

SPENCER COUNTY GOVERNMENT

Personnel Policies and Procedures
Handbook
Adopted December 17, 2018

Welcome to Spencer County Government

Dear New County Employee,

Congratulations and welcome to Spencer County Government! We are delighted you are joining us.

In the next few weeks you will meet many coworkers, supervisors, and managers. Feel free to let them know what you need in order to accomplish your new responsibilities. You may refer often to the written information in this handbook. It will provide you with a resource that will help you make a smooth transition into your new role, but don't hesitate to ask your supervisor or personnel representative whenever questions arise.

The efforts and hard work of our retired and present employees have made Spencer County Government's record one of pride through service to all Spencer County citizens.

We are happy to have you on our team. We look forward to your contributions and to a long and successful relationship with you.

Personnel Policies

At-Will Employment

The following policies have been developed to provide you with information concerning the philosophies and practices of Spencer County Government in personnel matters. These policies were effective as of January 1, 2019. Please read through these Personnel Policies, and discuss any questions you may have with your supervisor.

Employment by Spencer County Government is "at-will". Therefore, Spencer County Fiscal Court is not required to give any reason for relieving or terminating employees or positions. Spencer County Government supports Americans with Disabilities Act, Equal Employment Opportunity Commission, Older Americans Act, Civil Rights Act, and other applicable federal and state legislation, regulations and law.

I hereby understand my employment is an "at-will" basis and I hereby accept appointment of Spencer County Government I further understand that my "at-will" nature of employment may not be altered by any oral or written agreements, nor perceived as implied through conversations, policies, or any means whatsoever in or out of the workplace,

Verification of receipt and understanding of the at-will terms of employment:

Signature

Date

Name (Please Print)

Department

Witness

Date

Personnel Policies

Certificate of Receipt

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

Since the information, policies, and benefits described here are subject to change, I acknowledged revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand revised information will supersede, modify, or eliminate existing policies. Only the Spencer County Judge/Executive and Spencer County Fiscal Court has the ability to adopt personnel policies.

Deputy Sheriffs will come under the authority of the Sheriff’s Standard Operating Procedures, in addition to this administrative code. The Sheriff’s Standard Operating Procedures shall be on file in the Sheriff’s office and Judge/Executive’s Office. County Clerks Personnel will be regulated by the Clerk’s Administrative Code, in addition to this administrative code. The Clerk’s Administrative Code shall be on file in the Clerk’s office.

Furthermore, I understand this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

I certify I have been through a complete orientation, received a copy of the Personnel Policies and Procedures, and have been afforded ample opportunity to ask questions about the policies and procedures of the Spencer County Government I understand it is my responsibility to be familiar with the contents of this manual

My signature affirms I completed the Spencer County Government orientation process. I agree to become familiar with the Personnel Policies & Procedures Handbook.

Signature

Date

Printed Name

Department

Witness

Date

Personnel Policies

**CERTIFICATION OF ACKNOWLEDGEMENT
DRUG & ALCOHOL-FREE WORKPLACE
POLICIES AND PROCEDURES**

I, the undersigned, acknowledge, and understand the policies and procedures as presented, I further acknowledge I have been presented a copy of the full policy and procedures regarding a drug free workplace, and I agree to follow all policies and procedures as set forth therein. I accept and understand that following these policies and procedures is a condition of my employment or my continued employment with the Spencer County Government.

Furthermore, I understand that these policies and procedures may be amended at any time.

Signature

Date

Printed Name

Department

Witness

Date

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CHAPTER 1: OBJECTIVES AND SCOPE

Section I: Purposes

These personnel policies are adopted to provide for the recruitment, development and retention of the best employee for each position within the classified service of Spencer County Government.

These policies are intended to cover most personnel problems and actions which will arise. Those not specifically covered shall be interpreted by the Spencer County Judge/Executive, hereinafter referred to as the Judge/Executive. In no instance shall these policies supersede the Kentucky Revised Statutes.

Section II: Responsibility and Authority

- A. The responsibility and authority for the implementation and administration of these policies are vested in the Judge/Executive.
- B. The Judge/Executive may serve as the Personnel Officer or may designate a member of the Administrative staff as the Personnel Officer. If someone else is designated by the Judge/Executive, that person shall not have the authority to make policy decisions. The designee shall administer the Spencer County Personnel Policies and Procedures and develop recommendations for policy changes to present to the Judge/Executive and the Fiscal Court for their approval.
- C. In addition to other duties as set forth in these policies and procedures, the Judge/Executive shall ensure subsequent amendments or additions are communicated as follows:
 - 1. Immediately upon official amendment, the change(s) shall be written in a manner and format consistent with these policies and procedures; and
 - 2. A memorandum explaining the change(s) with the amendment attached shall be distributed to all personnel assigned custody of this handbook.

Section III: Equal Employment Opportunity

Spencer County Government, hereinafter referred to as the County, is an Equal Opportunity Employer and seeks to provide equal opportunity to all its employees and applicants for employment and to prohibit discrimination based on race, color, religion, gender, national origin, political affiliation, age, disability, or marital status.

The County promotes equal opportunity in matters of hiring, promotion, transfer, compensation, benefits, and all other terms, privileges and conditions of employment. The County ensures equal opportunities are available on the basis of individual merit and encourages all persons to seek employment and to strive for advancement on this basis.

Section IV: Scope of Coverage

The following Personnel Policies and Procedures, hereinafter referred to as Policies and Procedures, are applicable to all persons employed to positions at all levels in the County government, in which the Spencer County Fiscal Court, hereinafter referred to as Fiscal Court, approves payment of workers' compensation, insurance premiums, with the exceptions of the following:

- A. All elected officials;
- B. All members of boards and commissions;
- C. Consultants, advisors, and counsel rendering temporary professional services;
- D. Members of volunteer organizations; and
- E. Precincts Election Officers

Section V: Department Rules

These personnel policies do not prohibit Department Heads from issuing departmental rules or regulations provided they are not in conflict with these personnel policies, federal laws and regulations, state laws and regulations, or County ordinances and regulations.

Section VI: Severability

If any provisions of these personnel policies or any provisions of their subsequent applications are held invalid, such invalidation does not affect the remainder of these personnel policies or their applications.

Section VII: Disclaimer

Information included in these personnel policies is not intended to represent a contract, and may be changed by the Fiscal Court without notice.

Section VII: Effective Date

These personnel policies, adopted this ___ day of _____, _____, shall take effect on _____.

Section IX: Repealer

Any prior provision of the Spencer County Personnel Policies and Procedures, or any other Resolution or Order previously adopted by the Fiscal Court, which is in conflict with these Policies and Procedures adopted this ___ day of _____ is hereby Repealed, Remanded and held for Naught.

CHAPTER 2: EMPLOYMENT

Section I: Placement Policy

An appointment to a position shall be made only after the individual being considered is qualified for the position. This policy applies to new applicants, rehires, transfers, and promotions.

Subject to approval by the Fiscal Court, the Judge Executive shall make all appointments. The appointment shall state the name of the individual, position appointed, beginning wage, and beginning date of employment.

Section II: Methods of Filling Vacancies

Department supervisors shall notify the Judge Executive when vacancies occur or are imminent.

- A. **Promotions**: In considering the filling of a vacancy, current employees meeting job requirements shall be considered for the position after submitting a letter of interest. However, in the event the Department Supervisor determines the needs of the department are best accommodated by the employment of a person who is not a current employee, they may recommend hiring the non-employee in the best interest of the department.
- B. **Transfer**: It shall be the policy of the Judge Executive to consider filling vacancies by any current employee requesting a transfer. The Judge Executive, or designee, must determine the transfer is in the best interest of the department. Any employee being considered for transfer must be qualified for the position and complete a letter of interest.
- C. **Open Application Policy**: It shall be the policy of the Court to accept applications for employment during regular business hours. Should it be determined no current employee is qualified for promotion or transfer or a new hire is in the best interest of the department, the Personnel Committee may select from applicants on file. Public recruitment shall be in accordance with Announcements for Vacancies procedures.
- D. **Recruitment**: Should it be determined by the Personnel Committee that no current employee qualifies for promotion or transfer, and current applicants do not qualify or it would be in the best interest of the department to recruit externally, public recruitment of applicants or previous employees shall be considered in filling the vacancy. Public recruitment shall be in accordance with Section 4, Announcements of Vacancies.

Section III: Provisional Appointment

With the approval of Fiscal Court, a provisional appointment may be made to fill a vacancy until a qualified applicant is chosen. A provisional appointee's tenure shall terminate as soon as the temporarily appointed position is filled by a qualified person.

Section IV: Announcement of Vacancies

If recruitment is initiated, notices of employment opportunities shall be publicized via posting at the Judge Executive’s office and the county government website at a minimum. Local publications, emails, and phone calls may also be used to provide interested and qualified persons notice of an opportunity to apply. Such notices shall:

- A. List the vacant position;
- B. Specify the job title; starting pay; the qualifications required; and the nature of work performed;
- C. Tell when and where to file for employment;
- D. Give further information deemed pertinent;
- E. Be posted at the entrance of the Fiscal Courthouse, on the county website, and other such places where eligible candidates might reasonable expect it to be located.

Section V: Application Form

- A. Applicants must apply on forms provided by the Court.
- B. Applications are considered active for twelve months.
- C. The application form is subject to change due to changes in state and federal laws.

Section VI: Qualification of Eligibility for Position

No person may be appointed to a position unless verified information on an Employment Application Form of internal Letter of Interest indicates qualifications for the position are met as set forth in the position specifications.

Qualifications of an applicant for a position shall be ascertained based on one or more of the following:

- A. Information the applicant supplies on the official employment form;
- B. Written, performance or physical tests or examinations, or any combination, which may be required by state statute or regulation;
- C. Personal interview;
- D. Information and evaluations supplied by references given by the applicant; and/or
- E. Other appropriate information as determined.

The Personnel Committee and/or Court reserves the right to conduct background investigations on applicants for employment.

Section VII: Reassignment

A department Supervisor may recommend reassigning an employee to a position in the same salary grade. (The Judge Executive must approve any reassignment.) A reassignment involving a level change must be approved by the Fiscal Court. The reassignment shall be recorded in the employee's personnel file. A reassigned employee must meet the minimum requirements for the new position.

Section VIII: Transfer

Any employee occupying an established position may request a transfer from one position to a comparable position by submitted a Letter of Interest to the Department Supervisor and Judge Executive if:

- A. The employee possesses the appropriate qualifications for the position;
- B. The employee is not serving an original introductory period; and
- C. The position is vacant.

All transfers will serve as a new introductory period. A transfer shall not result in an employee's pay rate or eligibility date for a pay increase. An employee must meet the minimum requirements of the position to which he is being transferred. The "Methods of Filling Vacancies: section also includes procedures for employee transfers. All transfers must be consistent with Fiscal Court objectives.

Section IX: Employment Administration

- A. The Judge/Executive shall appoint all employees of the County with ratification of the Fiscal Court, when necessary.
- B. Each full-time and part-time position shall have a job description prepared by the responsible Supervisor or Department Head, approved by the Fiscal Court and filed with the Judge/Executive's office.
- C. The Judge/Executive shall inform the Fiscal Court at its next scheduled meeting of such temporary employment. Such temporary employment shall not be used to circumvent subsections A and B in this section.
- D. A personnel file shall be maintained by the Treasurer for each employee. It will contain all records applicable to the employee. It shall be the responsibility of the employee to provide for the personnel file any current information which may affect his/her job status,

payroll deductions, benefits or other matters.

- E. For the purpose of administering benefits which do not have a stated employment year, each employee shall have an employment year from January thru December 31. Such benefits shall be prorated for the actual employment term of any initial employment prior to January 1.
- F. Any job openings which may come available with the County shall be posted to current County employees for five (5) working days and may be advertised in the local newspaper at the same time.
- G. Since the various departments of the County may have unique work schedules, each department will define its own work schedule.

Section X: Conditions of Employment

Nothing contained in this section of the County's personnel policies, including the successful completion of an initial probationary period, shall alter the 'at-will' employment status between the County and the employee. The employee or the County may terminate the employment relationship during or after the initial or probationary period for any lawful reason, or for no reason at all. A probationary period is defined as the first ninety (90) days from the hire date.

- A. Probationary Period
 - 1. While serving an initial probationary period, an employee may be dismissed at any time without right of appeal or approval of the Fiscal Court.
 - 2. Initial probationary period may be extended for a position by the Judge/Executive if it is deemed that a longer period of time is needed to learn the work and evaluate the effectiveness of the work performed. An initial probationary period extended for a position may be extended for no longer than three (3) additional months.
 - 3. If at any time during the initial probationary period the appointing authority determines that the services of the employee have been unsatisfactory or are no longer needed, an employee may be separated from his/her position without the right of appeal or Fiscal Court approval.
 - 4. Upon successful completion of the probationary period, the Supervisor shall make recommendation to the Judge/Executive, for his approval, that the employee continues in the classification to which he/she has been appointed. Upon the Judge/Executive's approval, the decision shall be ratified by the Fiscal Court.

Section XI: Categories of Employment

The Judge/Executive is the appointing authority for all County positions of employment. On most occasions the Fiscal Court must ratify the Judge/Executive's appointment. Employees are appointed to one of the categories presented below:

A. Full-Time Position

A full-time position is one in which an employee successfully completes his/her three (3) month initial probationary period and maintains an average of at least thirty-seven and one-half (37.5) hours per week. If an employee has been working at least thirty-seven (37.5) hours per week in a position other than a full-time position and is placed in a full-time position, he/she may be granted, at the discretion of the Judge/Executive, credit for the time employed immediately prior to his/her new placement as a part or all of his/her introductory period. Full-time positions are eligible for all benefits. Note: Employees must successfully complete their initial probationary period to be eligible for participation in the County Employee Retirement System (CERS).

B. Part-Time Position

1. An employee who works more than one hundred (100) hours per month with a defined work schedule and defined duties must participate in the County Employment Retirement System (CERS) following his/her successful completion of the initial probationary period. The employee is eligible to participate in all County benefits except vacation time and sick leave, provided he/she pay as follows:
 - a) Health Insurance- 100% of the premium
 - b) Dental Insurance- 100% of the premium
 - c) Vision Insurance- 100% of the premium
 - d) Life Insurance- 100% of the premium
2. An employee who works more than one hundred (100) hours per month with no defined work schedule and/or duties must participate in the County Employee Retirement System (CERS) following his/her successful completion of the initial probationary period. He/she is not eligible to participate in the County's insurance programs, Section 125 Cafeteria Plan, Deferred Compensation Program, **FEBCO card** or jury duty leave.
3. An employee who works fewer than one hundred (100) hours per month shall not be eligible for the County benefits package other than those mandated by law.

C. Temporary Position

A temporary position is one designed to last no more than twelve (12) months. To qualify, an employee shall complete a three (3) months probationary period. Temporary positions are not eligible for the County benefit package other than those mandated by law.

D. Seasonal Position

A seasonal position is a temporary position and is designed for a particular time of the year. It is not expected to last longer than six (6) months. To qualify, an employee shall complete a three (3) month probationary period. Seasonal positions are not eligible for the County benefit package other than those mandated by law.

Section XII: Orientation of Newly Appointed Personnel

A. An orientation shall be provided to all newly appointed persons (persons who have been offered conditional employment, pending negative drug and alcohol tests and pending criminal background check) by the County Personnel/Payroll Clerk or his/her designee. The drug and alcohol test shall take place not less than four (4) working days prior to the newly appointed person's beginning employment date. The balance of the orientation may take place the day of the drug and alcohol test or it may take place on another date prior to the employment date. The orientation shall include but is not limited to the following:

1. The newly appointed person shall submit to a drug/alcohol as required by Chapter 7 of these personnel policies. Failure to submit to the test or failure of the test shall be reason to prevent the newly appointed person from becoming a County employee. In no case shall the newly appointed person begin employment with the County without having passed the required alcohol and drug tests.
2. The newly appointed person shall be provided a copy of and will be asked to read the County's Drug & Alcohol-Free Workplace policy, which is Chapter 7 of this handbook, and sign a statement indicating that he/she will read the chapter.
3. A copy of this Personnel Policies and Procedures Handbook shall be given to the newly appointed person. Following the newly appointed person's accepting the handbook, he/she shall sign a statement that he/she will read the balance of the handbook before the beginning employment date and ask questions which he/she may not understand.
4. Highlights of the personnel policies including, but not limited to this section and Section II, concerning at-will employment, shall be explained to the newly appointed person.
5. The newly appointed person shall sign a statement that he/she understands the concept of at-will employment and agrees to it.

6. The benefits programs shall be explained to the newly appointed person. Federal and state withholding papers shall be filled out and signed at that time by him/her. Insurance and other optional programs may be accepted at that time or at any other time prior to calculation of his/her first payroll.
- B. The new employee shall receive his/her job description; expectations of him/her; any departmental policies, procedures and work rules on his/her first day of employment from the Department Head or his/her designee. For convenience, this may take place prior to the first day of employment.

Section XIII: Change of Duties

A. Transfer

Any employee occupying a regular position may request a transfer from one position to another comparable position, provided the position to which the employee is transferred is one for which he/she possesses the appropriate minimum qualifications, and provided that the position applied for is vacant. The request shall be a written application.

B. Promotion

When a vacancy occurs in a position above the entrance level, consideration shall be given to promotion of current qualified employees who submit written application for the position. However, if the Judge/Executive deems that the best interest of the County necessitates the appointment of an applicant not currently employed by the County, the position may be filled by appointment of a person from outside the government.

An employee occupying a regular position may be promoted from one position to a higher position only if he/she possesses the minimum qualifications for the higher position and if the position is vacant.

C. Demotion

In the event an employee become unable to perform the duties with reasonable accommodation as stated in the position description, for disciplinary reasons, or in lieu of a layoff, an employee may be demoted at the County's discretion, provided the employee meets the qualifications for the demoted position, and the position is vacant. The employee's salary will be adjusted accordingly.

Section XIV: Protection of Personal Information

Policy Statement: The purpose of this policy is to minimize the risk of disclosing personal information and setting practical guidelines for effectively responding to security incidents. Having a policy is important because it promotes consistent response procedures to make sure appropriate actions are taken. This policy is Attachment 1 in the Spencer County

Administrative Code and sets forth the procedures and practices pursuant to KRS 61.932 and the Department for Local Government (“DLG”).

Section XV: Resignation and Termination

- A. The personnel policies in this manual are not an employment contract, nor any other type of contract. Since employment within the County is based upon continuing mutual consent, either the employee or the County has the right to terminate employment at any time for any reason. This is commonly referred to as “at-will” employment.
- B. An employee who resigns is expected to give at least a ten (10) working days notice and, if done, shall entitle him/her to payment for any accrued vacation time and personal days; otherwise, accrued vacation time is forfeited by the employee.

Section XVI: Disciplinary Actions

- A. To effectively serve the public, the County must maintain effective policies and practices for employee discipline. When warranted, progressive discipline will be used, which may include termination.
- B. The County may administer verbal or written warnings, suspensions, demotions or may terminate employment for disciplinary reasons. An employee may also be suspended pending the investigation of workplace misconduct, including but not limited to, policy violations.
- C. Depending on the severity of the offense, the disciplinary process may begin at any of the steps listed herein, as determined by the County at its sole discretion.
 - 1. Verbal Warnings. The employee’s supervisor shall issue a verbal warning for conduct which necessitates disciplinary action. A written summary of the verbal warning shall be made a part of the employee’s personnel file.
 - 2. Written Warnings. The employee’s supervisor shall issue a written warning for conduct which necessitates such disciplinary action. The written warning shall be placed in the employees’ personnel file.
 - 3. Suspensions.
 - a) An employee’s immediate supervisor may suspend him/her without pay for the remainder of his/her work shift if the employee violates department or County rules or regulations which may cause harm to him/her, other employees, the public in general, or property of the County or others. The immediate supervisor shall communicate with the Judge/Executive regarding the action taken.
 - b) An employee’s Department Head may suspend him/her without pay, prior to Fiscal Court notification if the employee committed a violation of department or County rules or regulations which are serious enough in the opinion of the Department Head to warrant suspension. The

Department Head shall notify Fiscal Court at the next regularly scheduled meeting.

- c) Upon a suspension being issued, as described in either subsection C, 3a or C. 3b in this section, the Department Head of the suspended employee shall communicate with the Judge/Executive regarding the action taken.
 - d) The Judge/Executive has the authority to suspend an employee without pay for up to 30 days without the Fiscal Court's approval or longer with the ratification of the Fiscal Court. Fiscal Court's ratification is not required for the Judge/Executive's staff.
4. Demotions. Demotions for disciplinary reasons are addressed in Section V: Change of Duties, Subsection C of this Chapter.
5. Terminations. The Judge/Executive may terminate employment for a County employee with the ratification of the Fiscal Court. Fiscal Court's ratification is not required for members of the Judge/Executive's staff.
- a) The Judge/Executive shall give notice to any employee who is being considered for termination at least five (5) working days prior to the meeting of the Fiscal Court at which time such recommendation would be ratified. Such employee shall have the right to appear at such meeting of the Fiscal Court to respond to the pending termination. The hearing shall be conducted by the Fiscal Court in a closed session. The hearing and records of it shall be closed to the public unless the employee chooses a public hearing.
 - b) The Judge/Executive has the authority to suspend any employee pending termination for a period up to 30 days without Fiscal Court approval or longer with the ratification of the Fiscal Court. Any employee, who is suspended from employment pending termination, shall not receive compensation or accrue any benefits, except as required by law.

Section XVII: Administrative Leave

County Judge and Department Head may have the authority to place an employee on administrative leave with or without pay based on situation, must have approval of Fiscal Court at next meeting.

CHAPTER 3: COMPENSATION PLAN

Section I: Job Classification

- A. The Department Head shall be responsible for the preparation of a descriptive job classification plan for all non-elected positions and a copy will be given to the Judge Executive.
- B. Each job class shall be in writing and include:
 - 1. A concise, descriptive title;
 - 2. Description of the duties and responsibilities of each person in each classification;
 - 3. A statement of minimum and desirable qualifications for each position.
- C. All positions in a single class shall be sufficiently alike to permit use of a single title, description, qualifications and pay range.

Section II: Overtime Pay

- A. In order to determine whether an employee shall receive overtime pay for hours worked in excess of forty (40) hours per week, each class shall be declared “exempt” or “non-exempt” in accordance with provisions of existing labor laws. Exempt employees shall receive overtime pay at the rate of one and one-half (1.5) times the hourly wages for actual hours worked in excess of forty (40) hours in any work week, or they may receive comp time for the overtime worked at one and one-half times the hourly wages for the actual hours worked in excess of forty (40) hours in any work week, provided the department in which they work has adopted a comp time policy.
- B. Holidays, sick leave and vacation time shall not be used in calculation of overtime, but shall be considered in the total computation of hours during the work week. See Benefits: Chapter 5.
- C. Overtime work shall be approved in advance by the employee’s immediate supervisor whenever possible and shall be kept at the minimum consistent with maintenance of essential services and the County’s financial resources.

Section III: Holiday Pay

Compensation for Holidays: See Chapter 5: BENEFITS, Section XI: Holidays.

Section IV: Vacation and Sick Leave Pay

The Personnel/Payroll Clerk and/or the Department Head shall keep an accurate record of the accrued vacation time and sick leave of each employee. Vacation time and sick leave continue to accumulate when an employee is off because of a workers' compensation injury or illness. See Chapter 5: BENEFITS, Section II: VACATION AND SICK LEAVE TIME

Section V: Method of Payment

- A. County employees are paid on a bi-weekly basis. Payday for wages earned during these pay periods will be the Friday following the end of the pay period.
- B. Pay stubs will itemize deductions made from the employee's pay, including Federal Income Tax, State Income Tax, City Occupational Tax (where applicable), Social Security Tax and County Retirement. Other deductions, if any, will be shown.
- C. Pay check stubs will list the employee's accrued vacation time, personal time and sick leave.

CHAPTER 4: TRAVEL AND REIMBURSEMENT

Section I: General Policy

It is policy of the County to reimburse employees for reasonable expenses of a business nature incurred while traveling on authorized County business or incurred with specific and authorized business purposes. To be reimbursable, the expense shall be necessary, be of a reasonable nature and be properly approved in accordance with the requirements of these personnel policies.

Control of travel expenses is the responsibility of each employee. In all cases, prudence and good judgment shall be exercised regarding the reasonableness of expenditures (reasonable is the amount an employee would expect to pay if paying his/her own expenses).

While not every aspect of travel may be included, this policy will serve as a guide for most situations the employee will encounter. If the employee is uncertain of something before a trip, clarification should be sought from his/her Department Head.

Section II: Travel Approval

All travel shall be pre-approved and coordinated by his/her Department Head.

Section III: Transportation, Lodging and Meal

A. Automobiles

1. Employees shall utilize the County owned vehicle for travel in accordance with their official duties when possible.
2. When travel in the employee's privately owned vehicle is required, employees shall be reimbursed at a rate equal to the current rate utilized by the Commonwealth of Kentucky. (see <http://www.finance.ky.gov/internal/travel> for the current reimbursement rate).
3. When the County vehicle is not available, with approval of the County Judge, the use of a rental car for out-of-town business may be used. These rental cars shall be no larger than full-size and shall be returned with a full tank of gasoline. Renting a car larger than full-size is permitted only when there is a need to do so and with the prior approval of his/her Department Head.
4. Tolls and parking expenses are reimbursable whether driving the County car, a personal car or a rental car, with a receipt.
5. Traffic violations and fines incurred by an employee while on County business are the responsibility of the employee.
6. Taxi service may be used when it is necessary to maintain business schedules.

Airport buses, shuttle services, airport limousine or free hotel pick up services should be used when possible, when out of state.

7. Expenses for parking while an employee is traveling on County business shall be reimbursed provided they are reasonable. Tolls incurred while driving on County business shall be reimbursed, with a receipt.

B. Lodging

1. Payment for travel requiring overnight stay(s) shall be made for the most reasonable and suitable accommodations available in the locality.
2. Overnight lodging for travel within a forty (40) mile radius of the Courthouse is not considered appropriate, unless attending a multi-day conference. If a need exists to stay overnight at a location within a forty (40) mile radius, approval shall be obtained from the Judge/Executive.
3. Reservations which cannot be kept shall be cancelled in a timely fashion to avoid 'no show' charges.
4. Employee shall not be reimbursed for movies, alcoholic beverages, or video games charged to the room.

C. Meal and Incidental Expenses

1. Meal costs reimbursed not to exceed \$40.00 per day, with receipts. Excludes tips, alcoholic beverages, cost of other entertainment or meals taken outside a conference event, when the registration fee for such conference includes meals.

Section IV: Expense Reports and Reimbursement

- A. Request for reimbursement form, accompanied by all applicable itemized receipts shall be completed for all reimbursable travel expenses incurred with official County travel. Itemized receipts are to be printed and include the following information:
 1. The name and address of supplier
 2. The date of the transaction
 3. A list of all items received, including a listing of food, if purchased
 4. The total amount of the transaction
- B. When the reimbursement form, which is available at the Treasurer's Office, is properly completed and approved, it shall be submitted to the Treasurer's Office for processing. Following approval by Fiscal Court, the reimbursement shall be made by the Treasurer's Office.
- C. All reimbursement forms must be turned into Treasurer's Office within one (1) month of the receipt date.

CHAPTER 5: BENEFITS

Section I: Probationary Period

- A. No benefits vest until after ninety (90) day probationary period is completed, although they accrue during the probationary period.
- B. Benefits apply to permanent full-time employees only. Benefits will be based upon date of hire in order to calculate years of service.

Section II: Vacation Time

- A. All full-time employees shall be entitled to vacation leave at the following rates:

<u>Years Service</u>	<u>Vacation Time</u>
First Year	0
Anniversary Date (After first completed year)	40 hours
2 – 7 years	80 hours
8 - 15 years	120 hours
15 years and over	160 hours

- B. Vacation time is based on the anniversary date of hire and will be awarded for use beginning February 1 of each calendar year. Employees achieving the next level of earned vacation time during the year shall receive additional time on a prorated basis for remainder of that year. Any vacation time accrued by the employee and not used by, nor paid the monetary equivalent to, the employee by December 31st of each year, will be carried forward to the next calendar year. Any employee will be allowed to accumulate and carry over a maximum of 240 vacation hours.
- C. The employee must complete a Vacation Leave Request Form and have the request authorized by the Department Head at least thirty days prior to using vacation leave. Exceptions can be made at the Department Head's discretion.
- D. No employee will be permitted to take advance leave or leave that has not been earned. Vacation pay shall be at full rate at the current wage.
- E. An employee who has at least one (1) full year and whose employment is terminated during the succeeding year is entitled to full vacation for the year worked.
- F. An employee who is terminated shall be paid for all accumulated vacation leave, excluding probationary employees.
- G. The County Treasurer and/or the finance officer shall keep complete records of

vacation leave. An employee fraudulently obtaining vacation leave or a department head falsely certifying vacation leave allowance may be suspended or dismissed, or subject to further legal action.

- H. Vacation time shall continue to accrue while an employee is absent from work due to a workers' compensation covered injury or illness.
- I. All accrued vacation time and personal time must be exhausted before any employee can request time off without pay if they do not meet the eligibility requirements for Family Medical Leave Act (FMLA) leave. Unpaid leave time is to be approved at the discretion of the Department Head.

Section III: Sick /Personal Time

- A. On February 1 of each calendar year, full-time employees will be given six (6) sick days. These sick days can be taken anytime during the calendar year upon the approval from their supervisor. Anytime an employee is absent from work two consecutive days, a doctor's note will be required. Up to 500 sick hours may accumulate and be carried forward into the next calendar year. Upon termination for any reason an employee forfeits all hours of sick time. All full-time and part-time employees of the County will be entitled to take leave from work without pay for illness and sickness of themselves or dependent children and/or family. The employee may be required to take extended leave without pay, for up to twelve (12) weeks under the provisions of the Family Medical Leave Act.
- B. On February 1 of each calendar year, full-time employees will be given six (6) personal days. These personal days can be taken anytime during the calendar year upon the approval from their supervisor. Request for use of the personal days shall be submitted to the supervisor on a Vacation Request Form with the designation "Personal Days" on it. These personal days may accumulate and be carried forward into the next calendar year. However, no employee may have more than 12 personal days accumulated at any given time. Days accumulated over 12 will be paid monetarily to the employee. Upon termination for any reason an employee shall be paid for accumulated personal leave, excluding probationary employees.
- C. All accrued sick time must be exhausted before any employee can request time off without pay if they do not meet the eligibility requirements for Family Medical Leave Act (FMLA) leave. Unpaid leave time is to be approved at the discretion of the Department Head.
- D. Sick leave shall continue to accrue while an employee is absent from work due to a workers' compensation covered injury or illness.
- E. If the employee cannot perform his/her current job and is limited to restricted duty and there is no restricted duty available, the employee shall use his/her sick leave or vacation time during the period he/she is absent. If the employee has no accrued sick leave or vacation time, he/she will be on unpaid leave.

- F. Employees who, following termination, are reemployed by the County, shall not have any former sick leave restored to their sick leave accounts.

Section IV: Workers' Compensation

- A. An employee absent from work because of a work related injury or illness is covered under workers' compensation law. Regulations of this law require the compensation to begin with the eighth (8) calendar day of disability, excluding medical benefits which begin immediately. Workers' compensation payment is granted for the first seven (7) calendar days if the disability continues for longer than fourteen (14) calendar days.
- B. Following a workers' compensation injury or illness, the County shall continue to pay the injured employee his/her ordinary income for the balance of the shift during which the injury or illness occurred.
- C. The County is not obliged to continue ordinary income benefits during the seven (7) calendar day period following the day of injury or illness. However, an employee may choose one of the following options:
 - 1. The County shall allow an employee, at his/her written request, within forty-eight (48) hours following the accident or illness, to use accrued vacation time pay for his/her scheduled shift not worked during the seven (7) calendar day period; or
 - 2. The County shall allow the employee to utilize accrued sick leave pay for his/her scheduled shift not worked during the seven (7) calendar day period following the injury or illness, provided:
 - a) The employee has not requested to use vacation time pay as allowed in subsection C.1 in this section; and
 - b) The injury or illness results in the employee being absent for not more than fourteen (14) calendar days; and
 - c) The employee submits a written request within forty-eight (48) hours from the time he/she returns to work following the injury or illness.
 - 3. The employee may choose not to request either vacation time pay or sick leave pay. In this case, no action is necessary.
- D. Worker's compensation payments usually continue until an employee reaches maximum medical improvement, or is released by a physician to return to work and returns to work, whichever comes first.
- E. Sick leave and vacation time shall continue to accrue while an employee is off from work because of an injury or illness covered by the workers' compensation law.

- F. If an employee has been absent from work because of a work related injury or illness, he/she shall supply his/her Supervisor with a doctor's release in order to return to work.
- G. The County workers' compensation insurance provider, utilizes a managed care system provider to assist employees suffering from a work related injury or illness. Information concerning the managed care system is available to all employees from the County Treasurer, their Supervisor or their Department Head.
- H. Return to Work

- 1. The purpose of this Article is to assist an employee, who has been injured or suffered an illness due to a work related condition, to return to work in a timely fashion.
- 2. Transitional Duty is a program in which the County provides meaningful work activities, when available, based on reasonable accommodation, to assist an employee who is not able to return to full duty employment, to return temporarily to a less demanding work position.

Transitional Duty is utilized only when work, which an injured or ill employee is medically able to perform, is available for the employee. In order to be considered eligible to participate in Transitional Duty, an employee must have a doctor's statement allowing the employee to return to the type of work available through the Transitional Duty program. An employee unable to return to his/her regular job, but capable of performing Transitional Duty, must return to Transitional Duty when requested to do so by the County. Failure to return to Transitional Duty may result in the following:

- a) The employee losing eligibility benefits or fully disability benefits of the workers' compensation program; or
- b) The employee being disqualified for certain employee benefits; or
- c) The employee being, in certain cases, terminated from employment.

Transitional Duty, when available, is a temporary program, not to exceed six months in length for any particular illness or injury.

Sick leave and vacation time shall continue to accrue while an employee is working either full-time or part-time in the Transitional Duty Program.

No permanent light duty positions will be created.

- 3. If an employee is unable to return to his/her regular job, or to Transitional Duty, the employee will be required to utilize the Family Medical Leave

program, when available, provided he/she is eligible for the program. Eligibility defined in CHAPTER 5: BENEFITS, Section XIII: Family and Medical Leave Act, Subsection A of this handbook.

4. When ready to return to full duty, employees shall provide a doctor's statement indicating they are capable of returning to full duty. Failure to return to full duty when required by the County may result in:
 - a) The employee being disqualified to receive further benefits; or the employee being, in certain cases, terminated from employment.

Section V: Uniforms

- A. The County shall pay the amount set by the Fiscal Court for uniforms for employees. These uniforms must be returned upon employee's termination.
- B. Soiled or ripped uniforms must be returned to the employee's immediate Supervisor in order to obtain replacement uniforms.

Section VI: Retirement Program

Each full-time employee and each part-time employee who works an average of one hundred (100) hours per month shall participate in the County Employees Retirement System after the three (3) month initial probationary period has ended.

Section VII: Unemployment Compensation

Each employee is covered by the Federal and State unemployment compensation laws.

Section VIII: Deferred Compensation Program

Each full-time employee and each part-time employee as described in Chapter 2: EMPLOYMENT, Section III: Categories of Employment, Subsection A and B of these personnel policies may participate in the Kentucky Deferred Compensation Program. This program, usually considered as a supplement to the County retirement program, allows the employee to invest in a 401K, 457, or Roth IRA program within the state program. The employee makes all contributions to this program. The County does not make contributions on behalf of the employee.

Section IX: Medical Insurance

- A. Based on the availability of budget revenues, the County will pay an allotment per month towards a single health insurance policy of full-time employees, and will pay an allotment per year towards the county health benefits card program for full-time employees who participate in the county-provided health insurance program.

The amount of the insurance allotment and benefits card allotment shall be reviewed annually as part of budget preparations and health insurance renewal periods. In the event an employee is out of work due to illness, regardless of cause, the County limits the payment of the health insurance premium for a period not to exceed six months.

- B. Benefits are as set forth in the carrier contract.
- C. No other medical benefit is implied.
- D. Each Kentucky Retirement System retiree hired by the County may participate in the County's health insurance program. If the retiree participates in the Kentucky Retirement insurance program, the County will reimburse the premium as required by the Kentucky Retirement System.

Section X: COBRA/HIPPA

If an employee leaves County employment, or the employee's work hours are reduced, the employee may continue to participate in the health insurance plan for a limited time by paying the total amount of the premium. To be eligible for this benefit, the employee must not be eligible for other group insurance or be entitled to Medicare Insurance. The employee's right to continue health insurance coverage at special group rates, by personally paying the full premium, is assured under federal law (the Consolidated Omnibus Budget Reconciliation Act of 1985 or COBRA). This law requires that the employer notify the employee and any eligible dependents in writing about eligibility for continued group health insurance. The employee has the responsibility to notify the employer when the employee or any eligible dependents wishes to participate.

- A. If an employee voluntarily quits, retires, is terminated (except for gross misconduct) or has reduction of working hours, the employee can continue health insurance coverage for 19 months, beginning with the date of the qualifying event, (a qualifying event is one in which an employee voluntarily quits, retires, is terminated except for gross misconduct or has a reduction in working hours) or extended to 29 months in cases of Qualified Beneficiaries, who are deemed by the Social Security Administration to have been disabled before the end of the first 60 days of COBRA continuation coverage.
- B. If an individual is the spouse or dependent of a deceased, divorced, separated, or entitled-to-Medicare employee, the individual may continue health insurance coverage for 36 months, beginning with the date of the qualifying event. It is the individual or the dependent's responsibility to notify the health group administrator within thirty (30) days of the qualifying event when and if these qualifying events occur: divorce, legal separation, or dependent child is no longer an eligible dependent. The individual or the eligible dependent has the responsibility to file the application provided by the employer within sixty (60) days of loss of insurance coverage.

Following enrollment, the individual shall be responsible for making all premium payments on time to the Insurance carrier representative. If the individual misses making the

payment on time, his/her insurance will be canceled the month the premium is not paid.

- C. The Health Insurance Portability and Accountability Act (HIPPA) was signed into effect on August 21, 1996. HIPPA policy limits exclusions for preexisting medical conditions; provides credit for prior health care coverage and a process for providing certificates concerning prior coverage to a new group health plan or insurer; provides new rights that allow individuals to enroll for health coverage when they lose other health coverage or add new dependent; prohibits discrimination in enrollment and in premiums charged to employees and their dependents based on health status-related factors; guarantees availability of health insurance coverage in both the small and large group markets; and preserves the states' role in regulating health insurance, including the states' authority to provide greater protections.

Section XI: Holidays

- A. The County observes the same holiday schedule which the State observes. If a holiday occurs during an employee's vacation time or sick leave, he/she shall be given an equivalent time off with pay. The time shall be arranged with the pre-approval of his/her Supervisor. In addition to the above, any day may be designated as a holiday by proclamation of the Fiscal Court.
- B. The following applies to employees regularly assigned to a twenty-four (24) hour shift such as the EMS Department:
 - 1. The employees shall receive eight (8) hours holiday pay regardless of whether they are assigned on duty or off duty during the holiday.
 - 2. Holidays shall be observed on the actual holiday and shall start at the beginning of the employees' scheduled work day and end at the completion of the scheduled work day, as detailed in Subsection B of this section.
 - 3. Holiday pay shall be calculated at the employee's regular hourly rate of pay.

Section XII: Jury Duty

- A. Any employee absent from a scheduled period of work to serve on a jury or to make a court appearance in the course of his/her employment shall receive the normal pay he/she would otherwise have received.
- B. Any employee absent from a scheduled period of work for a personal court appearance shall not be paid for the time he/she was absent from work unless

he/she uses accrued vacation time.

Section XIII: Family and Medical Leave Act

- A. The County shall comply with the mandatory requirements as follows in the summarized version of the Family and Medical Leave Act (FMLA).
 - 1. All employees are eligible to receive 12 work weeks of unpaid, job-guaranteed leave during any 12-month period under circumstances that are critical to the life and death of their families.
 - 2. Employees are eligible if they have been employed a total of 12 months or more, and have worked 1,250 hours or more during the previous 12 months.
 - 3. Eligible employees shall use accrued sick leave and vacation time while on FMLA. Employees shall continue to accrue sick leave and vacation time as long as wages are being paid for utilized sick leave and vacation time. Once all accrued sick leave and vacation time are exhausted employees shall not accrue further sick and vacation time.
 - 4. Employees become entitled to take this leave:
 - a) Upon the birth or placement of a child for adoption or foster care; or
 - b) When they are needed to care for a spouse, child, or parent with a serious health condition. A “child” may be an adopted child, foster child, stepchild, legal ward, or one of whom the employee has day-to-day responsibility including those older than 19 if they are incapable of self care because of a mental or physical disability; or
 - c) When they are unable to perform the duties of their position because of a serious health condition; or
 - d) When the leave period to care for a newborn or newly placed child expires at the end of the 12-month period beginning on the date of birth or placement.
 - 5. The County will use January through December as the fixed 12-month period for all employees to determine the “12-month period” in which the leave entitlement occurs, with the exception of Military Caregiver Leave in which the 12 month period begins when the employee starts using his/her leave.
- B. Each employee is required to provide at least a 30 days’ prior notice to his/her Supervisor, if foreseeable, or as soon as practicable, and make efforts to schedule the leave so as not to unduly disrupt the operations of his/her job, subject to approval by the doctor or health care provider of the person requiring health care.

- C. No accrual of seniority, privileges, or benefits (except health insurance, which the employee must pay on the same terms as if the employee continued to work, until returning to full-time work) shall be granted to an employee while participating in the Family and Medical Leave Act (FMLA). In some circumstances, the County may recover premiums it paid to maintain health insurance coverage for an employee who fails to return to work from FMLA leave.
- D. An employee who has participated in the Family and Medical Leave Act for himself/herself (self-care) shall be required to present a certification of fitness for duty from a health care provider prior to his/her return to work. Failure to provide the certification may cause denial of reinstatement.
- E. Workers' Compensation shall be designated as FMLA leave as long as the illness or injury is also an FMLA qualifying event. If so, FMLA benefits shall begin on the 15th calendar day following a workers' compensation injury and shall run concurrently with the workers' compensation leave.
- F. Qualifying Exigency Leave- The FMLA requires that employers provide employees up to 12 weeks of leave in a 12-month period to tend to any "exigency" resulting from a service member's call to duty. The FMLA regulations clarify that exigency leave may be taken by eligible employees (consisting of not only a spouse, son, daughter, or parent but also "next of kin"-the next nearest blood relative) while his/her spouse, son, daughter, or parent is on active duty or called to active duty status in the National Guard or Reserves, or if the family member is a retired member of the Regular Armed Forces or the Reserves. An employee whose family member is on an active duty or call to active duty for the Regular Armed Forces does not qualify for this leave. Qualifying exigencies include short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities.
- G. Military Caregiver Leave-An eligible employee is entitled to 26 workweeks of leave in a 12-month period to care for a covered service member in the Armed Forces (including the National Guard and Reserves) who becomes ill or injured as a result of his/her military service. The 12-month period begins when the employee starts using her or his leave. This leave may only be taken once per injury, but may be taken again if there are additional injuries. More than one family member may qualify for the leave.

Section XIV: Military Leave

- A. Employees who are members of any U.S. Military Reserve or National Guard shall be granted leave to attend authorized training exercises or take part in emergency activities. Such employees shall be paid one of two ways:
 - 1. The employee may receive the difference between his/her regular pay and his/her base military pay; or

2. The employee may use the training period as his/her vacation period and receive his/her full vacation pay. The maximum amount of said days shall not exceed twenty-one (21) working days annually unless a state of emergency exists.
- B. The County abides by the Uniformed Services Reemployment Rights Act.
 - C. Any full-time employee shall continue to accumulate earned sick leave and vacation time during an authorized leave of absence for military service.

Section XV: Voting Leave

All County employees shall be allowed reasonable UNPAID time off from work to vote, but must coordinate with their Supervisor in advance if the employee will need time off to vote. Employees may also schedule in advance accumulated paid vacation or personal time off if needed.

Section XVI: Commercial Driver License Requirements

- A. Any County employee whose job duties require him/her to obtain a Commercial Driver License (CDL) shall be given time off with pay to complete all required testing and licensing. Further, any employee shall have access to the proper vehicle, during normal, scheduled working hours, for training and testing purposes as may be required.
- B. All fees and charges associated with an employee obtaining his/her initial CDL, except the cost of the license itself, shall be paid by the County to the Circuit Clerk's Office upon the employee's successful completion and the issuance of the CDL. Thereafter, the annual cost of maintaining a CDL shall be the responsibility of the employer. Any costs associated with the reissuance of a suspended or expired CDL, should this ever occur, shall be at the expense of the employee.

Section XVII: Training/Continuing Education

The Judge/Executive may permit or direct the attendance of employees at meetings, conferences, workshops, or seminars intended to improve the knowledge, abilities and skills of County employees. The Judge/Executive may release an employee from his/her regular duties during work days to attend classes at a recognized institution of learning if, in the Department Head's judgment, such classes contribute favorable to the County's goals and objectives and the career development of the employees.

CHAPTER 6: CONFLICT AND COMPLAINT RESOLUTION

Section I: Purpose

The most effective accomplishment of the work of the County requires prompt consideration and equitable resolution of employees' conflicts or complaints informally. Both Supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there may be issues which will be resolved only after appeal and review.

The purpose of this rule is to insure that all employees are afforded fair, equitable and expeditious review of their issues without fear, coercion, or discrimination.

Section II: Procedures

A conflict is an employee's expressed dissatisfaction with a situation affecting his/her job. Employees and Supervisors shall work together informally to resolve any conflict which arises. If the conflict cannot be resolved informally, it shall be settled in the following manner:

- A. The employee with the conflict must first discuss the problem(s) or complaint(s) with his/her immediate Supervisor orally or informally. The Supervisor then has five (5) days to respond.
- B. If the employee is not satisfied with the action or decision of the immediate Supervisor, a written complaint or statement of the conflict must then be presented to the Judge/Executive within five (5) working days for action or decision. The Judge/Executive then has ten (10) working days to respond to this issue.

Section I: Purpose and Goals

- A. Realizing and accepting the legal, ethical and moral responsibilities associated with maintaining and running a county-wide government for all citizens of Spencer County, Kentucky; as well as running and maintaining a safe and healthful workplace for its employees; and understanding the potential for physical as well as monetary damage associated with the abuse of illicit substances, illegal drugs and alcohol to its employees, to the County as a place of employment and in turn, to the citizens of Spencer County, Kentucky as a whole; and with the intention to ensure that employees of the County understand that compliance with the stipulations set forth in this policy are conditions of employment with the County; the County is fully committed to doing its best to protect the safety, health and well-being of all employees of the County, to the overall citizenry of Spencer County, Kentucky and to other individuals who make use of the County’s facilities.

- B. Likewise, it is the County’s additional purpose(s) and intent to accomplish the following with the establishment of this policy:
 - 1. As a recipient of Federal Funds, to comply with the Drug Free Workplace Act of 1998 (PL100-690, Title V, Schedule D).
 - 2. To comply with Federal Department of Transportation regulations regarding employees holding Commercial Drivers Licenses (CDL).
 - 3. To reduce the number of accidents and injuries to employees, other persons and property.
 - 4. To reduce absenteeism and tardiness, and to increase the productivity of all employees of the Court.
 - 5. To help ensure the reputation of the County as a whole and of the County’s employees throughout the community.
 - 6. In line with the County’s stated goals and objectives, to provide leadership in helping to stem the tide of the abuse of alcohol, illicit substances and illegal drugs thought Spencer County and the Commonwealth of Kentucky as a whole.

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

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

Section II: Definitions

A. Accident—an unexpected and undesirable event resulting in damage or harm. For the purposes of this policy, the resulting damage or harm may constitute an injury which requires off-site medical attention be given to a person or damage to a vehicle or other property.

B. Alcohol—means any intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol. This includes over-the-counter and prescribed medications which contain more than one-half (1/2) of one percent (1%) of alcohol by volume.

C. Alcohol Testing—the testing for alcohol content by an Evidential Breath-Testing Device (EBT) or other Department of Transportation (DOT) approved device. DOT approved devices and procedures will also be used for non-DOT alcohol tests.

D. Drug—means a controlled substance as defined in KRS 219A.010 (6) and as established in 902 KAR Chapter 55, including:

1. Amphetamines
2. Cannabanoids (THC)
3. Cocaine
4. Opiates
5. Phencyclidine (PCP)
6. Benzodiazepines
7. Propoxyphene
8. Methaqualone
9. Methadone
10. Barbiturates
11. Synthetic Narcotics
12. Illicit Substances as defined in KRS 351.010
13. Volatile Substances as defined in KRS 217.900(1)

E. Drug or Alcohol Rehabilitation Program—means a service provider that provides confidential, timely, and expert identification, assessment, treatment and resolution of employee drug or alcohol abuse.

F. Drug Test—means a chemical, biological, or physical instrumental analysis administered by a qualified laboratory, for the purpose of determining the presence or absence of a drug or its metabolites or alcohol.

G. Illicit Substance—means those prescription drugs used illegally or in excess of therapeutic levels as well as illegal drugs.

H. Qualified Laboratory—means a laboratory certified in accordance with the National Laboratory Certification Program (NLCP) by the United States Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA).

- I. Reasonable Suspicion—as used in this policy, the term reasonable suspicion means, a belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience, training, or education.
- J. Refusal to Submit—means the failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing; or, the failure to provide adequate urine for controlled substances testing without a valid medical explanation after the employee receives notice of the requirement of urine testing; and/or engaging in conduct that clearly obstructs the testing process.
- K. Safety Sensitive Position(s)—Those jobs that would involve exceptional care and due diligence in the area of Public Safety to the County’s citizenry and to all employees of the County.
- L. Substance Abuse Professional—A licensed or certified psychologist, social worker, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.
- M. Volatile Substance—means any glue, cement, paint or other substance as described in KRS 217.900(1).

Section III: Applicability

- A. This policy is intended to apply whenever anyone is representing or conducting business for the County and applies to all employees for whom the Fiscal Court pays Workers Compensation Insurance Premiums including all employees of all duly elected Officers of the County. This policy applies during all working hours, while on call or paid standby and while performing work on behalf of the County while on or off County property. The policy applies to all County employees with special provisions designated to those employees identified as holding Safety Sensitive positions. These positions are ones in which their performance requires an extra degree of care and diligence in the area of Safety to the community.
- B. Those positions identified as Safety Sensitive include, but may not be limited to:
 - 1. Employees of the County Jailer
 - 2. Animal Control Officers
 - 3. Code Enforcement Officers
 - 4. Paramedics
 - 5. Emergency Medical Technicians (EMT)
 - 6. Heavy equipment operators
 - 7. Personnel driving CDL regulated vehicles
 - 8. Mechanics who work on these regulated vehicles
 - 9. Employees who supervise children and child related activities.

Section IV: Drug and Alcohol Testing

- A. While the Spencer County Jailer is a duly elected officer of the County, the Jailer's employees are included in the Workers Compensation Insurance Policy for the Spencer County Fiscal Court as a whole. For reasons that should be obvious to the average observer, the Spencer County Jailer must maintain a "No Tolerance" policy for the use of illegal drugs by his/her employees. Accordingly, employees of the Spencer County Jailer tested positive for illegal drugs shall be immediately terminated.
- C. The County shall administer alcohol and drug tests in circumstances which include but may not be limited to the following;
1. Pre-Employment Testing—Breath alcohol and urine drug testing shall be required of all new hire applicants after their receipt of a conditional offer of employment. After receiving the conditional offer of employment, applicants will have 48-hours in which to submit to testing at a testing facility. The County requires that every newly hired employee test free of controlled substances and have a breath alcohol concentration of not more than 0.02. Each offer of employment by the County shall be conditional upon the passing of controlled substance and alcohol test.

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

- a) An applicant with a confirmed positive test for controlled substances and/or alcohol in a concentration of 0.02 or greater, which is not legitimately explained to and accepted by a Medical Review Officer of the County's choosing, shall not be considered for employment.
- b) Any applicant who fails a controlled substance test shall not be considered for future employment with the County.
- c) Any applicant who refuses to take a controlled substance test shall be disqualified from future consideration for employment.
- d) Any applicant who tampers with, or attempts to tamper with, a urine specimen in any manner shall be disqualified from current and future consideration of employment with the County.
- e) An applicant whose positive test is confirmed and upheld by the qualified laboratory may request that the same sample be retested at his/her own expense a County approved laboratory.

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

Employees holding positions in which a Commercial Driver License (CDL) is required, must also be tested at a minimum rate as defined by the Department of Transportation.

3. Reasonable Suspicion Testing—A reasonable suspicion test shall be based on a belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific objective facts and reasonable inferences drawn from those facts in light of experience, training or education. The reasonable suspicion testing shall be based upon:
 - a) While at work, direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;
 - b) While at work, abnormal conduct, erratic behavior, or a significant deterioration in work performance;
 - c) A report of drug or alcohol use provided by a reliable and credible source.
 - d) Evidence that an individual has tampered with a drug or alcohol test during employment with the County;
 - e) Information that an employee has caused, contributed to or been involved in an accident at work;
 - f) Evidence that an employee has used, possessed, sold, solicited, or transferred illegal or illicit drugs or used alcohol while on the County's premises or while operating the County's vehicle, machinery or equipment.

The Judge/Executive or his/her designee shall be notified immediately of any indication of reasonable suspicion. Both the observing Department Supervisor and the Judge/Executive or his/her representative will review the policies and procedures herein and if necessary make arrangements with a testing facility of the County's choosing to conduct reasonable suspicion drug and/or alcohol testing as soon as possible.

When a reasonable suspicion test is ordered, the employee must submit to testing within 45 minutes of being notified that he/she will be tested. The observing Supervisor and/or designee shall remain at the testing site with the employee being tested, until the collection process is completed. Any

employee who is tested for reasonable suspicion shall be placed on leave with pay until the results of the test are known. After submitting to the drug/alcohol test, the employee may not return to work until the results of the test are known and only then if the results are negative. Only the Judge/Executive or his/her authorized designee may order a reasonable suspicion test.

4. Post Accident Testing—Drug and alcohol testing shall be conducted following an employee’s involvement in an accident on or off the County’s premises while on duty, or in the course of employment for the County.

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

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

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

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

Other Qualifying Event: The Department Director or his/her designee may request controlled substance/alcohol testing when an employee caused or cannot be completely discounted from causing a vehicular or any other type of accident in which a safety violation occurs and death, serious bodily

injury or major property damage did result or could have resulted. The Judge/Executive or his/her authorized designee along with the employee's Supervisor, will be responsible for determining whether a safety violation has occurred. In each case, Judge/Executive or his/her designee shall determine the necessity of drug and alcohol testing and shall communicate such testing with the involved employee and the employee's department head. If a post accident controlled substance/alcohol test is required, a confirmed positive test may result in the employee's immediate termination.

5. Return-To-Duty Testing—In all cases it shall be at the discretion of the Judge/Executive, subject to all applicable laws and regulations, as to whether to allow an employee who has violated any provision of this policy to continue in the County's employment. In view of the fact that the use of illegal drugs is a violation of established law, employees who test positive for drugs without a valid medical or bio-medical reason as verified by a qualified laboratory of the County's choosing, may be immediately terminated.

In the event that an employee who has tested positive for alcohol without a valid medical reason for a positive test, as confirmed by a qualified laboratory of the County's choosing, is allowed to enter a controlled substance/alcohol abuse rehabilitation program, the employee may be allowed to return to work only under the following circumstances:

- a) The employee may resume regular duties only after the employee tests negative in an alcohol and/or controlled substance test administered by the County approved laboratory and can provide a release to return to work from an appropriate substance abuse treatment facility or confirmation of continued and on-going participation in a County recognized substance abuse assistance program. An employee must test negative within a reasonable period of time from receipt of the initial test results not to exceed forty-five (45) days. Any repeat occurrence of substance abuse or violation of any other aspect of the County's Drug Free Workplace Policy will result in immediate termination.
- b) Prior to returning to work, the employee shall be required to meet with the Judge/Executive or his/her authorized designee to receive an explanation of the terms of continued employment; and to sign a written Return-to-Work Agreement, detailing the terms under which the employee will be allowed to return to work.
- c) Such agreement shall stipulate that the employee, at the County's request, may be required at any time, to submit to interviews and/or evaluation by the professional staff at an appropriate chemical dependency treatment facility. The return-to-work agreement will also stipulate that the employee be

required to submit to unannounced controlled substance and/or alcohol testing for up to twelve (12) months after resuming duties.

D. Testing Protocol

The collection of samples and administration of drug and alcohol tests shall follow all standards, procedures and protocols set forth by the U. S. Department of Health and Human Services Substance Abuse and Mental Health Administration (SAMHSA). Test results will be obtained by a qualified laboratory as defined elsewhere in this policy.

E. Testing Process

1. Any employee who has been ordered to undergo testing for drugs and/or alcohol shall receive an *Alcohol and/or Drug Testing Notification Form*.
2. Employees shall report to the collection site of the County's choosing immediately after being provided the notification to test. In the case of reasonable suspicion testing, a supervisor or designee shall escort the employee to the collection site. Drug testing shall be conducted by urine sample while alcohol testing shall be performed using a breath alcohol testing/screening device. Drug and alcohol analysis shall be performed by a trained technician. All testing shall follow the prescribed standards, procedures and protocols set forth by the U. S. Department of Health and Human Services' Substance Abuse and Mental Health Administration (SAMHSA).
3. To ensure that the test specimen is actually that of the donor, collection site staff shall require positive identification of the test subject.
4. Alcohol
The County shall require all tests for alcohol to be performed by a certified Breath Alcohol Technician (BAT).
5. Drugs
An eleven (11) panel urine test shall be conducted and shall include analysis for the following substances:
 - a) Amphetamines;
 - b) Cannabanoids/THC;
 - c) Cocaine;
 - d) Opiates;
 - e) Phencyclidine (PCP);
 - f) Benzodiazepines;
 - g) Propoxyphene;
 - h) Methaqualone;
 - i) Methadone;
 - j) Barbiturates;

k) Synthetic Narcotics

Section V: Prohibited Activity

- A. Prohibited activities involving the use of alcohol or controlled substance are listed in the following paragraphs.
- B. The Spencer County Fiscal Court reserves the right to define and interpret prohibited activities that specifically include, but may not be limited to:
1. Alcohol
Prohibited conduct involving the use of alcohol includes the following:
 - a) The performance of or being immediately available to perform work duties while having an alcohol concentration greater than 0.02.
 - b) The consumption of alcohol or products containing alcohol during the performance of or being immediately available to perform work responsibilities.
 - c) The performance of, or being immediately available to perform those responsibilities designated as Safety Sensitive, within four hours after using alcohol.
 - d) The transportation of alcoholic beverages within County owned vehicles or equipment is strictly prohibited.
 - e) The use of alcohol for eight hours immediately following an accident requiring a post-accident alcohol test or until a post-accident test is administered, whichever occurs first.
 - f) Refusal (which is defined elsewhere in this policy), to submit or cooperate with any of the required testing types.
 - g) The operation of a County owned vehicle following consumption of alcoholic beverages shall be considered a violation of this policy and shall result in disciplinary action which may include termination of employment.
 - h) Alcoholic beverage in open or closed containers are strictly prohibited in County owned vehicles and equipment.

Note: Employees attending training programs and/or conferences related to their employment with the County may participate in social functions associated with the program or conference. If alcoholic beverages are present at the social function and the employee chooses to engage in consumption of said beverage(s), he/she shall do so at his/her own discretion. Employees who choose to engage in the

consumption of alcoholic beverages as part of a work related social function shall do so in a responsible manner, maintaining a conduct that would not reflect adversely upon the County. Any unbecoming conduct by an employee who has chosen to consume alcohol at such conference or training program that has an adverse effect upon the County shall be subject to disciplinary action up to and include termination of employment.

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

Note: Employees are hereby notified that they shall inform the Judge/Executive or his/her authorized designee, of any drug or alcohol related criminal charge or conviction within five (5) days of said charge or conviction. The Judge/Executive shall take appropriate action within thirty (30) days.

2. Drugs or Controlled Substances

Prohibited conduct involving the use of drugs or controlled substances includes, but may not be limited to the following:

- a) The illegal or unauthorized use of prescription drugs is strictly prohibited. It is a violation of the County's Drug Free Workplace Policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action which may include termination of employment shall be taken if job performance deterioration and/or other accidents occur as the result of the intentional misuse and/or abuse of prescription medication.

All doctors' statements and related medical information shall be confidential and maintained in a separate medical file in the Human Resources Department.

- b) Testing positive for any of the prohibited substances during the performance of or upon being immediately available to perform work responsibilities.
- c) Refusal (as defined elsewhere in this policy) to cooperate with any of the requested testing types.
- d) Tampering with or attempting to alter, or actual altering of a test specimen is strictly prohibited and is grounds for immediate termination from employment with the County.
- e) Prescription drugs prescribed to you and over the counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. However, any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere

with the safe performance of your job or your ability to function normally. If the use of a medication could compromise your safety, the safety of fellow employees, customers, or the public, it is the employee's responsibility to use appropriate measures (Sick/Personal time policy, notify immediate supervisor, County Judge Executive or his designee, etc.), to avoid unsafe work practices. A written warning or approval from the prescribing physician or pharmacist may be necessary. All discussion required with medical personnel may be subject to applicable privacy laws (HIPAA, ADA, etc.).

3. Volatile Substances

The intentional misuse, manufacture, sale, distribution, dispensation, or possession of a volatile substance as defined in KRS 217.900 which includes any glue, cement, paint or other substance containing a solvent or chemical having the property of releasing toxic vapors or fumes which when intentionally inhaled may cause a condition of intoxication, inebriation, stupefaction, dulling of the brain or nervous system, or distortion or disturbance of auditory, visual, or mental processes while at work, while on County property, or while conducting County business while off County property, is strictly prohibited and is considered cause for immediate discipline, which may include termination. Such misuse shall also be reported to law enforcement officials.

Section VI: Searches

- A. When reasonable cause exists, the County reserves the right to conduct unannounced searches for controlled substances or alcohol anywhere on County property, including but not necessarily limited to:
 - 1. Lockers
 - 2. Desks
 - 3. File Cabinets
 - 4. County Vehicles and Equipment
 - 5. Stationary Container

- B. All searches must be conducted in the presence of a member of the Spencer County Sheriff's Office. Searches will be limited to a search that would be sufficient to locate the item(s) being sought. Employees who refuse to cooperate during such unannounced searches of County property shall be subject to disciplinary action, which may include termination.

Section VII: Consequence of Engaging in Prohibited Conduct - - Alcohol

- A. The first time an employee, as a result of a random, reasonable suspicion, follow-up or post-accident test is found to have an alcohol concentration above 0.02, disciplinary action which may include termination will be administered, depending upon the circumstances, including the employee's willingness to voluntarily resolve any medical or psychological condition relating to the employee's conduct and to seek evaluation, counseling and possible treatment or rehabilitation for alcohol related abuse.
- B. Any second offense, in which the employee's test for alcohol indicates a concentration above 0.02, is considered grounds for immediate termination.

Section VIII: Consequence of Engaging in Prohibited Conduct - - Drugs

In view of the fact that the use of illicit substances are illegal, any employee who engages in prohibited conduct for drugs or controlled substances and whose random, reasonable suspicion, post-accident, or follow-up test result indicates a non-medical, or non-bio-medical explanation for the positive result as confirmed by the qualified laboratory, will be immediately terminated.

Section IX: Consequence of Engaging in Prohibited Conduct- - Volatile Substances

Any employee who engages in prohibited conduct for volatile substances as described elsewhere in this policy may be subject to immediate termination.

Section X: Consequences of Refusal to Submit to an Alcohol or Controlled Substance Test

- A. An employee is considered to have refused to submit to testing when he or she:
 - 1. Fails to appear for any test within a reasonable time; or
 - 2. Engages in conduct that clearly obstructs the testing process; or
 - 3. Fails to provide a urine specimen for drug testing or a breath specimen for alcohol; or
 - 4. Fails to provide enough urine for drug testing or an adequate amount of breath for alcohol testing and there is no medical explanation for the failure to produce; or
 - 5. In the case of directly observed or monitored drug test collection, the employee submitting the specimen fails to permit the observation or monitoring of his or her provision of the specimen; or
 - 6. Fails to or declines to take a second drug test when directed by an employer or collector; or

7. Fails to undergo a medical examination or evaluation as directed by the qualified laboratory as part of the verification process; or
 8. Fails to cooperate with any part of the testing process.
- B. Failure to submit to an alcohol or controlled substance test as described above will result in immediate termination.
- C. A judgment of “refusal to submit” will not apply to pre-employment testing, unless the applicant has begun the testing process and leaves or engages in conduct that clearly obstructs the testing process.

Section XI: Off Duty Alcohol, Drug Use and/or Volatile Substance Intentional Misuse and Callback

- A. In no way, is it the County’s intent to interfere in the private lives of its employees. However, all employees should be aware that an employee’s off-duty use of alcohol, illegal use of controlled substances, intentional misuse of prescription drugs or intentional misuse of volatile substances, intentional misuse of prescription drugs or intentional misuse of volatile substances as described in this policy which result in excessive absenteeism, tardiness, or poor work performance shall be subject to discipline, which may include termination of employment. In the case of alcohol or drug abuse, such employees may be subject to counseling or treatment.
- B. The drug, alcohol, intentional misuse of prescription drugs and the intentional misuse of volatile substance prohibitions apply to employees who are on call for any special operation exhibiting a likelihood of requiring an employee to report to work (i.e. snow and ice removal). An employee who is called back to work to perform duties involving a higher level of ability and concentration regarding safety must report any:
1. Off duty use of alcohol in the prior four hours
 2. Medically prescribed use of a controlled substance
- C. An employee who is aware of a possible callback situation that may be reasonably expected, who engages in the off-duty use of alcohol shall be subject to disciplinary action which may include termination of employment. The illegal use of controlled substances or the intentional misuse of volatile substances may result in immediate termination if an employee was made aware of a possible call back situation.

Section XII: Records, Retention, Release and Confidentiality

- A. The County shall maintain records and documents of all alcohol and drug test results, schedules for follow-up tests and records relating to evaluation and referrals. These records shall be maintained for a period of at least five (5) years.

The Judge/Executive or his/her authorized designee shall provide test result information or other pertinent information relating to an applicant or existing employee's alcohol or controlled substance tests upon the applicant or existing employee's written request, and shall do so within five (5) working days of being notified of the applicant or employee's request.

Section XIII: Drug Free Workplace Administration and Enforcement

It shall be the responsibility of the Judge/Executive or his/her authorized designee to administer and enforce this policy. This policy and its programs are not to be interpreted or modified by any other County Supervisor or Director.

Section XIV: Responsibility

While it is ultimately the County's legal, ethical and moral responsibility to create and maintain a safe and healthful workplace for its employees, for others who make use of the County's facilities, and for the general citizenry of Spencer County, Kentucky who may have business with the County; it is also true that safety is everyone's responsibility. Accordingly, all employees have an obligation to report violations of this policy to their immediate Supervisors, Department Supervisors or to the Judge/Executive or his/her authorized designee in order to maintain a safe and healthful work environment for themselves, for their fellow employees and for the Public-at-Large. All supervisors and Department Supervisors are responsible for the drug and alcohol-free operation of their respective departments.

Note: The Spencer County Fiscal Court may change, modify, amend or rescind any part of this policy at any time that deals directly with the actual administration of the policy itself. However, changes may not be made to the policy that would circumvent any requirements associated with 803 KAR 25:28

Section I: Safety Regulations

- A. The health and safety of all County employees is of major importance. The County desires to make employees' jobs safe in all respects; therefore, employees shall report all hazardous conditions in their work areas at once to their immediate Supervisors. All injuries shall also be reported within twenty-four (24) hours to the Judge/Executive or designee. Failure to report an accident and/or fill out the workers' compensation form within the time period specified may jeopardize eligibility for workers' compensation benefits.
- B. All employees shall abide by the following Safety Regulations:
1. Each employee shall perform his/her job in the safest manner possible. Each employee shall perform only those jobs which he/she has been assigned and properly instructed to perform.
 2. Each employee shall wear protective equipment required for his/her job as established by his/her Supervisor through job instruction. Damaged equipment shall be reported to the employee's Supervisor immediately.
 3. It shall be the responsibility of each employee to inspect all vehicles and equipment before use. All defects shall be reported and corrected before the vehicle or equipment is used.
 4. No County employee shall operate a County motor vehicle nor ride as a passenger in a County vehicle unless wearing a safety belt (if so equipped) which is properly adjusted and fastened.
 5. All employees shall wear protective head gear, when conditions exist, to guard against impact and penetration from falling or flying objects.
 6. All employees shall wear eye protection, when conditions exist, to protect against injury from intense light, flying debris, harmful liquids or projectile vomiting.
 7. All employees shall wear ear protection, when conditions exist, to protect injury from high levels and long durations of noise.
 8. When conditions exist which expose employees and/or the public to a hazard, proper signs and signals are required. Any employee working in or along traffic areas shall wear a safety vest.
 9. No employee of the County shall display conduct that may jeopardize the health, safety, or welfare of themselves or those around them. Horseplay, such as scuffling, practical jokes, or throwing articles at each other shall not be tolerated.

10. Access to portable fire extinguishers shall be maintained at all times. Portable fire extinguishers shall be inspected and maintained. Areas on, around, in front of and over fire extinguishers shall be kept clear at all times.
11. Hazardous waste pickup or hauling shall be done using the proper safety procedures and equipment.
12. Only non-flammable solvents shall be used inside a building.
13. Flammable solvents shall be kept in approved containers and shall be used only in approved areas.
14. Good housekeeping practices shall be used at all times throughout the work area. Examples include but are not limited to:
 - a) Cleanup all spills immediately.
 - b) Move all air hoses, electrical cords, or any other objects which could cause a hazard to a safe location when they are not in use.
 - c) Keep work stations free of excess material.
15. Employees driving a County owned vehicle shall obey all traffic laws. Traffic citations incurred while driving a County owned vehicle shall be reported to the employee's Supervisor in writing, within 24 hours of receiving the citation. All fines incurred as a result of driving a County owned vehicle shall be paid by the driver.
16. All vehicles shall be equipped with an appropriate fire extinguisher and first aid kit.
17. Cell phones shall not be used while driving a County vehicle.

Section II: Sexual Harassment

- A. It is the policy of the County to maintain a working environment free from all forms of harassment based upon race, color, religion, national origin, gender, age, marital status or disability. Thus, conduct which (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment, (2) has the purpose or effect of unreasonably interfering with an individual's work performance, or (3) otherwise adversely affects an individual's employment opportunity is strictly forbidden.
- B. Any employee who is subject to harassment because of his/her race, color, religion, natural origin, gender, age, marital status or disability should immediately contact his or her Supervisor. If an employee feels uncomfortable in discussing this matter with his/her Supervisor, or if he/she feels that the Supervisor has not acted appropriately regarding his/her complaint, the employee should contact his/her

Department Head or the Judge/Executive. All complaints of harassment shall be promptly and confidentially investigated to the fullest extent possible and no employee will be penalized, reprimanded, or retaliated against in any manner for using this complaint procedure.

- C. Any employee who violates the County's policy prohibiting harassment shall be subject to appropriate disciplinary action, which may include termination of employment.
- D. The County strictly prohibits verbal or physical conduct by any employee who harasses, disrupts or interferes with another employee's work performance or who creates an intimidating, offensive or hostile working environment.

The County strictly prohibits any Supervisor or other employee from making submission to sexual advances a condition of employment, continued employment, positive evaluation, compensation benefits, promotion or any other privilege, term or condition of employment.

The County strictly prohibits any employee from engaging in sexual harassment in the work place to include, but not limited to:

1. The unwelcome touching of another person;
2. The making of advances or requests for sexual favors;
3. The use of sexually explicit or abusive language;
4. The making of sexually suggestive or degrading remarks about a person or about a person's body or clothing; and
5. The display of sexually explicit or suggestive literature, pictures, photographs or other objects.

- E. Any employee who believes he/she has been subjected to sexual harassment in the work place has the responsibility to complain about such sexual harassment as soon as possible to his/her Supervisor or Department Head. If the harassment involves the Supervisor or Department Head, the complaint is made to the Judge/Executive. If the harassment involves the Judge/Executive or a member of the Fiscal Court, the complaint is made to the County Attorney.
- F. The employee must first discuss the problem(s) or complaint(s) with his/her immediate Supervisor orally or informally. The Supervisor then has five (5) working days to respond.

If the employee is not satisfied with the action or decision of the immediate Supervisor, a written complaint must then be presented to the Judge/Executive within five (5) working days for action or decision. The Judge/Executive then has ten (10) days to respond to the complaint.

If the employee is not satisfied with the action of the Judge/Executive, a written appeal may be made within five (5) working days, including all pertinent information and prior determination, to the Fiscal Court.

- G. Any employee who is determined to have engaged in harassment or sexual harassment in violation of this policy shall be subject to disciplinary action which may include termination of employment.

Section III: Americans With Disabilities Act

A. The Americans with Disabilities Act of 1990 is landmark civil rights legislation that extends the framework of federal civil rights to include Americans with disabilities. In Kentucky, state legislation mirrors the protection afforded by the Federal ADA Legislation and sends a clear message to persons with disabilities that they are valued citizens.

- B. With this in mind, the County desires to be in full compliance with these state and federal laws so that discrimination based on disability does not occur and so that Spencer Constituents with disabilities can fully participate in all programs, services and activities.
- C. People with disabilities who are otherwise qualified (a qualified individual with a disability is a person who meets legitimate skill, experience, education or other requirements of an employment position with or without reasonable accommodation) may not be discriminated against in any areas of employment including, but not limited, job application and compensation procedures, fringe benefits available by virtue of employment and activities sponsored by a covered entity.
- D. Persons with disabilities shall not be limited, segregated, or classified in a way that adversely affects their employment opportunities or status.
- E. The County will not participate in a contractual or other arrangement or relationship which would subject qualified applicants or employees with disabilities to the discrimination prohibited by the ADA.
- F. The County will make reasonable accommodation to the known physical and mental limitations of an otherwise qualified applicant or employee with a disability, unless it can be demonstrated that the accommodation would impose an undue burden. After a qualified individual requests reasonable accommodation, all agencies will make every reasonable effort to determining and provide the appropriate accommodations.
- G. If any testing is required, the County will select and administer tests concerning employment in the most effective manner to ensure that, when a test is administered to a job applicant or employee who has a disability that impairs, sensory, manual or speaking skills, the test results accurately reflect the skills, aptitude, or whatever other factor of the applicant or employee that the test purports to measure, rather than reflecting the impaired sensory, manual, or speaking skills

of such employee or applicant (except where such skills are the factors that the test purports to measure).

- H. The County will not coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying his/her rights under Title I of ADA or because that individual aided or encouraged any other individual in the exercise of rights granted or protected by Title I of ADA.

In summary, the County will be forthright in all efforts to ensure that individuals with disabilities do not encounter discrimination, including outright intentional exclusion; discrimination effects or architectural, attitudinal, or communication barriers; and overprotective rules or policies.

- I. Alternatives for complaint resolution are available to both employees and potential employees. Employees may bring the complaints to the attention of their Supervisor, or if the complaint involves supervisory personnel in the employee's line of command, to the Judge/Executive, the Human Rights Commission, or the Equal Employment Opportunity Commission (EEOC). Potential employees may bring the complaint to the attention of the Judge/Executive, the Human Rights Commission, or the Equal Employment Opportunity Commission (EEOC).

Section IV: Code of Ethics

- A. The Spencer County Fiscal Court duly adopted and enacted an Ordinance No.1, Series 2017, entitled "Code of Ethics for the County of Spencer", which is attached as Exhibit A.

Section V: Return of County Property

- A. Uniforms, keys, radios, telephones, handbooks or any other property belonging to the County which have been entrusted to an employee, must be returned to the employee's Supervisor upon termination, in order for the employee to remain in good standing with the County.

Section VI: Cell Phone Use

- A. All County Employees who are provided with a County cell phone, shall not use the cell phone for personal purposes, except in the case of an emergency.

Section VII: County Vehicle Use

- A. All County employees, who are provided with a County vehicle, are not permitted to use the vehicles for personal purposes, other than for commuting to and from work or for very minimal other use.
- B. All County employees, who are provided with a County vehicle, are not permitted to go outside of Spencer County without permission from the County Judge or Deputy County Judge. The Jailer, EMS and the Coroner are exempt from this policy.
- E. The personal value of the vehicle for commuting purposes is considered a fringe benefit and therefore taxable income, as determined by the Internal Revenue Service.
- F. County vehicles designated as “qualified non-personal-use vehicle” (vehicles which the employee is not likely to use more than minimally for personal purposes because of their design) are excluded from this policy.
- G. A list of all County vehicles and the employees assigned to those vehicles must be presented to the County Judge by each Department Head annually by May 1st.
- H. Cell phones shall not be used while driving County vehicles.

Section VIII: Political Activities

- A. No employee, as a condition of employment or continual employment, shall be required to contribute to or campaign for any candidate for political office.
- B. No employee of the County shall engage in political activity during his/her assigned duty hours or while in uniform.

Section IX: Social Media and Internet Use

Computers and office equipment owned by the County are for official use. Employee use of those computers and county provided internet services is considered a privilege and not a right. All County employees are public servants and are representatives of the County. Activities conducted at work are a reflection upon the County.

- A. Access, viewing, posting or commenting on social media sites, including but not limited to Facebook and Snapchat, are prohibited during an employee’s regular duty hours. Departments may determine whether lunch hour use is appropriate and permitted. Exceptions to this policy will be made by the employee’s supervisor and should be based on use of such media for a work-related purpose.
- B. County employees are strictly prohibited from disclosing or posting protected, confidential, private or sensitive information, photographs, or video obtained in the workplace or through performance of official duties. Information which is governed by KRS 61.810, the Kentucky Open Records Law, shall not be disclosed via social media.

- C. County employee use of county equipment or hardware to email, use the internet, disseminate information, view social media, transmit or post information, may be subject to disclosure under the Kentucky Open Records Law and can be accessed by Department Heads, or the Judge/Executive or his/her designee at any time. There is no right to privacy in any such use of County equipment.
- D. Failure to abide by the policies contained in Subsection A, B and C may result in further restriction of use of County equipment and/or discipline up to and including termination from employment.

EXHIBIT

A

EXHIBIT

B