

DAVISS COUNTY

ADMINISTRATIVE CODE

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Effective July 1, 2024

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CHAPTER 1: OBJECTIVES AND SCOPE

Section I: Purpose and Authority

The General Assembly of the Commonwealth of Kentucky enacted KRS 68.005 in 1978 for the purpose of promoting efficient administration of county government. KRS 68.005 requires the Fiscal Court to adopt a County Administrative Code which includes, but is not limited to, procedures and designation of responsibility for the following:

- A. General administration of the office of County Judge/Executive, County administrative agencies, and public authorities;
- B. Administration of County fiscal affairs, including budget formulation, receipt and disbursement of County funds, preparation of records required for the County audit, and for filing of claims against the County;
- C. Personnel administration, including description and classification of non-elected positions, selection, assignment, supervision and discipline of employees, and employee complaints;
- D. County purchasing and award of contracts; and
- E. Delivery of County services.

The Fiscal Court shall review the County Administrative Code annually during the month of June and may, by a majority of the entire Fiscal Court, amend this Administrative Code at that time. The Judge/Executive may at other times prepare and submit amendments to the Administrative Code for the approval of a majority of the Fiscal Court.

Section II: Severability

If any section, subsection, sentence, clause, phrase or portion of this Administrative Code is, for any reason, held illegal by any court having appropriate jurisdiction or is superseded or preempted by Federal or State regulations or laws, such portions shall be deemed as separate and distinct, and such holding shall not affect the validity of the remaining portions.

CHAPTER 2: OPERATION OF THE FISCAL COURT

Section I: Fiscal Court

- A. The Daviess County Fiscal Court, hereinafter referred to as Fiscal Court, is the County's legislative body with the power to carry out the governmental affairs necessary for the operation of Daviess County, hereinafter, referred to as the County. This body has the authority to enact ordinances, issue regulations, levy taxes, issue bonds, appropriate funds, and employ personnel to perform the various public functions of the county. Pursuant to KRS 67.080(3) the Fiscal Court shall not exercise executive authority except as specifically assigned by statute.
- B. Under KRS 67.080, the Fiscal Court is permitted to "appropriate County funds for lawful purposes, buy and sell county property, supervise the fiscal affairs of the County and the County officers, and exercise all other corporate powers of the County." Further, "The Fiscal Court may investigate all activities of the County government and establish appointive offices and define their duties."

- C. As required by Section 144 of the State Constitution, the Fiscal Court shall be made up of either the County Judge/Executive, hereinafter, referred to as the Judge/Executive, and from three (3) to eight (8) justices of the peace, hereinafter referred to as Magistrates; or the Judge/Executive and three county commissioners, hereinafter referred to as Commissioners. Magistrates are elected from districts in the general election, while Commissioners are elected from the County-at-large in the general election.
- D. The voters of the County are allowed to choose either a Magisterial form of Fiscal Court or a Commissioner form of Fiscal Court as prescribed in KRS 67.060. In November 1916, Daviess County voters approved the adoption of the Commissioner form of Fiscal Court which took effect on January 1, 1918.

Section II: Procedures for Meetings

- A. The Judge/Executive shall set the dates, times and locations for all regular Fiscal Court meetings.
- B. All meetings of members of the Fiscal Court at which any public business is discussed, or any action taken, shall be open to the public at all times except as otherwise permitted by KRS 61.810.
- C. The Judge/Executive may call a special meeting of the Fiscal Court for the purpose of transacting any business over which the Fiscal Court has jurisdiction.
- D. Whenever a special meeting is necessary and the Judge/Executive is unable, or refuses to act, a majority of the members of the Fiscal Court may call it, if in their opinion, the need exists.
- E. A special meeting may be called by the Judge/Executive or a majority of the members of the Fiscal Court by providing proper notice pursuant to the Kentucky Revised Statutes.

Section III: Presiding Officer

- A. The Judge/Executive shall be the presiding officer of the Fiscal Court at all regular and special called meetings.
- B. If the Judge/Executive is not present, or is unable to preside, a majority of the members attending the meeting shall elect one of these members to preside.

Section IV: Quorum

- A. Not less than a majority of the members of the Fiscal Court shall constitute a quorum for the transaction of business.
- B. No proposition shall be adopted except with the concurrence of at least a majority of the members present unless otherwise specified by Kentucky Law.

Section V: Disturbing Meetings

- A. It shall be unlawful to disturb any meeting of the Fiscal Court or to behave in a disorderly manner at any such meeting.
- B. Any person violating any provision of this section may be prosecuted under the appropriate provisions of the Kentucky Penal Code.

Section VI: Order of Business

- A. Prior to each meeting of the Fiscal Court an agenda shall be presented by the Judge/Executive to the members of the Fiscal Court. The Judge/Executive may alter the sequence of the agenda to facilitate efficient meeting management.
- B. The Judge/Executive or his/her designee shall prepare an itemized list of all valid warrants (claims) for review.
- C. No warrant shall be paid unless contained in the itemized list for the meeting and reviewed by the Fiscal Court unless previously authorized as a "recurring approved expense."
- D. The Fiscal Court may acknowledge review of payment of the list of valid warrants as a whole unless there is an objection voiced to any specific item. The Fiscal Court may, by majority vote of the present members, disapprove a claim presented for review.

Section VII: Records and Minutes

- A. The clerk of the Fiscal Court shall attend all meetings of the Fiscal Court and keep a full and complete record of its proceedings.
- B. The clerk of the Fiscal Court shall keep an index of all Fiscal Court records and make such index of all Fiscal Court records available for public inspection in accordance with KRS 61.870 to 61.884.

Section VIII: Ordinances

- A. An "ordinance" is an official written act of the Fiscal Court, the effect of which is general and lasting in nature, which is enforceable within the jurisdiction of the County; or a lawful appropriation of money.
- B. All ordinances shall be introduced in writing; relate to one subject only; and contain a title which expresses the subject; such as, "An Ordinance relating to..."
- C. There shall be inserted between the title and the body of each County ordinance an enacting clause written in the following manner: "Be It Ordained by the Fiscal Court of the County of Daviess, Commonwealth of Kentucky;"
- D. County ordinances shall be amended by ordinance and only by setting out in full each amended section.
- E. No County ordinance shall be passed until it has been read on two separate days, unless an emergency is properly declared by the Judge/Executive, but ordinances may be read by title and summary form only.
- F. No County ordinance shall be passed until it has been published pursuant to KRS Chapter 424. Prior to passage, ordinances may be published by summary. Publication shall include the time, date, and place at which the County ordinance will be considered, and the place within the County where a copy of the full text of the proposed ordinance is available for public inspection. In the event consideration for passage is continued from the initial meeting to a subsequent date, no further publication is necessary provided at that meeting, the time, date, and place of the next meeting is announced.
- G. All County ordinances and amendments shall be published after passage and may be published in full, or in summary form, at the discretion of the Fiscal Court.

CHAPTER 3: POWERS AND DUTIES OF THE FISCAL COURT MEMBERS

Section I: Judge/Executive

- A. The Judge/Executive serves as the presiding officer in all Fiscal Court meetings and also possesses the same privileges as other members of the Fiscal Court, including the right to vote on all matters coming before the Fiscal Court.
- B. The Judge/Executive is the chief executive officer, administrative officer and fiscal officer of the County and is thereby responsible for administering the policies established by the Fiscal Court and for the financial administration of the County.

Section II: Other Fiscal Court Members

- A. The Commissioners are voting members of the Fiscal Court and have specific statutory authority and privileges when court is in session. When the Fiscal Court is adjourned, the Commissioners possess no administrative or executive power in relation to County government, other than those powers expressly granted by this Administrative Code.
- B. The Commissioners may also serve in an advisory capacity regarding the affairs of the County by accepting assignments from the Judge/Executive to act as liaisons to various departments of county government and community organizations.

CHAPTER 4: GENERAL ADMINISTRATION

Section I: Judge/Executive

- A. The Judge/Executive shall be the chief executive and administrative officer of the County and shall have all the powers and perform all the duties of an executive and administrative nature consistent with the Kentucky Constitution, Kentucky Revised Statutes, and the Fiscal Court.
- B. The responsibilities and/or duties of the Judge/Executive as defined by KRS 67.710 are as follows:
 - a. Provide for the execution of all ordinances and resolutions of the Fiscal Court, execute all contracts entered into by the Fiscal Court, and provide for the execution of all laws by the state subject to enforcement by him/her or by officers who are under his/her direction and supervision;
 - b. Prepare and submit to the Fiscal Court for approval an administrative code incorporating the details of administrative procedure for the operation of the County and review such code and suggest revisions periodically or at the request of the Fiscal Court;
 - c. Furnish the Fiscal Court with information concerning the operations of the County departments, boards, or commissions, necessary for the Fiscal Court to exercise its powers or as requested by the Fiscal Court;
 - d. Require all officials, elected or appointed, whose offices utilize County funds, and all boards, special districts, and commissions exclusive of city governments and their agencies located within the County to make a detailed annual financial report to the Fiscal Court concerning the business and condition of their office, department, board, commission, or special districts;

- e. Consistent with procedures set forth in KRS Chapter 68, prepare and submit to the Fiscal Court an annual budget and administer the provisions of the budget when adopted by the Fiscal Court;
- f. Keep the Fiscal Court fully advised as to the financial condition and needs of the County and make such other reports from time to time as required by the Fiscal Court or as he/she deems necessary;
- g. Exercise with the approval of the Fiscal Court the authority to appoint, supervise, suspend, and remove County personnel (unless otherwise provided by state law); and
- h. With the approval of the Fiscal Court, make appointments to or remove members from such boards, commissions, and designated administrative positions as the Fiscal Court, charter, law or ordinance may create.

Section II: Deputy Judge/Executive

- A. The Judge/Executive may appoint a Deputy Judge/Executive who, in the absence of the Judge/Executive, shall serve as Judge/Executive in all matters, except those of a member of the Fiscal Court.
- B. The Judge/Executive shall be deemed absent when he/she is physically absent from the County and not in routine contact, or when other circumstances beyond his/her control prevent him/her from carrying out his/her duties.
- C. The appointment of the Deputy Judge/Executive shall continue until such a time the Judge/Executive terminates the employee or issues an Executive Order appointing a new Deputy Judge/Executive.

Section III: County Treasurer

The Fiscal Court shall appoint a County Treasurer, hereinafter referred to as the Treasurer. The appointment of the Treasurer shall be for a period of four (4) years in conformance with KRS 68.010.

Section IV: Appointed Positions

- A. In addition to the Deputy Judge/Executive, the Judge/Executive may appoint a reasonable number of other assistants, secretaries, and clerical workers within the office of the County Judge/Executive as determined by the Fiscal Court, who shall serve at his/her pleasure.
- B. The Judge/Executive shall also appoint a local Emergency Management Director in conformance with KRS 39B.020.
- C. The Judge/Executive shall also appoint a county Road Engineer or supervisor in conformance with KRS 179.020.
- D. Members of County agencies, boards, commissions and special districts shall be appointed for a period as described by the agency, board, commission, special district by-laws, state statute, county resolution, or county ordinance.
- E. The Judge/Executive may ultimately terminate the employment of any employee he/she appoints for failure to carry out his/her duties, for any other reason, or for no reason. Unless a statute indicates otherwise, employment at the County is at-will. This means that employees may terminate their employment at any time for any reason without breaching an 'employment contract,' just as the County can do the same. County employees acquire no property rights in, or to their employment, with the County. Because the Administrative Code and Personnel

Policies and Procedures are not employment contracts, the County may modify and interpret them at any time. Failure of an individual to be re-appointed shall not be construed as dismissal.

Section V: Procedures for Appointment of Members of Boards and Commissions

- A. The Judge/Executive shall appoint qualified individuals to serve on boards and commissions. Such appointments shall be placed on the agenda of any regular or special meeting of the Fiscal Court.
- B. If state law requires approval by the Fiscal Court, the appointment shall be an item on the agenda for consideration for approval.
- C. If the Fiscal Court rejects the appointment, the Judge/Executive shall submit an additional appointment(s) for each position.
- D. If state law does not require the approval of the Fiscal Court, the appointment shall be by Executive Order.
- E. No person shall be selected as a member of a board or commission if the person holds or is employed in an incompatible position.

CHAPTER 5: FINANCIAL MANAGEMENT

Section I: Budget Preparation

- A. The Judge/Executive shall annually prepare and submit to the Fiscal Court a proposed Budget for the expenditure of all funds including those from state and local sources, which are to be expended by the Fiscal Court in the next fiscal year, July 1 thru the subsequent June 30. The proposed Budget shall be classified into Budget units as outlined in KRS 68.240. In addition to preparing a reasonable estimate of the funds actually needed for both general and special purposes, the Judge/Executive shall prepare an estimated statement of receipts to be received from local, state, federal and other sources.
- B. The Judge/Executive shall incorporate his/her proposals for each County office and agency receiving funds through the Fiscal Court, into his/her budget proposal.
- C. The Judge/Executive shall obtain from the Treasurer actual revenue receipts in each classification of each fund for the most recent preceding and the current fiscal year.
- D. The Judge/Executive shall obtain from the Treasurer information regarding the actual expenditures made during the most recent preceding and the current fiscal year.
- E. An estimate shall be made for each fund of any anticipated surpluses.
- F. Not later than April 1, the Treasurer shall obtain the Sheriff's annual settlement, for the current tax year, showing County taxes collected.
- G. From the DLG, the Treasurer shall obtain the Property Valuation Administrator's official estimate of net assessment growth and an estimate of the ad valorem taxes that would be produced using the preceding year's tax rate.
- H. The Judge/Executive, with assistance from the Treasurer, shall submit his/her complete proposed Budget to the Fiscal Court not later than May 1 of each Fiscal Year.

Section II: Budget Adoption

- A. The Fiscal Court, at a meeting or meetings held not later than June 1 of each year, shall make a detailed investigation of each separate activity of the County for which the Judge/Executive

proposes County funds are to be expended by the Fiscal Court. All expenditures shall be classified into Budget units as specified in KRS 68.240.

- B. The Fiscal Court shall comment on the proposed Budget and may amend it according to its desire prior to June 10, when it is to be sent to the State Local Finance Officer according to the procedures of KRS 68.250.
- C. Not less than twenty days before the time of adoption of the Budget, the Judge/Executive shall transmit three copies of the proposed Budget, including statements of both anticipated receipts and expenditures by Budget funds, to the State Local Finance Officer for approval as to form and classification.
- D. The Judge/Executive shall cause a copy of the proposed Budget to be posted in a conspicuous place in the courthouse and be published pursuant to KRS Chapter 424, not less than seven nor more than twenty-one days before the final adoption by the Fiscal Court.
- E. Any taxpayer or group of taxpayers may petition the Fiscal Court with respect to the Budget, or any part thereof, before the final adoption.
- F. If the Fiscal Court rejects any part of the proposed Budget, it shall make the changes in the nature and amount of funds which a majority of the Fiscal Court members consider desirable; but the Fiscal Court has no power to make any changes in the form or classification of the Budget units or subdivision of units.
- G. The Fiscal Court shall have a public hearing concerning LGEA and County Road Aid funds prior to the adoption of the Budget.
- H. The Fiscal Court shall adopt the Budget by ordinance and publish a summary of it as required by KRS Chapter 424.

Section III: Fiscal Administration

- A. Procedures for the Treasurer—As the sole custodian and disbursing officer of County funds the Treasurer shall:
 - a. Incur no expenditures in excess of appropriate amounts without first getting approval from the Fiscal Court for the necessary Budget adjustments.
 - b. Keep and maintain all necessary records for the appropriation and receipt of County funds.
 - c. Submit a monthly report to the Fiscal Court.
 - d. Follow good financial and accounting principles in keeping an accurate record of unused appropriations plus encumbered and unencumbered balances.
 - e. Claims Against The County—The Treasurer shall account for all claims against the County and all warrants issued as follows:
 - i. All claims for payment from the County shall be in writing and must be original invoices.
 - ii. All claims shall be recorded by date and receipt and presented to the Fiscal Court in summary form at least once a month.
- B. Payment of Claims:
 - a. The Treasurer is hereby designated to disburse Fiscal Court funds in payment of all claims in which funds have been appropriated, and for all items in which contracts have been awarded. The Treasurer may pay all claims acknowledged by the Fiscal Court.
 - b. The Judge/Executive and the Treasurer shall sign all checks.
- C. Accounting Systems:

- a. The Fiscal Court shall follow the standards set forth by the Governmental Accounting Standards Board. These standards require that a government must have a consistent basis of accounting throughout the entire government.
 - b. The Department of Local Government requires that the year-end financial data be presented to that agency in the modified cash system of accounting.
- D. Cash Receipts:
- a. Each Department Head is required to handle cash receipts and make daily deposits. The procedure for listing and depositing receipts is as follows:
 - i. The Department Head or designee shall write a two-part receipt for any cash or check received. A list of all receipts is prepared and totaled on a daily basis. A daily deposit is to balance with the daily listing of all receipts. The daily deposit ticket, daily settlement sheet and the daily listing of all receipts, each having the same total, shall be sent to the Treasurer's Office on a daily basis. Any discrepancies are to be itemized and explained personally to the Treasurer.
 - ii. The daily settlement sheet shall include a cash accounting of coins, currency, checks, total cash collected and total amount deposited. The Treasurer, upon receipt of daily deposit, will post the receipt to the related revenue account.
 - iii. Each Department Head will be given a copy of the pertinent revenue account ledger on a monthly basis. This ledger should balance with the Department Head's daily total.
- E. Fixed Asset Documentation & Procedures
- a. Maintenance of records for general fixed assets, which fall into any of the following categories, is a requirement of the Uniform System of Accounts for Kentucky Counties:
 - i. Real Estate
 - ii. Motor Vehicle and Equipment
 - iii. Valuation in excess of \$5,000.00
 - iv. Computer Software
 - v. Specialty Items
 - b. Department Heads maintain an inventory register of all fixed assets in the department. By April 1 of each year, the Department Head reconciles fixed assets on hand with the current inventory register and provides detail of any changes which occurred during the preceding year. This reconciliation is to be submitted to the Treasurer's Office by June 1 of each year.
 - c. The Treasurer's Office maintains a master listing of all County fixed assets. This master listing shall be reviewed annually and submitted to the Judge/Executive.
- F. Capitalization Policy
- a. The policy of the Daviess County Fiscal Court is to capitalize assets when the useful life is greater than one year and the acquisition cost meets the capitalization threshold.
 - b. Purchased or constructed capital assets and infrastructure are reported at acquisition or construction cost or estimated historical cost. Donated capital assets are recorded at their estimated fair value at the date of donation.
 - c. Capital assets and infrastructure are capitalized and depreciated as outlined in the capitalization threshold table, listed below, for the Daviess County Fiscal Court.

- d. Assets will be depreciated on the straight-line basis over their estimated useful lives as outlined below. The useful life table below shows the useful life by asset type for the Daviess County Fiscal Court:

Useful Life Table

<u>Asset</u>	<u>Useful Life Range</u>
Land Improvements	10-25 Years
Buildings	10-40 Years
Building Improvements	10-40 Years
Machinery and Equipment	5-10 Years
Infrastructure	10-50 Years

Capitalization Threshold Table

<u>Asset</u>	<u>Capitalize and Depreciate</u>
Land	Capitalize Only
Land Improvements	\$50,000
Building	\$50,000
Building Improvements	\$50,000
Construction in Progress	Capitalize Only
Machinery and Equipment	\$15,000
Vehicle	\$15,000
Infrastructure	\$55,000

CHAPTER 6: PROCUREMENT POLICY

Section I: Purchases and Purchase Contracts

- A. The Judge/Executive is responsible for the negotiation and execution of all contracts for goods and services and for the administration and supervision of the County purchasing system.
- B. Contracts of the County shall be authorized or approved by the Fiscal Court before executed by the Judge/Executive.
- C. Every contract of the County shall be approved as to form and legality by the County Attorney.
- D. The Judge/Executive may delegate performance of part, or all, of the purchasing duties by appointing a designee, who may in turn delegate duties as needed to appropriate personnel under his/her supervision.

Section II: Bid and Award Procedures

- A. Requests for goods and/or services which cost less than \$20,000, or are on an annual bid, or are professional services, are not required to be purchased through the competitive bidding procedure. However, the competitive bidding procedure may be used at any time to obtain competitive pricing. When the competitive bidding procedure is desired, the Department Head must have the Judge/Executive’s approval prior to advertising for bids.
- B. The Judge/Executive or designee shall advertise for bids on the Daviess County Government website in accordance with KRS 424.145. The advertisement shall include the time and place the

bids will be delivered and opened and shall also include the place where the specifications may be obtained.

- C. The Judge/Executive or designee shall open all bids publicly at the time and place stated in the advertisement. Opening of bids need not occur at a Fiscal Court meeting.
- D. The Judge/Executive or the Department Head shall check against the specifications to ensure that all bids are considered on an equal basis and to ensure that all bids meet the minimum specifications. After analyzing each bid with the assistance of the particular Department Head or other expert, the Judge/Executive or Department Head shall make a recommendation as to the best bid by a responsible bidder. The Fiscal Court shall then decide whether or not to award the bid. The Fiscal Court reserves the right to reject any and all bids or parts thereof, and to waive any irregularities in said bids, and to consider as part of the bid evaluation the stated warranty, stated delivery schedule and payment terms. Award will be made, according to the opinion of the Fiscal Court, to the best evaluated bid.
- E. All bidders shall be notified in writing of the Fiscal Court's action by the Purchasing Department.
- F. The County may at its discretion require a bid bond, certified check, or other guarantee from vendors as insurance to the County that the material or service will be provided as specified in the bid advertisement. Bid bonds, certified checks, or other guarantees from unsuccessful bidders shall be returned promptly. Successful bidders shall have their bid bond, certified check, or other guarantee returned upon successful completion of the project or delivery of goods.

Section III: General Purchase Procedures

- A. Purchase orders are issued for all purchases. Purchase orders shall include the vendor name and address, quantity of items ordered, vendor number and account number and appropriate approval signatures.
- B. It is the responsibility of each Department Head to ensure the correct goods are received, that the vendor's invoice is received and is correct, and the purchase amount has not been exceeded. When all invoices, bills of lading, shipping documents, etc. are correct and the goods have been received, each Department Head shall forward to the Treasurer's Office all paperwork for review. After review, the Treasurer's Office shall be responsible for payment.
- C. Approval of the annual Budget does not constitute permission for departments to make purchases. Factors such as cash flow and deposits on hand must always be considered before purchases are approved.

Section IV: Small Purchase Procedures

At least three (3) quotes are necessary for any single expenditure more than \$2,500, but less than \$20,000 that is not a recurring or proprietary item. All quotes shall be attached to the purchase order. If it is impossible to obtain three quotes, an explanation should be noted on the purchase order. If the low quote is not selected, a reason for not selecting it should be noted on the purchase order.

- A. All Supervisors may approve budgeted purchases for \$2,500 or less provided there are sufficient funds in the budget line for payment of the appropriation.
- B. All Department Heads may approve budgeted purchases for \$5,000 or less provided there are sufficient funds in the budget line for payment of the appropriation.
- C. The Judge/Executive or designee may approve budgeted purchases for more than \$5,000, but less than \$10,000 provided the requesting department has obtained all required documentation and met all provisions of the purchase procedures.

- D. The Fiscal Court shall approve all single expenditures in excess of \$10,000 that are not recurring or proprietary items, or professional services.

Section V: Negotiated Process

- A. Competitive bids shall be received on all purchases where:
 - a. An individual item exceeds \$20,000.
 - b. The total purchase exceeds \$20,000; and/or
 - c. A recurring purchase is less than \$20,000 and there is a reasonable expectation that the total annual purchases value will exceed \$20,000 based on historical purchasing records.
- B. All purchases covered by competitive bids shall be authorized by the Judge/Executive and shall be approved by the Fiscal Court. In all cases, all activities of the Treasurer's Office shall comply with the Kentucky Revised Statutes and all County Ordinances.
- C. The negotiated process may be used instead of advertisement for bids when the amounts exceed \$20,000 in the following circumstances:
 - a. An emergency exists;
 - b. The contract is for professional services; or
 - c. All bids received exceed the amount budgeted.
- D. Before an emergency is declared, the appropriate Department Head shall determine whether or not the delay in obtaining bids will result in danger to health, safety, property, or operations, and submit such determination to the Judge/Executive.
- E. The Judge/Executive shall certify the existence of any emergency by Executive Order.
- F. In the event all bids submitted are in excess of funds available, the Judge/Executive or designee shall prepare a written determination that there are no additional funds available.

Section VI: Procedures for Negotiated Process

- A. When the prerequisites have been met for use of the negotiated process, the Judge/Executive or designee shall proceed to negotiate with one or more suppliers in order to obtain the most advantageous terms for the County.
- B. The Judge/Executive or designee shall prepare a record of all negotiated contracts, showing the items and quantities acquired, name of suppliers, cost and date of contract.
- C. Professional services shall be negotiated with such persons as are properly licensed to perform such services, and shall be limited to those services to which the license applies.
- D. Where more than one bid was received, and all were in excess of the amount available, the lowest three bidders shall be notified that the County desires to negotiate a contract for a lesser amount based on revised quantities of specifications and fix a time limit for submission proposals.
- E. The Judge/Executive or designee shall examine the proposals received and shall negotiate with the suppliers for the terms most advantageous to the County.
- F. The best negotiated proposal shall be submitted to the Fiscal Court for approval and award.
- G. The Judge/Executive or designee shall notify all persons submitting a proposal that the award has been made.

CHAPTER 7: CONTRACTS AND LEASES

Section I: Authorization of County Contracts and Leases

- A. The Judge/Executive shall be responsible for the negotiation and execution of all contracts, leases, and amendments thereto affecting the County.
- B. Every contract, lease and amendment thereto shall be approved by the Fiscal Court before it is executed by the Judge/Executive except in the following circumstances:
 - a. Without prior approval of the Fiscal Court, Department Heads may negotiate and sign general maintenance contracts which do not exceed a term of twelve months and \$2,500.
 - b. Without prior approval of the Fiscal Court, the Judge/Executive may negotiate and sign general maintenance contracts which do not exceed a term of twelve months and \$5,000.
 - c. In the event of an emergency, the Judge/Executive, without prior approval of the Fiscal Court, may approve leases or contracts which do not exceed \$10,000.

Section II: Recording of County Contracts and Leases

- A. Every lease or amendment thereto shall be filed in the office of the County Attorney. Said document shall also be filed in the Judge/Executive's Office under the Fiscal Court meeting during which the approval occurred.
- B. Every contract or amendment approved by Fiscal Court thereto shall be filed in the office of the County Attorney. Said document shall also be filed in the Judge/Executive's Office under the Fiscal Court meeting during which the approval occurred.

CHAPTER 8: COUNTY PROPERTY

Section I: Use of County Property

- A. All equipment, vehicles and property owned and/or operated by the Fiscal Court shall be for the sole purpose of official business.
- B. No official or employee shall use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, material or service for the personal convenience or the private advantage of themselves or any other person unless such use has been formally authorized by a resolution of the Fiscal Court.
- C. Any employee found to have damaged county property may be subject to discipline, up to and including dismissal.
- D. All elected officials and Department Heads are responsible for the equipment that is used in their office. A list of each office's/department's equipment is to be kept current.

Section II: Use of County Vehicles

Any employee authorized to use a county vehicle as part of his/her job duties, including employees who are on-call on a 24-hour basis and take a county vehicle home such that they can respond for emergency purposes, must adhere to the following requirements:

- A. It shall be the general policy that no County employee shall allow a "passenger" to ride in a County vehicle. Should an emergency, business purpose or extraordinary circumstance exist, it shall be permissible for a passenger to ride in a county vehicle. However, should such an event exist, the employee allowing the passenger to ride in the county vehicle shall report the same to his/her supervisor.
- B. County vehicles are to be used only for county business purposes. Any employee found using a county vehicle for personal use shall be suspended for not less than three (3) days without pay.
- C. Employees must use due diligence to drive safely and to maintain the security of the vehicle and its contents. Employees are responsible for any driving infractions or fines as a result of their driving.
- D. Anyone driving a County vehicle will be responsible for that vehicle in case of an accident. A breathalyzer test, urinalysis, or other testing, or any combination of the three (3), will be required, with refusal resulting in automatic dismissal of the County employee. Anyone driving a County vehicle must maintain a valid operator's license. Any accident, traffic citation, or driving arrest of an employee in a County vehicle must be reported immediately to the supervisor, department head or office holder, regardless of the extent of damage or lack of injuries. The supervisor, department head or office holder must then notify the Human Resources Department.
- E. Any employee found to be under the influence of alcoholic beverages or unauthorized drugs or controlled substances while operating a County vehicle or equipment shall be the subject of immediate dismissal from employment.

Section III: Solid Waste Material

Pursuant to Kentucky Administrative Regulations, scavenging is prohibited. All waste entering the Grimes Avenue Transfer Station and West Daviess County Landfill is the property of the Fiscal Court; therefore, waste shall not be removed for personal or governmental/official use without the written approval of the Judge/Executive.

CHAPTER 9: DISPOSITION OF COUNTY SURPLUS PROPERTY

Section I: Surplus Property Method

- A. In the event the Judge/Executive determines that the County retains surplus property and that it will be in the best interest of the County to dispose of said property, the Judge/Executive shall make a written statement with the following information:
 - a. The real or personal property;
 - b. Its intended use at the time of acquisition;
 - c. The reasons why it is in the public interest to dispose of it; and
 - d. The method of disposition to be used (See KRS 67.0802).
- B. The aforementioned statement shall be submitted to the Fiscal Court for their action.
- C. In the event there are no bids for the property, the property shall be sold by the Judge/Executive in the best interests of the County.

Section II: Personal Property

The County office, agency, or person to which responsibility has been assigned by the Judge/Executive to use and take care of the property will notify the Judge/Executive that a particular item is no longer needed or serviceable. The Judge/Executive shall inquire of other County offices to determine if they have need of, or want to use, the item. If no use for the property can be found, the property shall be disposed of as set out in the provisions for the disposition of County surplus property.

Section III: Surplus Brush and Trees

- A. Brush which is removed prior to new construction or in the process of clearing adjacent to existing roadways is either disposed of at the site or chipped and removed from the site. If the adjoining property owner does not want wood chips, the material may be used by the County for mulch. Otherwise, the chips shall be hauled to the landfill for disposal.
- B. The adjoining property owner may saw trees and limbs which are too large to chip into log lengths for disposal. In the event that the adjoining property owner does not want the logs, they shall be disposed of in the most expeditious manner.

Section IV: Surplus Dirt

Surplus dirt removed along roadways due to maintenance activities such as ditching and shouldering shall be disposed of as follows:

- A. The Public Works Department shall have the option of retaining any excavated dirt for its own use.
- B. Any excavated dirt which is not retained by the County may be disposed of on the adjoining property if the property owner desires. It shall be the responsibility of the property owner to provide an accessible location for disposal.
- C. Surplus excavated material which cannot be disposed of on the adjoining property shall be disposed of in the most expeditious manner. The haul distance of disposal site(s), and the number of residents within the area desiring fill material shall be considered in the selection of disposal sites.

CHAPTER 10: DELIVERY OF COUNTY SERVICES

Section I: Services

The County shall provide services to its citizens with the following departments:

- A. Animal Control Department: The function of the Animal Care and Control Department is to protect the health and safety of the public and protect the animals of the community from neglect and cruelty.
- B. Buildings and Grounds Department: The function of the Buildings and Grounds Department is to provide maintenance, janitorial and construction activities for county government facilities and grounds.
- C. Emergency Management Department: The function of the Emergency Management Department is to coordinate the various County response teams in the time of natural or man-made disasters and to provide training and create public awareness.
- D. Engineering Department: The function of the Engineering Department is to review and inspect new construction projects as well as inspecting and processing encroachment permits.
- E. Fire Department: The function of the Fire Department is to provide fire suppression, EMS/ALS, search and rescue, extrication, water rescue, and high angle rescue services in addition to cause determination services to protect the life and property of citizens.
- F. Parks & Recreation Department: The function of the Parks & Recreation Department is to provide an adequate amount and variety of recreational opportunities to satisfy the full range of needs of the population.
- G. Public Works Department (Road Department): The function of the Public Works Department is to provide maintenance, construction, and upkeep of all roads and bridges in the County Road System.
- H. Solid Waste Department: The function of the Solid Waste Department is the management of the control, collection and disposal of solid waste within the County.

Section II: County Road System

The Daviess County Road System shall consist of those roads and streets shown on the Official Road Index of Daviess County as adopted by the Daviess County Fiscal Court. The Official Road Index may be revised only by formal action of the Daviess County Fiscal Court in accordance with applicable Kentucky Revised Statutes and local laws and regulations.

The Department of Public Works shall maintain only those roads and streets specifically identified on the Official Road Index of Daviess County. Use of official County vehicles, equipment and/or County employees on any road not identified on the County Road System is prohibited.

Copies of the Official Road Index shall remain on file in the offices of the County Judge/Executive and the County Engineer.

CHAPTER 11: PERSONNEL ADMINISTRATION

Section I: Introduction

These policies are adopted to provide for the recruitment, development, and retention of the best employee for each position within the service of Daviess County. The purpose of these policies includes the following:

- A. Recruiting, selecting, and advancing employees on the basis of their ability, knowledge, and skills including open competition of qualified applicants for initial employment;
- B. Establishing proper pay rates;
- C. Training employees, as needed, to assure high quality performance;
- D. Retaining employees on the basis of performance; correcting inadequate performance and terminating employees when appropriate;
- E. Assuring treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, disability, race, color, age, national origin, sex, religion or any other status protected by applicable law; and
- F. Assuring that employees are protected against coercion for partisan, political purposes and are prohibited from using their official authority for the purpose interfering with or affecting the results of an election or a nomination for office.

Section II: Interpretation and Employment Relationship

These policies are intended to provide some guidance on many personnel problems and actions which may arise. These policies are not an employment contract. Unless a statute indicates otherwise, employment at the County is at-will. This means that employees may terminate their employment at any time for any reason without breaching an "employment contract," just as the County can do the same. County employees acquire no property rights in or to their employment with the County. Because the policies are not an employment contract, the County can modify and interpret them at any time. However, the only way the County may modify at-will employment would be to execute a written contract signed by the employee and a County Official authorized to contract on behalf of the County. Currently, statutes in Kentucky modify the employment relationship for some police personnel, but other employees remain at-will. The policies in this handbook do not supersede federal or state law.

Section III: Responsibilities, Authority and Administration

- A. The Judge/Executive shall be responsible for the administration of the County personnel system.
- B. The Judge/Executive may designate administrative staff to implement and administer personnel policies. The Human Resources Department is designated and responsible for implementing and administering personnel policies.
- C. Pursuant to KRS 67.710(7), the Judge/Executive, with the ratification of the Fiscal Court, has the authority to appoint, supervise, suspend, and remove County personnel, unless otherwise provided for by state statute.
- D. For Constitutional Officers, each elected official shall be responsible for the supervision of all employees working within their particular office.

- E. For Constitutional Officers, each elected official may develop a personnel policy for the operation of their respective office. Should the elected official not elect to develop a personnel policy for their operation, the personnel policies of the Fiscal Court shall be utilized.

Section IV: Equal Employment Opportunity

The Fiscal Court is an Equal Opportunity Employer and seeks to provide equal opportunity to all its employees and applicants for employment and to prohibit discrimination based on race, color, religion, gender, national origin, political affiliation, age, disability, or marital status. The County promotes equal opportunity in matters of hiring, promotion, transfer, compensation, benefits, and all other terms, privileges, and conditions of employment. The County ensures that equal opportunities are available on the basis of individual merit and encourages all persons to seek employment and to strive for advancement on that basis.

Section V: Nepotism

It is the goal of the Fiscal Court to establish working procedures where family relationships will not adversely impact the quality of work and working relationships between fellow employees or create undue advantage in securing employment, advancement, or contracts.

- A. Definition: The term 'immediate relative', as defined for nepotism, shall include, but is not limited to, the spouse, child, stepchild, brother, sister, parent, aunt, uncle, nephew, niece, grandparent, grandchild, or individual claimed as a dependent for tax purposes by a County employee or elected official.
- B. Disclosure: Any time an individual is hired, any immediate relative relationships with County employees or elected officials shall be disclosed.
- C. Prohibitions: No immediate relative of any elected official or employee shall be appointed to and/or be employed in any office or position of employment if the elected official or employee will have any responsibility, directly or indirectly, to supervise, manage, or control the work of the immediate relative. No elected official or employee shall influence, advocate, or cause the employment, appointment, promotion, transfer or advancement to an office or position within the County of an immediate relative.

Section VI: Performance Evaluations and Duties

Department Heads are responsible for their employees in accordance with county policies. Department Heads shall evaluate the performance of employees assigned to their departments and determine the duties and responsibilities of all persons in their department. Department Heads shall maintain employee performance folders for each individual in the department. Performance folders shall be used throughout the year to monitor the employee's performance. The Department Head shall use the performance folder as a constructive tool by documenting performance indicators on an ongoing basis. Any documentation which the Department Head feels may result in disciplinary actions shall be sent to the Human Resources Department to be entered into the employee's personnel folder.

Section VII: Job Descriptions

Each employee shall have a job description for his/her position. Copies of job descriptions will be distributed as follows: one copy to the individual employee; one copy to the department head; one copy in the Human Resources Department's master file; and one copy in the employee's personnel folder. Department Heads are responsible for monitoring job descriptions as they relate to duties. If the duties of an individual's position change and require an updated job description, the Department Head shall notify the Human Resources Department.

Section VIII: Pay Scale and Salary Structure

Salary ranges are established for each management position and are based on skills necessary to effectively perform a job and the market demands for the position. Salary ranges for each position are part of the annually adopted salary schedule.

An hourly pay scale determines the level of pay for each hourly employee. This scale is based on skills necessary to effectively perform a position and the market demands for the position. Each position is assigned a cell on the annually adopted salary schedule that progresses with years of seniority. Years of experience in a particular classification for another employer may be considered in the hiring of a new employee.

When an employee is eligible to progress to another cell based on seniority, the Human Resources Department shall notify the Department Head. If an employee's performance is unsatisfactory to warrant the new bracket of pay, the Department Head shall provide a written statement to the Human Resources Department recommending that the merit increase not be authorized. If such a recommendation is made, there should be documentation in the employee's performance folder justifying the denial, and such documentation shall accompany the Department Head's written statement. If it is not denied, the pay rate change will occur the payroll after the employee's anniversary date.

Section IX: Applications and Examinations

The procedure for filling vacancies in full-time positions or newly established full-time positions shall be set as follows:

- A. Announcement of Vacant Positions
 - a. When a vacancy occurs, current employees shall be notified of the vacancy by written notices placed in strategic locations. Notices posted shall include position title, salary range, summary of duties, position qualifications, and the deadline for application. Employees who wish to apply for the position must present a completed Employment Application Form to the Human Resources Department, thereby indicating his/her interest in the vacant position. The Judge/Executive, with the approval of the Fiscal Court, may fill the vacancy by either promoting current employees or employing a person from outside the organization. It is the responsibility of the Department Head to ensure that all employees within his/her department are notified of the opening.
 - b. When announcements of vacant positions are made outside the organization, the following procedures shall apply:

- i. The Human Resources Department may advertise the position in publications, on the County website, and/or may list the position with employment service organizations.
 - ii. Advertisements in publications shall include the position title, responsibilities, qualifications, salary range or hourly rate (whichever applies), and deadline for application.
 - iii. The Human Resources Department may require employment testing where deemed necessary.
 - iv. Applications which are received after the posted deadline for a position shall be automatically disqualified.
 - v. Resumes and/or applications which are incomplete shall be automatically disqualified.
- B. Announcement of New Positions
 - a. When a new position is created within the organizational structure of the County, the Judge/Executive shall obtain approval of the Fiscal Court prior to seeking applicants.
 - b. New positions shall be filled in the manner as vacant positions.
- C. Application Policy
 - a. Applications of resumes will only be accepted when a vacancy exists.
 - b. Applications shall remain on file for a period of thirty (30) days after the vacancy has been filled.

Section X: County Employment Categories

Each employee of the County shall be classified as full-time, part-time, temporary, or seasonal. Full-time employees shall be entitled to all benefits as provided in this Administrative Code. Part-time, temporary, and seasonal employees shall not be entitled to any benefits. Each position will be classified as exempt, which is not paid overtime, or non-exempt, which is paid overtime. The exempt and non-exempt classification of positions will be based on the Guide List for Determining Exemptions (Exemption Test) as provided under the Fair Labor Standards Act Wage and Hour Law. Employment categories are based on the following:

- A. Full-Time: A full-time employee is one who averages 100 or more hours per month over a calendar year or fiscal year, excluding temporary or seasonal employees.
- B. Part-Time: A part-time employee is one who averages less than 100 hours per month over a calendar year or fiscal year.
- C. Temporary or Seasonal: A temporary or seasonal employee is one who works either full-time or part-time and whose employment does not exceed nine months over a calendar year or fiscal year.

Section XI: Pre-Employment Screenings

All applicants who are offered a position shall successfully complete a medical examination and receive negative results on pre-employment/post offer drug and alcohol screens.

Section XII: Placement Policy

No applicant shall report to work or be placed on the County's payroll before the applicant's appointment has been approved by the Fiscal Court. Positions shall only be offered after the Human Resources Department has determined that the candidate meets all qualifications prescribed in the position's job description. This policy shall apply to current employees who request a transfer or promotion to a vacant position as well as new applications for employment or re-employment.

Section XIII: Orientation of Newly Employed Personnel

An orientation shall be provided to all new employees by the respective Department Head and/or supervisor on or before their first day of employment. The orientation shall consist of the following:

- A. Explanation of the purpose and goals of the County;
- B. Overview of the County's history, structure, and operations;
- C. Overview of management policies and procedures; and
- D. Other elements deemed appropriate.

A copy of the County's Administrative Code shall be kept at each workstation. Employees are expected to be familiar with the contents of the Administrative Code and are encouraged to discuss any questions with their respective supervisor, Department Head, and/or the Human Resources Department.

Section XIV: Probationary Period

The probationary period shall be regarded as an integral part of the selection process and shall be utilized for closely observing an employee's work, securing the most effective adjustment of a new employee to his/her position, and for terminating the employment of an employee whose performance is not satisfactory.

- A. Duration: The probationary period shall be no less than six months in duration.
- B. Probationary Period Report: The Department Head shall conduct a job performance review at the end of an employee's probationary period. The Department Head shall notify the Human Resources Department in writing whether or not the employee has satisfactorily completed the probationary period. This review shall be placed in the employee's personnel file.
- C. Extension of Time: The Judge/Executive may, upon written request of a Department Head, extend the duration of the probationary period. No extension shall be allowed which would make the total probationary period longer than one year.
- D. Promotions/Transfers: The probationary period shall be used in connection with promotions and transfers in the same manner as it is used for new hires. If an employee is separated during their probationary period following a promotion or transfer, he/she is not entitled to automatically return to the former position.
- E. Dismissal During Probationary Period: At any time during the probationary period, upon the written recommendation of a Department Head, the Judge/Executive may remove an employee whose performance is deemed unsatisfactory without right of appeal.

Section XV: Promotions, Transfers and Demotions

- A. Promotions: Promotions are filled upon the recommendation of the Department Head and Human Resources Department to the Judge/Executive who will present his/her decision to the Fiscal Court for approval. An employee occupying a regular position may be promoted from one position to a higher position only if he/she possesses the minimum qualifications for the higher position and if the position is vacant. Promotions do not affect the length of service.
- B. Political or Partisan Endorsement Prohibited: No consideration shall be given to political or partisan endorsement for promotions to positions in the County.
- C. Promotional Examinations: The Human Resources Department, in conjunction with the Department Head, may conduct competitive promotional examinations.
- D. Transfers: Any full-time employee may request a transfer from one position to another position provided that the position is vacant and one for which the employee possesses the qualifications.
- E. Demotions: In the event an employee becomes unable to perform the duties with reasonable accommodations as stated in the position description, for disciplinary reasons, or in lieu of a layoff, an employee may be demoted provided the employee meets the qualifications for the demoted position, and the position is vacant. The Department Head shall present in writing the reasons for the demotion to the Human Resources Department. The Human Resources Department shall present the recommendation to the Judge/Executive who will ratify or deny the decision. If demoted, the employee's salary/hourly rate for the position to which he/she is demoted shall convert to the position's management level or same class in the position's grade level to which the employee is demoted as established in the County's annually adopted salary schedule.
- F. Intradepartmental Temporary Transfers: Department Heads may require the temporary transfer of their departmental employees to other positions within their own department to satisfy operating requirements. When temporary transfers are made beyond a period of ten (10) consecutive workdays, pay rates shall be modified only if the employee's transferred position pay rate is above the employee's regular position pay rate. If rates are changed under this section, a Payroll Change Notice must be submitted to the Human Resources Department by the Department Head reflecting such change.
- G. Interdepartmental Temporary Transfers: Department Heads may require the temporary transfer of their departmental employees to other Fiscal Court department positions to satisfy operating requirements. When temporary transfers are made for a period of one (1) or more workdays, pay rates shall be modified only if the employee's transferred position pay rate is above the employee's regular position's pay rate. Salaries of modified transferred positions will be recorded in the department's budget that received the transferred employee and paid from the receiving department's respective fund. If rates are changed under this section, a Payroll Change Notice must be submitted to the Human Resources Department by the Department Head reflecting such change. The pay adjustment will be retroactive from the date that the transfer occurred.

Section XVI: Health Insurance

All full-time employees of the County shall be provided with a health insurance plan as provided by the Fiscal Court.

Section XVII: Retirement Plan

The County shall conduct the retirement program in accordance with the guidelines and directives of the County Employees Retirement System (CERS).

Section XVIII: Pay Periods and Pay Days

Pay periods are comprised of two (2) work weeks. Employees shall be compensated every two (2) weeks on the Thursday following the end of any given pay period. If a pay date falls on a holiday, another day may be approved for payroll processing. The Daviess County Fiscal Court workweek begins at 12:01AM on Sunday morning and ends at 12:00AM on Saturday night of any given week.

Section XIX: Acceptance of Gifts and Gratuities

An employee shall not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom they have official relationships on business of the county. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, nor to prohibit employees from accepting social courtesies that promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. It is particularly important that county employees guard against relationships which might be construed as evidence of favoritism, coercion, or unfair advantage of collusion. Negligible value as stated herein is defined as \$50.00 or less in any calendar year. Violations of this section will result in disciplinary actions, up to and including termination.

Section XX: Profit of Knowledge Based on County Employment

An employee shall not use the confidential knowledge gained while on official duty for the county for his/her own profit. An example of this would be a situation in which an employee by virtue of his/her position in the county gains knowledge of a development of a particular piece of property, buys that property and turns a profit in selling it.

Violations of this section will result in disciplinary actions, up to and including termination.

Section XXI: Safety

The health and safety of all County employees is of major importance. All employees shall report all hazardous conditions in their work area at once to their immediate supervisor. The supervisor shall document in writing the hazardous condition and submit it to the Human Resources Department. Employees shall follow all departmental procedures and policies in regards to safety.

Section XXII: Credentials

If it should come to the attention of the Judge/Executive or the Human Resources Department that an employee was hired on the basis of false credentials, said employee will be subject to immediate demotion or dismissal.

Section XXIII: Employee Assistance Program

This program allows full-time employees and their families to receive free counseling sessions, as defined in the contract, for many types of concerns. Counseling programs include, but are not limited to, stress management and various personal issues.

For information or to make an appointment, call 270-688-1547 or 1-800-711-5752. For all other questions, employees should contact the Human Resources Department.

CHAPTER 12: HOURS OF WORK AND ATTENDANCE

Section I: Hours of Work

Scheduling work hours shall be practical, uniform within occupational groups and shall be made to meet the reasonable needs of the public. The work schedule for each department shall be established by the Department Head with the approval of the Judge/Executive. The Judge/Executive may approve flexible schedules when necessary to promote efficiency or provide reasonable accommodation. The Judge/Executive may approve a 4 day/10 hour work schedule. If a 4 day/10 hour work schedule is approved, and an official holiday falls within a given week, that work week shall revert to a 5 day/8 hour work schedule.

Section II: Breaks and Lunch Periods

Each Department Head is responsible for scheduling employee breaks and lunch periods. Lunch periods shall be scheduled in a manner to best serve the public.

Section III: Attendance

- A. The standard work week for County employees shall be forty (40) hours per week, unless otherwise prescribed by the Fiscal Court. Specific departmental work schedules shall be prescribed by Department Heads, with the approval of the Judge/Executive. Work schedules for seasonal, temporary and part-time employees shall be specified by the Judge/Executive according to the needs of the County and the rules and schedule stipulated for regular employees.
- B. Employees shall be at their places of work in accordance with prescribed schedules. The supervisor shall maintain and be responsible for daily attendance records of employees under the supervisor's direction.

CHAPTER 13: OVERTIME PAY

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours.

Section I: Notifications

When possible, advance notification of these mandatory assignments will be provided. However, in some situations, prior notification is impossible.

Section II: Provisions

The following provisions apply to all overtime hours worked:

- A. The salary of Department Heads and supervisors is preadjusted to anticipate overtime compensation during times of extraordinary or emergency situations such as snow removal, storms, and things of a similar nature. Therefore, Department Heads and supervisors shall not be entitled to overtime compensation in addition to their regular salary unless authorized by the Judge/Executive.
- B. All overtime work must receive the Department Head's prior authorization.
- C. The Department Head shall be responsible for distributing overtime assignments as equitably as practical to all employees qualified to perform the required work.
- D. Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions.
- E. Overtime is defined as time worked beyond forty (40) documented hours in a work week for regular full-time positions.
- F. Failure to work scheduled overtime or overtime worked without prior authorization from the Department Head and Judge/Executive may result in disciplinary actions, up to and including termination.

Section III: Calculation

Overtime is one and one-half times the employee's regular hourly rate.

Section IV: Emergency Call Outs for Regular Full-Time Positions

- A. The nature of emergencies requires employees to be called to duty at any time during the nights, on weekends, and on holidays. It is imperative to public safety that employees are available to work during emergencies. For these reasons, employees will be compensated at one and one-half times the employee's regular hourly rate when they are working on emergency call outs, unless the call out occurs on a holiday, then holiday pay will be paid accordingly.
- B. Employees accrue pay the moment they report to the work site. The work site is defined as the initial site to which the employee reports after being called out.
- C. Emergency call out compensation ends when the employee's scheduled hours begin.
- D. If an employee is called out, a minimum of two (2) hours will be allowed for each twenty-four (24) hour period.

- E. Within twenty-four (24) hours of the emergency call out, or the next workday, the supervisor or Department Head that dispatched the employee shall submit a written notice to the Human Resources Department that details the event.

CHAPTER 14: HOLIDAY PAY

All full-time non-exempt employees shall receive holiday pay. Employees who work on a holiday shall be compensated at one and one-half times the employee's regular hourly rate, in addition to their regular hourly rate for the total hours worked during that holiday period. Exempt employees required by the Judge/Executive to work on a holiday at the Grimes Avenue Transfer Station or West Daviess County Landfill shall earn compensation on an hour for hour basis. Exempt employees called out to work on a holiday for emergency purposes only, and with approval of the Judge/Executive, shall earn compensation on an hour for hour basis.

CHAPTER 15: HOLIDAYS

The following holidays are designated as official holidays for all County employees:

- New Year's Day
- Martin Luther King, Jr. Day
- The Friday before Easter at Noon (Good Friday)
- The last Monday in May (Memorial Day)
- July 4 (Independence Day)
- The first Monday in September (Labor Day)
- Thanksgiving Day plus the following day
- Christmas Eve and Christmas Day
- New Year's Eve

When any holiday listed above falls on a Saturday, the preceding business day shall be considered the holiday. When any holiday listed above falls on a Sunday, the following business day shall be considered a holiday. Any day may be designated as a holiday by proclamation of the Judge/Executive. No flexible work schedule is permitted during the week of an official holiday.

CHAPTER 16: COMPENSATORY TIME OFF FOR FIRE DEPARTMENT EMPLOYEES

- A. Due to the Fire Department's unique work schedule and amount of trainings and meetings included, the Fire Chief shall have the authority to offer compensatory time off, as an alternative to paid time, for mandatory and non-mandatory meetings and trainings.
- B. Compensatory time off is an option and is made only by an election, in writing, by the requesting employee. One hour of regular time shall be converted to one hour of compensatory time off and one hour of overtime shall be converted to one and one-half hour of compensatory time off.
- C. Similar to vacation leave usage, compensatory time off must be approved by a supervisor and may be used only when it does not result in overtime pay.
- D. Compensatory time off must be used prior to vacation leave. Compensatory time off expires at the end of each calendar year it is incurred. No compensatory time off shall be carried over to a new calendar year.

CHAPTER 17: VACATION LEAVE

All employees in regular full-time positions are entitled to vacation leave with pay.

Section I: Accumulation

Vacation leave accumulation shall be as follows:

A. Regular Full-Time Positions

<u>Years of Service</u>	<u>Hours per Pay Period</u>	<u>Total Accumulated Days per Year</u>
0-2 Years	3 Hours	9 Days and 6 Hours
2-10 Years	5 Hours	16 Days and 2 Hours
>10 Years	6.5 Hours	21 Days and 1 Hour

B. Full-Time Firefighters on 24/48 Shift Schedules

<u>Years of Service</u>	<u>Hours per Year</u>
0-10 Years	168 Hours
10-20 Years	288 Hours
>20 Years	312 Hours

C. Full-Time Assistant Fire Chiefs on 24/48 Shift Schedules

<u>Years of Service</u>	<u>Hours per Year</u>
0-2 Years	168 Hours
2-10 Years	240 Hours
>10 Years	312 Hours

Vacation leave may be accumulated and may be carried forward from one calendar year to the next under the following provisions:

- A. Vacation leave in excess of 240 hours for regular full-time positions may not be carried forward.
- B. Vacation leave in excess of 336 hours for full-time positions on 24/48 shift schedules may not be carried forward.
- C. The Department Head, upon the request of an employee, may file a written justification requesting an additional six (6) months for the employee to use the excess hours. The written request is to be submitted to the Human Resources Department. The Judge/Executive shall make the final decision.

The Human Resources Department shall keep records of vacation leave for individual employees. An employee fraudulently obtaining vacation leave or a Department Head falsely certifying vacation leave for absence from work will be subject to disciplinary action up to or including termination.

Section II: Usage

- A. Vacation leave should be requested at least two (2) weeks in advance. Vacation leave may be disapproved if the employee's services are required at the requested time. Exceptions can be made in the event of an emergency with the approval of the Department Head.

- B. Vacation leave for a fraction or part of a day that is chargeable to vacation leave shall be charged in one-half (1/2) hours. Vacation leave must not be taken in more than forty (40) hour increments (5 days) unless a separate written request is made and approved by the Department Head.
- C. Vacation hours may be used for absence due to sickness, injury, or disability at the request of the employee and with the approval of the Department Head.
- D. Employees are charged with vacation leave for absence only on days which they would otherwise work and receive pay.

Section III: Vacation Leave Payout

- A. Employees shall be paid in lump sum for accumulated vacation leave when separated by resignation in good standing, lay off, or retirement not to exceed:
 - a. 240 hours for regular full-time positions
 - b. 312 hours for full-time positions on 24/48 shift schedules
- B. Vacation leave shall be prorated when an employee separates in good standing in the middle of a pay period.
- C. Fiscal Court may purchase from an employee excess vacation hours not to exceed one hundred twenty (120) hours total only under the following conditions:
 - a. Employee has ten (10) or more years of continuous service to the County; and
 - b. Employee has not received a previous lump sum payment from Fiscal Court for accumulated vacation leave for resignation, layoff, retirement or excess purchase; and
 - c. Employee accumulated at least one hundred twenty (120) hours of vacation within the calendar year of the proposed purchase; and
 - d. Employee's total accumulated vacation, at the time of requested purchase, exceeds three hundred sixty (360) hours; and
 - e. Employee requested an extension for an additional six (6) months in which to use the additional vacation time; and
 - f. Employee's Department Head requested an extension in writing and the Judge/Executive denied the request because the employee's continued service to the County was necessary or critical to the operations or services of the County required to maintain public health, safety, or welfare; or after having such an extension granted the employee could not take the additional time because the employee's Department Head and the Judge/Executive determined that the employee's continued service to the County was necessary or critical to the operations or services of the County required to maintain public health, safety, or welfare; and
 - g. Employee could not take excess vacation time during the time allowed due to a declared emergency requiring the employee's service to the County; and
 - h. The County Treasurer verifies there are sufficient County resources available to fund the unbudgeted payment of excess vacation hours.

CHAPTER 18: SICK LEAVE

Sick leave with pay is provided to employees. Sick leave is a benefit, not a right. Paid sick leave entitles employees to time off to recuperate from illness or accident, while retaining their employment rights and pay for the time off. Its primary purpose is to provide income for employees absent a relatively short time because of personal illness or injury. Sick leave abuse can be cause for disciplinary action up to or including termination.

Section I: Accumulation

Sick leave accumulation shall be as follows:

A. Regular Full-Time Positions

<u>Hours per Pay Period</u>	<u>Total Accumulated Days per Year</u>
4 Hours	13 Days

B. Full-Time Positions on 24/48 Shift Schedules

<u>Hours per Year</u>
120 Hours

Sick leave shall accrue only when an employee is working or on authorized leave with pay.

The Human Resources Department shall keep records of sick leave for individual employees. An employee fraudulently obtaining sick leave or a Department Head falsely certifying sick leave for absence from work will be subject to disciplinary action up to or including termination.

Section II: Usage

- A. Except in cases of emergency illness, an employee shall request approval for sick leave with or without pay within a reasonable time frame for medical, dental, or optical examinations.
- B. In all cases of illness, an employee is obligated to notify the immediate supervisor or other designated individual. Failure to do so within a reasonable period of time may be cause for denial of sick leave for the period of absence.
- C. Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in one-half (1/2) hours.
- D. Accrued sick leave with pay may be used under the following circumstances:
 - a. Medical, dental, or optical examinations or treatments.
 - b. Disability by sickness or injury.
 - c. Pregnancy and/or confinement limited to what is medically necessary.
 - d. Caring for a sick or injured member of the immediate family for a reasonable period of time.
 - e. In cases where working would jeopardize the health of other employees.
- E. For the purposes of sick leave, immediate family is defined as:
 - a. The employee's spouse, mother, father, grandparent, son or daughter; or
 - b. A person of similarly close relationship who has resided with the employee for at least thirty (30) days prior to application or for whom the employee is legally responsible.

Section III: Other Provisions

- A. A Department Head may request a doctor's excuse from an employee who misses more than three (3) consecutive working days.
- B. Employees shall not be paid for unused sick leave upon separation of employment.

Section IV: Sick Leave Bank

The Fiscal Court has established a sick leave bank by accepting donations of days from employees when conditions are met as defined by the Judge/Executive. Donating to the sick leave bank is voluntary, as those days donated by the employee shall be deducted from their accumulated sick leave and shall not be refunded. Upon separation in good standing, an employee may donate a maximum of forty (40) hours of their excessive accumulated sick leave to the sick leave bank.

The sick leave bank may provide eligible, voluntary participating employees who have exhausted all of their accumulated sick leave and vacation leave the means of obtaining additional sick leave because of catastrophic incidents of illness including serious accidents, serious illness, extended hospitalization, or other serious extenuating circumstances.

The process of requesting sick leave bank hours is as follows:

- A. Employee shall request in writing to their Department Head sick leave hours from the sick leave bank.
- B. Department Head shall submit a written request to the Judge/Executive for approval.
- C. Judge/Executive shall notify the Department Head and the Human Resources Department of final determination.

CHAPTER 19: FAMILY AND MEDICAL LEAVE ACT (FMLA)

FMLA provides entitlement for up to twelve (12) weeks of job protected, unpaid leave, during any twelve (12) month period for the following reasons:

- A. The birth of a son/daughter or care for newborn child;
- B. The placement of a son/daughter for adoption or foster care;
- C. Care for the employee's spouse, son/daughter, or parent with a serious health condition;
- D. The employee's own serious health condition.

Section I: Qualifying Exigency Leave

The FMLA requires that employers provide employees up to twelve (12) weeks of leave in a twelve (12) month period to tend to any "exigency" resulting from a service member's call to duty. The new FMLA regulations clarify that exigency leave may be taken by eligible employees (consisting of not only a spouse, son, daughter, or parent, but also "next of kin" — the next nearest blood relative) while their spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves, or if the family member is a retired member of the Regular Armed Forces or the Reserves. An employee whose family member is on active duty or call to active duty for the Regular Armed Forces does not qualify for this leave. Qualifying exigencies include short-notice deployment, military events

and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities.

Section II: Military Caregiver Leave

An eligible employee is entitled to twenty-six (26) work weeks of leave in a twelve (12) month period to care for a covered service member in the Armed Forces (including the National Guard and Reserves) who becomes ill or injured as a result of his or her military service. The twelve (12) month period begins when the employee starts using her or his leave. This leave may only be taken once per injury, but may be taken again if there are additional injuries. More than one family member may qualify for the leave.

Section III: Health Insurance Benefits During Leave

If the employee was qualified for health insurance benefits when leave begins, the employer shall maintain health benefits for the employee in the same manner during periods of FMLA leave as if the employee continued to work.

Section IV: Accumulated Vacation and Sick Leave

The employee must exhaust all accumulated sick leave and vacation leave prior to receiving unpaid FMLA leave.

Section V: Worker's Compensation Designation

Worker's Compensation shall be designated as FMLA leave as long as the injury also qualifies as an FMLA qualifying event. If the injury qualifies as FMLA leave, then FMLA runs concurrently with the Worker's Compensation Leave.

Section VI: Other Provisions

- A. Upon employee being granted FMLA leave, the employee must continue to pay his/her own employee contribution to the health insurance plan ordinarily required of an employee. The employer will continue to pay the contribution ordinarily paid by the employer under the current health insurance plan. If the employee contribution payment is not paid by the employee, in such event, the employer may terminate the health insurance benefits of the employee during FMLA leave. However, the employee may exercise their rights for COBRA benefits.
- B. In order to qualify for FMLA benefits, the employee must have worked for the employer for at least twelve (12) months prior to the commencement of benefits and worked at least 1,250 hours in the prior year. The twelve (12) month period need not be consecutive. Employment prior to a break in service of more than seven (7) years need not be counted unless the break in service was occasioned by the fulfillment of National Guard or Reserve Military Service Obligations.
- C. Upon the employer granting FMLA leave, the employee receives an entitlement of up to twelve (12) weeks of job protected unpaid leave during any twelve (12) month period. The fixed twelve (12) month "leave year" shall commence January 1 of each year and conclude on December 31 of each year.

- D. When the need for leave is foreseeable, the employee must give the employer at least thirty (30) days written notice of his/her intent to receive FMLA leave benefits. If the leave is not foreseeable, the employee must provide written notice as soon as possible. The employer reserves the right to require medical certification of a serious health condition for the employee's health or a member of his/her family as defined herein. The employer may also require periodic written medical reports during the leave of the employee's health status, health status of his/her family as defined herein, as well as "fitness-for-duty" certification upon return to work from a health care provider.
- E. "Serious health condition" means an illness, impairment, injury, or physical/mental condition that involves either:
 - a. any period of incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or
 - b. continuing treatment by a health care provider which includes any period of incapacity that prevents the employee or family member from working, attending school, or any other regular daily activity.
- F. Any employee desiring to benefit from "donated sick leave" must be granted same and utilize same prior to applying for leave without pay under FMLA. Upon FMLA leave being granted to the employee, the employee may not participate in any donated sick leave plan until the employee has returned to work on a regular paid basis with a letter from a health care provider stating that the employee is fit for duty.
- G. Upon the employer granting leave without pay under FMLA, as provided for herein, the Judge/Executive shall authorize same in writing and provide the employee and the Human Resources Department a copy of the written approval. All applications for leave without pay and all approvals of same, not in writing, shall disqualify the employee from health benefits otherwise provided herein.
- H. No accrual of seniority, privileges, vacation leave, sick leave or benefits (except health insurance) are allowed for an employee on FMLA.

CHAPTER 20: WORKER'S COMPENSATION LEAVE

The Fiscal Court provides Worker's Compensation Insurance for any employee who is injured or disabled while performing as a Fiscal Court employee. The following provisions shall apply:

- A. An employee injured on the job must immediately report any accident to his/her supervisor and the Human Resources Department. The Department Head shall document accidents and submit proper paperwork to the Human Resources Department within twenty-four (24) hours of the accident. If the injury requires medical attention, the Department Head is to ensure that the employee is cared for by a gatekeeper physician. The employee is responsible for ensuring that appropriate documentation from the gatekeeper physician is sent to the Human Resources Department.
- B. Employee will not be permitted to return to work until he/she presents a Return to Work Form signed by the gatekeeper physician.
- C. Employees are authorized to take Worker's Compensation leave provided that the gatekeeper physician certifies that time off work is necessary.

- D. During Worker's Compensation leave, the employee is required to pay their portion of health insurance benefits.
- E. During Worker's Compensation leave, the employee shall not accumulate sick leave or vacation leave.
- F. When an employee has been released to return to work, the employee must use sick leave/vacation leave for any doctor visits, physical therapy, etc.

CHAPTER 21: MATERNITY LEAVE

- A. The Judge/Executive may grant maternity leave for regular full-time employees with temporary disability due to pregnancy, childbirth, adopting, or any impairment thereof, and miscarriage for a period not to exceed six (6) weeks. Additional leave time may be granted.
- B. The first two (2) weeks of maternity leave shall be time off with pay.
- C. An employee granted maternity leave shall use any accrued sick leave and vacation leave after the first two (2) weeks with the remaining periods as time off without pay.
- D. Maternity leave shall run concurrently with FMLA if the employee elects FMLA for the qualifying event.

CHAPTER 22: CIVIL LEAVE

- A. Upon receipt of the order requiring the employee to report for jury duty, the employee must show the order to the Department Head and Human Resources Department. There will be no deduction from accumulated leave.
- B. The employee will be allowed to keep pay received for serving on a jury without deduction from full regular salary.
- C. For regular full-time employees, if an employee is called for jury duty and released before 2:00PM, the employee must return to work for the remainder of the shift. If the employee must report for jury duty by 9:00AM, the employee does not have to report to work prior to jury duty. The employee will receive regular pay.

CHAPTER 23: BEREAVEMENT LEAVE

- A. All full-time employees may receive bereavement leave in the event of a death in the immediate family or extended family.
- B. Immediate family, as defined for bereavement, includes parents, grandparents, spouse, brothers, sisters, children, grandchildren, daughter-in-law, son-in-law, parent of spouse (step), stepparent, stepchild, foster parent, and foster child.
- C. Extended family, as defined for bereavement, includes brother-in-law, sister-in-law, niece, nephew, grandparent of spouse, great grandparent, aunt or uncle of the employee or employee's spouse.
- D. Employees are allowed up to three (3) days off with pay in the event of a death in the immediate family.
- E. Employee's are allowed one (1) day off with pay in the event of a death in the extended family.
- F. Department Heads shall immediately notify the Human Resources Department in the event of a death of an employee's family member such that the Fiscal Court is aware and may send their condolences. The Fiscal Court will send a bereavement gift not to exceed \$100 when an

employee's immediate family member passes away. Any gift sent from the respective department shall be at the expense of the employee(s).

CHAPTER 24: MILITARY LEAVE

Pursuant to KRS 61.394 and 61.396, all employees of this county, or of any department or agency thereof, who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders as specified in this section. In any one (1) federal fiscal year, officers or employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued.

The employee shall give the County two (2) weeks notice prior to the scheduled leave if time permits.

CHAPTER 25: VOTING LEAVE

- A. Employees are allowed up to four (4) hours of unpaid voting leave to vote.
- B. Employees may use accumulated vacation leave in order for voting leave to be paid.
- C. Employees shall request voting leave one (1) day prior to Election Day from their Department Head.

CHAPTER 26: BLOOD DONATION LEAVE

- A. Employees are allowed up to two (2) hours of paid blood donation leave not to exceed four (4) times in a fiscal year.
- B. Employees shall request blood donation leave from their Department Head, with the granting of said leave subject to the operating needs of the department.
- C. Upon returning to work, the employee shall provide the Department Head documented proof that the employee donated blood or was rejected for medical reasons. If the employee fails to provide documentation, the Department Head shall deduct the time off from the employee's salary, accrued vacation, or sick leave, whichever the employee chooses.

CHAPTER 27: ADMINISTRATIVE LEAVE

The Judge/Executive may grant administrative leave in the event of a major disaster. When an employee is required to work during administrative leave, the employee may be granted leave to be used at a later date equal to the time of administrative leave granted.

CHAPTER 28: LEAVE WITHOUT PAY

- A. In addition to authorized leave, the Judge/Executive may authorize an employee to be absent, without pay, for personal reasons.
- B. Leave of absence without pay will not be granted until all vacation leave has been exhausted.

- C. Request for leave for personal reasons shall be submitted in writing to the Judge/Executive, stating reasons for the request, the date the leave shall begin and the probable date of return.
- D. Leave without pay may be revoked at any time upon 48 hours' notice to the employee.

CHAPTER 29: WORKING ELSEWHERE WHILE ON LEAVE

Any employee who shall perform work for any employer other than Daviess County while on leave, other than vacation leave, may be disqualified from receiving further leave, and disciplinary action may be sought in accordance with this policy and FMLA (if applicable). This provision shall also apply to employees who are self-employed and perform work in their private occupations.

CHAPTER 30: COURT APPEARANCE

- A. Upon receipt of the order requiring the employee to make a court appearance, the employee shall make arrangements with the employee's supervisor to comply with the order.
- B. If appearing in an official capacity in connection with Daviess County, the employee's court time is considered working time and no charge is made against leave time.
- C. If the employee is involved in a personal case, either as plaintiff, defendant or as a witness in a suit not resulting from his/her duties with the County, he/she may be granted leave, but the time off he/she takes must be charged to his accrued vacation time, to leave of absence without pay or the employee may be allowed to work alternative hours if approved by the supervisor, Department Head, and Judge/Executive, and if the alternative hours are within the same week as the needed leave.

CHAPTER 31: GRIEVANCE PROCEDURE

Employee grievances should be settled as quickly as possible. Both managers and employees are expected to make every effort to resolve problems, however, it is recognized that there may be grievances which can only be resolved by process and review. The purpose of this procedure is to ensure that all employees are afforded fair, equitable, and expeditious review of their grievances without fear of recrimination, coercion, or discrimination.

A grievance is a disagreement without resolve within the workplace. Employees and supervisors shall work together informally to resolve any grievance which arises. If the grievance cannot be resolved informally, it shall be settled in the following manner:

1. The aggrieved employee must first discuss the issue with the immediate supervisor. If an agreement is not reached or if there is no immediate supervisor other than a Department Head, the employee should discuss the problem or complaint with the Department Head.
2. If the employee is not satisfied with the decision of the Department Head, or if the grievance is regarding the Department Head, the employee must submit a written complaint to the Human Resources Department.
3. The Human Resources Department shall write a decision within five (5) working days of the receipt of the grievance.
4. If the employee is not satisfied with the decision of the Human Resources Department, he/she may appeal the decision to the Judge/Executive within five (5) working days from the date of receipt of the Human Resources Department's decision.
5. The Judge/Executive shall write a decision within five (5) working days of the receipt of the appeal.
6. If the employee is not satisfied with the decision of the Judge/Executive, he/she may write a final appeal including all pertinent information and prior decisions to the Judge/Executive within five (5) working days of the receipt of the Judge/Executive's decision. The Judge/Executive will cause the final determination to be on the agenda of the next regularly scheduled Fiscal Court meeting. The employee will be notified in writing of the Fiscal Court's decision by the Judge/Executive. The decision of the Fiscal Court is final.

Note: Other constitutional officers operating under this policy shall serve as the hearing authority for their respective office.

CHAPTER 32: DISCIPLINARY ACTIONS

- A. Reasons for Disciplinary Actions: The following are reasons which are cause for disciplinary action. Disciplinary action is not limited to the offenses listed:
- a. Being convicted of a felony or of a misdemeanor
 - b. Excessive lost time
 - c. Being absent without leave
 - d. Unauthorized tardiness or abuse of sick leave
 - e. Inefficiency or ineffectiveness
 - f. Abuse of County property
 - g. Willfully giving false statements to supervisors, officials, the public or the Fiscal Court
 - h. Violation of County administrative regulations or departmental rules
 - i. Drinking of alcoholic beverages while working or being intoxicated on the job and/or use of non-prescription drugs while working
 - j. Discovery of a false statement in an application
 - k. Acceptance of gratuities in excess of County administrative regulations
 - l. Refusal to submit to drug or alcohol testing in accordance with County administrative regulations
 - m. Conduct on the job unbecoming to a County employee or conduct which brings discredit to the County if the employee is provided with written specific incidents upon which the charge is based
 - n. Insubordination
 - o. Falsification of documents including but not limited to purchase orders
 - p. Theft of County-owned property or property of another County employee
 - q. Committing or threatening to commit an act of violence against another County employee
 - r. Employees should inform their supervisor as soon as they know of the need to be absent from work; however, if emergency conditions exist, this notification should take place no more than one (1) hour past the start of their scheduled shift. Failure to comply with the requirement may result in loss of pay for the period of absence as well as disciplinary action in compliance with County administrative regulations
 - s. Personal use of County property
- B. Progressive Discipline Procedure: The policy of the Fiscal Court is to be consistent in the administration of the discipline of its employees. When problems arise, emphasis is on improvement or correction rather than punishment. However, willful, continued, or serious breaches of employment rules must be dealt with firmly under a uniform policy which applies to all employees.

The County reserves the right to skip any step or requirement in the disciplinary action sequence outlined below depending on the severity of the misconduct or when the facts or circumstances otherwise warrant. Further, it is also noted that in establishing the following disciplinary procedures it is specifically not the county's intention to create any employment situation that compromises its at-will employment status. As expressly stated in these policies' Statement of Purpose, nothing in these policies is intended to create a contract of employment. Any individual

may voluntarily leave employment or may be terminated by the county at any time, for any lawful reason, or for no reason at all. Any oral, written statements, custom or course of dealing to the contrary are hereby expressly disavowed. The severity of disciplinary action depends upon the gravity of the offense and employee work record, including previous disciplinary actions.

When an employee fails to follow any rule, regulation, operating procedure or job requirement, or when actions reflect discredit upon the organization, one of the following measures shall apply, depending upon the circumstances involved and the severity of the offense:

1. Verbal Warning (Reprimand)
 - a. In the case of a minor infraction, the immediate supervisor or department head shall administer the reprimand without rancor as soon as possible after the offense.
 - b. The date of the verbal reprimand, along with a description of the occurrence, which prompted the reprimand and any comments the employee may have made shall be noted and placed in the employee's performance folder by the person giving the reprimand. A copy of these notes shall be provided to the employee and a copy shall be forwarded to the Human Resources Department to be filed in the employee's personnel folder.
2. Written Warning
 - a. In the case of a second minor infraction or a more serious first infraction, the immediate supervisor or Department Head shall give the employee a written warning specifying the reason(s) for such warning and noting any previous verbal and/or written warnings.
 - b. Written warnings shall state that the employee's performance will be reviewed on a regular basis for improvement and explain the consequence of continued infractions.
 - c. The employee shall sign the written warning. A copy of the written warning shall be provided to the employee and a copy shall be forwarded to the Human Resources Department to be filed in the employee's personnel folder.
3. Suspension
 - a. A supervisor, with the consent of his/her Department Head, may suspend an employee in their department without pay for a maximum of eight (8) hours in one day as disciplinary action. A disciplinary notice shall be completed and distributed to the employee, Human Resources Department and Judge/Executive upon employee's return to work.
 - b. After a serious violation or repeated minor violations, the Department Head may make a request to the Human Resources Department in writing that the Judge/Executive suspend the employee with or without pay. The request shall include the reason(s) for the suspension along with details of previous disciplinary action taken against the employee.
 - c. The Judge/Executive may suspend an employee with or without pay for any period depending on the severity of the offense.

- d. The suspended employee shall be notified of the suspension in writing within one (1) working day after the time of suspension. The notice shall include the reason(s) for and duration of the suspension.
- e. Any county employee who receives a conviction on a D.U.I. charge and whose job description requires the use of a vehicle in the performance of his/her job will be suspended without pay until his/her license is reinstated.
- f. Employees suspended without pay for a period of four (4) calendar weeks or more shall not accrue sick and vacation time while suspended.
- g. In a situation where the county has become aware of alleged misconduct by an employee, which if substantiated could result in disciplinary action, the Judge/Executive may suspend the employee with pay if it is determined the action is necessary to assure public confidence in governmental oversight of its employees or to assure the integrity of county's inquiry into allegations.
- h. In the event it is necessary to suspend an employee with pay, the following procedures shall be observed:
 - i. The County shall, if possible, immediately provide verbal notification to the employee followed by written notification within three (3) working days informing him/her of the suspension and the nature of the allegations being investigated.
 - ii. Consistent with existing County administrative regulations, the County shall immediately begin an investigation into the allegations against the employee. This investigation shall be carried out expeditiously, and in no instance shall it be delayed beyond what is considered reasonable and necessary to conduct a complete investigation.
 - iii. Upon reaching a determination as to the culpability of the employee, the appointing authority shall take action, as follows:
 - 1. In the event the allegations against the employee are valid, the appointing authority shall invoke disciplinary action deemed appropriate. These actions shall not include payment of wages in the event the suspension is extended beyond the investigative period; or
 - 2. In the event the allegations against the employee are proven to be false, the employee shall immediately be reinstated to his/her position.
 - iv. During the time an employee is on suspension with pay, he/she is considered to be performing services for the county. Therefore, the employee must remain available to return to work within 24 hours of receiving written or verbal confirmation of his/her reinstatement from the appointing authority. In the event the employee is notified of this reinstatement verbally, the county shall provide written verification within one (1) working day.
 - v. Nothing in this policy or procedure should be construed as limiting the authority of the local government to suspend an employee without pay in those instances where such action is deemed appropriate.

- vi. Vacation/sick leave pay shall not be granted while on suspension.
4. Dismissal: Where an offense is continually repeated, or misconduct is serious enough for discharge on the first offense, the Department Head may recommend to the Human Resources Department the dismissal of an employee. The recommendation shall include the reason(s) for dismissal, if any, details of previous discipline taken against the employee, if any, and the recommended effective date and time of discharge. The Human Resources Department shall present the recommendation to the Judge/Executive who will ratify or deny the decision. If dismissal is approved, the Judge/Executive shall provide the employee with a Letter of Intent to Dismiss containing: (a) the reason(s) for dismissal, if any; (b) the details of previous disciplinary action(s) taken against the employee, if any; and (c) the recommended effective date and time of the intended discharge. Other Constitutional Officers operating under these policies shall serve as the hearing authority under this policy.
- C. Notice of Disciplinary Action: In all cases, the Human Resources Department shall notify the employee of the action taken and a copy of such notice shall be retained in the employee's personnel file.

CHAPTER 33: APPEAL PROCEDURE FOR DISCIPLINARY ACTIONS OTHER THAN DISMISSAL

If any employee disagrees with and wishes to appeal a disciplinary action other than dismissal, the following procedure shall be followed:

1. The employee must submit a written appeal to the Human Resources Department within five (5) working days after becoming aware of the disciplinary action.
2. The Human Resources Department shall write a decision within five (5) working days of receipt of the written appeal. The decision shall include a fact outline and decision justification.
3. If the employee is not satisfied with the decision of the Human Resources Department, he/she may appeal the decision to the Judge/Executive within five (5) working days from the date of receipt of the Human Resources Department's decision.
4. The Judge/Executive shall write a decision within five (5) working days of the receipt of the appeal. The decision shall include a fact outline and decision justification.
5. If the employee is not satisfied with the decision of the Judge/Executive, he/she may write a final appeal including all pertinent information and prior decisions to the Judge/Executive within five (5) working days of the receipt of the Judge/Executive's decision. The Judge/Executive will cause the final determination to be on the agenda of the next regularly scheduled Fiscal Court meeting. The employee will be notified in writing of the Fiscal Court's decision by the Judge/Executive. The decision of the Fiscal Court is final.

Note: Other constitutional officers operating under this policy shall serve as the hearing authority for their respective office.

CHAPTER 34: EMPLOYEE'S RIGHT TO APPEAL DISMISSAL (OUTSIDE OF PROBATIONARY PERIOD)

An employee who has been notified of the intent to dismiss him/her has the right to appeal the decision to the Fiscal Court. The following procedure shall be followed:

1. The employee must submit a written appeal to the Human Resources Department who will forward the appeal to the Judge/Executive. The request to appeal must be made within five (5) working days of the employee's receipt of the Letter of Intent to Dismiss to the Judge/Executive. If the employee does not submit such a request within five (5) working days, it will be deemed that the employee has waived his/her right to appeal.
2. The Judge/Executive will cause the final determination of termination of the employee to be on the agenda of the next regularly scheduled Fiscal Court meeting.
3. The employee will be offered the opportunity to appear alone or with counsel to the members of Fiscal Court to respond to charges contained in the Letter of Intent to Dismiss.
4. The employee will be notified in writing of the Fiscal Court's decision by the Judge/Executive. The decision of the Fiscal Court is final.
5. Such action shall be recorded in the employee's personnel file.

CHAPTER 35: SEPARATIONS

An employee may be separated from the service of the County by any one of the methods described below:

- A. Dismissal
- B. Resignation: To resign in good standing, employees should give the Human Resources Department a minimum of fourteen (14) calendar days written notice.
- C. Lay-Offs
 - a. When for any reason it becomes necessary to reduce the workforce of the County, employees may be laid off by the County giving consideration for four factors: length of service in classification, length of service with the County, the needs of the County, and the skills and demonstrated ability of the personnel.
 - b. Full-time employees to be laid off shall be notified in writing by the Human Resources Department at least ten (10) calendar days prior to the effective date of the lay-off.
 - c. Full-time employees who are laid off and are recalled, even though not necessarily into the same department, position, or wages, will retain their original hire date, thereby not losing seniority. Unused accrued sick leave will be reinstated.
- D. Retirement: The Fiscal Court has no set retirement age for its employees. An employee may work as long as they are capable of performing their duties.
- E. Death: When a full-time employee dies while in the service of the County, the employee's estate shall be eligible to receive payment for any accumulated annual vacation leave and earned income.

CHAPTER 36: EMPLOYEE RECORDS

Section I: Personnel Records

The Human Resources Department shall maintain a personnel file for each County employee in the Daviess County Courthouse. All changes in the status of employees shall be recorded in these files, which shall be retained and maintained in accordance with applicable State and Federal laws. The file shall contain:

1. Employee's name, address, and telephone number;
2. Position title;
3. Hiring date;
4. Department assignment;
5. Application;
6. Salary;
7. Commendations;
8. Disciplinary action;
9. All changes in status as a County employee;
10. Emergency contact(s) and telephone number(s)

Section II: Public Inspection

All personnel records of employees shall be considered confidential and the property of the county. Information which is obtained in the course of official duties shall not be released by anyone except the Human Resources Department or upon orders of the Judge/Executive. The only information relative to employees and former employees which is available for public inspection in accordance with open records procedures established herein is name, classification and salary.

Section III: Employee Inspection

Employees are entitled to view the contents of their individual personnel files by contacting the Human Resources Department. An employee of the Human Resources Department will be present to answer any questions or provide any copies requested.

Section IV: Retention of Personnel Files

Personnel files shall be kept after termination of employment as required by applicable laws. Such records may be kept in their original form or in any other duplicate form that the Human Resources Department deems appropriate and is required by applicable laws.

Section V: Update of Information

It shall be the obligation of the employee to maintain current information by notifying the Human Resources Department of all changes in personal or family status, home address, telephone number, or any other changes which would affect payroll withholding or employee benefits.

CHAPTER 37: EXPENSE REIMBURSEMENT AND INCENTIVE PROGRAMS

Section I: Reimbursable Travel Expenses

Subject to budgetary limitations, any officer or employee of the County incurring expenses for approved travel on behalf of the County shall be reimbursed for allowable travel expenses as follows:

- A. Room Costs: Reimbursement for actual amount on receipt.
- B. Meal Costs: Not to exceed \$45.00 per day (upon presentation of receipt(s)).
- C. Mileage: Rate paid by the Commonwealth of Kentucky if travel by personal vehicle is required.
- D. Air Fare: Lowest coach fare. Judge/Executive approval required.
- E. Other Expenses: Tolls, parking and similar expenses. Expenses shall be necessary and reasonable. No expenses shall be reimbursed which are not directly related to job related purposes or other County business purpose. Receipts or notarized statements are required.
- F. Higher reimbursement rates may be authorized due to travel site (i.e. high rate areas). Commonwealth of Kentucky regulations shall be utilized for guidance.

All travel by county employees must be approved in advance by the employee's supervisor and the Judge/Executive or his/her designee. Meeting notices supporting travel shall be submitted with the travel request, when available. The Judge/Executive or his/her designee shall make all room and travel reservations.

In order to receive reimbursement, a purchase order payable to the employee must be completed that details in the description/notes all items that are being requested for reimbursement. All receipts and documentation providing proof of the expense (including agendas of meetings, conferences, etc., related to the expenses) and all approvals obtained from the employee's supervisor, Department Head, and Judge/Executive or his/her designee must be attached to the purchase order. The purchase order will then be submitted to the Treasurer for review and processing.

Section II: Fitness Center Membership Reimbursement

- A. To promote wellness and assist employees in maintaining a healthy lifestyle, the County will reimburse the employee up to \$40.00 per month for a regular single membership at an approved local fitness center. The County will not pay for additional costs, such as initiation fees, fitness center privileges, lockers, etc.
- B. Employees can sign up for this benefit during annual benefit enrollment, which will be effective January the following year, or employees may sign up in June, which will be effective July 1st. This benefit will not be pro-rated for periods of less than a month. Employees who drop their membership will not be allowed to enroll again until the next enrollment period.
- C. All employees who take advantage of the fitness center membership are required to attend the fitness center eight (8) times per month. The County must receive confirmation that the employee attended 8 times/month. Absent a reasonable excuse, the employees' membership dues may not be reimbursed if the employee fails to attend the fitness center eight (8) times/month.

Section III: Formal Education Reimbursement

Fiscal Court recognizes that the skills and knowledge of its employees are critical to the success of the organization. The educational assistance program encourages personal development through formal education so that employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within the County.

While educational assistance is expected to enhance employee performance and professional abilities, the County cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

- A. Fiscal Court will provide educational assistance to all regular full-time employees. To maintain eligibility, employees must remain on the active payroll and be performing their job satisfactorily through completion of each course.
- B. To be considered for approval by the Department Head and Judge/Executive, the course must be provided by an accredited technical school, 2 or 4 year college, or university, and the course must be work related.
- C. Fiscal Court will reimburse 70% of the tuition cost up to \$1,500 per calendar year, per employee, upon successful completion of the course(s).
- D. Cost of books, materials, travel, and other expenses related to taking a class shall not be reimbursed. Prior to taking a course, an employee shall complete and submit the necessary paperwork to their Department Head for approval. The Department Head, after assuring availability of budgeted funds, shall obtain the Judge/Executive's authorization and then submit documentation to the Human Resources Department. Within sixty (60) days of successful completion of the course, the employee shall complete and submit the necessary paperwork and verification of grade and payment to the Human Resources Department to request reimbursement. Employees will not be reimbursed retroactively for courses from previous semesters. For further information and to obtain proper paperwork and forms, contact the Human Resources Department.

If an employee voluntarily separates from County employment within one (1) year of any educational assistance payment, the amount of the tuition payment will be considered a loan. Accordingly, the employee will be required to repay up to 100% of the original educational assistance payment.

Section IV: General Certification Reimbursement

- A. The County will reimburse annual registration or licensing fees required to maintain state regulatory certifications such as the certified public accountant, professional engineer, etc. With the Judge/Executive's approval, employees are allowed paid time off to sit for professional certificate and/or licensing examinations. Any time taken in excess of the allowed time shall be reported as vacation leave.
- B. The County will reimburse the Commercial Driver's License (CDL) portion of licenses if required as a condition of the employee's position. Employees requiring a CDL must obtain their medical certification at the medical facility designated by the County. The County will reimburse the required periodic medical certification fee if required as a condition of the employee's position.

With the Judge/Executive's approval, employees are allowed paid time off to obtain their CDL and medical certification.

Section V: Commercial Driver's License - Class A Program

- A. The County will pay the cost necessary for an employee to attain a Commercial Driver's License Class A within six (6) months of that employee's hire date. The County will pay these costs to the institution up front.
- B. The County will pay this cost one (1) time per employee. If the employee is unable to complete the course to attain a Commercial Driver's License Class A, the employee will be required to pay the cost for any additional training to attain a Commercial Driver's License Class A.
- C. Employees whose position requires a Commercial Driver's License Class A must successfully complete the course. Failure to complete the course within six (6) months of the employee's hire date may result in dismissal.
- D. If the employee voluntarily separates from County employment within three (3) years of receiving a Commercial Driver's License Class A, the employee must reimburse the County per the following provisions:
 - a. Separation within 12 months or less after receipt of license – Employee shall reimburse 100% of any costs paid by the County.
 - b. Separation between 12 months and 24 months after receipt of license – Employee shall reimburse 75% of any costs paid by the County.
 - c. Employment separation between 24 months and 36 months after receipt of license – Employee shall reimburse 50% of any costs paid by the County.

Section VI: Paramedic Certification Reimbursement

- A. The County will pay 80% of the costs necessary for an employee of the Fire Department to earn the Paramedic certification. The County will pay these costs to the institution up front, subject to the repayment rules, or will reimburse the employee upon successful completion of the course(s).
- B. Employees must successfully complete the course(s) and attain the Paramedic certification or be subject to the repayment rules.
- C. If the employee does not complete the course(s) and does not attain the Paramedic certification, then the employee must reimburse the County 100% of any costs paid.
- D. If the employee voluntarily separates from County employment within three (3) years of receiving a Paramedic certification, the employee must reimburse the County per the following provisions:
 - a. Separation within 12 months or less after receipt of certification – Employee shall reimburse 100% of any costs paid by the County.
 - b. Separation between 12 months and 24 months after receipt of certification – Employee shall reimburse 75% of any costs paid by the County.
 - c. Employment separation between 24 months and 36 months after receipt of certification – Employee shall reimburse 50% of any costs paid by the County.

Section VII: Paramedic Certification Incentive Pay

The County will pay firefighters who have or attain the Paramedic Certification \$333.33 per month in addition to all other compensation.

Section VIII: Fleet Management Mechanic Education Incentive Policy

- A. Fleet management mechanics, upon the completion of ten (10) approved educational credit hours, will become eligible for promotion to other tiers of the fleet management mechanic position.
- B. The employee must obtain prior approval from the Department Head and Judge/Executive that the educational hours being pursued would qualify the employee for a potential promotion.
- C. Upon the completion of ten (10) approved educational credit hours, the employee shall submit appropriate documentation to the Department Head.
- D. The Department Head shall submit the employee's documentation and the recommendation for promotion for the employee in writing to the Human Resources Department. The Human Resources Department will consult with the Judge/Executive to add the promotion to the agenda of the next regularly scheduled Fiscal Court meeting.
- E. Recommended promotions are subject to Fiscal Court approval.
- F. Only ten (10) credit hours may be submitted for each twelve (12) month period, resulting in a single potential promotion each year per employee.
- G. The maximum tier is Grade FM6 Fleet Management Mechanic VI.

CHAPTER 38: UNIFORM POLICY

Fiscal Court shall furnish uniforms for specified positions. A copy of all uniform orders will be kept on file in the Purchasing Department. It will be the responsibility of each department to provide documentation of any items purchased as part of the uniform allowance.

Section I: Allowances

<u>Department</u>	<u>Allowance (New Hire)</u>	<u>Allowance (Existing Employee)</u>
Fire Rescue	\$650.00	\$550.00
Public Works	\$400.00	\$300.00
Transfer Station	\$400.00	\$300.00
Animal Control (Officers)	\$400.00	\$300.00
Animal Control (Staff)	\$300.00	\$300.00
EMA (Director & Deputy)	\$200.00	\$200.00
Scale House Employees	\$250.00	\$200.00
Seasonal/Event/Utility	\$100.00	\$100.00
Administrative Staff*	\$200.00	\$200.00

*Uniform allowance for administrative staff must receive approval by the Judge/Executive or his/her designee.

Uniform allowance will be prorated in the second year based on the hire date of new employees in relation to the fiscal year. For example, a new employee hired in December would only receive one half (1/2) of the annual allowance in the second fiscal year.

All uniform purchases require the approval of the Department Head and the Judge/Executive or his/her designee.

Section II: Uniform Guidelines

- A. Each employee in a classification requiring outside work will be provided with pants, shirts, sweatshirts, jacket, coat and/or overalls. The uniforms will be standard color. Uniforms, including coats and overalls, should be worn only for county-related business. Mandatory emblems or embroidery identifying the department will be applied to shirts and jackets; employee name will be optional at the employee's direct supervisor or Department Head's discretion.
- B. All uniforms ordered shall be for the employee only. Orders will be reviewed at time of order to ensure that appropriate sizes and quantities of items have been ordered.
- C. Employees who are furnished uniforms must wear the uniform while performing work for the County except when special circumstances or work conditions exist.
- D. Employees who are not required to wear uniforms, but choose to wear clothing with the Daviess County logo or Department insignia must purchase the clothing at their own expense. The insignia must be approved by the Judge/Executive or his/her designee.

Section III: Disposition of Uniforms Upon Employee's Separation

If an employee leaves the employment during any six (6) month period after receiving a new uniform, the employee shall return the uniform. If the uniform is not returned, the cost shall be deducted from the final paycheck the employee is to receive.

Section IV: Safety Shoes

Employees who are required to wear steel-toed safety shoes will receive an annual shoe voucher of up to \$200.00 issued from the Treasurer. Any amount in excess of any voucher distributed is to be collected from the employee at the time of sale. Shoes purchased with these vouchers must meet the following guidelines:

- Meet OSHA Standard 1910.136
- Meet ANSI Standard Z41-1991

Safety shoes shall only be purchased from vendors on the approved list. It is the supervisor's responsibility to make sure that all safety shoes purchased meet all safety requirements and standards.

Department Heads with temporary labor (to include inmates) requiring steel-toed boots will contact the Treasurer to secure vouchers for purchase. Upon completion of temporary assignment, boots shall be returned to the Department.

Section V: Headwear

If an employee wears a cap/hat during work hours, the cap/hat must be issued by Fiscal Court.

Section VI: Acceptable Uniform Colors

All uniforms will be of standard color. The acceptable colors for each department are:

Animal Control (Officers): Grey shirts; Black Tactical Pants

Animal Control (Staff): Blue or Grey Scrubs

Public Works (Road): High Visibility Yellow Shirts; Jeans

Public Works (Fleet): Navy or Black Shirts; Navy Pants or Jeans

Parks & Recreation (Grounds): Black, Blue, Green, or Grey Shirts; Khakis or Jeans

Parks & Recreation (Seasonal and Part-Time): High Visibility Yellow Shirts; Khakis or Jeans

Building and Grounds: Blue or Black Shirts; Khakis or Jeans

Solid Waste: Blue Shirts; Navy Pants or Jeans

Any alteration or combinations or acceptable colors or units for the uniforms requires the approval of both the Department Head and Judge/Executive or his/her designee.

Section VII: West Daviess County Landfill Employees

Employees of the West Daviess County Landfill, with exception to administrative staff, will be required to wear rented uniforms that are serviced by the vendor. The standard uniform will be Light Blue Shirts and

Navy Pants. Supervisors may wear Khakis. Any employee who uses a welder will wear Navy 100% cotton shirts and pants. All employees will receive a sufficient number of uniforms.

CHAPTER 39: POLITICAL ACTIVITIES

- A. Employees of Fiscal Court and all its entities shall not be appointed or retained on the basis of their political activity.
- B. Employees of Fiscal Court shall not be ordered to take part in political campaigns in any capacity.
- C. No Fiscal Court employee shall actively advocate or oppose the candidacy of any individual for nomination or election to any office during working hours or performance on behalf and for the County of Daviess, but an employee may and should participate in the political affairs of our community as long as such participation does not adversely affect performance as a Fiscal Court employee. No signs or stickers advocating the political candidacy of an individual or office are to be placed on county vehicles or county property. Employees of Fiscal Court may not park personal vehicles on county property displaying signs and other propaganda beyond bumper stickers advocating the political candidacy of an individual or office at any time nor shall any county employee drive their personal vehicle displaying signs and other propaganda beyond bumper stickers advocating the political candidacy of any individual or office while conducting county business. Employees are prohibited from wearing political buttons or any other material advocating the political candidacy of any political party or individual while on official county business or while wearing a county uniform.

Failure to comply with these provisions may result in disciplinary actions up to or including dismissal.

CHAPTER 40: HARASSMENT POLICY

It is Fiscal Court's policy to provide and maintain a work environment which is free of discrimination and harassment. Harassing conduct that affects tangible job benefits, that interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment by anyone, including any supervisor, co-worker, vendor, client, or citizen will not be tolerated.

Section I: Definition of Harassment

Harassment is defined as discrimination on the basis of race, color, religion, gender, national origin, age, or disability. It constitutes discrimination on the terms, conditions, and privileges of employment. Harassment is verbal, physical, or visual conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, or disability, or that of his/her relatives, friends and associates and that:

- A. Has the purpose or effect of creating an intimidating, hostile or offensive work environment; or
- B. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- C. Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following:

- A. Epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age or disability.

- B. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age or disability that is placed on walls, bulletin boards, or elsewhere on the employer's premises or circulated in the workplace.

Section II: Definition of Sexual Harassment

Sexual harassment is defined as sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex when:

- A. Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; or
- B. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- C. Such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexual oriented kidding or teasing, practical jokes, jokes about gender specific traits, foul or obscene printed or visual material, and physical contact, including patting, pinching, or brushing against another person's body.

Section III: Complaint Procedure

All employees are responsible for helping to ensure avoidance of harassment of any type and have the responsibility for reporting any occurrence, perceived or otherwise, to the Human Resources Department. Employees who feel that they have experienced or witnessed harassment must notify the Human Resources Department, preferably in writing, within twenty (24) hours of the event. Oral notifications are acceptable in the case of unusually sensitive circumstances.

Fiscal Court's policy is to investigate all such complaints. To the fullest extent practicable, Fiscal Court will keep complaints and the terms of their resolution confidential. If an investigation confirms that harassment has occurred, Fiscal Court will take corrective action in accordance with the nature and extent of the offense. Fiscal Court also prohibits retaliation against any employee bringing a claim of sexual harassment.

The Human Resources Department shall review the findings of the investigation with the complainant at the conclusion of the investigation. Any employee found guilty of harassing another employee will be subject to disciplinary action up to and including termination.

Fiscal Court recognizes that false accusations of harassment and sexual harassment can have a serious effect on innocent people. Individuals falsely accusing another of harassment or sexual harassment will be disciplined in accordance with the nature and extent of his/her false accusation.

CHAPTER 41: INTERNET AND E-MAIL POLICY

Section I: Acceptable Uses of the Internet and E-mail

Fiscal Court-provided internet and e-mail access is intended for business purposes only. Fiscal Court encourages the use of the internet and e-mail because it makes communication more efficient and effective. However, internet service and e-mail are County property, and their purpose is to facilitate County business. Every staff member has a responsibility to maintain and enhance the county's public image and to use Fiscal Court e-mail and access to the Internet in a productive manner. To ensure that all employees are responsible, the following guidelines have been established for using e-mail and the internet. Any improper use of the internet or e-mail is not acceptable and will result in appropriate disciplinary action, up to and including dismissal.

Section II: Unacceptable Uses of the Internet and E-mail

Fiscal Court-provided internet and e-mail access may not be used for transmitting, retrieving or storage of any communications of a discriminatory or harassing nature or materials that are obscene or X-rated. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. No abusive, profane or offensive language is allowed to be transmitted through the Fiscal Court's e-mail or Internet system. Electronic media may not be used for any purpose which is illegal, deceptive or against the Fiscal Court's policy or contrary to the County's best interest. Solicitation using Fiscal Court e-mail or Internet for personal gain is prohibited. Employees are prohibited from chat room interchange unless established by government agencies.

Section III: Communications

- A. Each employee is personally responsible for the content of all text, audio or images that they place or send over the county's e-mail/internet system. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else or someone from another entity. All messages communicated on the Fiscal Court's e-mail/internet system should contain the employee's name. Excessive personal communications are prohibited.
- B. Any messages or information sent by an employee to another individual outside the entity via an electronic network (e.g., bulletin board, online service or Internet) are statements that reflect on the Fiscal Court. While some users include personal "disclaimers" in electronic messages, there is still a connection to the Fiscal Court and the statements may be tied to the Fiscal Court.
- C. All communications sent by employees via the Fiscal Court's e-mail/internet system must comply with this and other Fiscal Court policies and may not disclose any confidential or proprietary information.

Section IV: Software

To prevent computer viruses from being transmitted through the Fiscal Court's e-mail/internet system, there will be no unauthorized downloading of any unauthorized software. All software downloaded

must be registered to the Fiscal Court. Employees should contact the Judge/Executive or his/her designee and the Department of Information Technology for authorization of software.

Section V: Copyright Issues

Copyrighted material belonging to entities other than Fiscal Court may not be transmitted by employees on the Fiscal Court's e-mail/internet system. All employees obtaining access to other companies' or individuals' materials must respect all copyrights and shall not copy, retrieve, modify or forward copyrighted materials, except with permission, or as a single copy, to reference only. Failure to observe copyright or license agreements may result in disciplinary action up to and including termination.

Section VI: Security

Fiscal Court routinely monitors usage patterns for its e-mail/internet communications. The reasons for this monitoring are many, including cost analysis/allocation and the management of the Fiscal Court's gateway to the internet. All messages created, sent or retrieved over the Fiscal Court's e-mail/internet are the property of the Fiscal Court and should be considered public information. Fiscal Court reserves the right to access and monitor all messages and files on the Fiscal Court's e-mail/internet system. Employees should not assume electronic communications are totally private and should transmit highly confidential data in other ways. Passwords and sign-on access codes shall not be shared with anyone including co-workers, family members, or other unauthorized personnel. A county employee will be designated as system administrator for e-mail/internet purposes.

The Fiscal Court shall abide by KRS Chapter 61 Personal Information Security Procedures; and the Kentucky Department for Local Government guidelines on reasonable security and breach investigation procedures and practices for personal information whether in electronic or paper formats.

Section VII: Violations

Any employee who abuses the privilege of Fiscal Court-facilitated access to e-mail or the internet will be subject to corrective action up to and including termination. If necessary, Fiscal Court reserves the right to advise appropriate officials of any suspected illegal violations.

CHAPTER 42: SOCIAL MEDIA POLICY

Section I: General Provisions

- A. Social media includes all means of communicating or posting information or content of any sort on the internet, including to your own or someone else's web log or blog journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with Daviess County Fiscal Court, as well as any other form of electronic communication.
- B. The principles contained in the Daviess County Fiscal Court Administrative Code and policies apply to employees' activities online. The following provisions apply:
 - a. Employees are responsible for what they post online.
 - b. Before creating online content, consider the risks and rewards involved.
 - c. Employee conduct adversely affecting job performance, the performance of other Daviess County Fiscal Court employees or otherwise adversely affecting the public, or others who work on behalf of or for Daviess County Fiscal Court's legitimate business interests may result in disciplinary action up to and including termination.
- C. Conduct adversely affecting job performance includes harassment, as defined in this Code in **Chapter 41**.
- D. Employees posting discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct are subject to disciplinary action up to and including termination.
- E. Employees shall treat other employees, the public, suppliers and others fairly and courteously at all times.
- F. Posting complaints or criticisms of other Daviess County Fiscal Court employees, using statements, photographs, videos, or audios reasonably viewed as malicious, obscene, threatening or intimidating, disparaging of other employees, the general public using Daviess County Fiscal Court facilities, or suppliers may constitute harassment and subject the employee to disciplinary action up to and including termination.
- G. Employees shall post only honest and accurate information or news concerning Daviess County Fiscal Court, its employees, policies and business activities.
- H. Employees shall correct any mistaken information concerning Daviess County Fiscal Court employees, policies and business activities in an online posting immediately upon discovery.
- I. Employees shall acknowledge their alteration of any previous posts.
- J. Employees shall not post false information or rumors about Daviess County Fiscal Court employees, members of the public using Daviess County Fiscal Court facilities, Daviess County Fiscal Court policies or business activities.
- K. Employees shall post only appropriate and respectful content in a professional manner.
- L. Employees shall maintain the confidentiality of private or confidential information of other employees.
- M. Employees shall not post internal reports, policies, procedures or other internal business-related confidential communication until and unless permitted by an authorized Daviess County Fiscal Court employee.

- N. Employees shall not create a link from an employee's blog, website or other social networking site to a Daviess County Fiscal Court website.
- O. Employees may never represent themselves as a spokesperson for Daviess County Fiscal Court.
- P. If Daviess County Fiscal Court is a subject of the content employee creates, employee must clearly and openly state that they are an employee and clearly state that the views stated do not represent those of Daviess County Fiscal Court, other employees, suppliers or people working on behalf of Daviess County Fiscal Court. If an employee publishes a blog or posts online content related to the work or subjects associated with Daviess County Fiscal Court, the employee must state clearly that they are not speaking on behalf of Daviess County Fiscal Court. Employee shall include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of Daviess County Fiscal Court."

Section II: Using Social Media at Work

- A. Employees shall refrain from using social media while on work time or on equipment provided by Daviess County Fiscal Court, unless work-related and authorized by the employee's supervisor, manager or consistent with the policies contained in this code.
- B. Employees shall not use Daviess County Fiscal Court email addresses to register on social networks, blogs or other online tools utilized for personal use.

Section III: Retaliation is Prohibited

- A. Daviess County Fiscal Court employees shall not take negative action against any other Daviess County Fiscal Court employee for reporting a possible deviation from this policy or for cooperating in an investigation.
- B. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Section IV: Media Contacts

- A. Employees should not speak to the media on Daviess County Fiscal Court's behalf without contacting the Judge/Executive or designated representative.

CHAPTER 43: DRUG AND ALCOHOL-FREE WORKPLACE – SUBSTANCE ABUSE POLICY

Section I. Purpose and Goal

Fiscal Court is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. Fiscal Court recognizes that alcohol abuse and drug use pose a significant threat to county goals. In the interest of assuring the safety of the general public by employing persons in safety sensitive positions that do not abuse illicit substances, illegal drugs, and alcohol, this drug-free workplace policy establishes the balance of respect for individuals with the need to maintain an alcohol and drug-free environment.

Likewise, it is Fiscal Court's additional purpose(s) and intent to accomplish the following with the establishment of this policy:

- A. To comply with all requirements of 803 KAR 25:280 regarding the establishment and maintenance of a Drug Free Workplace for the purposes of obtaining Certification from the Department of Worker's Claims.
- B. As a recipient of Federal funds, to comply with the Drug Free Workplace Act of 1988 (PL100-690, Title V, Schedule D).
- C. To comply with the Federal Department of Transportation regulations regarding employees holding Commercial Drivers Licenses (CDL).
- D. To reduce the number of accidents and injuries to employees, other persons, and property.
- E. To reduce absenteeism and tardiness, and to increase the productivity of all employees of the county.
- F. To help ensure that the reputation of Fiscal Court as a whole and of the employees throughout the community.
- G. In line with Fiscal Court's stated goals and objectives, to provide leadership in helping to stem the tide of the abuse of alcohol, illicit substances, and illegal drugs throughout the county and the Commonwealth of Kentucky as a whole.

It is with these stated goals in mind that the Fiscal Court issues this policy, declaring itself a Drug and Alcohol Free Workplace and hereby issues these accompanying rules regarding drug and alcohol use in the workplace for Daviess County Fiscal Court.

The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled or illicit substance is prohibited in the workplace.

Section II: Definitions

- A. **Accident:** an unexpected and undesirable event resulting in damage or harm. For the purposes of this policy, the resulting damage or harm may constitute an injury which requires off-site medical attention be given to a person or damage to a vehicle or other property. Any such incident resulting in the need for a reasonable person to file a police report shall be considered cause for post-accident drug/alcohol testing of the involved employee.
- B. **Alcohol:** any intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol. This includes over-the-counter and prescribed medications which contain more than one-half (1/2) of one percent (1%) of alcohol by volume.
- C. **Alcohol concentration:** the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

- D. **Commercial motor vehicle:** a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - a. Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
 - b. Has a gross vehicle weight of 26,001 pounds or more; or
 - c. Is designed to transport 16 or more passengers, including the driver; or
 - d. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR 172(f)).
- E. **Controlled substance:** has the meaning as assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I through V as they may be revised from time to time (21 CFR 1308). See also Drug.
- F. **Driver:** any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to any employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer.
- G. **Drug:** a controlled substance as defined in KRS 218A.010(5) and as established in 902 KAR Chapter 55, including:
 - a. Amphetamines
 - b. Cannabinoids (THC)
 - c. Cocaine
 - d. Opiates
 - e. Phencyclidine (PCP)
 - f. Benzodiazepines
 - g. Propoxyphene
 - h. Methaqualone
 - i. Methadone
 - j. Barbiturates
 - k. Synthetic Narcotics
 - l. Illicit Substances as defined in KRS 351.010
 - m. Volatile Substances as defined in KRS 217.900(1)
- H. **Drug or Alcohol Rehabilitation Program:** a service provider that provides confidential, timely, and expert identification, assessment, treatment and resolution of employee drug or alcohol abuse.
- I. **Drug Test:** a chemical, biological, or physical instrumental analysis administered by a qualified laboratory, for the purpose of determining the presence or absence of a drug or its metabolites or alcohol pursuant to standards, procedures, and protocols established by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA).
- J. **Employee:** an individual employed by the county.
- K. **Illicit Substance:** those prescription drugs used illegally or in excess of therapeutic levels as well as illegal drugs.
- L. **Medical Review Officer (MRO):** a licensed physician with knowledge of substance abuse disorders, laboratory testing, and chain of custody collection procedures, and who has the ability to verify positive, confirmed test results. The MRO shall possess the necessary medical training to interpret and evaluate a positive test result in relation to the person's medical history or any other relevant biomedical information.

- M. **Qualified Laboratory:** a laboratory certified in accordance with the National Laboratory Certification Program (NLCP) by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA).
- N. **Random Selection Process:** means that alcohol and drug tests are unannounced. Tests conducted annually for employees who are CDL drivers shall equal or exceed twenty-five percent (25%) for alcohol tests and fifty percent (50%) for drug tests of the total number of drivers subject to testing.
- O. **Reasonable Suspicion:** a belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific, objective, and articulable facts and reasonable inferences drawn from those facts in light of experience, training, or education. Reasonable Suspicion may be determined by two or more supervisory personnel who will attest to their observations. The Executive Authority will make the final determination.
- P. **Refusal to Submit:** the failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing; refusal to take the required test(s) or the failure to provide adequate urine for controlled substances testing without a valid medical explanation after the employee receives notice of the requirement of urine testing; and/or engaging in conduct that clearly obstructs the testing process.
- Q. **Safety Sensitive Position(s):** those jobs that would involve exceptional care and due diligence in the area of Public Safety to the County's citizenry and to all employees of the Fiscal Court. This includes any employee who performs a duty(s) that requires a CDL or any employee that holds a CDL or other classifications identified within the random selection section of this policy.
- R. **Substance Abuse Professional:** a licensed or certified psychologist, social worker, employee assistance professional or addition counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.
- S. **Volatile Substance:** any glue, cement, paint or other substance as described in KRS 217.900(1).

Section III: Covered Workers

Any individual who conducts business for Fiscal Court, is applying for a position or is conducting business on the Fiscal Court's property is covered by our drug-free workplace policy. This policy includes, but is not limited to supervisors, full-time employees, part-time employees, off-site employees, contractors and applicants.

Section IV: Applicability

The drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for Fiscal Court. Therefore, this policy applies whenever conducting business or representing Fiscal Court. This policy applies during all working hours, while on call or paid standby and while performing work on behalf of Fiscal Court while on or off Fiscal Court property. Additionally, applicants for such county employment are subject to pre-employment drug testing. It also applies to all Fiscal Court employees with special provisions designated to those employees identified as holding Safety Sensitive positions. These positions are ones in which their performance requires an extra degree of care and diligence in the area of safety to the community.

Those positions identified as Safety Sensitive include, but not limited to:

- County Sheriff's Department Employees
- Employees of the County Jailer

- Heavy Equipment Operators
- Personnel driving CDL regulated vehicles
- Mechanics who work on these regulated vehicles
- Any personnel operating Fiscal Court owned vehicles

NOTE: The positions identified above as being “Safety Sensitive” include, but are not limited to, those regulated under 49 CFR 40. While this program includes those federally mandated employees, this Drug and Alcohol Free Workplace Policy is not intended to replace and shall be separate from any Drug and Alcohol Free Workplace Policy previously adopted and implemented by Fiscal Court which may have included only federally regulated employees.

Section V: Policy Requirements

- A. **Training:** The Fiscal Court shall conduct substance abuse awareness training for all employees. This substance abuse awareness training shall consist of the following minimum requirements:
- Upon a conditional offer of employment from Fiscal Court, each applicant shall be provided a copy of and will be asked to read the Court's Drug & Alcohol-Free Workplace policy. All current employees will also be asked to read and sign the Certification of Acknowledgement -Drug&Alcohol-Free WorkplacePolicies and Procedures Form (Appendix A)
 - Initial training shall consist of at least 1-hour for all employees.
 - Annual refresher training shall be conducted for all employees in substance abuse awareness and shall consist of no less than thirty (30) minutes.
 - All alcohol and substance abuse awareness training shall include, at a minimum, information concerning:
 - Alcohol and drug testing policy and procedures;
 - The effects of alcohol and drug use on an Individual's health, work and personal life;
 - The disease of alcohol or drug addiction;
 - Signs and symptoms of an alcohol and drug problem;
 - The role of co-workers and supervisors in addressing alcohol or substance abuse; and
 - Referrals to an employee assistance program.
 - In addition to all of the above training, all supervisory personnel shall receive an additional thirty (30) minutes each year of alcohol and substance abuse education and awareness training. This additional supervisory training will be documented using, the Supervisory Training Certification Certificate. This additional supervisory training shall consist of at least, all of the following:
 - Recognizing the signs of alcohol and substance abuse in the workplace;
 - How to document signs of employee alcohol or substance abuse;
 - How to refer employees to an employee assistance program or other alcohol and substance abuse treatment program; and
 - Legal and practical aspects of Reasonable Suspicion testing for the presence of drugs and alcohol.

NOTE: County's Drug & Alcohol Free Workplace Policy shall include controlled-access maintenance in the Office of the County Judge Executive, of business records including the names and position titles of all employees and supervisory personnel trained under the program as described above, and the names of all persons who presented alcohol and substance abuse awareness training, for review by the Office of Worker's Claims.

NOTE: Should any portion of this policy dealing with the actual administration of this policy be amended, employees shall be provided with copies of any administrative change or modification and given an opportunity to ask questions and obtain answers regarding any administrative change(s) in this policy. However, changes may not be made to the policy that would circumvent any requirements associated with 803 KAR 25:280.

B. Drug and Alcohol Testing

Fiscal Court shall select a laboratory for the collection of urine samples in the case of testing for controlled substances, and for the administration of breathalyzer tests for alcohol concentration. The Fiscal Court's selected laboratory will also be the Fiscal Court's third-party administrator of choice for the random selection category of testing. Employees are selected by using a statistically valid method of selection of specific employee codes. This random testing will be reasonably spaced over a twelve (12) month period. Because of the random nature of the selection process, any employee may be tested more than once, or not at all. Once collected, all urine samples are forwarded for analysis to an approved laboratory, which shall be approved by the National Laboratory Certification Program (NLCP) under the United States Department of Health and Mental Services Substance Abuse and Mental Health Services Administration (SAMHSA). Fiscal Court shall administer alcohol and drug tests in circumstances which include but may not be limited to the following:

- a. **Pre-Employment Testing:** Breath alcohol and urine drug testing shall be required of all new hire applicants after their receipt of a conditional offer of employment. After receiving the conditional offer of employment, applicants will have twenty-four (24) hours in which to submit to testing at a testing facility of Fiscal Court's choosing. Fiscal Court requires that every newly hired employee test free of controlled substances and have a breath alcohol concentration of not more than 0.00. Each offer of employment by Fiscal Court shall be conditional upon the passing of controlled substance and alcohol tests.

Refusal by any applicant for employment with Fiscal Court to take the controlled substance test will result in the conditional offer of employment being withdrawn. All testing under this policy will be in accordance with testing protocols described elsewhere in this policy.

- i. An applicant with a confirmed positive test for controlled substances and/or breath alcohol in a concentration of 0.00 or greater which is not legitimately explained to and accepted by a Medical Review Officer, will not be considered for employment.
- ii. Any applicant who fails a controlled substance or breath alcohol test may not be considered for future employment with Fiscal Court.
- iii. Any applicant who refuses to take a controlled substance or breath alcohol test will be disqualified from future consideration for employment.
- iv. Any applicant who tampers with, or attempts to tamper with, a urine

specimen in any manner shall be disqualified from current and future consideration of employment with the Fiscal Court.

- v. An applicant whose positive test is confirmed and upheld by the Medical Review Officer (MRO) may request that the same sample be retested at her/his own expense at a Fiscal Court approved laboratory.

Individuals undergoing pre-employment testing shall not begin official employment with the Fiscal Court until after all test results are received and shown to be negative. Upon receipt of the test result, positive or negative, the Judge/Executive or his/her designee shall inform the appropriate department head of the results.

- b. **Random Testing:** Employees in a Safety Sensitive position will be required to participate in a statistically valid, unannounced random selection process, which will subject them to mandatory drug and/or alcohol testing. This category of testing will conduct random tests for alcohol at a rate of no more than ten percent (10%) for non-federally regulated Safety Sensitive positions. Employees holding positions in which a Commercial Driver License (CDL) is required, must also be tested at a minimum rate of ten percent (10%) for alcohol annually to satisfy Department of Transportation (DOT) requirements. In the ease of random testing for drug use, non-federally regulated Safety Sensitive positions will be tested at a rate of no more than ten percent (10%). Employees holding positions in which a CDL is required, must be tested for drugs at a rate fifty percent (50%) annually to satisfy DOT requirements. All employees in federally regulated Safety Sensitive positions shall be selected from a pool that is separate from the random selection pool for other non-federally regulated Safety Sensitive positions. The Judge/Executive shall utilize a third party to conduct the random selection of Safety Sensitive employees, including employees holding a CDL, to be tested. This random testing shall be unannounced and will take place throughout each calendar year. Safety Sensitive employees are selected by a third-party administrator using a statistically valid, random method of selection using specific employee codes. Because of the random nature of this testing process, Safety Sensitive employees may be selected for testing more than once or not at all. Once an employee is notified that he/she has been selected for testing, the employee must proceed immediately to the testing site of Fiscal Court's choosing.

NOTE: Employees in Non-Safety Sensitive positions will not be included in the random selection pool. However, Non-Safety Sensitive employees will be subject to testing for other reasons. Procedures and protocols for "Reasonable Suspicion", "Post Accident", "Return-to-Duty" and "Follow-up" testing all of which testing types are described elsewhere in this policy will apply in their case.

- c. **Reasonable Suspicion Testing:** A reasonable suspicion test shall be based on a belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific objective facts and reasonable inferences drawn from those facts in light of experience, training or education. The reasonable suspicion testing shall be based upon:

- i. While at work, direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;
- ii. While at work, abnormal conduct, erratic behavior, or a significant deterioration in work performance;
- iii. A report of drug or alcohol use provided by a reliable and credible source;
- iv. Evidence that an individual has tampered with a drug or alcohol test during employment with the Fiscal Court;
- v. Information that an employee has caused, contributed to, or been involved in an accident while at work;
- vi. Evidence that an employee has used, possessed, sold, solicited, or transferred illegal or illicit drugs or used alcohol while on Fiscal Court's premises or while operating Fiscal Court's vehicle, machinery or equipment.

The Judge/Executive or his/her designee shall be notified immediately of any indication of reasonable suspicion. Both the observing department supervisor and the Judge/Executive or his/her representative will review the policies and procedures herein and if necessary make arrangements with a testing facility of Fiscal Court's choosing to conduct reasonable suspicion drug and/or alcohol testing as soon as possible. If a representative from the office of the Judge/Executive is not available, the observing supervisor shall obtain the assistance of another Fiscal Court supervisor or other credible and reliable source and together they shall complete a written notification and submit it to the Human Resources Department. If after reviewing the notification, it is determined that there is in fact, reasonable suspicion that the employee is under the influence of drugs and/or alcohol, the observing supervisor or his/her designee will notify the employee and accompany him/her to the testing site at the direction of the Human Resources Department.

When a reasonable suspicion test is ordered, the employee must submit to testing within 45 minutes of being notified that he/she will be tested. The observing supervisor and/or designee shall remain at the testing site with the employee being tested, until the collection process is completed. Any employee who is tested for reasonable suspicion shall be placed on leave with pay until the results of the test are known. After submitting to the drug/alcohol test, the employee may not return to work until the results of the test are known and only then if the results are negative. Only the Judge/Executive or his/her authorized designee may order a reasonable suspicion test.

- d. **Post-Accident Testing:** Drug and alcohol testing will be conducted following an employee's involvement in an accident in which property damage occurs, on or off Fiscal Court's premises while on duty, or in the course of employment for Fiscal Court, or which requires off-site medical attention be administered to a person.

Qualifying Event Exception: Due to varying types of accident cause, all accidents categorized as a "qualifying event" may not require post-accident testing. Exceptions to the "qualifying event" for requiring post-accident drug and alcohol testing will include, but may not be limited to the following types of accidents:

- i. Injuries whose onset is cumulative or gradual – such as carpal tunnel syndrome, progressive hearing loss, mental disorders, dermatitis, respiratory diseases, skin disorders, etc.
- ii. Injuries where the employee can be completely discounted as the contributing factor (i.e. injuries caused by a third party or some other uncontrollable force or event such as weather, insects, toxic plants, etc.)
- iii. Injuries where the employee can be completely discounted as the major contributing factor or those injuries occurring during physical fitness or a training event, in which the employee did everything within reason to avoid the injury accident, (i.e. was performing training as instructed).

In each case, the Judge/Executive or his/her designee shall determine the necessity of drug and alcohol testing and shall communicate such testing with the involved employee and the employee's respective department head. The Judge/Executive or his/her designee shall coordinate all required tests with the appropriate medical facilities.

An employee involved in an accident while on an out-of-town assignment, shall notify their department director or the director's designee as soon as possible but no later than two (2) hours after the accident occurred. The department director shall notify the Judge/Executive or her/his designee to discuss possible drug/alcohol testing requirements.

Other Qualifying Event: The department director or his/her designee shall request controlled substance/breath alcohol testing when an employee caused or cannot be completely discounted from causing a vehicular or any other type of accident in which death, serious bodily injury or major property damage did result or could have resulted. If a post-accident controlled substance/breath alcohol test is required, a confirmed positive test result will result in the employee's immediate termination.

- e. **Return-To-Duty Testing:** Fiscal Court maintains a "No Tolerance" policy for drugs and/or alcohol. "No Tolerance" means that once you are selected for a drug or alcohol test, should your test be positive, without a valid medical or bio-medical reason as confirmed by a Medical Review Officer, you will be immediately terminated from your employment with Fiscal Court.

Only in circumstances in which the employee voluntarily elects to seek assistance for a substance abuse problem through the Employee Assistance Program prior to being selected for a test, completes whatever form of treatment a Substance Abuse Professional recommends and is willing to sign a Return to Work/Treatment Plan Agreement, will Fiscal Court consider allowing the employee to return to work after treatment is successfully completed as confirmed by a Substance Abuse Professional.

In all cases, it shall be at the discretion of the Fiscal Court, subject to all applicable laws and regulations, as to whether to allow an employee to return to work. In the event that an employee who has voluntarily sought assistance, prior to being selected for a controlled substance or breath alcohol test is

allowed to enter a controlled substance/alcohol abuse rehabilitation program, the employee may be allowed to return to work only under the following circumstances.

- i. The employee may resume regular duties only after the employee tests negative in an alcohol and/or controlled substance test administered by the Fiscal Court-approved laboratory and can provide a release to return to work from an appropriate substance abuse treatment facility or confirmation of continued and on-going participation in a Fiscal Court recognized substance abuse assistance program. An employee must test negative within a reasonable period of time from receipt of the initial test results not to exceed forty-five (45) days. Any repeat occurrence of substance abuse or violation of any other aspect of the Fiscal Court's Drug Free Workplace Policy will result in immediate termination.
 - ii. Prior to returning to work, the employee shall be required to meet with the Judge/Executive or his/her authorized designee to receive an explanation of the terms of continued employment; and to sign a written Return-To-Work/Treatment Plan Agreement, detailing the terms under which the employee will be allowed to return to work. Such agreement shall stipulate that the employee, at the Fiscal Court's request, may be required at any time, to submit to interviews and/or evaluation by the professional staff at an appropriate chemical dependency treatment facility approved by the Fiscal Court's Employee Assistance Program (EAP). The return-to-work agreement will also stipulate that the employee be required to submit to unannounced controlled substance and/or alcohol testing for up to twelve (12) months after resuming duties.
- f. **Follow-up Testing:** Any employee returning to work from successful completion of an Employee Assistance Program for drug and/or alcohol-related problems, or a drug and/or alcohol rehabilitation program, shall be required to undergo one (1) year of quarterly drug and alcohol testing. The frequency of the follow-up testing shall consider recommendations of any involved Substance Abuse Professional (SAP) but shall be not less than once per quarter (every three months) for at least one (1) year. All follow-up testing may be requested at any time and shall be unannounced.
- g. **Testing Protocol:** The collection of samples and administration of drug and alcohol tests shall follow all standards, procedures and protocols set forth by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Administration (SAMHSA). Test results will be obtained by a qualified laboratory as defined elsewhere in this policy and results shall undergo a medical review as follows:
 - i. All test results shall be submitted for medical review by a Medical Review Officer (MRO) of the County's choosing, who shall consider the medical history of the employee or applicant, as well as relevant biomedical information.

- ii. If there is a positive test result, the employee or applicant will be given an opportunity to report to the MRO the use of any prescription or over-the-counter medication.
- iii. If the MRO determines that there is a legitimate medical explanation for a positive test result, the MRO may certify that the test results do not indicate the unauthorized use of alcohol or a controlled substance.
- iv. If the MRO determines, after appropriate review, that there is not a medical explanation for the positive test result other than the unauthorized use of alcohol or a prohibited drug, the MRO shall refer the individual tested to the Judge/Executive or his/her authorized representative for further proceedings in accordance with Fiscal Court's Drug Free Workplace Policy.

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

- h. **Testing Process:** Employees shall report to the collection site of Fiscal Court's choosing immediately after being provided the notification to test. In the case of reasonable suspicion testing, a supervisor or designee shall escort the employee to the collection site. Drug testing will be conducted by urine sample while alcohol testing will be analyzed using a breath alcohol testing/screening device. Drug and alcohol analysis will be performed by a trained technician.

To ensure that the test specimen is actually that of the donor, collection site staff will require positive identification of the test subject.

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

All drug-testing information will be maintained in separate confidential records.

- i. **Alcohol:** The Daviess County Fiscal Court shall require all tests for alcohol to be performed by a Certified Breath Alcohol Technician (BAT).
- ii. **Drugs:** An eleven (11) panel urine test will be conducted and shall include analysis for the following substances:
 1. Amphetamines;
 2. Cannabinoids (THC);
 3. Cocaine;
 4. Opiates;
 5. Phencyclidine (PCP);
 6. Benzodiazepines;
 7. Propoxyphene;
 8. Methaqualone;
 9. Methadone;

- 10. Barbiturates;
- 11. Synthetic Narcotics

Each employee, as a condition of employment, will be required to participate in pre-employment, random, post-accident, reasonable suspicion, return-to-duty and follow-up testing upon selection or request of management.

Any employee who tests positive will be immediately removed from duty, referred to a substance abuse professional for assessment and recommendations, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement, subject to ongoing, unannounced, follow-up testing for a period of five years and terminated immediately if he/she tests positive a second time or violates the Return-to-Work Agreement.

An employee will be subject to the immediate termination of employment if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, fails or declines to take a second drug test when directed, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

- C. **Prohibited Behavior:** It is a violation of the drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify company doctor) to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of the Fiscal Court's Drug-Free Workplace Policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.

Fiscal Court reserves the right to define and interpret prohibited activities that specifically include, but may not be limited to:

- a. **Alcohol:** Prohibited conduct involving the use of alcohol includes the following:
 - i. The performance of or being immediately available to perform work duties while having an alcohol concentration greater than 0.00.
 - ii. The consumption of alcohol or products containing alcohol during the performance of or being immediately available to perform work responsibilities.
 - iii. In the case of Safety Sensitive employees, containing alcohol during the performance of or being immediately able to perform Safety Sensitive work responsibilities. This includes the possession of medicines containing alcohol (prescription or over-the-counter) unless the seal is unbroken and/or the medication is prescribed by a licensed physician, and said physician has confirmed the necessity of the Safety Sensitive employees' said possession of the prescribed substance containing alcohol and has confirmed that the use

of such substance will not deter from the employees ability to safely perform assigned Safety Sensitive responsibilities. In the latter case, a Prescription Drug Notification Form must be on file with the Judge/Executive.

- iv. The performance of, or being immediately available to perform those responsibilities designated as Safety Sensitive, within four hours after using alcohol.
- v. The transportation and/or possession of alcoholic beverages (open or closed containers) within Fiscal Court owned vehicles or equipment. Note: Law enforcement personnel functioning within the scope of their assigned duties shall be considered exempt from this prohibition as deemed necessary by their respective department head(s).
- vi. The use of alcohol for eight hours immediately following an accident requiring a post-accident alcohol test or until a post-accident test is administered, whichever occurs first.
- vii. Refusal to submit or cooperate with any of the required testing types.
- viii. The operation of a Fiscal Court owned vehicle following consumption of alcoholic beverages shall be considered a violation of this policy and shall result in disciplinary action.

NOTE: Employees attending training programs and/or conferences related to their employment with Fiscal Court may participate in social functions associated with the program or conference. If alcoholic beverages are present at the social function and the employee chooses to engage in consumption of said beverage(s), they shall do so at their own discretion. Employees who choose to engage in the consumption of alcoholic beverages as part of a work-related social function shall do so in a responsible manner, maintaining a conduct that would not reflect adversely upon the Fiscal Court. Any unbecoming conduct by an employee who has chosen to consume alcohol at such conference or training program that has an adverse effect upon the Fiscal Court will be subject to disciplinary action up to and including termination of employment.

NOTE: Alcohol includes any intoxicating agent in beverage alcohol, methyl, and isopropyl alcohol whether used for medicinal purposes or not. Many over the counter and prescription medications contain high percentages of alcohol.

- b. **Notification of Convictions:** Employees are hereby notified that they shall inform the Judge/Executive or his/her authorized designee, of any criminal charge or conviction within five (5) days of said charge or conviction. The Judge/Executive shall take appropriate action within thirty (30) days.
- c. **Drugs or Controlled Substances:** Prohibited conduct involving the use of drugs or controlled substances includes, but may not be limited to, the following:
 - i. Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. However, any Safety Sensitive employee taking prescribed or over-the-counter medications will, in all cases, be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her Safety Sensitive job duties. Prior to initiating usage after such medications are prescribed, the Safety Sensitive employee shall submit a Prescription Drug Notification Form to their immediate supervisor

who shall in turn, submit it to the Judge/Executive or his/her designee as soon as possible.

After receiving such form, the Judge/Executive or his/her authorized designee may request written medical authorization showing the Safety Sensitive employee may possess/use such medication, that it was used in the prescribed manner and showing the Safety Sensitive employee is fit to safely perform Safety Sensitive assigned duties. If the use of such medication could compromise the safety of the Safety Sensitive employee, fellow employees, or the public at large, it is the Safety Sensitive employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty and notify his/her supervisor) to avoid unsafe workplace practices. No prescription drugs shall be brought onto Fiscal Court property, or consumed on Fiscal Court property by anyone other than the individual for whom the drugs have been prescribed by a licensed medical practitioner. The illegal or unauthorized use of prescription drugs is strictly prohibited. It is a violation of the Fiscal Court's Drug Free Workplace Policy to intentionally misuse and/or abuse prescription medications.

Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur as the result of the intentional misuse and/or abuse of prescription medication.

Fiscal Court reserves the right to have a designated physician of its choosing to determine if a prescription drug or medication produces effects that would be considered unacceptable in the performance of assigned Safety Sensitive work duties. The designated physician has final determination on whether the medication will have or is having an unacceptable effect on the Safety Sensitive employee's performance of duties. In such instances of temporary impediment to safe performance of regular Safety Sensitive duties, the Safety Sensitive employee may be temporarily reassigned to duties requiring a lesser safety awareness level if such duties are available.

All doctor's statements and related medical information shall be confidential and maintained in a separate medical file in the office of the Judge/Executive.

- ii. Testing positive for any of the prohibited substances during the performance of or upon being immediately available to perform work responsibilities.
- iii. The performance of or being immediately available to perform Safety Sensitive work responsibilities while using any controlled substance, except when the use is under the instructions of a physician who has advised that the use will not adversely affect the Safety Sensitive user's ability to safely perform Safety Sensitive responsibilities as assigned.
- iv. In the case of Safety Sensitive employees, having in possession, drugs or controlled substances except when the use is under the instructions of a physician who has advised that the use will not adversely affect the Safety Sensitive user's ability to safely perform Safety Sensitive responsibilities as assigned during the performance of or being immediately available to perform Safety Sensitive work responsibilities.

NOTE: EMS and Law Enforcement personnel functioning within the scope of their assigned duties shall be considered exempt from this prohibition as deemed necessary by their respective department heads.

- v. Refusal (as defined elsewhere in this policy) to cooperate with any of the requested testing types.
 - vi. Tampering with or attempting to alter, or actual altering of a test specimen is strictly prohibited and is grounds for immediate termination from employment with the Fiscal Court.
- d. **Volatile Substances:** The intentional misuse, manufacture, sale, distribution, dispensation, or possession of a volatile substance as defined in KRS 217.900 which includes any glue, cement, paint or other substance containing a solvent or chemical having the property of releasing toxic vapors or fumes which when intentionally inhaled may cause a condition of intoxication, inebriation, stupefaction, dulling of the brain or nervous system, or distortion or disturbance of auditory, visual, or mental processes while at work, while on Fiscal Court property, or while conducting Fiscal Court business while off Fiscal Court property, is strictly prohibited and is considered cause for immediate discipline, up to and including termination.
- D. **Consequences:** One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may reapply after six months and must successfully pass a pre-employment drug test.

If an employee violates the policy, he or she will be subject to progressive disciplinary action up to immediate termination of employment and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

- E. **Return-to-Work Agreements:** Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.
- F. **Assistance:** Alcohol and drug abuse and addiction are recognized as diseases responsive to proper treatment. The Fiscal Court provides a level of care through its Employee Assistance Program (EAP) provided. It also realizes that early intervention and support improve the success of rehabilitation. To support the employees, Fiscal Court's Drug-Free Workplace Policy:
- a. Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
 - b. Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Employees who voluntarily report a substance abuse problem prior to being required to take a controlled substance or alcohol test as defined in this policy, will not be subject to disciplinary action if they voluntarily and conscientiously seek substance abuse assistance and agree to a treatment plan. However, such an employee must understand that if the problem is not corrected and satisfactory job performance is not maintained, he or she will be subject to disciplinary action up to and including termination of employment. Failure to seek such assistance, or failure to abide by the terms of the treatment plan, shall be grounds for termination. Upon voluntarily reporting a substance abuse problem, the employee will be required to sign a Substance Abuse Treatment Plan Return-to-Work Agreement Form that will further define conditions of continued employment.

- G. **Confidentiality:** All information received by Fiscal Court through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Fiscal Court shall maintain records and documents of all alcohol and drug test results, schedules for follow-up tests and records relating to evaluation and referrals. These records shall be maintained for a period of at least five (5) years. Fiscal Court shall provide test result information or other pertinent information relating to an applicant or existing employee's alcohol or controlled substance tests upon the applicant or existing employee's written request, and shall do so within five (5) working days of being notified of the request.

- H. **Policy Administration and Enforcement:** It shall be the responsibility of the Judge/Executive to administer and enforce this policy. This policy and its programs are not to be interpreted or modified by any other Fiscal Court supervisor or director.

- I. **Responsibility:** While it is ultimately Fiscal Court's legal, ethical, and moral responsibility to create and maintain a safe and productive drug-free workplace for its employees, and the citizens of the county, such safety is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- i. Be concerned about working in a safe environment.
- ii. Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- i. Inform employees of the drug-free workplace policy.
- ii. Observe employee performance.
- iii. Investigate reports of dangerous practices.
- iv. Document negative changes and problems in performance.

- v. Counsel employees as to expected performance improvement.
 - vi. Clearly state consequences of policy violations.
- J. **Communication:** Communicating the drug-free workplace policy to both supervisors and employees is critical to its success. To ensure all employees are aware of their role in supporting Fiscal Court's drug-free workplace program:
- a. All employees will receive a written copy of the policy.
 - b. The policy will be reviewed in orientation sessions with new employees.
 - c. The policy and assistance programs will be reviewed at safety meetings.
 - d. Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.

NOTE: The Daviess County Fiscal Court may change, modify, amend or rescind any part of this policy at any time that deals with the actual administration of the policy itself. However, changes may not be made to the policy that would circumvent any requirements associated with 803 KAR 25:280.

**DAVISS COUNTY ADMINISTRATIVE CODE
EMPLOYEE AGREEMENT**

I have received a copy of Daviess County Fiscal Court’s Administrative Code.

I understand that it is my obligation to read the Daviess County Administrative Code and agree to follow all policies and procedures that are set forth therein. I agree to abide by the standards outlined in the document for the duration of my employment with Daviess County Fiscal Court. I understand that this Administrative Code, and my signature below, does not constitute an employment contract and that the County is an at-will employer. Should I have any questions related to the Daviess County Administrative Code, it is my obligation to seek assistance from my supervisor, Department Head, or the Human Resources Department.

Furthermore, I understand that the Daviess County Administrative Code may be amended at any time.

Employee Signature

Date

Employee Printed Name

Received by:

County Judge/Executive Signature

Date

DAVISS COUNTY INFORMATION SECURITY POLICY AGREEMENT
for
EMPLOYEES WITH ACCESS TO PERSONAL INFORMATION WITHIN COUNTY GOVERNMENT POSSESSION

I have received a copy of the KY Department for Local Government '*Protection of Personal Information Security and Incident Investigation Procedures and Practices for Local Governmental Units*' policy.

I understand that it is my obligation to read the aforementioned document and agree to follow all policies and procedures that are set forth therein. I further agree to abide by the standards set in the document for the duration of my employment with Daviess County Fiscal Court. Should I have any questions related to this policy, it is my obligation to seek assistance from the Human Resources Department.

I am aware that violations of this policy may subject me to disciplinary action, up to and including dismissal from employment.

I understand that this policy can be amended at any time or that I may receive further direction from my superiors regarding this policy.

Employee Signature

Date

Employee Printed Name

Received by:

County Judge/Executive Signature

Date