious health condition.

c. All requests for family and medical leaves of absence due to illness require a certificate from a health care provider with the following information: Sufficient medical certification stating: 1) the date of

which the serious health condition commenced; 2) the probable duration of the condition; 3) the appropriate medical facts within the knowledge of the health care provider regarding the condition. In addition, for purposes of leave to care for a child, spouse, or parent, the certificate should give an estimate of the amount of time that the employee is needed to provide such care. For purposes of leave for an employee's illness, the certificate must state that the employee is unable to perform the function of his or her position.

d. The employee has at least fifteen (15) days to provide the certification of the form provided by the employer.

e. In its discretion, the county may require a second medical opinion from a physician it chooses. If the first and second opinions differ, the county at its own expense may require the binding opinion of a third health care provider, approved jointly by the county and the employee. The county may require subsequent recertification of a reasonable basis.

(6) Intermittent or reduced leave. If medically necessary for a serious health condition of the employee or his or her spouse, child, or parent, leave may be taken on an intermittent or reduced-leave schedule. The employee must attempt to schedule the leave so as not to disrupt the county's operations. Intermittent or reduced leave for the birth, adoption or placement in foster care of a child can be taken only by prior arrangement and approval of the county.

For the case of the care for a parent, spouse or child or for the employee's own serious health condition, the employee will be required to provide certification that the intermittent or reduced leave for the planned medical treatment is medically necessary, the dates for such treatment, and the duration.

If leave is requested on the intermittent or reduced-leave basis, the county may require the employee to transfer temporarily to an alternative position which

better accommodates recurring periods of absence or a part time schedule, provided that the position has the equivalent rate of pay and benefits.

(7) The employee may be required to periodically report on his or her status, which includes the employee's intention to return to work. Once it is clear the employee will not be returning to work, he or she is no longer entitled to any FMLA leave or benefits.

(8) Spouses who are both employed by the county are entitled to a total of twelve (12) weeks of leave (rather than twelve (12) weeks each for the birth, adoption, or placement of a child or for the care of a sick parent.

(e) Status of Employee Benefits During Leave of Absence

(1) The county will continue health care coverage during the FMLA leave on the same terms and conditions as prior to the leave.

(2) An employee who is granted an approved leave of absence under this policy is responsible for any contribution to the premium rate for his or her health insurance coverage at the same rate the employee was paying prior to the leave, if any. The employee is responsible for arranging to pay the premium contributions during the period of unpaid absence. The employee's monthly contributions to the premium must be delivered no later than the last day of each month as payment for the next month. Failure of the employee to pay the premium portion within thirty (30) days is considered a debt of the employee to the county and the county is entitled to recoup the premium payment from the employee.

(3) In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the county may recover from the employee the cost of any payments made to maintain the employee's coverage, unless the failure to return to work was due to the continuation, recurrence, or onset of a serious medical condition or for reasons beyond the employee's control.

(4) With respect to all other employee benefits, other than health benefits, upon returning to work the employee is entitled to all accrued benefits as of

the date the leave commenced. The employee is not entitled to any accrual of seniority or other employee benefits during the leave period. Benefit entitlement based upon length of service will be calculated as of the last paid workday prior to the start of the unpaid leave of absence.

Where it is necessary for the employer to continue any premium or other contribution to ensure the equivalent level of benefits upon the employee's return (for benefits other than health benefits), the employer may recoup those premiums or other contributions from the employee whether or not he or she returns to work.

(f) Reinstatement

(1) After a period of FMLA leave, an employee is entitled to return to his or her previous position or an equivalent position with no loss of benefits. There is no obligation of the employer to return the employee to the same position he or she held before the leave.

(2) A restored employee is not entitled to any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken leave.

(3) **Key employees.** A key employee is an employee who is among the highest-paid ten (10) percent of the county's employees within seventy-five (75) miles. If reinstatement of a key employee at the conclusion of the leave period would result in substantial and grievous economic injury to the county, reinstatement to the key employee can be denied.

If it is a possibility that reinstatement will be denied to a key employee, that employee will be provided notice that he or she is a key employee and that rights to reinstatement and continued health benefits could be denied if the reinstatement poses a grievous economic injury to the employer.

Once it is determined that reinstatement would cause grievous economic injury to the county, the employee will be notified in person or by way of certified mail that reinstatement will be denied. At this time the employee will be provided a reasonable time within which to return to work.

FMLA leave and continued health care benefits to a key employee denied reinstatement will be continued for the balance of the leave period unless the employee gives notice that he will not return to work.

(4) **Fitness-for-duty.** When an employee has taken FMLA leave for his or her own serious medical condition, an employer may require the employee to provide a fitness-for-duty certificate before returning the employee to work.

(g) Procedures

Completion of request for family and medical leave of absence form.

A request for family and medical leave of absence form must be originated in duplicate by the employee. This form should be completed in detail, signed by the employee, submitted to the immediate supervisor for proper approvals, to be forwarded to the Human Resources/ Personnel Department. The form must be submitted thirty (30) days in advance of the effective date of the leave when the need for FMLA leave is foreseeable.

When the need for FMLA leave is not foreseeable, this form should be submitted within two (2) days of when the need for FMLA leave becomes known to the employee.

In all cases where certification is required, the certification form provided by the county must be provided with the request for family and medical leave of absence form.

Copies of all forms can be obtained from the employee's supervisor or the Personnel Department.

Ordinance of 10/5/93

Sec. 13-131. Leave of Absence without Pay

Leave of absence without pay may be granted by the Human Resources Director to an employee upon the recommendation of such employee's department head for a period not to exceed six (6) consecutive months. No accrual of privileges or benefits is allowed for an employee who is on leave of absence. However, upon return to full-time employment the employee may be eligible for the annual merit increase subject to the provisions of Division 6.

Sec. 13-132. Payment in Lieu of Worker's Compensation

(Discontinued 01/20/2006)

Sec. 13-133. Benefits While Off the Job

If an employee is on military leave, disability leave, sick leave, or leave of absence and does not receive such employee's regular bi-weekly compensation from county funds, such employee shall not be entitled to accumulate and receive the benefits set forth in this division, during leave time.

Sec. 13-134. Retirement Benefits

Retirement will be in accordance with the AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA). Anyone wishing to retire must choose one of the following retirement options:

- (a) In the event an employee **wishes to retire and is (1) at least** sixty-two (62) years of age and **(2)** has fifteen (15) years of consecutive service as a Douglas County employee. Douglas County will provide an insurance package that includes life insurance in the amount of half their annual salary, medical and dental coverage cost-free to the employee. This option is only available to those hired as full-time employees on or before January 1, 2001, and had continuous full-time employment through December 31, 2005.
- (b) In the event an employee reaches fifty-five (55) years of age and has twenty-five (25) years of consecutive service as a county employee, the county will provide an insurance package that includes life insurance in the amount of half their annual salary and medical/dental coverage according to the progression schedule listed below:

Age	County Participation (percent)	Employee Participation (percent)
55-57	50	50
58-59	70	30
60-61	80	20
62	100	0

This option is only available to those hired as full-time employees on or before January 1, 2001, and having continuous full-time employment through December 31, 2005. The percentage paid by the retiree shall be reduced according to the incremental age progression shown above, until the retiree has reached the age of 62, at which time the employee will no longer be required to pay for their retirement insurance coverage. It will be the sole responsibility of the retired employee to notify the Douglas County Human Resources Department when they reach each age milestone (see waiver letter in the Human Resources Department).

- (c) In the event an employee reaches fifty-five (55) years of age and has thirty (30) years or greater of consecutive service as a county employee, the county will provide an insurance package that includes life insurance in the amount of half their annual salary and medical/dental coverage according to the progression schedule listed below:

Age	County Participation (percent)	Employee Participation (percent)
55-57	70	30
58-59½	80	20
59½	100	0

This option is only available to those hired as full-time employees on or before January 1, 2001, and having continuous full-time employment through December 31, 2005. The percentage paid by the retiree shall be reduced according to the incremental age progression shown above, until the retiree has reached the age of 59 ½, at which time the employee will no longer be required to pay for their retirement insurance coverage. It will be the sole responsibility of the retired employee to notify the Douglas County Human Resources Department when they reach each age milestone (see waiver letter in the Human Resources Department).

- (d) Using the Rule of 80 (which is a combination of age and years of service); employees will be allowed to purchase pre-

Medicare and lifetime medical coverage for themselves and their families at reasonable group rates. This rate will be adjusted annually depending upon the negotiated county group rate.

Life Insurance – Those employees hired prior to January 1, 2001, and having continuous full-time employment through December 31, 2005, the county will provide an insurance package that includes life insurance in the amount of half their annual salary at the time of retirement. Those employees hired after January 1, 2001, will have the option to purchase up to \$20,000 of life insurance at the county's voluntary group rate.

All previous policies, procedures, and agreements are null and void and superseded by paragraphs (a), (b), (c) and (d) above, with the exception of previously retired employees authorized to pay \$100.00 per month for retired health insurance, which will be "grandfathered".

Sec. 13-135. Civil Leave

- (a) An employee called for jury duty shall be given time off with pay to appear in court and allowed to keep any payment received for such jury duty.
- (b) An employee subpoenaed to appear before any public body, court, commission or authority shall be given time off with pay for such time as is actually required by the court, authority, public body or commission. If the employee receives payment for such civil leave, the employee shall be required to remit payment for such services to the county or to have an equivalent deduction made from such employee's regular rate of pay, provided that no such payment or deduction need be made for civil leave served by the employee for courts, authorities, commissions or other public bodies outside of Douglas County. No such leave shall be charged against the employee's vacation leave.
- (c) An employee who initiates civil proceeding shall not be authorized to charge such

employee's time away from work as civil leave, but such time must be deducted from other available leave.

Sec. 13 - 136 Group Insurance Information

- (a) Information on Douglas County employee group insurance benefits such as Medical, Dental, Life, Vision, etc., is available in the Human Resources Department.

Sec. 13-137--13-139. Reserved

DIVISION 11. ETHICS AND CONDUCT

Sec. 13-140. Outside Employment

No employee may engage in any paid employment in addition to such employee's employment with the county unless it is approved by such employee's department head. The standards used for approval or disapproval of outside employment shall be based on whether the outside employment will or can cause a conflict of interest with the employee's employment with the county and whether it will cause interference with the efficient performance of an employee's duty with the county.

Sec. 13-141. Confidential Information

An employee may not directly or indirectly make use of or permit others to make use of, for the purpose of furthering a private interest, confidential non-public information acquired by virtue of employment with the county.

Sec. 13-142. Gifts and Gratuities

- (a) An employee shall not accept gifts, gratuities or loans from organizations, business concerns or individuals with whom such employee has official relationships on business of the county government. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, not to prohibit employees from accepting social courtesies which promote good public relations, not to prohibit employees from obtaining loans from regular lending institutions.
- (b) It is particularly important that inspectors, contracting officers and enforcement officers guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion.

Sec. 13-143. Additional Ethics Provisions.

All persons employed by the county shall: (a) put loyalty to the highest moral principles and county above loyalty to person, party or government department; (b) uphold the Constitution, laws and

legal regulations of the United States and the state of all governments therein and never be a party to their evasion; (c) give a full day's labor for a full day's pay and give to the performance of such person's duties such person's earnest effort and best thought; (d) seek to find and employ more efficient and economical ways of getting tasks accomplished; (e) never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and never accept, for himself or his family favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of such person's governmental duties; (f) make no private promises of any kind binding on public duty; (g) engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of such person's governmental duties, (h) never use any information coming to such person confidentially in the performance of governmental duties as a means for making private profit; (i) expose corruption wherever discovered; (j) uphold these principles, ever conscious that public office is a public trust.

Sec. 13-144. Political Activity

Employees of the county are encouraged to exercise their rights to vote; but no employee shall make use of county time or equipment to aid a political candidate, party or cause or use a county position to influence, coerce or intimidate any person in the interest of a political candidate, party or cause. An employee violating this sections shall be dismissed; as set forth in Division 8.

Sec. 13-145. Public Office

- (a) No employee of the county shall hold public office in any political subdivision in the county. Political subdivision shall mean the county, any municipality, the board of education, or any authority of commission set up under the laws of the state or by ordinance of the county.
- (b) Any employee who qualifies for public office in Douglas County shall immediately resign. Failure to resign upon qualification shall result in dismissal.

Sec. 13-146. County Dress Code

(a) Appearance is an important part of community relations and it is not only important that employees be courteous and efficient but that they also contribute favorably to the county's image through proper dress and personal grooming. Employees should appear on the premises appropriately and modestly dressed, neat and clean in person, and in clothing that is devoid of unpleasant perfumes and body odors. Good taste must be displayed with regard to fit. Tight, extremely baggy, low cut or revealing garments are not acceptable for the work setting. Appropriate appearance includes hairstyles.

(b) The following should be considered a set of standards and guidelines for what is appropriate to wear in the workplace and to provide consistency in the type of dress worn throughout the County. (Please note that department heads reserve the right to require change in an employee's attire if it is deemed inappropriate.)

(1) **Female personnel:** Hair should be neat and clean. Dresses or pantsuits should be modest. Denim may be worn in denim coordinates. Employees should be properly attired, and this means no halters, shorts, blue jeans, see-through blouses or slogan T-shirts.

It shall be the policy of the Douglas County Board of Commissioners that office employees who are not designated to wear uniforms will be permitted to wear split skirts upon the approval of their supervisor. Employees who work outside the office environment will be allowed to wear jeans, split skirts, capris leggings are acceptable if worn with appropriate coverings (long blouse, dress or tunic), and shorts upon the approval of their supervisor. The clothing must not be higher than two (2) inches above the middle of the knee. Supervisors who approve clothing under this policy must assure that it provides a well-mannered and professional appearance for the employees. Clothing with holes, torn, dirty, or similar appearance is not acceptable.

(2) **Male personnel:** Hair should be kept neat and clean and above collar. Faddish and long hairstyles are not appropriate in the professional departments and are not considered safe for the maintenance or construction related employees.

For reasons of safety, no facial hair, except a

moustache, may be worn by a firefighter or deputy Sheriff unless approved by department head (ie, undercover, etc.)

Unless you are required to wear a uniform or if your position requires a specific type of clothing, daily attire for men should include knit slacks, dress pants, Khakis, long/short sleeve dress shirts, button down shirts and polo style shirts. This does not include tank tops, shorts, blue jeans; see through shirts or slogan T-Shirts.

(3) **Footwear:** In an effort to keep the workplace safe and the environment professional, the following shoe types should not be worn to work; flip flops, excessively worn or soiled shoes, or any shoes that the department head feels is inadequate for the workplace and the environment in which it is worn.

Employees are required to wear their county identification badges where visible at all times while at work.

Exceptions

Special accommodations may be made for this dress code, based upon health reasons documented by a physician's note.

Exceptions to these guidelines shall be made for those departments that have a specific dress code or uniforms (Public Safety, Maintenance, Transportation, Appraisal, Property Management, etc.) or for employees who regularly work outdoors.

The Department Head has the discretion to make adaptations to the dress code guidelines for special events.

Please use the aforementioned standards and guidelines as a benchmark for Casual Fridays.
(BOC Approved 06/06/2018)

Sec. 13-147. Non-Harassment Policy

It is the firm policy of Douglas County ("the county") to maintain a workplace free from unwanted harassment based upon race, color, gender, age, religion, national origin, disability, veteran's status sexual preference or any other status protected by applicable state, federal or local law.

All such harassment is prohibited. Retaliation against employees or prospective employees reporting harassment is also prohibited.

Harassment. Unlawful harassment is prohibited by the Policy and consists of verbal or physical conduct that is abusive toward an individual. Such prohibited harassment may occur because of that individual's race, color, gender, age, religion, national origin, disability, veteran's status, sexual preference or other prohibited reason that has the purpose or effect of (1) creating an intimidating, hostile or offensive working environment, (2) unreasonably interfering with an individual's work performance, or (3) otherwise adversely affecting an individual's employment opportunities.

Harassing conduct includes, but is not limited to: (1) epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, gender, age, religion, national origin, disability, veteran's status, sexual preference or other prohibited reason; and (2) written or graphic materials which are abusive towards an individual or group because of race, color, gender, age, religion, national origin, disability, veteran's status or other prohibited reason and which are communicated on walls, bulletin boards, through electronic communications, or otherwise circulated in the workplace. This policy extends to all electronic and voice mail communications.

Sexual Harassment All county employees must be allowed to work in an environment free from unsolicited and unwelcomed sexual conduct and comments. Sexual harassment is a violation of the law and of this policy. Sexual harassment is defined by the Equal Employment Opportunity Commission as any unwelcome sexual advance, request for sexual favors, or other physical conduct of a sexual nature when:

- (1) Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or

- (3) The conduct has the purpose or effect of unreasonably interfering with the individual's performance or of creating an intimidating, hostile or offensive working environment.

Sexual harassment does not refer to occasional compliments. It refers to behavior which is not welcome, which is personally offensive, which debilitates morale, and which therefore interferes with the work effectiveness of the individual harassed. Sexual harassment may occur between employees or between employees and suppliers/customers and is not limited to employees and supervisors.

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

- Verbal conduct, such as epithets, derogatory comments, slurs, unwanted sexual advances, or sexually-oriented verbal "kidding" or abuse;
- Physical conduct, such as unwanted touching, patting, pinching, blocking normal movement or assault;
- Subtle pressure for sexual activity;
- Demands to submit to sexual requests, accompanied by implied or direct promises of preferential treatment or threats concerning an individual's employment status;
- Visual harassment such as sexually-explicit or sexually-derogatory posters, obscene gestures; cartoons, photographs, or drawings; or
- Retaliation for opposing, reporting or threatening to report unlawful harassment, or for participating in an investigation, proceeding or hearing regarding potential harassment.

Employee Responsibility. Employees should not tolerate harassing conduct. Any employee who believes that he or she has experienced unlawful harassment in connection with his or her employment or who is aware of the harassment of other employees or prospective employees has a duty to report the potential policy violation so that the appropriate corrective action may be taken.

All employees are responsible to ensure that they do not participate in, promote or support any form of harassment that affects the workplace.

Management Responsibility. Managers and supervisors are to comply with the county's Anti-Harassment Policy and to prevent and correct any harassment prohibited by the Policy. Managers and supervisors are responsible to ensure that the employees in their areas are aware of the Policy and that any and all complaints of harassment are promptly and properly investigated and any appropriate action taken. The Personnel Department is available for consultation.

Complaint Procedure Any employee or prospective employee who experiences harassment in connection with his or her employment, or who is aware of the harassment of other employees or prospective employees, should immediately contact his or her supervisor, or the Human Resources Director or the County Administrator. If you have made a complaint which you believe has not been properly addressed or resolved, you should immediately contact the Human Resources Director or the County Administrator. Complaints should be in writing where possible and should include all details, specifying all names, dates, times, etc.

Any reported violation of this Policy will receive prompt and appropriate action. The county will investigate all complaints alleging harassment and all instances potentially constituting harassment that come to its attention. When conducting an investigation, care will be taken to protect confidentiality to the degree possible, while still permitting the county to conduct the investigation and to comply with applicable federal, state and local law.

Following an investigation, the county will take prompt and appropriate corrective action to remedy any harassment. Employees who are found to engage in harassment will be subject to corrective action, up to and including termination.

If a harassment complaint is direct against a county representative normally involved in processing such complaints, the functions assigned to the (those) person(s) by these procedures will be transferred to a superior as designated by senior county management.

No Retaliation. The county strictly prohibits retaliation against any employee for using the Complaint Procedure or for truthfully and in good faith filing, testifying, assisting in or participation in any manner in any investigation, proceeding, or hearing regarding potential harassment.

Sec. 13-148 Drug-Free Workplace Statement

Douglas County is a drug-free workplace. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace, and disciplinary action will result for violation of this prohibition pursuant to the Douglas County Merit System, Section 13-101 (9). Disciplinary action includes; reprimand, probation, suspension, demotion/reduction in salary, and termination. If an employee is convicted of a criminal drug statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance for a violation occurring in the workplace, the employee must notify the Director of Human Resources within five (5) days of such conviction. A conviction includes a plea of nolo contendere. As a condition of employment, an employee is required to abide by the terms of this drug-free workplace statement.

Any individual covered by this policy may be subject to a fitness for duty evaluation, and urine and/or breathe testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the short-term effects of substance abuse or alcohol misuse.

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

As a condition of employment, an employee is required to abide by the terms of this drug-free workplace statement.

If an employee needs information, assistance, and/or counseling on the dangers of drug abuse in the

work-place, the employee may contact the Director of Human Resources or the county's E.A.P. services to be directed to an agency or person who can provide assistance.