

**TITLE III:**

**ADMINISTRATION**

**Chapter 36**

**Personnel Policy**

## **CHAPTER 36: PERSONNEL POLICY**

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## **§ 36.01 INTRODUCTION, APPLICABILITY**

### **(A) Purpose.**

The purpose of these personnel policies, rules, and general procedures together with the position classification and pay plan, is to provide the fundamental features for an effective system of personnel administration for Pike County Georgia. It is the intent of these policies and procedures to establish a guide to administrative action concerning the various human resource activities and operations of Pike County. They are intended to indicate the usual and most reasonable methods for carrying out the aims of the human resources program, consistent with the following merit principles:

- (1) Recruiting, screening and selecting employees on the basis of their relative ability, knowledge and skills, including open competition of qualified applicants for initial appointments;
- (2) Establishing pay rates consistent with the principles of providing comparable pay for comparable work (Pay rates shall be established by addendum to this Ordinance);
- (3) Training employees, as needed and as practicable, to assure high-quality performance;
- (4) Retaining and advancing employees on the basis of the adequate performance cannot be corrected.
- (5) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, creed, age, national origin or ancestry, sex, religion, or disability, and ensuring a work environment free of intimidation and harassment;
- (6) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election.

### **(B) Administration.**

The County Manager and the Human Resource Administrator share responsibility for administering these policies.

### **(C) Applicability.**

- (1) These personnel policies and procedures apply to all employees of Pike County, Georgia and County elected officers unless specifically excluded by these policies and procedures or by other County ordinance. Constitutional Officers and Department Heads may decide to require staffing levels and limit leave as necessary to achieve adequate personnel availability and require documentation for sick, bereavement and family leave at their discretion.
- (2) Portions of these personnel policies and procedures, including sections 36.03, 36.04, 36.05, 36.06, 36.07, 36.08, 36.09, 36.13, 36.14, and 36.17, may not apply to applicants for positions under the jurisdiction of County elected officials or to employees of County elected officials (i.e., Sheriff, Tax Commissioner, Probate Judge, Magistrate Judge, Clerk of Superior Court, and Coroner).

NOTE: This exclusion does not exempt elected officials from fair employment practices that may be mandated by State or Federal laws. Nothing in these personnel policies and procedures should be construed as allowing employees of County elected officials may opt to include their employees under the coverage of the above sections of these policies and procedures in a manner consistent with the *Official Code of Georgia Annotated* 36-1-21(b).

(Ord. Passed 10-30-07)

## **§ 36.02 DEFINITIONS**

For the purpose of these policies and procedures, the following terms shall have the meanings respectively ascribed to them below, unless another meaning is specifically indicated.

- (A) ANNIVERSARY DATE. The date of record upon which an employee was considered to begin full-time employment status with Pike County. This date is recorded in the employee personnel file in the Pike County Commissioner's office by the Human Resource Administrator and may be kept in Department Head records as well
- (B) APPEAL. The right of an applicant or employee to appear before the Pike County Personnel Appeals Committee to be heard on matters of discrimination, unfair practices or other grievances of such person in the manner prescribed in these policies and procedures. An Appeal may take place only after completing the grievance outlined in section 36.24 GRIEVANCE PROCEDURES POLICY if applicable. The employee may be accompanied by a representative of their choosing if so desired.
- (C) APPEALS COMMITTEE. The Pike County Personnel Appeals Committee. The Pike County Personnel Appeals Committee shall consist of three to five members and may be created as needed by the Pike County Manager. The Pike County Personnel Appeals Committee may include one or more members from the Board of Commissioners, members from the Pike County Citizens Advisory Task Force, a Pike County Department Head or other designated persons as deemed appropriate by the Pike County Manager.
- (D) APPOINTMENT. Employment to the classified service system of Pike County.
- (E) CLASSIFIED SERVICE. The "classified service" categories consists of all hourly and salary paid positions included in the pay plan with the exception of those positions specifically excluded by the Pike County Board of Commissioners.
- (F) CLASSIFICATION AND PAY PLAN. The system of assigning jobs to classes and to appropriate pay grades based on the similarities or positions.
- (G) CONTINUOUS SERVICE. Continuous service is employment that is uninterrupted except for authorized leaves of absence, suspension or separation due to a reduction in work force.
- (H) DATE OF EMPLOYMENT. See Anniversary Date.
- (G) DEMOTION. Demotion means a change in the rank of an employee from a position in one class to a position in another class having a lower minimum starting salary and less discretion and/or responsibility.
- (H) DEPARTMENT HEAD. The position, whether appointed or elected official, with overall administrative responsibility for a department.
- (I) DISMISSAL. The termination of a regular employee for just cause.
- (J) ELECTED OFFICIAL. The person filling the offices of Sheriff, Tax Commissioner, Probate Judge, Magistrate Judge, Clerk of Superior Court, and Coroner are considered to be elected officials. Persons employed by these officials do not have a property interest in their positions.
- (K) ELIGIBLE. A person who has made a passing score on an examination required or meeting other minimum employment requirements under these regulations and who has qualified to be employed by the County.
- (L) EMPLOYEE. A person appointed to a position in the County government for which he or she is compensated on a full-time or part-time basis.
- (M) FLOATING HOLIDAYS. A method applied to Department Heads to allow for Holiday compensation for personnel required to work on designated holidays due to normal performance of duties, e.g. Sheriff's office or other Emergency Personnel. This is in place of paying premium pay for working on a designated Holiday, not in addition to the premium

pay. Personnel on Floating Holidays are considered the same status and being on annual leave or vacation.

- (N) FULL-TIME EMPLOYEE. Employees scheduled for minimum forty-hour workweek by the Department Head or Elected Official in charge of their responsive department.
- (O) GRIEVANCE. Any dispute concerning the interpretation or application of these personnel policies and procedures or any decision relative to any disciplinary action, dismissal, demotion or charge of discrimination.
- (P) INTERMEDIATE LEVEL SUPERVISOR. The person in an employee's organizational structure between their immediate supervisor and the County Manager, usually this person is the employee's Department Head.
- (Q) LAY-OFF. The separation of an employee from the classified service due to lack of work, lack of funds, abolishment of the position or for other material changes in duties or organization.
- (R) MERIT INCREASE. An increase in pay based on an employee's job performance.
- (S) OVERTIME. Time worked in excess of the regular work schedule for the position in accordance with the Fair Labor Standards Act.
- (T) PART-TIME EMPLOYEE. An employee who works on a continuing basis, but does not work a full or normal work period. Generally any employee scheduled to work less than forty hours per workweek.
- (U) PERFORMANCE EVALUATION. A method of evaluating each employee on a periodic basis as to his or her performance of the job.
- (V) PERSONNEL FILE. A continuous compilation of documents related to the employment of persons employed by Pike County. The Personnel File may include, but not be limited to, any employment application paperwork, disciplinary findings or actions, merit commendations or recommendations and other information related to the person's employment status or qualification for employment with Pike County.
- (W) PROBATIONARY EMPLOYEE. An employee serving the first six (6) months of his or her appointment, promotion, re-employment, or reinstatement to any position in the classified service. A probationary employee is not a regular employee until completion of the six (6) month probationary period. A PROBATIONARY EMPLOYEE'S ANNIVERSARY DATE is the date of record upon which an employee was considered to begin full-time employment status with Pike County. Employees of elected officials may or may not serve a probationary period at the discretion of the elected official and do not become regular employees at any time. Probationary Employees shall be evaluated monthly.
- (X) PROMOTION. A change in rank of an employee from a position in one class to a position in another class having a higher minimum salary and carrying a greater scope of discretion and responsibility.
- (Y) PROMOTION LIST. A list of persons who have been found qualified for appointment to a higher position. They may be qualified either by a written examination or other evaluation techniques.
- (Z) PROVISIONAL EMPLOYEE. An employee appointed to a position without completion pending the establishment of an eligibility list. Such employee may serve for a limited time only and must compete with other applicants to qualify for a probationary appointment (if applicable).
- (AA) PUBLIC MEETING. A meeting of the County Commission, open to the public, held in accordance with the applicable provisions of State Law governing Open and Public Meetings.

- (BB)PUBLIC HEARING. The portion of a public meeting designated for the purpose of allowing public comment in accordance with the procedures as adopted by the Pike County Board of Commissioners in accordance with the applicable provisions of State Law.
  - (CC)REGULAR EMPLOYEE. An employee who has completed the probationary period and is subject to all provisions and protections of Pike County Personnel and Human Resources policies. Employees of elected officials do not serve a probationary period and cannot attain regular employee status as defined by these policies and procedures.
  - (DD)REPRIMAND. A reprimand is a formal means of communicating to an employee that a problem exists and that it must be corrected.
  - (EE)RESIGNATION. The termination of an employee at the employee's request.
  - (FF)SALARY INCREASE. An increase in salary within the salary range prescribed for the class by the classification and pay plan.
  - (GG)SUSPENSION. An enforced level of absence for either a disciplinary purpose or a pending investigation of charges against an employee.
  - (HH)SENIORITY. The chronological method of determining ranking of employees based on date of employment. (See Anniversary Date) This date of record is also the starting date and time for compilation of Seniority standing for all Pike County employees.
- (Ord. Passed 10-30-07)

**§ 36.03 APPLICATIONS AND EXAMINATIONS.**

- (A) Announcement of Vacant Positions.  
 Except as otherwise provided below, all vacancies in the classified service (non-department head positions) shall be publicized by posting announcements in the office of the Human Resources Administrator and on the official bulletin board or in the other places and by such other means as the Human Resources Administrator deems advisable. The announcements shall specify the titles and salary ranges of the vacant positions, qualification requirements, manner of making application and other pertinent information, and shall specify the date, time, and place of examinations (if required) for the positions. All vacancies are posted in house for a period of 3 days prior to posting to the public.
- (B) Application Forms.  
 All applicants for positions in the classified service of Pike County shall submit an application with the Human Resources Administrator on forms provided by the Human Resources Administrator. All applicants shall provide proof of citizenship as required by federal law. Such forms shall require information concerning training, experience, and other pertinent information, and shall be signed by the applicant.  
 NOTE: No person shall be employed by the county unless and until such person has made application with the Human Resources Administrator.
- (C) Employment Requirements.  
 All positions in the classified service shall be open only to persons who meet such requirements as are listed on the public announcement of the vacancy. Such requirements may include but are not limited to the following factors: experience, education, physical ability to perform the job functions, and training.
- (D) Receipt and Duration of Applications.  
 Applications from all persons desiring employment with the county shall be accepted during regular business hours and placed on file. Applicants must complete a new application for each announced position vacancy.
- (E) Rejection of Applications.

The Human Resources Administrator may reject an application which indicates that the applicant is deficient in any or all of the requirements as specified in the public announcement of the vacancy. An applicant may also be rejected for fraud or deception in the completion of the application, or if his or her past record of employment is determined to be unsatisfactory by the Human Resource Administrator.

(F) In-House Posting Process.

Vacancy opening announcements for non-department head positions shall be posted in-house at sites determined by department heads and by the Human Resource Administrator for a period of five (5) working days. Current and existing employees must comply with all other criteria listed within the Pike County Personnel Policy in order to meet consideration for the job announcement.

(G) Open Competitive Appointments.

Positions to be filled by recruitment from outside the classified service shall be filled through a competitive process open to the public. This process may include, but shall not be limited to, ratings of training and experience, job-related tests; or any combination of these as determined by the Human Resources Administrator. Factors such as education, job-related qualifications, and experience may be taken into account in making employment decisions. The Human Resources Administrator may require the applicant to submit proof of education and military service or any other such documentation as is deemed necessary.

(H) Promotional Appointments.

Promotional appointments shall be open to all employees who meet the training and experience requirements including in the position description or who have an equivalent combination of experience and training which provides the required knowledge, skill and abilities.

(I) Nepotism.

- (1) It is hereby declared to be the policy of Pike County that no department head, member of Pike County Board of Commissioners or Human Resources Administrator shall appoint or employ any person to any regular classified position in the County who is a member of the immediate or extended family of such officer if such appointment or employment would cause a relative of such officer to come under the direct supervision of such officer.
- (2) The employment of relatives is not prohibited by the County as long as none of the related persons are employed in a supervisory role in which they might have an effect on a relative's progress, performance, or welfare as an employee or employed in the same department of the relative.
- (3) An employee may not be promoted into a position in which they would have supervisory responsibility over a relative, unless the relative can be transferred to another position that would not be under the supervision of the relative that is being promoted.
- (4) For this nepotism policy, "relatives" are defined as spouse, mother, father, stepmother, stepfather, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, brother, brother-in-law, sister, sister-in-law, half-brother, half-sister, grandchild, grandparent, and grandparents of spouse.
- (5) This section does not apply to persons employed by the County prior to the adoption of these policies and procedures.

(Ord. Passed 10-30-07)

## **§ 36.04 EMPLOYMENT AND APPOINTMENTS**

### **(A) Initial Appointments.**

All employees of the County shall be appointed upon the recommendation of the appropriate department head and approval of the Human Resources Administrator. Department heads whose positions are elected officials have approval authority for their respective departments.

### **(B) Types of Appointments.**

When initially hired, persons employed by Pike County shall be given one of the following types of appointment by the Human Resources Administrator:

- (1) Probationary. A probationary appointment is an appointment to a position in the classified service. An employee serving a probationary period may be discharged or returned to his or her previous position at the discretion of the department head and shall not have the right to utilize the grievance and appeal procedure set forth in this policy.
- (2) Provisional. A provisional appointment may be made only after applications for the position have been taken and no qualified applicant has been found and in adherence to the following requirements.
  - (a) When there is need to fill a vacancy and no qualified applicant is available, a provisional appointment may be made.
  - (b) No provisional appointment shall be continued for more than three (3) months from the date of appointment, unless, due to extenuating circumstances, an extension is approved by the County Manager.
  - (c) An employee may not attain “regular employee” status while serving on provisional appointment.
- (3) Temporary. Temporary appointments may be made to fill positions which are authorized and established for a specified period of time, when the work of a department requires the service of one or more employees on a seasonal or intermittent basis, or in cases of emergency. Temporary appointments shall not exceed 120 calendar days; however, extensions to such appointments may be granted by the County Manager.
- (4) Regular Appointments. A classified employee given an initial probationary appointment shall be given a regular appointment upon completion of the probationary period. (See Regular Employee in Definitions)

### **(C) At-Will Employment.**

It is the policy of the Board of County Commissioners that all employees who do not have a written employment contract with Pike County for a specific, fixed term of employment, or as may be otherwise provided by the Board of Commissioners or the County Manager are employed at the will of the County for an indefinite period. No County Official is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship except as may be formally approved by the Board of County Commissioners or the County Manager. County Officials are not to make any representation to employees or applicants concerning the terms or conditions of employment with the County. No statements made in pre-hire interviews, discussions, or in recruiting materials of any kind, shall alter the at-will nature of employment.

(Ord. Passed 10-30-07)



### **§ 36.05 PROBATIONARY PERIOD**

- (A) Objective.  
The probationary period shall be six (6) months in duration and no employee shall have a property interest in his or her position during the probationary period. During an employee's probationary period, the employee may be released or returned to his or her previous position without notice.
- (B) Duration.  
The probation period shall be six (6) months in duration.
- (C) Promotional Appointments.  
The probationary period shall be used in connection with promotional appointments in the same manner as it is used for initial appointments. If a person is removed during the probationary period following promotion, such person shall be entitled to general reemployment rights in his or her former class.
- (D) Interruption of Probationary Period.  
If an employee is laid off during a probationary period and such person is subsequently reappointed in the same department, he or she may be given credit for the portion of the probationary period before the lay-off.
- (E) Demotion During Probationary Period.  
A department head may demote an employee during the probationary period. A written report of such demotion must be filed with the Human Resources Administrator within three days after the effective date of the demotion.
- (F) Probationary Period Reports.  
Prior to the expiration of the employee's probationary period, the department head shall notify the Human Resources Administrator in writing of whether or not the employee has completed the probationary period. Failure to send such a notice within five working days of the expiration date of the probationary period shall be construed as completion of the probationary period.
- (Ord. Passed 10-30-07)

### **§ 36.06 PROMOTIONS AND TRANSFERS**

- (A) Policy.  
It shall be the policy of the County to fill vacancies in the classified service, as far as practicable, by promotion. To this end, closed examinations may be held at the call and under the direction of the Human Resources Administrator.
- (B) Political or Partisan Endorsement Prohibited.  
Promotions to positions in the classified service shall be based upon merit and fitness for promotion only. No consideration shall be given to political or partisan endorsement.
- (C) Promotional Examinations.  
The Human Resources Administrator shall conduct competitive promotional examinations in accordance with these regulations. In competitive promotional examinations, the Human Resources Administrator shall admit to the examination all employees who meet the published qualification requirements.
- (D) Intra-Departmental Transfers.  
The appropriate department head may, at any time, transfer an employee in the classified service under his or her jurisdiction from one position to another in the same class in the same department. An intra-departmental transfer of an employee to a position in another class shall be made only with the approval of the Human Resources Administrator and only

between classes within the same pay range. The Human Resources Administrator shall be notified of such changes in assignment.

(E) Inter-Departmental Transfers.

A transfer of an employee from one department to another shall require the approval of both department heads concerned and the Human Resources Administrator. Requests for such transfer shall show how the employee concerned meets the qualification requirements of the class to which the transfer is proposed.

(F) Pay Grade After Transfer.

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

(Ord. Passed 10-30-07)

**§ 36.07 EMPLOYEE PERFORMANCE EVALUATION**

(A) Objective.

The purpose of the employee performance evaluation shall be primarily to inform employees of how well they are performing their work and how they can improve their work performance. Such performance evaluation may also be used to determine merit raises or bonuses, as a basis for training, promotion, demotion, transfer or dismissal, and for such other purposes as set forth in these policies.

(B) Period of Evaluation.

All employees except temporary workers shall be evaluated annually. An employee shall not be eligible for a merit pay raise until the performance evaluation form has been completely processed. Employees shall also be evaluated at the time of separation. Probationary Employees shall be evaluated monthly.

(C) Evaluations.

Evaluations shall be prepared by the immediate supervisor of each employee and reviewed by the Department Head and Human Resources Administrator. An employee in a supervisory position who is leaving the position shall be required to submit performance evaluation forms on all the employees under his or her supervision who have not been evaluated within the previous six-month period.

(D) Review with Employees.

The evaluator shall discuss each performance evaluation with the employee being evaluated. If an employee disagrees with statement(s) in an evaluation, such employee may submit, within ten days following the conference with his or her supervisor, a written statement which shall be attached to the evaluation form and forwarded to the Human Resources Administrator.

(E) Performance Evaluation Confidential. Performance evaluations shall be confidential and shall be made available only to the employee evaluated, the employee's department head, and the Human Resources Administrator.

(Ord. Passed 10-30-07)

**§ 36.08 POSITION CLASSIFICATION AND PAY PLAN**

(A) Establishment.

The Human Resources Administrator shall be responsible for developing, maintaining and administering a position classification and pay plan covering all employees in the classified service of Pike County, Georgia. Such plan shall be approved and amended by recommendation of the Pike County Board of Commissioners, and shall constitute the

official approved system of grouping positions into appropriate classes and pay scales. Said pay plan, when developed by the Human Resources Administrator, or approved designee, and formally approved by the Board of County Commissioners shall be attached as an appendix hereto.

(B) Definitions:

For the purpose of this section, the following words shall have the meanings respectively ascribed to them below.

- (1) **ALLOCATE.** To allocate a position shall mean assigning the position to an appropriate class on the basis of the similarity of work performed and level of responsibility inherent in the position.
- (2) **CLASS.** A group of positions (or one position) that:
  - (a) Has similar duties and responsibilities;
  - (b) Requires like qualifications;
  - (c) Can be equitably compensated by the same salary range; and
  - (d) The “class title” shall be the official designation or name of the class as stated in the job description. It shall be used on all personnel records and actions. Different working or office titles may be used for purposes of internal administration.
- (3) **POSITION.** A group of currently assigned duties and responsibilities requiring the full or part-time employment of one person. A position may be occupied or vacant.
- (4) **RECLASSIFICATION.** The assignment of an existing position from one class to a different class due to a significant change in duties or responsibilities.

(C) Allocation of Positions.

- (1) **Initial Allocation.** The Human Resources Administrator shall be responsible for the initial allocation of the position of every employee of the County to one of the classes in the plan.
- (2) **New Positions.** When a new position is established and approved by the Pike County Board of Commissioners, the department head involved shall complete a position description covering the duties and responsibilities of such new position. The Human Resources Administrator shall allocate the position to one of the classes in the classification plan, unless a suitable class does not exist, in which case the Human Resources Administrator shall recommend that the Pike County Board of Commissioners establish a new class. Upon the recommendation and approval of such new class by the Pike County Board of Commissioners, the Human Resources Administrator shall allocate the new position to it.
- (3) **Allocation Appeals.** If an employee has reason to believe that his or her position has been improperly allocated, such employee may, with the knowledge of the department head, request the Human Resources Administrator to review the allocation of such position. Any such request must be submitted in writing and contain a statement of justification. If not resolved to the employee’s satisfaction, the employee may appeal to the Appeals Committee in the manner provided in section 36.24 **GRIEVANCE PROCEDURES POLICY.**

(D) Maintenance Plan.

- (1) **Vacancies.** Each time a vacancy occurs, the department head shall submit a description of the vacant position to the Human Resources Administrator for a review of the allocation of the position. The Human Resources Administrator may waive this requirement for cases in which he/she has determined that no material changes have occurred.

- (2) Departmental Reorganization. Each time a department or division under the jurisdiction of a department head is significantly reorganized, such department head shall submit to the Human Resources Administrator new position descriptions for all affected positions.
- (3) Changes in Duties of Position. The Human Resources Administrator may require departments or employees to submit position descriptions on a periodic basis or at any time the Human Resources Administrator has reason to believe that there has been a change in the duties and responsibilities of one or more positions.
- (4) New and Abolished Positions. Each time a new position is established, a position description shall be written and incorporated into the existing plan. Likewise, an abolished position shall be deleted from the classification plan.
- (5) Interpretation of Job Descriptions. The job descriptions are descriptive and not restrictive. The use of a particular description as to duties, qualifications or other factors shall not be held to exclude other duties that may be assigned of similar kind or quality.
- (6) Official Copy of the Plan. The Human Resources Administrator shall be responsible for maintaining an official copy of the Position Classification and Pay Plan. The official copy shall include a list of class titles and job descriptions, plus all amendments. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.
- (7) Amendments to the Plan. When there is a need for the establishment of new positions or the abolition of current positions, the Human Resources Administrator shall submit findings and recommendations to the Pike County Board of Commissioners, which shall take such action as deemed appropriate.

NOTE: All changes in the position classification and pay plan shall be in the form of amendments to the plan approved by the Pike County Board of Commissioners.

(Ord. Passed 10-30-07)

### **§ 36.09 RATE OF PAY**

#### **(A) New Appointees.**

New employees shall be paid the minimum rate of pay for the class to which they are assigned, subject to the following exceptions, which require the approval of the Human Resources Administrator and the County Manager.

- (1) If an appointee to a particular position does not meet the minimum qualifications stated in the job description or if certain classes of work require a formalized training period that is of unusual duration, and the needs of the County can best be met by placing an individual in a training capacity, the Human Resources Administrator may designate such position as a “trainee” position. Appointment to a “trainee” position shall be at a salary range below the minimum rate established for the classification at a rate not more than 10 percent below the minimum rate.
- (2) If an appointee exceeds the minimum qualifications for the position, such employee may be started at a rate up to 4 steps above the starting salary for the classification. Written approval of the Human Resources Administrator is required in such instances.
- (3) If an employee to be appointed possesses special qualifications, or extenuating circumstances exist, the department head may recommend to the Human Resources Administrator a rate higher than 4 steps above the starting salary for the classification. In such cases, the County Manager must grant final approval.

#### **(B) Promotion.**

- (1) An employee shall be considered promoted when:

- (a) The employee is transferred to a position classified in a higher pay range.
  - (b) The employee's position is reclassified to a classification having a higher pay range.
- (2) Promotions may occur within a department or between departments.
- (3) Pay upon promotion. At the time an employee is promoted to a previously established position in a classification with a higher pay range, a salary increase may be granted:
  - (a) Up to 10 percent above the employee's current salary; or
  - (b) Up to the minimum of the new classification, whichever is greater.
- (C) Demotion.
  - (1) An employee shall be considered demoted when:
    - (a) The employee is placed in a different classification having a lower pay range;
    - (b) The employee's position is reclassified to a classification having a lower pay range.
  - (2) When an employee receives a demotion of the type stated in (1)(a) above, such employee's pay may remain unchanged or may be reduced at the discretion of the Pike County Board of Commissioners.

NOTE: In the case of an employee's position being relocated to a lower classification, an employee's salary shall not be reduced. The employee shall be permitted to continue at the present rate of pay, but shall not be entitled to a salary increase when the current salary exceeds the maximum for the new assigned range.
- (D) Reinstated Employees.
 

A reinstated employee shall be paid at a salary rate within the approved salary range for the position to which the employee is reinstated. The rate of salary at appointment shall be in accordance with sections 36.09(A)(2) and 36.09(A)(3).
- (E) Part-Time and Temporary Employment.
 

Pay for part time and temporary employment in a position shall be equivalent to the hourly rate of pay for full-time employment in similar positions.
- (F) Overtime.
 

Overtime is work beyond the normal hours of any scheduled work week as authorized by the department head, subject to the approval of the Human Resources Administrator.

Compensation for overtime will be in accordance with the provisions of the *Fair Labor Standard Act* as amended.
- (G) Increases in Salaries.
 

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

  - (1) Any employee shall be initially employed for a probationary period of six (6) months. Employees of elected officials do not serve a probationary period unless the elected official in question has opted to have his or her employees covered by all provisions of these policies and procedures as outlined in section 36.01 INTRODUCTION AND APPLICABILITY.
  - (2) The pay plan consists of pay grades. The Pike County Board of Commissioners may add or delete pay grades as deemed necessary.
  - (3) Each pay grade shall have a pay range with an entry rate and steps placed at 2% intervals.
  - (4) After an employee reaches the maximum rate within a pay grade, such employee shall only be entitled to across-the-board salary adjustments.

- (5) Each department head shall file an annual performance evaluation report on each employee within that department. This report shall become a permanent part of each employee's personnel file.
- (6) In order to move to a higher pay grade, an employee must apply for a new position within a higher pay grade or be an incumbent in a position which has been reclassified to a higher pay grade.
- (7) Annually, the Pike County Board of Commissioners will consider increasing the salaries within all pay grades on an equal percentage basis. During budget hearings, the Pike County Board of Commissioners shall determine what percent increase, if any, will be allotted for increases to employee salaries. The percentage for market-adjustment increases will change the entry rate, steps, and maximum rate for each pay grade of the salary schedule.

(Ord. Passed 10-30-07)

### **§ 36.10 TRAINING AND DEVELOPMENT AND RELATED EXPENSES**

#### **(A) Training and Development.**

Training and Development for all employees and elected officials are deemed necessary and important. When possible, "in-service/in-house" training should be utilized by the County Manager and/or Human Resource Administrator. Training and Development are intended to ensure compliance with applicable law, rules and regulations as well as improving the quality of services provided by the County and to make advancement opportunities available to the employees and elected officials.

#### **(B) Travel Expenses and Reimbursement Procedures**

- (1) Mileage Allowance. Mileage shall be reimbursed at a rate to be set by the County Commissioners when employees/officials are specifically authorized to use their personal vehicle in lieu of a County vehicle in the performance of official County duties. The mileage reimbursement rate shall be set forth on the attached fee sheet that may be modified from time to time as deemed necessary by the Board of Commissioners. Mileage may be paid either as a per diem payment, which shall be reported as additional income as required by law; or, by reimbursement for actual miles traveled, which is not reported as additional income. Documentation must be submitted with the reimbursement voucher that verifies the actual travel miles to be reimbursed. In the event of hardship, mileage may be paid in advance upon receipt of a written request detailing the hardship but must have the approval of the County Manager. Such hardship request must include the submission of a mileage expense voucher and supporting documentation related to the anticipated mileage to the destination using such resources as Google Maps or MapQuest. In the event that it is necessary for an employee to put fuel in a County vehicle at the employee's personal expense, the employee shall be reimbursed for the cost of the fuel, provided that a valid receipt is submitted along with the expense voucher.
- (2) Common Carrier. If a common carrier is used for official travel, the expenses, whether prepaid or paid as a reimbursement, shall be at the tourist rate. Documentation/Receipts must be submitted in support of the paid expense or requested reimbursement. Prior approval by the County Manager is required for use of a common carrier for travel.
- (3) Lodging. The actual and reasonable cost of lodging while traveling to a location more than sixty (60) miles from the County for county business may be prepaid or

paid as a reimbursement. Documentation/Receipts must be submitted in support of the paid expense or requested reimbursement.

- (4) Seminar/Convention Registration Fees. The actual and reasonable cost of the registration fees for any training, seminar, workshop or convention related to county business may be prepaid or paid as a reimbursement. Documentation/Receipts must be submitted in support of the paid expense or requested reimbursement.
- (5) Reimbursement for Meals, Tips and Incidentals. Employees shall be entitled to receive reimbursement for all actual costs incurred during any work related travel with the following limitations: The maximum daily allowance for meals shall be \$50.00 per day. Reimbursements shall not be provided for any costs that are not incurred, such as meals that are provided as part of the training registration fee or at no cost by the hotel/motel that is used. Receipts must be attached to the expense reimbursement voucher. Reimbursement may be advanced based on hardship and will be considered upon receipt of a written hardship request. Such advancements require County Manager approval. Any such hardship advancements shall not exceed the maximum daily allowance described above. Any advanced reimbursement that is not used or properly supported with receipts shall be refunded to the County within seven (7) days after returning from the travel. Other incidental expenses may be reimbursed that constitute expenses incidental to official travel. The following constitute a short list of expenses considered incidental expenses: taxi fees, baggage handling fees, official phone calls, and parking fees. Any such additional reimbursement request may include the submission of an expense request voucher along with supporting documentation related to the requested reimbursements. Such "other expenses" will be reimbursed at the discretion of the County Manager.

(Ord. Passed 10-30-07) (Am. Ord. Passed 07-30-13)(Am. Ord. Passed 05-28-19)

### **§ 36.11 PAYROLL RECORDS AND REPORTS**

(A) Initial Appointments.

Upon the appointment of an employee to the classified service, the Human Resources Administrator shall submit to the County Manager such information as is necessary to certify the employment status, title or position, and salary or wage of such employee.

(B) Payroll Adjustments.

All payroll adjustments must be reviewed and requested by the Department Head and/or Constitutional officer and submitted to the Human Resource Administrator; this shall be done pursuant to the provisions in the Time Clock/Time Sheets provisions set forth below. Upon receipt of the request, the Human Resource Administrator shall review the information and submit a recommendation to the County Manager for authorization.

(C) Recovery of Salaries Improperly Paid.

Officers and employees may be required to refund salaries improperly, accidentally or illegally paid to officers and employees.

(D) Voluntary Deductions.

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

(E) Insurance Benefit Deduction Identification.

The County requires that the identification of deductions by employees related to insurance benefits shall be made during the annual open enrollment period or upon the occurrence of a qualifying event as provided by law.

(F) Attendance Records.

Regular attendance reports shall be prepared and submitted by each department head and Constitutional Officer for which the County handles payroll. The attendance reports shall be time summaries with supporting documentation in conjunction with the Time Clock/Time Sheet provisions set forth below.

(G) Records Retention Policy.

It is the intent of the Board of Commissioners to comply with the requirements of the record retention policies set forth in Federal and State Law. Moreover, the Board of County

Commissioners may adopt a record retention policy specifically for Pike County, Georgia.

(Ord. Passed 10-30-07) (Am. Ord. Passed 07-30-13)

### **§ 36.12 METHOD FOR DETERMINING SENIORITY**

Seniority as used within this Personal Policy is defined by two measuring time frames;

(A) The first consideration in determining seniority shall be the length of time in service to Pike County within ones department. Utilizing this methodology, the employee with the greatest continuous time in service within the department would be the senior employee.

(B) The second consideration in determining who has the most seniority will be the time in the employment of Pike County measuring from the employee's anniversary dates.

(C) The anniversary date shall be defined as in section 36.02 of DEFINITIONS.

(Ord. Passed 10-30-07)

### **§ 36.13 TIME CLOCKS AND TIME SHEETS**

(A) Purpose.

To ensure that all employees understand the procedures with the Time Clocks, Time Cards, and Time Sheets, the time entry and justification system chosen by the County for recording work time, time off and leave requests.

(B) Policy.

(1) Time Clocks are the time entry systems with an attachment that may be manually activated to stamp or otherwise record the exact time on a card or tape, used to keep record of the time of something, such as of the arrival and departure of employees.

(a) Time Cards are a card for recording the time at which an employee arrives at or otherwise "clocks in" and departs or otherwise "clocks out" from their job, which includes "clocking" out and back in for lunch or for other periods of leave during a work day. Employees shall also "clock out" and "clock in" when taking break periods; however, break periods shall not be deducted from the calculation of time for pay/salaries.

(b) Time Sheets shall serve as justification for adjustments to worked time and an additional recording method for employees' time worked.

(2) Non-exempt county employees shall primarily utilize Time Clocks to record work and exception time to be approved by their supervisor/department head for purposes of calculating and processing payroll payments prior to each pay cycle; except, however, non-exempt employees may also utilize Time Sheets when working in the field or out of town as long as such usage has been approved by the Department Head/Constitutional Officer and the County Manager.



- (3) Exempt paid employees, including benefitted staff and administrative staff, while not paid by the hour, shall utilize Time Clocks/Time Sheets to record any and all time worked, time off, time worked in addition to normal work schedules.

(C) Clocking In and Out.

- (1) In accordance with the Fair Labor and Standards Act as administered by the County, a five (5) minute grace period for rounding clock-ins and clock-outs has been established. This grace period begins five minutes before the shift start time. An employee is not allowed to clock in earlier than five (5) minutes before the start of their shift. Likewise, there is a five (5) minute grace period to clock out after a shift ends. An employee should clock out no later than five (5) minutes after the end of their shift.
- (2) If an employee clocks in earlier than five (5) minutes before the start of their shift, then the employee must be compensated for this time. Likewise, if an employee clocks out later than five (5) minutes, then the employee must be compensated for this time. Compromised work hours are subject to approval by the department supervisor.
- (3) Employees are expected to possess their Time Card and properly clock in and out each day at their designated time. If an employee fails to clock in and/or out which results in a shortage on the employee's pay check, the monetary adjustment will be included on the employee's check on the next applicable payroll cycle. The departmental head/Constitutional Officer must send a written explanation to the payroll administrator indicating the date(s) and hours missing along with a copy of the employee's weekly time and attendance print out. A separate check shall not be issued to an employee for shortage due to the employee's failure to clock in and out.
- (4) It is the expectation of the County that employees arrive at the work site on time. The timekeeping system will document and deduct for tardiness.
- (5) Up to five (5) minutes tardy, the system will document tardiness but will not make a reduction in the employee's time. Five (5) to ten (10) minutes tardy will result in a .1 reduction in the employee's time. Ten (10) to fifteen (15) minutes tardy will result in a .2 reduction. Fifteen (15) to twenty (20) minutes tardy will result in a .3 reduction and so forth. Example: If the shift starts at 8:00 a.m., clock-in of 8:02 would result in a tardy message with no time deducted. A clock-in of 8:06 would show tardy with a .10 time deduction.
- (6) Failure to follow specified procedures for Time Clocks and Time Sheets shall result in disciplinary procedures of the employee in accordance with Section 36.20.
- (7) Rounding Rules - based on fifteen (15) minute intervals
  - (a) 0-7 minutes in the interval, rounds back (previous quarter hour)
  - (b) 8-15 minutes in the interval, rounds forward (next quarter hour)Failure to abide by approved work schedules shall result in progressive discipline, in accordance with Section 36.20.
- (8) Misuse of Time Clock Entry or Leave Recording - Allowing another employee to punch in/out for an employee will constitute falsification of a record and will result in progressive discipline of both individuals up to and including termination in accordance with Section 36.20.
- (9) Work schedules are strongly preferred to begin on the hour or the half hour to ensure that the proper time calculations are performed by the timekeeping system.
- (10) Meal Periods. The County encourages all employees to have a meal period lasting sixty (60) minutes. During the sixty (60) minute meal break, employees must be

relieved of ALL work related duties. Time Clock employees are required to clock out for lunch if they have been relieved of all work related duties.

- (a) Time Clock employees will need to punch in/out for established meal periods. Time Clock employees are also expected to punch in/out when not on the job for any reason (doctor appointments, classes, etc.)
  - (b) Pre-Set Lunch Periods - If a non-exempt employee chooses to change the length of their meal period for a specific day(s), they must seek supervisor approval to override their preset lunch period.
  - (c) Staggered lunch schedules may be required in some offices in order to ensure a representative is available to serve the general public during office hours. However, all employees are still entitled to a sixty (60) minute meal period.
  - (e) Working lunches are allowed as time worked. Working lunches are defined as attending a business meeting during the lunch period or time spent during the lunch period involved directly in some work effort while eating lunch. Lunch spent at the desk while not involved in significant work effort still constitutes a lunch period and does require punching in/out.
- (11) Break Periods. Employees shall be entitled to two (2) fifteen (15) minute break periods for each work day, with one break during the initial work period (i.e., morning) and one break period in the final work period (i.e., afternoon). Each employee shall "clock out" and "clock in" for each break period for documentation purposes. The break period will not be deducted from the pay/salary calculation.
- (D) Timekeeping Records (Retention). Each department MUST retain their payroll records. These records must be made available for prompt review by the appropriate County authorities, including the County Manager, when requested.
- (E) Recording Work and Time Off Requests.
- (1) Designated Time Stations (where applicable) - All employees who must punch in/out will be assigned a specific Time Clock to enter time. These employees **must** use this specific assigned Time Clock to punch in/out.
  - (2) Failure to Punch In/Out - Failure to completely record a work period by clocking in and out creates a "missed punch" on the Time Card. Any uncorrected missed punches during a two (2) week pay period prevents work time for that period from processing, thus, causing the employee to suffer repercussions for that pay period. Supervisors are responsible for ensuring that Time Cards, for which they are responsible, contain no missed punches prior to approving their employees' work and exception time. Continued neglect by an employee to punch in/out (compared to the average failed punches within the employee's specific department) may be cause for progressive discipline up to and including termination.
  - (3) Entering In/Out When Away from County - If a Time Clock employee is away from the county on official business (conference, training opportunity, etc.), the employee shall record their time on Time Sheets, which must be submitted and reviewed by the department head/Constitutional Officer prior to approving the total time at the end of the pay period.
- (F) Overtime. All overtime must be **pre-approved** by the County Manager. Overtime is computed strictly on **hours actually worked** (use of sick leave and/or annual leave do not count towards the total hours of overtime) and is recorded and monitored on employees' Time Cards/Time Sheets, including employees not subject to Time Clocks.

- (G) Part-Time Employee. Part-Time employees working a minimum of six (6) hours a day can only work a maximum of twenty-five (25) hours in a work week and are not allotted overtime.
- (H) Submission Deadline. Departments should complete their time summaries and related records by 12:00 p.m. on the Monday before checks are to be issued by payroll. After completion, the department head/Constitutional Officer must review and approve the submitted time records. Approval by the department head/Constitutional Officer indicates to payroll office that the time records for the department have been completed.
- (I) Time Clock Approvals
- (1) Employees and supervisors are required to approve work and exception time from the Time Cards and Time Sheets at the end of each bi-weekly pay period. A time sheet summary must be submitted to the payroll office along with any supporting documentation.
  - (2) Individual departments are responsible for submitting the time sheet summary report with attached Time Cards and Time Sheets to payroll to ensure employees are compensated in a timely matter.
  - (3) Time Card Approvals - an individual must approve his/her Time Card prior to submitting to their supervisor. All Time Clock employees should review for accuracy, missed punches and completeness of their Time Card submissions prior to the payroll deadline and report any changes to their supervisors.
  - (4) Approving Time Cards by Managers/Supervisors - Repetitive failure of managers/supervisors not approving Time Cards for their employees and verifying for accuracy of time and leave will be cause for progressive discipline. Supervisors should approve time and leave throughout the pay period. Supervisors must approve an employee Time Card at the end of each pay cycle. Employees with unapproved time or a Time Card not approved by the supervisor will not be paid until proper documentation is submitted to the payroll office.

(Ord. Passed 07-30-13)

**§ 36.14 HOLIDAYS DESIGNATED**

- (A) It is resolved that the following designated holidays will be observed by closing the Pike County Offices/Courthouse for business on those days. These days shall be considered paid Holidays for full-time Pike County employees.
- (1) January 1 - New Year's Day
  - (2) 3rd Monday in January - Reverend King Day
  - (3) Good Friday – Good Friday
  - (4) Last Monday in May - National Memorial Day
  - (5) July 4 - Independence Day
  - (6) 1st Monday in September - Labor Day
  - (7) 2<sup>nd</sup> Monday in November - Veterans Day
  - (8) 4<sup>th</sup> Thursday in November - Thanksgiving Day
  - (9) 4<sup>th</sup> Friday in November - Day after Thanksgiving
  - (10) December 24 - Christmas Eve
  - (11) December 25 - Christmas Day
- (B) Elected officials may observe holidays at their discretion but such observance will have no effect upon the courthouse being open nor on holiday pay.

(Res. passed 7-13-83)(Ord. Passed 10-30-07)

**§ 36.15 SICK LEAVE, VACATION AND HOLIDAY COMPENSATION**

It is resolved that as of the effective date of this Personnel Policy, the following policies shall govern funding approval of the Board of sick leave, vacation pay, holiday pay and jury pay for the full-time employees of Pike County.

(A) Sick pay.

- (1) Each full-time employee of Pike County having six months continuous employment or more with Pike County shall accrue eight hours sick leave per month of continuous employment, provided that the employee remains in a full-time pay status (at work or on authorized absence).
- (2) At the discretion of their supervisor or department head, any employee absent on sick leave for three or more consecutive work days may be required to bring a doctor's certificate stating that the employee is able to return to work and indication of nature of the illness. If such doctor's certificate is not available and cannot be obtained for failure to consult a doctor, then the employee shall be required to obtain a medical examination at the employee's expense and bring in a certificate showing the results of the examination and whether or not employee is able to return to work and any limitations resulting from, or related to, the reason for the absence.
- (3) Unused sick leave may accumulate until the employee has four hundred eighty (480) hours on the books and may be carried forward at that level. As sick leave is used, accumulation will resume.
- (4) No pay in lieu of sick leave will be made; in order to receive sick pay, the employee must have a medical or physical condition justifying absence from work and be absent from a scheduled work day or portion thereof.
- (5) Department Heads may grant sick leave without pay to probationary personnel with less than six (6) months service at their discretion.

(B) Vacation pay.

- (1) Each full-time employee of Pike County after completing the first 12 months of continuous employment shall accrue one week's paid vacation on the day which commences the thirteenth month of such continuous full-time employment. This date shall thereafter become the employee's anniversary date for determining vacation pay. In succeeding years, the employee shall accrue one week's vacation on the anniversary date in the same manner as in the first year, provided the employee has remained in continuous full-time employment. The one week's vacation pay shall be computed at one-half of normal bi-weekly pay based on the normal work schedule of the department in which the employee works.
- (2) After a full-time employee has been continuously employed for three (3) full years, that employee shall be eligible for two (2) weeks of vacation pay on their employment anniversary date.
- (3) After a full-time employee has been continuously employed for five (5) full years, that employee will be eligible for three (3) weeks of vacation pay on their employment anniversary date.
- (4) After a full-time employee has been continuously employed for ten (10) full years, that employee will be eligible for four (4) weeks of vacation pay on their employment anniversary date.

- (5) Carry-over of accrued unused vacation time from one year to the next shall be limited to one (1) week until an employee has reached five (5) years continuous full-time employment. After completing five (5) years continuous full-time employment, **two (2) weeks unused vacation** time may be carried forward to the next year. Any additional accrued, unused vacation time on hand each year shall be forfeited as of 12:00 midnight on the anniversary date.
  - (6) No pay in lieu of vacation shall be authorized, except as may be required by law upon an employee's departure from employment with Pike County. Employees are required to take their accrued vacation each year with the only exception being the limited amount of vacation that may be carried forward in accordance with subparagraph (5) above. It is the policy of Pike County that employees shall not receive monetary compensation in exchange for accrued vacation, except as may be required by law for the payout of any accrued vacation at the time of an employee's departure from their employment with Pike County. Upon the departure from the employment of Pike County, an employee shall only be entitled to receive the net balance of unused "accrued vacation" that accrued for the year in which the employee is departing from Pike County. Any required payout of "accrued vacation" at the time of an employee's departure from employment with Pike County shall not include any vacation "carried over" in accordance with subparagraph (5) above.
  - (7) Vacation time may be used for fractional days (one hour, one-half day and the like), contingent upon the approval of the county manager.
  - (8) Vacation leave should be requested at least seven (7) days prior to the time the requested vacation leave would begin. All requests for vacation are subject to employee's supervisor's approval.
  - (9) In cases of multiple employees indicating they want the same dates off for vacation leave, and after review by the Human Resource Administrator and the County Manager and it is determined that such simultaneous vacation leave would result in operational difficulties, the vacation leave requests will be granted based on considering the employee's seniority within the department first, and then, if not resolved, based on the total time the employee has worked for Pike County second.
- (C) Holiday pay.  
In order for an employee to be paid for a holiday, the employee must:
- (1) Be a full-time employee of Pike County;
  - (2) Be in a pay status (on duty or on paid authorized absence) on the day before the holiday and the day after the holiday.
- (D) Jury Duty pay.
- (1) Hourly employees who miss time from work due to jury duty are entitled to receive jury pay.
  - (2) Salaried employees or elected officials who receive compensation for jury duty are to turn that compensation back into the county.
- (E) Full-time employees only.  
Sick pay, vacation pay and holiday pay are benefits paid only to full-time employees and are not paid to temporary (seasonal) or part-time employees.
- (F) Compensatory time.  
No compensatory time will be allowed.
- (G) New employee probation.

All newly hired employees are considered probationary until they have successfully completed six months of employment. Any probationary employee may be dismissed, with or without notice, by the Human Resource Administrator or the respective Department Head or Elected Official during the six-month probationary period at any time they feel the employee is not satisfactorily performing the assigned duties or indications of misinformation relating to the person's appointment and/or employment have been discovered.

(H) Uniform policy.

If a department requires the employee to wear uniforms, the full cost will be paid by the county.

(I) Funding policies only.

These policies are set forth to be used by the Pike County Board of Commissioners and by other elected officials and department heads in setting work schedules and sick, vacation and holiday schedules. Nothing herein shall be construed as setting any schedules of work or of vacation for employees of other elected officials. However, elected officials and department heads shall be responsible for certifying vacation, holiday and sick time for their employees to be paid. No such payments shall be made without said certification. Records of such payments shall be maintained in the Commissioner's office to assure that these funding policies are followed.

(Ord. Passed 10-30-07) (Amd. Ord Passed 07-30-13)

**§ 36.16 FAMILY AND MEDICAL LEAVE POLICY.**

(A) Purpose.

The purpose of this section is to provide a family and medical leave policy in compliance with 29 USC 2611 et seq., the Family and Medical Leave Act of 1993.

(B) Guidelines.

(1) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) ELIGIBLE EMPLOYEE. Those who have been employed for at least 12 months and who have provided at least 1,250 hours of service during the 12 months before leave is requested.

(b) PARENT. Mother or father of an employee, or an adult who had day to day responsibility for caring for the employee during his or her childhood years in place of the natural parents.

(c) SERIOUS HEALTH CONDITION. An illness, injury, impairment or physical or mental condition involving either in-patient care or continuing treatment by a health care provider. Examples of serious health conditions include but are not limited to heart attacks, heart conditions requiring heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, severe arthritis and the like.

(d) SON or DAUGHTER/CHILD. Biological, adopted or foster child, a step child, legal ward or child of a person standing in loco parentis who are under the age of 18 years. Children who are 18 years or older qualify, if he or she is incapable of self-care because of mental or physical disability.

(2) Leave provisions.

- (a) An eligible employee may take up to 12 weeks of leave (combined available paid leave and unpaid leave) in a 12-month period for the birth of a child or the placement of a child for adoption or foster care. Leave may also be taken to care for a child, spouse or a parent who has a serious health condition.
  - (b) The right to take leave applies equally to male and female employees who are eligible.
  - (c) Leave taken under this provision for the purposes of care for a newborn child or a newly placed adopted or foster care child must be taken before the end of the first 12 months following the date of birth or placement.
  - (d) An expectant mother may take medical leave upon the birth of the child or prior to the birth of her child for necessary medical care and if her condition renders her unable to work. Similarly for adoption or foster care, leave may be taken upon the placement of the child or leave may begin prior to the placement if absence from work is required for the placement to proceed.
  - (e) An employee may take leave to care for a parent or spouse of any age who, because of a serious mental or physical condition, is in the hospital or other health care facility. An employee may also take leave to care for a spouse or parent of any age who is unable to care for his or her own basic hygiene, nutritional needs or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke or who is recovering from major surgery or who is in final stages of terminal illness.
  - (f) Eligible employees, who are unable to perform the functions of the position held because of a serious health condition, may request up to 12 weeks leave. The term serious health condition is intended to cover conditions or illnesses that affect an employee's health to the extent that he or she must be absent from work on a recurring basis or for more than a few days for treatment or recovery.
  - (g) Employees requesting medical leave due to their own illness or injury must use any balance of sick leave, annual leave or floating holidays prior to unpaid leave beginning. The combination of sick leave, annual leave, floating holidays and unpaid leave may not exceed 12 weeks. Employees requesting family leave must use annual leave, floating holidays and other paid leave prior to using unpaid leave. The combination of annual leave, floating holidays and unpaid leave may not exceed 12 weeks.
  - (h) If spouses are employed by the same employer and wish to take leave for the care of a new child or a sick parent, their aggregate leave is limited to 12 weeks. For example, if the father takes eight weeks of leave to care for a child, the mother would be entitled to four weeks leave for a total of 12 weeks of leave.
- (3) Notification and scheduling.
- (a) An eligible employee must provide the employer at least 30-days' advance notice of the need for leave for birth, adoption or planned medical treatment, when the need for leave is foreseeable. This 30-day advance notice is not required in cases of medical emergency or other unforeseen events, such as

premature birth or sudden changes in a patient's condition that require a change in scheduled medical treatment.

- (b) Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.

(4) Certification.

- (a) The employer reserves the right to verify an employee's request for family/medical leave.
- (b) If an employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the employer requires that the request be supported by certification issued by the health care provider of the eligible employee or the family member as appropriate. If the employer has reason to question the original certification, the employer may, at the employer's expense, require a second opinion from a different health care provider chosen by the employer. That health care provider may not be employed by the employer on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.
- (c) This certification must contain the date on which the serious health condition began, its probable duration and appropriate medical facts within the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the son, daughter, spouse or parent and must include an estimate of the amount of time that the employee is needed to care for the family member.
- (d) Medical certifications given will be treated as confidential and privileged information.
- (e) An employee will be required to report periodically to the employer the status and the intention of the employee to return to work.
- (f) Employees who have taken medical leave under this policy must furnish the employer with a medical certification from the employee's health care provider that the employee is able to resume work before return is granted.

(5) Maintenance of health and COBRA benefits during unpaid leave.

- (a) The employer will maintain health insurance benefits, paid by the employer for the employee, during periods of unpaid leave without interruption. Any payment for family coverage's, premiums or other payroll deductible insurance policies must be paid by the employee or the benefits may not be continued.
- (b) The employer has the right to recover from the employee all health insurance premiums paid during the unpaid leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.
- (c) Leave taken under this policy does not constitute a qualifying event that entitles an employee to COBRA insurance coverage. However, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work and therefore ceases to be entitled to leave under this policy.



- (6) Reduced and intermittent leave.
  - (a) Leave taken under this policy can be taken intermittently or on a reduced leave schedule when medically necessary as certified by the health care provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with approval of the employer. The schedule must be mutually agreed upon by the employee and the employer.
  - (b) Employees on intermittent or reduced leave schedules may be temporarily transferred by the employer to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule.
  - (c) Intermittent or reduced leave may be spread over a period of time longer than 12 weeks, but will not exceed the equivalent of 12 work weeks total leave in one 12-month period.
- (7) Restoration. Employees who are granted leave under this policy will be reinstated to an equivalent or the same position held prior to the commencement of their leave.
- (8) The 12-month FMLA period. The 12-month period during which an employee is entitled to 12 work weeks of FMLA leave is measured forward from the date the employee's first FMLA leave begins. An employee is entitled to 12 weeks of leave during the 12-month period after the leave begins. The next 12-month period will begin the first time the employee requests FMLA leave after the completion of the previous 12-month period.

(Ord. Passed 10-30-07)

**§ 36.17 MILITARY LEAVE OF ABSENCE (MLOA)**

- (A) Any full-time employee of Pike County who is a member of any branch of the United States armed forces reserve or National Guard shall be granted Military Leave of Absence (MLOA) to attend required monthly drills, annual training deployments, and other required training functions associated with their participation in their respective agency up to eighteen (18) days per calendar year without incurring loss of their seniority or job security as an employee of Pike County. There will be no pay compensation from Pike County during any time an employee is on military leave of absence (MLOA). The employee's medical benefits will continue to remain in effect during their time on MLOA. The employee's sick leave and vacation balances will continue to accumulate as if they were in continuous full-time employment status.
- (B) In the event of unit or individual activation for military duty, the employee's job position will remain available for their return after the required active duty period is complete up to a maximum of three years duration. The employees medical benefits may be allowed to continue as allowed by the health care coverage provider if arrangements are agreed upon for payment of insurance premiums. The employee's vacation and sick leave time will not continue to accrue but any existing balances will be maintained during their time on military duty.

(Ord. Passed 10-30-07)

**§ 36.18 BEREAVEMENT LEAVE**

- (A) Purpose.

The purpose of this section is to establish guidelines for the use of bereavement leave due to death in the employee's immediate family.

(B) Statement of policy.

- (1) Full-time employees who have a member of his or her immediate family taken by death may receive up to 24 hours of paid time-off per family member as bereavement leave to arrange and/or attend funeral activities of immediate family members.
- (2) IMMEDIATE FAMILY for the purposes of this section shall be defined as spouse, mother, father, mother-in-law, father-in-law, children, sister, brother, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandparents and grandchildren, plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.
- (3) Funeral leave of up to eight (8) hours will be granted, if requested in writing, with pay for an employee absent from duty as a result of death of any other relative not stated above in (2).
- (4) The employee must notify his or her immediate supervisor upon making determination to take time off from work. If additional time is necessary, it shall be taken as vacation or unpaid leave if vacation has been exhausted with advance authorization by the appropriate department head/elected official.
- (5) Each full-time employee of Pike County having six months continuous employment or more with Pike County shall be eligible for bereavement leave.
- (6) Employees who fail to return to work on the date specified to the department head/elected official without receiving an extension are subject to disciplinary action up to and including termination.

(Ord. Passed 10-30-07)

**§ 36.19 SEPARATIONS**

(A) Types of Separation from the Classified Service.

Separations and/or terminations from positions in the classified service shall be designated as one of the following:

- (1) Resignation. An employee shall submit to the department head written notice of resignation at least 14 days in advance of the date of resignation. Immediately upon receipt of such notice of resignation, the department head shall forward the same to the Human Resources Administrator. Failure to comply with this rule shall be entered on the service record of the employee.
- (2) Abandonment of job. An employee not on authorized leave of absence who fails to report for work for three (3) consecutive days may be terminated from the service of the county for job abandonment in accordance with Section 36.20.C.4.
- (3) Lay-off or reduction in force. Any involuntary separation not related to an employee's conduct shall constitute a lay-off or reduction in force.
  - (a) Reasons for Lay-off. Any employee may be laid off because of shortage of funds or work, abolishment of position, material changes in the duties or organization, or related reasons beyond the employer's or the employee's control that do not reflect dissatisfaction with the service of the employee. The duties previously performed by any laid-off employee may be reassigned to other employees holding positions in appropriate classes.
  - (b) Notice to Department Head. Whenever the lay-off of any employee shall become necessary, the County Manager shall notify the department head at least 30 calendar days in advance of the intended action, of the necessity for such lay-off

and the reasons therefore. The department head shall thereupon furnish to the Human Resources Administrator the names and job titles of the employees to be laid off and the order in which such lay-off shall be implemented.

- (c) Order of Lay-off. Should it become necessary to reduce the number of employees within a given class in any department, such employees shall be laid off on the basis of the following two factors to be weighted equally: length of service in class and length of service with the County. If an employee believes that an error has been made in determining lay-off order, he or she may request an administrative review by the Human Resources Administrator.
- (d) Special Cases. Should a department head determine that the retention of a certain employee is essential to the effective operation of the department because of the fact that such employee in preference to another with a higher rating, then the department head shall submit a written request to the Human Resources Administrator. Such notification shall set forth in detail the specific skills and abilities possessed by the employee and the reasons why such employee is essential to the effective operation of the department. With the approval of the County Manager, the individual may be retained.
- (e) Notice to Employees. Regular employees to be laid off shall have the right to be demoted to a lower classification, provided that a vacancy exists and such employee is qualified to fill the position in the lower classification.
- (f) Demotions. Any regular employee scheduled to be laid off shall have the right to be demoted to a lower classification, provided that a vacancy exists and such employee is qualified to fill the position in the lower classification.
- (g) Re-Employment List. Former employees who were separated from the County service by lay-off and desire to be considered for re-employment with the County will be placed on the re-employment list. Such persons may remain on the re-employment list for a period not to exceed one (1) year.
  - (i) Former employees will be listed by seniority in terms of service as defined in §36.08, and will be offered re-employment for the first vacancy that becomes available in the same classification in which they were employed at the time of separation. All employees appointed to a position in this matter will serve the stated probationary period for that position; if said employee does not complete the probationary period he or she will be separated from the County service without the right of appeal.
  - (ii) A person on the re-employment list may voluntarily accept a position at a lower classification level than his or her former position, in doing so all provisions pertaining to the re-employment list apply, including being removed from the re-employment list.
  - (iii) If a person placed on the re-employment list does not accept the first offer for re-employment in a position having the same classification as the one held at the time of separation, he or she will be removed from the re-employment list. Such persons will no longer have guarantee of re-employment rights when a vacancy occurs, but may be considered for re-employment on the same basis as other applicants.
- (4) Inability to perform the essential functions of the position even with reasonable accommodation. If an employee suffers from a physical or mental disability which

prevents him or her from performing the essential functions of the position, even with reasonable accommodation, the employee is subject to termination for inability to perform the job. The employee will cooperate with the employer to determine the limitations imposed by the disability and to design accommodation for the essential functions of the job. Termination due to an inability to perform essential functions shall be subject to an appeal pursuant to §36.24 GRIEVANCE PROCEDURE POLICY.

- (5) Loss of a job requirement necessary to perform the essential functions of the position. Any employee who is unable to perform the essential functions of his or her job adequately because of loss of a necessary license or other necessary requirement shall be separated by lay-off from employment in that position until such license or requirement is re-obtained. The license or requirement should be reacquired within a reasonable length of time or the employee will be dismissed.
- (6) Dismissal or Discharge. Dismissals shall constitute discharges or separations for just cause, and shall be governed by the provisions of §36.19 of these policies and procedures as hereinafter set forth.
- (7) Retirement. The retirement of an employee shall consist of the voluntary separation of an employee who has met the requirements of age and length of service under the laws governing any applicable pension fund of which such employee may be a member.
- (8) Death. Separation shall be effective as of the date of the death of the employee. All compensation, including annual leave pay, due to such employee, as of the effective date of separation, shall be paid to the beneficiary of the employee, as may be determined by law or by the applicable executed documents in the personnel folder of such employee.

(B) Pre-Termination Hearing.

The pre-termination hearing procedures outlined in §36.19-C-4 apply to:

- (1) Abandonment of job;
- (2) Inability to perform the essential functions of the position;
- (3) Loss of a job requirement necessary to perform the essential functions of the position;
- (4) Dismissal or discharge as defined in this section of these policies and procedures.

(Ord. Passed 10-30-07)

### **§ 36.20 DISCIPLINARY ACTIONS**

(A) Intent.

Effective supervision and good employee relations should reduce to a minimum those instances necessitating disciplinary action. The establishment of rules and regulations and the imposition of disciplinary action for a violation thereof are not intended to restrict the rights of any employee, but are for the purpose of insuring the right of all and for securing cooperation and orderliness throughout the classified service. The severity of the disciplinary action imposed should be related to the gravity of the offense, the employee's record of disciplinary action, and the disciplinary action imposed in similar cases. Any disciplinary action imposed shall be for just cause. The county will not allow discrimination against any employee because of race, color, religion, sex, age, national origin, disability, or political affiliation.

(B) Conduct Subject to Disciplinary Action. The following actions shall constitute just cause for disciplinary action but the imposition of disciplinary action shall not be limited to the offenses set forth:

- (1) The conviction of a felony, or of a misdemeanor involving moral turpitude.

- (2) Excessive absenteeism.
  - (3) Absence without leave, or failure to report after the expiration of a leave of absence.
  - (4) Excessive tardiness.
  - (5) Abuse of leave.
  - (6) Insubordination or serious breach of proper discipline.
  - (7) Inefficiency or incompetency.
  - (8) Abuse or theft of County property.
  - (9) Vacating ones job during regular working hours.
  - (10) The borrowing of County equipment for personal use without prior official permission.
  - (11) The loss of a job requirement, such as the loss of a necessary license, which prevents the adequate performance of the essential functions of the position.
  - (12) The willful making of false statements to supervisors, officials, the public, boards, Commissions, or agencies.
  - (13) The violation of County ordinances, administrative regulations, departmental rules, or these rules and regulations.
  - (14) The consumption, sale, or possession of alcoholic beverages and/or illegal substances while at work, or being intoxicated on the job, or being otherwise affected on the job because of the prior use of some illegal substance.
  - (15) The discovery of a false statement in an application
  - (16) Acceptance of gratuities in conflict with state law or county ordinance.
  - (17) Political activity in conflict with §36.27, §36.28 of these Policies and Procedures.
  - (18) Engaging in offensive conduct or using offensive language toward the public, supervisory personnel, or fellow employees.
  - (19) Harassment on the basis of race, color, sex, religion, national origin, citizenship, age, or disability.
- (C) Types of Progressive Disciplinary Action.
- A department head, subject to the employee's right of appeal as provided in §36.24, shall have the following alternatives when disciplining an employee.
- (1) Reprimands.
    - (a) Oral Reprimands. An oral reprimand is a progressive disciplinary measure which may be issued for an incident, action, or behavior which does not warrant more severe disciplinary action. In the oral reprimand, the supervisor will verbally and privately explain to the employee that he or she is being reprimanded, describe the problem, and indicate what must be done to correct the problem. Documentation in the official Personnel file is required.
    - (b) Written Reprimands. Where the incident, action, or behavior of the employee is such as not to initially warrant a more severe type of disciplinary action, a written reprimand may be issued for first or second offenses, including but not limited to unauthorized absence from duty [for less than three (3) days], abuse of leave privileges, vacating ones job duties during regular working hours, frequent unexcused tardiness, inattention to duty, insubordination, improper conduct, or loss or destruction of county property. Written reprimands shall be issued by the department head to the affected employee, and a copy of same shall be forwarded to the Human Resources Administrator and filed in the personnel folder of such employee.

- (2) Suspension.
- (a) A department head may suspend without pay depending on the offense any employee under his or her supervision for a period of not less than one (1) but no more than ten (10) working days.
  - (b) A written statement specifically setting forth the reasons for such action and the length of time of such suspension shall be furnished by the department head to the affected employee, and a copy of same shall be sent to the Human Resources Administrator and filed in the personnel folder of such employee within one (1) working day of the effective date of the action.
  - (c) An employee may be suspended for a period longer than ten (10) working days upon the express approval of the Human Resources Administrator and Department Head. A written statement shall be furnished by the Human Resources administrator to the affected employee within one (1) working day of his or her decision advising the employee of the length of the suspension.
  - (d) When an employee has been accused of serious misconduct or criminal behavior, the employee may be suspended with pay for a period of five (5) days, during which the Human Resources Administrator will conduct an investigation to determine whether the pending charges will affect the employee's job performance or whether the conduct which resulted in the arrest is the basis for disciplinary action. Where the Human Resources Administrator determines that an employee's return to work would not be in the best interest of the county, the employee will be given notice of his or her proposed indefinite suspension without pay, including the reasons for the suspension, and the employee will be given an opportunity to respond to the Human Resources Administrator concerning those reasons.  

NOTE: After the employee has had an opportunity to respond, the Human Resources Administrator will issue a decision on the indefinite suspension. If the employee has been accused of a serious misconduct or a criminal behavior they are suspended without pay. After the investigation, if the findings are that the offense did not take place the employee will be reinstated with back pay.
- (3) Demotion.
- (a) For just cause, a department head may reduce the salary of a regular employee within the range provided in the pay plan or demote the employee to a lower-graded position. The department head shall take such action after consultation with the Human Resources Administrator.
  - (b) A written statement specifically setting forth the reasons for any such action shall be furnished by the department head to the affected employee, and a copy of same shall be forwarded to the Human Resources Administrator and filed in the personnel folder of such employee within one (1) working day of the effective date of the action.
- (4) Dismissal.
- (a) When a regular employee is charged with misconduct that serves as just cause for dismissal, the department head shall place the employee on a three (3) day suspension with pay pending further investigation.
  - (b) A written statement specifically setting forth the reasons for suspension with a recommendation for dismissal shall be furnished by the person proposing the

dismissal to the affected employee, and a copy of the same shall be furnished to the Human Resources Administrator within one (1) working day of the effective date of the action.

- (c) The Human Resources Administrator shall ensure that a written notice of the charges has been furnished to the affected employee and shall conduct an investigation to assure that the charges are substantiated and that no errors relevant to the charges were made.
  - (d) Within three (3) working days of the affected employee being notified of the charges, the Human Resources Administrator shall hold a conference at which the employee shall be authorized to present information which is pertinent to the charges on his/her behalf.
  - (e) The Appeals Committee shall render a decision on the proposal for dismissal based on all of the relevant information.
  - (f) The Human Resources Administrator shall advise the employee of his/her right to appeal the decision under the grievance procedure.
- (5) Notification of Right of Appeal. Any written notification submitted to a regular employee who is being subjected to disciplinary action shall set forth the right of the employee to appeal such action to the Appeals Committee in the manner set forth in §36.24. Oral and written reprimands are not grievable actions.

NOTE: The express intent of §30.20 is to demonstrate the progressive nature of any dismissal or termination of employees for just causes.

(Ord. Passed 10-30-07)

### **§ 36.21 RECEIVING GIFTS PROHIBITED**

No employee of Pike County, Georgia, shall demand or receive any tips, gratuities, gifts, payment or anything of value from any person for the rendering of services during normal County business hours other than the payment that said employee is entitled to from the governing authority of Pike County.

(Ord. Passed 10-30-07)

### **§ 36.22 CONFLICTS OF INTEREST PROHIBITED**

- (A) It is resolved by the Pike County Board of Commissioners that no employee, officer or agent of Pike County shall participate in selection, or in the award or administration of a contract if a conflict of interest, real or apparent would be involved. For the purposes of this section, such a conflict would arise when any of the following has a financial or other interest in the firm selected for the award:
- (1) The employee, officer or agent;
  - (2) Any member of his or her immediate family;
  - (3) His or her partner; or
  - (4) An organization which employs, or is about to employ, any of the above.
- (B) The grantees or sub-grantees, officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub-agreements. Grantee and sub-grantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

- (C) Any person subject to this section who shall violate the terms of this section will be subject to disciplinary action, including but not limited to reduction in rank, termination and, where applicable, prosecution under state law.
  - (D) It is the intent of the Board of County Commissioners to comply with provisions of Federal and State Law that may specifically address “conflicts of interests” including those pertaining to governing officials.
- (Ord. Passed 10-30-07)

**§ 36.23 SEXUAL HARASSMENT POLICY**

- (A) Policy. Pike County's policy is to provide a professional, businesslike work environment free from all forms of employee discrimination, including incidents of sexual harassment. No employee shall be subjected to unsolicited and unwelcome sexual overtures or verbal or physical conduct of a sexual nature. Sexual harassment will be treated as misconduct with appropriate disciplinary sanctions.
- (B) Purpose. Under Title VII of the Civil Rights Act of 1964 (42 USC 2000e et seq.) and similar state statutes, sexual harassment in the workplace constitutes unlawful employment discrimination which may give rise to liability against both the employer and the harasser whether the harasser is a supervisory level employee or a co-employee of the complainant. The purpose of this order is to define sexual harassment, establish department policy concerning allegations of sexual harassment and establish appropriate reporting procedures.
- (C) Definitions.
  - (1) **SEXUAL HARASSMENT.** Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
    - (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
    - (b) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee;
    - (c) The conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.
    - (d) By way or illustration only, some examples of conduct which could constitute **SEXUAL HARASSMENT** in the workplace under certain circumstances would include but not necessarily be limited to the following:
      - (i) Sexual comments, attempts at humor or innuendoes of a provocative or suggestive nature;
      - (ii) The leaving of sexually explicit books, magazines or photographs in the workplace;
      - (iii) Unwelcome demeaning comments, ridicule, offensive language, propositions or other similar actions;
      - (iv) Unwanted, unwarranted, unsolicited off-duty telephone calls and contact;
      - (v) Hiring or promoting an employee in exchange for sexual favors or transferring, demoting or dismissing employees who refuse such sexual advances.
  - (2) **THREATENING OR HOSTILE BEHAVIOR.** Inappropriate, unprofessional or harassing actions causing an employee to feel intimidated or threatened in his or her workplace to the extent the employee believes his or her employment status may be



unreasonably in jeopardy unless actions outside the scope of his or her job description are performed.

(D) Employee's responsibilities.

- (1) Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:
  - (a) Monitoring the unit work environment on a daily basis for signs that harassment may be occurring;
  - (b) Counseling all employees in the types of behavior prohibited and the agency procedures for reporting and resolving complaints of harassment;
  - (c) Stopping any observed acts that may be considered harassment and taking appropriate steps to intervene, whether or not the involved employees are within his or her line of supervision; and
  - (d) Taking immediate action to limit the work contact between two employees where there has been a complaint of harassment, which is pending investigation.
- (2) Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment, pending investigation.
- (3) Each employee of this agency is responsible for assisting in the prevention of harassment through the following acts:
  - (a) Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
  - (b) Reporting acts of harassment to a supervisor.

(E) Procedures.

- (1) Any employee who believes that he or she is being harassed or threatened shall report the incident(s) to his or her supervisor as soon as possible so that steps may be taken to protect the employee from further harassment; appropriate investigative and disciplinary measures may be initiated. Where it is not practical to report the incident(s) to the immediate supervisor (such as where the supervisor is unavailable or where the allegation of misconduct involves the supervisor), the employee may instead report the incident(s) to another supervisor, to the County Manager, to a designated internal investigating authority, or in the event the allegations involve the County Manager, to the Chairman of the Board of County Commissioners.
- (2) Any complaint of sexual harassment or threatening behavior will be promptly and thoroughly investigated by the chief executive officer or the designated internal investigation authority (or the appointing authority, if applicable) to verify whether a violation of law and a department's policy has occurred. Where the allegations are verified, prompt and appropriate corrective action and disciplinary measures, up to and including dismissal, will be implemented.
- (3) The chief executive officer (or appointing authority, if applicable) shall inform the parties involved of the outcome of the investigation.
- (4) An employee reporting an incident of sexual harassment or assisting, testifying or participating in the investigation of such a complaint shall not be subject to any adverse employment action unless it is determined that the employee made the allegation knowing it was false.
- (5) Complainants or employees accused of harassment may file a grievance/appeal in accordance with the agency procedures when they disagree with the investigation or the disposition of a harassment claim.

(Ord. Passed 10-30-07)

**§ 36.24 GRIEVANCE PROCEDURES POLICY**

(A) Purpose.

It is the purpose of this policy to provide a procedure whereby employees may resolve disputes or complaints related to actions covered by the Pike County Personnel Policies and Procedures

(B) Policy.

Pike County recognizes that every employee has the right to be treated fairly in matters arising from employment in this agency; each employee should have the opportunity to be heard fully any time his or her right to fair treatment has been violated; and that a carefully designed grievance process can help to reduce personnel dissatisfaction, increase morale, identify problems in the organization and increase the positive perception employees have of their employment with this agency. Therefore, whenever an employee believes that he or she has been treated unfairly with regard to the terms and conditions of his or her employment, he or she may initiate proceedings as specified in this policy in order to resolve those matters. It is the responsibility of supervisors at all levels, consistent with authority delegated to them, to consider and take appropriate action promptly and fairly on a grievance.

(C) Definitions.

(1) GRIEVANCE. A claim of complaint based upon event or condition which affects the circumstance under which a permanent employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance might involve alleged safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas, or any other grievance relating to conditions of employment.

(2) APPEAL. The right of an applicant or employee to appear before the Pike County Manager and/or Appeals Committee to be heard on matters of discrimination, unfair practices or other grievances of such person in the manner prescribed in these policies and procedures. An Appeal may take place only after completing the grievance process outlined in this section if applicable.

(3) APPEALS COMMITTEE. As defined herein, the Appeals Committee shall consist of three to five members and may be created as needed by the Pike County Manager and/or Board of County Commissioners and may include one or more members from the following:

- (a) Board of Commissioners
- (b) Members from the Pike County Citizens Advisory Task Force
- (c) A Pike County Department Head; or
- (d) Other designated persons as may be deemed Appropriate by the County Manager and/or Board of County Commissioners.

(4) ELIGIBLE EMPLOYEES. All permanent or regular part-time employees.

(D) Procedures.

(1) Conditions and limitations.

- (a) The grievance procedures set forth in this policy are applicable only to eligible employees.

- (b) Pike County retains the right under applicable laws and regulations to direct employees in the performance of their duties; to take the necessary means to achieve the proper ends under emergency situations; and to hire, promote, transfer and assign employees as well as to suspend, demote, discharge or take disciplinary action against such employees for just cause.
  - (c) The scope of the employee grievance must:
    - (i) Clearly define the situation in question through a written allegation of the specific wrongful act or situation, the harm done and the facts upon which it is based;
    - (ii) Arise out of an act or failure to act that directly relates to the working conditions of the eligible employee or to the employee's employment relationship;
    - (iii) Define a matter within the control of Pike County; and
    - (iv) State such relief sought that is within the power of Pike County to grant.
- (2) Grievance procedure. The grievance procedure established by Pike County consists of three steps for appeal, each of which must be utilized in turn before appeal is made to the next step unless otherwise specified in this policy.
- (a) Step one - immediate supervisor. An employee who believes that elements of his or her working environment are unsatisfactory and can be made more effective should take the following measures:
    - (i) Discuss the specific problem with his or her immediate supervisor. A problem that results from a specific event or action must be presented within seven days. The supervisor's decision regarding the matter shall be rendered in writing to the employee within seven calendar days following the conference. The employee has the right to the presence of a representative of his or her choosing during this conference;
    - (ii) If the problem cannot be resolved through the conference and/or the employee wishes to document the grievance for further action, he or she may submit a formal written grievance to his/her department head. Employees who do not have a department head may submit their grievance directly to the County Manager.
  - (b) Step two - intermediate level supervisor. Grievances submitted to an intermediate level supervisor shall be in writing. The grievance must:
    - (i) Be submitted within seven days following receipt of the immediate supervisor's response;
    - (ii) Include a copy of the immediate supervisor's decision and justification;
    - (iii) Specify the employee's grievance and the specific remedy requested;
    - (iv) Provide a response to the immediate supervisor's decision; and
    - (v) Be responded to by the intermediate level supervisor within seven days of receipt.
  - (c) Step three – County Manager. If the matter is not satisfactorily resolved in step two, or in the event a department head position does not exist or the grievance involved the department head, the problem may be presented in writing to the County Manager, together with a copy of all preceding responses, within seven (7) days following the response of the employee's intermediate supervisor. The County Manager shall meet with the affected employee and a representative of his or her

choosing if so desired. A written response will be provided to the employee within seven (7) days after receipt of the appeal from the employee. The County Manager's decision shall be final. In the event the grievance involves the County Manager, the employee shall attempt to discuss the matter with the County Manager similar to steps one and two above. In the event the grievance is not resolved with the discussion with the County Manager, then the problem may be presented in writing to the Appeals Committee by serving the written request upon the County Manager who will then be responsible for forming the Appeals Committee as defined herein or otherwise ensure the Board of County Commissioners expeditiously form such Appeals Committee. The affected employee shall be given an opportunity to be heard before the Appeals Committee and have a representative of his or her choosing if so desired. A written response will be provided to the employee within (7) days of the appeal hearing before the Appeals Committee.

- (d) Written responses to grievances. Written responses to grievances shall include the following:
  - (i) Notation of the time, date and person who received the grievance;
  - (ii) Analysis of the facts or allegation in the grievance;
  - (iii) Affirmation or denial of the allegations;
  - (iv) Identification of the remedies or adjustments, if any, to be made.
- (e) Time limits. If a grievance is not processed by the aggrieved employee within the specified time limits provided in this policy, the grievance shall be considered void. If the department fails to process a grievance within the time limits specified, the employee may initiate action by proceeding to the next step. However, employees are encouraged to make a reasonable attempt to determine the reason for the delay.
- (f) Time extensions. All times specified in this procedure are subject to scheduled vacations, sick leave or other authorized leave necessary for the proper conduct of departmental business. Additionally, involved parties may request one extension not to exceed seven days by providing written notice to the other parties prior to the expiration of the time limit established for that step.
- (g) Withdrawal of grievance. At any time during the grievance process, the employee may withdraw the grievance by making written notification of the withdrawal available to all parties involved in the grievance process.
- (h) Coordination of grievance procedures. Pike County's chief executive officer shall also be responsible for:
  - (i) Maintaining and controlling all records relating to grievances in a manner that will ensure their confidentiality; and
  - (ii) Preparing written reports analyzing grievances filed.

(Ord. Passed 10-30-07)

### **§ 36.25 SELF-INSURED WORKER'S COMPENSATION FUND**

- (A) The Pike County, Georgia Emergency Management Director and the Volunteer First Responders in the unincorporated area of Pike County shall be covered under the Association of County Commissioners of Georgia Group Self-Insured Worker's Compensation Fund. While performing their emergency duties, the Emergency

Management Director and the Volunteer First Responders shall be covered under the Worker's Compensation Laws of the State of Georgia.

- (B) Certain elected officials of Pike County shall be covered under the Association of County Commissioners of Georgia Group Self-Insured Worker's Compensation Fund. While performing their elected duties, the Board of Commissioners, Sheriff, Probate Judge, Clerk of Court, Magistrate Judge, District Attorney, volunteer firefighters and Coroner shall be covered under the Worker's Compensation Laws of the State of Georgia.

(Ord. Passed 10-30-07)

### **§ 36.26 DRUG, ALCOHOL AND SUBSTANCE ABUSE POLICY**

(A) Purpose.

The Board of Commissioners of Pike County finds that the manufacture, distribution, sale, use or possession of controlled substances, marijuana, and other dangerous drugs in an unlawful manner is a serious threat to the public health, safety and welfare. The Board of Commissioners further finds that the use of alcohol during or prior to working hours is prohibited where alcohol can be measured at the level of .02 grams during working hours, such level being presumptively adverse to the safety of the workplace. It is declared to be a goal of Pike County, and all of its public officials and employees to take all reasonable steps possible to eradicate the unlawful manufacture, distribution, sale, use and possession of controlled substances, marijuana, and other dangerous drugs; and further to take all reasonable steps to eradicate the use of alcohol where a level of .02 grams exists, such level adversely affecting the safety of the workplace. With this purpose in mind, the Board of Commissioners declares that its work force must be absolutely free of any person who would knowingly manufacture, distribute, sell, use or possess a controlled substance, marijuana, or other dangerous drug in an unlawful manner; and from any person whose use of alcohol results in a level of .02 grams during working hours. For this reason, and pursuant to O.C.G.A. Title 45, Chapter 23, the Board of Commissioners of Pike County enacts this article.

(B) Definitions.

As used in this section these terms are defined as follows:

- (1) CONTROLLED SUBSTANCE. Any drug, substance, or immediate precursor included in Schedules I through V of O.C.G.A. §16-13-25 through 16-13-29 and Schedules I through V of 21 Code of Federal Regulations Part 1308.
- (2) CONVICTED OR CONVICTION. Refers to a final conviction in a court of competent jurisdiction or the acceptance of a plea of guilty.
- (3) COUNTY – Pike County, Georgia.
- (4) COUNTY EMPLOYEE. Any person employed by Pike County.
- (5) CRIMINAL DRUG STATUTE. Any criminal statute involving the manufacture, sale, distribution, dispensation, use or possession of any controlled substance or marijuana.
- (6) DANGEROUS DRUG. Any drug or substance defined as such under O.C.G.A. §16-13-71.
- (7) HIGH RISK. Those duties where inattention will have the potential for significant risk of harm to the employee, other employees, or the general public.
- (8) HUMAN RESOURCE ADMINISTRATOR. The Pike County employee tasked with the responsibility of Human Resource Management. The Pike County Board of Commissioners shall give this responsibility to the Pike County Manager as a collateral

duty until such time that a full-time Human Resource Administration position would be financially feasible.

(9) MARIJUANA. All parts of the plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and shall include the completely defoliated mature stalks of such plant, or fiber produced from such stalks.

(10) UNDER THE INFLUENCE OF DRUGS/ALCOHOL. Testing positive for the presence of illegal drugs or a blood alcohol test result of .02 grams or more.

(C) Violation.

It shall be a violation of this policy for any Pike County employee to be under the influence of a controlled substance or alcohol while on the work premises or elsewhere as a result of job requirements during working hours while the employee is at work. Any Pike County employee in possession of, selling, distributing, trafficking, or manufacturing any controlled substance shall be in violation of this policy.

(D) Prescription Drugs.

Any Pike County employee under his/her doctor's orders to take prescription medication, and who is requested to undergo drug testing, shall notify his/her immediate supervisor prior to the testing, if that employee is currently taking the prescribed medication. Any persons who has been offered employment with Pike County in a position that has been designated as high risk, and is under his/her doctor's orders to take prescription medication, and is currently taking the prescribed medication, shall notify the director of personnel prior to the mandatory pre-employment testing.

(E) Random drug testing.

(1) Certain positions within the County are the type known as "high risk." Due to the potential serious consequences of a Pike County employee in a high risk position attempting to perform his/her job functions while under the influence of drugs or alcohol, employees in those positions identified as high risk are subject to random drug/alcohol testing.

(2) The Pike County Human Resource Administrator shall identify those positions which are high risk. Any employee who applies for a transfer, gets promoted to, or is hired into a high risk position shall be subject to random drug/alcohol testing.

(3) All persons who have been offered employment with the County in a position that has been designated as high risk must undergo drug/alcohol testing as a precondition to employment.

(4) All employees in high risk positions who are required to undergo drug/alcohol testing are subject to the same disciplinary measures in §36.25.(G)(2) below for their refusal to undergo the testing.

(F) Reasonable suspicion.

(1) Any Pike County employee who demonstrates an unexplained inability to perform his/her normal job functions safely or productively and/or exhibits characteristics consistent with the use of a controlled substance or alcohol (e.g., slurred speech, unsteady gait, etc.) will be required to undergo a drug/alcohol test to determine whether or not a violation of this policy has occurred.

(2) Whenever any supervisor detects any evidence of alcohol, drugs, or controlled substances in the work place, such evidence shall constitute reasonable suspicion that an employee is in violation of this policy.

(G) Procedures for reasonable suspicion drug/alcohol testing.

- (1) Any supervisor who has reason to believe an employee is under the influence of drugs/alcohol, in a non-emergency situation, shall contract the Pike County Human Resources Administrator, or his/her designee, to obtain approval prior to requesting the employee to undergo the testing. In a non-emergency situation, one or more additional supervisors shall observe the employee to corroborate that reasonable suspicion exists warranting a drug/alcohol test.
  - (2) The employee shall be requested by the supervisor to undergo a drug/alcohol test. If the employee should refuse to submit to the testing, disciplinary measures shall be taken against the employee, ranging from a minimum five-day suspension from work without pay up to and including termination, for refusing to submit to the testing and for insubordination. The next time a supervisor's suspicion that the employee is under the influence of drug/alcohol; if the employee should refuse to submit to the testing the employee will be terminated.
  - (3) The employee, after consenting to the testing, shall be transported by the County to the testing facility. Following the test, the employee shall be suspended with pay pending an investigation and the test results. If the test results are positive, the employee will be afforded an opportunity to explain. If no justifiable explanation exists, disciplinary action will be taken up to and including termination. If the test is negative, the supervisor will explain this to the employee and the employee will be assured that this matter has been concluded and nothing will be placed in the employee's personnel file. The employee will then immediately assume his/her job responsibilities.
- (H) Confidential information.  
Information concerning suspected controlled substance use and testing results shall be placed in locked files separate from the routine personnel files. Such information shall be communicated only to those individuals who need to know the information in order to perform their job functions.
- (I) Suspension or termination of a Pike County employee convicted of drug offense.
- (1) Any Pike County employee who is convicted for the first time, under the laws of this State, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale or possession of a controlled substance, marijuana, or a dangerous drug shall be subject to disciplinary action, ranging from a minimum five-day suspension from work without pay up to and including termination. Any such employee not terminated shall be required to complete a drug abuse treatment and education program licensed under O.C.G.A. Title 26, Chapter 5.
  - (2) Any Pike County employee who is convicted for a second or subsequent time, under the laws of this State, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale or possession of a controlled substance, marijuana, or a dangerous drug shall be terminated from his/her employment.
- (J) Ineligibility for Pike County employment of persons convicted of drug offense.
- (1) Any person who has been convicted for the first time, under the laws of this State, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale, use or possession of a controlled substance, marijuana, or a dangerous drug shall be ineligible for any Pike County employment for a period of twelve (12) months from the date of conviction.
  - (2) Any person who has been convicted two or more times, under the laws of this State, the United States, or any other state of any criminal offense involving the manufacture,

distribution, sale or possession of a controlled substance, marijuana, or a dangerous drug shall be ineligible from any Pike County employment for a period of five (5) years from the most recent date of conviction.

(K) Last chance policy.

- (1) If, prior to an arrest for any offense involving a controlled substance, marijuana, or a dangerous drug, a Pike County employee notifies the County that the employee illegally uses a controlled substance, marijuana, or a dangerous drug and is receiving, agrees to receive treatment, or requests treatment assistance from the County under a drug abuse treatment and education program licensed under O.C.G.A. Title 26, Chapter 5, and approved by the County, the employee shall be entitled to maintain Pike County employment for up to one (1) year as long as the employee follows the treatment plan. No employee shall be terminated, disciplined, nor suffer any adverse employment action solely because he/she sought referral to a program that provides the benefits and treatment or for otherwise having identified himself/herself as having a drug dependence, provided that the employee seeks assistance in obtaining proper treatment for such an addiction before either testing positive or becoming involved in an incident which would ordinarily result in a search or testing under this policy. During this period, the County employee shall not be separated from Pike County employment solely on the basis of the employee's drug dependence, but the employee's work activities may be restructured if practicable to protect persons or property.
- (2) No statement made by an employee to a supervisor of the Pike County employee or other person in order to comply with this section shall be admissible in any civil, administrative or criminal proceeding as evidence against the Pike County employee. The rights granted by this Code section shall be available to any Pike County employee only once during a five-year period and shall not apply to any Pike County employee who has refused to be tested or who has tested positive for a controlled substance, marijuana, or a dangerous drug.
- (3) No employee who has identified himself/herself as being in need of such treatment before an incident shall suffer any discrimination in any term or condition of employment including promotion and transfer opportunities solely because of his/her disclosure so long as the employee seeks such assistance and adheres to the treatment plan prescribed by his/her physician or other medical counselor and remains free of illicit chemicals and substances so long as the employee is entitled to the position. No employee who has successfully received treatment through a program and remains drug free shall be subject to adverse or disciplinary treatment for having participated in such a program. Notwithstanding the foregoing provisions, the requirement that an employee who has returned to duty following completion of a drug treatment program to submit to more frequent random drug testing as a means of ensuring the employee's continued compliance with this program shall not be considered "adverse" or "discriminatory" treatment.
- (4) All records of drug and alcohol screening test results, all referrals to or participation in an employee Assistance Program (EAP) and of any treatment for addictive disorders or diseases shall be maintained as strictly confidential employee personnel information which shall not be revealed to any person other than the Human Resource Administrator, County Manager, and/or a supervisor/department head having the need



to know such information, the County Attorney also may be deemed necessary; and any appropriate medical providers.

Such information shall not be revealed under any circumstance to any other person, employees, or prospective employers in an employment reference, checks, nor to any other agencies, persons, or organizations unless the County is compelled, by statute, regulation or court order to reveal such information to such persons or organizations, or to defend itself in any action growing out of its enforcement of this policy.

(Ord. Passed 10-30-07)

### **§ 36.27 EQUAL OPPORTUNITY AND NON-DISCRIMINATION**

(A) Policy.

All applicants for positions and employees of the County shall be assured of fair and equitable treatment in all aspects of personnel administration, including training, promotion, and disciplinary action, without regard to political affiliation, race, color, national origin, sex, age, disability, or religious creed and with proper regard for their privacy and constitutional rights as citizens.

(B) Publicity.

The Human Resources Administrator shall see that information about job opportunities and the equal employment policy of the County is readily available to all citizens of the County and especially to all potential job applicants.

(C) Appeals Based on Alleged Discrimination.

Any applicant or employee who believes that he or she has been discriminated against shall have the right to counsel with the Human Resources Administrator and to avail himself or herself of the Grievance Procedure outlined in §36.23.

(D) Affirmative Action Plan.

The Pike County Board of Commissioners may adopt an affirmative action plan to formulate actions to correct employment practices which have, or potentially could have, a negative impact upon minority groups or females.

(E) While applicants to positions under the jurisdiction of County elected officials and employees of County elected officials are not specifically covered under this section, they are covered by any applicable state or federal laws governing equal opportunity and non-discrimination.

(Ord. Passed 10-30-07)

### **§ 36.28 POLITICAL ACTIVITIES**

Employees of Pike County are encouraged to exercise their right to vote; but no employee shall make use of County time or equipment to aid a political candidate, political party or political cause, or use a County position to persuade, coerce or intimidate any person in the interest of a political candidate, party or cause.

(Ord. Passed 10-30-07)

### **§ 36.29 THEFT**

Pike County and its department heads cannot and will not tolerate the theft of any items purchased for/by/with tax payers funds. Employees of Pike County who are caught in the act of stealing products, goods, supplies of any sort will find themselves under immediate termination of employment.

(Ord. Passed 10-30-07)

**§ 36.30 CODE OF ETHICS**

(A) Purpose and intent.

- (1) The purpose of this code of ethics is to establish ethical standards of conduct for all officials and employees of Pike County by identifying acts or actions that are incompatible with the best interests of the community and the organization and by requiring disclosure by such officials and employees of private financial, or other interests, in matters affecting the County.
- (2) Those covered officials and employees are bound to observe in their official acts the highest standards of behavior and to faithfully discharge the duties and responsibilities of their office, regardless of personal considerations, recognizing that the public interest must be their primary concern.
- (3) Covered officials and employees shall not exceed their authority or breach the law, or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.
- (4) It is the intent of this section to supplement the Code of Ethics set forth in Federal and State Law pertaining to local government officials.

(B) Definitions.

- (1) CODE OF ETHICS. The Code of Ethics of Pike County.
- (2) COUNTY. Pike County, Georgia.
- (3) COVERED OFFICIAL. Any member of the Board of Commissioners of Pike County and any person who has been appointed to a position by the Board of Commissioners of Pike County including, but not limited to, the County Manager, the County Clerk, department heads, and any member of the planning commission, the zoning board of appeals, or any other appointed board. The county attorney is subject to the ethical considerations and disciplinary rules enacted by the State Bar of Georgia, and is also considered a covered official insofar as the application of this article. However, enforcement shall be through the procedures as established by the State Bar of Georgia.
- (4) GIFT. The transfer of anything of economic value, regardless of form, without adequate and lawful consideration. "Gift" also means a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred.
- (5) IMMEDIATE FAMILY. Parents, spouse, children or siblings.
- (6) Text of ethical considerations.

(C) Notwithstanding any provisions of law to the contrary, each covered official and employee of Pike County shall:

- (1) Uphold the Constitution, laws and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion;
- (2) Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;
- (3) Not engage in any business with the government, or allow any member of his/her immediate family to engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his/her governmental duties;

- (4) Never use any information coming to him/her confidentially in the performance of governmental duties as a means for making private profit;
  - (5) Expose corruption wherever discovered;
  - (6) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any persons, association, or corporation for himself/herself, or any member of his/her immediate family, under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the official's/employee's official duties. For gifts, loans, gratuities, discounts, favors, hospitality, or services solicited, accepted, or agreed to accept under circumstances from which it cannot be reasonably inferred that a major purpose of the donor was to influence the performance of the official's/employee's official duties, the following rules shall apply: A covered official shall publicly disclose, prior to discussing or taking any official action on any matter involving the donor, any gift or campaign contribution (cash or in kind) received by him/her, or any member of his/her immediate family, greater than five hundred dollars (\$500.00). Receipt of gifts and campaign contributions valued at two thousand dollars (\$2,000.00) or more by a covered official, or member of his/her immediate family, will prohibit the covered official from participating or taking official action on any matter involving the donor.
  - (7) Never accept any economic opportunity for himself/herself, or any member of his/her immediate family, under circumstances where he/she knows or should know that there is a substantial possibility that the opportunity is being afforded with intent to influence his/her conduct in the performance of his/her official duties. All business relationships, regardless of the dollar amount involved, between a covered official, or a member of his/her immediate family, and anyone having business with the County shall be publicly disclosed prior to any discussion or official action being taken on the matter. Should the business relationship provide a covered official, or a member of his/her immediate family, with at least ten thousand dollars ( \$10,000.00) on an annual basis, such covered official shall be prohibited from participating or taking official action on any matter involving the person with whom such business relationship exists; and
  - (8) Never engage in other conduct which is unbecoming to an official/employee or which constitutes a breach of public trust.
- (D) Procedure for alleged violations.
- (1) Alleged violations of this code of ethics must be submitted via written, sworn complaint to the Clerk of the Board of Commissioners shall review all complaints against covered officials and employees except those complaints filed against a member of the Board of Commissioners. A majority of the full Board of Commissioners must agree that a sufficient basis has been given to warrant a public hearing. Certain violations alleged against employees may be referred through the proper channels within the employee handbook's disciplinary procedures.
  - (2) The Board of Commissioners shall conduct the public hearing to determine whether, based upon clear and convincing evidence, the covered official or employee violated the code of ethics. Covered officials and employees are subject to the following penalties and actions for violations of this code of ethics:
    - (a) Written reprimand or public censure;
    - (b) Recovery of value transferred or received by the County;
    - (c) Cancellation of the contract or rejection by the County;

- (d) A monetary fine not to exceed two thousand dollars (\$2,000.00); and
  - (e) Demotion or termination.
- (3) If a complaint is received by the Human Resource Administrators which alleges a violation of the code of ethics by a member of the Board of Commissioners, an independent review board will be formed if the complaint alleges sufficient facts which, if proven to be true, would be a violation of the code of ethics. The County Attorney of any county within the Griffin Judicial Circuit, except the County Attorney for Pike County, shall make the determination of whether or not a review board should be impaneled. If a review board is needed, three (3) County Attorneys within reasonably close geographical proximity to the County will be requested to conduct a public hearing based upon the complaint. A majority vote, based on clear and convincing evidence, will determine the existence of a violation.

(Ord. Passed 10-30-07)

**§ 36.31 ELECTRONIC & INFORMATION SYSTEMS POLICY**

- (A) Pike County’s electronic and information systems shall be used solely for Pike County work-related purposes. Electronic and information systems include all communication transmitted by, received from, or stored in Pike County owned equipment.
- (B) The use of all county owned computers, telecommunication equipment – including fax machines, copiers, and computer hardware and software shall be limited to Pike County work purposes only. Private uses of said equipment shall be strictly prohibited.
- (C) Employees shall not use County or Department access codes, duplicate or retrieve any stored communication associated with or part of the Pike County electronic and information system unless authorized by the appropriate Constitutional Officer or Department Supervisor. Said information shall be used to perform job-related functions.
- (D) Passwords and access codes are the sole property of Pike County, any improper use of equipment or software to include but not limited to, duplicate articles such as cartoons, photos, programs, etc. shall not be tolerated.
- (E) Violation of any portion of this Policy shall result in immediate disciplinary action up to and including termination.
- (F) All Pike County employees and prospective employees are required to sign the e-mail Internet, and voice mail acknowledgment form (See Appendix) affirming they have reviewed and understand the Personnel Policy for Electronic and Information systems.

(Ord. Passed 10-30-07)

**§ 36.32 POLICY CHANGES**

These policies shall reflect, and be superseded by, any changes mandated by State or Federal legislation. The Pike County Board of Commissioners reserves the right to amend this policy as deemed necessary.

(Ord. Passed 10-30-07)

**§ 36.33 WORK SCHEDULE**

- (A) Each Constitutional Officer and the Board of County Commissioners shall establish the work schedule/hours of operation for their activities under their direct authority.
- (B) For payroll purposes, the basic work week for all County employees shall be forty (40) hours. However, in the County’s law enforcement and emergency services areas, the

standard work week shall be determined by work schedules designed to best fit the needs of the citizens and the department staffing availability of hours.

- (C) All Constitutional Officers/Department Supervisors shall prominently post on their Department's bulletin boards, the hours of operation for his/her department. Said posting shall also include the standard lunch periods. A copy of the department's hours of operation will be forwarded to the County Manager for his/her information. (Ord. Passed 10-30-07)

### **§ 36.34 CONFIDENTIAL NATURE OF COUNTY AFFAIRS**

It is the policy of this County that the internal affairs of Pike County, particularly confidential information, represent a public trust that each employee has a continuing obligation to protect. Information designated as confidential, including but not limited to investigation, legal matter, etc., is to be discussed with no one outside the organization and only discussed within the organization on a "need to know" basis. In addition, employees have a responsibility to avoid unnecessary disclosure of non-confidential information about the County, its employees, its citizens, and its suppliers. This responsibility is not intended to impede normal business communications and relationships, but is intended to alert employees to their obligation to use discretion to safeguard internal County affairs. Employees violating the intent of this policy will be subject to discipline, up to and including termination.

(Ord. Passed 10-30-07)

### **§ 36.35 CELL PHONE USAGE POLICY**

- (A) Pike County supplies telephones for use by essential employees of the County and for other uses such as essential communications between work teams necessitating a level of reliable communications for safety and operating effectiveness. These issue phones are the property of the Pike County government; therefore, the improper use of these phones is strictly prohibited. No phones owned by Pike County are to be used for personal communications, up-loading or down-loading of data unless it is a component of the job category, unnecessary taking of non-essential phone calls, or for text messaging unrelated to job duties. Abuse of the phones owned by Pike County may result in the loss of the phone privileges and/or the confiscation of the County-owned phones.
- (B) Further, all employees who are issued Pike County telephones must sign proper forms that evidences the employee's acknowledgement of this policy and that he or she fully understands that the County-owned phones are the responsibility of the employee to whom the phone(s) are issued; and that the employee fully understands that the responsibility of possession and maintaining said issued phones rests solely on the employee to whom the phone(s) are issued and that the loss of any County-owned phone will require the employee to whom the phone(s) are issued to immediately replace the lost phones.
- (C) The issuance of phones shall be determined at the discretion of Pike County and the Pike County Manager and shall be issued based on the following:
  - (1) Cell Phone Issuance Criteria:
    - (a) Issuance of a phone will significantly improve the services provided by the County or significantly improve the job performance of the employee;
    - (b) Issuance of a phone will ensure safety and essential communications;
    - (c) The issuance of a phone will be essential to providing public safety;
    - (d) Other circumstances exist that suggest the issuance of a phone will improve the life, safety and health of the employee or the citizens of Pike County;

- (e) The issuance of the phone will ensure the protection of public property.
- (2) Replacement Policy:
  - (a) It is understood that Pike County does not maintain replacement coverage for any phone issued to an employee;
  - (b) Lost, stolen or damaged phones issued by the County are the sole responsibility of the employee to whom the phone(s) are issued;
  - (c) Employees to whom the County-owned phones are issued shall be responsible for immediately replacing any lost, stolen or damaged County-owned phone.

(Ord. Passed 10-30-07)

### **§ 36.36 ON-CALL STATUS**

The Public Works and Building and Grounds Departments are frequently called after-hours to clear roads, respond to emergency situation, address building problems such as water leaks, break-ins, etc. An “After Hours Call-In Response Policy” is in order to address the need to have these personnel available. This schedule is assigned to each Public Works and Building and Grounds employee alphabetically, where the employee is placed on call for a period of one week.

#### **(A) Public Works.**

This schedule rotates around those employees who have the capacity to respond to the needs at hand. The employee who is on-call is compensated \$40.00 for his seven day period whether he/she is called out for an after-hours emergency or not. In the event that the employee is called out for an afterhours emergency, he/she is paid a minimum of three hours based on his/her hourly overtime rate, in addition to the \$40.00. In some instances, the employee may be called out more than once during his/her On-Call status, and will be compensated based on his/her hourly overtime rate for each call out. Also, some after hour emergencies may require more than one employee to handle the job. In such cases, the director is contacted (by the on-call employee or E-911), and at the discretion of the director, other Public Works personnel will be dispatched for assistance. Employees called in to assist the on-call employee will only be entitled to receive their hourly overtime rate for hours worked, generally a minimum of three hours. Call-in hours extending beyond the three hour call-in period will be compensated at time-and-one-half for all other hours worked.

#### **(B) Building & Grounds.**

These department employees will be paid a minimum of three hours based on his/her hourly overtime rate with no “On-Call” compensation rate. In some instances, these employees may be called out more than once during his/her On-Call status, and will be compensated based on his hourly overtime rate for each call out. Also, some after hour emergencies may require more than one employee to handle the job. In such cases the director is contacted (by the on-call employee or E-911), and at the discretion of the department supervisor, other personnel will be dispatched for assistance. Employees called in to assist the on-call employee will only be entitled to receive their hourly overtime rate for hours worked, generally a minimum of three hours. Call-in hours extending beyond the three-hour call-in period will be compensated at time-and-one-half all other hours worked.

(Ord. Passed 10-30-07)

### **§ 36.37 EMPLOYEE OF THE QUARTER PROGRAM**

- (A) The Employee of the Quarter Program is established in order to reward those efforts put forth by individuals employed by Pike County.
  - (B) The Employee of the Quarter will receive:
    - (1) Recognition at a regularly scheduled meeting of the Pike County Board of Commissioners;
    - (2) Recognition in the Pike County Journal Reporter; and
    - (3) A two hundred, fifty dollar (\$250.00) check.
  - (C) Department Heads shall submit candidates for Employee of the Quarter to the County Manager for review and recommendation for selection by the Board of Commissioners. Performance to be considered for selection may include but not be limited to:
    - (1) Cost-saving measures implemented by an employee;
    - (2) Public Service recognition and Public Relations actions;
    - (3) Leadership qualities and professional conduct;
    - (4) Personal initiative demonstrated by undertaking job related and self-improvement training on a voluntary basis;
    - (5) Job performance improvements by making enhancements to the methods for carrying out the duties of the employee's current position
  - (D) Recognition will begin on regularly scheduled Board of Commissioners meeting dates as follows:
    - (1) First Wednesday in November of each year;
    - (2) First Wednesday in February of each year;
    - (3) First Wednesday in May of each year; and
    - (4) First Wednesday in August of each year.
  - (E) Department Heads shall complete the documentation form explaining the reasons for their submissions.
  - (F) Each Department Head may submit one candidate per quarter.
  - (G) An employee is not restricted from consecutive awards.
- (Res. Passed 12/12/07)

### **§ 36.38 SEAT BELT POLICY**

- (A) All employees and their passengers are required to use a seat belt when traveling in any vehicle while in the course of conducting Pike County business. The requirement applies to business travel in a vehicle owned by Pike County, in a rental vehicle or in a vehicle owned by an individual employee, regardless of whether the employee is being compensated for the use of his/her vehicle.
- (B) If an employee is provided a county-owned vehicle that is used in the course of his/her employment and is also available for that employee's personal use, that employee, together with all passengers who occupy the vehicle at any time and for any purpose, whether business-related or personal, are required to use seat belts at all times the vehicle is in motion.
- (C) The use of seat belts is to be considered a condition of employment with Pike County. Failure to abide by this stated policy will be considered a breach of that condition of employment and subject the person in violation to disciplinary action, including suspension and possible termination.
- (D) All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The

sections, paragraphs, sentences, clauses and phrases in this ordinance are severable. Should any section, paragraph, sentence, clause or phrase of this ordinance be rendered invalid by any court of law, the remaining sections, paragraphs, sentences, clauses or phrases shall not be affected but shall continue in effect until amended or repealed by action of the governing authority of Pike County, Georgia.

(E) This ordinance shall go into effect upon second reading and adoption by the Pike County Board of Commissioners (February 9, 2011).

(Ord. Passed 02-09-11)