



# **BARROW COUNTY EMPLOYEE HANDBOOK**

**Adopted December 12, 2006**

**GOVERNING THE EMPLOYEES  
OF BARROW COUNTY, GEORGIA**

# **BARROW COUNTY EMPLOYEE HANDBOOK**

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# CHAPTER 1

## GENERAL PROVISIONS

### **Section 1.           Introduction**

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

- (a)    **Honesty and Integrity.** All County employees should be honest and ethical. Always.
- (b)    **Have Regular and Prompt Attendance.** You cannot be productive and fulfill our purpose and our commitment to the public if you are not here. Those people that are here are the only ones that are contributing and adding value to our community.
- (c)    **Positive Attitude.** Your attitude and demeanor are infectious. When it is positive, both you and the County can accomplish great things. That is our standard and our expectation. If you have a problem, let's get it addressed through the proper channels quickly. Negativism is nonproductive and harmful. It is inconsistent with our mission.
- (d)    **Be Courteous and Helpful to the Public.** Not one of us should ever forget that our customers and citizens provide us our jobs. They deserve excellent service and to be treated with respect.
- (e)    **Be Productive.** Use all your abilities, everyday, to accomplish our mission. Our work is too important, and our standards too high, to spend our time doing anything other than our best. Expect excellence from yourself.
- (f)    **Respect Yourself and Each Other.** The County will not allow racial, gender, religious, or cultural bias. Jokes or other behavior that demean or insult others are not appropriate and will not be tolerated.
- (g)    **Be Safe.** Most of us work with equipment and vehicles and under conditions that expose us, and the public, to safety hazards. Accidents hurt everyone. Be careful and use safety equipment.
- (h)    **Work Smart.** Be responsible for your own performance and set high standards for yourself. Be creative. Always try to do the right thing.
- (i)    **Be Accountable.** Make yourself responsible for your own performance. Do not make excuses or blame others when problems arise. Take it upon yourself to solve problems. Supervisors should always give credit where it is due.

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

## **Section 2. Purpose of Employee Handbook**

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

Barrow County reserves the right to change or revise the policies contained herein when such action is deemed necessary. Proposed changes may be recommended at any time by the Department Directors, Elected Officials, the Human Resources Director, the County Administration, Commissioners, or any employee. Such recommendations for changes should be submitted to the Human Resources Director.

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

## **Section 3. Applicability**

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

The majority of employees of Barrow County enjoy additional protections under the Barrow County Civil Service System as a result of a request for civil service coverage by the respective Elected Officials. These additional protections, policies, and procedures are set forth in the separately published Barrow County Civil Service Handbook. To the extent that there are any perceived conflicts between this Employee Handbook and the Civil Service Handbook, the provisions contained in the Civil Service Handbook shall control as to employees covered by the Civil Service System.

**Section 4.                   Administration**

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

If, at any time during the operation of this Employee Handbook, the position of Human Resources Director is vacant, the Chairman or Chief Administrator or any employee designated by the Chairman or Chief Administrator will be responsible for performing the duties of the Human Resources Director until the Human Resources Director position is filled.

**Section 5.                   Departmental Operating Rules and Regulations**

Departmental Operating Rules and Regulations, not in conflict with this Handbook, may be established and used by any Elected Official/Department Director as applicable. All such Departmental operating rules and regulations and subsequent amendments thereto adopted pursuant to this Section shall be submitted to the Human Resources Director for maintenance in the Human Resources Department. The Board of Commissioners will have no involvement with the creation, administration, or enforcement of any departmental operating rules and regulations established by any Elected Official. In the event that a conflict arises between an employee's conduct or performance required by Departmental Operating Rules and Regulations and the conduct or performance required by this Policy Manual, then the rule or regulation requiring the higher standard of conduct or performance shall control.

**Section 6.                   Revisions to Employee Handbook**

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

## CHAPTER 2

# STATEMENT OF BARROW COUNTY POLICY

### **Section 1.           Equal Employment Opportunity**

Barrow County is an equal opportunity employer. It is the policy of Barrow County to provide equal employment opportunity to qualified persons without regard to race, color, religion, sex, national origin, age, disability, or any other legally protected category. This policy relates to all phases of employment, including, but not limited to, recruitment, placement, promotion, transfer, layoff, return from layoff, training, education, compensation, and benefits.

In addition, Barrow County will not discriminate against any qualified employee or applicant on the basis of a physical or mental disability. Barrow County will strive to provide reasonable accommodations to assist disabled individuals to perform essential job functions, as long as the accommodation does not cause the County undue hardship.

If you have any concerns regarding Barrow County's equal employment opportunity policies, report those concerns to the Human Resources Director. A more in-depth coverage of Barrow County's equal employment opportunity policies may be found in the Human Resources Department.

### **Section 2.           Workplace Environment**

Barrow County is committed to ensuring that all employees enjoy a work environment free from intimidation, harassment, and violence. These issues are discussed in more detail below. If you have any concerns regarding your workplace environment, report those concerns to the Human Resources Director.

### **Section 3.           Smokefree Environment**

Consistent with the public health concerns addressed by the adoption of the Georgia Smokefree Air Act of 2005, all Barrow County property, enclosed buildings, and vehicles are hereby declared to be smoke-free areas.

## **CHAPTER 3** **CLASSIFICATION PLAN**

### **Section 1.                   The Classification Plan**

The Classification Plan has been established by an outside expert in the areas of job classification and compensation analysis (hereinafter referred to as the “Third-Party Administrator”). The Classification Plan is based upon a categorical designation of Job Descriptions. In turn, each Job Description is grouped into a corresponding Grade within the Classification Plan, which governs the pay scale for that Job Description.

### **Section 2.                   Administering the Classification Plan**

The Human Resources Director or his/her designee shall be responsible for administering the Classification Plan, with the opportunity for assistance of any Third-Party Administrator retained by the County. Reorganization of departments in the Classification Plan may be requested by the Chairman and/or Chief Administrator, with final approval of such reorganization by the Board of Commissioners.

### **Section 3.                   Official Copy of the Classification Plan**

The Human Resources Director shall maintain a master copy of the Classification Plan.

### **Section 4.                   Job Descriptions**

Job Descriptions endeavor to describe the duties and responsibilities for each position, however, Job Descriptions do not necessarily include all of the duties of the position. The language of a Job Description does not limit the authority that Elected Officials or Department Directors have to add, withdraw, or eliminate duties, functions, and responsibilities applicable to particular jobs or positions.

### **Section 5.                   Minimum Qualifications**

The minimum qualifications contained in each Job Description are considered comprehensive statements of the minimum required education, experience, and other qualifications for all positions as evidence of an employee’s ability to perform the work properly and shall be strictly followed. Other qualifications cannot be considered in lieu of, or in substitution of, the minimum qualifications established. The Human Resources Director, or his/her designee, will review and determine whether applicants meet minimum qualifications as detailed further in Chapter 5.

**Section 6.                    Procedures for Adopting New Job Descriptions**

(a)    Responsibilities of the Human Resources Director

The Human Resources Director shall be responsible for overseeing the creation of new Job Descriptions consistent with the procedures contained in this Section.

(b)    Request for New Job Description

Whenever an Elected Official/Department Director requests a new position that would require the adoption of a new Job Description, a written request and the position description questionnaire required and made available by the Human Resources Department must be submitted to the Human Resources Director. In addition, the Chairman, Chief Administrator, and the Board of Commissioners each have the authority to request the creation of a new Job Description with the input from the affected Elected Official/Department Director. The questionnaire must describe in detail the intended duties of the requested position. An interview of the requesting party and/or all other affected Elected Officials and Department Directors may be required by the Human Resources Director in order to verify the information submitted.

(c)    Review of Request by Human Resources Director

Upon receipt and verification of the request and the questionnaire, the Human Resources Director shall conduct or caused to be conducted an analysis of the request for the purposes of creating a new Job Description, placing the Job Description into the appropriate Grade within the Classification Plan, and determining whether the creation of a new Job Description is warranted. The Human Resources Director shall recommend approval or disapproval of the request to the Chairman or his/her designee.

(d)    Approval Process

The Chairman or his/her designee shall review and approve or disapprove recommendations of the Human Resources Director regarding all requests for new Job Descriptions. In the event that the Chairman or his/her designee approves a request, the request shall be submitted to the Board of Commissioners for final approval or disapproval. In the event that the Chairman or his/her designee refuses to approve a request, the decision of the Chairman or his/her designee shall be final.

(e)    Budgetary Limitations

Requests for creation of a new Job Description should be presented for consideration in conjunction with the annual budget process, absent exceptional circumstances. Such requests are contingent on available funds.

**Section 7.                    Procedures for Modification of Existing Job Descriptions**

(a)    Responsibilities of the Human Resources Director

The Human Resources Director shall be responsible for the modification of existing Job Descriptions consistent with the procedures contained in this Section.

(b)    Request for Modification of Existing Job Description

Whenever an Elected Official/Department Director requests the modification of an existing Job Description, a written request and the position description questionnaire required and made available by the Human Resources Department must be submitted to the Human Resources Director. In addition, the Chairman, Chief Administrator, and the Board of Commissioners each have the authority to request the modification of an existing Job Description with the input from the affected Elected Official/Department Director. The questionnaire must describe in detail the changes in duties or other reasons for the requested modification. An interview of the requesting party and/or all other affected Elected Officials and Department Directors may be required by the Human Resources Director in order to verify the information submitted. A modification to a Job Description may produce a corresponding change in Grade for the position contained in the Job Description.

(c)    Review of Request by Human Resources Director

Upon receipt and verification of the request and the questionnaire, the Human Resources Director shall conduct or caused to be conducted an analysis of the request for the purposes of determining whether the requested modification is warranted. Modifications of Existing Job Descriptions are disfavored and must be supported by compelling circumstances to obtain approval. The Human Resources Director shall recommend approval or disapproval of the request to the Chairman or his/her designee.

(d)    Approval Process

The Chairman or his/her designee shall review and approve or disapprove recommendations of the Human Resources Director regarding all requests for modifications of existing Job Descriptions. In the event that the Chairman or his/her designee approves a request, the request shall be submitted to the Board of Commissioners for final approval or disapproval. In the event that the Chairman or his/her designee refuses to approve a request, the decision of the Chairman or his/her designee shall be final.

(e) Budgetary Limitations

Requests for modification of a new Job Description should be presented for consideration in conjunction with the annual budget process, absent exceptional circumstances. Such requests are contingent on available funds.

**Section 8. Procedures for the Abolishment of Existing Job Descriptions and/or Positions**

(a) Responsibilities of the Human Resources Director

The Human Resources Director shall be responsible for the abolishment of Job Descriptions and/or Positions consistent with the procedures contained in this Section.

(b) Request for Abolishment of Existing Job Description and/or Position

Whenever an Elected Official/Department Director requests the abolishment of an existing Job Description or a particular Position within their Department, a written request must be submitted to the Human Resources Director. In addition, the Chairman, the Chief Administrator, and the Board of Commissioners each have the authority to request the abolishment of a Job Description or Position with the input from the affected Elected Official/Department Director. Any request for abolishment must describe in detail the reasons for the requested abolishment. Such reasons may include, but are not limited to, lack of work, reorganization, or lack of funds. An interview of the requesting party and/or all other affected Elected Officials and Department Director may be required by the Human Resources Director in order to verify the information submitted. In no case will a Job Description or Position be abolished as a means of terminating the employment of an employee, but it may result in the termination of an employee.

(c) Review of Request by Human Resources Director

Upon receipt and verification of the request, the Human Resources Director shall conduct or caused to be conducted an analysis of the request for the purposes of determining whether the requested abolishment is warranted. The Human Resources Director shall recommend approval or disapproval of the request to the Chairman or his/her designee.

(d) Approval Process

The Chairman or his/her designee shall review and approve or disapprove recommendations of the Human Resources Director regarding all requests for abolishment. In the event that the Chairman or his/her designee approves a request, the request shall be submitted to the Board of Commissioners for final approval or disapproval. In the event that the Chairman or his/her designee

refuses to approve a request, decision of the Chairman or his/her designee shall be final.

**Section 9.                    Procedures for the Reclassification of Positions**

(a)    Statement of Intent

Each Position of employment in Barrow County is categorically assigned to a particular Job Description. This Section allows for changing the assignment of a particular Position to a different and more suitable Job Description when it is determined that the position is incorrectly assigned. This change may produce a corresponding change in the Grade for the Position. This procedure shall be known as Reclassification of the Position.

(b)    Request for Reclassification

An Elected Official/Department Director may request Reclassification. In addition, the Chairman, the Chief Administrator, and the Board of Commissioners may request a Reclassification with the input from the affected Elected Official/Department Director. A request for Reclassification shall be submitted in writing to the Human Resources Director and shall contain a detailed statement of justification for the request. Reclassifications are justified as a result of the following:

- (i)    The position was incorrectly assigned to an inappropriate Job Description;  
or
- (ii)   There has been a substantial change in the duties and responsibilities associated with a position since it was assigned to a particular Job Description.

(c)    Review of Request by Human Resources Director

Upon receipt and verification of the request, the Human Resources Director shall conduct or caused to be conducted an analysis of the request for the purposes of determining whether the requested Reclassification is warranted. The Human Resources Director shall recommend approval or disapproval of the request to the Chairman or his/her designee.

(d)    Approval Process

The Chairman or his/her designee shall review and approve or disapprove recommendations of the Human Resources Director. If the Chairman or his/her designee approves a request, the request shall be submitted to the Board of Commissioners for final approval or disapproval. In the event that the Chairman or his/her designee refuses to approve a request, the decision of the Chairman or

his/her designee shall be final.

(e) Budgetary Limitations

To the extent that a Reclassification will require a change in Grade that produces a corresponding increase in needed funds for the Position, the request for Reclassification should be presented for consideration in conjunction with the annual budget process, absent any exceptional circumstances. Such a request is contingent on available funds.

(f) Treatment of Affected Employee Upon Reclassification of Position

- (i) If the position is occupied at the time of Reclassification, the employee shall be entitled to serve therein with the corresponding status after the Reclassification and shall not be subject to a probation period in the reclassification position.
- (ii) If the position is assigned to a higher Grade as a result of the Reclassification, such action is considered an upgrade of the position. If the position is occupied at the time of an upgrade and the salary of the employee who is occupying the position is below the minimum rate for the higher Grade, the employee's salary shall be increased to the minimum salary of the higher Grade. Reclassifications of positions are not promotions and do not impact an employee's pay, unless his/her salary is below the minimum rate of pay for the new Grade.
- (iii) If the position is assigned to a lower Grade as a result of the Reclassification, such action is considered a downgrade of the position. If the position is occupied at the time of a downgrade, the employee will continue at the same pay as prior to the Reclassification and may receive future salary increases up to the maximum rate of pay of the new lower Grade. If the employee's current salary is above the maximum rate of pay for the new lower Grade, the employee shall be permitted to continue at the same pay as prior to the Reclassification.
- (iv) In all cases of Reclassification of a vacant position, the position shall be filled according to the Recruitment Policies contained in this Employee Handbook.

**CHAPTER 4**  
**COMPENSATION PLAN**

**Section 1.           Statement of Policy**

The Compensation Plan is intended to be a fair and equitable method for payment of Barrow County employees. The Compensation Plan establishes a basic salary schedule for full-time employees as approved by the Board of Commissioners and is subject to availability of funds. Each Grade shall contain a minimum salary, a mid-point salary, and a maximum salary. The Board of Commissioners will establish, as part of the County's annual budget, the minimum, midpoint, and maximum salaries for each Grade. No full-time employee in any Grade shall be paid a salary lower than the minimum or higher than the maximum of the salary range approved for the Position, except that employees whose salaries are higher than the maximum salary approved for their position at the time this Handbook is adopted, may be eligible for annual salary increases as established by the Board of Commissioners and by the annual budget. In contrast, part-time, temporary, seasonal, and part-time grant-funded positions are not subject to the Compensation Plan or the provisions of this Chapter, unless expressly noted otherwise.

**Section 2.           Administration**

The Compensation Plan is maintained and administered by the Human Resources Director, with the opportunity for assistance of a Third-Party Administrator. The Compensation Plan shall be available for review upon reasonable request during business hours.

**Section 3.           Starting Rates for General Employees**

A new full-time employee shall be paid the minimum rate of pay for the applicable Grade. The minimum rate of pay is based upon the assumption that a new employee meets the minimum qualifications stated in the Job Description. If a new employee exceeds the minimum qualifications for a position based on extensive knowledge, skills, and abilities, he/she may be appointed at a higher salary within the Grade assigned to his/her position based on a written request to the Human Resources Director by the Elected Official/Department Director, and based on consideration of the following:

- (a) Whether the candidate possesses objectively outstanding or unusual abilities, experience, and/or training above the minimum requirements for the position;
- (b) Whether the County is unable to find a desirable and qualified candidate to accept the position at the minimum rate of pay; and
- (c) Whether the departmental funds are available for such appointment.

Consideration should be given to a review of the salaries of current employees in the same or similar positions whose present salaries are below the requested higher salary for the

new employee. Upon consideration of the above, the Chief Administrator shall make a determination of the appropriateness of the appointment above the minimum rate of pay not to exceed mid-point. The decision of the Chief Administrator shall be final.

**Section 4. Starting Rates for Executive Employees**

For purposes of this provision, Executive Employees are defined to include the following: the Chief Administrator, Deputy Chief Administrator, and the Director of Public Works, (hereinafter collectively referred to as “Executive Employees”).

It is expected that incoming Executive Employees shall be paid the minimum rate of pay for the position. Every effort should be made to recruit a qualified candidate who will accept appointment at the minimum rate of pay for the position. However, in recognition of the important role and increasing demands placed upon Executive Employees, an Executive Employee may be appointed at a higher rate of pay, within or above the salary range, in the discretion of the Board of Commissioners, in the event that desirable and qualified applicants cannot be located for a given position at the minimum rate of pay.

To seek appointment at a higher rate of pay, the Board of Commissioners must consider the following:

- (a) Whether the candidate possesses objectively outstanding or unusual abilities, experience, and/or training above the minimum requirements for the position;
- (b) Whether the County is unable to find a desirable and qualified candidate to accept the position at the minimum rate of pay; and
- (c) Whether the departmental funds are available for such appointment.

Upon consideration of the above, the Board of Commissioners shall make a determination of the appropriateness of the appointment above the minimum rate of pay. The decision of the Board of Commissioners shall be final.

**Section 5. Components for Salary Adjustment**

A full-time employee’s salary may be adjusted based upon two independent components as detailed in this Section: (a) Market Adjustment to the Compensation Plan; and/or (b) Merit Increase. In any given year, full-time employee may receive an increase in salary as a result of either the Market Adjustment or the Merit Increase or both. Salary increases are discretionary and dependent on available funds as determined by the Board of Commissioners. Increases for part-time employees will be determined on an as-needed basis. Any increase in a part-time salary will be approved during the budget process. Seasonal, temporary, and part-time grant-funded employees are not entitled to salary adjustments.

(a) Market Adjustment

The market adjustment is the salary adjustment component that is used to ensure that the salary structure is adjusted equally across the County to reflect changes in the wage index. Two considerations dictate whether or not a market adjustment will be administered: changes in the wage index based upon references such as the Bureau of Labor Statistics and the budgetary constraints of the County. The Board of Commissioners shall consider the applicability and the ability of the County to apply a market adjustment to the Compensation Plan as recommended by the Human Resources Director. When applicable, when the Compensation Plan falls below the market for example, a percentage increase may be applied to the Compensation Plan such that the payscales are adjusted upward.

(b) Merit Increase

(i) Policy

For purposes of determining an employee's merit increase and to monitor employee performance, a comprehensive performance evaluation will be conducted for all employees a minimum of one (1) time per calendar year immediately prior to the Anniversary Date. Each employee shall be evaluated by his/her immediate supervisor, and the evaluation may be endorsed by any appropriate intermediate supervisors, with final approval by the Elected Official/Department Director. The date of appointment to the position (whether the appointment is by initial hiring, promotion, demotion, transfer, or otherwise) shall be considered the employee's "Anniversary Date." The evaluation conducted on or about the Anniversary Date is the only performance evaluation that can result in a compensation adjustment. Any subsequent or interim appraisals are strongly encouraged to assist in performance development or otherwise, but such appraisals are solely for the purposes of ensuring performance standards and not related to the merit increase process. The County strongly recommends the mid-year evaluation so that an employee can be advised of performance issues and have an opportunity to improve his/her performance and earn a merit increase.

(ii) Appraisal Forms

Appraisal forms prepared or approved by the Human Resources Department must be utilized for each employee. The appraisal forms will be maintained in each employee's personnel file in the Human Resources Department, and will serve as the documentation to authorize any salary adjustment.

(iii) Salary Increases

Employees who receive an acceptable performance rating on the Anniversary Date appraisal, as certified by the Human Resources Director, may receive a merit increase as determined by the respective Elected Official/Department Director. The Board of Commissioners will, as part of the County's annual budget, establish the range of potential salary increases for that budgetary year. A merit increase, if applicable, shall be effective as of the next pay period subsequent to the Anniversary Date. For example, if an employee is hired on May 17, 2000, the Anniversary Date for that employee is May 17 of each year thereafter. As such, the employee's Anniversary Date appraisal will be completed prior to May 17 and any resulting merit increase will be effective in the next pay period following May 17.

(iv) Annual Appraisal for Employees on Extended Military Leave

Employees who are on approved military leave in excess of six (6) months of the appraisal period shall receive a compensation adjustment based upon calculating the average of the employee's past two (2) annual appraisal ratings. This average shall be the percentage of the employee's compensation adjustment. In the event that a two (2) year history of annual appraisal ratings is unavailable, the employee shall receive a compensation adjustment based on the average rating within the employee's department.

(v) Frequent Performance Appraisals

Notwithstanding the Anniversary Date appraisal required for compensation adjustment purposes, additional performance appraisals may be utilized as a management tool as frequently as necessary to monitor and/or improve job performance of employees. Any such interim appraisals must be submitted to the Human Resources Department for maintenance in the employee's personnel file.

(vi) Re-Evaluation of Unsatisfactory Performance

Any regular employee who receives an unsatisfactory appraisal must be re-evaluated within three months for purposes of monitoring employee performance. If the employee receives a second unsatisfactory appraisal, the employee may be subject to termination. Any such re-evaluation must be submitted to the Human Resources Department for maintenance in the employee's personnel file. This re-evaluation process shall not in any event result in an upward salary adjustment.

(vii) Appraisal Disputes

The appraisal rating is final upon approval of the rating by the respective Elected Official/Department Director. The appeal and grievance procedures outlined in the Civil Service Handbook are not available to address a dispute over an appraisal rating. As such, there is no mechanism for disputing an appraisal rating, however, an employee may submit a written statement setting forth the reasons for disagreement with the appraisal for maintenance in the employee's personnel file.

**Section 6. Limitations to the Compensation Plan**

The Compensation Plan and all provisions in this Handbook related to salaries are contingent upon funds being available. Any deviation from paying employees in accordance with the Compensation Plan or the provisions of this Handbook because of budgetary limitations must be approved by the Board of Commissioners.

**Section 7. Payroll Changes in Paydays**

A payroll change shall not take effect until the personnel action notification has been approved by the Human Resources Director in writing on the appropriate personnel action form. Most employees will be paid bi-weekly, with some being paid monthly, depending on the position held. No employee will be paid prior to regular payday. All employees are strongly encouraged to provide information to the County sufficient for the County to direct deposit paychecks into the employee's desired account on or before sixty (60) days following the initial adoption of this Employee Handbook.

**Section 8. Recovery of Salaries Improperly Paid**

Elected Officials and employees may be held liable for the return of salary improperly, accidentally, or illegally paid to employees.

## **CHAPTER 5** **RECRUITMENT**

### **Section 1.           Statement of Policy**

Recruitment of candidates for all positions with Barrow County, including but not limited to, positions created and/or funded by State or Federal grants, will be based upon meeting or exceeding the minimum qualifications established in the applicable Job Description in accordance with the non-discrimination policies enunciated in this Handbook and otherwise in accordance with State and Federal law.

### **Section 2.           Filling Vacancies**

All vacancies will be filled according to the policies set forth in this Chapter, regardless of whether the vacant position exists as a result of a newly created position or whether an existing position has been vacated. Newly created positions must have approval by the Board of Commissioners prior to commencement of recruitment efforts. All appointments to vacant positions covered under the Civil Service System must have the written approval of the Chief Administrator or the Chairman prior to an offer for the position being extended to the candidate. All such offers must be extended to the candidate from the Human Resources Director or his/her designee.

### **Section 3.           Advertisement of Vacancies**

- (a) An Elected Official/Department Director shall complete a request for advertisement form (or any subsequently created form adopted by the Human Resources Department) and submit it to the Human Resources Director to initiate the recruitment process. The Elected Official/Department Director shall simultaneously submit to the Human Resources Department a written acknowledgement confirmed by the Purchasing Director that the Elected Official/Department Director has available funds in his/her budget for the requested advertising. The Elected Official/Department Director shall have sole discretion to determine, and shall specify on the request form, whether the recruitment shall be limited to internal advertisements within the County workforce or whether the recruitment shall proceed with simultaneous internal and external advertisements. The means and methods of external publications shall be selected in the discretion of the Elected Official/Department Director, and indicated on the request form. The job vacancy advertisement shall specify the title, salary range, qualification requirements, manner of making application, and other pertinent information, and shall specify the date, time, and place of examination (if applicable) for each position.
- (b) The internal publications, and if applicable, the external publications shall continue indefinitely as the respective Elected Official/Department Director

deems appropriate or until the vacancy is filled. There shall be no stated closing date for the submission of applications. Interviews of the applicants may begin at any time as determined by the Elected Official/Department Director.

**Section 4. Minimum Qualifications**

All positions shall be open only to persons who meet such minimum requirements as are listed on the Job Description and job vacancy notice. Such requirements may include, but are not limited to, the following: experience, education, training, skills, and other qualifications that are desired or normally required to perform the duties and any responsibilities. The Human Resources Director or his/her designee will review all applications to ensure that the applicants meet minimum qualifications. All applicants who fail to meet minimum qualifications will be denied the opportunity to proceed further in the hiring process and will otherwise be ineligible for consideration.

**Section 5. Filing of Applications**

- (a) All applications for employment shall be made by completing a standard application form as prescribed by the Human Resources Director pertaining to the particular position sought. Applications must include detailed information regarding educational background, training, skills, employment experience, and other pertinent information sought on the application form as needed to assess the applicant's ability to meet the minimum requirements for the position.
- (b) Applicants must apply for positions through the Human Resources Department, unless an alternative arrangement has been made between the Human Resources Director and the applicable Elected Official/Department Director that would result in the applicant being notified of an alternative location to submit the application.
- (c) All written applications shall be signed by the applicant attesting to the truth of all statements contained in the application form. Any application submitted electronically must contain an electronic mark or signature by the applicant likewise attesting to the truth of all statements contained in the application form. Untruths, misrepresentations, or material omissions made by an applicant on his/her application shall be grounds for rejection of the application, or if the applicant has been hired prior to the County learning of the discrepancy, it shall be grounds for termination. Any applicant found to have submitted an application containing untruths, misrepresentations, or material omissions shall be unqualified from consideration of employment with Barrow County for a period of at least two (2) years.
- (d) Incomplete applications may be returned to the applicant with a notice to amend same. The County shall have no obligation, however, to detect an incomplete application and notify an applicant prior to the vacancy being filled. Incomplete

applications may be completed or revised and re-submitted, however, there is no guarantee that the vacancy will remain open during such process.

**Section 6.                    Conditions for Rejection of Applicants**

The Human Resources Director may reject any application from consideration when the following determinations are made:

- (a) The applicant does not possess one or more of the minimum requirements as specified in the Job Description for the position sought.
- (b) The applicant falsified statements, practiced deception, or materially omitted information on the application.
- (c) The applicant does not reply to, or return, a telephone inquiry within two (2) days.
- (d) The applicant was previously employed by Barrow County and was dismissed for cause, resigned not in good standing, resigned in lieu of termination, or is not currently eligible for re-employment.
- (e) The application is incomplete in that the applicant has not completed the entire application by filling in all applicable spaces and providing all requested information.
- (f) The applicant has been convicted of a criminal offense involving the manufacture, distribution, trafficking, or sale of a controlled substance, dangerous drug, or marijuana. Such applicants shall be automatically rejected.
- (g) The applicant has been convicted of a crime involving a violent crime such as assault with a deadly weapon, aggravated assault, or murder. Such applicants shall be automatically rejected.
- (h) Applicants convicted of any other crime will be considered on a case-by-case basis.
- (i) The applicant has received information regarding a qualification examination that other applicants did not receive and to which the applicant was not entitled such that the applicant had an unfair advantage over other applicants taking the examination.
- (j) The applicant has used or attempted to use political influence or bribery to gain an advantage in securing employment.
- (k) The applicant has tested positive to a drug or alcohol test administered by Barrow County and/or been found to have submitted an application containing untruths, misrepresentations, or material omissions.

**Section 7.                    Interviews**

Upon initial review and removal of applicants from consideration that are rejected in accordance with the standards set forth above, the Human Resources Director shall forward the remaining applications to the applicable Elected Official/Department Director for further consideration, which may include conducting personal interviews with those remaining applicants. The Human Resources Director or his/her designee will assist the applicable Elected Official/Department Director to the extent requested in the interview and selection process. In the event that applications were submitted directly to an Elected Official/Department Director pursuant to an alternative agreement agreed upon by the Human Resources Director and the applicable Elected Official/Department Director, the Human Resources Director or his/her designee will remain available to assist in the interview process as requested.

**Section 8.                    Verification of References**

The applicable Elected Official/Department Director shall verify the references and past employment of at least the top candidate prior to making any job offer. In the event that the Elected Official/Department Director wishes to request that the Human Resources Director or his/her designee verify such references of candidates, the Elected Official/Department Director shall make such a request to the Human Resources Director in writing.

**Section 9.                    Qualification Examinations**

(a)    Statement of Policy

The Human Resources Director, upon approval by the Chief Administrator, may initiate and install a suitable examination program for any position, along with the procedures to implement such an examination program. In addition, any Elected Official/Department Director may also initiate and install a suitable examination program for any position, provided that the examination program is reviewed by the Human Resources Director and the Chief Administrator prior to implementation. Any written or performance tests will be designed to test for job performance, and will not be discriminatory as to race, creed, color, sex, disability, religion, age, national origin, or political affiliation, or any other category protected by federal and/or State law. Any examination program shall be administered in a fair and neutral manner and shall be applied consistently across all candidates who are seeking the particular position for which the examination program was implemented.

(b) Conduct of Examination

The Human Resources Director or his/her designee shall designate monitors to take charge of the examination under prescribed instructions for those Elected Officials and departments covered by the Barrow County Civil Service system.

(c) Method of Rating Examinations

For all examinations, the Human Resources Director, in coordination with the applicable Elected Official/Department Director, shall establish minimum standards for performance or requirements in order to achieve an eligibility standard. If there is more than one part to an examination, such as a written test and a rating of experience and training, the Human Resources Director, in coordination with the applicable Elected Official/Department Director, shall assign the minimum acceptable scores and/or weighted score to the various parts of the examination prior to conducting the examination. If the examination is comprised of successive components, candidates must obtain acceptable scores on each component for continued consideration for employment. The formula for assigning weights will be administered in a uniform and equal manner for all applicants for the same class of positions.

(d) Inspection and Confidentiality of Examination Material

The confidentiality of all applications, examination results, and test materials is essential to the integrity of an examination process. Accordingly, general access to, or disclosure of, examination results and/or materials is prohibited. Limited access to promotional examination results and/or test materials will be allowed in a manner carefully constructed to protect both confidentiality and the integrity of the examination process. Specifically, participants in an examination process will be able to review their own examination materials. No participant will be able to review the examination materials of other participants.

In all cases, testing materials will be reviewed in the presence of a representative of the Department of Human Resources or an individual authorized by the Human Resources Director. Unless otherwise specified by the Human Resources Director, the opportunity to review examination materials will be limited to a period of thirty (30) days following the release of results for the examination. Individuals may make general notes regarding their review of their own testing materials, but may not directly transcribe, or make copies of, any examination materials.

Nothing contained in this sub-section shall be construed to limit the availability of examination materials for use in civil service or judicial proceedings, related appeals, or as required by applicable law.

The Human Resources Director shall be responsible for the maintenance of all records, including the completed tests, related to the examination process.

(e) Notification of Examination Results

Upon completion of the examination process, each participant will be notified of his or her rating on all phases of the examination within a reasonable time period. Failure to notify candidates within a reasonable time period shall not be grounds for challenging the examination process or any employment decisions related thereto.

(f) Adjustment of Errors on Examinations

If an objectively demonstrated error in the rating of an examination is called to the attention of the Human Resources Director within thirty (30) days after the announcement of the results, the Human Resources Director shall correct such error.

(g) Eligibility Registers

To the extent that the examination process adopted by the Human Resources Director, or in coordination with the applicable Elected Official/Department Director, for a particular position provides for the creation of a listing of participants who met certain minimum standards for performance so as to be eligible for employment, this listing shall be known as an Eligibility Register. Any examination process that results in the creation of an Eligibility Register shall specifically state in writing the method by which offers for employment will be extended to individuals appearing on the Eligibility Register and shall so notify all participants in the examination process. In any event, and under any examination process resulting in the creation of an Eligibility Register, an individual's existence on an Eligibility Register does not constitute an offer for employment or any guarantee of future employment. Therefore, an individual shall have no expectation of employment based upon appearance on an Eligibility Register. To the extent that the examination process adopted by the Human Resources Director, or in coordination with the applicable Elected Official/Department Director, for a particular position utilizes an Eligibility Register and specifically provides for future hiring based upon the Eligibility Register, any individual who is extended an offer of employment based upon appearance on that Eligibility Register more than sixty (60) days after the completion of the examination, shall be subject to submitting updated information, including re-submitting to the applicable background checks, drug tests, and medical exams. The subsequent submittal of updated information may result in an applicant being denied employment if the results are unacceptable.

**Section 10. Promotional Examinations**

Any Elected Official/Department Director may institute a suitable promotional examination program for purposes of testing and promoting employees within the particular Department to positions designated in higher Grades within the particular Department, provided that the promotional examination program is approved by the Human Resources Director and otherwise complies with the policies set forth in this Chapter. Such an approved promotional examination program would be in lieu of the recruiting requirements set forth in this Chapter for those positions for which the promotional examination program is established.

**Section 11. Selection**

The hiring Elected Official/Department Director will notify the Human Resources Department of the selected applicant(s). The Human Resources Director or his/her designee will notify successful applicants by mail or by telephone and provide the applicant with instructions regarding the completion of additional required forms and pre-employment screening. The failure of an individual to accept employment, to timely report for any additional drug or medical screenings, to cooperate with a background check or motor vehicle report investigation, or to report to duty within the time prescribed in the employment offer shall result in the employment offer being rescinded and the individual shall no longer be considered for the position.

All employment offers are contingent upon successfully passing a drug test and background check, as well as successful completion of a physical examination if required. No candidate shall be authorized to begin employment with Barrow County until the Human Resources Director receives notification of candidate's successful completion of the drug test, background check, and physical examination, if applicable. In the event that an employment offer is rescinded or not accepted, the Human Resources Director, at the request of the applicable Elected Official/Department Director, may make additional job offers to others in the pool of applicants until the position is filled without the need for any further advertisement or notice, or in the alternative, the Elected Official/Department Director may at any time request that the recruitment process be commenced anew.

**Section 12. Hiring of Chief Administrator, Deputy Administrator, and Department Directors**

All preceding procedures and policies set forth in this Section shall apply to the recruitment and hiring of the Chief Administrator, Deputy Administrator, and Department Directors. In addition, the following additional procedures will be required:

- (a) The Chairman shall appoint a Selection Committee to facilitate the selection process for the hiring of the Chief Administrator, Deputy Administrator, and all Department Directors (the "Selection Committee"). The Selection Committee shall be comprised of the Human Resources Director (unless the Selection Committee is formed to hire a Human Resources Director), and a minimum of four (4) appointees of the Chairman. The Selection Committee need not be

appointed at a public meeting.

- (b) Prior to consideration of any applicant by the Selection Committee, the Human Resources Director or his/her designee shall ensure compliance with the minimum qualifications for the job. Thereafter, all applicants who satisfy minimum qualifications will be forwarded by the Human Resources Department to the Selection Committee.
- (c) The Selection Committee shall screen the remaining applicants and select those applications that the Selection Committee deems worthy of proceeding in the hiring process. The Selection Committee may then, in its discretion, request in writing that the Human Resources Director or his/her designee conduct additional screening of the remaining applicants, which may include a request for a preliminary criminal background check, a verification of employment history, cross-referencing of any other known applications that may have been previously submitted for employment by the applicant to the County, a verification of all educational history, and/or such other verification of references and specific screening that the Selection Committee requests in writing. Thereafter, the Human Resources Department will return to the Selection Committee the applicants and report as to the results of any requested screening. In the alternative to making the written request for heightened screening of selected applicants, the Selection Committee may proceed directly to step (d) below and commence applicant interviews.
- (d) The Selection Committee shall conduct interviews and select the top candidate to recommend for the position. The top candidate recommended by the Selection Committee shall then be interviewed by the Chief Administrator and the Chairman, unless the candidate is for the position of Chief Administrator, in which case, the Chairman independently will interview the top candidate recommended by the Selection Committee. Thereafter, the top candidate shall be presented to the Board of Commissioners for a final hiring decision. The Selection Committee shall also create an Eligibility Register on which the names of other suitable candidates shall appear in order of preference. The Eligibility Register shall be in effect for a period of ninety (90) days following the approval of the Board of Commissioners of the top candidate. The Eligibility Register shall exist solely for the purposes of providing alternative suitable candidates in the event the top candidate fails the drug screen, background investigation, motor vehicle report investigation, physical exam, if applicable, or otherwise proves to be unsuitable for employment during the first ninety (90) days following the approval by the Board of Commissioners. An alternate candidate may be selected from the Eligibility Register consistent with the rank order without the need for any further advertisement or notice during the 90-day period.

**Section 13.            Nepotism**

There should be nothing in this Employee Handbook to prohibit the concurrent employment of relatives by Barrow County as long as neither of the related parties are employed in a supervisory role in which they may have a direct effect on the other individual's progress, performance, promotion, training, testing, or welfare as a Barrow County employee. An employee may not be promoted into a position in which the employee would have a supervisory responsibility over a relative as defined in this Handbook unless the relative can be transferred to another position to eliminate the necessity of the promoted employee supervising a relative. Additionally, relatives in public safety positions cannot be assigned to the same shift. For purposes of this nepotism policy, relatives are defined as husbands, wives, parents, children, brothers, sisters, fathers-in-law, mothers-in-law, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, grandparents, step-parents, and step-children.

**CHAPTER 6**  
**POSITION PLACEMENT**

**Section 1.           Statement of Policy**

The different mechanisms for placement of employees in positions are set forth in this Chapter. Placements shall be made only to positions that have been allocated under the Classification Plan and approved by the Board of Commissioners. The different types of placements include the following: original hire, promotion, demotion, reinstatement, lateral transfer, reassignment, grant-funded placement, and emergency assignment.

**Section 2.           Original Hire**

An Original Hire occurs upon hiring an individual as a result of recruitment efforts, except as specifically indicated herein. Original hires may consist of employment in a full-time position, a part-time position, a seasonal position, a temporary position, or a grant-funded position. An employee who is covered by the Barrow County Civil Service System will be subject to a six-month probation period as set forth in the Civil Service Handbook.

(a)    Full-Time Position

An employee who works in a position that is budgeted as a full-time position for twelve (12) months of the year, and who works more than thirty-two (32) hours per week. A full-time employee is entitled to all personal leave and benefits as described in this Handbook.

(b)    Part-Time Position

A part-time employee is an employee who works in a position that is budgeted as a part-time position for twelve (12) months of the year, but who works less than thirty-two (32) hours per week. Part-time employees are not eligible to accrue personal leave and are not eligible for benefits. All part-time employees must have approval from the Chairman of the Board of Commissioners to work any time in excess of the budgeted amount of hours for the position.

(c)    Seasonal Position

A seasonal employee is an employee who works in a position that is temporary in nature in that it coincides with a particular season or seasons of the year or with heavy workload periods for a particular Department. The seasonal position period may recur regularly from year to year, but it is not budgeted for twelve (12) months of the year. A seasonal employee is not entitled to any personal leave or benefits with Barrow County. Seasonal positions may not last longer than six months. A seasonal position may be created or abolished upon the recommendation of the Human Resources Director and the Chief Administrator,

and approval by the Board of Commissioners.

(d) Temporary Position

A temporary employee is an employee who works in a position that is temporary for purposes of a special project or other work of a temporary nature. The temporary position period is established according to the special project or special circumstances requiring work of a temporary nature. The temporary position is not budgeted for twelve (12) months of the year and does not recur regularly from year to year. An Elected Official/Department Director requiring the use of a temporary employee is not required to utilize the recruitment procedures in recognition of the fact that a temporary position will be needed based on time-sensitive and/or exigent circumstances. In any event, a temporary position shall not exceed six (6) months without the approval of the Human Resources Director. A temporary employee is not entitled to any leave or benefits with Barrow County. A temporary position may be created or abolished at the recommendation of the Human Resources Director, and upon approval of the Chairman and the Chief Administrator, provided that departmental funds are available.

(e) Shift Worker Position

A shift worker employee is an employee who occasionally works one (1) twelve hour or one (1) twenty-four hour shift on a seasonal or part-time basis. A shift worker is not eligible for leave or benefits.

(f) Grant-Funded Position

A grant-funded position is a full-time or part-time position established for a specific period of time not to exceed the scheduled termination date of the grant. This position will terminate by operation of law on the date of the grant termination, unless the Barrow County Board of Commissioners provides appropriate funding to continue the program or positions on or prior to the date of the grant termination.

**Section 3. Promotion**

A Promotion occurs when an employee is promoted from a position in one Grade to another position having a higher Grade and pay range. Unless a promotional examination program or a period of time in a classification is a specified promotional prerequisite instituted within a Department and approved by the Human Resources Director, all promotions will occur as a result of the recruitment procedures outlined in this Handbook.

When an employee is promoted to a position in a higher Grade, the employee's salary should increase to the minimum salary of the new Grade or to a salary approved by the Chairman or Chief Administrator, but which cannot exceed maximum rate of pay for the new position in

any event. Upon promotion, an employee who is covered by the Barrow County Civil Service System will be subject to a position probationary period as set forth in the Civil Service Handbook.

An employee must have successfully completed the full probationary period prior to being eligible for a promotion.

#### **Section 4. Demotion**

A Demotion occurs when an employee is moved from a position in one Grade to a position having a lower Grade and pay range. When an employee is demoted to a lower Grade, the employee's salary will decrease that percentage difference between the minimum salary for his/her former position and the minimum salary applicable to his/her position. For example, if an employee is demoted from position "A" which has a minimum annual salary of \$30,000.00 to position "B" with a minimum annual salary of \$27,000.00, then the demoted employee would receive a 10% reduction in salary. An employee who is covered by the Barrow County Civil Service System will be subject to a position probationary period as set forth in the Civil Service Handbook.

A demotion appointment will be one of the following types:

- (a) Disciplinary demotion;
- (b) Administrative demotion, which results from layoff, reduction in force, reorganization, or disability accommodation;
- (c) Voluntary demotion, which results from the request of the employee or agreed to by an employee, provided the following requirements are met:
  - (i) The request or agreement is in writing;
  - (ii) Approval is obtained from the Elected Official/Department Director and the Human Resources Director; and
  - (iii) If the demotion includes the transfer of the employee from one Department to another, the receiving Department must be willing to accept the employee.
- (d) Probationary demotion, which occurs when an employee who is covered by the Barrow County Civil Service System fails to satisfactorily complete a position probationary period as set forth in more detail in the Civil Service Handbook.

An employee is eligible for demotion within his/her Department at any time. To the extent an employee seeks a demotion outside his/her Department, an employee must have successfully completed the full probationary period prior to being eligible for a demotion in an external Department.

**Section 5.                    Reinstatement**

A Reinstatement shall be made when employees who were laid off, subject to an administrative demotion, on an approved leave of absence, or on an approved military leave are eligible for return to the position the employee previously held with Barrow County as set forth herein. Reinstatements are not intended to include an employee's return to work subsequent to a suspension or administrative leave. In addition, reinstatements are not intended to include an employee's request to return to work after leaving employment with Barrow County voluntarily or involuntarily as such request to return to work would be subject to the recruiting procedures and would constitute an Original Hire if the individual is selected for a position. The Seniority Date for a reinstated employee shall be established as follows: full-time employees shall receive full credit for all past employment, provided that the employee had three (3) years of previous continuous service with the County. No credit for past employment shall be given to full-time employees who had not completed three (3) continuous years of service with the County. No credit for past employment shall be given to part-time, temporary, seasonal, contract, or grant-funded employees.

(a)     Employees Reinstated After Non-Military Leave

A reinstated employee shall be paid at the employee's salary rate prior to the separation, provided the employee assumes his/her prior position, or the minimum salary provided for by the Job Description for that position, whichever is greater. In the event an employee is reinstated to a position other than the prior position he/she held, the employee's salary shall be the same as the employee's previous salary if the position is within the same Grade. In the event that the employee is reinstated to a position that is not within the same Grade as the position that the employee previously held, the pay provisions related to treatment of salary in the event of demotion or promotion shall apply to determine the rate of pay upon reassignment to the new position and the new Grade.

(b)     Employees Reinstated After Military Leave

A reinstated employee who has been on military leave shall be paid at the employee's salary rate prior to the separation taking into account average annual appraisal adjustments that were or would have been provided to the employee's position, or the minimum salary provided for by the Job Description for that position, whichever is greater.

## **Section 6. Lateral Transfer**

A Lateral Transfer is defined as an employee's move from one position with a certain Job Title to a different position with a different Job Title, but at the same Grade, either within or outside the employee's Department. The employee's rate of pay will remain the same. A Lateral Transfer shall be made at the request of the Human Resources Director, provided that the Elected Official/Department Director receiving the transferred employee approves, or at the request of the applicable Elected Official/Department Director. A Lateral Transfer for an employee covered by the Civil Service system must be approved by the Chief Administrator or Chairman. A Lateral Transfer for any other employee not covered by the Civil Service system must be approved by the applicable Elected Official and notice must be provided to the Human Resources Director.

- (a) A Lateral Transfer may be made without following the recruitment procedures as a Lateral Transfer is designed as an administrative mechanism for movement of an employee as needed.
- (b) For an employee subject to the Civil Service System, the employee will not be subject to a probation period in the new position when subjected to an involuntary Lateral Transfer, provided that the employee has satisfactorily completed probation in the former position. If the employee has not satisfactorily completed probation in the former position, the employee must satisfactorily complete the remainder of probation in the new position to gain regular status.
- (c) In the event that an employee requests a Lateral Transfer, the employee must submit an application and proceed through the recruitment procedures outlined in this Handbook and will be subject to a new probationary period if the employee is subject to the Civil Service System. An employee is eligible to apply for a vacant position that would constitute a Lateral Transfer at any time if the Lateral Transfer sought is within the employee's Department. To the extent that the employee desires to apply for a vacant position that would constitute a Lateral Transfer outside the employee's Department, the employee must have successfully completed the full probationary period in the current position, before the employee is eligible to apply for a Lateral Transfer to an external Department.

## **Section 7. Reassignment**

A Reassignment shall be made at the request of the Human Resources Director or by an Elected Official/Department Director, with or without prior approval by the Human Resources Director. A Reassignment consists of the movement of an employee from one position with a certain Job Title to another position within the same Department with the same Job Title. Any Elected Official/Department Director making a Reassignment shall provide written notification to the Human Resources Director and Finance Department for purposes of allocating cost centers and budgeting. The employee's rate of salary upon Reassignment will remain the same. Any Elected Official/Department Director wishing to make a Reassignment does not have to follow the recruitment procedures set forth in this Handbook as a Reassignment is designed as an

administrative method for the movement of employees by the Elected Official/Department Director to accommodate workload within the Department.

**Section 8. Grant-Funded Placement**

A Grant-Funded Placement is the placement of an individual in a position that is a full-time or part-time position established for a specific period of time not to exceed the scheduled termination date of the grant. This position will terminate by operation of law on the date of the grant's termination, unless the Barrow County Board of Commissioners provides appropriate funding to continue the program or position on or prior to the date the grant expires. All Grant-Funded Placements will occur as a result of the recruitment procedures outlined in this Handbook.

**Section 9. Temporary Work at a Higher Grade/Emergency Assignment**

With the prior approval of the Chairman or Chief Administrator, an employee may be required to work at a higher Grade on a temporary, emergency basis and must do so for a period of thirty (30) days or less with no increase in pay. If the employee is required to perform the duties for a period exceeding thirty (30) days, the employee will be given an Emergency Assignment for a specified term to the higher Grade and be paid the appropriate rate for the higher Grade, which shall be the minimum rate of pay for that Grade upon the thirty-first day in the tour of duty. At the conclusion of the assignment, however, the employee's pay shall revert to the authorized rate established for the employee's regular position. Any such temporary increase shall not affect the employee's eligibility for normal merit advancements. Temporary assignments pursuant to this Emergency Assignment position may not in any event exceed six (6) months without written approval for an extension by the Chairman or Chief Administrator. Recruitment procedures need not be followed in the event of an employee being required to perform work at a higher Grade on a temporary, emergency basis.

**Section 10. Rehire**

In the event that the Elected Official/Department Director specifies on the personnel action form, or an attachment thereto, that a former employee should not be considered for re-employment, said employee shall not be eligible for reemployment with Barrow County in any capacity for at least two (2) years from the date of separation. In the event that a former employee is rehired by Barrow County, the Seniority Date for the rehired employee shall be established as follows: full-time employees shall receive full credit for all past employment, provided that the full-time employee completed three (3) years of previous continuous service with the County. No credit for past employment shall be given to full-time employees who did not complete three (3) years of previous continuous service with the County. No credit for past employment shall be given to part-time, temporary, seasonal, or grant-funded employees. All Rehires will occur as a result of the recruitment procedures outlined in this Handbook.

**CHAPTER 7**  
**SEPARATION**

**Section 1.                   Statement of Policy**

Employees shall be separated in accordance with the provisions of this Chapter and in accordance with the non-discrimination policies and non-harassment policies contained in this Handbook. A separated employee shall be paid accumulated salary and shall be paid for any accrued personal leave as follows:

(a)     Payment for Personal Leave

An employee who voluntarily resigns his/her employment with the County, retires from employment with the County, or who dies while employed by the County shall be paid for unused personal leave up to a maximum of 240 hours upon separation from the County, unless the employee fails to give proper notice of his/her resignation as provided in this Handbook. Employees who retire from County service upon meeting the established retirement criteria under the County's retirement plan shall be entitled to credit for all unused personal leave in excess of 240 hours toward their years of service for purposes of their benefit calculation upon separation. Employees who are dismissed or otherwise separate involuntarily shall not be paid for any unused personal leave upon separation.

(b)     Payment for Compensatory Time

Exempt employees who may have accrued compensatory time will forfeit all such time upon separation, regardless of whether the separation is voluntary or involuntary.

**Section 2.                   Types of Separation**

(a)     Resignation

An employee may be separated from employment with Barrow County upon the submission of the employee's resignation. Resignation may be submitted in writing or orally to the employee's Elected Official/Department Director, his/her supervisor, or the Human Resources Director. Whether the employee resigns in writing or by making an oral statement of resignation, the resignation is effective immediately. If the resignation is provided to someone other than the Human Resources Director, the Human Resources Director must be notified immediately. Once a resignation is tendered, oral or written, the resignation is final and there is no opportunity for the employee to seek to withdraw or rescind the resignation.

In order to resign in good standing, an employee must, at a minimum, give written notice at least ten (10) regularly scheduled working days prior to the effective

date of the resignation and otherwise have demonstrated satisfactory performance. Failure to comply with this provision shall be entered on the service record of the employee and will result in a denial of re-employment rights for at least two (2) years from the date of resignation, unless the applicable Elected Official/Department Director determines that there was a hardship basis for not providing the two-week notice.

After submitting a resignation, the employee is not eligible to utilize compensatory time or personal leave time. Instead, the employee will be monetarily compensated for any accrued personal leave time consistent with this Chapter at the conclusion of the employment relationship.

At the discretion of the Elected Official/Department Director, any employee providing notice as described above may be immediately dismissed from service with no pay, rather than the employee working during a notice period.

(b) Abandonment of Position

An employee shall be considered to have abandoned his/her position when any of the following occur: (1) an employee is absent without notice to the Elected Official/Department Director or his/her designee for three (3) or more consecutive working days; (2) an employee is absent for three (3) or more consecutive working days after providing notice, but without having any available leave time; or (3) an employee is absent for three (3) or more consecutive working days without receiving approval for the absences. An employee may not be deemed to have abandoned his/her position if the employee has provided notice to the Elected Official/Department and the employee demonstrates a serious medical condition supported by medical documentation to the satisfaction of the County. Such status of non-abandonment, however, could change at any time in the discretion of the County depending on the length of the absence from the position and other circumstances. For purposes of this paragraph, a “working day” is defined as eight (8) hours worked for county employees; twelve (12) hours worked for Law Enforcement sworn officers who work a 12-hour shift; and twenty-four (24) hours for Fire Department employees who work a 24-hour shift. In any of the three (3) situations set forth herein, the employee shall be deemed to have abandoned his/her position and to have resigned as of the end of the third working day. The Human Resources Director should be notified immediately of any employee who has resigned as a result of abandonment of the position.

(c) Failure to Return from Leave of Absence

Any employee who fails to return to duty at the expiration of a duly approved leave of absence for three (3) consecutive calendar days following the expiration of the leave of absence shall be deemed to have abandoned his/her position and to have resigned as of the end of the third day.

(d) Lay-off

(i) Reasons Justifying Lay-Off

Lay-off is defined as a reduction in force that may result in the separation of employee(s) due to abolishment of a position, a shortage of funds or work, a need to increase efficiency, or a material change in the duties or organizational unit of the Department. No lay-offs shall be made for the purpose of dismissing an employee for incompetence, misconduct, or for other reasons, except as included in this Chapter. The lay-off does not reflect discredit upon the service of the employee. A lay-off can be recommended by the Board of Commissioners, the Chief Administrator, and/or the Human Resources Director. Any lay-off must be approved by the Human Resources Director prior to becoming effective.

(ii) Order of Lay-Off

Prior to the lay-off, the affected Elected Official/Department Director shall make recommendations to the Human Resources Director who shall consider work records, employee evaluation ratings, and length of service in determining which employees shall be laid-off. If it is found that two or more persons in the Department in which the lay-off is to be made have equal ratings as determined by review of employee records and evaluation ratings, the order of lay-off shall be based upon seniority. No full-time employee shall be laid-off while another person is employed on a temporary or part-time basis in a position within the same Job Description if the employee is willing to accept the temporary or part-time work. In evaluating employees for purposes of a lay-off, care should be taken to accurately evaluate all employees. An employee shall not be laid-off based on race, color, creed, religion, sex, national origin, age, political affiliation, disability, or any other category protected by federal and/or State law.

Prior to lay-off and in an effort to avoid separation of employment, the Human Resources Director may direct Lateral Transfers or Demotions as necessary to place employees into positions for which they are qualified rather than lay them off. Lateral Transfers or Demotions in accordance with this Chapter will be effective unless the employee elects in writing to be laid off. Written notice of said election from the employee must be received by the Human Resources Director within three (3) calendar days after the employee has received notice of a Lateral Transfer or Demotion.

(iii) Special Cases

Should an Elected Official/Department Director determine that the retention of a certain employee is essential to the effective operation of the Department because of the fact that such employee possesses special skills or abilities, and should the Elected Official/Department Director wish to retain such employee in preference to another with a higher rating or seniority, then the Elected Official/Department Director shall submit a written request to the Human Resources Director. Such notification shall set forth in detail the specific skills and abilities possessed by the employee and the reasons why such employee is essential to the effective operation of the Department. With the approval of the Human Resources Director and Chief Administrator, the individual may be retained to the detriment of the higher ranking employee.

(iv) Re-Employment Register

The Human Resources Director shall prepare a register of employees who have been laid-off to be utilized as provided in this Chapter. The order of names appearing on this register will be based upon the order of the lay-off and when there is a tie, then seniority will be the determining factor. The names of the employees shall remain on the lay-off register for a period of one (1) year. During the life of the lay-off register, an employee may submit a written request to have his/her name removed from the list. Employees whose names appear on the lay-off register shall be given primary consideration when conditions warrant rehiring. "Primary consideration" shall mean that the employee does not have to go through the recruiting process, but that Barrow County will notify the employees who appear on the lay-off register when there is an opportunity to fill a position that the laid-off employee previously held or a comparable position, either full-time or part-time; provided the employee meets the minimum qualifications for the position. All employees appointed to a position in this manner will serve the stated probation period for that position. In any event, employees whose names appear on the lay-off register are welcome to apply for other positions with Barrow County at any time. If an employee is hired for another position in Barrow County during the life of the lay-off register, the employee's name shall be removed from the lay-off register and no other special consideration shall be given to the employee. If a person placed on the lay-off register does not accept the first offer for re-employment having the same classification as the one held at the time of separation, the employee's name shall be removed from the lay-off register and no other special consideration shall be given.

(e) Death

An employee who dies while in Barrow County's employment shall be separated effective as of the date of death. Accumulated personal leave up to a maximum of 240 hours and salary due the employee shall be paid to the estate of the deceased.

(f) Retirement

An employee may be separated from employment with Barrow County upon his/her retirement consistent with retirement eligibility contained in federal and State law, as well as in the Barrow County Defined Benefits Plan. Any employee who wishes to retire shall provide written notice a minimum of ten (10) regularly scheduled working days prior to the intended retirement date to the affected Elected Official/Department Director. After providing notice of retirement, the employee is not eligible to utilize compensatory or personal leave time. Instead, the employee will be monetarily compensated for up to 240 hours of personal leave time at the conclusion of the employment relationship. All other unused and accrued personal leave time in excess of 240 hours shall be credited towards a retiring employees years of service for purposes of their benefit calculation upon retirement. All compensation due to be paid to the employee shall be paid out in a lump sum on the effective date of retirement.

Any employee eligible for the Barrow County Defined Benefits Plan who retires from employment with Barrow County must terminate employment prior to receiving any benefit under the Defined Benefits Plan. After such termination of employment, the employee may return to perform services for Barrow County on a part-time, temporary, seasonal, or independent contractor basis. Any employee returning to the Barrow County workforce in such a manner, will not receive any increases in benefits received under the Defined Benefits Plan on account of future years of service and compensation.

(g) Inability to Perform

If an employee suffers from a condition or physical or mental disability that prevents him/her from performing the essential functions of the position or is otherwise unfit for duty such that the employee cannot perform the essential functions of the position, even with reasonable accommodation or in the absence of an available reasonable accommodation, the employee is subject to dismissal for inability to perform the job.

(h) Loss of License or Certification

Any employee who is unable to perform the essential functions of his/her job adequately because of loss of a necessary license or certification shall be subject to dismissal. All employees are independently and solely responsible for ensuring that any license or certification required to perform the job are maintained in good standing.

(i) Dismissals

A dismissal is the involuntary separation of an employee from employment with Barrow County. A dismissal for disciplinary reasons may be instituted without prior notice to the employee when deemed necessary to protect the County or the employee concerned. In the event of such a dismissal, the applicable Elected Official/Department Director shall notify the Human Resources Director no later than the end of the following business day. However, in all other cases, the applicable Elected Official/Department Director should notify the Human Resources Director of his/her intent to dismiss an employee and the reasons therefore prior to dismissal. Upon such notification, the applicable Elected Official/Department Director or his/her designee and/or applicable supervisor, and the employee shall arrange to meet with the employee in a dismissal conference. The employee is to be told the purpose of the conference. Specifically, the employee should be advised that the County intends to dismiss him/her. If the employee refuses to attend the dismissal conference, the dismissal will become automatic and enforced, and all rights to a dismissal conference shall be waived by the employee. The dismissal conference shall consist of the applicable Elected Official/Department Director or his/her designee and/or applicable supervisor, and the employee. The employee should be advised of the specific reasons for the dismissal and be further advised that he/she has an opportunity to respond to the reasons for dismissal prior to being discharged. The employee's verbal response at the conference should be considered. If deemed appropriate, the County shall proceed with dismissal. If deemed inappropriate, the County shall proceed with another disciplinary action. The dismissal of the Chief Administrator, Deputy Administrator, and/or a Department Director must be pursuant to a majority vote of the Board of Commissioners, after a recommendation of dismissal is submitted to the Board of Commissioners by the Chairman.

**Section 3. Recommendation of Re-Employment**

In every instance other than death or retirement, upon the separation of an employee from a position, the applicable Elected Official/Department Director shall specify on the personnel action form, or an attachment thereto, whether the employee can be considered for re-employment. An answer of "no" disqualifies the employee for further appointments with Barrow County for at least two (2) years from the date of separation.

**CHAPTER 8**  
**DISCIPLINARY ACTIONS**

**Section 1.           Statement of Policy**

Except for those employees who are covered by the Barrow County Civil Service System or Elected Officials, employees of Barrow County are terminable at will and at the sole discretion of the appointing official and/or Barrow County. Nonetheless, Barrow County seeks to resolve performance and conduct problems in the most positive and constructive manner possible. When situations arise that warrant disciplinary action, Barrow County will treat all employees fairly and consistently.

The Chairman, Chief Administrator, Deputy Administrator, and/or Public Works Director, will be responsible for all disciplinary actions against the Executive Employees who report to them (i.e., the Chief Administrator, Deputy Administrator, and/or Public Works Director, and all Department Directors (not including Elected and Constitutional Officers), as applicable), including reprimands, demotions, and suspensions. The Chairman must recommend termination of the Chief Administrator, Deputy Administrator, Public Works Director, and any Department Director (not including Elected or Constitutional Officers) to the Board of Commissioners for approval by a majority vote.

**Section 2.           Prohibited Conduct Generally**

In general, conduct that interferes with the operations of Barrow County, brings discredit to Barrow County, or is offensive to supervisors, co-workers, or the public is not tolerated. Examples of conduct that is not permitted, and will subject the individual involved to disciplinary action, up to and including immediate termination, includes, but are not limited to:

- (a) Insubordination or uncooperative attitude, including, but not limited to, disrespect to a supervisor, a higher ranking employee or official, co-worker, or the public, and failure to follow the lawful orders of a supervisor;
- (b) Failure to do work at an acceptable level of competence;
- (c) Excessive tardiness, excessive absenteeism, unexcused absences, and absences when the employee does not have accrued personal leave or compensatory leave to accommodate the absence;
- (d) Conviction of a felony or a crime involving moral turpitude;
- (e) Theft, abuse or misuse of County property or vehicles, violation of traffic laws while driving a County vehicle, failure to report damage or destruction of County property to a supervisor, loaning property or equipment of the County without permission or proper authority;

- (f) Willfully giving false statements to supervisors, officials, or the public;
- (g) Violation of County ordinances, administrative regulations, provisions of this Handbook, or Departmental rules;
- (h) Consumption or distribution of alcoholic beverages or illegal drugs or abuse of prescription drugs or over-the-counter medication in a manner that violates the Barrow County Drug and Alcohol Free Workplace policies;
- (i) Acts during duty hours which are incompatible with public service;
- (j) Use of profane or abusive language or discourteous treatment of the public or other employees;
- (k) Drinking alcoholic beverages or use of illegal, prescription, or over-the-counter drugs outside work hours in such a manner as to adversely affect attendance or job performance;
- (l) Falsification or destruction of official records or documents, or use of official position for personal benefit, profit, or advantage;
- (m) When duly and properly called as a witness before any County board, appeals board, state or federal judicial or administrative tribunal, and when before such tribunal, failing to answer truthfully any question concerning performance of official duties with the County;
- (n) Failure to report an occupational injury or accident during the shift on which it occurred;
- (o) Absence due to incarceration;
- (p) Use of any form of physical abuse of the public, supervisors, or other employees, or making threats to the public, supervisors, or other employees;
- (q) Violating any lawful official regulation or order or failing to obey any proper directive made and given by a superior officer;
- (r) Guilty of disgraceful conduct;
- (s) Careless or negligent with the monies or other property of the County;
- (t) Failure to pay or make reasonable provisions for future payment of debt to such an extent that such failure is detrimental to the work relationship;
- (u) Use or threatening of use, or attempt at use of personal or political influence to secure employment benefits, including but not limited to, promotion, leave of absence, transfer, change of pay rate, or character of work;

- (v) Taking for personal use from any person any fee, gift, or other valuable thing in the course of work or in connection with it, when such gift or other such valuable thing is given in the hope or expectation of receiving a favor or better treatment than that afforded other persons based upon Barrow County Code, Article III, Ethical Standards;
- (w) Violating the established security procedures during the examination process or obtaining information, through unauthorized or illegal means, which provides and unfair advantage on the examination;
- (x) Failure to acquire a valid license, registration, or certification when such license, registration, or certification is required and specified in the specifications for the class to which the position occupied by the employee is classified;
- (y) Wasted time, inefficiency, and/or loitering during working hours; and/or
- (z) Violation of any provisions of the Barrow County Ethics Code, this Handbook, or the applicable departmental SOP.

**Section 3. Conduct Prohibited by Departmental SOP and Rules**

Notwithstanding the conduct prohibited generally in Section 2 above, or any other conduct prohibited by the Ethics Code or this Handbook, an employee will be subject to disciplinary action for violation of departmental SOPs or rules. Additionally, the departmental SOPs or rules may contain schedules of penalties for violations. In the event that the applicable department imposes a higher standard of conduct and/or the schedule of penalties results in a harsher penalty than the conduct guidelines and penalties contained in this Handbook or the Ethics Code, the departmental SOP or rules shall control.

**Section 4. Progressive Discipline**

Whenever possible, Elected Officials and Department Directors should provide employees with an opportunity to correct problematic behavior or poor performance. All supervisors are encouraged to follow specific steps of progressive discipline. However, depending upon the nature of the employee’s misconduct, poor performance, and/or length of employment, the use of progressive discipline shall be discretionary. Thus, while this Chapter sets forth available mechanisms for discipline, certain steps may be skipped in a disciplinary process depending upon the nature of the employee’s misconduct, poor performance, probationary status and/or length of employment. To the extent that progressive discipline is being utilized, when an employee engages in different types of misconduct or poor performance, each incident can provoke increased discipline, even if the incidents of misconduct or poor performance are in different areas or unrelated to other previous incidents. The mechanisms for progressive discipline may include, but are not limited to, verbal reprimand, written reprimand, suspension without pay, demotion, and dismissal. While there are six steps identified in this

Chapter, this Chapter should not be construed to require six incidents of misconduct or poor performance prior to dismissal being an appropriate disciplinary sanction. Moreover, other forms of discipline not detailed in this Chapter may be utilized in the discretion of the applicable supervisor. All disciplinary actions shall be reduced to writing and forwarded to the Human Resources Director for maintenance in the employee's personnel file. All such disciplinary actions shall remain in the employee's personnel file and will not be purged at any time.

**Section 5.                    Verbal Reprimand**

A verbal reprimand is an oral notice of a policy violation, mistake, inefficiency, misconduct, poor performance, or other factors that may adversely influence an employee's ability to carry out duties and responsibilities. Any supervisor may verbally reprimand a subordinate employee at any time. Verbal reprimands may affect the employee's employment status, particularly if corrective action is not taken by the employee. All verbal reprimands should be documented in the employee's personnel file maintained in the Human Resources Department, and shall be signed by the Human Resources Director to acknowledge receipt.

**Section 6.                    Written Reprimand**

A written reprimand is a written notice of a policy violation, mistake, inefficiency, misconduct, poor performance, or other factors that may adversely influence an employee's ability to carry out duties and responsibilities. Any supervisor may reprimand in writing a subordinate employee at any time. Written reprimands are required to be shown and explained to the employee who will acknowledge receipt of same by his/her signature. If the employee refuses to sign, the same shall be noted. If the employee feels the written reprimand to be unjust, he/she must so state in writing giving the reasons. An original copy of the reprimand, with the employee's response, if any, must be forwarded to the Human Resources Director to be placed in the employee's personnel file. The Human Resources Director will sign the written reprimand to acknowledge receipt. A written reprimand may be presented on a form adopted by the applicable department or available from the Human Resources Department, or the written reprimand may be in letter or memo form.

**Section 7.                    Suspension Without Pay**

The Chairman, an Elected Official/Department Director, the Chief Administrator, or the Deputy Administrator, or his/her respective designee, as applicable, may, by written notice to the employee, suspend an employee without pay. Any such notice of suspension must be forwarded to the Human Resources Director to be placed in the employee's personnel file. The Human Resources Director will sign the suspension notice to acknowledge receipt. An employee who is suspended for any reason may not utilize personal leave or compensatory time so as to be compensated during the suspension without pay period.

An employee may be suspended in the following manner:

(a) Disciplinary Suspension

In an attempt to correct unacceptable behavior and/or work performance issues, an employee may be suspended for a specified period of time without pay. All such disciplinary suspensions for a specified period of time shall be stated in hours, rather than days or shifts. The total period of any suspension without pay for disciplinary purposes shall not exceed 120 hours.

An employee in the position of Exempt status may be suspended without pay in increments of the equivalent of one or more full days imposed in good faith for violation of workplace rules. Non-Exempt employees may be suspended without pay in consecutive full or partial day increments.

(b) Suspension Pending a Court Decision

An employee shall be suspended indefinitely without pay at the discretion of the Chairman, the Chief Administrator, the Deputy Administrator, or the applicable Department Director/Elected Official, or his/her designee, as applicable, when waiting trial on criminal charges, the nature of which would impede or undermine the employee's ability to satisfactorily perform his/her job. In the alternative, if the employee's actions and/or the criminal charges are such that it is not in the best interest of the County for the employee to remain in the County workforce, the Chairman, the Chief Administrator, the Deputy Administrator, or the applicable Department Director/Elected Official, or his/her designee, as applicable, may elect to terminate the employee upon notice of the criminal charges or at any time thereafter.

If the County does not elect to terminate the employee during the pendency of criminal charges, upon receipt of notice from the employee that the criminal matter has been resolved by dismissal, plea, or trial, the Chairman, the Chief Administrator, the Deputy Administrator, or the applicable Department Director/Elected Official, or his/her designee, as applicable, shall make a determination as to whether the employee shall be reinstated and whether any such reinstatement shall be with or without loss of pay. If an employee is fully exonerated of all criminal charges, the employee shall be reinstated without loss of pay, privileges, benefits, or status retroactive to the date of suspension.

(c) Suspension Pending Drug/Alcohol Testing

An employee shall be suspended without pay immediately upon being required to submit to a reasonable suspicion drug or alcohol test. The total period of any suspension without pay shall be for an indefinite period of time, which shall conclude upon completion and receipt of the drug or alcohol test and any applicable confirmation tests.

An employee who tests positive for drugs or alcohol pursuant to any other type of drug or alcohol testing (such as workers' compensation testing, return to duty

testing, post-accident testing, and/or random testing) shall be immediately suspended without pay pending any applicable confirmation of the positive test results. The period of suspension shall be for an indefinite period of time, which period shall end upon completion and receipt of any applicable confirmation tests.

(d) Suspension During Investigation

A suspension during an investigation is referred to as Administrative Leave. Designation of such an absence from the workplace as “administrative leave” is to prevent any possible stigma against an employee during a period of Administrative Leave. Please refer to Chapter 9, Section 15 for details on Administrative Leave.

**Section 8. Demotion**

The Chairman, the Chief Administrator, the Deputy Administrator, or the applicable Elected Official/Department Director, or his/her designee, as applicable, may, by written notice to the employee, demote an employee for disciplinary purposes. When an employee is demoted to a lower Grade, the employee’s salary will decrease by that percentage difference between the minimum salary for his/her former position and the minimum salary applicable to his/her new position. An employee who is covered by the Barrow County Civil Service System will be subject to a position probationary period as set forth in the Civil Service Handbook upon demotion. All demotions must be approved in writing by the Chairman or Chief Administrator.

**Section 9. Dismissals**

An employee may be dismissed from employment with Barrow County for disciplinary purposes. Please see Chapter 7 concerning Separations for details.

Immediate dismissal, in the absence of progressive discipline, may be necessary in certain circumstances. The following list includes some, but not all, offenses that may be grounds for immediate dismissal:

- (a) Theft;
- (b) Falsification of timesheets;
- (c) Fighting or other physical violence or threats of violence;
- (d) Wrongful or negligent destruction of Barrow County property;
- (e) Conviction of a felony or other offense that, in the opinion of the County, conflicts with and/or undermines the employee’s performance of his/her job duties;

- (f) Possession of firearms, weapons, or explosives on Barrow County property without the express consent of the applicable Elected Official/Department Director, or as otherwise allowed for law enforcement personnel;
- (g) Use, possession, sale, or testing positive for alcohol or illegal drugs on Barrow County property or while on duty, and/or failure to submit to testing for same;
- (h) Use, possession, sale, or testing positive for prescription or over-the-counter drugs that lead an employee to be unfit for duty;
- (i) Falsification of an employment application or other information for the purposes of obtaining employment or any benefits from Barrow County;
- (j) Violation of safety rules that endanger lives or safety and/or any conduct that endangers lives or safety;
- (k) Violation of the Barrow County's anti-harassment, non-discrimination, and/or internet use policies;
- (l) Unreported or unauthorized absences of three (3) consecutive working days;
- (m) Unauthorized and repeated tardiness; and
- (n) Gross insubordination.

**CHAPTER 9**  
**ATTENDANCE AND LEAVE**

**Section 1.                    Hours of Work**

(a)    Attendance

The employee is responsible for his/her attendance and is required to work the schedule assigned by the applicable Elected Official/ Department Director.

(b)    Annual Period

The “Annual Period” for purposes of determining rights under this Handbook shall commence on October 1<sup>st</sup> and conclude on September 30<sup>th</sup>.

(c)    Maximum Work Hours

The following table sets forth the maximum work hours for purposes of computing overtime. In accordance with the table, employees are not entitled to overtime compensation until the maximum work hours in the applicable Work Period have been exceeded.

<u>Classification of Employees</u>	<u>Work Period</u>	<u>Maximum Hours</u>
Law Enforcement	28 days	171 per period
Fire Department	28 days	212 per period
Other County Employees	7 days	40 per period

(d)    Emergency On-Call Policy

Exempt and non-exempt employees may be required to be “on-call” for the purpose of responding to emergency situations. Any such emergency response generating potential on-call time shall be approved by either the Chief Administrator or Chairman.

According to the Fair Labor Standards Act, for a non-exempt employee, the waiting time while on-call is not compensable as hours worked as long as the conditions on the non-exempt employee’s activities are not so restrictive that they cannot use the time effectively for personal pursuits. It is the intent of the County that all employees shall be able to effectively use on call time for personal pursuits such that on call time is not compensable. Nonetheless, the County shall pay a non-exempt employee who is on the emergency on-call list one (1) hour of pay at the employee’s regular rate of pay for each day that the non-exempt employee appears on the emergency on-call list. The applicable Elected Official/Department Director shall submit the emergency on-call list to the Chairman and Chief Administrator on a monthly basis. The on-call list must be

approved by the Chairman or Chief Administrator.

Compensable time for non-exempt employees shall begin to run immediately when the employee commences travel to the emergency on-call location. Non-exempt employees will be paid a minimum of one (1) hour at their regular rate of pay in the event that the time worked is less than one (1) hour. Additional emergency calls that occur while a non-exempt employee is responding to a prior emergency call will not be reimbursed as a separate emergency call, but is considered as a continuous event.

Exempt employees shall receive no pay in addition to their regular salary for on-call time.

## **Section 2. Compensation for Overtime Hours Worked**

### **(a) Classification as Exempt or Non-Exempt**

All employees will be classified as either “exempt” or “non-exempt” according to the Fair Labor Standards Act (“FLSA”) and its governing regulations. These classifications are established by the County based upon the prevailing law and the actual duties and compensation earned by each employee. The County is not required to compensate employees who are exempt under the FLSA for overtime work. In contrast, the County is obligated to compensate employees who are deemed non-exempt under the FLSA for overtime work and does so according to the FLSA and the policies set forth herein. It is the expressed intent of Barrow County to strictly comply with the FLSA with regard to overtime payment.

### **(b) Approval and Recording of Overtime Hours Worked**

All overtime work performed must have prior approval of the Elected Official/ Department Director. In addition, all overtime hours worked must be recorded by the employee during the pay period in which the employee performed the work. No employee should be subjected to being requested by a supervisor to work overtime without allowing the employee to record and receive compensation for overtime hours worked. If any employee has concerns about the overtime compensation practices occurring in his/her Department, the employee should immediately advise the Human Resources Director.

### **(c) Rate of Overtime Compensation**

Non-exempt employees who perform overtime work shall be paid in wages at the rate of one and one-half times their regular rate of pay.

(d) Computation of Hours Worked for Overtime Compensation Purposes

The computation of hours worked for purposes of reaching the maximum hour threshold (as specified in Chapter 9, Section 1, Paragraph c above) to trigger the entitlement to overtime compensation shall include all hours actually worked. Paid personal leave, other paid leave, holiday leave, compensatory time, and other types of leave shall not be included.

(e) Use of Compensatory Time By Exempt Employees

As of the effective date of this Employee Handbook, exempt employees will no longer be awarded compensatory time. Exempt employees who have accrued compensatory time shall be entitled to use such accrued time until July 1, 2007, with prior approval from the supervisor. All compensatory time accrued by exempt employees and not used during this grace period is forfeited.

(f) Forfeiture of Compensatory Time Upon Separation

All unused compensatory time accrued by exempt employees will be forfeited by the employee immediately upon separation from employment with Barrow County if such separation occurs during the six-month grace period, whether the employee is terminating his/her employment voluntarily or involuntarily. At the time of separation, an employee shall not be entitled to remain on the County payroll to extend County benefits by using compensatory time.

(g) Overtime for Part-Time, Non-Exempt Employees

Part-time, non-exempt employees who work more than their normal work schedule, but less than the FLSA maximum hours for the appropriate work cycle, will be paid at straight time. When hours worked exceed FLSA maximums for the appropriate work cycle, part-time employees will be paid overtime at time and one-half of the regular hourly rate. Part-time employees are not authorized to perform any work in excess of their normal work scheduled in the absence of written approval by the Chief Administrator and/or Chairman.

**Section 3. Holiday Leave**

(a) Holidays Observed

It is the policy of Barrow County that all full-time employees shall be eligible for the following ten holidays each year: New Year's Day, observed Martin Luther King's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day (and the day after Thanksgiving), Christmas Day and alternatively either Christmas eve or the day after Christmas (to be determined annually by the Chairman). Any other holidays shall be upon specific authorization of the Board of Commissioners. When a holiday falls on Saturday,

it shall be observed by the County on Friday, and if it falls on Sunday, it shall be observed by the County on Monday.

(b) Holiday Pay

All full-time employees shall be paid a total of eight (8) hours for each holiday, regardless of the hours in the employee’s shift, provided they are scheduled to work on the holiday. Part-time, temporary, and seasonal employees or employees on approved Leave Without Pay, Suspension Without Pay, Military Leave, and/or FMLA Leave are not entitled to holiday pay.

(c) Work on Holidays

In the event that a non-exempt employee is required to work on or during one of the actual holidays identified by the County, the employee shall be compensated at time and one-half his/her regular rate of pay for the hours worked on that holiday and shall receive an additional eight (8) hours of holiday pay for the holiday at the employee’s regular rate of pay. For example, if the actual holiday (e.g., Christmas) is on Saturday (and the County recognizes the holiday for office closure purposes on Friday), and a non-exempt employee is required to work on the actual holiday (e.g., Christmas), this provision will apply such that the non-exempt employee will be paid at time and one-half his/her regular rate of pay for hours worked on the actual holiday (e.g., Christmas) and receive an additional eight (8) hours of holiday pay at his/her regular rate of pay.

**Section 4. Personal Leave**

(a) Accrual of Personal Leave

All full-time employees are eligible to accrue personal leave based upon their Seniority Date to be established in the manner set forth below. Part-time, temporary, and seasonal employees are not eligible to accrue personal leave. Employees in a paid status for fifteen (15) calendar days or more during a calendar month earn annual leave for that month. Employees may carry forward all annual leave from year to year, provided however, that an employee may never use more than 480 hours of personal leave in a single year. All other accrued personal leave that cannot be utilized shall be credited toward years of service if the employee retires from the County. Accrual of leave shall be in hours according to the following table:

<b>General Employees</b>			
<u>Years of Continuous Service</u>	<u>Annual Accrual Rate</u>	<u>Monthly Accrual</u>	<u>Maximum Accrual</u>
0-.99	80	6.66	720
1-5.99	176	14.66	720
6-9.99	208	17.33	720

10-15.99	224	18.66	720
16+	240	20	720

**Sheriff's Sworn Employees**

<u>Years of Continuous Service</u>	<u>Accrual Rate</u>	<u>Monthly Accrual</u>	<u>Maximum Accrual</u>
0-.99	86	7.1667	720
1-5.99	181.5	15.125	720
6-9.99	216.4	18.03	720
10-15.99	233.6	19.4	720
16+	250.8	20.9	720

**Fire Suppression/EMS Employees**

<u>Years of Continuous Service</u>	<u>Accrual Rate</u>	<u>Monthly Accrual</u>	<u>Maximum Accrual</u>
0-.99	106	8.833	720
1-5.99	202	16.8	720
6-9.99	244.4	20.3	720
10-15.99	265.6	22.1	720
16+	286.8	23.9	720

(b) Audit Sensitive Positions

Employees in audit sensitive positions, as determined annually by the Chief Financial Official, shall be required to utilize forty (40) consecutive hours of accrued personal leave time during the period of a Monday through Friday. Notice of such leave shall be provided by the applicable Elected Official/Department Director to the Chief Financial Official a minimum of two weeks in advance of the leave.

(c) Seniority Date

The Seniority Date for a reinstated or rehired employee shall be established as follows: full-time employees shall receive full credit for all past employment, provided that the employee has completed three (3) or more years of continuous service with the County. No credit for past employment shall be given to full-time employees who have not completed three (3) years of continuous service with the County. No credit for past employment shall be given for part-time, temporary, seasonal, or grant-funded employees. No credit for service shall be given to employees for the period of time spent on a leave of absence without pay.

(d) Approval of Personal Leave

All requests for personal leave must be pre-approved by the Elected Official/Department Director or the appropriate supervisors as designated by the Elected Official/Department Director.

(e) Compensation for Personal Leave Upon Separation

An employee who voluntarily resigns his/her employment with the County, retires from employment with the County, or who dies while employed by the County shall be paid for unused personal leave up to a maximum of 240 hours upon separation from the County, unless the employee fails to give proper notice of his/her resignation as provided in this Handbook. Employees who retire from County service upon meeting the established retirement criteria under the County's retirement plan shall be entitled to credit for all unused personal leave in excess of 240 hours toward their years of service for purposes of their benefit calculation upon separation. Employees who are dismissed or otherwise separate involuntarily shall not be paid for any unused personal leave upon separation.

**Section 5. Worker's Compensation Leave for On-the-Job Injury**

(a) Reporting Injury, Drug Test, and Exam

An employee who sustains an injury on-the-job must, at the time of the injury, notify his/her supervisor on the forms prepared and provided by the Human Resources Department. The employee must also submit to a drug test within eight (8) hours of the injury. The employee must, upon request, submit a physician's statement, from a physician who is listed on the worker's compensation approved panel of physicians, to the effect that the injury will prevent the employee from working. The County shall reserve the right to refuse payment of medical services for any employee examined by a physician not listed on the workers' compensation approved panel of physicians.

(b) Initial Compensation

If the injury necessitates the employee's absence from work as certified by an approved doctor, the employee must use personal leave time for any such absence. The County's workers' compensation carrier shall determine if any compensation is required.

(c) Pay for Doctor Visits

An employee on worker's compensation, while on light duty and working, shall be paid time-off for physician visits. A medical note from the employee's physician must be presented to the Elected Official/Department Director and forwarded to Human Resources.

(d) Leave Accrual and Policies

An employee on worker's compensation shall continue to accrue personal leave while on worker's compensation leave until such time the worker's compensation carrier determines the employee no longer qualifies. Worker's compensation

leave must run concurrent with Family Medical Leave.

(e) Return to Work Program

It is the policy of Barrow County to provide and establish a return to work policy and procedure for employees with work-related injuries and illnesses who are unable, temporarily and permanently, to return to their permanent job duties.

Because Barrow County recognizes that their employees are a valued and limited resource, this program is designated to:

- (i) Assist the medical recovery process by providing a focus and a goal for return of the injured employee;
- (ii) Benefit employees by allowing them to return to full wages as soon as possible; and
- (iii) Benefit employer by reducing workers' compensation costs.

Barrow County will seek return to work opportunities through the use of transitional employment for all employees who are temporarily disabled due to an on-the-job injury as quickly as medically possible. Transitional employment opportunities will be considered in all departments, not just the department in which the injured employee was working before the injury or illness occurred.

Transitional employment assignments are intended to assist workers who are transitioning back to work after a temporary disability that resulted from a work-related injury. All transitional employment duties must be productive. Duties must never be demeaning or appear worthless in any way.

Barrow County, through their reasonable accommodation program, will make efforts to retain employees who are permanently disabled.

**Section 6. Reporting of Personal Leave or an Illness**

An employee who is absent from work without prior approval is responsible for contacting the appropriate Elected Official, Department Director, or supervisor within thirty (30) minutes after the designated reporting time on the day of absence, and reporting thereafter on any subsequent days unless approved ahead of time. Leave for an illness will be charged against personal leave or compensatory time to the extent that such compensatory time is available during the applicable grace period. Where an employee is employed in a Department that must provide twenty-four hours sustained service, the employee must report the absence two (2) hours before the designated reporting time or otherwise if required by the departmental SOP or rules. In the event of failure of compliance with this Section, the employee may be charged on the payroll with leave without pay and it will be a disciplinary matter. The method of notification of absences pursuant to this Section may be varied at the discretion of the applicable Elected

Official/Department Director, which method or notification should be clearly communicated to the employees of the Department.

Personal leave for an illness that exceeds three consecutive working days, without prior approval, shall be allowed at the discretion of the Elected Official/Department Director only after presentation of a satisfactory written statement by a licensed physician or dentist certifying that the employee's condition prevented him/her from reporting the absence and performing the duties of his/her position. With the exception of a leave without pay approved pursuant to the applicable Leave Policies set forth herein, there is no "leave without pay" available to employees. This Section should be read in conjunction with the abandonment provisions contained in Chapter 7 and the absenteeism provisions contained in Chapter 18.

**Section 7. Funeral Leave**

Employees must use their personal leave time for absences associated with funerals. Any such leave must be approved by the applicable Elected Official/Department Director.

**Section 8. Military Leave**

An employee who is a member of the National Guard or an organized military reserve of the United States will be allowed leaves of absence with pay not to exceed twenty (20) working days (one working day equals one twelve (12) hour shift for fire suppression/EMS personnel) during any calendar year to attend training camps upon presentation of orders pursuant to such training. Such leaves shall not be charged to personal leave and may be intermittent in nature.

In addition, any employee who is called up to active duty in any branch of the military service of the United States will be allowed leaves of absence and maintenance of rights and benefits consistent with State and federal law upon presentation of orders pursuant to such active duty.

All military leave time shall be counted towards all seniority rights and towards eligibility of FMLA leave.

**Section 9. Civil Leave**

An employee shall be given necessary time off without loss of pay when performing jury duty or when required by subpoena to be a witness in a legal proceeding, provided such call to duty is reported in advance to the individual's Elected Official/Department Director. Any remuneration given by the court to an individual or by a party serving a subpoena upon an individual must be turned over to the County to avoid double payment. Civil leave pursuant to this Section shall not be charged to personal leave.

An employee who is required to perform jury duty or who is required to be a witness in a legal proceeding pursuant to subpoena is obligated to specifically utilize his/her best efforts to

minimize the time spent away from work and to request an on-call arrangement for appearance in response to a subpoena. Employees dismissed early from jury duty or released from a subpoena with reasonable hours remaining in the workday are required to return to work for the completion of the workday. Failure to do so could result in the employee not being paid by the County for those remaining hours.

Notwithstanding the foregoing, an employee shall not be granted civil leave for any case or proceeding in which the employee is a litigant, defendant, or other principle party, or if the employee has any other personal or familiar interest in the proceeding. In addition, an employee shall not be granted civil leave for any case in which the employee is charged with a crime.

The employee seeking civil leave must submit to the applicable Elected Official/Department Director a copy of the subpoena, summons for jury duty, or other court order or process as a pre-requisite for approval of civil leave. Appropriate certification and service is also required.

An employee shall not be discharged, disciplined, threatened, or otherwise penalized because the employee's absence is for the purpose of a judicial proceeding in response to a subpoena, summons for jury duty, or other court order or process that requires the employee's attendance at the judicial proceeding.

#### **Section 10.           Maternity Leave**

Maternity leave is afforded to employees pursuant to, and governed by, the provisions of the Family and Medical Leave Act ("FMLA") and those provisions set forth in the following Section. Maternity leave shall be granted to employees upon written request filed by the employee at least ten (10) regularly scheduled working days prior to the effective date (unless emergency conditions prohibit the filing of such prior notice, in which case, it shall be filed as soon as possible). Time for beginning maternity leave shall be when the employee, with the approval of her doctor, deems she is no longer able to carry out the duties and responsibilities of her position. Time for termination of maternity leave shall be governed by the FMLA when applicable time provided thereunder has elapsed. An employee working in a position judged by the Elected Official/Department Director to be dangerous to the health of the employee or the unborn child shall be required to sign a statement of personal responsibility and furnish a doctor's certificate if the employee elects to continue working.

An employee on maternity leave must utilize any available paid leave and/or compensatory time during any period of maternity leave to run concurrent with the FMLA leave. Upon expiration of any paid leave, the remainder of FMLA leave, if any, shall be unpaid.

**Section 11.                    Family and Medical Leave**

(a)    Statement of Policy

Pursuant to the Family and Medical Leave Act (“FMLA”), 29 U.S.C. § 2601, et seq., employees may be eligible to take up to twelve (12) weeks of unpaid leave during any 12-month period for one or more of the following:

- (i)    the birth, adoption, or placement of a child;
- (ii)   the serious medical condition of a parent, spouse, or child; or
- (iii)  the employee’s own serious medical condition that prevents him/her from performing the functions of his/her job.

For purposes of this Section, a “12-month period” means a rolling twelve (12) months measured backward from the date the employee uses any FMLA leave. If the policies set forth in this Handbook conflict or come into conflict with the FMLA as it presently exists or is amended from time to time, the provisions contained in the FMLA shall control.

(b)    Eligibility

Eligible employees as defined by the FMLA shall be entitled to leave, provided such leave is within the conditions and limitations provided in the FMLA.

(c)    Request for Leave

It shall be the responsibility of the employee to insure that the appropriate forms required by the Human Resources Director are timely submitted to the Human Resources Director or designee in order to request leave pursuant to the FMLA. Failure to submit an application for leave pursuant to the FMLA within a reasonable period of time prior to the requested effective date of the leave, when the reason for the leave is foreseeable, may constitute grounds for denial of the request. Upon receipt of a request for leave and a completed medical certificate pursuant to the FMLA, the Human Resources Director shall respond in writing with approval or denial of the leave within three (3) working days. An approval should specify the terms and conditions of the leave. If a request is denied in whole or in part, the response of the Human Resources Director will specify the reasons for the denial and shall include a notice of the right to appeal consistent with this Section.

(d) Concurrent Utilization of Paid Leave and/or Compensatory Time

An employee requesting leave pursuant to the FMLA is required to utilize all accrued personal leave and/or compensatory time available as part of the 12-week leave period. If the available paid leave for the employee is less than twelve working weeks, the additional weeks of leave necessary to obtain the twelve work weeks of leave available under the FMLA shall be provided without compensation. In any event, any combination of personal leave, compensatory time, and/or unpaid family and medical leave shall not exceed twelve (12) weeks. Use of personal and/or compensatory leave, or any combination thereof, must be used concurrently with FMLA leave. FMLA requests will be retroactively dated to the beginning of the current personal and/or compensatory leave, or any combination thereof in the event that the paid leave is commenced prior to the request for FMLA leave.

(e) Concurrent Worker's Compensation and FMLA Leave

An employee qualifying for Worker's Compensation Leave must run any requested FMLA leave concurrently with that of all concurrent and/or intermittent Worker's Compensation Leave. The employee must elect to use either worker's compensation benefits or paid leave during the FMLA period.

(f) Intermittent Leave or Reduced Schedule Leave

Leave for childbirth, adoption, or foster care may not be taken intermittently or on a reduced schedule. Leave for a serious health condition of a qualifying family member or of the employee may not be taken on an intermittent basis or on a reduced leave schedule unless medically necessary. The taking of any leave intermittently or on a reduced schedule basis shall reduce the total amount of FMLA leave that has been approved for the eligible employee according to the actual hours of leave taken. For example, if an eligible employee takes ten (10) hours of leave intermittently over twenty (20) business days, the employee's bank of available FMLA leave will be reduced only by ten (10) hours and not by twenty (20) days.

If an eligible employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the Human Resources Director may require the employee to transfer temporarily to an available equivalent position for which the employee is qualified that better accommodates recurring periods of absence.

(g) Spouses Employed by Same Employer

In any occasion in which a husband and wife are eligible for leave under the FMLA and are both employed by Barrow County, the aggregate number of work weeks of leave to which both may be entitled may be limited to twelve (12) work weeks during any 12-month rolling period, in the case where leave is taken for

childbirth, adoption, foster care, or to care for a sick parent.

(h) Foreseeable Leave

In any case in which the necessity for leave under the FMLA is foreseeable, based on an expected birth or placement of a child or based on planned medical treatment or supervision, the employee shall provide the Human Resources Director with written application for the requested leave and certification no less than thirty (30) days before the date the leave is to begin.

In a case where the necessity for leave is based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider and shall provide the Human Resources Director with at least thirty (30) days notice before the date the leave is to begin, except that if the date of the treatment requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practicable.

(i) Certification of Serious Health Conditions

An eligible employee who requests leave for a serious health condition of the employee or a qualifying family member, shall submit certification from an appropriate health care provider to the Human Resources Director when requesting leave.

Certification shall be sufficient if it states:

- (i) the date on which the serious health condition commenced;
- (ii) the probable duration of the treatment or condition;
- (iii) the appropriate medical facts within the health care provider's knowledge; and
- (iv) the estimated amount of time the employee needs to care for the qualifying family member or a statement of the extent to which the employee is unable to perform the essential functions of the employee's position.

In any case in which the Human Resources Director has reasonable doubt as to the validity of the certification, the Human Resources Director may require the employee to obtain the opinion of a second health care provider at the expense of Barrow County. In any case in which the second opinion differs from the original certification, the Human Resources Director may require the employee to obtain the opinion of a third health care provider designated or approved jointly by the Human Resources Director and the employee at the expense of Barrow County. The opinion of the third health care provider shall be considered to be final and shall be binding on the County and the employee. The Human Resources

Director may also require that the employee obtain subsequent re-certification on a reasonable basis.

(j) Accruals and Benefits during FMLA Leave

An employee on unpaid FMLA leave shall not be entitled to the accrual of any seniority or employment benefits during the period of unpaid FMLA leave, including but not limited to, the accrual of personal leave. The employee, while on paid FMLA leave, is entitled to accrue personal leave during the periods of paid FMLA leave. For the purposes of pension or retirement plans, any period of FMLA leave will be treated as continuous service for the purposes of vesting and eligibility to participate.

FMLA time will not be counted as part of an employee's probationary period, but will be added to the remaining probationary period, extending the ending date of the probationary period.

During any period of leave, Barrow County will maintain any health insurance provided by Barrow County to the employee for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave. If, however, the employee fails to return from leave after the period of leave to which the employee is entitled has expired and the employee fails to return for a reason other than the continuation, recurrence, or on-set of a serious health condition or other conditions beyond the control of the employee, Barrow County may recover the premium(s) that the County may have paid for maintaining coverage for the employee during the period of leave. If the employee is unable to return to work because of the continuation, recurrence, or on-set of a serious health condition, the Human Resources Director may require that the employee provide a certification of such circumstance.

During any period of leave, Barrow County will continue to make available to the employee coverage for health insurance for dependants and other supplemental insurance, provided however, that the employee pays all premiums owed on a monthly basis. Failure to pay such premiums on a timely basis each month will result in coverage for health insurance for dependants and supplemental insurance being terminated. Employees will be required to execute a form with the Human Resources Department identifying the premiums for which the employee is responsible prior to the commencement of the leave.

(k) Appeals of Denials

In the event that the Human Resources Director denies in whole or in part a request for leave pursuant to the FMLA, an employee has the right to appeal that decision consistent with the following procedures.

Any such appeal from an employee must be filed within three (3) working days

following receipt of the denial decision from the Human Resources Director. The written notice of appeal shall include the request for the leave and all supporting documentation provided to the Human Resources Director. The appeal shall be filed with the Chairman or Chief Administrator who has the authority to amend or reverse the decision of the Human Resources Director. Failure of the employee to appeal within three (3) working days shall result in forfeiture of any further right of appeal of a denial.

The Chairman or Chief Administrator shall review the record of the appeal and shall, within five (5) working days, issue a final determination. The decision of the Chairman or Chief Administrator, as applicable, shall be final.

(l) Return to Duty from FMLA Leave

As a condition for return to duty, the employee may be required to provide certification from the employee's health care provider that the employee is able to resume work. Upon expiration of the period of leave pursuant to the FMLA, the employee shall be returned to his/her former position or a position of equal grade and pay, provided that the employee has complied with the terms of the leave and reported for return of duty at the appropriate time. While the employee shall be restored to a position of employment without loss of employment benefits accrued prior to the date on which the leave commenced, the employee shall have no greater rights than those in effect prior to the commencement of the leave.

**Section 12. Leave of Absence**

An employee who has been employed by the County for a minimum of one (1) year may, upon written application to his/her Elected Official/Department Director and the Human Resources Director, obtain a continuous leave of absence without pay for a period no less than three (3) months, but not to exceed twelve (12) months. An application for a leave of absence shall be submitted in writing by the employee to the applicable Elected Official/Department Director and to the Human Resources Director, showing the employee's reason for requesting such leave, a statement that the employee intends to return to Barrow County employment upon expiration of such leave, a statement that the employee will not otherwise become employed during the period of the leave, and a statement that the employee otherwise agrees to the terms and conditions as outlined in this Handbook. Approval of a request for a leave of absence is within the sole discretion of the applicable Elected Official/Department Director, pending final approval by the Human Resource Director. A notice of approval/denial of the request for a leave of absence shall be provided to the employee by the Human Resources Director and shall contain the terms and conditions of the approval or reasons for denial. A request for a leave period less than three (3) months in duration will not be approved.

During the employee's approved leave of absence, the position may be filled. At the expiration of the leave, the employee shall be reinstated to the former position or to a position of equal grade and pay without loss of any rights, provided the employee returns within the terms of the leave granted and provided that such a position is available. Once a leave of absence is

approved, the employee may not request reinstatement earlier than the time for which the leave of absence was approved. In any event, an employee will not be entitled to accrue any employment benefits during the period of the leave. Specifically, an employee shall not be entitled to accrue personal leave during the period of any leave of absence. In addition, an employee is not entitled to continued contributions to Barrow County's 457(b) plan or continued insurance benefits. The employee may be eligible for COBRA based upon eligibility guidelines. Upon approval of an employee's leave of absence, the employee will be required to turn in all County equipment, including, but not limited to, all County identification badges, keys, telephones, punch cards, and any other County documentation or property.

During a leave of absence, an employee may not become employed in any capacity. Should an employee become employed during a leave of absence, the employee will be immediately terminated from Barrow County.

**Section 13.           Voting Leave**

The County encourages all employees to vote in all local, state, and national primary and general elections for which the employee is qualified and registered to vote. Federal regulations now provide for advance voting during the week prior to each election, and employees are encouraged to take advantage of advance voting so that the County is not overburdened with absences on election day. Employees may contact the Elections Department regarding the location of polls for purposes of advance voting.

Each employee may, upon at least twenty-four (24) hours prior notice to his/her supervisor, take necessary time off from employment without loss of pay to vote in any municipal, county, state, or federal primary or election for which the employee is qualified and registered to vote. Such time off to vote shall not exceed two (2) hours. However, if the hours of work of the employee commences at least two hours after the opening of the polls or ends at least two hours prior to the closing of the polls, an employee is not entitled to any time off pursuant to this Section. For example, if voting polls are open from 7:00 a.m. until 7:00 p.m., and an employee works from 9:00 a.m. until 5:00 p.m., the employee should require no time off to vote. Any time off taken to vote pursuant to this Section must be approved by the applicable supervisor and will not be charged against the employee's personal leave.

**Section 14.           Request for Leave to Observe Religious Holidays**

An employee, upon request to the applicable Elected Official/Department Director at least seven (7) days in advance shall be given priority consideration for leave from work for observance of religious holidays not already provided for as a holiday. Any paid leave for such religious holiday observance shall be charged to compensatory time or accrued personal leave as available to the employee at the time of the holiday observance. A request by an employee for time away from work to observe religious holidays shall not be denied, unless the duties performed by the employee are urgently required and the employee, in the judgment of the applicable Elected Official/Department Director, is the only person available who can perform the duties. However, a request by an employee for time away from work to observe a religious

holiday shall be denied if the employee does not have enough compensatory time or accrued personal leave to accommodate the leave request.

**Section 15. Administrative Leave**

An Elected Official/Department Director, the Human Resources Director, or their respective designee, with notification to the Human Resources Department, may place an employee on Administrative Leave when an employee is being investigated by Barrow County for possible misconduct or by a law enforcement agency for possible violation of a criminal law or in any instance where it is considered to be in the interest of Barrow County and/or the employee.

Administrative Leave shall be without pay. Every effort shall be made to complete the investigation within an initial ten-day administrative leave period. At the expiration of the initial ten-day period, if the investigation has not been completed, the Administrative Leave without pay may be extended for an additional twenty (20) working days upon written notification to the Human Resources Department by the official who placed the employee on Administrative Leave. At the conclusion of the twenty-day unpaid Administrative Leave period, if the investigation has not been concluded, an extension may be considered or the employee may be terminated or reinstated.

The purposes of Administrative Leave are to provide an investigatory opportunity or to relieve the employee of his/her duties when it is deemed in the best interest of the County and the employee. Designation of the leave as “administrative leave” is to prevent any possible stigma against an employee during a period of Administrative Leave. Notice of the conclusion of the Administrative Leave period shall be provided in writing to the employee by the applicable Elected Official/Department Director with copies of the written notice provided to the Human Resources Director. Upon conclusion of the Administrative Leave period, and provided that no disciplinary action is taken as a result of the Administrative Leave period, all records related to the Administrative Leave period shall be expunged from the employee’s personnel file and the employee shall be entitled to backpay.

**Section 16. Leave Due to County Office Closure**

In the event of hazardous weather, or other occurrence resulting in the closure of the County offices as approved by either the Chief Administrator or the Chairman, all employees who are scheduled to work during the period for which the County is officially closed will be paid. Full-time employees shall be paid closure pay according to hours worked in their regularly scheduled shifts. Part-time, temporary, and seasonal employees shall not be paid.

If questionable weather exists, but the County is open for business, employees should make their own independent safety determinations concerning travel to work. If the employee elects not to attend work due to safety concerns when the County is open for business, the employee’s absence will be charged against any accrued personal leave or compensatory time. If no such accrued leave exists, the employee will not be compensated. Public safety and Fire

Suppression employees are expected to monitor weather conditions and report to work as scheduled.

**CHAPTER 10**  
**WORKPLACE HARASSMENT**

**Section 1.                   Prohibited Harassment**

(a)    Discriminatory Harassment

It is Barrow County’s policy to maintain a working environment free of any and all harassment, including harassment based on a person’s race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status. To assist in preventing or eliminating any such unwelcome harassment, Barrow County will not tolerate any form of harassment or unlawful discrimination by or against its employees, supervisors, and Elected Officials/Department Directors.

All employees, supervisors, and Elected Officials/Department Directors are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any form of harassment related to an individual’s race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status, is a violation of this Chapter and will be treated as a disciplinary matter. For purposes of this Chapter, the term “discriminatory harassment” shall be construed consistent with applicable law and may include, but is not limited to, any of the following:

- (i)    Offensive remarks, comments, jokes or slurs pertaining to an individual’s race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;
- (ii)   Offensive pictures, drawings, posters, photographs, reading materials, computer monitors, or other tangible items, or communications including e-mail, that are reasonably offensive or that reasonably exploit an individual’s race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;
- (iii)   Threatening reprisals based on an employee’s race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status; or
- (iv)   Conduct that has the purpose or effect of unreasonably interfering with an individual’s work performance and/or conduct that creates an intimidating, hostile or offensive working environment.

(b) Sexual Harassment

Sexual harassment is a form of harassment and will be treated in accordance with the express terms of this Chapter. Sexual harassment is unwelcome conduct of a sexual nature when:

- (i) Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment;
- (ii) Submission to or rejection of such conduct is used, either in part or in full, as the basis for employment decisions; or
- (iii) The conduct has the purpose or the effect of unreasonably interfering with the individual's job performance or when such conduct creates an intimidating, hostile, or offensive working environment.

For purposes of this Chapter, the term "sexual harassment" shall be construed consistent with applicable law and may include, but is not limited to, any of the following:

- (i) Sexual assaults, including rape and molestation, or attempts or threats to commit such acts;
- (ii) Unwanted intentional physical contact of a sexual or suggestive nature, such as touching, pinching, patting, grabbing, kissing, brushing, or poking of another person's body regardless of the gender of the individuals involved;
- (iii) Offensive sexual remarks, sexual advances or requests for sexual favors regardless of the gender of the individuals involved;
- (iv) Threatening reprisals for an employee's refusal to respond to requests for sexual favors;
- (v) Disciplining or retaliating against any individual in any way because he or she has resisted, reported or complained about sexual harassment;
- (vi) Preferential treatment, or the promise of preferential treatment, for engaging in sexual conduct;
- (vii) Offensive pictures, drawings, posters, reading materials, calendars, photographs or other physical objects, or communications, including e-mail, that are sexually suggestive, sexually demeaning or pornographic;
- (viii) Any conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's work performance and/or conduct that creates an intimidating, hostile or offensive working

environment; or

- (ix) Suggesting or inferring to any employee, supervisor, Elected Official/Department Director (or applicant for any such position) that his or her employment, advancement, or treatment will be affected in any way by entering into (or refusing to enter into) any form of personal or sexual relationship.

**Section 2. Application to all Employees, Supervisors, Elected Officials/ Department Directors**

All employees, supervisors, and Elected Officials/Department Directors are subject to the terms and provisions of this Chapter, and are to avoid any behavior or conduct that could be interpreted as discriminatory or sexual harassment as set forth above. All employees, supervisors, and Elected Officials/Department Directors have a responsibility to inform an individual whenever the individual's behavior is unwelcome, offensive, in poor taste, or inappropriate and to report harassment as set forth herein.

**Section 3. Reporting Harassment**

- (a) Officials to Whom Complaints Shall Be Made

Incidents interpreted by any individual to be in violation of this Chapter should be brought to the attention of the individual's supervisor or to the attention of the applicable Elected Official/Department Director or to the Human Resources Director, depending on to whomever the employee feels most comfortable reporting. Any individual who has not personally experienced conduct prohibited by this Chapter, but who believes that such conduct has occurred, shall report that information to the applicable Elected Official/Department Director or to the Human Resources Director.

- (b) Investigation of Harassment Complaints

- (i) Investigation will be as timely and as confidential as possible.

Incidents reported by anyone pursuant to this Chapter will be handled in a timely manner, and as confidentially as possible. Due to the nature of the investigation process, however, Barrow County cannot guarantee confidentiality. Information reported by any individual pursuant to this Chapter will not be unnecessarily released to third parties or to any person not involved in the investigation or involved in the conduct forming the basis of the complaint. Upon conclusion of the investigation, any such information will only be released to the extent required by law. No person involved in the investigation shall discuss the complaint or investigation with any person outside of the investigation process. This provision is

intended to protect the confidentiality of anyone who files a complaint, to encourage the reporting of all incidents of harassment, and to ensure the fair treatment of all parties involved.

(ii) Investigation by duly appointed agent.

Upon receiving a complaint of harassment pursuant to this policy, Barrow County will conduct an investigation into the allegations. The investigation will be conducted by the Human Resources Director, unless an alternate arrangement has been made with the applicable Elected Official/Department Director. If the complaint involves an individual in the Human Resources Department, the investigation shall be conducted by the Chief Administrator or his/her designee.

(iii) Intent and purpose of the investigation.

The intent of the investigation is to obtain further information about the events or conduct complained of, to enable the person(s) named in the complaint to tell his or her side of the story, to determine whether harassment has in fact occurred, and to develop an appropriate resolution. Anyone making a complaint pursuant to this Chapter may be asked to put his or her complaint in writing. The person to whom the complaint is made, or the person or persons investigating the complaint, may take notes and may request the complainant to sign those notes. All employees, supervisors, and Elected Officials/Department Directors are expected to fully cooperate with any investigation of a complaint of harassment.

(iv) No reprisal against Complainant.

No individual will be retaliated against for reporting a violation of this Chapter or for cooperating with an investigation of a complaint of harassment. However, intentional or malicious false accusations of misconduct could have a serious effect on an individual who has been falsely accused. Individuals falsely accusing another of misconduct will be disciplined based on the extent of the false accusation, up to and including termination.

(v) Notification of belief that investigation is not being handled properly.

If, at any time, anyone feels that his or her complaint is not being handled properly, he or she should immediately contact the Human Resources Director, the Chief Administrator, or the applicable Elected Official/Department Director.

**Section 4. Disciplinary Action**

Violation of any provision of this Chapter will subject the offender to disciplinary action, up to and including immediate termination. If anyone has any questions about what constitutes harassing behavior or what conduct is prohibited by this Chapter, he or she should contact the Human Resources Director.

**Section 5. Importance of Policy**

Barrow County is very serious about enforcing its policy against harassment. However, Barrow County cannot respond to complaints of harassment unless it is aware of those complaints. Therefore, it is the responsibility of each employee, supervisor, Elected Official/Department Director to report any incident of harassment so that Barrow County can take corrective action as needed. Anyone who experiences or observes any violation of this Chapter is required to report the same under the terms of this Chapter prior to the end of the workday or the following workday on which the violation was believed to occur.

**CHAPTER 11**  
**DRUG AND ALCOHOL FREE WORKPLACE**

**Section 1.           Statement of Policy**

Barrow County is committed to maintaining a work environment free from the adverse impact of employee drug and alcohol abuse. Employee drug and alcohol abuse constitutes a direct threat to the lives and property of the employees and citizens of the County and to the public health, safety, and welfare of all persons in the County.

Barrow County does not and will not tolerate any employee's possession, sale, distribution, consumption or presence in the body of alcoholic beverages or illegal drugs while on County property and/or on County business at any time.

This Chapter is intended to comply with federal regulations and state laws that mandate pre-employment, reasonable suspicion, random, and post-accident testing of certain positions of employment, and to further the objective of protecting the persons and property of the County's employees, citizens and the general public. This Chapter will be strictly enforced against all employees. To the extent that this Chapter and any results from a fitness for duty test conflict, the most strenuous provision favoring a drug and alcohol free workplace shall govern.

**Section 2.           Drug and Alcohol Use Prohibited for all Employees**

This Chapter applies to all employees. This Chapter applies to off-site lunch periods or breaks when an employee is scheduled to return to work, as well as to County Premises as discussed in Section 3 below. Visitors, vendors, and contractors are governed by this Chapter to the extent they are on County Premises or in County vehicles and will not be permitted to conduct business if found to be in violation of this Chapter.

**Section 3.           Drug and Alcohol Use Prohibited on County Premises**

Substance and alcohol use by Barrow County employees during assigned working hours on County Premises, or otherwise while on County business is prohibited. This shall include the use of illegal substances, the abuse of prescription medications and over-the-counter medications, and the use of or abuse of alcohol.

As used herein, "County Premises" includes all property, facilities, land, platforms, buildings, structures, fixtures, installations, parking lots, and vehicles, whether leased or used by Barrow County government or its officials, managers, supervisors, employees, or other agents. This definition also includes locations other than County headquarters and offices, including all other locations of County-sponsored recreational, social, or educational events, and any place where a Barrow County employee is located while traveling to or from such location in the course and scope of his duties on behalf of the County, including an employee's own vehicle when the employee is using it on County business, or when the vehicle is parked on County

property. This definition shall not be interpreted to imply that the County assumes or accepts responsibility for any wrongful, tortuous, negligent or criminal acts of any person whom it employs when such person is not acting pursuant to a County supervisor's instruction in furtherance of the County's business, nor shall it constitute a waiver of any immunity which Barrow County or its officials or employees might have under federal, state or local laws or ordinances.

#### **Section 4.                    Impairment**

Drug and alcohol abuse on or off County Premises is entirely inconsistent with fitness for duty and as such shall constitute an impairment. Barrow County prohibits employees from being at work, on County Premises, operating county equipment, or operating any other equipment or vehicles on County business while impaired due to any illegal drug(s), legally obtained drug(s), or alcohol.

#### **Section 5.                    Prohibited Substances**

(a)    Illegal Drugs

- (i)    “Illegal drug(s) or controlled substance(s)” means any drug or substances the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene or other drugs made unlawful under federal or state laws, or a metabolite of any such substances, “look-alikes,” “designer drugs” having the same or similar psychotropic effects, unauthorized alcoholic beverages, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and/or are not used in strict accordance with this Chapter and with the prescribing physician's instructions, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person's perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes urinaid or other substances, natural or synthetic, of a similar nature or purpose designated or used to alter a urine specimen or to conceal illicit chemical substances or their metabolites in an initial screening test.
  
- (ii)   Barrow County prohibits employees from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling or

otherwise transferring any illegal drug(s) or controlled substance(s) while on the job, on call, on County Premises, while operating county equipment or vehicles, or while operating any other equipment or vehicle while on County business.

- (iii) An employee is impaired due to the influence of illegal drug(s) or controlled substance(s) if such employee's drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

(b) Legally Obtained Drugs

- (i) A "legally obtained drug" includes prescription drugs and over-the-counter drugs. A "prescription drug" means any substance that is attainable only by lawful prescription from a physician. "Over-the-counter" medication includes any substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to perform.
- (ii) Employees must not be on the job, on call, on County Premises, operating county equipment or vehicles, or operating any other equipment or vehicle while on County business while impaired due to any drug, legal or illegal, that renders the employee unfit for duty. An employee is "unfit for duty" if, in the County's opinion, the employee's use of legally obtained drugs jeopardizes his or her ability to work safely and efficiently. An employee who is using legally obtained drugs must notify his or her immediate supervisor of any and all symptoms and probable adverse side effects that may render him or her unfit for duty. An employee's failure to so notify the County constitutes grounds for disciplinary action, up to and including, termination. If any employee's medically required use of legally obtained drugs renders the employee unfit for duty and, in the opinion of the County, a temporary alternative job assignment is not available, the employee will be considered unfit for duty.
- (iii) Employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer's directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure that the physician approves the use of the prescription medication while the employee is performing his or her duties.
- (iv) The abuse and/or inappropriate use of legally obtained drugs while on the job, on call, on County Premises, while operating County equipment or vehicles, or while operating any other equipment or vehicle while on County business shall be prohibited and is a disciplinary matter. Job performance or attendance deficiencies resulting from abuse and/or

inappropriate use shall be cause for disciplinary action.

(c) Alcohol

- (i) “Alcohol” includes any beverage or substance containing alcohol manufactured for the primary purpose of personal consumption. Barrow County prohibits employees from using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring alcoholic beverages on the job, on call, on County premises, while operating County equipment or vehicles, or while operating any other equipment or vehicles while on County business.
- (ii) No employee shall use alcohol while on the job, on call, on County Premises, while operating County equipment or vehicle, or while operating any other equipment or vehicle while on County business. In addition, no employee shall use alcohol within four (4) hours of reporting for duty. Violation of these provisions is prohibited and subjects the employee to discipline, up to and including termination.
- (iii) Barrow County also prohibits employees from being on the job, on call, on County Premises or operating County equipment or vehicles, or operating any other equipment or vehicles on County business while under the influence of alcohol. An employee is “under the influence of alcohol” if, based upon the employees’ speech statements, behavior, conduct, appearance, or odor, the County reasonably believes the employee is under the influence of alcohol in a manner that is adversely affecting the employee’s behavior. An employee is also under the influence if an evidential breath test indicates a result of 0.02 percent or higher. An employee is further considered under the influence of alcohol if he has been arrested for operating under the influence of alcohol any County equipment or vehicles, or any other equipment or vehicles while on County business.

**Section 6. When Testing is Required**

(a) Pre-Employment/Post-Offer Testing

All applicants for positions of employment with Barrow County will be tested for drugs after a conditional offer of employment has been extended. Drug tests must also be performed on all seasonal and shift employees returning to employment with the County after six (6) months of absence from employment. No applicant/new hire or such seasonal or shift employee as described above shall report to duty or be allowed to report to duty until the results of the drug test are obtained. Anyone who refuses a pre-employment/post-offer drug test(s) or who tests positive, shall not be extended a final offer of employment and will not be considered for any subsequent employment for a period of at least two (2) years.

The applicant will, however, be afforded the opportunity to contest the test results as set forth in this Chapter.

(b) Random Testing

All employees who are required to hold a commercial driver's license (hereinafter referred to as "CDL" or "CDL positions") and employees in safety sensitive positions shall be subject to random testing as follows:

- (i) Tests will be ordered on a random, unannounced basis from the pool of identified CDL and safety sensitive employees.
- (ii) A random selection method and test rates as adopted by the Human Resources Director will be used to select employees, thereby allowing each employee an equal chance of being tested each month. Random selection test rates are subject to change as determined by the Human Resource Director.
- (iii) An employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that any CDL or safety sensitive employee, who is randomly selected for testing, may be randomly selected again during the same year.

(c) After-Care Testing

Persons in CDL and safety sensitive positions returning to work from an approved treatment program for drug or alcohol abuse may be subject to unannounced testing at the discretion of the Elected Official/Department Director for a period of six (6) months following the employee's return to work.

(d) Return to Duty Testing

All employees who are absent from work for more than thirty (30) days, for any reason, shall be tested for drugs immediately upon returning to work and before performing any job duties.

(e) Position Testing

Employees who are transferred, reclassified, promoted, or demoted from a non-CDL/non-safety sensitive position into a CDL or safety sensitive position will be tested for drugs before performing any job duties in the new position.

(f) Reasonable Suspicion

All employees will be subject to testing when there is reasonable suspicion that the employee has used drugs or misused alcohol in violation of this Chapter. Any

employee who is required to take a reasonable suspicion test will be immediately suspended without pay pending the results of the test and confirmation of the results, if applicable.

- (i) Any supervisor who has received training in the signs and symptoms of drug and alcohol use and impairment may require an employee to undergo a reasonable suspicion test(s) for drugs or alcohol. A reasonable suspicion test may be required based upon, but not limited to the following:
  - (1) the personal observation of the employee's job performance, appearance, behavior, speech, or odor by the trained individual creating a reasonable suspicion that the employee has used drugs or alcohol in violation of this Chapter; or
  - (2) personal observation of the employee by another individual who has fully disclosed the observation to the trained supervisor; or
  - (3) observation of the employee by a nurse or physician engaged in the treatment or evaluation of a work related injury who has disclosed such observations to the County; or
  - (4) information from a law enforcement agency received by the County.

Additionally, any untrained supervisor may require a reasonable suspicion test(s) for drugs or alcohol when a trained supervisor or the Human Resources Director has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.

- (ii) Specific and objective facts indicating that an employee's drug or alcohol use may have caused or have been a contributing factor to an on-duty motor vehicle accident will give rise to a reasonable suspicion test(s) for drugs or alcohol. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion:
  - (1) The appearance, behavior, speech or odor of the employee immediately prior to or after the accident;
  - (2) The employee left the scene or attempted to leave the accident scene without legal authority or permission to do so;
  - (3) The employee acted contrary to a safety rule, established safety practice or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;
  - (4) The employee was arrested or received a traffic citation;

- (5) The employee or any person received medical attention as a result of the accident; and
- (6) The employee has been involved, as a contributing factor, in a pattern of repetitive on-duty accidents whether or not they involved actual or potential injury.

Notwithstanding the foregoing factors indicating reasonable suspicion of drug or alcohol use due to involvement in an on-duty motor vehicle accident, it is the policy of the County to administer drug and alcohol tests to any and all employees involved in any of the accidents described in paragraph (g) below.

- (iii) Specific and objective facts indicating that an employee's drug or alcohol use may have caused or been a contributing factor to an on-duty accident involving the use of heavy machinery will give rise to a reasonable suspicion test(s) for drugs or alcohol. The following facts, if present, may independently or collectively, depending on the circumstances, give rise to reasonable suspicion:

- (1) the appearance, behavior, speech or odor of the employee immediately prior to the accident;
- (2) the employee left the accident scene or attempted to leave the accident scene without legal authority or authorization to do so, or failed to report the accident to the appropriate individual or otherwise attempted to keep appropriate persons from learning about the accident or the extent of the accident;
- (3) the employee acted contrary to a safety rule, established safety practices or otherwise engaged in demonstrably unsafe behavior without a reasonable explanation;
- (4) the employee or any other person received medical attention as a result of the accident; and
- (5) the employee has been involved as a contributing factor in a pattern of on-duty accidents whether or not they involved actual or potential injury.

Notwithstanding the foregoing factors indicating reasonable suspicion of drug or alcohol use due to involvement in an on-duty accident involving the use of heavy machinery, it is the policy of the County to administer drug and alcohol tests to any and all employees involved in any of the accidents described in paragraph (g) below.

(g) Post-Accident Testing

Alcohol and drug test(s) should be completed within eight (8) hours of the accident and drug test(s) within eight (8) hours of any accident described below. This testing is to be performed in addition to any drug or alcohol test(s) ordered by law enforcement authorities. The involved employee must report immediately for testing, or be subject to immediate termination.

Drug and alcohol testing must be performed within policy guidelines when any employee, while operating a county vehicle, transit vehicle or heavy machinery is involved in an accident that results in: (1) a fatality; or (2) a citation issued to the employee; or (3) an injured person requiring immediate medical treatment away from the scene; or (4) damage to County or personal property; or (5) damage to a vehicle to the extent that it is towed away.

(h) Post-Workplace Injury Testing

Alcohol and drug tests should be completed within eight (8) hours of any workplace injury. The involved employee must report immediately for testing, or be subject to immediate termination.

**Section 7. Persons Subject to Testing**

(a) CDL Employees

Employees who are required to possess a CDL license as a job requirement are subject to all testing provisions of this Chapter, including, but not limited to, pre-employment, post-accident, reasonable suspicion, random testing, position testing, return to duty and follow-up testing. CDL employees will be tested based on Federal Motor Carrier Safety Administration guidelines.

(b) Safety Sensitive Employees

Safety sensitive employees occupy positions where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates, or others. Safety sensitive positions include, but are not limited to, those which, as a part of the essential job functions, require the performance of law enforcement duties as a POST-certified law enforcement officer; possession of a firearm; providing emergency medical, rescue, or fire suppression services; interacting with incarcerated persons; performing duties essential to drug interdiction; performing duties related to the operation of heavy machinery; or performing duties which directly affect public health or safety. Safety sensitive employees are subject to all testing provisions of this Chapter, including, but not limited to, pre-employment, post-accident, reasonable suspicion, random, position testing, return to duty and follow-up testing.

(c) All Employees

Employees are subject to all testing provisions of this Chapter including, but not limited to, pre-employment, post-accident, reasonable suspicion, position testing, return to duty, and follow-up testing. Employees not holding a CDL or safety sensitive position shall be drug tested via non-DOT drug testing guidelines.

(d) Job Applicants

All applicants for positions of employment are subject to pre-employment testing after a conditional offer of employment has been extended.

(e) Employees in Offices of Elected Officials

Employees in the offices of Elected Officials are subject to the testing provisions contained in this Chapter, unless the Elected Official has adopted a drug and alcohol workplace policy specific to his or her Department.

**Section 8.                   Procedures for Testing**

(a) Whenever a drug or alcohol test(s) is to be performed under this Chapter, the Elected Official/Department Director or his/her designee shall be notified of the circumstances necessitating the test(s) as soon as possible.

(b) Alcohol screening will be conducted using a federally approved evidential breath-testing device or the use of a swab/saliva test performed by an approved independent medical facility.

(c) All drug tests, regardless of the purpose for the test, shall be performed as a Panel 5.

(d) All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that is operating in compliance with the U. S. Department of Health and Human Services (DHHS). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the DHHS.

(e) All positive test results for drugs will be interpreted by a physician approved by the County as a medical review officer (“MRO”) before the results are reported to the County. Prior to notifying the County, the MRO will make reasonable efforts to contact the employee for the purpose of allowing the employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the applicant or employee and determines there is a legitimate medical explanation for the positive test, the result will be communicated as negative to

the County. The MRO's inability to contact the applicant or employee before providing test results to the County will not void the test results or make the test results unusable in any subsequent disciplinary action. An applicant or employee who fails to respond to an inquiry by the MRO within forty-eight (48) hours of such inquiry, shall have waived his/her opportunity to offer an alternative medical explanation for the positive test result or to request confirmation testing. Because the employee is present for interpretation of an alcohol test, the procedure concerning prior notification by the MRO is not applicable.

- (f) Upon notification by the MRO of a confirmed positive result for drugs, the employee may request, within five (5) calendar days of such notification, that the remaining portion of his/her specimen undergo a second confirmation test at his/her expense at a DHHS laboratory of his/her choice. If the test conducted by the laboratory selected by the employee is negative for the presence of drugs, a third test may be made at the County's sole expense at a separate DHHS facility of its own choosing. The results of the third facility will be determinative. If the results from the third facility are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action. This option of a confirmation test is contingent upon there being enough of the specimen remaining to allow for a confirmation test.
- (g) The County will make reasonable efforts to notify the employee of a positive drug test within ten (10) days from the date it receives the test results. Because the results of a breath alcohol test are immediately available, this provision will not apply to alcohol tests conducted in such a manner.
- (h) Any employee ordered to be tested based upon reasonable suspicion, shall be immediately removed from duty, escorted to the testing facility, and taken home (unless other suitable arrangements have been made to transport the employee). Under no circumstances will the employee be allowed to drive himself or herself home. The employee shall be suspended without pay pending the results of the test and any confirmation tests, if applicable. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the employee shall be reinstated with backpay and the suspension without pay will be expunged from the employee's personnel file.
- (i) In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test, the County reserves the right to test for the presence of drugs or alcohol by a blood test analysis. If this procedure is used, the County will make reasonable efforts to notify the employee of the results within ten (10) days after the results are received. A MRO will not be used when a blood test for alcohol is conducted.

**Section 9. Consent for Testing**

Prior to date of hire, all employees and job applicants are required to sign a consent form consenting to any and all frequency of drug and/or alcohol test(s) set forth in this Chapter and permitting the release of test results to the employer and/or the medical review officials. Signed consent forms are kept on file by the Human Resources department and are enforceable for the duration of employment.

Any employee subject to drug and alcohol testing under this Chapter who refuses to submit to a drug and alcohol test as required herein shall be subject to termination. Employees who refuse to be escorted or fail to appear at the designated collection site to take the test when so directed or as required by this Chapter shall also be subject to termination.

Refusal can include an inability to provide a sufficient urine specimen, breath or saliva sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

**Section 10. Arrests for Drug or Alcohol Related Offenses**

Any CDL or safety sensitive employee who is arrested for a drug or alcohol related offense or who is subject to a temporary or permanent suspension of driving privileges must notify their Elected Official/Department Director of the arrest immediately. The County will make a determination at that time whether the arrest causes a temporary or permanent disqualification from holding that position, or constitutes grounds for disciplinary action. All convictions for alcohol or drug related offenses must be reported immediately by a CDL or safety sensitive employee to their Elected Official/Department Director. The County reserves the right to take appropriate action based upon such conviction.

All non-CDL and non-safety sensitive employees who are required to operate a County vehicle as a regular part of their job must report any drug or alcohol arrest, temporary or permanent suspension of driving privileges, and any drug/alcohol related conviction to their Elected Official/Department Director immediately. The County reserves the right to take appropriate action, including relieving the employee from duty, transferring the employee to a non-driving position, or instituting disciplinary action up to and including termination.

**Section 11.           Searches**

All County-issued equipment, property and facilities, including but not limited to, desks, lockers, and vehicles (collectively “Materials”) are subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any County-issued Materials. No personal property may be searched unless the owner of the property has consented or a search is otherwise legally permissible. If an individual is asked to submit to a search, and refuses, that individual will be considered insubordinate and will be subject to discipline, up to and including, termination.

If a search uncovers evidence of employee wrong doing, illegal activity, or employee violations of County rules or policies, the evidence may be used to support disciplinary actions up to, and including, termination. In cases involving suspected illegal activities, the evidence may be turned over to the proper legal authorities.

**Section 12.           Confidentiality**

All reports of test results for drug and alcohol, searches, or any employee referral, or participation in an assistance program or treatment program for addictive disorders, will be maintained in strict confidence. Any person authorized to have access to such confidential information, who, without authorization, discloses it to another person shall have engaged in gross misconduct and be subject to severe disciplinary action, up to and including, termination. The confidentiality of such information shall not apply to any use by or communication to the Barrow County attorneys, or where the information is relevant to the County’s defense in an administrative or civil action. Such information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

**Section 13.           Discipline**

- (a) Immediate Suspension: An employee who tests positive for drugs or alcohol shall immediately be relieved from duty, placed on suspension without pay, and sent home pending disciplinary action. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the employee shall be reinstated with backpay and the suspension without pay will be expunged from the employee’s personnel file.
- (b) Disciplinary Action: An employee who violates any provision of this Chapter is subject to discipline, up to and including termination. If terminated, the employee will not be eligible for rehire for a minimum period of two (2) years
- (c) Immediate Termination: The following reasons shall be presumed to result in immediate termination of an employee:
  - (i) Manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, or selling, or otherwise transferring an illegal drug(s) or

controlled substance(s) while on the job, on call, on County Premises, while operating County equipment or vehicles, or while operating any other equipment or vehicles on County business.

- (ii) Operating County motorized equipment while unfit for duty due to the use of drugs and/or alcohol.
- (iii) Conviction for violation of any drug law.
- (iv) Refusing to consent to or to take a drug or alcohol test pursuant to this Chapter.
- (v) Failure to appear at the designated collection site to take a drug or alcohol test when so directed or as required by this Chapter.
- (vi) A confirmed positive test for drugs or alcohol.

**CHAPTER 12**  
**WORKPLACE VIOLENCE**

**Section 1.                   Statement of Policy**

The County is concerned about the well-being and personal safety of its employees and anyone doing business with the County. The County consequently strictly prohibits workplace violence. Acts of violence and/or threats of violence, whether expressed or implied, toward individuals in the County workplace, are prohibited and will not be tolerated. All reports of incidents will be taken seriously and will be addressed appropriately. This policy defines prohibited conduct, as well as general procedures and potential responsive steps in the unfortunate event that workplace violence occurs despite these preventive measures. In addition, unauthorized, non-County issued firearms, weapons, ammunition, or explosives on County property is strictly prohibited.

**Section 2.                   Scope**

This prohibition against threats and acts of violence (including domestic violence) applies to all persons involved in the operation of the County, including but not limited to, the County personnel, contract and temporary workers, and anyone else on the County property.

**Section 3.                   Definition of Workplace Violence**

Workplace violence is any conduct that is severe, offensive or intimidating enough to make an individual reasonably fear for his/her personal safety or the safety of family, friends or property. Examples of workplace violence include, but are not limited to, threats or acts of violence or behavior that causes a reasonable fear or intimidation response that occurs:

- (a) On County premises, no matter what the relationship is between the County and the perpetrator or victim of the behavior.
- (b) Off County premises, where the perpetrator is someone who is acting as an employee or representative of the County at the time, where the victim is an employee who is exposed to the conduct because of work for the County, or where there is a reasonable basis for believing that violence may occur against the targeted employee or others in the workplace.
- (c) Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to the following:
  - (i) Threatening physical or aggressive contact directed toward another individual or engaging in behavior that causes a reasonable fear of such contact.

- (ii) Threatening an individual or his/her family, friends, associates or property with physical harm or behavior that causes a reasonable fear of such harm.
- (iii) Intentional destruction or threat of destruction of the County's or another's property.
- (iv) Harassing or threatening physical, verbal, written or electronic communications, including verbal statements, phone calls, emails, letter, faxes, website materials, diagrams or drawings, gestures and any other form of communication that causes a reasonable fear or intimidation response in others.
- (v) Stalking. Stalking is defined as a pattern of conduct over a period of time, however short, which evidences a continuity of purpose and includes physical presence, telephone calls, emails and any other type of correspondence sent by any means.
- (vi) Veiled threats of physical harm or like intimidation or statements, in any form, that lead to a reasonable fear of harm or an intimidation response.
- (vii) Communicating an endorsement of the inappropriate use of firearms or weapons of any kind.
- (viii) Unauthorized possession of weapons of any type, whether licensed or not, and particularly firearms. The only exception is local, state, and federal law enforcement officers, police or arson investigators acting in the line of duty. Weapons, include, but are not limited to:
  - (1) Any weapon which, per applicable law, is legal or illegal to possess;
  - (2) Any firearm, loaded or unloaded, assembled or disassembled, including pellet, "BB", and stun guns;
  - (3) Knives (and other similar instruments) other than those present in the workplace for approved work purposes or for the specific purpose of food preparation and service;
  - (4) Any switchblade knife;
  - (5) Brass knuckles, metal knuckles, and similar weapons
  - (6) Bows, cross-bows and arrows;
  - (7) Explosives and explosive devices, including fireworks, ammunition and/or incendiary devices;

- (8) Throwing stars, nun chucks, clubs, saps, and any other item commonly used as, or primarily intended for use as a weapon;
  - (9) Any object that has been modified to serve as, or has been employed as, a dangerous weapon.
- (ix) Domestic violence is defined as a pattern of coercive tactics carried out by an abuser against an intimate partner (the victim) with the goal of establishing and maintaining power and control over the victim. Where the abuser's tactics include any of the above-described conduct on County premises, this policy applies. Where such tactics include any of the above-described behaviors off County premises, this policy applies where the abuser is someone who is acting as an employee or representative of the County at the time, where the victim is an employee who is exposed to the conduct because of work for the County, or where there is a reasonable basis for believing that violence may occur against the victim or others in the workplace. The term "intimate partner" includes people who are legally married to each other, people who were once married to each other, people who have had a child together, people who live together or who have lived together, and people who have or have had a dating or sexual relationship, including same sex couples.

#### **Section 4. Reporting Complaints**

If you observe the possession of unauthorized non-County issued weapons on County premises, or if you are subjected to or threatened with firearms by a co-worker or member of the public, or if you become aware of another individual who has been subjected to or threatened with violence, you must report this information to your supervisor or the Human Resources Director immediately. Supervisors must report all potential violations so the Human Resources Department can handle them appropriately. Do not assume that any violation or threat is not serious. All complaints will be thoroughly investigated, and all complaints that are reported to management will be treated with as much confidentiality as possible. Employees who become angry, upset, or concerned with the actions of a co-worker, supervisor, member of the public or the County in general, are encouraged to seek assistance from the Human Resources Director.

*A 9-1-1 call may be appropriate first, in the good judgment of the employees or managers involved.* Under this policy, decisions may have to be made quickly to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.

Failure to report any threats or acts of violence in violation of this policy appropriately is itself a violation of this policy, and may subject any employees involved to discipline up to and including termination.

Retaliation against anyone for reporting an actual or suspected violation of this policy in good faith will not be tolerated and will subject the individual engaging in the retaliation to discipline up to and including termination. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported.

**Section 5.                    What to Expect From The County**

All incidents of violence and threats of violence that are reported will be taken seriously and investigated.

**Section 6.                    County Expectations of Targeted Employees**

Stay Away Orders: The County reserves the right to seek orders of protection (also known as restraining orders or stay away orders) against any person who violates the Workplace Violence Policy. Additionally, employees themselves may seek and obtain orders of protection against individuals outside of the workplace. Employees so protected are obligated to immediately notify the Human Resources Director and their supervisor if (a) an order of protection extends to the workplace; or (b) they reasonably believe that their safety (or the safety of others) in the workplace is affected by the order of protection. Employees should provide written notification of:

- (1) the existence of any such order and provide a copy of the order;
- (2) any violations or attempted violations of the order;
- (3) any changes to the order that affect the workplace; and
- (4) the order being lifted.

Employees who are subject to orders of protection requiring them to stay away from or refrain from contacting other individuals who are or may be in the workplace (including employees, customers, vendors and others) must immediately notify the Human Resources Director and provide a copy of the order.

Upon being notified of an order of protection, Human Resources will contact the reporting party to gather information about the individual and assess the situation. The County will make every effort to maintain confidentiality of such orders with the understanding that it will use the information as necessary to maintain safety in the workplace.

**Section 7.                    Search Policy**

If the County reasonably suspects that an employee either has or may have violated this policy, or that the employee possesses evidence that others pose a threat of workplace violence as defined by this policy, the County may request the individual to submit to a search of his or her person, personal effects, vehicles, and locker. If an individual is asked to submit to a search, and refuses, that individual will be considered insubordinate and will be subject to discipline, up to and including, termination.

In addition, the County may conduct searches of any County property including for instance work stations and areas, desks, lockers, credenzas, file cabinets, computers and computer-stored information, voicemail, email, business records, County vehicles and any other property or equipment owned by the County, at any time, without notice to or permission from affected employees, for purposes of enforcing the no violence policy.

Searches will be conducted by a supervisor with a second witness and may or may not be conducted in the presence of the person whose property is searched. Any weapons or evidence of violations of this policy will be confiscated, and may be turned over to law enforcement, as appropriate. Any illegal activity discovered during an inspection is subject to referral to the appropriate law enforcement authorities.

**CHAPTER 13**  
**DUAL EMPLOYMENT**

**Section 1.                    Outside Employment**

No employee shall engage in any other employment, or in any private business, or in the conduct of a profession, during the hours for which the employee is employed to work for the County, or outside such hours in a manner or to an extent that affects or is deemed likely to affect the usefulness of the employee to the County. In addition, no employee shall engage in any other outside employment that results in the employee or his/her outside employer providing products or services to the County. All outside employment must be approved by the employee's applicable Elected Official/Department Director, with final approval or disapproval by the Chief Administrator or Chairman for those employees subject to the Civil Service System. The Elected Official/Department Director and the requesting employee must certify to the Chief Administrator or Chairman for their review that the employee will observe any required rest periods if the employee is subject to the Civil Service System. Any approved outside employment must be reported in writing to the Human Resources Director prior to commencing any outside employment.

**Section 2.                    Holding Multiple Positions with the County**

An employee is not allowed to hold more than one full-time position with Barrow County. Full-time public safety employees may, however, work part-time jobs or serve as independent contractors for Barrow County with the express written approval of the employee's applicable Elected Official/Department Director and the express written approval of the Human Resources Director, provided that the part-time job is during different hours than that required for the full-time job and in a different Department. Any employee electing to hold multiple positions will be paid at the rate of each respective position for the time spent working in that position. Employees must be exclusively committed to each job during the scheduled hours for the job respectively.

**CHAPTER 14**  
**STANDARDS OF CONDUCT**

**Section 1.           General Conduct**

All employees of Barrow County are covered by, and subject to, the Barrow County Ethics Ordinance. The Ethics Ordinance is incorporated into this Handbook as if fully set forth herein.

**Section 2.           Political Activity**

Employees of the County are encouraged to exercise their right to vote, but no employee shall make use of government time or equipment to aid a political candidate, party, or cause, or use their government position to influence, coerce, or intimidate any person in the interest of a political candidate, party, or cause. No employee shall be hired, promoted, favored, or discriminated against with respect to employment because of his/her political opinions or affiliations.

(a)    Seeking Elective Office

A County employee seeking elective office within the County **may**, upon declaring candidacy, resign or submit a request in writing to the Board for a leave of absence without pay from the date of his/her announcement through the duration of the campaign or announcement of the election results. Such leave of absence shall be requested, considered, and applied according to the leave of absence policies set forth in this Handbook. In the alternative, a County employee seeking elective office within the County may continue to work for the County, provided however, that the employee is strictly forbidden from engaging in election activities during his/her County working hours or with use of County equipment. If elected to office, the employee shall immediately, upon the date of election, be separated from County employment upon written request and approval of the Chief Administrator. Alternatively, at the discretion of the applicable Elected Official/Department Director, the employee may continue in his/her position until being sworn in for the newly elected position.

(b)    Political Campaign Involvement

A County employee may be involved in any political activity which would not constitute a conflict of interest. However, an employee is strictly forbidden from engaging in election or political activities during his/her County working hours or with use of County equipment.

**CHAPTER 15**  
**USE OF VEHICLES FOR COUNTY BUSINESS**

**Section 1.           Statement of Policy**

Vehicles owned by, titled to, or otherwise under the control of Barrow County are authorized for use in the performance of essential travel and transportation duties consistent with the assignment of any such vehicle to an employee by his/her applicable Elected Official/Department Director. Unless specifically excepted by the applicable Elected Official/Department Director, use of a County vehicle is not authorized for unofficial travel duties or tasks or the transportation of unauthorized persons or items.

Consistent with the County's commitment to safety, there is established a Safety and Accident Review Committee that reviews all accidents and injuries on a monthly basis. The Accident Review Committee shall consist of the Risk Manager and four members appointed by the Chairman, with appointments being made anew for each individual accident review. The Risk Manager will serve as the Chairperson for the Accident Review Committee. Upon review of an accident, the Committee shall make a recommendation for disciplinary action. The recommended disciplinary action must be followed by the Elected Official/Department Director, at a minimum. More strenuous discipline may also be imposed by the Elected Official/Department Director based on the employee's overall personnel file and previous disciplinary actions.

All employees are subject to the jurisdiction, rules, and procedures of the Accident Review Committee, which rules and procedures shall be established by the Chairman, the Chief Administrator, the Risk Manager, and anyone else so designated by the Chairman. Such rules and procedures may be in addition to those set forth herein and are incorporated herein by reference. To the extent that there is a conflict between the Accident Review Committee's rules and procedures and this Chapter, the most strenuous provision shall govern.

**Section 2.           Driver Responsibilities**

All drivers who operate a vehicle owned by, titled to, or otherwise controlled by the County are responsible for the proper care, use, and safety of the County vehicle. Moreover, all such drivers are required to meet the standards set forth in the Motor Vehicle Record ("MVR") requirements as detailed below in subparagraph (a). To the extent that there is a conflict between this Chapter 15 and the MVR requirements, the most strenuous provision shall govern.

(a)   Motor Vehicle Record.

It is the policy of Barrow County and a requirement of employment that every employee filing a position that requires a valid driver's license have a motor vehicle record (MVR) meeting the grading requirements as stated below. The MVR policy applies both to drivers of County-owned vehicles, and employees using personal vehicles in the course of their employment.

Employee MVRs will be examined prior to the date of employment and may be examined every two (2) years thereafter based on the date of employment. Employees must submit their driver's license on their employment anniversary date and every two years thereafter. Upon acceptance of employment with the County that requires a valid driver's license, all such employees are deemed to have authorized Barrow County Government to obtain MVR information pertinent to verification of their driving history throughout employment in the position that requires a valid driver's license. Any job offer made requiring a valid driver's license, will be contingent upon the MVR meeting the required standards. Continued employment with the County in a position requiring a valid driver's license will require a MVR meeting the standards outlined below.

The standards for motor vehicle records are as follows:

- (1) All operators must have a valid driver's license issued by the State of Georgia. Newly hired out-of-state employees must obtain a Georgia license within thirty (30) days of employment. A copy of the new license must be submitted to the Human Resources Department.
- (2) No new employee whose job requires a valid driver's license will be hired with more than 10 points.
- (3) MVRs will be evaluated based on the Georgia Department of Driver's Services Point System detailed below, and is the basis for the administration of this policy. The Department will suspend your license if the records or other evidence show that you have accumulated 15 points within 24 months under the point system, including violations committed out of state.

(b) Additional Requirements.

Drivers must also adhere to the following minimum responsibilities:

- (1) Possess and maintain a valid State of Georgia driver's license approved by the class appropriate for the vehicle;
- (2) Obey all traffic laws and practice safe and courteous driving;
- (3) Ensure that vehicles are used for authorized purposes only;
- (4) Report all accidents, no matter how trivial, to the Fleet Manager immediately and submit a written report of the accident within twenty-four (24) hours to the Fleet Management Department. Accident forms are available at the Fleet Management Facilities;
- (5) Accept legal responsibility for violations and fines resulting from actions

of the driver. This includes personal responsibility for speeding and illegal parking tickets;

- (6) Follow drug and alcohol arrests and conviction reporting procedures.
- (7) Tobacco use in any form is prohibited inside a county vehicle by driver or passengers.
- (8) No employee may alter the exterior or interior of a county vehicle in any manner, without the written approval of the applicable Elected Official/Department Director.

Anyone misusing or abusing County vehicles, using the County vehicle for other than approved purposes, transporting non-County employees except as expressly permitted by the applicable Elected Official/Department Director, or taking a vehicle home when not approved by the applicable Elected Official/Department Director shall be subject to appropriate disciplinary action, including dismissal, as deemed appropriate.

### **Section 3. Personal Vehicle**

Each employee is to make every effort to use a County vehicle whenever possible. An employee's use of his/her personal vehicle in the performance of County business may be necessary. To that extent, the following rules are in effect:

- (a) Approved officials or employees who use their personal vehicles for County business may be reimbursed on a per mile driven basis at the rate determined by the Internal Revenue Service for that current period. Mileage for transit between home and work does not qualify for reimbursement.
- (b) Reimbursement travel should only be done with the advance knowledge and consent of the applicable Elected Official/Department Director. Accurate and substantiated mileage records must be maintained and submitted by the employee to the Finance Department for reimbursement. Such reporting to the Finance Department must include written authorization from the employee's Elected Official/Department Director for reimbursement travel prior to the Finance Department remitting any funds for reimbursement to the employee.
- (c) The rate of reimbursement shall be raised or lowered annually as indicated on January 1<sup>st</sup>, depending upon the rate used by the Internal Revenue Service.

**Section 4. Authorized Use of County Vehicle**

Unless excepted by the applicable Elected Official/Department Director, the following constitutes authorized use of County vehicles:

- (a) Transport of officials, employees, clients, or guests of the County;
- (b) The performance of law enforcement duties;
- (c) When on official travel status, between places of official business, and temporary place of lodging;
- (a) When on official travel status, between places of official business, or temporary place of lodging and places to obtain meals or medical assistance;
- (b) Transport of consultants, contractors, or commercial representatives when in direct interest of the County;
- (c) Transport of representatives from Federal, State, or local government when in the direct interest of the County;
- (d) Transport of any person or item in an emergency situation;
- (e) Commute between place of dispatch or place of performance of official business to a personal residence when specifically authorized by the employee's Elected Official/Department Director to do so;
- (f) Transport of County recreation program participants when authorized by the applicable Elected Official/Department Director;
- (g) While on active service call, or on active county business, use for lunch or while on break from County business;
- (h) Transport of family members specifically invited to an official County function or meeting of the County.

**Section 5. Unauthorized Use of County Vehicle**

Unless specifically excepted by the applicable Elected Official/Department Director, the following are unauthorized uses of County vehicles:

- (a) Travel or performance of a task of a personal nature, not connected with the accomplishment of official business;
- (b) Transport of family members other than as specified above;

- (c) Transport of friends, associates, or other persons who are not employees of the County serving the interest of the County;
- (d) Transport of hitchhikers, except in the case of law enforcement personnel.
- (e) Transport of items of cargo having no relationship to the conduct of official business;
- (f) Loan of vehicle for use in non-County authorized functions, to persons that are not employed by the County, or to persons not authorized by the County to operate the County vehicle;
- (g) Transport of acids, explosives, weapons, ammunition or highly flammable material, except in the performance of an authorized task in the normal performance of duties;
- (h) Transport of an item, equipment, or cargo projecting from the side, front, or rear of the vehicle in such a manner as to constitute an unsafe delivery.

## **CHAPTER 16**

### **WORKPLACE SAFETY**

#### **Section 1.           Statement of Policy**

It is the policy of Barrow County that every employee is entitled to work under the safest possible conditions. Every reasonable effort will be made to provide and maintain a safe and healthy workplace, safe equipment, proper materials, and to establish and insist upon safe methods and practices at all times. Elected Officials and Department Directors are authorized to adopt and enforce safety rules and regulations that are applicable to the operations of their respective Departments. These rules and regulations are to be complied with and are applicable to all employees located within the respective Department. It is the basic responsibility of every employee to make safety a part of their daily concern. Employees are obligated to observe the rules of conduct and safety and to properly use the safety equipment provided.

#### **Section 2.           Reporting Safety Deficiencies**

Any employee who believes that a safety or health risk exists, must report the matter to the Human Resources Director so that the County may take appropriate action. Upon detection of a safety or health risk, an employee should immediately report the matter, but in any event, the report should be made to the Human Resources Director no later than the close of business on the date the safety or health risk is detected. A safety or health risk may consist of, among other things, a condition in the workplace or the manner of operation of other employees.

#### **Section 3.           Reporting Injuries**

Any employee who is injured while at work must immediately report the injury and report for drug testing within eight (8) hours of the injury.

#### **Section 4.           Safety Violations**

Accidents, injuries, damaged machinery or equipment, and destroying materials or property cause needless suffering, inconvenience, and expense to the County. As a result, such actions when avoidable by utilizing appropriate safety practices may result in disciplinary action up to, and including, termination.

**CHAPTER 17**  
**DRESS CODE**

**Section 1.                   Statement of Policy**

All employees are required to have a neat and professional appearance that reflects well upon Barrow County government. No body piercing is allowed to the extent it presents a safety issue in the discretion of the Elected Official/Department Director. The dress code shall apply to all on-site and off-site functions at which the individual is acting as a representative, or is present on behalf, of the County. To the extent that a particular Elected Official/Department Director adopts a more strenuous dress code than that set forth in this Chapter, the more strenuous departmental dress code shall apply and serve as the basis for disciplinary action.

**Section 2.                   Employees With Uniforms**

The County will provide uniforms to those employees required to wear them or employees who work outside the office at least three (3) days of the week and who are likely to come into elements that could damage, stain, or otherwise harm their personal clothing, or when uniforms are needed for the employee's protection and/or identification. Employees shall not modify the uniforms provided. Uniforms must be worn at all times when an employee is on duty and must be kept clean and neat. Required identification on the shirt will be the Barrow County logo, the Department name, and the employee's name. If the uniform shirt does not have the required identification imprinted, then the employee will wear the laminated identification tags provided by the County. Jeans may be allowed for field personnel in lieu of uniform pants upon approval by the appropriate Elected Official/Department Director. If allowed, the jeans must be kept clean and in good condition. Shorts may be allowed for those field personnel required to wear uniforms, but must be uniform shorts.

No employee shall wear a County uniform or any garment denoting the county, department or entity of any sort at an off-site, non-job related establishment or function, such as, but not limited to, alcoholic beverage store, bar or any other establishment that is deemed unbecoming to the image of the County.

Upon separation of employment with the County, an employee must return all uniforms to the County and/or reimburse the County for any uniforms lost or not returned to the County. In the event that an employee fails to return all uniforms as required by this Section, the employee shall be assessed the cost of the uniform(s) not returned, and that cost shall be deducted from the employee's final paycheck.

**Section 3.                   Employees Without Uniforms**

Employees who are not required to wear uniforms must comply with the following guidelines:

- (a) Crop tops are not allowed. T-shirts with printed material are not allowed. Colored, plain front and back T-shirts are allowed only on “casual day” when approved as acceptable attire by the Elected Official/Department Director.
- (b) Jeans of any color are not allowed, except for on “casual day,” which has been designated as each Friday. The jeans must be in good condition.
- (c) Shorts are not allowed, except for those employees who primarily work outside when shorts are approved by the applicable Elected Official/Department Director. Any such approved shorts must be knee length.
- (d) Skirts should not be worn more than four (4) inches above the knee.
- (e) Sweat suits, wind suits, and jogging suits are not allowed.
- (f) Leggings or stretch pants are not allowed.

**Section 4. Casual Day**

Barrow County has designated as “casual day” each Friday. However, other days may be designated as “casual day” by the Chairman and/or Chief Administrator. Each supervisor, Elected Official, and Department Director is to use his/her good judgment in determining appropriate attire for dressing casual.

**Section 5. Compliance**

Failure by an employee to comply with their department’s uniform requirements or any portion of this policy may result in disciplinary action.

**CHAPTER 18**  
**TARDINESS AND ABSENTEEISM**

**Section 1.           Tardiness**

A non-exempt employee shall be considered tardy for disciplinary purposes when reporting one (1) minute after the Department's established workday start time, assigned shift hour, or lunch/supper hour. Occasional excused late arrivals for non-exempt employees may be permitted with pre-approval by the Elected Official/Department Director or by the appropriate supervisor as designated by the Elected Official/Department Director.

An employee who is tardy or requests excused late arrivals on a recurrent basis will be subject to discipline. All employees are required to speak directly with their supervisor regarding unforeseen tardiness. Such notification does not release the employee from disciplinary action.

**Section 2.           Absenteeism**

All employees are expected to attend and be available to provide services to the County during established workdays. An employee shall not be entitled to be absent from work and seek approval for that absence as leave without pay. Such an absence will be unexcused and a matter for discipline, unless under extenuating circumstances and upon presentation of a written statement by a licensed physician or dentist, it is certified to the satisfaction of the Elected Official/Department Director that the employee's condition prevented him/her from performing the duties of his/her position. In any event, an employee may not seek leave without pay.

This Section applies to intermittent absences from work and shall not affect an employee's right to seek a continuous leave of absence without pay pursuant to this Handbook. This Section should be read in conjunction with the leave provisions in Chapter 9 and the abandonment provisions in Chapter 7.

**CHAPTER 19**  
**INTERNET AND USE OF COUNTY PROPERTY**

**Section 1.           County Property**

All supplies, equipment, computers, desks, information, and any other material obtained and used during the course of employment is property exclusively owned by Barrow County (hereinafter collectively referred to as “County Property”). As a result, an employee should have no expectation of privacy with respect to County Property.

**Section 2.           Phone Use**

When making personal local phone calls from the workplace, and/or using a county cell phone/radio, employees must use judgment and discretion to limit any calls. Excessive use will be dealt with as a disciplinary matter. Personal long-distance phone calls are not permitted on any County phone. If you need to make a long-distance call for personal reasons, charge it to your home telephone number or personal credit card number. Failure to comply with this Section will result in disciplinary action.

**Section 3.           Communication Systems**

The County provides a variety of channels for communication to promote the efficient operation of its business. These communication systems include, but are not limited to, voicemail, e-mail, facsimile, computer networks, internet connections, on-line services, computer files, telephone systems, cellular phones, and pagers. All information transmitted by, received from, or stored in these systems are the sole property of Barrow County and an employee should have no expectation of privacy related thereto.

All County communications systems as described above are intended for business use only and are not to be used in a way that may be considered as disruptive, inappropriate, harassing, threatening, or offensive to others. Employees are specifically prohibited from transmitting, forwarding, downloading, or receiving offensive or pornographic materials and messages. These communication systems may not be used to send or to receive copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization. Failure to comply with these provisions will result in discipline, up to and including, termination.

**Section 4.           Email and Internet Authorization**

Availability and access to email and Internet to any staff member is a privilege, not an entitlement. In order for an employee to receive access to email and/or the Internet, the Elected Official/Department Director must first provide written justification as to the need for one or both services. Justification must be based upon the employee’s specific tasks that recur on a

daily basis. Signature approval must be provided by the Chief Administrator prior to the activation of either service. At the County's discretion, limitation or removal of specific Internet sites and scope of Internet service may be enforced individually and/or globally. All services may be terminated by the County at anytime, for any reason, without prior notice.

**Section 5. Specifics on Computer and Network Usage**

(a) Responsible Use of Resources

You are responsible for knowing what information resources (including networks) are available, remembering that the members of the community share them, and refraining from all acts that waste or prevent others from using these resources or from using them in whatever ways have been proscribed by the Barrow County Board of Commissioners and the laws of the State and Federal governments.

(b) Use of Desktop Systems

You are responsible in coordination with your Elected Official/Department Director for the security and integrity of Barrow County information stored on your personal desktop system. This responsibility includes making regular disk backups and controlling physical and network access to the machine. Avoid storing passwords or other information that can be used to gain access to other government computing resources.

(c) Access to Facilities and Information

(i) Sharing of Access

Computer accounts, passwords, and other types of authorization are assigned to individual users and must not be shared with others. You are responsible for any use of your account.

(ii) Permitting Unauthorized Access

You may not run or otherwise configure software or hardware to intentionally allow access by unauthorized users.

(iii) Use of Privileged Access

Special access to information or other special computing privileges are to be used in performance of official duties only. Information that you obtain through special privileges is to be treated as private.

(iv) Termination of Access

When you cease being a member of the government community, or if you are assigned a new position and/or responsibilities within the County, your access authorization must be reviewed. You must not use facilities, accounts, access codes, privileges, or information for which you are not authorized in your new circumstances.

(v) Attempts to Circumvent Security

Users are prohibited from attempting to circumvent or subvert any system's security measures. This section does not prohibit use of security tools by system administration personnel.

(vi) Decoding Access Control Information

You are prohibited from using any computer program or device to intercept or decode passwords or similar access control information.

(vii) Denial of Service

Deliberate attempts to degrade the performance of a computer system or network or to deprive authorized personnel of resources or access to any Barrow County computer system or network are prohibited.

(viii) Harmful Activities

The following harmful activities are prohibited: creating or propagating viruses; disrupting services; damaging files; intentional destruction of or damage to equipment, software, or data belonging to Barrow County Board of Commissioners or other users; and the like.

(ix) Unauthorized Monitoring

You may not use computing resources for unauthorized monitoring of electronic communications.

(x) Government Dishonesty

You should always use computing resources in accordance with high ethical standards.

(xi) Use of Copyrighted Information and Materials

You are prohibited from using, inspecting, copying, and storing copyrighted computer programs and other material, in violation of copyright.

(xii) Use of Licensed Software

No software may be installed, copied, or used on Barrow County resources except as permitted by the owner of the software. Software subject to licensing must be properly licensed and all license provisions (installation, use, copying, number of simultaneous users, term of license, etc.) must be strictly adhered to. Any and all new software installations must be approved in some form by the County's designated network and computing personnel.

(xiii) Political Campaigning; Commercial Advertising

The use of System materials, supplies, equipment, machinery, or vehicles in political campaigns is forbidden. Political campaign and commercial advertisement shall not be displayed on the government. The use of County computers and networks shall conform to these policies.

(xiv) Personal Business

Computing facilities, services, and networks may not be used in connection with compensated outside work nor for the benefit of organizations not related to the business of the County. Any other incidental use (such as electronic communications or storing data on single-user machines) must not interfere with other users' access to resources (computer cycles, network bandwidth, disk space, printers, etc.). State law restricts the use of State facilities for personal gain or benefit.

**Section 6. Management Information Services Policies**

The Management Information Services ("MIS") Director is authorized to oversee and manage all County communication systems. To facilitate that role, the MIS Director may create additional and detailed policies consistent with this Chapter, which policies shall be complied with by employees upon distribution of same.

**CHAPTER 20**  
**TRAINING**

**Section 1.                   Certification Training**

It is the County’s policy to arrange and pay for certification testing and related training sessions on all initial attempts as approved by the respective Elected Official/Department Director on a case-by-case basis. Such approval shall be applied in a universal and non-discriminatory manner. The County shall not be responsible for arranging or making payment for the employee to take subsequent exams if the employee fails the first attempt, unless pre-approved by Elected Official/Department Director. It will be the employee’s responsibility to pay for, re-take, and pass the certification exam within the specified time frame to meet the requirements of the position. Failure to receive required certifications for the position will result in disciplinary action up to, and including, dismissal.

**Section 2.                   Training and Continuing Education**

The County shall arrange and pay for training and continuing education that is directly related to the employee’s job as approved by the respective Elected Official/Department Director on a case-by-case basis. Such approval shall be applied in a universal and non-discriminatory manner. The certification testing or training is “directly related to the employee’s job” if it is designed to make the employee handle his or her job more effectively as distinguished from training him or her for another job or for the performance of a new or additional skill. If continuing education is necessary to meet the requirements of this position, the employee will be subject to disciplinary action up to, and including, dismissal for failure to timely complete such continuing education.

**Section 3.                   Compensation for Hours Spent in Certification Testing, Training and Continuing Education**

Attendance at certification testing, training, and continuing education sessions or similar activities shall be compensated as hours worked unless the following four criteria are met:

- (a) Attendance is outside of the employee’s regular working hours;
- (b) Attendance is voluntary;
- (c) The course, lecture, or meeting is not directly related to the employee’s job; and
- (d) The employee does not perform any productive work during such attendance.

It shall be presumed, subject to other direction from the applicable Elected Official/Department Director, that an employee will be compensated for hours spent during attendance at a certification testing, training, or continuing education session if such session is

during regular working hours, is directly related to the employee's job, and is approved for reimbursement by the applicable Elected Official/Department Director. Specific questions related to compensation for attendance at testing, training, and continuing education sessions or similar activities not expressly covered in this Chapter should be referred to your supervisor or the Human Resources Director for interpretation and compliance with federal law prior to attendance at the session.

**Section 4.                    Compensation for Time Spent in Travel to Training Session**

Pre-approved training sessions that are required by the County shall be considered as the employee's normally scheduled workday. Employees will be compensated for travel time to and from a training session, unless specific departmental procedures provide otherwise. All training classes that require overnight lodging must be approved specifically as to mode and time of travel to the training location. Mileage for the use of a personal vehicle shall be paid consistent with the Travel and Reimbursement Policy set forth in this Handbook.

**Section 5.                    Training Reimbursements**

Requests for payment of training, conventions, or other meetings that are submitted to the Finance Department for reimbursement must include the written approval of the applicable Elected Official/Department Director. For all training classes or seminars that an Elected Official or employee attends, a copy of the certificate of completion or comparable document must be forwarded to the Finance Department. A copy will be attached to the expense report related to the seminar or training class. Also, the Finance Department will forward a copy to the Human Resources Department to maintain in the Elected Official's or employee's personnel file.

**Section 6.                    Training Records**

All training records, including but not limited to, requests, approvals, disapprovals, course materials and/or certifications shall be submitted to, and maintained by, the Human Resources Department.

**CHAPTER 21**  
**TRAVEL AND REIMBURSEMENT POLICY**

**Section 1.           Statement of Policy**

This Policy contains the regulations and information necessary to the traveler, and required for reimbursement of travel expenses. It is intended that this Chapter applies to Elected Officials and all employees. It is the County's policy to allow travel on a limited basis provided that (a) funding is available; (b) travel is duly authorized; and (c) travel is within the scope of the employee's employment and discharge of his/her official duties.

**Section 2.           Authorized Travel and Expenses**

Travel and related expenses shall be authorized when an Elected Official or employee is engaged in the conduct of official government business. A request for authorization to travel and secure reimbursement of resulting expenses must be completed in advance by the Elected Official or employee and approved by the Elected Official or appropriate Department Director. A Barrow County Travel Authorization Form, provided by the Chief Financial Officer, will be the document used for this purpose and will accompany each expense report submitted for reimbursement.

**Section 3.           Registration, Lodging, and Travel Payments**

The following options are available for registration, lodging accommodations, or travel by common carrier as defined in Section 11(b) herein and are subject to approval of the Elected Official or Department Director:

- (a) Upon receipt of an approved travel authorization form and applicable information, the Finance Department may make necessary arrangements using a County credit card.
- (b) Upon receipt of approval to travel, the individual may arrange for registration, lodging and/or common carrier needs utilizing a personal credit card. If the individual elects to pay final costs with personal funds, reimbursement to the individual will be through the applicable reimbursement request form. If the individual elects not to pay final costs with personal funds, travel advance checks payable to the provider(s) may be generated and presented to the individual prior to departure as detailed in this Chapter.
- (c) Local and State government Elected Officials and employees are exempt from hotel/motel taxes while on official business in the state under Georgia Code 48-13-51. Most hotels require that an exemption form be provided before allowing such exemption. Elected Officials and employees should secure the appropriate exemption form from the Finance Department prior to travel.

**Note: Barrow County will not be responsible for premiums or lost discounts resulting from failure of the individual to arrange for registration, lodging or travel requirements in a timely manner; such premiums or lost discounts will be the responsibility of the individual. The Chief Financial Officer shall be authorized to deduct such premiums or lost discounts from the reimbursement of expenses or to withhold such amount(s) from the individual's paycheck.**

**Section 4. Reimbursement of Expenses**

A request for reimbursement of expenses shall be submitted to the Finance Department within thirty (30) calendar days following the date of return to work. Such request shall be made on such form as prescribed by the Finance Department. The request for reimbursement shall contain an itemized listing of all expenses incurred for such travel and must be approved and signed by the Elected Official or the employee's Department Director. If an Elected Official or employee fails to reconcile the account within the specified time period, and an extension of time is not granted by the Chief Financial Officer, the Chief Financial Officer may void such reimbursement claim. With the approval of the Chief Administrator or Elected Official, the Chief Financial Officer shall be authorized to withhold any such cash advance or direct payment from the Elected Official's or employee's paycheck.

**Section 5. Documentation of Expenses**

Receipts or other documentation shall be required for all expenses. The expenses of a prisoner being transported by government personnel shall be limited to the actual cost incurred by the prisoner and shall be paid based on documented receipts.

**Section 6. Allowability and Limitations of Expenses.**

Payment by the government shall be limited to the actual, necessary, and reasonable expenses incurred for authorized activities provided for in this Chapter. The standard for "reasonable" may be determined by the geographic location and other circumstances and the interpretation of this standard shall be made by the Chief Financial Officer.

**Section 7. Meal Expenses for Travel Outside Barrow County and Documentation Requirements.**

Elected Officials and Department Directors are required to review the circumstances of each travel request to determine if meals are required giving consideration that meals are often provided as part of group activities and are included in registration fees. Elected Officials and Department Directors will insure that discretion is exercised in the establishing any meal allowances on the Barrow County Travel Authorization Form. Such allowances must be reasonable and be within the budget as approved by the Board of Commissioners. Actual meal

expenses should be reviewed when the request for reimbursement is submitted. As addressed above, receipts are required for all such expenses.

**Section 8.                    Lodging**

Reasonable expenses associated with room accommodations will be paid for a hotel or motel upon presentation of an itemized bill. Whenever special rates are included as part of a planned program, payment will be made only for the special rate as long as such accommodation is available. Payment shall be limited to the single room rate. If Elected Officials or employees elect to share a room, then double room rates will be paid.

**Section 9.                    Transportation**

- (a) Mileage Reimbursement. Travel inside or in close proximity to Barrow County should be made in a government vehicle if available. If a government vehicle is not available for such purposes, reimbursement for mileage in a personally owned vehicle is allowable. Mileage expenses for transportation in a personally owned vehicle shall be based on the rate per mile as prescribed by the IRS. This rate is updated annually on January 1<sup>st</sup> of each year; the Chief Financial Officer will publish the revised rate as changes occur. If two or more persons travel to the same location in the same vehicle, only one such payment shall be made. A personally owned vehicle may be used for travel inside or outside the State of Georgia provided, however, that the allowable expense shall be the vehicle mileage expense.
- (b) Common Carrier. A common carrier shall be any scheduled airline, train, or bus and the rate shall be limited to the minimum fare available (economy or tourist). Roundtrip fares should be obtained whenever it will result in a cost savings and reservations should be made sufficiently in advance to take advantage of special savings plans offered by the carrier.
- (c) Ground Transportation. Ground transportation by taxi, bus, or limousine is an allowable expense when actually incurred in conjunction with common carrier transportation to and from terminals, hotels, restaurants, and meeting locations if necessary. The most economical means of ground transportation should be used.
- (d) Points of Departure and Return. The points of departure and return for travel status shall be either the office at which the Elected Official or employee carries out his/her duties or his/her residence; whichever is more practical under the circumstances. The County, however, will only reimburse for actual miles traveled less the normal distance traveled to and from the Elected Official's or employee's residence and work.
- (e) Direct Route. All travel should be by the most direct route. However, an expressway route, which involves more total mileage, may result in a savings in

personnel time and, therefore, would be considered the more direct route. Reason and good judgment should be exercised in this determination.

**Section 10.           Communications**

Telephone and “FAX” messages directly pertaining to official government business shall be allowable expenses. Claims for payment of such charges shall be itemized and shall include the location, the person contacted, and the justification for the communications. A personal telephone call to confirm the safe arrival of an individual when traveling and one personal call per day for a reasonable period shall be allowable expenses, however, any other personal communications shall not be allowable.

**Section 11.           Credit Cards**

Whenever allowable expenses are purchased or paid by credit card, the receipt shall include an itemization of expenditures or separate receipts must be obtained for each expenditure. A credit card receipt showing only an aggregate of charges, unless itemized, shall not constitute sufficient documentation and shall not be allowable.

**Section 12.           Registration Fees**

Registration fees for an authorized program shall be an allowable expense and payment shall be arranged no less than ten (10) days in advance of the program date. The Elected Official or employee shall be responsible for submitting the registration request to the Finance Department in sufficient time for the payment to be processed and mailed prior to any registration deadline. Optional assessments such as special events or personal memberships, which are not included in the registration fee, are not allowable expenses.

**Section 13.           Tips and Gratuities**

Tips or gratuities in conjunction with an authorized expense shall be allowable if they are determined to be reasonable by the Chief Financial Officer.

**Section 14.           Parking Fees**

Expenses for parking shall be allowable if documented by paid receipt.

**Section 15.           Other Expenses**

The Chief Financial Officer shall be authorized to pay other expenses, which may be incurred in conjunction with an authorized travel or activity if they are determined to be

reasonable and proper. A claim for payment of such other expenses shall include adequate documentation and justification to meet the purposes of this policy.

**Section 16. Unallowable Expenses**

The following expenses are specifically unallowable for payment:

- (a) Expenses incurred by any individual other than the elected official or employee unless otherwise provided for in this policy.
- (b) Expenses for entertainment.
- (c) Laundry service.
- (d) Personal articles, toiletries, souvenirs, etc.
- (e) Expenses for alcoholic beverages.
- (f) Payments to friends or other individuals for cost of meals, lodging, or transportation not a part of the authorized activity or program.
- (g) Direct expenses of operation a personal vehicle, such as gasoline, oil, parts, or repairs.
- (h) Travel and related expenses incurred from an elected official's or employee's residence to his designated work site.
- (i) Any expenses incurred that are unrelated to official government business or activities as determined by the Chief Financial Officer.

**Section 17. Family Members**

Expenses related to spouses or other family members accompanying Elected Officials and employees while on official government business will not be covered unless the spouse or other family member has been specifically invited to participate in the official government function or business. Inclusion of a spouse or other family member must be approved in advance.

**Section 18.                    Leave Amid or Adjacent to Travel**

An Elected Official or employee taking annual or sick leave while away on official travel status shall not be entitled to any payment of expenses incurred during the period of such leave.

**Section 19.                    Determination of Allowable Expense**

Economic conservatism and sound judgment must be exercised by all Elected Officials and employees in every expense incurred. In the event of a dispute of the allowability of an expense, the Chief Financial Officer shall be authorized to make such determination based on this policy, reasonableness, and sound fiscal judgment. In each such circumstance, the Chief Financial Officer shall make every attempt to resolve such dispute in the best interest of the Elected Official, employee, and Barrow County.

**Section 20.                    Audit Responsibility**

The Chief Financial Officer is responsible for the enforcement of this Chapter and is charged with an appropriate level of auditing of reimbursement requests to insure compliance.

**Section 21.                    Final Authority**

The Chief Administrator has final authority for any interpretations or disputes related to this Chapter.

## CHAPTER 22 DEFINITIONS

1. Abandonment of Position – The unauthorized absence by an employee from his/her position for three (3) consecutive workdays.
2. Allocate or Reallocate – An action by the Board of Commissioners designating the type of position to be included in an appropriate Department or agency and setting aside the budgetary funds to support the designated position.
3. Anniversary Date – The date an employee is appointed to the position, whether the appointment is by initial hiring, promotion, demotion, transfer or otherwise.
4. Applicant – Any person who has submitted an application in accordance with the provisions of this Handbook.
5. Appointment – The act of placing an employee in an authorized position.
6. Authorized Position – A position authorized by the Board of Commissioners, recognized in the Classification Plan, and included in an approved budget.
7. Catastrophic Illness - An illness not consistent with ordinary illness, (e.g., cancer, heart attack, stroke, major surgery), and requiring absence from employment in excess of 80 hours.
8. Civil Service System – The Barrow County Civil Service System as authorized by the Constitution, the State legislature, and local adoption.
9. Classification Plan –The official or approved system of grouping positions into Job Descriptions that are further grouped into appropriate grades approximately equal in difficulty, responsibility, training, and experience requirements. The Classification Plan is based upon a categorical designation of Job Descriptions that contain appropriate Job Titles, essential functions, descriptions of duties and responsibilities, types of work performed, minimum qualifications, performance aptitudes, and ADA compliance factors for a certain category of Positions.
10. Compensation Plan – The system of assigning jobs to Job Descriptions and to an appropriate pay grade based on the similarities of positions.
11. Continuous Service – Continuous service is employment that is uninterrupted, except for authorized leaves of absence or suspension.
12. County – Barrow County, Georgia
13. Chief Administrator– The chief administrative employee of the Barrow County Board of

Commissioners.

14. Demotion – Demotion means a change in the rank of an employee from a position in one grade to a position in another grade having a lower minimum starting salary.
15. Department – Department means a major administrative division of County government whose employees report to an Elected Official or Department Director.
16. Department Director – The top administrative official in each major administrative division.
17. Dismissal – The termination of an employee.
18. Elected Official – A County official duly elected by the citizens of Barrow County and presently serving in office.
19. Emergency Appointment – An appointment of an employee on an emergency basis to a position without compliance with the recruitment procedures for a limited time.
20. Examination – Methods used to determine eligibility of applicants for employment. Examinations may include, but shall not be limited to, written, oral, physical, medical, or performance tests, rating of training, and/or experience.
21. External Advertisement – A recruiting effort to notify interested applicants who are not employed by the County of job vacancies by placing advertisements of such vacancies with the outside media.
22. Grade – All positions in a group which are sufficiently similar as to authority, kind or subject matter of work, level of difficulty, and duties and responsibilities with the same minimum requirements of training, experience or skill, and such other characteristics that warrant the same range of compensation for each position in the group.
23. Grant-Funded Appointment – The placement of an individual in a position that is created as a result of a grant that provides for the position for a specific period of time.
24. Immediate Family – An employee’s spouse, children, mother, father, brothers, sisters, half-brothers, half-sisters, grandparents, grandchildren, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, step-parents and step-children.
25. Internal Advertisement - A recruiting effort to notify interested applicants who are employed by the County of job vacancies by placing advertisements of such vacancies throughout the County.
26. Job Description – A written description based upon a categorical designation of positions that contain appropriate Classification Titles, essential functions, descriptions of duties and responsibilities, types of work performed, minimum qualifications, performance

aptitudes, and ADA compliance factors for a certain category of positions. Numerous positions exist under each Job Description.

27. Lateral Transfer – A lateral appointment is when an employee is moved from one position with a certain Job Title to a different position within the same grade, but with a different Job Title, either within or outside the employee’s Department.
28. Lay-Off – The separation of an employee or employees from County employment for specified reasons unrelated to the employee’s performance.
29. Leave – Any of a number of ways in which an employee is permitted to take time off from work. Leave may be granted with or without pay.
30. Minimum Qualifications – Those minimum requirements as to education and experience that qualify an applicant to be considered for appointment as an employee with the County. Additional requirements may also be indicated where necessary such as licenses, certificates, and others.
31. Part-Time Employee – An employee who works in a position that is budgeted for twelve (12) months of the year, but who works less than thirty-two (32) hours per week.
32. Performance Evaluation or Appraisal – A method of evaluating each employee on a periodic basis as to performance on the job.
33. Human Resources Director – The official designated by the Board of Commissioners as the representative in charge of the personnel system of Barrow County.
34. Position – An assigned job involving duties requiring the services of one person. It can be part-time, full-time, temporary, seasonal, grant-funded, occupied or vacant, exempt or non-exempt.
35. Promotion – A change in rank of an employee from a position in one grade to a position of another grade having a higher minimum salary.
36. Reassignment – A reassignment appointment occurs when an employee is moved from one position with a certain Job Title to another position within the same Department with the same Job Title.
37. Reclassification – The assignment of an existing position to a different and more suitable Job Description when it is determined that a position is incorrectly assigned. A reclassification may produce a corresponding change from one grade to a different grade.
38. Reinstatement – The filling of a vacant position with a former Barrow County employee.
39. Resignation – The termination of an employee at his/her request.
40. Seasonal Employee – An employee who works in a position that is temporary in nature in

that in coincides with a particular season, or seasons, of the year or with heavy workload periods for a particular Department. The seasonal position period may recur regularly from year to year, but it is not budgeted for twelve (12) months of the year.

41. Seniority Date - The Seniority Date for a reinstated employee shall be established as follows: full-time employees shall receive full credit for all past employment, provided that the employee had completed three (3) continuous years of service with the County. No credit shall be given for full-time employees who have not completed three (3) continuous years of service with the County. No credit for past employment shall be given to part-time, temporary, seasonal, or contract employees.
42. Shift Worker - A shift worker employee is an employee who occasionally works one (1) twelve hour or one (1) twenty-four hour shift on a seasonal or part-time basis. A shift worker is not eligible for benefits.
43. Supervisor – An individual whose primary, though not necessarily only, responsibility is to direct the activities of other employees.
44. Suspension – An enforced leave of absence without pay.
45. Temporary Employee – An employee who works in a position that is temporary for purposes of a special project or other work of a temporary nature. The temporary position period is established according to the special project or special circumstances requiring work of a temporary nature. The temporary position is not budgeted for twelve (12) months of the year and does not recur regularly from year to year.
46. Vacancy – A position duly created and still existent, but not occupied by an employee.
47. Working Day – A “working day” is defined as eight (8) hours for County employees; twelve (12) hours for Law Enforcement sworn officers who work a 12-hour shift; and twenty-four (24) hours for Fire Department employees who work a 24-hour shift.